

Lindsay City Council Agenda
Regular Meeting
Council Chambers at City Hall
251 E. Honolulu, Lindsay, California
Tuesday, June 28, 2016 at 6:00PM

1. a) Call to Order: 6:00 p.m.
b) Roll Call: Council members Salinas, Mecum, Kimball, Mayor Pro Tem Sanchez, Mayor Padilla.
c) Flag Salute: Mayor PADILLA.
d) Invocation

 2. **MAYOR'S PROCLAMATION RECOGNIZING 2015/16 STUDENT REPRESENTATIVE** (pg. 1)
Presented by Mayor Padilla.

 3. **Public Comment:** The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council, including agenda items, other than noticed public hearings. Comments shall be limited to (3) minutes per person, with 30 minutes overall for the entire comment period, unless otherwise indicated by the Mayor.

 4. **COUNCIL REPORTS.**
Presented by Council members.

 5. **STAFF REPORTS.**
Presented by Bill Zigler, Interim City Manager.

 6. **Consent Calendar:** These items are considered routine and will be enacted by one motion, unless separate discussion is requested by Council or members of the public.
Request for approval of the following: (pg.2-35)
A) Meeting Minutes for June 14th, 2016.
B) Warrant List for June 15th, 2016.
C) Accept Treasurer's Report for May 31, 2016.
D) Extend Animal Control Agreement with the City of Porterville.
E) Extend CSET Lease Agreement for Sr. Services Program @911 N. Parkside

 7. **PUBLIC HEARINGS:**
A) First Reading & Introduction of Ord. 554 City Parks & Recreation Areas. (pg. 36-48)
B) First Reading & Introduction of Ord. 555 Mandatory Organic Waste Recycling. (pg. 49-60)
C) First Reading & Introduction of Ord. 556 Amending the Water Conservation Plan. (pg. 61-77)
D) Res. 16-30 Adopting Amended Water Conservation Plan & declaring the city to be in Phase III of the Plan. (pg. 78)
Presented by Mike Camarena, City Services Director.

 8. **ACTIONS ON LIGHTING & LANDSCAPE MAINTENANCE ASSESSMENT DISTRICTS** (pg. 79-93)
A) Res. 16-26 Ordering the preparation of an Engineer's Report for the FY 2016-2017 Landscape & Lighting Maintenance Districts.
B) Res. 16-27 giving Preliminary Approval of the Engineer's Report for the FY 2016-2017 Landscape & Lighting Maintenance Districts.
C) Res. 16-28 Declaring the Intent to Levy & Collect Assessments for FY 2016-2017 and Setting a Public Hearing for July 12, 2016.
Presented by Mike Camarena, City Services Director.

 9. **REQUEST FOR SUPPORT OF A ¼ MILE PESTICIDE BUFFER ZONE.** (Pg. 94-117)
Presented by Bill Zigler, Interim City Manager.

 10. **ADJOURN.** The next Regular meeting is scheduled for **TUESDAY, July 12, 2016 at 6:00 PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.
-

Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection in the office of the City Clerk during normal business hours. Complete agenda is available at www.lindsay.ca.us In compliance with the Americans with Disabilities Act & Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the office of the City Clerk at (559) 562-7102 ext 8031. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.

City of Lindsay
Mayor's Recognition

WHEREAS, Lindsay is a small, agriculturally-based community filled with civic pride; and

WHEREAS, Lindsay's residents would like to express their appreciation of your efforts, which is deserving of special recognition; and

WHEREAS, Esmie's dedication to values while never losing sight of your dreams, has won you the respect and admiration of fellow students and friends; and

WHEREAS, Service to our community most certainly deserves recognition,

Now therefore, I, Ramona Padilla, Mayor of the City of Lindsay, on behalf of the entire City Council and the residents of Lindsay do hereby present this acknowledgement of appreciation to

Esmie Muñoz
City Council Student Representative
2015 thru 2016 School Year

While you will be missed, we wish you success as you begin a new chapter in your education and serve as an example to others that with dedication and hard work, your goals can be achieved.

In Witness Whereof, I, hereby set my hand and caused the Corporate Seal of the City of Lindsay to be affixed this 28th day of June, 2016.

City Council of the City of Lindsay

Ramona Villarreal-Padilla, Mayor

Lindsay City Council Meeting Minutes

Pg. 8189

Regular Meeting
251 East Honolulu, Lindsay, California
Tuesday, June 14, 2016
6:00 P.M.

CALL TO ORDER.

Mayor PADILLA called the Regular Meeting of the Lindsay City Council to order at 6:00 p.m. in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, and California.

COUNCIL PRESENT: KIMBALL, Mayor Pro Tem SANCHEZ, Mayor PADILLA.

COUNCIL ABSENT: SALINAS - absent with prior notice, MECUM.

FLAG SALUTE: Mayor Pro Tem SANCHEZ.

INVOCATION: Led by Pastor Jorge Alvarez of the Lindsay Baptist Church.

PUBLIC COMMENT:

Eric Sinclair - commented he'll be running for City Council & on his memory of working with his grandfather in local groves as a young child.

Angel Garcia - commented on Healthy Kids Zone Program & limiting use of dangerous pesticides where children are present.

Tim Daubert - commented next week is 26th anniversary of ADA & handicapped still fighting for access to sidewalks, public buildings and businesses.

Irma Medellin - provided information on use of restricted materials in local area & asked for Council support of the Healthy Kids Zone Project

Erlanda Ramirez - commented on her support for the Healthy Kids Zone Project because it relates to the health of our kids & our community. She urged Council's support of the program because without health we have nothing (*Angel Garcia translated*)

Student at Washington Elementary - stated that she supports this project because children should come first and recounted personal experience of spraying of pesticides around her residence.

Catalina, resident of Strathmore-Here in support of pesticide campaign to protect children and recounted personal incident with drifting pesticides when driving her personal automobile. (*translated by Angel Garcia*)

Jesse Cabrera- in support of pesticide campaign to protect children. He asked that Council consider the health of the community when addressing this issue.

Gary Meling - commented on the Fire Muster; He thanked the City Council, Public Safety and City personnel for without their assistance this event would not have been such a successful event.

Maria Perez -Porterville resident commented on her support for this pesticide campaign as it relates to the general community & our valley. (*translated by Angel Garcia*)

Alejandro Quiroz - Porterville resident commented on his support of this pesticide campaign and their adverse affects on the children, farm workers and residents who live near orchards and farms where these pesticides are sprayed.

Couple- commented on adverse effects of pesticides to people who work in the fields and that it is our job to provide a clean learning environment for our children.

COUNCIL REPORTS

Council member KIMBALL - had nothing to report.

Mayor Pro Tem SANCHEZ - had nothing to report, but thanked Angel for translating during Public Comment

Mayor PADILLA-reported on learning of UC Davis study where pesticides may be tied to autism during recent staff meeting.

STAFF REPORT

Interim Manager Bill Zigler reported on the following:

Angel Garcia's Healthy Kid Zone request will be addressed at 6/28 meeting

Staff reached out to support the good work efforts done by Vets at 552 N. Sweet Brier

City Hall internet has been down and expected to be back up soon

Reported on activities scheduled at McDermont

Reported on activities scheduled at the Wellness Center/ Aquatic Center

Update on City Water Services

No DBCP Notice will go out this month as we were in compliance again

Update on Streets Projects

Update on Olive Bowl Renovation Project

Weed Abatement Update

Update on Taco Bell Renovation Project

Mayor Pro Tem Sanchez thanked "Our Heroes Dreams" and "A Combat Veterans Hope", two organizations that assisted in the renovation at 552 N. Sweet Brier

CONSENT CALENDAR:

- a) Meeting Minutes for May 24th, 2016.
- b) Warrant List for May 26th & June 2nd, 2016.
- c) Extend Golf Course Agreement with Richard Rios.
- d) Extend Work Comp coverage to include Volunteers/Interns.
- e) Establish Safe Keeping Account.
- f) Accept the Amended Sustainable Groundwater Management Act (SGMA), Memorandum of Understanding.
- g) Request for CalFire to develop Proposal/ Agreement for the City of Lindsay.

ACTION:

On Motion by KIMBALL and Second by SANCHEZ, the Lindsay City Council approved the Consent Calendar, Via Minute Order.

AYES: KIMBALL, SANCHEZ, PADILLA.
NOES: None.
ABSENT: SALINAS, MECUM.

PUBLIC HEARING: CONSIDERATION OF RESOLUTION 16-25 ADOPTING CITY OF LINDSAY BUDGET FOR FY2016/2017, 5-YR CAPITAL IMPROVEMENT PLAN & GANN APPROPRIATION LIMITS.

Interim City Manager Bill Zigler introduced this item. He stated he will be introducing the item and Budget Message but will refer to Finance Director Justin Poore for any questions you may have on the budget itself. Justin then thanked all the City Department Heads for their assistance in preparing this budget. He provided a brief explanation of the budget to Council and asked if Council had any questions for him.

There were brief comments from Council on the presentation of the 2016/17 Draft Budget but no questions or clarification requested.

Following Justin's report, Mayor PADILLA asked if there were any questions from Council, seeing none she announced this is a Public Hearing item. She opened the Public Hearing adopting the City of Lindsay Budget at 6:46pm and asked for anyone in support of the Resolution, seeing none she asked if anyone would like to speak opposing the Resolution, seeing none she closed the Public Hearing at 6:46:30pm. She asked for any further questions from Council, seeing none, she asked what action Council would like to take on Resolution 16-25 accepting the Budget for FY2016/17, 5-year Capital Improvement Plan & Gann Appropriation Limits.

ACTION:

On Motion by SANCHEZ and Second by KIMBALL, the Lindsay City Council Approved RESOLUTION 16-25 ADOPTING THE CITY OF LINDSAY BUDGET FOR FY2016/2017, 5 -YR CAPITAL IMPROVEMENT PLAN & GANN APPROPRIATION LIMITS.

AYES: SANCHEZ, KIMBALL, PADILLA.
NOES: None.
ABSENT: SALINAS, MECUM.

ACTIONS TO APPROVE THE SALE OF FIREWORKS

- a) Resolution 16-21: La Puerta Abierta Church
- b) Resolution 16-22: Lindsay Cultural Arts Council/ Fire Museum
- c) Resolution 16-23: Royal Rangers
- d) Resolution 16-24: New Life Church

Interim City Manager Bill Zigler introduced this item. He explained that this is an annual request to allow the sale of safe & sane fireworks to occur within the community. He named the organizations their proposed locations noting that these four applicants have applied in the past and are requesting to sell Fireworks here again this year in the same location as done in the past.

Council member KIMBALL stated she might have a conflict in the vote for the application from the Lindsay Cultural Arts Council/Fire Museum. She explained that the Fire Museum is part of the Cultural Arts Council and as such is covered under their insurance. On this one the Fire Museum is the one who does the booth and they are the only ones who get any profit. The problem this year though may be that there are only 3-members here to vote tonight.

ACTIONS TO APPROVE THE SALE OF FIREWORKS continued

City Attorney asked that Resolution 16-22 be tabled to the end of the meeting to give him time to get updated information pertaining to the item.

ACTION:

On Motion by KIMBALL and Second by SANCHEZ, the Lindsay City Council Approved Resolutions 16-21, 16-23 & 16-24 Fireworks applications for La Puerta Abierta Church, Royal Rangers and New Life Church, respectively and to table Resolution 16-22 and take it up later in the meeting.

AYES: KIMBALL, SANCHEZ, PADILLA.
NOES: None.
ABSENT: SALINAS, MECUM.

WATER CONSERVATION STUDY SESSION

City Services Director Mike Camarena introduced this item and staff report. He stated that on August 15, 2015 Council adopted an updated Conservation Plan and declared the City to be in Phase IV of that Plan. He explained the City is currently in Phase IV of the Plan, which is a two-day, a week watering schedule. The discussion tonight is if Council would contemplate moving back to Phase III, which would allow for an extra watering day based on the current water supply available to the City. Water Conservation Measures and fines/citations and or restrictions would still apply.

Council questions included clarification on watering days for Phase III, methods of notification to residents and ability to go back to Phase IV if necessary.

DIRECTION:

Council Unanimously agreed to allow the City to go back to Phase III of the City of Lindsay Conservation Plan.

AYES: KIMBALL, SANCHEZ, PADILLA.
NOES: None.
ABSENT: SALINAS, MECUM.

Resolution 16-22: Lindsay Cultural Arts Council/Fire Museum

City Attorney Mario Zamora addressed Council woman KIMBALL'S potential conflict. After reviewing the rules that govern what constitutes a conflict, Legal Counsel determined there was no conflict in this case. He added that had there been need to address the fact that there were only three voting members present we would have had to table it because of the rules associated with that.

With that, Mayor PADILLA asked what action Council would like to take on Resolution 16-22, the Lindsay Cultural Arts/Fire Museum request to sell fire works.

ACTION:

On Motion by SANCHEZ and Second by KIMBALL, the Lindsay City Council Approved Resolutions 16-22 an application by THE LINDSAY CULTURAL ARTS COUNCIL/FIRE MUSEUM to sell Fireworks.

AYES: SANCHEZ, KIMBALL, PADILLA.
NOES: None.
ABSENT: SALINAS, MECUM.

Mayor PADILLA then read Executive Session item up for discussion:

EXECUTIVE SESSION:

Conference with Legal Counsel regarding Liability Claims GC§54956.95 1 - case
Claimant: Sheila De Ocampo
Agency Claimed Against: Lindsay Police Department

and announced Council is now in Closed Session.

Mayor PADILLA reconvened the Council Meeting at 7:10pm and City Attorney Mario Zamora reported the Lindsay City Council has unanimously rejected the claim presented by Sheila De Ocampo.

EXECUTIVE SESSION continued

ACTION was taken by the following Vote:

On Motion by KIMBALL and Second by SANCHEZ the Lindsay City Council Unanimously rejected the claim presented by Sheila De Ocampo.

Mayor PADILLA then asked for Motion to Adjourn the Meeting.

ADJOURN. Upon motion by **KIMBALL** and Second by **SANCHEZ**, Mayor PADILLA adjourned the Meeting of the Lindsay City Council at 7:12 pm. The next Regular City Council Meeting is scheduled for **Tuesday, June 28, 2016 at 6PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

CITY OF LINDSAY ORGANIZATIONAL CHART FOR 2015-2016

FUND /DEPT	TITLE/DESCRIPTION		
1014010	CITY COUNCIL		
1014040	CITY MANAGER		
1014050	FINANCE		
1014060	CITY ATTORNEY		
1014090	NON-DEPARTMENTAL		
1014110	PUBLIC SAFETY		
1014120	PUBLIC WORKS DEPT.		
1014130	STREETS		
1014210	PARKS		
1024111	ASSET FORFEITURE		RESTRICTED FUND
2614160	GAS TAX-MAINTENANCE		RESTRICTED FUND
2634180	TRANSPORTATION		RESTRICTED FUND
2644190	TRANSIT FUND		RESTRICTED FUND
3004300	MCDERMONT OPERATION		ENTERPRISE FUND
4004400	WELLNESS CENTER/AQUATIC		ENTERPRISE FUND
5524552	WATER		ENTERPRISE FUND
5534553	SEWER		ENTERPRISE FUND
5544554	REFUSE		ENTERPRISE FUND
5564556	LAND APPLICATION		SPECIAL REVENUE FUND
600	CAPITAL IMPROVEMENT FUND		ISF
8414140	CURB & GUTTER		SPECIAL REVENUE FUND
856	STORM DRAIN SYSTEM		SPECIAL REVENUE FUND
857	DOMESTIC WASTEWATER		SPECIAL REVENUE FUND
660	SUCCESSOR AGENCY FUND - RDA		
662	SUCCESSOR AGENCY FUND - LMI		
ASSESSMENT DISTRICTS:			
8834883	SIERRA VIEW	8884888	PARKSIDE ESTATES
8844884	HERITAGE PARK	8894889	SIERRA VISTA
8854885	INGOLDSBY	8904890	MAPLE VALLEY
8864886	SAMOA STREET	8914891	PELOUS RANCH
8874887	SWEETBRIER UNITS		
HOUSING AND COMMUNITY DEVELOPMENT:			
7004700	CDBG REVOLVING LN FUND		
7204720	HOME REVOLVING LN FUND		
779	IMPOUND ACCOUNT		

NOTE: All payments using the object code of 200: EXAMPLE XXX-200-XXX are Liability accounts for monies collected from other sources - i.e. payroll deductions, deposits, impounds, etc - and are not Expenses to City

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86731	06/15/16	5781	ACE HEATING & AIR CONDITION	1014110	037000	0906	\$428.80
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16990	\$91.69
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	17099	\$92.83
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16680	\$105.78
86732	06/15/16	007	AG IRRIGATION SALES	1014120	022000	16540	\$110.18
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16592	\$121.38
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16676	\$143.20
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16979	\$146.22
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16617	\$179.50
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16752	\$387.71
86732	06/15/16	007	AG IRRIGATION SALES	1014120	022000	16536	\$2.47
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16984	\$2.62
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16635	\$3.57
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16970	\$6.09
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16759	\$16.52
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16770	\$18.08
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16588	\$23.08
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16625	\$23.97
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	17042	\$29.33
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16671	\$34.91
86732	06/15/16	007	AG IRRIGATION SALES	1014120	022000	16836	\$44.74
86732	06/15/16	007	AG IRRIGATION SALES	1014210	022000	16934	\$51.80
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16691	\$22.27
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16647	\$17.83
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16593	\$18.23
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16679	\$27.27
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16626	\$11.17
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16610	\$41.47
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16636	\$57.65
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16563	\$131.68
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16709	\$99.03
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16582	\$94.60
86732	06/15/16	007	AG IRRIGATION SALES	5534553	019000	16706	\$107.78

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86732	06/15/16	007	AG IRRIGATION SALES	6004775	064002	16541	\$75.01
86732	06/15/16	007	AG IRRIGATION SALES	8884888	022000	17067	\$39.48
86733	06/15/16	5677	AL JAMES REID JR.	3004300	055006	MAY 2016	\$250.00
86734	06/15/16	5943	ALEJANDRA CARRANZA	3004300	055026	MAY 2016	\$722.75
86735	06/15/16	1858	ALL PRO FIRE AND SAFETY	1014120	037000	6803	\$149.36
86735	06/15/16	1858	ALL PRO FIRE AND SAFETY	1014120	037000	6802	\$60.00
86736	06/15/16	020	ANDERSON FENCE COMPANY	6004775	064002	14024	\$77.99
86736	06/15/16	020	ANDERSON FENCE COMPANY	6004775	064002	13999	\$136.71
86736	06/15/16	020	ANDERSON FENCE COMPANY	6004775	064002	13711	\$142.66
86736	06/15/16	020	ANDERSON FENCE COMPANY	6004775	064002	13821	\$50.45
86736	06/15/16	020	ANDERSON FENCE COMPANY	6004775	064002	14025	\$32.55
86737	06/15/16	5009	ANDY GARCIA	3004300	055019	MAY 2016	\$240.00
86738	06/15/16	5674	ANTHONY GONZALEZ	3004300	055006	MAY 2016	\$325.00
86739	06/15/16	5457	AUTO ZONE COMMERCIAL	3004300	069092	3329824340	\$10.79
86740	06/15/16	6021	AVILA ELECTRIC	101	324040	REFUND PERMIT #1016	\$80.00
86741	06/15/16	2047	BLUE SHIELD	101	200260	JUNE 2016	\$63,161.82
86742	06/15/16	051	BSK	5524552	022001	A609958	\$30.00
86742	06/15/16	051	BSK	5524552	022001	A610274	\$90.00
86742	06/15/16	051	BSK	5524552	022001	A609959	\$170.00
86742	06/15/16	051	BSK	5524552	022001	A610277	\$195.00
86742	06/15/16	051	BSK	5524552	022001	A610215	\$245.00
86743	06/15/16	4203	CEMEX, INC	6004775	064002	9433243023	\$810.12
86743	06/15/16	4203	CEMEX, INC	6004775	064002	9433249324	\$915.31
86744	06/15/16	5930	CHRIS ALLARD	3004300	069092	MCD10-MAY	\$800.00
86744	06/15/16	5930	CHRIS ALLARD	4004400	023000	LW10-MAY	\$200.00
86745	06/15/16	4887	CITY OF EXETER	1014120	022012	CNG-APRIL 2016	\$73.12
86745	06/15/16	4887	CITY OF EXETER	1014130	022012	CNG-MARCH 2016	\$81.31
86745	06/15/16	4887	CITY OF EXETER	1014210	022012	CNG-MARCH 2016	\$81.31
86745	06/15/16	4887	CITY OF EXETER	1014120	022012	CNG-MARCH 2016	\$81.31
86745	06/15/16	4887	CITY OF EXETER	1014130	022012	CNG-APRIL 2016	\$73.12
86745	06/15/16	4887	CITY OF EXETER	1014210	022012	CNG-APRIL 2016	\$73.12
86745	06/15/16	4887	CITY OF EXETER	2614160	022012	CNG-APRIL 2016	\$73.10
86745	06/15/16	4887	CITY OF EXETER	2614160	022012	CNG-MARCH 2016	\$81.29
86745	06/15/16	4887	CITY OF EXETER	5524552	022012	CNG-APRIL 2016	\$73.12

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86745	06/15/16	4887	CITY OF EXETER	5524552	022012	CNG-MARCH 2016	\$81.31
86745	06/15/16	4887	CITY OF EXETER	5544554	022012	CNG-APRIL 2016	\$73.12
86745	06/15/16	4887	CITY OF EXETER	5544554	022012	CNG-MARCH 2016	\$81.31
86746	06/15/16	2319	COMPUTER SYSTEMS PLUS	1014050	036008	95323	\$45.00
86747	06/15/16	6017	CONSTAR SUPPLY	2614160	065001	516784	\$62.53
86748	06/15/16	1463	DANNY SALINAS	1014010	037012	MAY 2016	\$50.00
86749	06/15/16	2223	DIANE BUCAROFF	1014070	031000	MAY 2016	\$210.00
86750	06/15/16	3733	DIRECTV	3004300	069069	MCD-080290518	\$145.98
86750	06/15/16	3733	DIRECTV	3004300	069069	MCD-080290566	\$173.97
86751	06/15/16	119	DOUG DELEO WELDING	5524552	023000	16-1274	\$167.98
86752	06/15/16	5367	ECONOMIC DEVELOPMENT	1014070	037013	590	\$7,543.00
86753	06/15/16	5611	ELITE FITNESS & NUTRITION	3004300	069113	MAY 2016	\$4,275.00
86754	06/15/16	6024	ERIC M. SAN MIGUEL	3004300	055010	MAY 2016	\$1,000.00
86755	06/15/16	5676	FIT FOR LIFE	4004400	055006	MAY 2016	\$280.00
86756	06/15/16	6010	FRONTIER COMMUNICATION	3004300	069111	559-562-3326	\$383.19
86756	06/15/16	6010	FRONTIER COMMUNICATION	5534553	033001	559-562-6317	\$70.05
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1768	\$82.72
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1764	\$114.84
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1709	\$221.94
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1779	\$731.66
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1767	\$864.97
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1751	\$19.18
86757	06/15/16	148	GOMEZ AUTO & SMOG	1014110	022015	1663	\$34.60
86758	06/15/16	4837	GREG MULLINS	3004300	055006	MAY 2016	\$300.00
86759	06/15/16	1391	HOME DEPOT	1014050	036008	6213845	\$193.13
86760	06/15/16	4721	HUSSAIN RAYANI	3004300	055019	MAY 2016	\$300.00
86761	06/15/16	6003	IGNACIO GARCIA	3004300	055019	MAY 2016	\$100.00
86761	06/15/16	6003	IGNACIO GARCIA	3004300	055019	APRIL & MAY 2016	\$500.00
86762	06/15/16	6029	JANESSA MARTINEZ	3004300	055002	MAY 2016	\$105.00
86763	06/15/16	5992	JENNIFER MULLINS	3004300	055006	MAY 2016	\$175.00
86764	06/15/16	4190	JUAN GUTIERREZ	3004300	055019	MAY 2016	\$875.00
86765	06/15/16	5994	JULIO CESAR FONSECA	3004300	055019	MAY 2016	\$475.00
86766	06/15/16	5462	KATHY PREKOSKI	4004400	055006	MAY 2016	\$720.00
86767	06/15/16	6025	KAYLA DALTON	3004300	055010	MAY 2016	\$1,000.00

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86768	06/15/16	5804	KELSIE AVINA	3004300	055006	MCD-MAY 2016	\$50.00
86770	06/15/16	3560	KNORR SYSTEMS, INC	4004400	023000	SI178047	\$54.32
86770	06/15/16	3560	KNORR SYSTEMS, INC	4004400	023000	SI179083	\$99.89
86771	06/15/16	5542	KRC SAFETY CO., INC	2614160	065001	25445	\$97.43
86772	06/15/16	1457	LESLIE'S POOL SUPPLIES	4004400	069076	837-41573	\$16.99
86772	06/15/16	1457	LESLIE'S POOL SUPPLIES	4004400	069076	837-42947	\$115.87
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	069076	SI287367	\$2,430.18
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	069076	SI289861	\$418.11
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	069076	SI289860	\$494.36
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	069076	SI287244	\$485.30
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	069076	SI287287	\$614.20
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	069076	SI288223	\$105.42
86773	06/15/16	5788	LINCOLN AQUATICS	4004400	023000	SI283323	\$95.16
86774	06/15/16	4427	LINDSAY AUTO PARTS	1014120	021000	091251	\$6.24
86775	06/15/16	218	LINDSAY EQUIPMENT RENTALS	3004300	069115	58567	\$96.00
86776	06/15/16	1422	LINDSAY TRUE VALUE	1014210	022000	C.S.-APRIL 2016	\$406.59
86776	06/15/16	1422	LINDSAY TRUE VALUE	1014120	022000	C.S.-APRIL 2016	\$27.24
86776	06/15/16	1422	LINDSAY TRUE VALUE	1014110	023000	P.S.-APRIL 2016	\$20.49
86776	06/15/16	1422	LINDSAY TRUE VALUE	1014130	022000	C.S.-APRIL 2016	\$60.70
86776	06/15/16	1422	LINDSAY TRUE VALUE	1014120	022000	C.S.-APRIL 2016	\$61.13
86776	06/15/16	1422	LINDSAY TRUE VALUE	3004300	069092	MCD-APRIL 2016	\$814.82
86776	06/15/16	1422	LINDSAY TRUE VALUE	4004400	023000	W.C.-APRIL 2016	\$136.62
86776	06/15/16	1422	LINDSAY TRUE VALUE	5524552	022000	C.S.-APRIL 2016	\$93.07
86776	06/15/16	1422	LINDSAY TRUE VALUE	5534553	019000	C.S.-APRIL 2016	\$192.84
86776	06/15/16	1422	LINDSAY TRUE VALUE	6004775	064002	C.S.-APRIL 2016	\$380.73
86776	06/15/16	1422	LINDSAY TRUE VALUE	6004775	064002	C.S.-APRIL 2016	\$139.69
86777	06/15/16	4981	MARIA ALEJANDRA GUTIERREZ	3004300	055006	MAY 2016	\$225.00
86778	06/15/16	6028	MARK ANTHONY IBARRA	3004300	055002	MAY 2016	\$35.00
86778	06/15/16	6028	MARK ANTHONY IBARRA	3004300	055010	MAY 2016	\$35.00
86779	06/15/16	4137	MARKS AUDIO	1014110	066017	688932	\$400.00
86779	06/15/16	4137	MARKS AUDIO	1014110	066017	6884	\$400.00
86780	06/15/16	5916	MICHELLE CORONADO	3004300	055026	MAY 2016	\$1,710.00
86781	06/15/16	2313	MIDTOWN SPORTS, INC	3004300	055010	0016196-0	\$102.95
86781	06/15/16	2313	MIDTOWN SPORTS, INC	3004300	055010	0016223-0	\$894.72

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86781	06/15/16	2313	MIDTOWN SPORTS, INC	3004300	055002	0016196-0	\$72.07
86784	06/15/16	1565	OACYS.COM INC	1014050	033001	151325	\$106.24
86784	06/15/16	1565	OACYS.COM INC	1014040	033001	151325	\$106.24
86784	06/15/16	1565	OACYS.COM INC	1014110	037000	151325	\$35.00
86784	06/15/16	1565	OACYS.COM INC	3004300	069069	151325	\$199.95
86784	06/15/16	1565	OACYS.COM INC	4004400	033001	152258	\$189.95
86784	06/15/16	1565	OACYS.COM INC	4004400	033001	151325	\$106.24
86783	06/15/16	4323	OASIS	1014110	037000	013743	\$255.00
86785	06/15/16	6026	OSCAR ARREGUIN	3004300	055019	MAY 2016	\$250.00
86786	06/15/16	3260	PACIFIC EMPLOYERS	1014090	031000	3RD QTR 2016 DUES	\$135.00
86787	06/15/16	1426	PAM KIMBALL	1014010	037012	MAY 2016	\$50.00
86788	06/15/16	6022	PAUL AGUAYO	720	300777	REFUND OVER PAYMENT	\$154.00
86789	06/15/16	5498	PRENTICE ROBINSON	3004300	055019	MAY 2016	\$240.00
86790	06/15/16	5796	PRESORT OF FRESNO LLC	5524552	022000	UB-JUNE 2016	\$453.70
86790	06/15/16	5796	PRESORT OF FRESNO LLC	5534553	022000	UB-JUNE 2016	\$453.70
86790	06/15/16	5796	PRESORT OF FRESNO LLC	5544554	022000	UB-JUNE 2016	\$453.69
86791	06/15/16	285	QUILL CORPORATION	1014050	021000	5852652	\$129.57
86791	06/15/16	285	QUILL CORPORATION	1014050	021000	6229504	\$6.47
86791	06/15/16	285	QUILL CORPORATION	1014120	022000	5590851	\$7.55
86791	06/15/16	285	QUILL CORPORATION	1014050	021000	6225998	\$42.92
86791	06/15/16	285	QUILL CORPORATION	1014120	022000	3199886	\$70.17
86791	06/15/16	285	QUILL CORPORATION	5534553	019000	3199886	\$29.31
86792	06/15/16	4452	RAMONA PADILLA	1014010	037012	MAY 2016	\$75.00
86793	06/15/16	5696	RASHEEM RAYANI	3004300	055019	MAY 2016	\$240.00
86794	06/15/16	5511	ROSAENA SANCHEZ	1014010	037012	MAY 2016	\$50.00
86795	06/15/16	6027	RUBEN ISAIAH DURAN	3004300	055002	MAY 2016	\$35.00
86796	06/15/16	298	SAVE MART SUPERMARKETS	3004300	069103	5/13/16	\$177.44
86796	06/15/16	298	SAVE MART SUPERMARKETS	3004300	069103	5/20/16	\$186.67
86796	06/15/16	298	SAVE MART SUPERMARKETS	3004300	069103	5/27/16	\$207.39
86796	06/15/16	298	SAVE MART SUPERMARKETS	3004300	069103	5/14/16	\$1.99
86796	06/15/16	298	SAVE MART SUPERMARKETS	3004300	069103	5/20/16	\$12.76
86796	06/15/16	298	SAVE MART SUPERMARKETS	3004300	069116	5/25/16	\$13.15
86797	06/15/16	2168	SELF-HELP ENTERPRISES	7004700	031000	APRIL 2016 GEN. ADM	\$2,230.50
86797	06/15/16	2168	SELF-HELP ENTERPRISES	7204720	031000	APRIL 2016 GEN. ADM	\$2,230.50

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86798	06/15/16	3208	SHANNON PATTERSON	4004400	055006	MAY 2016	\$575.00
86799	06/15/16	1776	SMART & FINAL	3004300	069116	5/20/16	\$486.90
86799	06/15/16	1776	SMART & FINAL	3004300	069116	5/26/16	\$374.37
86800	06/15/16	5982	SONIA IZQUIERDO	3004300	055026	MAY 2016	\$282.00
86801	06/15/16	3634	STATE FARM GENERAL INS.	779	200351	LOWERY #87-PB-9733-	\$506.00
86802	06/15/16	4914	STEPHANIE VELASQUEZ	3004300	055006	MAY 2016	\$850.00
86802	06/15/16	4914	STEPHANIE VELASQUEZ	4004400	055006	MAY 2016	\$200.00
86803	06/15/16	5490	STEVEN A MECUM	1014010	037012	MAY 2016	\$50.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	1014050	037000	119211	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	1014120	037000	119211	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	1014050	037000	116462	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	1014120	037000	116462	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	1014050	037000	119211	\$32.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	1014050	037000	116462	\$32.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	3004300	037000	116462	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	3004300	037000	119211	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	5524552	037000	119211	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	5524552	037000	116462	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	5534553	019000	119211	\$605.00
86804	06/15/16	5267	SUNGARD PUBLIC SECTOR	5534553	019000	116462	\$605.00
86805	06/15/16	1921	TELSTAR INSTRUMENTS	4004400	023000	85751	\$1,814.00
86806	06/15/16	3396	THYSSENKRUPP ELEVATOR	4004400	032007	3002567715	\$282.21
86807	06/15/16	4943	TIMOTHY CULVER	3004300	055026	MAY 2016	\$4,970.00
86808	06/15/16	6011	TONY S. MADSON	3004300	069092	MAY 2016	\$1,192.00
86809	06/15/16	2830	TOP DOG TRAINING CENTER	1014110	037008	16-18	\$3,000.00
86810	06/15/16	336	TULARE COUNTY TAX COLLECTOR	5534553	037000	153-210-049-000	\$62.24
86810	06/15/16	336	TULARE COUNTY TAX COLLECTOR	5534553	037000	153-250-001-000	\$62.24
86810	06/15/16	336	TULARE COUNTY TAX COLLECTOR	5534553	037000	197-090-005-000	\$627.06
86810	06/15/16	336	TULARE COUNTY TAX COLLECTOR	779	200351	201-090-044-000 KIR	\$1,376.07
86810	06/15/16	336	TULARE COUNTY TAX COLLECTOR	779	200351	205-030-034-000 AVI	\$1,531.20
86810	06/15/16	336	TULARE COUNTY TAX COLLECTOR	779	200351	205-281-019-000 MAG	\$1,158.37
86811	06/15/16	5708	TYLER DAGUMAN	3004300	055019	MAY 2016	\$120.00
86812	06/15/16	1032	US POSTMASTER	1014090	037004	PO BOX ANNUAL RENEWAL	\$262.00
86813	06/15/16	5281	VALLEY CLEANING & RESTORATION	1014050	037000	7846	\$154.56

WARRANT LIST 6/28/16

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	DESCRIPTION	AMOUNT
86814	06/15/16	5942	VANESSA GUTIERREZ	3004300	055026	MAY 2016	\$894.25
86817	06/15/16	4978	WILLIAM B. PETERSON	3004300	055019	MAY 2016	\$240.00
86818	06/15/16	5912	YVETTE DURAN	3004300	055006	MAY 2016	\$200.00
						TOTAL	\$141,557.43



Treasurer's Report

MAY 2016

Cash Balances Classified by Depository

			<u>Balance</u>	<u>Current Annual Yield</u>	<u>Interest Earned This Period</u>
Petty Cash/Cash Register Funds	100-102	RES	\$2,628.00	N/A	
Bank Of Sierra - Payroll	100-106	GEN	\$60,702.14	N/A	
Bank Of Sierra - AP/Operating	100-100	GEN	\$2,554,703.25	N/A	
Bank Of Sierra - McDermont	100-500	GEN	\$270,399.52	N/A	
Bank Of Sierra - Impound Account	100-120	RES	\$40,234.75	0.05	1.35
Bank Of Sierra - WWTP Project	100-553	RES	\$30,797.38	0.02	1.26
Bank Of Sierra - Water Project	100-552	RES	\$27,494.07	0.05	1.13
LAIF Savings: City & Successor Agency	100-103	INV-RES	\$11,400.72	0.35	
Total Cash Balances @ May 31, 2016			\$2,998,359.83		3.74
MAY 2016 Accounts Payable	\$691,475	MAY DEBT SERVICE:	-53,667.55		
MAY Payroll & Benefits 05/13/2016	\$243,430				
MAY Payroll & Benefits 05/27/2016	\$231,733	USDA LIBRARY LOAN	-27,032.71	05/12	
		USDA TULARE ROAD	-26,634.84	05/12	
JAN 2016 Total Expenditures	\$1,166,638				

Compliance with Investment Policy

As of May 31, 2016, the investments were in compliance with the requirements of the City's investment policy. This report reflects all cash and investments of the City of Lindsay (O/S checks not reflected in End Cash Balance).

Invested Funds
\$11,400.72

Respectfully submitted,

Justin Poore
Finance Director

GEN=GENERAL UNRESTRICTED
RES=RESTRICTED ACTIVITY
INV=INVESTMENT

Treasurer's Report - ADENDUM

Cash Balances Classified by Depository

	GL ACT#	TYPE	Balance__	SUBTOTALS	Current Annual Yield__	Interest Earned This Period
Current Asset						
Petty Cash/Cash Register Funds			\$2,628.00			
Safe Keeping Account						
LAIIF Savings: City & Successor Agency			\$11,400.72			
				\$14,028.72		
Rolling Assets <i>*there are accounts that change frequently and satisfy certain debts / liabilities</i>						
Bank Of Sierra - Payroll			\$60,702.14			
Bank Of Sierra - AP/Operating			\$2,554,703.25			
Bank Of Sierra - Impound Account			\$40,234.75			1.35
Bank Of Sierra - McDermont			\$270,399.52			
				\$2,926,039.66		
Long Term Assets / Project Funds						
Bank Of Sierra - WWTP Project			\$30,797.38			1.26
Bank Of Sierra - Water Project			\$27,494.07			1.13
				58,291.45		
Total Cash Balances @ MAY 31, 2016				\$2,998,359.83		3.74

As of May 31, 2016, the investments were in compliance with the requirements of the City's Investment policy. This report reflects all cash and investments of the City of Lindsay (O/S checks not reflected in End Cash Balance)

Total Invested Funds
\$11,400.72

Invested Funds are not immediate liquid and should not be thought of being easily accessible.

Liabilities

Current Liabilities

Accounts Payable - Checks Cut	\$146,802.18	
Accounts Payable - Checks NOT Cut	\$244,572.28	
		\$391,374.46

Long Term Liabilities

	Due		
TCAG Settlement	4/10/2016	\$18,391.50	
Library Landscape Loan	5/12/2016	\$18,519.50	
Tulare Road Loan	5/12/2016	\$61,374.50	
Water Clarifier Loan	6/1/2016	\$8,377.00	
CalHFA Loan HELP-080803-0	6/15/2016	\$50,000.00	
CalHFA Loan RDLP-090806-0	6/15/2016	\$25,000.00	
McDermont Lease Bond	6/15/2016	\$97,912.50	
Sewer Infrastructure Loan	6/28/2016	\$25,623.00	
			\$305,198.00
			\$696,572.46

Total Retained Earnings

**basically what the city is keeping for operations (assets minus liabilities)*

\$2,301,787.37

City Revenue *For Period Ending 5/31/2016*

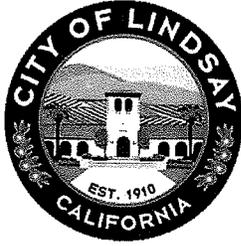
Business Licenses	\$2,355.36	
Utility Bills	\$459,345.45	
Taxes (UUT)	\$35,967.48	
Miscellaneous Revenue	\$1,691,576.21	
		\$2,189,244.50

City Expense

Payroll & Benefits - MAY 13, 2016	\$243,430.00	
Payroll & Benefits - MAY 27, 2016	\$231,733.00	
Payroll & Benefits - Roll 3	xx	
Debt Service	\$53,667.55	
Current Expenses <i>*incurred and paid</i>	\$691,475.00	
		\$1,220,305.55

\$968,938.95

Total Operating Income or Loss



DATE : June 28, 2016

TO : Honorable Mayor Padilla and City Council Members

FROM : Chris Hughes, Lieutenant Public Safety

RE : Agreement for Animal Shelter Services with the City of Porterville

This is a request to extend the current Agreement for Animal Control Services with the City of Porterville. We have been partnered with the City of Porterville for animal control services for many years. This partnership has been beneficial to the agency and the citizens Lindsay. Having reviewed the prior year's contract with the current proposed contract I noted some minor changes to the language in the contract. The most significant changes to the new proposed contract is costs associated with sheltering services which I have listed below.

Prior Contract	Proposed Contract
Sheltering Services	
1. Dog or Cat \$35.00 per impound	\$40.00 per impound
2. Evidence Fowl \$6.00 per day	\$7.00 per day
3. Livestock \$10.00 per day	\$12.00 per day
4. Protective Custody \$7.00 per day	\$9.00 per day
5. Other Evidence Hold \$8.00 per day	\$9.00 per day
6. Dead Animal Disposal \$7.00 per animal	\$9.00 per animal

The two areas where we will see a small impact in costs to the city are items #1 and #6. These two areas are the most frequent services provided to the City of Lindsay by the animal shelter. Staff requests Council approval of the attached ~~agreement~~ as amended and asks that the Mayor sign the contract extension on behalf of the City.

Attachments:

1. 2015/2016 & 2016/2017 Animal Shelter Agreement

**AGREEMENT FOR
ANIMAL SHELTER SERVICES**

THIS AGREEMENT is made and entered into the 1st day of July, 2016, between the City of Porterville hereinafter referred to as "Porterville" and the City of Lindsay, hereinafter referred to as "Lindsay."

WITNESSETH

WHEREAS, Porterville has assumed control over the Animal Shelter facility located at 23611 Road 196, Lindsay, CA, and is operating said facility for purposes of sheltering animals in accordance with the laws of the State of California; and

WHEREAS, Lindsay has determined that it is in the best interest of Lindsay to contract with Porterville for the sheltering of animals picked up in Lindsay; and

WHEREAS, pursuant to Government Code Section 51301, Porterville is authorized to contract with Lindsay and Lindsay is authorized to contract with Porterville for the performance by appropriate Porterville officers and employees of Lindsay functions; and

NOW, THEREFORE, IT IS AGREED as follows:

1. ANIMAL SHELTER SERVICES

- A. Shelter Facility Care: Porterville shall maintain a humane and sanitary animal shelter that complies with all Federal, State and County statutes and regulations. This facility shall be suitable for the safe sheltering and proper care of all dogs, cats and other animals (wild or domestic) which may be impounded, or otherwise come into the custody of Lindsay, pursuant to the provisions of the Lindsay

Municipal Code, or other regulation. After receipt of an animal at the shelter facility, animals requiring veterinary observation or treatment may be taken to a veterinary facility of Porterville's choice and Lindsay shall incur all associated costs for such care and impoundment. Animals that are deemed sick or injured prior to being housed at the shelter will not be accepted until such time they have been treated by a veterinarian and cleared for sheltering. Lindsay will be responsible for all costs related to follow up care and medication. Animals subject to quarantine away from the owner's premises shall be sheltered in facilities approved by the County Health Officer pursuant to State rabies control statutes and regulations.

B. Holding Period: Animals impounded by Lindsay shall be held for redemption for the minimum period required by statute; however, Porterville reserves the right to euthanize any sick or injured animal before the expiration of the minimum holding period upon the recommendation of a veterinarian, or when otherwise authorized by statute. Animals held as evidence in a criminal investigation or prosecution shall be held until released by the investigating officer, prosecutor, or a court order. Time of impoundment for the purpose of this agreement shall begin when an animal arrives at the shelter, or in the case of an animal impounded at a veterinary kennel or other premises, when notice describing the animal and the circumstances of its impoundment is received by staff at the shelter.

C. Disposition of Impounded Animals: Lindsay's right to custody of any animal impounded for the minimum period required by this agreement shall pass to Porterville upon the expiration of said period and Lindsay shall thereafter have no

responsibility for the care or the costs of sheltering of said animal. After expiration of said period, and after giving any notice required by law, Porterville in its sole discretion, may hold the animal for a longer period, or may place the animal for adoption, release to a Rescue Group or may dispose of the animal.

- D. Dead Animals: Porterville shall provide for the safe and sanitary disposal of all dead animals coming into its possession and of all animals destroyed by Porterville pursuant to the terms of this agreement.

- E. Other Animal Control Services: This service agreement provides solely for the sheltering of animals picked up in Lindsay, by Lindsay employees. This agreement does not provide for Porterville to provide any other animal control services to Lindsay. Additionally, Porterville will not provide for the licensing of animals belonging to Lindsay residents, and Porterville will not serve as Hearing Officer for Lindsay on vicious animal complaints and hearings. Lindsay will be responsible for written notification of hearing dispositions or other actions associated with animals brought into the shelter in order to ensure that animals are held the appropriate amount of time and are not held for excessive amounts of time. Porterville will work cooperatively with Lindsay staff in an effort to identify the owners of any animal brought into the facility and assist in taking action to reunite an animal with the rightful owners.

- F. Hours of Operation: Porterville shall provide suitable office hours at the animal shelter facility for the convenience of Lindsay residents seeking to reclaim their animals. Porterville will staff the facility and receive animals from Lindsay on

Monday through Saturday, between the hours of 9:00 a.m. to 5:00 p.m., excluding holidays; however, the days or hours of operation of the shelter are subject to change as Porterville deems necessary.

2) VETERINARIAN CARE

In providing care for any animal coming into its possession pursuant to this agreement, Porterville's decision to obtain veterinary services, Porterville's selection of a veterinarian, and Porterville's approval of veterinary fees for care and treatment of the animal, shall be final.

3) RECORDS

Porterville shall keep appropriate records and statistics regarding all services performed under this agreement. Lindsay may inspect and receive copies of said records upon request.

4) HOLD HARMLESS

Porterville shall hold harmless, defend and indemnify Lindsay, its officers, agents, and employees from and against any liability, claims, action, cost, damage, or losses for injury, including death, to any person, or damage to any property arising out of Porterville's activities under this agreement. Lindsay shall hold harmless, defend, and indemnify Porterville, its officers, agents, and employees from and against any liability claims, actions, cost, damages or losses for injury, including death, to any person or damage to any property arising out of Lindsay's activities under this agreement.

5) TERM AND TERMINATION

- A. This agreement shall become effective on July 1, 2016, and shall continue until June 30, 2017. This agreement shall renew automatically each year unless terminated by either party.
- B. At a time that is agreeable to both Porterville and Lindsay, or in March of each year, Porterville and Lindsay will review the current charges for services to determine the need for adjustment. If adjustments are decided upon, an updated agreement will be prepared by Porterville and adjustments will take effect on July 1 of the current year.
- C. Either party may terminate this agreement at any time by delivering written notice of termination no less than 180 days prior to the date of termination.
- D. Upon construction of an animal shelter in Porterville, Porterville may opt to move all animals to the Porterville site and discontinue the use of the shelter in Lindsay. At that time, Lindsay may deliver their animals to the Porterville facility or terminate this agreement.
- E. Either party may terminate this agreement for material breach if the other party fails to remedy said breach within thirty (30) days after receiving written notice setting forth in detail the facts constituting said breach.

6) CHARGE FOR SERVICES

As consideration for Porterville carrying out the obligations and responsibilities as specified in this agreement, Lindsay agrees to compensate Porterville pursuant to the following fees for the listed action:

A. Sheltering Service:

1. Dog or Cat	<u>\$40.00 per impoundment</u>
2. Dog or Cat (Quarantine)	\$50.00 per impoundment
3. Evidence Fowl	<u>\$7.00 per day</u>
4. Horse, Cow, Goat, etc.	<u>\$12.00 per day</u>
5. Protective Custody/ Evidence Hold	<u>\$9.00 per day</u>
6. Other Evidence Hold	<u>\$9.00 per day</u>
7. Dead Animal Disposal	<u>\$9.00 per animal</u>

B. Veterinary Services: Lindsay shall reimburse Porterville for the cost of all veterinary services rendered for the examination and treatment of animals coming into Porterville's possession pursuant to the provisions of this agreement within thirty (30) days of receipt of an itemized bill. Veterinary services will be engaged for any animal in Porterville's possession when it is deemed to be in need of such services.

7) NOTICES

Any notice to be given in accordance with the provisions of this Agreement shall be in writing and shall be served either by personal delivery or by first class mail, postage prepaid, and addressed as listed below:

City of Porterville
Attn: John Lollis, City Manager
291 North Main Street
Porterville, CA 93257

City of Lindsay
Attn: William Zigler, Interim City Manager
251 East Honolulu Street
Lindsay, CA 93247

IN WITNESS WHEREOFF, the parties hereto have executed this Agreement as of the day and year first above written.

FOR THE CITY OF PORTERVILLE

Milt Stowe, Mayor

Date

John D. Lollis, City Manager

Date

FOR THE CITY OF LINDSAY

Ramona Villarreal-Padilla, Mayor

Date

William Zigler, Interim City Manager

Date

**AGREEMENT FOR
ANIMAL SHELTER SERVICES**

THIS AGREEMENT is made and entered into the 1st day of July, 2015, between the City of Porterville hereinafter referred to as "Porterville" and the City of Lindsay, hereinafter referred to as "Lindsay."

WITNESSETH

WHEREAS, Porterville has assumed control over the Animal Shelter facility located at 23611 Road 196, Lindsay, CA, and is operating said facility for purposes of sheltering animals in accordance with the laws of the State of California; and

WHEREAS, Lindsay has determined that it is in the best interest of Lindsay to contract with Porterville for the sheltering of animals picked up in Lindsay; and

WHEREAS, pursuant to Government Code Section 51301, Porterville is authorized to contract with Lindsay and Lindsay is authorized to contract with Porterville for the performance by appropriate Porterville officers and employees of Lindsay functions; and

NOW, THEREFORE, IT IS AGREED as follows:

1. ANIMAL SHELTER SERVICES

- A. Shelter Facility Care: Porterville shall maintain a humane and sanitary animal shelter that complies with all Federal, State and County statutes and regulations. This facility shall be suitable for the safe sheltering and proper care of all dogs, cats and other animals (wild or domestic) which may be impounded, or otherwise come into the custody of Lindsay, pursuant to the provisions of the Lindsay

Municipal Code, or other regulation. After receipt of an animal at the shelter facility, animals requiring veterinary observation or treatment may be taken to a veterinary facility of Porterville's choice and Lindsay shall incur all associated costs for such care and impoundment. Animals that are deemed sick or injured prior to being housed at the shelter will not be accepted until such time they have been treated by a veterinarian and cleared for sheltering. Lindsay will be responsible for all costs related to follow up care and medication. Animals subject to quarantine away from the owner's premises shall be sheltered in facilities approved by the County Health Officer pursuant to State rabies control statutes and regulations.

B. Holding Period: Animals impounded by Lindsay shall be held for redemption for the minimum period required by statute; however, Porterville reserves the right to euthanize any sick or injured animal before the expiration of the minimum holding period upon the recommendation of a veterinarian, or when otherwise authorized by statute. Animals held as evidence in a criminal investigation or prosecution shall be held until released by the investigating officer, prosecutor, or a court order. Time of impoundment for the purpose of this agreement shall begin when an animal arrives at the shelter, or in the case of an animal impounded at a veterinary kennel or other premises, when notice describing the animal and the circumstances of its impoundment is received by staff at the shelter.

C. Disposition of Impounded Animals: Lindsay's right to custody of any animal impounded for the minimum period required by this agreement shall pass to Porterville upon the expiration of said period and Lindsay shall thereafter have no

responsibility for the care or the costs of sheltering of said animal. After expiration of said period, and after giving any notice required by law, Porterville in its sole discretion, may hold the animal for a longer period, or may place the animal for adoption, release to a Rescue Group or may dispose of the animal.

D. Dead Animals: Porterville shall provide for the safe and sanitary disposal of all dead animals coming into its possession and of all animals destroyed by Porterville pursuant to the terms of this agreement.

E. Other Animal Control Services: This service agreement provides solely for the sheltering of animals picked up in Lindsay, by Lindsay employees. This agreement does not provide for Porterville to provide any other animal control services to Lindsay. Additionally, Porterville will not provide for the licensing of animals belonging to Lindsay residents, and Porterville will not serve as Hearing Officer for Lindsay on vicious animal complaints and hearings. Lindsay will be responsible for written notification of hearing dispositions or other actions associated with animals brought into the shelter in order to ensure that animals are held the appropriate amount of time and are not held for excessive amounts of time. Porterville will work cooperatively with Lindsay staff in an effort to identify the owners of any animal brought into the facility and assist in taking action to reunite an animal with the rightful owners.

F. Hours of Operation: Porterville shall provide suitable office hours at the animal shelter facility for the convenience of Lindsay residents seeking to reclaim their animals. Porterville will staff the facility and receive animals from Lindsay on

Monday through Saturday, between the hours of 9:00 a.m. to 5:00 p.m., excluding holidays; however, the days or hours of operation of the shelter are subject to change as Porterville deems necessary. The shelter facility will be open to the public during these days and hours.

2) VETERINARIAN CARE

In providing care for any animal coming into its possession pursuant to this agreement, Porterville's decision to obtain veterinary services, Porterville's selection of a veterinarian, and Porterville's approval of veterinary fees for care and treatment of the animal, shall be final.

3) RECORDS

Porterville shall keep appropriate records and statistics regarding all services performed under this agreement. Lindsay may inspect and receive copies of said records upon request.

4) HOLD HARMLESS

Porterville shall hold harmless, defend and indemnify Lindsay, its officers, agents, and employees from and against any liability, claims, action, cost, damage, or losses for injury, including death, to any person, or damage to any property arising out of Porterville's activities under this agreement. Lindsay shall hold harmless, defend, and indemnify Porterville, its officers, agents, and employees from and against any liability claims, actions, cost, damages or losses for injury, including death, to any person or damage to any property arising out of Lindsay's activities under this agreement.

5) TERM AND TERMINATION

- A. This agreement shall become effective on July 1, 2015, and shall continue until June 30, 2016. This agreement shall renew automatically each year unless terminated by either party.
- B. At a time that is agreeable to both Porterville and Lindsay, or in March of each year, Porterville and Lindsay will review the current charges for services to determine the need for adjustment. If adjustments are decided upon, an updated agreement will be prepared by Porterville and adjustments will take effect on July 1 of the current year.
- C. Either party may terminate this agreement at any time by delivering written notice of termination no less than 180 days prior to the date of termination.
- D. Upon construction of an animal shelter in Porterville, Porterville may opt to move all animals to the Porterville site and discontinue the use of the shelter in Lindsay. At that time, Lindsay may deliver their animals to the Porterville facility or terminate this agreement.
- E. Either party may terminate this agreement for material breach if the other party fails to remedy said breach within thirty (30) days after receiving written notice setting forth in detail the facts constituting said breach.

6) CHARGE FOR SERVICES

As consideration for Porterville carrying out the obligations and responsibilities as specified in this agreement, Lindsay agrees to compensate Porterville pursuant to the following fees for the listed action:

A. Sheltering Service:

- | | |
|--------------------------------------|--------------------------------|
| 1. Dog or Cat | <u>\$35.00 per impoundment</u> |
| 2. Dog or Cat (Quarantine) | \$50.00 per impoundment |
| 3. Evidence Fowl | <u>\$6.00 per day</u> |
| 4. Horse, Cow, Goat, etc. | <u>\$10.00 per day</u> |
| 5. Protective Custody/ Evidence Hold | <u>\$7.00 per day</u> |
| 6. Other Evidence Hold | <u>\$8.00 per day</u> |
| 7. Dead Animal Disposal | <u>\$7.00 per animal</u> |

- B. Veterinary Services: Lindsay shall reimburse Porterville for the cost of all veterinary services rendered for the examination and treatment of animals coming into Porterville's possession pursuant to the provisions of this agreement within thirty (30) days of receipt of an itemized bill. Veterinary services will be engaged for any animal in Porterville's possession when it is deemed to be in need of such services.

7) NOTICES

Any notice to be given in accordance with the provisions of this Agreement shall be in writing and shall be served either by personal delivery or by first class mail, postage prepaid, and addressed as listed below:

City of Porterville
Attn: John Lollis, City Manager
291 North Main Street
Porterville, CA 93257

City of Lindsay *William Zigler*
Attn: ~~Tamara Laken~~, Acting City Manager
251 East Honolulu Street
Lindsay, CA 93247

IN WITNESS WHEREOFF, the parties hereto have executed this Agreement as of the day and year first above written.

FOR THE CITY OF PORTERVILLE

Milt Stowe

Milt Stowe, Mayor

J. D. Lollis

John D. Lollis, City Manager

June 16, 2015

Date

06/16/15

Date

FOR THE CITY OF LINDSAY

Ramona Villarreal Padilla

Ramona Villarreal Padilla, Mayor

Tamara Laken

Tamara Laken, Acting City Manager

William Zigler

William Zigler
Interim City Manager

7/28/15

Date

7/29/15

Date



CSET

Community Services
Employment Training

Where community happens.

Friday, June 10, 2016

City of Lindsay
215 Honolulu St.
Lindsay, CA 93247
Attn: Carmen Wilson

Dear Ms. Wilson:

Please accept this letter as CSET's official notification for the renewal of an additional year to the City of Lindsay's lease agreement for the Lindsay-Strathmore Community Center located at 911 North Parkside, Lindsay, CA, which is used as a senior center for the local community.

Please forward any documents requiring signature to CSET attention Ed Jones.

Should you have any questions please do not hesitate to call me.

Sincerely,

Mary Alice Escarsega-Fechner
Executive Director

312 N.W. 3rd Avenue
Visalia, CA 93291

Phone
(559) 732-4194
Fax
(559) 733-3971
www.cset.org

Goshen
(559) 651-1030
Earlimart
(661) 849-2960
Porterville
(559) 788-1440
Tulare
(559) 684-1987
Cutler/Orosi
(559) 528-1095
Pixley
(559) 757-1601
Tipton
(559) 752-2222

**PROPERTY LICENSE AGREEMENT AND AGREEMENT CONCERNING RIGHTS AND OBLIGATION
OF THE PARTIES**

Parties

This license agreement regarding the Lindsay-Strathmore Community Center (“Center”) is entered into by and between the City of Lindsay (“City”) and Community Services and Employment Training (“CSET”).

Description of Property

1. City is owner of certain real property situated in the City of Lindsay, and more particularly described as the Lindsay-Strathmore Community Center located at 911 North Parkside, Lindsay, California.

Grant of License

2. In consideration for and in accordance with the terms and conditions of this agreement, City grants to CSET a License (“the License”) to perform the following acts on the Property:
 - a. CSET shall have access to a portion of the community room (southeast room, south of the foldable divider) for the purpose of Senior Programs Monday through Friday or each week between the hours of 8:30 a.m. and 2:30 p.m. CSET shall not expand the hours for Senior Programs unless City provides prior written approval.
 - b. CSET shall provide regular senior citizen meal programs, in compliance with California Department of Aging food service guidelines, and services commensurate with services provided elsewhere in the Kings/Tulare Area Agency on Aging (KTAAA) service area. CSET shall also offer senior services programs in conjunction with the senior meal program.
 - c. CSET will be permitted to utilize other Center spaces, such as kitchen area, on occasion and for special events such as holidays in support of senior programs. Advanced notification shall be submitted to the City for approval a minimum of thirty (30) days prior to use.
 - d. CSET shall be permitted to utilize an office at the Center that may be secured. The office shall be the southwest office space. CSET shall secure the office and shall provide a key to the City as requested.
 - e. CSET is responsible for the cleanliness of all areas utilized for senior citizen meals and programs. The City shall ensure that if the facility is utilized

outside of the CSET hours, the facility will be cleaned prior to the next CSET senior program.

- f. The Center shall be utilized by CSET for the purpose of senior meal and additional CSET senior programs and shall not be utilized as a CSET community office.

Incidental Rights and Obligations

3. The following incidental rights and obligations accompany the License and the use of the property:
 - a. CSET shall have full and exclusive management authority over the program areas during the times of program use, and shall assume full responsibility for the timely cleaning of all areas used.
 - b. CSET shall be permitted to install telephone services and assume all responsibility for installation, control of use, and service cost.
 - c. CSET shall provide General Liability insurance certificate with the value of \$1,000,000 naming the City as additional insured and maintain certificate for the life of the License.
 - d. CSET shall, to the fullest extent permitted by law, hold harmless, and indemnify City and its officers, officials, employees, and agents from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CSET and its directors, officers, employees, volunteers, and agents, except where and to the extent caused by the negligence or willful misconduct of the City. Likewise, City shall, to the fullest extent permitted by law, hold harmless, and indemnify CSET and its directors, officers, employees, volunteers, and agents from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of City and its officers, officials, employees, and agent, except where and to the extent caused by the negligence or willful misconduct of the CSET. The provisions of this section survive completion of the services or the termination of this Agreement.
 - e. CSET will be responsible for non-permanent interior modifications to accommodate their programs.
 - f. The City shall provide facility management oversight, routine building and grounds maintenance, utility services, and schedule use of the building outside of the CSET operational hours.
 - g. The City shall schedule all activities in the Center aside from CSET's daily 8:30 a.m. to 2:30 p.m. usage, and will notify CSET of the schedule.

- h. The City, CSET, and other users of the facility shall meet semi-annually to address any concerns and coordinate schedules and programmed use for the next six (6) months.
- i. In use of the property and provision of services at the property, CSET shall at times comply with all federal, state, and local laws.

In exercising these rights and obligations, CSET must use reasonable care and may not unreasonably increase the burden on the property.

License Non-assignable

- 4. This License is personal to CSET and shall not be assigned. This License shall terminate automatically upon assignment. No legal title or leasehold interest in the Property is created or vested in CSET by the grant of this License.

Term of License

- 5. This License shall be for a term of one year, commencing July 1, 2016, terminating on June 30, 2017.
- 6. This agreement may be terminated by either party without cause at any time by provision of a written 30 day notice.

Termination of Occupancy

- 7. On or before the termination date for this License specified in paragraph 5 of this agreement, CSET shall remove all of CSET's personal property from the Property. Upon termination of the License, CSET shall ensure that the property is in good order and repair to the reasonable satisfaction of the City, normal wear and tear excepted.

Default

- 8. In the event CSET fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by the City, upon written notice of the violation to the Licenses and CSET's failure to cure within ten (10) days. More time may be granted for the cure of any violations only if the City agrees in writing.

Termination

- 9. The parties understand that in the event the property is no longer available to the City, the License herein granted shall cease to be in effect, and the parties' obligations to each other under this Agreement also cease.

Entire Agreement

10. This Agreement constitutes the entire Agreement between the City and CSET. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all the parties named above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the ____ of _____, 2016.

COMMUNITY SERVICES AND EMPLOYMENT TRAINING, INC.

Mary Alice Escarsega-Fechner, Executive Director

CITY OF LINDSAY

ATTEST:

Carmela Wilson, City Clerk

APPROVED AS TO FORM

PUBLIC HEARING PROCEDURES

The following rules shall apply:

1. OPEN the public hearing.
2. PROPOSERS (those in favor). The Council may ask questions of the proponents and they may respond.
3. OPPOSERS (those against). The Council may ask questions of the opponents and they may respond.
4. REBUTTAL each side.
5. FURTHER QUESTIONS from Council, but the parties may not engage in further debate.
6. CLOSE the public hearing.
7. COUNCIL DISCUSSION.
8. MOTION (if necessary).
9. COUNCIL VOTE.

Ordinance No. 554

Date: June 28, 2016

ADOPTION OF ORDINANCE 554, AN ORDINANCE OF THE CITY OF LINDSAY ADDING TITLE 14 TO THE LINDSAY MUNICIPAL CODE REGARDING CITY PARKS AND RECREATION AREAS

GENERAL INFORMATION

Applicant: City of Lindsay

Requested Action: Adoption of Ordinance 554, an Ordinance of the City of Lindsay adding Title 14 to the Lindsay Municipal Code regarding City Parks and Recreation Areas – First Reading.

DESCRIPTION

Public Hearing for Ordinance No. 554– First Reading is a request by the City of Lindsay to add Title 14 to the Lindsay Municipal Code regarding City Parks and Recreation Areas. This requested amendment was legally noticed as a public hearing in the Porterville Recorder on June 18, 2016.

DISCUSSION

At the April 26, 2016 City Council meeting, staff presented preliminary fees based on projected staff time (both City Services and Finance Departments) to process arbor reservations, both pre and post reservation state as well as deposit amounts for the different sizes of arbors.

Attachment A lists the proposed fees associated with the 3 sizes of arbors available. The deposit requirements have been revised as directed by Council. As requested at the April 26, 2016 meeting, a fee of \$25 has been proposed for the ability to set up and operate a bounce house at the park

Comments received by staff regarding the draft Ordinance have been integrated in the attached document.

The process for amending the Municipal Code as proposed is straight forward and is governed by Municipal Code Section 3.09, Ordinances in General under the Charter of the City of Lindsay.

COUNCIL ACTION;

Council may select one of the two actions outlined herein:

1. Approve the first reading of the Ordinance 554 authorizing adoption of the amended the Lindsay Municipal Code.
2. Disapprove and do not adopt Ordinance 554 and direct staff to pursue some other action.

ATTACHMENTS

1. City Parks and Recreation Areas Ordinance
2. Attachment A, Park Reservation Fee Schedule

ATTACHMENT A
Park Reservation Fee Schedule
June 28, 2016

<u>Arbor Size</u>	<u>Fee Amount</u>	<u>Deposit</u>
8x10	\$50.00	\$75.00
10x10	\$50.00	\$75.00
20x40	\$70.00	\$100.00
Stage	\$50.00	\$75.00
Bounce House(s)	\$25/Bounce House	

Park hours are 7:00 am to 10:00 pm

City of Lindsay

Title 14

CITY PARKS AND RECREATION AREAS

Chapter 1. Closure During Designated Hours

Chapter 2. Prohibiting Alcoholic Beverages

Chapter 3. Conduct in City Parks and Recreation Areas.

City of Lindsay

Title 14

CITY PARKS AND RECREATION AREAS

Chapter 1. Closure During Designated Hours

Section:

- 14.01.010 Closure of city park and recreation areas
- 14.01.020 Exemptions
- 14.01.030 City council exemption of entire park or recreation facility
- 14.01.040 Signs identifying hours of closure
- 14.01.050 Penalty

Chapter 2. Prohibiting Alcoholic Beverages

Section:

- 14.02.010 Purpose.
- 14.02.020 Possession and consumption of alcoholic beverages on city-owned parks and recreation areas prohibited.
- 14.02.030 Definitions.
- 14.02.040 Warning signs posted.
- 14.02.050 Exceptions.
- 14.02.060 Penalties for violations.
- 14.02.070 Severability.

Chapter 3. Conduct in City Parks and Recreation Areas

Section:

- 14.03.010 Purpose.
- 14.03.020 Definitions.
- 14.03.030 Operation of vehicles in parks.
- 14.03.040 Damaging or defacing park property prohibited.
- 14.03.050 Animals in city parks.
- 14.03.060 Golfing prohibited.
- 14.03.070 Hazardous games prohibited.
- 14.03.080 Glass containers prohibited.
- 14.03.090 Loud music/amplified sound prohibited.
- 14.03.100 Generators and small engines prohibited.
- 14.03.110 Commercial activities prohibited.
- 14.03.120 Left Blank (for Future Use).
- 14.03.130 Prohibition of carts in park facilities.
- 14.03.140 Removal from parks.
- 14.03.150 Suspension from parks for disorderly conduct.
- 14.03.160 Penalty.

14.03.170 Severability.

Chapter 1. Closure During Designated Hours

14.01.010 Closure of city park and recreation areas.

It is unlawful for any person to remain in every public park or recreation area (except as noted in Section 14.01.020) located within the city which is owned by and/or operated and maintained by the city, between the hours of ten p.m. to and through seven a.m. of the following day.

14.01.020 Exemptions.

A. Section 14.01.010 shall not apply to any person in a public park or recreation area when such a person is participating in an activity which is either sponsored or co-sponsored by a public entity, or is carrying on such activity pursuant to a valid permit or license issued by the city. Said Section 14.01.010 shall further not apply to any peace officer or other duly authorized public employee acting within the course and scope of his/her employment.

14.01.030 City council exemption of entire park or recreation facility.

The city council of the city may, by approval, determine to exempt one or more public park or recreation facilities from the provisions of this article for a designated period of time or indefinitely. Said action shall be taken only after receipt of a recommendation for such action from the city council.

14.01.040 Signs identifying hours of closure.

Each park and/or recreation area subject to closure during specified hours pursuant to this article shall be properly and appropriately posted. Signs setting forth the hour and time of closure and reopening of the facility as provided in this article shall be posted at every entrance way to said facility. Said signs shall be not less than one square foot in area and shall contain lettering, not less than one-half inch in height, identifying the hours during which the facility shall be closed, and further advising the public that entry to the facility or remaining on the facilities' grounds between the designated hours is a violation of law. In the event that there are no natural or manmade barriers which prohibit access to or entry upon a park or recreation facility subject to this article, signs shall also be posted at intervals of every three hundred (300) feet along the perimeter of the facility accessible to the public.

14.01.050 Penalty.

Any person violating the provisions of this article shall be guilty of a misdemeanor and subject to the penalties set forth in Section 14.03.160.

Chapter 2. Prohibiting Alcoholic Beverages

14.02.010 Purpose.

A. The purpose of this article is to prohibit the possession and consumption of all alcoholic beverages in all city parks and recreation areas except in specially designated city parks with a permit.

B. Police officers responding to all calls for assistance at city parks and recreation areas have frequently encountered intoxicated and on some occasions, belligerent individuals and groups. The consumption of alcoholic beverage often makes control of such situations, which are already tense, very difficult. In addition, the excessive consumption of alcoholic beverage in and of itself often results in the need for law enforcement intervention. This results in increased costs to the city, impedes criminal investigations, and reflects negatively on the good image of the city.

C. The purpose of this article is, therefore, to:

1. Minimize community exposure to certain negative behavior and incidents that are associated with the consumption of alcoholic beverages;
2. Reduce the expenditure of time spent by law enforcement officers dealing with the aforementioned type of issues; and
3. To maintain an environment which is conducive to, and reflects the community commitment to a safe and healthy public environment.

14.02.020 Possession and consumption of alcoholic beverages on city-owned parks and recreation areas prohibited.

It is unlawful for any person to possess and/or consume any alcoholic beverage within the boundaries of every public park/recreation area located within the city, which is owned, operated, and/or maintained by the city.

14.02.030 Definitions.

"Alcoholic beverages" as used herein means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

For the purposes of this article, "public park/recreation area" means all parks/recreation areas used by the public within the boundaries of the city limits of the city, and which are owned, operated and/or maintained by the city.

14.02.020 Warning signs posted.

The park or recreation area shall be clearly posted with a warning sign at all common entry points, and a sign shall be posted every three hundred (300) feet when a park or recreation area's boundary is adjacent to a public street. Signs posted at parks or recreation areas shall state the following:

"Possession and/or consumption of any alcoholic beverage without a permit is prohibited by City Ordinance Section 14.02.020."

14.02.050 Exceptions.

A person may be exempt from this article if the following is applicable:

- A. The person has reserved through the city services department, a group picnic or special event site at Centennial Park (including the north extension of the Park), Harvard Park, Sweet Brier Plaza or Kaku Park.
- B. The person or group is in possession of a valid permit.
 - 1. A person (group/activity representative) must have applied for, been granted and be in possession of a permit to possess alcoholic beverages from the planning department of the city.
 - 2. A permit will only be granted in conjunction with the reservation of a group picnic or special event area at the aforementioned community park.
 - 3. The permit must be presented to any city employee or police officer upon request. Such permit shall state the designated park and specific group/activity area reserved for the permit. The person who has applied for and is in possession of such permit, shall be responsible for notifying those persons in the group/activity of such boundaries and restrictions associated with the permit. The permit shall expire at ten p.m. on the date specified for its use. The exemption, under this provision, will remain in effect up to one-half hour, thirty (30) minutes, after the sanctioned event has concluded.
 - 4. The planning department shall establish reasonable rules and regulations for the application, issuance and processing of such permit and the terms and conditions applicable to the permit to allow possession and consumption of alcoholic beverages in the aforementioned parks.
- C. Exempted Facilities. Facilities, which have controlled access and/or are physically separated from the remainder of a city park/recreation area by a common barrier or fence, and provided such facilities are being utilized for their intended purposes (i.e. golf course, sports complex, etc.) are exempted from this prohibition of no possession or consumption of alcoholic beverages.

14.02.060 Penalties for violations.

Any person, violating any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by the imprisonment in the County of Tulare jail for not more than six months, or both such fine and imprisonment. The city attorney or his/her designee will have the discretion to reduce said violation to an infraction. The penalty for an infraction shall be a fine of a maximum of two hundred fifty dollars (\$250.00) per violation.

14.02.070 Severability.

The city council declares that it would have passed this chapter sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this chapter are severable and, if for any reason any sentence, paragraph, or section of this chapter shall be held invalid, such decision shall not affect the validity of the remaining parts of this chapter.

Chapter 3. Conduct in City Parks and Recreation Areas

14.03.010 Purpose.

A. The purpose of this article is to maximize the community enjoyment of city owned and/or operated park and recreation areas and to prohibit activities and behavior which interfere with this objective to the detriment of the public health, welfare and safety.

B. This article shall apply to conduct in public park/recreation areas and be enforceable notwithstanding the exceptions provided.

14.03.020 Definitions.

The following words, phrases and terms as used in this article shall have the following meanings:

1. "Commercial Activities" means the conduct of a business, profession, trade, occupation and all and every kind of calling carried on with or without the intent of making a profit.
2. "Public Park/Recreation Area" means all parks/recreation areas used by the public within the boundaries of the city limits of the city, and which are owned, operated and/or maintained by the city, including city-owned golf courses and designated greenbelt and open space areas.
3. "Sound Amplifying Equipment" means any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. Sound amplifying equipment shall exclude vehicle radios and stereo equipment when used and heard only by the occupants of the vehicle in which same is installed. Sound amplifying equipment shall exclude devices on authorized emergency vehicles or other warning devices on any vehicle used only for traffic safety purposes.

14.03.030 Operation of vehicles in parks.

A. Except as permitted by the city services director, or designee, it is unlawful for any person, other than when engaged in the performance of duties as a city employee, to drive or park any motor vehicle in or upon any public park/ recreation area, golf course, greenbelt, or other open space area owned by the city except for those areas specifically designated for vehicular traffic.

B. This rule shall not apply to parks, maintenance, or emergency vehicles or when specifically authorized for the delivery of goods or materials.

C. Any person violating the provisions of this article shall be guilty of a misdemeanor and subject to the penalties set forth in Section 14.03.160.

14.03.040 Damaging or defacing park property prohibited.

It is unlawful for any person to destroy, mutilate, damage or deface any property, including but not limited to, a structure, monument, statue, vase, fountain, wall, fence, railing,

bench, shrub, tree, fern, plant flower, lighting system or sprinkling system owned or used by the city as a public park/recreation area.

14.03.050 Animals in city parks.

A. It is unlawful for any person to bring, have, allow or free any animal within the perimeter of any public park/recreation area, including but not limited to, any horse, fowl, bovine or other domestic animal, or any reptile or other wild animal except:

1. When prior approval has been given by the city services director, or designee;
2. When authorized in designated off-leash dog areas;
3. When dogs or other permitted animals are restrained by leash or similar device; and
3. Law enforcement dogs.

B. It is unlawful in any manner to tease, annoy, disturb, molest, catch, injure or kill, throw any stone or missile of any kind at or strike with any stick or weapon, any animal, bird, or fowl in any public park/recreation area.

14.03.060 Golfing prohibited.

It is unlawful for any person to play, practice, putt or otherwise engage in the game of golf within the confines of any public park/recreation area, except for those park/recreation areas specifically designated by the city services director as a "golf course."

14.03.070 Hazardous games prohibited.

It shall be unlawful for any person to play or engage in model airplane flying, including drones, radio controlled or the use of any other power driven or noise producing hobby or recreational device, archery, paintball, air gun, sling shot, hardball or any similar games of a hazardous nature in public park/recreation areas, except at such places and times as shall be specifically established by the city services director, or designee.

14.03.080 Glass containers prohibited.

It shall be unlawful to possess any beverage container made of glass in any public park/recreation area or to bring, carry, or transport any beverage container made of glass into any public park/recreation area.

14.03.090 Loud music/amplified sound prohibited.

A. It is unlawful for any person to emit from their vehicle, stereo, tape deck, CD player, boom box or other device music or noise which exceeds sixty (60) decibels at fifty (50) feet and/or interferes with other uses in any public park/recreation area unless an amplified music permit has been issued by the city services director, or designee, for a special event.

B. It is unlawful for any person to use, operate any loudspeaker or sound amplifying equipment in fixed or moveable position for the purposes of giving instructions, directions, talks, addresses, or lectures or for transmitting music to any persons or assemblages of persons, in or upon any public park/recreation area without first obtaining a permit from the city services director, or designee. This provision shall not apply to law enforcement personnel of government agencies acting in their official capacity.

14.03.100 Generators and small engines prohibited.

It is unlawful to use generators and small engine motors in any public park/recreation area that emit noise which exceeds sixty (60) decibels at fifty (50) feet without first obtaining a permit from the city services director, or designee. This provision shall not apply to city personnel acting in their official capacity.

14.03.110 Commercial activities prohibited.

A. It is unlawful to conduct commercial activities in any public park/recreation areas, unless a permit is obtained from the city finance department.

B. In order to obtain such permit, applicant must provide to the city finance department the following:

1. A permit application and permit processing fee;
2. A current city business license for such commercial venture;
3. An insurance certificate in the amount of one million dollars (\$1,000,000) or such increased amount required by the city's risk management division, covering the commercial activity to be conducted in any public park/recreation areas and naming the city, its officers, agents, representatives and volunteers as additional insured's;
4. Proof of worker's compensation insurance as required by California law; and
5. Compliance with relevant rules and regulations established by the city services and/or planning director for conduct of commercial activities in public park/recreations areas. Nothing in this section shall prohibit the city services and/or planning director from awarding a franchise for special events to a particular caterer, vendor, or other enterprise.

14.03.120 Left Blank (for Future use).

14.03.130 Prohibition of carts in park facilities.

Within the boundaries of all city parks and trail ways, no person shall use a shopping cart or a similar device that is primarily used for the purpose of transporting goods of any kind. The only exception shall be wheeled carts being utilized for recreational equipment or transport of event equipment and goods, wheeled ice chests that are being used for food product and vendors with a valid city issued permit as indicated in Section 14.03.110.

14.03.140 Removal from parks.

Any person who interferes with any city employee in the performance of his or her duties, or who by his or her conduct, interferes with the use of any public park/recreation area by any other person, or who has committed any public offense within any public park/recreation area, shall leave the public park/recreation area upon request by any city employee. No person who has been requested to leave a public park/recreation area pursuant to this section shall return to or re-enter the park until seven a.m. (7:00 a.m.) of the next day.

14.03.150 Suspension from parks for disorderly conduct.

A. Findings. The Council finds that disorderly conduct in a public/park recreation area (referred to as “park” or “park area” in this section) that is dangerous, harmful, offensive, disruptive, or that is a public nuisance obstructs or interferes with the enjoyment of the park and negatively impacts the community and should be prevented through suspensions of the privilege of enjoying the city’s public parks/recreation areas.

B. The City Manager or designee is hereby authorized to suspend the individual committing the following offenses from utilizing park areas for a period of up to twelve (12) months:

1. Possession of illegal drugs or illegal drug paraphernalia in a park or park area;
2. Possession of an illegal weapon (as defined by a pertinent provision of the California Penal Code) in a park or park area.
3. Commission or solicitation of an act of prostitution in a park or park area (the term act of prostitution shall mean performs sexual activity for hire).
4. Commission of an act of criminal assault or battery (as defined by a pertinent provisions of the California Penal Code) on another person inside a park or park or recreation area.
5. Commission of any other violation of the Lindsay Municipal Code or state law on three separate occasions within a thirty (30) day period within a park or park or recreation area during a time the park or park area is open to the public.

C. The City Manager or designee shall make the determination to impose a suspension pursuant to this section on the basis of substantial evidence. A record of arrest or citation for any of the above qualifying acts or violations, regardless of whether a conviction has resulted, may be considered substantial evidence sufficient to support a suspension under this section. The City Manager or designee shall consider any other relevant evidence available.

D. In imposing a suspension pursuant to this section, the City Manager or designee shall provide notice of suspension, by serving written notice on the person receiving the suspension in a manner permitted by Lindsay Municipal Code. Persons receiving notice of suspension may request an administrative appeal hearing as described in Lindsay Municipal Code within ten (10) days of receiving notice of suspension. The suspension shall not be stayed pending the appeal process. At the hearing the rules applicable to administrative hearings under the Lindsay Municipal shall apply. The individual may present evidence to demonstrate why the suspension should not be issued, which, may include but is not limited to: questioning witnesses; providing evidence showing the underlying acts did not occur; or providing evidence as to why the underlying acts were not dangerous, harmful, offensive, disruptive, or otherwise constitute a public nuisance. The hearing officer shall have the authority to uphold any issued suspension, reverse the suspension, or reduce the term of any suspension.

E. Suspended persons are not allowed by the city to use public park/recreation areas during the term of suspension or to rent public park/recreation areas from the city. Violators may be cited for a violation of this section and must immediately leave the park area.

14.03.160 Penalty.

A. Any person violating the provisions of this article shall be guilty of a misdemeanor and subject to penalties.

B. Notwithstanding the classification of a violation of this article as a misdemeanor, at the time an action is commenced to enforce the provisions of this article, the trial court, upon recommendation of the prosecuting attorney, may reduce the charge of the offense from a misdemeanor to an infraction pursuant to Section 19(c) of the California Penal Code.

C. Operation of vehicles in parks. The City will strictly enforce no operation or parking of vehicles in parks or recreation areas, except as noted in Section 14.03.030. Per Title 1, General Provisions of the Municipal Code of the City of Lindsay, Chapter 1.16, General Penalty, Section 1.16.010, Penalty for Code Violations, and the following amounts will be enforced:

- a. First Violation Fine, \$50.00
- b. Second Violation Fine, \$100.00
- c. Third Violation Fine, \$250.00

14.03.170 Severability.

The city council declares that it would have passed this article, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this chapter are severable and, if for any reason any sentence, paragraph, or section of this chapter shall be held invalid, such decision shall not affect the validity of the remaining parts of this chapter.

PUBLIC HEARING PROCEDURES

The following rules shall apply:

1. OPEN the public hearing.
2. PROPOSERS (those in favor). The Council may ask questions of the proponents and they may respond.
3. OPPOSERS (those against). The Council may ask questions of the opponents and they may respond.
4. REBUTTAL each side.
5. FURTHER QUESTIONS from Council, but the parties may not engage in further debate.
6. CLOSE the public hearing.
7. COUNCIL DISCUSSION.
8. MOTION (if necessary).
9. COUNCIL VOTE.

Ordinance No. 555

Date: June 14, 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LINDSAY AMENDING TITLE 8 OF THE LINDSAY MUNICIPAL CODE BY ADDING CHAPTER 8.34 ESTABLISHING AN ORGANIC WASTE RECYCLING PROGRAM.

GENERAL INFORMATION

Applicant: City of Lindsay

Requested Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING TITLE 8 OF THE LINDSAY MUNICIPAL CODE BY ADDING CHAPTER 8.34 ESTABLISHING AN ORGANIC WASTE RECYCLING PROGRAM – First Reading.

DESCRIPTION

Public Hearing for Ordinance No. 555– First Reading is a request by the City of Lindsay to add to the Lindsay Municipal Code section relating to organic waste recycling program. This requested amendment was legally noticed as a public hearing in the Porterville Recorder on June 18, 2016.

BACKGROUND

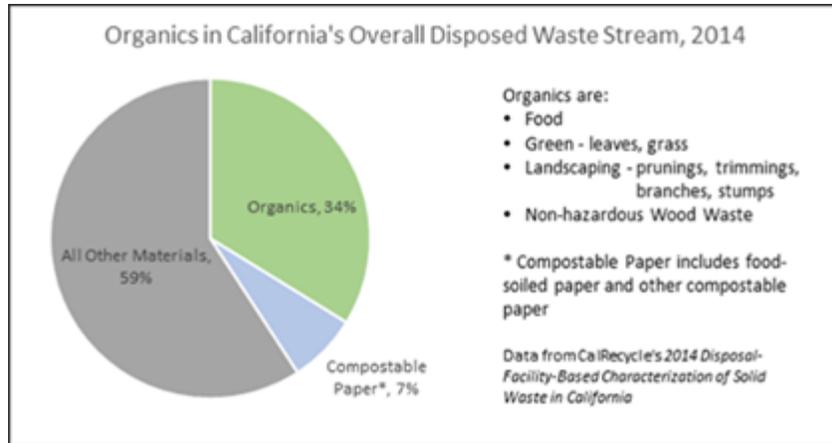
In October 2014 Governor Brown signed AB 1826, requiring businesses to recycle their organic waste depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units (please note, however, that multifamily dwellings are not required to have a food waste diversion program). Organic waste (also referred to as organics) means food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This law phases in the mandatory recycling of commercial organics over time, while also offering an exemption process for rural counties. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector, will be required to comply.

At this time the threshold for compliance with AB1826 is any business (including schools) that generates 8 or more cubic yards of organic waste per week will be required to participate in this program. On January 1, 2017, this volume will decrease to 4 cubic yards per week.

AB 1826 also requires a business which generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to engage in organic waste recycling and, if the Department of Resources Recycling and Recovery makes a specified determination, could decrease this volume to 2 cubic yards per week, on or after January 1, 2020.

AB 1826 requires that cities implement an organic waste recycling program to divert organic waste from businesses subject to the act and requires cities to report to the Department of

Resources Recycling and Recovery on the city's progress in implementing the organic waste recycling program, and requires that the Department of Resources Recycling and Recovery to review the jurisdiction for compliance with AB 1826. The required reporting will be coordinated with the city's refuse contractor, Mid Valley Disposal.



Why Organics? Mandatory recycling of organic waste is the next step toward achieving California's aggressive recycling and greenhouse gas (GHG) emission goals. California disposes approximately 30 million tons of waste in landfills each year, of which more than 30 percent could be used for compost or mulch. Organic waste such as green materials and food materials are recyclable through composting and mulching, and through anaerobic digestion, which can produce renewable energy and fuel. Greenhouse gas (GHG) emissions resulting from the decomposition of organic wastes in landfills have been identified as a source of emissions.

The Organic Waste Recycling Program will have refuse accounts that will be required to comply. The fiscal impacts will be assessed to determine if a rate adjustment will be necessary and presented to Council for consideration.

COUNCIL ACTION:

Council may select one of the two actions outlined herein:

1. Approve the first reading of the attached ordinance authorizing adoption of the amendment of the Lindsay Municipal Code.
2. Disapprove and do not adopt the attached ordinance and direct staff to pursue some other action.

ATTACHMENTS

1. Ordinance No. 555, an Ordinance of the City Council of the City of Lindsay amending Title 8 of the Lindsay Municipal Code by adding Chapter 8.34, establishing an Organic Waste Recycling Program.

Ordinance No. 555

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LINDSAY AMENDING TITLE 8 OF THE LINDSAY MUNICIPAL CODE BY ADDING CHAPTER 8.34 ESTABLISHING AN ORGANIC WASTE RECYCLING PROGRAM.

Section 1. PURPOSE. The provisions of this ordinance are intended to promote public health, safety, comfort and general welfare, to provide an organic waste recycling program for reducing the amount of waste sent to landfills and to comply with state mandates relating to organic waste.

Section 2. FINDINGS.

WHEREAS, Assembly Bill 1826 mandates each business that generates a specified amount of organic waste per week to engage in recycling services for that organic waste is a specified manner and requires cities to implement organic waste recycling;

WHEREAS, Assembly Bill 1826 decreases the amount of organic waste which subjects a business it specified requirements from 8 cubic yards or more per week to 4 cubic yards or more per week on January 1, 2017;

WHEREAS, Assembly Bill 1826 also requires a business which generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to engage in organic waste recycling and, if the Department of Resources Recycling and Recovery makes a specified determination, could decrease this volume to 2 cubic yards per week, on or after January 1, 2020.

WHEREAS, Assembly Bill 1826 requires that cities implement an organic waste recycling program to divert organic waste from businesses subject to the act and requires cities to report to the Department of Resources Recycling and Recovery on the city's progress in implementing the organic waste recycling program, and requires that the Department of Resources Recycling and Recovery to review the jurisdiction for compliance with AB 1826;

WHEREAS, Assembly Bill 1826 authorizes cities to charge and collect a fee from organic waste generators to recover the city's costs incurred in complying with Assembly Bill 1826.

Section 3. CODE ADOPTION. Chapter 8.34 of Title 8 is hereby enacted and added to the City of Lindsay Municipal Code to read in its entirety as follows:

Chapter 8.34
ORGANIC WASTE RECYCLING

8.34.010. Definitions

8.34.020. Availability of Organic Recycling Service; Hauler Requirements

8.34.030. Public Nuisance Declared

8.34.040. Violations

8.34.010. Definitions.

Notwithstanding any other provision in this code, the following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this section as follows;

a. Agency means the City of Lindsay.

b. Authorized Hauler means any person or business entity which lawfully collects, accepts, transports or otherwise processes Recyclable Materials from Generators for a fee or profit through a proper permit, business license or other regulatory structure or authorization issued by the Agency.

c. Business means any commercial entity, including, but no limited to: proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust, corporation which is organized for financial gain or for profit; or non-profit corporation or entity, or industrial or manufacturing, restaurant, retail facility, office, markets, office buildings, hotels, motels, shopping centers, and theaters.

d. Collect or Collection means to take physical possession of and remove Solid Waste or Recyclable Materials at the place of generation.

e. Commercial Customer means any facility that is not a residential facility and includes any commercial facility, including but not limited to, a commercial facility, restaurant, retail facility, office, manufacturing or industrial facility, markets, office buildings, hotels, motels, shopping centers, theaters, and Multi-family Dwelling units, located within the boundaries of the Agency. For the purposes of this section, school accounts are considered commercial customers. For the purposes of this section, mobile home and multifamily complexes that exceed 5 units are considered commercial.

f. Compost is defined in state law (Public Resources Code Section 40116) as the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal waste stream, or which are separated at a

centralized facility. Compost may also include the product of anaerobic digestion or other conversion technologies.

g. Compostable Material or Compostables mean green waste and other material that can be broken down into, or otherwise become part of the, usable Compost in a safe and timely manner, such as for use as soil-conditioning material. Compostable Material (California Public Resources Code Section 40116) includes vegetable, yard and wood wastes which are not hazardous waste. Compostable materials may also include disposal plastic food service ware and bags if labeled “Compostable,” in accordance with the Department of the Environment regulations for easy identification, meeting the ASTM Standard Specification (D6400) for compostable plastics, and consistent with the state labeling law (California Public Resources Code Section 42359) that any plastic bag or food container labeled “compostable” must meet the ASTM Standard Specification for compostable plastics.

h. Disposal means the final disposition of Solid Waste at a permitted Landfill or other permitted solid waste disposal facility, as defined in California Public Resources Code 40192.

i. Diversion or Divert means the reduction or elimination of Solid Waste from solid waste disposal in accordance with California Public Resources Code 41024.

j. Food Vendor means any and all sales outlets, stores, shops, vehicles or other places of business located or operating within the jurisdictional boundaries of the Agency that operate primarily to sell or convey foods or beverages to consumers.

k. Generator means a resident, owner or responsible party for a commercial facility (ies) or business, including non-residential property which generates recyclable or compostable materials as a result of its business, commercial facility (ies) or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of Generator, as well as a responsible party for special events. Generator also includes the Agency, its facilities, and its non-residential properties.

l. Hauler means any person or commercial entity which lawfully Collects, hauls, or transports Solid Waste for a fee by use of any means, including but not limited to a dumpster truck, roll-off truck, side-load, front-load, rear-load garbage truck or a trailer.

m. Landfill means a permitted disposal site which accepts Solid Waste.

n. Multi-family Dwelling Units means a residential structure having multiple residences which may be classified as residential (with individual billings for each residence) or commercial (with a single billing for each complex).

o. Organics means the same definition as Compostable Material.

p. Recycle or Recycling means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Solid Waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place as defined in Public Resources Code 40180. Recycling does not include burning, incinerating, or thermally destroying solid waste, as defined in Public Resources Code Section 40201.

q. Recycling Facility means a Recycling, material recovery or re-use facility that is fully licensed, certified and eligible under federal, state and local laws and regulations and includes those material recovery or reuse facilities or operations that receive, process, and transfer to market Recyclable and/or Compostable Materials that have been Source Separated from the Solid Waste stream. The Recycling Facility may be located at a Landfill. Recycling Facility also means a facility that produces Compost.

r. Recyclable Materials means materials that have been separated from the solid waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place and that are not landfilled. Recyclable Materials include any materials identified by Collector for which market exists, including, but not limited to: plastic bottles and jars, paper, cardboard, glass, newspaper, metal container, cans, as well as Compostable materials such as green waste, yard waste, and food waste.

s. Responsible Party means the individual or entity responsible for the Generator's management of Solid Waste and/or Recycling at the Generator's Commercial Facility, Business, nonresidential property, or Special Event.

t. Rubbish means non-putrescible Solid Waste, such as ashes, paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery, plastics, rubber-by-products and litter.

u. Scavenging or Scavenger means the uncontrolled and unauthorized removal of Recyclable Materials at any point in the solid waste management system.

v. Self Haul or Self Hauling means a Generator or Responsible Party who transports his or her own Recyclable or Compostable Materials to a Recycling Facility by using a vehicle owned by that Generator or Generator's employees or the Responsible Party rather than using the hauling services of a Franchise Hauler or Authorized Recycler.

w. Solid Waste means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, Trash, refuse, paper, Rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semi-solid wastes. Solid Waste does not include hazardous waste or low-level radioactive waste defined in Health and Safety Code Section 25117 and 25141.

x. Source Separated or Source Separation means the process of removing Recyclable Materials from Solid Waste at the place of discard generation, prior to collection, into separate containers that are separately designated for Recyclables, Compostables or Trash for the purposes of Recycling.

y. Special Event means a community, public, commercial, recreational or social event which may serve food or drink and which may require a permit from the Agency. Special event may include the temporary or periodic use of a public street, publicly owned site or facility, or public park.

z. Trash means material that is designated for Landfill Disposal by the collector and does not include either Recyclable Materials or Compostables. The term Trash does not include hazardous waste, as defined in California Health and Safety Code Sections 25117 and 25141.

8.34.020. Availability of Organic Recycling Service; Hauler Requirements.

- (a) A hauler operating within the Agency must make available to all businesses and residents of the Agency the organic waste recycling service described in either subsection (b) (1) or subsection (b) (3) of California Public Resources Code section 42649.81, which must include a collection cycle which coincides with the collection of other integrated waste as provided in section 8.12.050 and 8.12.060 of this code and complies with said section of this code. The organic waste recycling services provided by a hauler must ensure that the organic waste goes through either a source separated or mixed processing system as identified in Public Resources Code section 42679.82(c)(3).
- (b) The charges for receipt of organic waste recycling services from a hauler shall be established as provided in the current disposal charges fee schedule. Pursuant to Public Resources Code section 42649.85, the Agency may, by a resolution of the City Council duly adopted after a public hearing, establish and charge each organic waste generator a fee sufficient to recover the City's costs incurred in complying with Chapter 12.9 of Part 3 of Division 30 of the Public Resources Code. Charges and fees hereunder shall be collectable jointly with invoices issued pursuant to section 8.04.300 of this code.
- (c) **Education and Outreach:** All hauler education and outreach to the Agency, and its businesses and residents, must cover the topic of organic waste recycling.

- (d) **Customer Compliance Program:** A hauler must implement customer compliance program, which periodically estimates the amount of organic waste generated by each business to which the hauler provides any service within the Agency, in order to determine if organic waste recycling services are required to be arranged under the terms of this Chapter. A hauler's customer compliance program must be approved by the City Manager or designee and need not cover any business which already receives organic waste recycling services. A customer compliance program which consists of periodic random assessments and inspections, of the waste generated by random business customers who do not already receive organic waste recycling services, shall be deemed sufficient if it requires the hauler to document the results of each such assessment and inspection on a standard form approved by the City Manager or designee.
- (e) **Notifications:** A hauler must within ten (10) business days notify, in writing, each business of the need to receive organic waste recycling services, and the hauler's reasonable requirements for receipt of such services, whenever it becomes reasonably apparent to the hauler that such services are required by this Chapter, Public Resources Code section 42649.81 and any other applicable law, or the business is a customer who is not in compliance with the organic waste services requirements reasonably imposed by the hauler. The hauler must follow up with a business receiving any such notice within a reasonable time, not to exceed thirty (30) days, to inspect and assess whether said business appears to have come into compliance with matters identified in the written notice from the hauler. If reasonable steps to cure any non-compliance have been commenced by the business, the hauler may schedule a second follow-up assessment and inspection, not to exceed ninety (90) days after the original notice, to assess whether said business appears to have come into compliance with matters identified in the written notice from the hauler. Upon a second or further consecutive instance of apparent non-compliance with the same requirement, the hauler must provide written notice within ten (10) days to the Agency of all apparent items of non-compliance.
- (f) **Periodic Reports from Hauler:** A hauler must periodically, and no less than quarterly, provide an accurate written report, which may be combined with a report to the City Manager covering all of the following:
- (1) Any data and other information that cities are required to compile under federal and state law pertaining to organic waste recycling;
 - (2) The number of known businesses within the Agency which are required to by state or federal law to engage organic waste recycling and the number of them which are engaged in organic waste recycling;
 - (3) On and after August 1, 2017;
 - (i) the progress achieved in increasing compliance from businesses with organic waste recycling service requirements;
 - (ii) the progress achieved in education and outreach pertaining to organic waste recycling requirements;
 - (iii) the progress achieved in identification and monitoring of compliance of businesses who are required to engage in organic waste recycling;
 - (iv) concerns and issues with any exemptions, if any, provided for in this Chapter; and
 - (v) concerns and other issues with the Agency's enforcement

efforts, if any.

(g) **Agency Reports to State of California:** The City Manager or designee must ensure that all reports required by Public Resources Code section 42649.82(f) and the California Department of Resources Recycling and Recovery, or its successor agency, are timely prepared and obtain approval of the City Council, as necessary, at least thirty (30) days prior to the deadline for their submittal to the appropriate state agency.

8.05.030. Timing for Mandatory Commercial Organic Waste Recycling.

(a) Each of the following businesses within the Agency, including all multi-family properties within the Agency with five (5) or more units, must within the later of thirty (30) days after enactment of this ordinance or after reaching the threshold below applicable to such business, arrange for and thereafter maintain periodic collection and recycling services from a hauler, for all organic waste generated by the business within the Agency:

- (1) On and after April 1, 2016, a business that generates 8 cubic yards or more of organic waste per week;
- (2) On and after January 1, 2017, a business that generates 4 cubic yards or more of organic waste per week;
- (3) On and after January 1, 2019, a business that generates 4 cubic yards or more of commercial solid waste; and
- (4) On or after January 1, 2020, if the state Department of Resources Recycling and Recovery determines that statewide disposal of organic waste has not been reduced to fifty percent (50%) of the level of disposal during 2014, a business that generates 2 cubic yards or more per week of commercial solid waste, unless the Department of Resources Recycling and Recovery determines that requiring organic waste recycling by such a business will not result in significant additional reductions of organics disposal.

(b) A business which provides property management services and which receives integrated waste collection services for any commercial, institutional or multi-family residential property with five (5) or more units, is required to contract or otherwise make available organic waste recycling services for the occupants of such properties after the requirements of subsection (a) of this section are triggered.

(c) Each business within the Agency must not interfere with any City or hauler assessment or inspection of its waste carried out under this code.

8.34.030. Public Nuisance Declared.

Each violation of any provision of this Chapter is hereby declared to be a public nuisance and may be abated pursuant to all available remedies.

8.34.040. Violations

Violations of this Chapter may be enforced under any applicable law. Notwithstanding any other provision of the Code, a violation of this Chapter shall not constitute a misdemeanor.

Section 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

Section 4. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Lindsay Municipal Code as amended by this ordinance are substantially the same as provisions in the Lindsay Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. EFFECTIVE DATE. The foregoing ordinance shall take effect 30 days from the date of the passage hereof. Prior to the expiration of 15 days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(l).

The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting of the City Council on the 28th day of June 2016.

PASSED at a regular meeting of the City Council held on the 28th day of June 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal Padilla, Mayor

California's Mandatory Commercial Organics Recycling Law AB 1826



With the passage of AB 1826, new organic recycling requirements will be phased in over several years and will help the state meet its goal of 75% diversion.

Below are a few frequently asked questions that may help you understand the new mandatory commercial organics recycling law.

Frequently Asked Questions

1

How do I know if I am included in this mandate?

Starting in 2016, businesses, including commercial or public entities like schools, stores, restaurants, industrial businesses, for-profit or non-profit organizations, residential dwellings with 5 + units, and others must recycle their organics waste over time based on the amount of the type of waste the business produces on a weekly basis, with full implementation realized in 2019.

** Organics includes food, yard trimmings, non-hazardous wood, and food soiled paper*

2

When will this State Law be put into effect?

This mandatory organics recycling State law will go into effect April 1, 2016.

3

How do I comply with AB 1826?

Source- separate organic waste from other waste and subscribe to an organic waste recycling service that specifically includes collection and recycling of organic waste.
- Organics includes food, yard trimmings, non-hazardous wood and food soiled paper

4

Where can I learn more information about AB 1826

You may go to www.calrecycle.ca.gov/climate/recycling

5

Who can I contact for organic recycling services?

Contact your hauler, Mid Valley Disposal at (559) 237-9425.



**MID VALLEY
DISPOSAL**

PUBLIC HEARING PROCEDURES

The following rules shall apply:

1. OPEN the public hearing.
2. PROPOSERS (those in favor). The Council may ask questions of the proponents and they may respond.
3. OPPOSERS (those against). The Council may ask questions of the opponents and they may respond.
4. REBUTTAL each side.
5. FURTHER QUESTIONS from Council, but the parties may not engage in further debate.
6. CLOSE the public hearing.
7. COUNCIL DISCUSSION.
8. MOTION (if necessary).
9. COUNCIL VOTE.

Ordinance No. 556

Date: June 28, 2016

FIRST READING AND INTRODUCTION OF ORDINANCE 556, AN ORDINANCE OF THE CITY OF LINDSAY AMENDING SECTION 13.04.345 OF THE LINDSAY MUNICIPAL CODE REGARDING ENFORCEMENT OF AMENDED WATER CONSERVATION PLAN.

GENERAL INFORMATION

Applicant: City of Lindsay

Requested Action: First reading and introduction of Ordinance 556, an Ordinance of the City of Lindsay amending Section 13.04.345 of the Lindsay Municipal Code regarding enforcement of amended Water Conservation Plan .

DESCRIPTION

Public Hearing for Ordinance No. 551– First Reading is a request by the City of Lindsay to amend Section 13.04.345 of the Lindsay Municipal Code relating to Enforcement of our Water Conservation Plan. This requested amendment was legally noticed as a public hearing in the Porterville Recorder on .

DISCUSSION

As discussed on the June 14, 2016 Council meeting, staff received direction from Council to declare the City in Phase III (from Phase IV) of the City of Lindsay Water Conservation Plan (WCP). The differences between Phase III and Phase IV are adding one day a week of outdoor watering and adding a warning for misuse of water (from 1 warning to 2).

Staff also identified that our current Water Conservation Plan (WCP) is inconsistent with Lindsay’s adopted Municipal Code. The Public Hearing this evening will correct inconsistencies.

The process for amending the Municipal Code as proposed is straight forward and is governed by Municipal Code Section 3.09, Ordinances in General under the Charter of the City of Lindsay.

COUNCIL ACTION:

Council may select one of the two actions outlined herein:

1. Approve the first reading of Ordinance 556 authorizing adoption of the amended the Lindsay Municipal Code.
2. Disapprove and do not adopt Ordinance 556 and direct staff to pursue some other action.

ATTACHMENTS

1. Amended Water Conservation Plan

CITY OF LINDSAY



WATER CONSERVATION PLAN

Amended June 28, 2016

SECTION I INTRODUCTION

The City of Lindsay is located on the east side of the San Joaquin Valley in Tulare County near the base of the Sierra Nevada Mountains. The City is traversed by State Highway 65 running north and south along the west side of the City. Lindsay is located approximately 12 miles east of Tulare and State Highway 99, approximately 11 miles north of Porterville and 18 miles southeast of Visalia, the County seat of Tulare County.

The City of Lindsay was incorporated on February 29, 1910 as "Class Six" city under the laws of the State of California. The area within the existing City limits contains approximately 2.72 square miles or 1,743 acres of which approximately 82.1 percent is presently developed for commercial, industrial and residential use.

As a Charter City of the State of California, Lindsay is governed by an elected five member City Council, one of whom serves as Mayor. Administrative officials include a City Manager, City Clerk, City Attorney, Finance Director, City Engineer, City Services Director, Planning and Economic Development Director and Director of Public Safety. The major city departments consist of Public Safety (police and fire), Planning and Economic Development, and City Services.

The City also owns and operates McDermont Field House, a recreational and sports facility along with the Wellness Center. Each facility has a Director overseeing staff and operations.

SECTION 2 WATER SUPPLY AND WATER SYSTEM

The City of Lindsay's water system consists of approximately 2,900 service connections in the current service area. Greater than 95% of the connections are metered. All new water connections are required to be metered.

The City of Lindsay's water system supply consists of three deepwells supplied by groundwater aquifers both inside the City's service area as well as outside the city limits, 2,500 acre feet of surface water purchased annually from the United States Department of the Interior, Bureau of Reclamations, Central Valley Project, at Millerton Reservoir and delivered to the City's point of delivery by way of the Friant Kern Canal and a 4.0 million gallon steel storage tank located on Todd's Hill.

Monitoring and partial control is provided by wireless digital data signals telemetry to the well sites and the water storage tank.

Historically, the surface water supply is the City of Lindsay's primary source of water. The groundwater supply is considered as the City's secondary source and is utilized to satisfy peak demands on the system.

The fluctuation and deterioration of groundwater quality, with particular respect to nitrates (N03), Perchlorate (ClO₄) and Dibromochloropropane (DBCP, C₃H₅Br₂Cl) with the City's deepwells has put additional pressure and importance on the surface water supply.

In 2013 and 2014 drought conditions have risen to levels never experienced in California. These conditions along with a requirement to supply water to the San Joaquin River and other longstanding water rights commitments have substantially reduced the surface water supply to a below normal amount available to the City through its annual contract with the United States Department of the Interior, Bureau of Reclamations. The amount declared in the 2014 water year was 0% of the normal 2,500 acre feet of surface water available to the City.

With the very limited surface water and groundwater supplies, it will be necessary for the City of Lindsay to promote and enforce this water conservation plan in order to provide sufficient water to meet community demands.

SECTION 3 CONSERVATION MEASURES

The City of Lindsay is aware of the need for continual water conservation and through direction by the City Council has adopted resolutions and ordinances to provide staff with the means of implementing and enforcing necessary water conservation measures.

Through this updated Water Conservation Plan, the City will continue their efforts in water conservation and adopt new policies and guidelines as the need becomes apparent. This revised plan has been developed around a 5 Phase approach with the following structure:

Phase I - Water Conservation

Phase II - Water Monitoring

Phase III - Strict Enforcement

Phase VI – Emergency Water Conservation

Phase V – Extreme Water Crisis

The benefits of conserving water as a limited natural resource, through this format will be realized by the community in the form of reduced energy costs, reduced impact on the Wastewater Treatment Plant and sufficient water supply during peak demands. It is the intent of the water conservation plan be a joint effort of all residents and water users and the City and through community efforts, optimal results will be achieved.

Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a report by City Staff, will describe the necessary action for transition from one phase to another (more or less stringent). At such time as staff has determined that the water condition warrants advancement to a more stringent phase, a report and request will be forwarded to the City Council for their review and approval.

SECTION 4
PHASE I - WATER CONSERVATION

Through a joint effort of the City and General Public, this phase is established to conserve water, a limited natural resource, through reductions of water waste and implementation of guidelines for more efficient use of the available limited supply of water. Phase I typically applies during periods when an average water supply is forecast.

The following outline describes steps to be taken by the City as well as Residents that makes it possible to achieve the above goals:

- The City shall implement a "Public Awareness Program" designed to make the community aware of the water conditions.
- The City shall develop a set of "Water Conservation Guidelines" that would be made available to residents for use in conserving water.
- The City shall keep the community aware of changing conditions through news media. This is necessary in the event that stricter conditions may be coming in the future.
- Enforce most current and adopted building codes and regulations that deal with building construction with regard to water and energy conservation.
- Request that residents reduce landscape irrigation practices to a minimum. Request that landscape irrigation be performed during late evenings or early mornings to reduce the amount of water lost due to evaporation.
- Require that all new developments follow model water efficient landscape designs, including automatic irrigation systems with rain control gauges.
- Require that all new developments follow model water efficient landscape designs with regard to plantings and planting designs and layout.
- Discourage users from washing down sidewalks and driveways. Request that this item be accomplished by other means such as sweeping, etc.
- Request that restaurants support the water conservation effort by serving water upon request only.
- The City shall reduce all landscape irrigation practices to a minimum.

- The City shall intensify its leak detection program by repairing or replacing leaking valves, water meters and fire hydrants as necessary.
- Coordinate with local schools to implement a Water Education Program that would instill a water conservation ethic in the minds of today's youth. This alone can permanently affect the water using habits of tomorrow's adults.
- The City's fire hydrant testing schedule shall be arranged so that fire hydrant testing occurs during off peak periods. Fire Hydrant testing and flushing is a necessary item to provide the public with safe, clean water for fire protection and domestic use.

SECTION 5
PHASE II - WATER MONITORING

Phase II typically applies during periods when below average water supply is forecast.

When it is found that it is necessary to implement Phase II of the Water Conservation Plan, the City shall advise the City Council of the need for a more aggressive water conservation program due to forthcoming shortfalls in supply and/or increased demands on the system. With the adoption of Phase II of the Water Conservation Plan, the City shall intensify its water conservation efforts by the following practices:

- The City shall take a more aggressive approach with the "Public Awareness Program" designed to make the community aware of the water conditions and possibility of a water shortage.
- The City shall reduce landscape watering of City facilities, additionally as deemed necessary to provide only enough water required to maintain survival of permanent plants such as trees and shrubs.
- The City shall begin monitoring water use by residents or large commercial, institutional or industrial water users and alerting them to the potential impact of waste or over use. In this Phase a verbal warning would be issued and a citation issued if the condition were to continue.
- All items of Phase I Water Conservation would be intensified. All residents would be asked to increase their water conservation efforts.
- The City would implement a voluntary water use schedule that would define days available to irrigate (odd and even address system) landscaping as follows;

From June 1st to September 30th annually, or as conditions require:

1. Odd numbered street addresses water only on Wednesdays, Fridays and/or Sundays.
2. Even numbered street addresses water only on Tuesdays, Thursdays, and/or Saturdays.
3. No outdoor watering on **Mondays**.
4. This program also encourages customers to turn off their sprinklers on rainy days.
5. **No watering between 9:00 AM and 9:00 PM.**

Voluntary water use schedule table:

<u>Sunday</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
Odd	No Watering	Even	Odd	Even	Odd	Even

The voluntary watering schedule does not apply to:

1. Drip irrigation systems;
2. Handheld watering methods with automatic shutoff mechanism;
3. Flower and vegetable gardens;
4. Outdoor potted plants and hanging baskets;
5. Newly planted lawns.

SECTION 6

PHASE III - STRICT ENFORCEMENT

Phase III typically applies during periods when water supply shortages are probable or in extreme conditions such as continued and/or widespread drought.

In the event it is found necessary to implement Phase III of the Water Conservation Plan, the City shall advise the City Council of the need for a more aggressive and stringent water conservation program due to probable shortfalls in supply and/or increased demands on the system. With the adoption of Phase III of the Water Conservation Plan, the City shall implement the following mandatory water conservation provisions:

- The City will intensify its efforts to inform the public of the need for Water Conservation with special emphasis given to inform the Public of water shortage conditions.
- The City shall intensify efforts of community awareness by stepping up information of changing conditions through news media.
- All items of Phase I and Phase II Water Conservation would be intensified. All residents would be asked to increase their water conservation efforts.
- The City shall reduce landscape watering, of City facilities, additionally as deemed necessary to confine impact on the water system. If it becomes necessary, watering of City facilities, parks and median islands will be suspended and evaluated each day.
- The City would implement a mandatory water use schedule that would define days available to irrigate (odd and even address system). The schedule is identified in Phase II of this Water Conservation Plan.
- The City will strictly enforce the water conservation program by issuing written warnings or fines for misusing water. It is the objective of the City Council of the City that citizens of Lindsay voluntarily comply with the provisions of this Section. Enforcement of this Section will authorize one informal written notice and one formal written notice. Per Title 1, General Provisions of the Municipal Code of the City of Lindsay, Chapter 1.16, General Penalty, Section 1.16.010, Penalty for Code Violations, the following amounts will be enforced;
 - a. Informal, Written Warning
 - b. Formal Written Warning
 - c. Punitive Fine, \$50.00
 - d. Punitive Fine, \$100.00
 - e. Punitive Fine, \$250.00

The definitions of misusing water shall be:

1. Washing down driveways and sidewalks;
2. Watering of outdoor landscapes that cause excess runoff;
3. Using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle;
4. Using potable water in a fountain or decorative water feature, unless the water is recirculated.
5. Watering outside of the designated day and time for the specific property (address).

Any monetary fine issued will be collected via the monthly utility bill and follow the most current utility collection ordinance.

- The City could establish a usage allowance for water use based on past usage. Services that exceed the allowed usage allowance could be charged a higher rate (the rate would be set by Council action in the event this type of action would be necessary) for water.
- A 15% rate increase on all residential and landscape accounts may go into effect upon Council adoption after notice, hearing and other rate-setting or adjustment procedures as required by applicable law. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation. The increase will begin upon adoption and end when water supply shortages or extreme conditions such as continued and/or widespread drought are under control.

SECTION 7
PHASE IV – Emergency Water Conservation

Phase IV typically applies during periods when water supply shortages exist or in extreme conditions such as continued and/or widespread drought.

In the event it is found necessary to implement Phase IV of the Water Conservation Plan, the City shall advise the City Council of the need for a more aggressive and stringent water conservation program due to imminent shortfalls in supply and/or increased demands on the system or continued mandates from the State of California. With the adoption of Phase IV of the Water Conservation Plan, the City shall implement the following mandatory water conservation provisions:

- The City will intensify its efforts to inform the public of the requirement for Water Conservation with special emphasis given to inform the Public of water supply conditions.
- The City shall intensify efforts of community awareness by stepping up information of changing conditions through news or social media.
- All items of Phase I, Phase II and Phase III Water Conservation would be intensified. All residents would be required to increase their water conservation efforts.
- The City shall implement a mandatory outdoor water use schedule that would define two days available to irrigate (odd and even address system). The schedule is identified as follows:

<u>Sunday</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
Odd	No Watering	Even	Odd	No Watering	No Watering	Even

- Watering of turf on median islands in public right of way shall be suspended.
- Watering on designated days shall only be allowed between 9:00 pm –9:00 am.
- No watering will be allowed between 9:00 am – 9:00 pm.
- All new permits shall satisfy the latest requirements of the California Model Landscape Ordinance, including already approved, but not yet completed permits.

- Washing of automobiles, trucks, trailers, boats, airplanes, and other mobile equipment is permitted with handheld watering devices with automatic shut off nozzles and only during designated days and times.
- Any outdoor use of handheld watering devices with automatic shut off nozzles (including vehicle washing use of pressure washing equipment) used during designated days and times are limited to 30 minutes of use for each watering day.
- No outdoor watering during, or within 48 hours of, measurable rain.
- Spas, wading, and swimming pools are only allowed to be refilled or added to during designated days and times. Water slides or water bounce houses or other private water attractions shall only be allowed during designated days and times and with a hose controlled with shut off nozzle.
- Collection of grey water from indoor uses is highly recommended. Distribution of grey water on outdoor landscaping is highly recommended to be done on respective water days.
- The City will strictly enforce the water conservation program by issuing a written warning or fines for misusing water. It is the objective of the City Council of the City that citizens of Lindsay voluntarily comply with the provisions of this Section. Enforcement of this Section will authorize one informal written notice only. Per Title 1, General Provisions of the Municipal Code of the City of Lindsay, Chapter 1.16, General Penalty, Section 1.16.010, Penalty for Code Violations, the following amounts will be enforced;
 - a. Informal, Written Warning
 - b. Punitive Fine, \$50.00
 - c. Punitive Fine, \$100.00
 - d. Punitive Fine, \$250.00

SECTION 8

PHASE V – Extreme Water Crisis

Phase V typically applies during periods when water supply shortages exist and in extreme conditions such as continued and/or widespread drought or unreliable water supply.

In the event it is found necessary to implement Phase V of the Water Conservation Plan, the City shall advise the City Council of the need for a more aggressive and stringent water conservation program due to existing shortfalls in supply and increased demands on the system. With the adoption of Phase V of the Water Conservation Plan, the City shall implement the following mandatory water conservation provisions:

- The City will intensify its efforts to inform the public of the requirement for Water Conservation with special emphasis given to inform the Public of water supply conditions.
- The City shall intensify efforts of community awareness by stepping up information of changing conditions through news or social media.
- No outdoor irrigation of landscaping or vegetation. There shall be no watering outdoors until Phase 5 restrictions are rescinded.
- No washing of automobiles, trucks, trailers, boats or other types of mobile equipment except at commercial, fleet wash stations or fixed vehicle wash facilities (with approved runoff protection and collection) until Phase 5 emergency restrictions are rescinded. Mobile vehicle wash services shall not be allowed.
- Collection of grey water from indoor uses is highly recommended. Distribution of grey water on outdoor landscaping is highly recommended to be done on respective water days.
- Outdoor water use for emergency purposes shall be by permit only, after review and approval by the City Services Director.
- City parks, schools, and similar establishments may water once per week by permit only, after review and approval by the City Services Director.
- No new water connections shall be permitted until Phase 5 restrictions are rescinded.

- The City will strictly enforce the water conservation program by issuing a written warning or fines for misusing water. It is the objective of the City Council of the City that citizens of Lindsay voluntarily comply with the provisions of this Section. Enforcement of this Section will authorize one informal written notice only. Per Title 1, General Provisions of the Municipal Code of the City of Lindsay, Chapter 1.16, General Penalty, Section 1.16.010, Penalty for Code Violations, the following amounts will be enforced:
 - a. Informal, Written Warning
 - b. Punitive Fine, \$50.00
 - c. Punitive Fine, \$100.00
 - d. Punitive Fine, \$250.00

ORDINANCE NO. 556
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY
AMENDING SECTION 13.04.345 TO TITLE 13, CHAPTER 13.04 OF THE LINDSAY
MUNICIPAL CODE REGARDING THE ENFORCEMENT OF THE AMENDED
WATER CONSERVATION PLAN.

THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:

Section 1. *Code Amendment.* Section 13.04.345 is hereby amended to read as follows:

Section 13.04.345 City Water Conservation Plan.

The City Council has adopted by Resolution its Water Conservation Plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers and prohibitions concerning misuse of water. Violation of the measures in effect, currently and as may be amended by Resolution from time-to-time, pursuant to the applicable phase of Water Conservation Plan, shall be enforceable as set forth per any applicable remedy provisions in this Municipal Code, including but not limited to Section 1.16 and 13.04.340. Additionally, the City may strictly enforce the water conservation program by issuing citations of \$50.00 for the first cited violation, \$100.00 for the second cited violation within a 12-month period, and \$250.00 for any subsequent cited violation within a 12 month period. Monetary citations issued may be collected via the monthly utility bill. The City's Water Conservation Plan is deemed to be the City's "Water Shortage Contingency Plan" to the extent applicable by State law.

Section 2. *Severability.* Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. *Effective Date.* This Ordinance shall take effect thirty days after adoption as provided by City of Lindsay Charter Section 3.09.

Section 4. *Certification.* The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting of the City Council on the 28th day of June 2016.

PASSED at a regular meeting of the City Council held on the 28th day of June, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal Padilla, Mayor

RESOLUTION NO. 16-30
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY
ADOPTING THE AMENDED WATER CONSERVATION PLAN AND
DECLARING THE CITY TO BE IN PHASE III OF THE PLAN.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held this 28th day of June, 2016, at the hour of 6:00 p.m. in the Council Chambers of City Hall, Lindsay, California 93247 the following resolution was adopted:

WHEREAS, on 25th day of August, 2015, a Code Amendment regarding Section 13.04.345 is hereby added to Title 13, Chapter 13.04 of the Lindsay Municipal Code was approved; and

WHEREAS, the amended Water Conservation was not consistent with current adopted City of Lindsay Municipal Code with regard to general penalties; and

WHEREAS, Ordinance 556 will correct inconsistencies between the Water Conservation Plan and the City of Lindsay Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lindsay approves and adopts the Amended Water Conservation Plan and declares the city to be in Phase III of the plan.

PASSED AND ADOPTED by the City Council of the City of Lindsay this 28th day of June, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal Padilla, Mayor

DATE : June 28, 2016
 TO : Honorable Mayor Padilla and City Council Members
 FROM : Mike Camarena, City Services Director
 RE : 2016-2017 Landscape & Lighting Assessment Districts (LLADs) Renewal

Every year, the Engineer of Work (State Approved Title) is ordered to prepare the report for the upcoming Fiscal Year in accordance with Article 4, Division 15, of the Streets and Highways Code, "Landscaping and Lighting Act of 1972" of the State of California.

The Engineer's report outlines the budgeted expenses for the present fiscal year, the actual expenses through May, and the projected expenses for the upcoming fiscal year. Each year there are adjustments made due to increases and/or actual expenses.

Attached are the engineer's reports for the Assessment Districts. Said reports identify the cost for maintenance and administration of the districts for the 2016-2017 fiscal year based on 2015-2016 expenses. It is projected that all monies will be expended in these funds by the end of the fiscal year.

Summary of Charges per District:

	No. Lots	Maximum Allowed		2015-2016 FY		Proposed 2016-2017 FY		Increase/ Decrease per month
		Amount per Year/lot	Amount per Month/lot	Amount per Year/lot	Amount per Month/lot	Amount per Year/lot	Amount per Month/lot	
Landscape & Lighting Assessment Districts								
1	92	\$ 295.40	\$ 24.62	\$ 165.16	\$ 13.76	\$ 198.70	\$ 16.56	\$ 2.80
2	37	\$ 260.30	\$ 21.69	\$ 268.10	\$ 22.34	\$ 230.58	\$ 19.22	\$(3.13)
3	44	\$ 307.72	\$ 25.64	\$ 229.92	\$ 19.16	\$ 213.00	\$ 17.75	\$(1.41)
4	6	\$ 1,929.83	\$ 160.82	\$ 775.24	\$ 64.60	\$ 771.92	\$ 64.33	\$(0.28)
5	12	\$ 1,923.33	\$ 160.28	\$ 623.76	\$ 51.98	\$ 688.40	\$ 57.37	\$ 5.39
6	19	\$ 502.84	\$ 41.90	\$ 56.16	\$ 4.68	\$ 59.76	\$ 4.98	\$ 0.30
7	42	\$ 120.00	\$ 10.00	\$ 44.64	\$ 3.72	\$ 62.64	\$ 5.22	\$ 1.50
8	105	\$ 200.62	\$ 16.72	\$ 163.24	\$ 13.60	\$ 177.02	\$ 14.75	\$ 1.15

Recommendation:

At this time, staff respectfully requests the City Council to accept the Engineer's Report for each of the Districts and approve resolutions as follows:

1. Resolution No. 16-26. Ordering the preparation of an engineer's report for Landscape and Lighting Maintenance Districts for Fiscal Year 2016-2017.
2. Resolution No. 16-27. Giving preliminary approval of Engineer's Report for Fiscal Year 2016-2017 for Landscape and Lighting Maintenance Districts.
3. Resolution No. 16-28. Declaring its intention to levy and collect assessments for Fiscal Year 2016-2017 Landscape & Lighting Maintenance Assessment Districts; Declaring the work to be of more than local or ordinary public benefit; specifying the exterior boundaries of the areas within the Landscape Maintenance Districts to be assessed and

the cost and expense thereof; Designating said districts as Landscape & Lighting Maintenance Districts; Determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto.

Attachments:

Financial Status Reports

Sierra View Estates

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 92-01

Maintenance cost breakdown based on 92 lots with an estimated maint. Area of 46,096 square feet.

			Budgeted 2015-2016			Spent 2015-2016	Projected 2016-2017		
COUNTY FEES									
Assessment Fee			92	\$ 1.00	\$ 92.00	\$ 92.00	92	\$ 1.00	\$ 92.00
Roll Corrections			0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -
Reporting Fee			1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00
TOTAL					\$ 292.00	\$ 292.00			\$ 292.00
CITY COSTS									
Engineering				\$ per hr				\$ per hr	
Office Support Staff			\$ 33.34	7	\$ 233.35		\$ 33.34	7	\$ 233.35
City Services Director			\$ 69.40	3	\$ 208.20		\$ 69.40	3	\$ 208.20
Associate Engineer			\$ 41.46	5	\$ 207.30		\$ 41.46	5	\$ 207.30
Administration									
City Manager			\$ 104.09	1	\$ 104.09		\$ 104.09	1	\$ 104.09
City Attorney			\$ 125.00		\$ -		\$ 125.00		\$ -
Finance Director			\$ 64.45	1	\$ 64.45		\$ 64.45	1	\$ 64.45
TOTAL					\$ 817.39	\$ 817.39			\$ 817.39
WALL MAINTENANCE									
Graffiti Incidents						\$ -			\$ -
TOTAL					\$ -	\$ -			\$ -
UTILITIES									
			\$ per month	# months			\$ per month	# months	
Irrigation Timer Electrical costs			\$ 10.00	12	\$ 120.00	\$ 120.00	\$ 10.00	12	\$ 120.00
Water used for irrigation		# Street Lights	\$ 170.00	12	\$ 2,040.00	\$ 793.31	\$ 170.00	12	\$ 2,040.00
Lighting		19	\$ 9.00	12	\$ 2,052.00	\$ 1,717.77	\$ 9.00	12	\$ 2,052.00
TOTAL					\$ 4,212.00	\$ 2,631.08			\$ 4,212.00
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)									
			\$/hr	hrs		\$ 5,742.55	\$/hr	hrs	
Senior Employee			\$ 18.92	70	\$ 1,324.40		\$ 18.92		\$ -
Regular Employee			\$ 14.50	150	\$ 2,175.00		\$ 14.50		\$ -
Regular Employee			\$ 14.50	150	\$ 2,175.00		\$ 14.50		\$ -
Specialty Contract Maintenance					\$ -		\$ 880.00	12	\$ 10,560.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)			\$ 3,200.00	1	\$ 3,200.00	\$ 2,340.68	\$ 2,400.00	1	\$ 2,400.00
TOTAL					\$ 8,874.40	\$ 8,083.23			\$ 12,960.00
SUBTOTAL COSTS					\$ 14,195.79	\$ 11,823.70			\$ 18,281.39
Total Capital Improvement					\$ 1,000.00				\$ -
Carry Over									\$ (3,372.09)
TOTAL COSTS					\$ 15,195.79	\$ 11,823.70			\$ 18,281.39
Costs per square foot of area			46096		\$ 0.37				\$ 0.40
Assessment per Lot;			92		\$ 165.17				\$ 198.71
					\$ 165.16				\$ 198.70

\$ 33.54 Proposed increase per lot/year
 \$ 2.80 Proposed increase per lot/month

Budgeted 15-16 \$ 15,194.72
 Received as of May 18, 2016 \$ 14,820.00
 Balance \$ (374.72)

HERITAGE PARK

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 96-01

Maintenance cost breakdown based on 37 lots with an estimated maint. Area of 11,600 square feet.

			Budgeted 2015-2016			Spent 2015-2016	Projected 2016-2017		
COUNTY FEES									
Assessment Fee			37	\$ 1.00	\$ 37.00	\$ 37.00	37	\$ 1.00	\$ 37.00
Roll Corrections			0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -
Reporting Fee			1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00
TOTAL					\$ 237.00	\$ 237.00			\$ 237.00
CITY COSTS									
Engineering				\$ per hr	# hr			\$ per hr	# hr
Office Support Staff			\$ 33.34		8	\$ 266.68	\$ 33.34		8
City Services Director			\$ 69.40		2	\$ 138.80	\$ 69.40		2
Associate Engineer			\$ 41.46		4	\$ 165.84	\$ 41.46		6
Administration									
City Manager			\$ 104.09		1	\$ 104.09	\$ 104.09		1
City Attorney			\$ 125.00			\$ -	\$ 125.00		
Finance Director			\$ 64.45		1	\$ 64.45	\$ 64.45		1
TOTAL					\$ 739.86	\$ 800.00			\$ 822.78
WALL MAINTENANCE									
Graffiti Incidents						\$ -			
TOTAL					\$ -	\$ -			\$ -
UTILITIES									
			\$ per month		# months	\$ -	\$ per month		# months
Irrigation Timer Electrical costs			\$ 21.00		12	\$ 252.00	\$ 223.44		12
Water used for irrigation		# Street Lights	\$ 155.00		12	\$ 1,860.00	\$ 497.23	\$ 80.00	12
Lighting		6	\$ 10.95		12	\$ 788.40	\$ 788.40	\$ 11.00	12
TOTAL					\$ 2,900.40	\$ 1,509.07			\$ 1,992.00
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)									
			\$/hr		hrs	\$ 4,038.00	\$/hr		hrs
Senior Employee			\$ 18.92		30	\$ 567.60	\$ 18.92		0
Regular Employee			\$ 14.50		75	\$ 1,087.50	\$ 14.50		0
Regular Employee			\$ 14.50		75	\$ 1,087.50	\$ 14.50		0
Specialty Contract Maintenance							\$ 240.00		12
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)					\$ 3,300.00	\$ 1,029.09			\$ 1,100.00
TOTAL					\$ 6,042.60	\$ 5,067.09			\$ 3,980.00
SUBTOTAL COSTS									
					\$ 9,919.86	\$ 7,613.16			\$ 7,031.78
Total Capital Improvement					\$ -	\$ -			\$ 1,500.00
Carry Over									\$ (2,306.71)
TOTAL COSTS					\$ 9,919.86	\$ 7,613.16			\$ 8,531.78
Costs per square foot of area		13635			\$ 0.86				\$ 0.74
					\$ 268.10				\$ 230.5888
Assessment per Lot per year;		37			\$ 268.10				\$ 230.58

\$ (37.52) Proposed decrease per lot/year
 \$ (3.13) Proposed decrease per lot/month

Budgeted 15-16 \$ 9,919.70
 Received as of May 18, 2016 \$ 9,414.00
 Balance \$ (505.70)

Parkside Estates

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 01-01

Maintenance cost breakdown based on 44 lots with an estimated maint. Area of 7,536 square feet.

		Budgeted 2015-2016			Spent 2015-2016		Projected 2016-2017		
COUNTY FEES									
Assessment Fee		44	\$ 1.00	\$ 44.00	\$ 44.00	44	\$ 1.00	\$ 44.00	
Roll Corrections		0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -	
Reporting Fee		1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL				\$ 244.00	\$ 244.00			\$ 244.00	
CITY COSTS									
Engineering			\$ per hr	# hr		\$ 781.32	\$ per hr	# hr	
Office Support Staff		\$ 33.34		8	\$ 266.68		\$ 33.34	8	\$ 266.68
City Services Director		\$ 69.40		2	\$ 138.80		\$ 69.40	2	\$ 138.80
Associate Engineer		\$ 41.46		5	\$ 207.30		\$ 41.46	5	\$ 207.30
Administration									
City Manager		\$ 104.09		1	\$ 104.09		\$ 104.09	1	\$ 104.09
City Attorney		\$ 125.00			\$ -		\$ 125.00		\$ -
Finance Director		\$ 64.45		1	\$ 64.45		\$ 64.45	1	\$ 64.45
TOTAL					\$ 781.32	\$ 781.32			\$ 781.32
WALL MAINTENANCE									
Graffiti Incidents					\$ 15.00	\$ -			\$ 15.00
TOTAL					\$ 15.00				\$ 15.00
UTILITIES									
			\$ per month	# months			\$ per month	# months	
Irrigation Timer Electrical costs		\$ 20.57		12	\$ 246.83	\$ 206.21	\$ 17.18	12	\$ 206.21
Water used for irrigation		\$ 115.91		12	\$ 1,390.93	\$ 731.51	\$ 60.96	12	\$ 731.51
Lighting	# Street Lights	\$ 10.81		12	\$ 778.32	\$ 778.32	\$ 10.81	12	\$ 778.32
	6								
TOTAL					\$ 2,416.08	\$ 1,716.04			\$ 1,716.04
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)									
			\$/hr	hrs		\$ 4,221.79	\$/hr	hrs	
Senior Employee		\$ 18.92		18	\$ 340.56		\$ 18.92		\$ -
Regular Employee		\$ 14.50		80	\$ 1,160.00		\$ 14.50		\$ -
Regular Employee		\$ 14.50		80	\$ 1,160.00		\$ 14.50		\$ -
Specialty Contract Maintenance							\$ 218.00	12	\$ 2,616.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)					\$ 4,000.00	\$ 1,527.43			\$ 2,500.00
TOTAL					\$ 6,660.56	\$ 5,749.22			\$ 5,116.00
SUBTOTAL COSTS					\$ 10,116.96	\$ 8,490.58			\$ 7,872.37
Total Capital Improvement					\$ -	\$ -			\$ 1,500.00
Carry Over									\$ (1,626.38)
TOTAL COSTS					\$ 10,116.96	\$ 8,490.58			\$ 9,372.37
Costs per square foot of area	7368			\$ 1.37					\$ 1.27
				\$ 229.93					\$ 213.01
Assessment per Lot;	44			\$ 229.92					\$ 213.00

\$ (16.92) Proposed decrease per lot/year
 \$ (1.41) Proposed decrease per lot/month

Budgeted 15-16	\$ 10,116.48
Received as of May 18, 2016	\$ 9,412.64
Balance	\$ (703.84)

Sweet Brier-Samoa

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 02-01

Maintenance cost breakdown based on 6 lots with an estimated maint. Area of 4,924 square feet.

			Budgeted 2015-2016			Spent 2015-2016			Projected 2016-2017		
COUNTY FEES											
Assessment Fee			6	\$ 1.00	\$ 6.00	\$ 6.00		6	\$ 1.00	\$ 6.00	
Roll Corrections			0	\$ 25.00	\$ -	\$ -		0	\$ 25.00	\$ -	
Reporting Fee			1	\$ 200.00	\$ 200.00	\$ 200.00		1	\$ 200.00	\$ 200.00	
TOTAL					\$ 206.00	\$ 206.00				\$ 206.00	
CITY COSTS											
Engineering											
			\$ per hr	# hr				\$ per hr	# hr		
Office Support Staff			\$ 33.34	1	\$ 33.34			\$ 33.34	1	\$ 33.34	
City Services Director			\$ 69.40	1	\$ 69.40			\$ 69.40	1	\$ 69.40	
Associate Engineer			\$ 41.46	6	\$ 248.76			\$ 41.46	6	\$ 248.76	
Administration											
City Manager			\$ 104.09	0.5	\$ 52.05			\$ 104.09	0.5	\$ 52.05	
City Attorney			\$ 125.00	0	\$ -			\$ 125.00	0	\$ -	
Finance Director			\$ 64.45	0.5	\$ 32.23			\$ 64.45	0.5	\$ 32.23	
TOTAL					\$ 435.77	\$ 435.77				\$ 435.77	
WALL MAINTENANCE											
Graffiti Incidents					\$ -	\$ -				\$ -	
TOTAL					\$ -	\$ -				\$ -	
UTILITIES											
			\$ per month	# months				\$ per month	# months		
Irrigation Timer Electrical costs			\$ 44.27	12	\$ 531.20	\$ 332.02		\$ 27.67	12	\$ 332.02	
Water used for irrigation			\$ 30.00	12	\$ 360.00	\$ 350.16		\$ 29.18	12	\$ 350.16	
TOTAL					\$ 891.20	\$ 682.18				\$ 682.18	
ASPHALT FEES											
			SF	\$/SF				SF	\$/SF		
Resurfacing			3,128.00	\$ -	\$ -	\$ -		3,128.00	\$ -	\$ -	
Striping			1.00	\$ -	\$ -	\$ -		1.00	\$ -	\$ -	
TOTAL					\$ -	\$ -				\$ -	
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)											
			\$/hr	hrs		\$ 3,082.81		\$/hr	hrs		
Senior Employee			\$ 18.92	20	\$ 378.40			\$ 18.92	0	\$ -	
Regular Employee			\$ 14.50	60	\$ 870.00			\$ 14.50	0	\$ -	
Regular Employee			\$ 14.50	60	\$ 870.00			\$ 14.50	0	\$ -	
Specialty Contract Maintenance								\$ 185.00	12	\$ 2,220.00	
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)					\$ 1,000.00	\$ 969.64				\$ 1,000.00	
TOTAL					\$ 3,118.40	\$ 4,052.45				\$ 3,220.00	
SUBTOTAL COSTS											
					\$ 4,651.37	\$ 5,376.40				\$ 4,543.95	
Total Capital Improvement					\$ -	\$ -				\$ -	
Carry Over										\$ 725.03	
TOTAL COSTS					\$ 4,651.37	\$ 5,376.40				\$ 5,268.98	
Costs per square foot of area		4924			\$ 0.94					\$ 1.07	
					\$ 775.23					\$ 878.16	
Assessment per Lot;		6			\$ 775.24					\$ 771.92	

\$ (3.32) Proposed decrease per lot/year
 \$ (0.28) Proposed decrease per lot/month

Budgeted 15-16
 Received as of May 18, 2016
 Balance

\$ 4,651.44
 \$ 3,901.94
 \$ (749.50)

Sweet Brier-Hermosa

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 02-02

Maintenance cost breakdown based on 12 lots with an estimated maint. Area of 20,776 square feet.

	Budgeted 2015-2016			Spent 2015-2016		Projected 2016-2017		
COUNTY FEES								
Assessment Fee	12	\$ 1.00	\$ 12.00	\$ 12.00	12	\$ 1.00	\$ 12.00	
Roll Corrections	0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -	
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL			\$ 212.00	\$ 212.00			\$ 212.00	
CITY COSTS				\$ 469.10				
Engineering		\$ per hr	# hr			\$ per hr	# hr	
Office Support Staff		\$ 33.34	2	\$ 66.67		\$ 33.34	2	\$ 66.67
City Services Director		\$ 69.40	1	\$ 69.40		\$ 69.40	1	\$ 69.40
Associate Engineer		\$ 41.46	6	\$ 248.76		\$ 41.46	6	\$ 248.76
Administration								
City Manager		\$ 104.09	0.5	\$ 52.05		\$ 104.09	0.5	\$ 52.05
City Attorney		\$ 125.00	0	\$ -		\$ 125.00	0	\$ -
Finance Director		\$ 64.45	0.5	\$ 32.23		\$ 64.45	0.5	\$ 32.23
TOTAL			\$ 469.10	\$ 469.10			\$ 469.10	
WALL MAINTENANCE								
Graffiti Incidents			\$ -	\$ -			\$ -	\$ -
TOTAL			\$ -	\$ -			\$ -	\$ -
UTILITIES		\$ per month	# months			\$ per month	# months	
Irrigation Timer Electrical costs		\$ 78.23	12	\$ 938.71	\$ 595.59	\$ 49.63	12	\$ 595.59
Water used for irrigation		\$ 106.72	12	\$ 1,280.59	\$ 723.95	\$ 60.33	12	\$ 723.95
TOTAL			\$ 2,219.30	\$ 1,319.54			\$ 1,319.54	
ASPHALT FEES		SF	\$/SF			SF	\$/SF	
Resurfacing		11,542.00	0	\$ -	\$ -	11,542.00	\$ -	\$ -
Striping		1.00	0	\$ -	\$ -	1.00	\$ -	\$ -
TOTAL			\$ -	\$ -			\$ -	\$ -
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs		\$ 4,960.38	\$/hr	hrs	
Senior Employee		\$ 18.92	14	\$ 264.88		\$ -	14	\$ -
Regular Employee		\$ 14.50	80	\$ 1,160.00		\$ -	80	\$ -
Regular Employee		\$ 14.50	80	\$ 1,160.00		\$ -	80	\$ -
Specialty Contract Maintenance				\$ -		\$ 480.00	12	\$ 5,760.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 2,000.00	\$ 1,356.83			\$ 500.00
TOTAL				\$ 4,584.88	\$ 6,317.21			\$ 6,260.00
SUBTOTAL COSTS				\$ 7,485.29	\$ 8,317.85			\$ 8,260.64
Total Capital Improvement				\$ -	\$ -			\$ -
Carry Over				\$ -				\$ 832.56
TOTAL COSTS				\$ 7,485.29	\$ 8,317.85			\$ 8,260.64
Costs per square foot of area	6317.5		\$ 0.36					\$ 1.31
Assessment per Lot;	12		\$ 623.77					\$ 688.39
			\$ 623.76					\$ 688.40

\$ 64.64 Proposed Increase per lot/year
 \$ 5.39 Proposed Increase per lot/month

Budgeted 15-16 \$ 7,485.12
 Received as of May 18, 2016 \$ 6,961.24
 Balance \$ (523.88)

Sierra Vista Estates

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 07-01

Maintenance cost breakdown based on 19 lots with an estimated maint. Area of 22,200 square feet.

		Projected 2007-2008		2015-2016	2016-2017
COUNTY FEES					
Assessment Fee	19	\$ 1.00	\$ 19.00		
Roll Corrections	1	\$ 25.00	\$ 25.00		
Reporting Fee	1	\$ 200.00	\$ 200.00		
TOTAL			\$ 244.00		
CITY COSTS					
Engineering					
		\$ per hr	# hr		
Office Support Staff		\$ 33.34	8	\$ 266.72	
City Services Director		\$ 82.99	5	\$ 414.95	
Associate Engineer		\$ 43.97	17	\$ 747.49	
Administration					
City Manager		\$ 114.06	1	\$ 114.06	
City Attorney		\$ 125.00	1	\$ 125.00	
Finance Director		\$ 69.98	1	\$ 69.98	
TOTAL				\$ 1,738.20	
WALL MAINTENANCE					
Graffiti Incidents				\$ 1,140.00	
TOTAL				\$ 1,140.00	
UTILITIES					
	No. of Street Lights	\$ per month	# months		
Irrigation Timer Electrical costs		\$ 70.00	12	\$ 840.00	
Water used for irrigation		\$ 140.00	12	\$ 1,680.00	
Lighting	4	\$ 11.01	12	\$ 528.48	
TOTAL				\$ 3,048.48	
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)					
		\$/hr	hrs		
Senior Employee		\$ 18.92	27.5	\$ 520.30	
Regular Employee		\$ 14.50	70	\$ 1,015.00	
Regular Employee		\$ 14.50	70	\$ 1,015.00	
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 837.76	
TOTAL				\$ 3,388.06	
SUBTOTAL COSTS				\$ 9,558.74	
Total Capital Improvement					
Carry Over				\$ -	
TOTAL COSTS				\$ 9,558.74	\$ 1,066.94
Costs per square foot of area; 22200				\$ 0.43	\$ -
Assessment per Lot; 19				503.09	\$ 59.76
				\$ 56.16	\$ 59.76
				502.84	\$ 59.76

Maple Valley Estates

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 07-02

Maintenance cost breakdown based on 42 lots with an estimated maint. Area of 1,720 square feet.

COUNTY FEES	Budgeted 2015-2016			Spent 2015-2016	Projected 2016-2017		
	42	\$ 1.00	\$ 42.00	\$ 42.00	42	\$ 1.00	\$ 42.00
Assessment Fee	42	\$ 1.00	\$ 42.00	\$ 42.00	42	\$ 1.00	\$ 42.00
Roll Corrections	0	\$ 25.00	\$ -		0	\$ 25.00	\$ -
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00
TOTAL			\$ 242.00	\$ 242.00			\$ 242.00
CITY COSTS							
Engineering	\$ per hr	# hr		105.37	\$ per hr	# hr	
Office Support Staff	\$ 33.34	1	\$ 33.34		\$ 33.34	0.5	\$ 16.67
City Services Director	\$ 69.40	1	\$ 69.40		\$ 69.40	0.5	\$ 34.70
Associate Engineer	\$ 41.46	2	\$ 82.92		\$ 41.46	2	\$ 82.92
Administration							
City Manager	\$ 104.09	0.5	\$ 52.05		\$ 104.09	0.5	\$ 52.05
City Attorney	\$ 125.00	0	\$ -		\$ 125.00	0	\$ -
Finance Director	\$ 64.45	0.25	\$ 16.11		\$ 64.45	0.25	\$ 16.11
TOTAL			\$ 253.82	\$ 105.37			\$ 202.46
WALL MAINTENANCE							
Graffiti Incidents			\$ -	\$ -			\$ -
TOTAL			\$ -	\$ -			\$ -
UTILITIES	No. of Street Lights	\$ per month	# months		\$ per month	# months	
Irrigation Timer Electrical costs		\$ 81.41	12	\$ 976.90	\$ 21.67	12	\$ 260.00
Water used for irrigation		\$ 21.17	12	\$ 254.04	\$ 21.44	12	\$ 257.28
Lighting	4	\$ 11.00	12	\$ 528.00	\$ 12.69	12	\$ 609.18
TOTAL			\$ 1,230.94	\$ 1,126.46			\$ 1,126.46
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs	\$	\$/hr	hrs	\$
Senior Employee		\$ 18.92	1	\$ 18.92	\$ 18.92		\$ -
Regular Employee		\$ 14.50	1	\$ 14.50	\$ 14.50		\$ -
Regular Employee		\$ 14.50	1	\$ 14.50	\$ 14.50		\$ -
Specialty Contract Maintenance					\$ 80.00	12	\$ 960.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)			\$ 100.00	\$ 204.89			\$ 100.00
TOTAL			\$ 147.92	\$ 265.39			\$ 1,060.00
SUBTOTAL COSTS			\$ 1,874.68	\$ 1,739.22			\$ 2,630.92
Total Capital Improvement				0			
Carry Over from Previous Fiscal Year							\$ (135.46)
TOTAL COSTS			\$ 1,874.68	\$ 1,739.22			\$ 2,630.92
Costs per square foot of area;	1720						
Assessment per Lot;	42		\$ 44.64				\$ 62.64

\$ 18.01 Proposed Increase per lot/year
 \$ 1.50 Proposed Increase per lot/month

Budgeted 15-16 \$ 1,874.68
 Received as of May 18, 2016 \$ 1,365.04
 Balance \$ (509.64)

Pelous Ranch

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 09-01

Maintenance cost breakdown based on 105 lots with an estimated maint. Area of 27,593.1 square feet.

	Budgeted 2015-2016			Spent 2015-2016		Projected 2016-2017		
COUNTY FEES								
Assessment Fee	105	\$ 1.00	\$ 105.00	\$ 105.00	105	\$ 1.00	\$ 105.00	
Roll Corrections	0	\$ 25.00	\$ -		0	\$ 25.00	\$ -	
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL			\$ 305.00	\$ 305.00			\$ 305.00	
CITY COSTS				\$ 659.83				
Engineering		\$ per hr	# hr			\$ per hr	# hr	
Office Support Staff		\$ 33.34	2	\$ 66.67		\$ 33.34	1	\$ 33.34
City Services Director		\$ 82.99	3	\$ 248.96		\$ 82.99	1.5	\$ 124.48
Associate Engineer		\$ 43.97	14	\$ 615.60		\$ 43.97	8	\$ 351.77
Administration								
City Manager		\$ 114.06	0.5	\$ 57.03		\$ 114.06	0.5	\$ 57.03
City Attorney		\$ 125.00	0.5	\$ 62.50		\$ 125.00	0.5	\$ 62.50
Finance Director		\$ 69.98	0.5	\$ 34.99		\$ 69.98	0.5	\$ 34.99
TOTAL				\$ 1,085.75	\$ 659.83			\$ 664.10
WALL MAINTENANCE								
Graffiti Incidents				15	\$ -			\$ 15.00
TOTAL					\$ 15.00			\$ 15.00
UTILITIES		\$ per month	# months			\$ per month	# months	
Irrigation Timer Electrical costs		\$ 88.64	12	\$ 1,063.73	\$ 1,236.23	\$ 90.00	12	\$ 1,080.00
Water used for irrigation		\$ 278.52	12	\$ 3,342.26	\$ 3,155.10	\$ 265.00	12	\$ 3,180.00
Lighting		\$ 11.87	12	\$ 4,130.46	\$ 4,233.51	\$ 12.25	12	\$ 4,263.00
TOTAL				\$ 8,536.45	\$ 8,624.84			\$ 8,523.00
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs		\$ 2,698.40	\$/hr	hrs	
Senior Employee		\$ 18.92	20	\$ 378.40		\$ 18.92		\$ -
Regular Employee		\$ 14.50	80	\$ 1,160.00		\$ 14.50		\$ -
Regular Employee		\$ 14.50	80	\$ 1,160.00		\$ 14.50		\$ -
Specialty Contract Maintenance				\$ -		\$ 640.00	12	\$ 7,680.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 4,500.00	\$ 1,355.78			\$ 1,400.00
TOTAL				\$ 7,198.40	\$ 4,054.18			\$ 9,080.00
SUBTOTAL COSTS				\$ 17,140.59	\$ 13,643.85			\$ 18,587.10
Total Capital Improvement				\$ -				
Carry Over				\$ -				\$ (3,496.75)
TOTAL COSTS				\$ 17,140.59	\$ 13,643.85			\$ 18,587.10
Costs per square foot of area		25877		\$ 0.66				\$ 0.72
				\$ 163.24				\$ 177.02
Assessment per Lot;	105			\$ 163.24				\$ 177.02

\$ 13.78 Proposed increase per lot/year
 \$ 1.15 Proposed increase per lot/month

Budgeted 15-16 \$ 17,140.20
 Received as of May 18/2016 \$ 12,917.00
 Balance \$ (4,223.20)

RESOLUTION NO. 16-26
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY
ORDERING THE PREPARATION OF AN ENGINEERS REPORT FOR
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS FOR FISCAL
YEAR 2016-2017.

At a regular meeting of the City Council of the City of Lindsay held on the 28th day of June, 2016 at 6:00 p.m. of said day, in the Council Chambers at City Hall, 251 East Honolulu, Lindsay, California the following resolution was adopted:

WHEREAS, the City Council of the City of Lindsay has determined that the public interest, convenience and necessity required the maintenance of lighting systems, landscape planting materials, irrigation systems and appurtenances in designated areas of the City; and

WHEREAS, the City has established assessment districts to recover the cost of maintenance work; and

WHEREAS, Section 22622 of the California Streets and Highways Code requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district.

NOW, THEREFORE, be it resolved by the City Council of the City of Lindsay that:

1. Neyba Amezcua is appointed "Engineer of Work" for preparation of the Engineer's Report.
2. The Engineer of Work is ordered to prepare the report for Fiscal Year 2016-2017 in accordance with Article 4, Division 15, of the Streets and Highways Code, "Landscaping and Lighting Act of 1972" of the State of California.

PASSED AND ADOPTED by the City Council of the City of Lindsay this 28th day of June, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

RESOLUTION NO. 16-27
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY
GIVING PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR
FISCAL YEAR 2016-2017 FOR LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICTS.

At a regular meeting of the City Council of the City of Lindsay, held June 28, 2016 at the hour of 6:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

WHEREAS, on the 28th day of June, 2016 said City Council did adopt a Resolution directing the Engineer of Work to make and file with the City Clerk of said City a report in writing for Fiscal Year 2016-2017 as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City a report in writing as called for in said Resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that said report, nor any part thereof, requires or should be modified.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lindsay that:

1. The Engineer's Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby preliminarily approved and confirmed.

2. The diagram showing the Assessment Districts referred to and described in said report (the boundaries of the subdivision of land within each said Assessment District), are approved and confirmed as the same as existed at the time of passage of Resolution originally establishing each District.

3. The proposed assessments upon the subdivisions of land in said Assessment Districts are in proportion to the estimated benefit to be received by said subdivisions, respectively, from said normal and customary maintenance and of the incidental expenses thereof, as contained in said report, and are hereby preliminarily approved and confirmed.

4. Said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed district.

Reference is hereby made to said maps for further, full and more particular description of said Assessment District, and the same maps so on file shall govern for all details as to the extent of each said Assessment District.

PASSED AND ADOPTED by the City Council of the City of Lindsay this 28th day of June, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

RESOLUTION NO. 16-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2016-2017 LANDSCAPE & LIGHTING MAINTENANCE ASSESSMENT DISTRICTS; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN THE LANDSCAPE MAINTENANCE DISTRICTS TO BE ASSESSED AND THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICTS AS LANDSCAPE & LIGHTING MAINTENANCE DISTRICTS; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

At a regular meeting of the City Council of the City of Lindsay held on the 28th day of June, 2016 at 6:00 p.m. of said day, in the Council Chambers at City Hall, 251 East Honolulu, Lindsay, California the following resolution was adopted:

The City Council of the City of Lindsay, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires it is the intention of the City Council of the City of Lindsay, California, to order the following work be done, to wit:

1. Maintenance and servicing of facilities and landscaping as authorized by Section 22525 of the Streets and Highways Code.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the following areas:

1. Right of way and easement along Sierra View St frontage from Harvard to Lafayette and Harvard Avenue frontage from Sierra View St to the North subdivision boundary, more particularly described on maps which are on file in the City Clerk's office as "Sierra View Estates".
2. Right of way and easement along Tulare Rd frontage from Oak to the Eastern subdivision boundary, more particularly described on maps which are on file in the City Clerk's office as "Heritage Park".
3. Right of way and easement along Parkside Ave frontage from Hickory to the North subdivision boundary, more particularly described on maps which are on file in the City Clerk's office as "Parkside Estates".
4. Right of way and easement along Samoa St frontage from Sweet Brier east to the alley, on Sweet Brier Ave from Samoa St to the North subdivision boundary, and areas identified as reciprocal easement for ingress and egress & easement for public utilities and landscaping, more particularly described on maps which are on file in the City Clerk's office as "Sweet Brier Plaza-Samoa".
5. Right of way and easement along Hermosa St frontage from Sweet Brier Ave to the western subdivision boundary, on Sweet Brier Ave frontage from Hermosa St to the Southern subdivision boundaries, and areas identified as reciprocal easement for ingress and egress & easement for public utilities and landscaping, more particularly described on maps which are on file in the City Clerk's office as "Sweet Brier Plaza-Hermosa".
6. Right of way and easement along Orange Ave Lot A and traffic circle located at Sierra View St and Orange Ave, more particularly described on maps which are on file in the City Clerk's office as "Sierra Vista".
7. Right of way and easement at intersections of Maple Valley Way & Maple Valley and Maple Valley Way & Ash Ave, more particularly described on maps which are on file in the City Clerk's office as "Maple Valley".

8. Right of way and easement along Hickory frontage from Hamlin Way to West subdivision boundary, at lots B & C on Bellah Ave, Right of way along Plum Drive, lot A, Right of Way along “Pond Area” and Parkside Ave from Southern subdivision boundary (“Pond Area”) to the Northern boundary, more particularly described on maps which are on file in the City Clerk’s office as “Pelous Ranch Phase 1 & 2”.

Reference is hereby made to said maps for further work, in the opinion of said City Council, is to be of more than local or ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is described as follows:

DESCRIPTION OF ASSESSMENT DISTRICTS

SECTION 3. That the contemplated work, in the opinion of said City Council, is to be of more than local or ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a districts, which said district s are described as follows:

1. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Sierra View Estates” heretofore approved by the City Council of said City by Resolution No. 92-37, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

2. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Heritage Park” heretofore approved by the City Council of said City by Resolution No. 96-11, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

3. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Parkside Estates” heretofore approved by the City Council of said City by Resolution No. 01-74, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

4. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Sweet Brier Plaza-Samoa” heretofore approved by the City Council of said City by Resolution No. 02-12, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

5. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Sweet Brier Plaza-Hermosa” heretofore approved by the City Council of said City by Resolution No. 02-15, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

6. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Sierra Vista” heretofore approved by the City Council of said City by Resolution No. 07-17, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

7. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Maple Valley” heretofore approved by the City Council of said City by Resolution No. 07-30, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

8. All that certain territory of the City of Lindsay, included within the exterior boundary line shown upon that certain “Map of Landscape and Lighting Maintenance District Pelous Ranch” heretofore approved by the City Council of said City by Resolution No. 09- 59 and Resolution No. 11-56, indicating that by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.

REPORT OF ENGINEER

SECTION 4. The City Council of said City has ordered preparation of the annual report of the Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary, detailed description of

improvements, and the method of assessment. The report titled "Engineer's Report, Landscape and Lighting Maintenance Districts 2016-2017 Fiscal Year" will be filed in the Office of the City Clerk of said City, and prepared for the 2016-2017 Fiscal Year in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are collected.

TIME AND PLACE OF HEARING

SECTION 6. Notice is hereby given that on the 12th day of July, 2016, at the hour of 6:00 p.m. or as soon thereafter as the matter may be heard in the City Council Chambers at 251 E. Honolulu, in the City of Lindsay, any and all persons having any objections to the work or extent of the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

LANDSCAPING AND LIGHTING ACT OF 1972

SECTION 7. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated The Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

PUBLICATION OF RESOLUTION OF INTENT

SECTION 8. Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of the Notice of Hearing shall be completed at least 10 days prior to the date of the hearing.

CERTIFICATION

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Lindsay this 28th day of June, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

Date: June 28, 2016
To: Lindsay City Council
From: William Zigler, Interim City Manager
Subject: Request for Support of a ¼ Mile Pesticide Buffer Zone

BACKGROUND:

On May 24 and June 14, 2016 El Quinto Sol de America and their supporters presented Council with concerns regarding pesticide use and requested Council support in the “establishment of a ¼ mile buffer (protection) zone “from all restricted material pesticide applications around schools and other sites where children and families live, learn, and play.” The attached map shows the area that would be impacted by such a protection zone.

DISCUSSION:

The City of Lindsay has no jurisdictional or regulatory authority regarding pesticides. That authority and responsibility reside expressly with the federal and state governments. The City also has no authority to regulate what happens beyond its city limits and lacks the expertise to determine pesticide hazards or effectiveness.

Following Federal requirements regarding pesticides, Tulare County Ag Commissioner, Marilyn Kinoshita writes, “The California Department of Pesticide Regulation (CDPR) regulates pesticides further under a comprehensive program that encompasses enforcement of pesticide use in agricultural and urban environments. CDPR oversees a multi-tiered enforcement infrastructure and is vested by the U.S. Environmental Protection Agency with primary responsibility to enforce federal pesticide laws in California. CDPR directs and oversees the County Agricultural Commissioners who carry out and enforce pesticide and environmental laws and regulations locally.” Ms. Kinoshita adds, “California has the most comprehensive pesticide regulatory system in the country, and I would venture to say, the world”. This positive view is echoed by contributors to Wikipedia, which provide that CDPR is regarded as *the premier U.S. agency for pesticide regulation* (emphasis added), the acknowledged peer of [United States Environmental Protection Agency](#) and [Health Canada](#), and as an international authority in the field.^[1]

The Ag Commissioner continues, “The California Department of Pesticide Regulation is weeks away from unveiling a draft regulation package that will involve some type of notification related to ag-related pesticide use to school administrators, statewide. Many groups provided input during the planning stages.”

The Ag Commissioner's statement would indicate that the first step for any group to institute change regarding the application of pesticides would be with the CDPR. In fact the CDPR invites public participation.

The CDPR website (<http://www.cdpr.ca.gov/>) includes a link for "Decisions Pending and Opportunities for Public Participation" (http://www.cdpr.ca.gov/docs/dept/quicklinks/com_opts.htm), which includes a calendar and meeting notices, agendas, and minutes for the Agricultural Pest Control Advisory Committee, the Pest Management Advisory Committee and the Pesticide Registration and Evaluation Committee.

The Ag Commissioner's comments also reflect that steps are currently being taken at the State level addressing pesticide application proximate to school sites and that concerned groups have been involved with that regulatory agency in determining the new regulations, which aligns with the public input component of the CDPR.

SUMMARY:

- El Quinto Sol de America is a valued partner with the City of Lindsay in community activism and education.
- The Ag Commissioner has provided a letter concisely outlining the controls currently in place to protect children and residents (letter and supporting references attached). She also addresses claims made by El Quinto Sol de America, including the studies they reference.
- The California Department of Pesticide Regulation is the only regulatory agency of pesticides for the City of Lindsay and Tulare County, outside of the Federal Government and is an acknowledged authority in the field of pesticide control.
- The City of Lindsay has no jurisdictional or regulatory authority in the application of pesticides.
- The City of Lindsay has no jurisdictional authority beyond its City Limits.
- The City of Lindsay lacks the expertise to advise in the regulation of pesticides.
- The City of Lindsay desires to keep all residents safe.

RECOMMENDATION:

Since the City has no jurisdictional or regulatory authority in the application of pesticides and lacks the expertise to advise in the regulation of pesticides staff provides the following four options to Council:

1. Do Nothing.
2. Adopt a resolution that provides the following:
 - Formally recognize the important grass-roots work of El Quinto Sol de America.
 - Acknowledge the limitations of city government in the regulation of pesticides, which is strictly governed by the California Department of Pesticide Regulation and the Federal Government.

- Encourage El Quinto Sol de America to engage with the California Department of Pesticide Regulation for effective pesticide regulation. In addressing science and empirical evidence this interaction would be much more fruitful than obtaining signatures on a petition or receiving a local municipal endorsement.
3. Simply sign the Healthy Kids' Zone Form (attached) as the Lindsay City Council.
 4. Direct Staff to pursue some other action.

Respectfully Submitted,

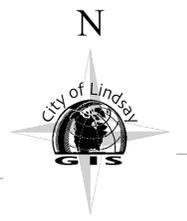


William Zigler
Interim City Manager

Attachments:

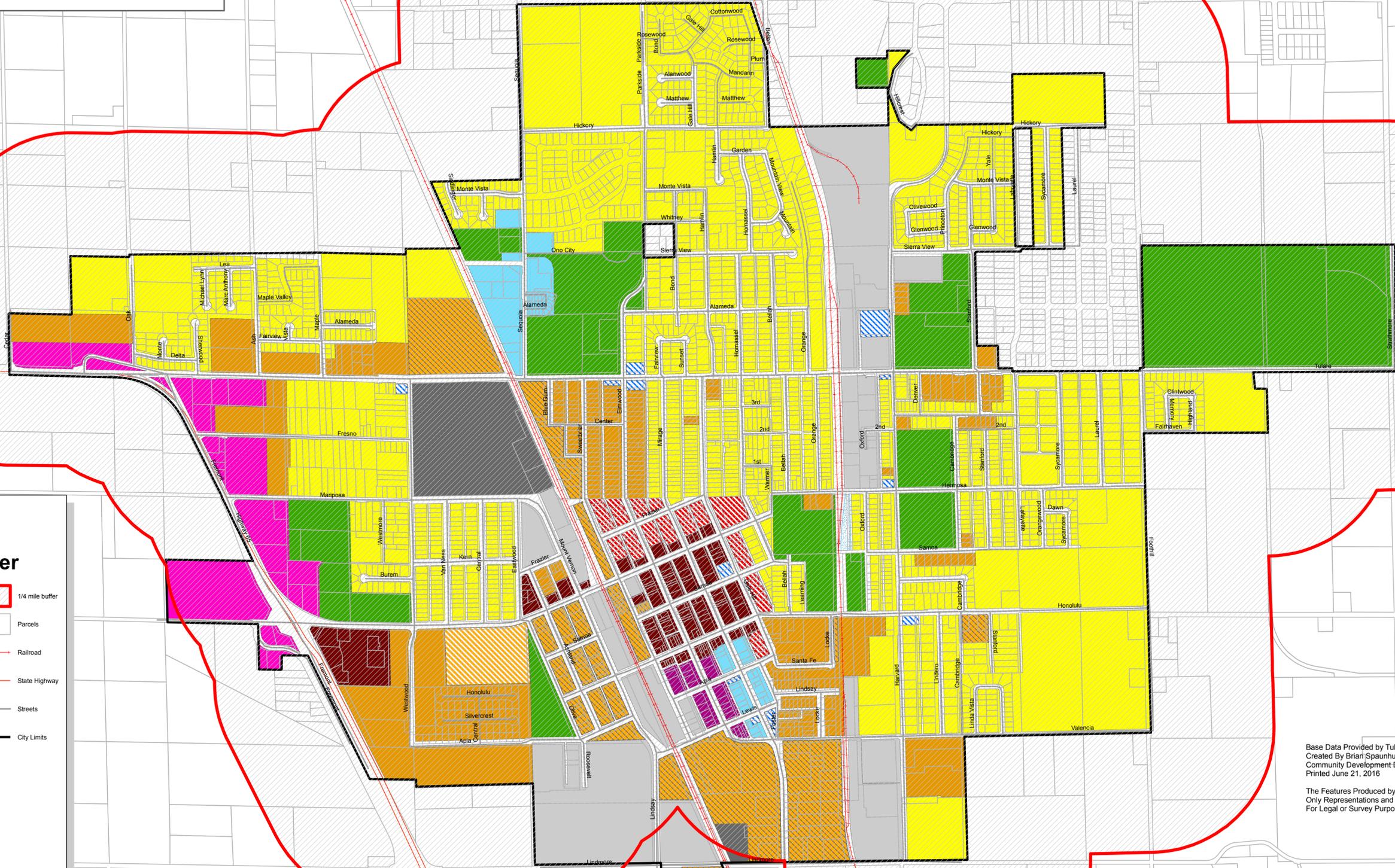
Map of impacted areas if pesticide prohibition enacted
Letter from Tulare County Ag Commissioner, Marilyn Kinoshita
Supporting references to Ms. Kinoshita's Letter
Draft Resolution 16-31, Pesticide Regulation at the Municipal Level
Healthy Kids' Zone Form

City of Lindsay 1/4 Mile Pesticide Buffer



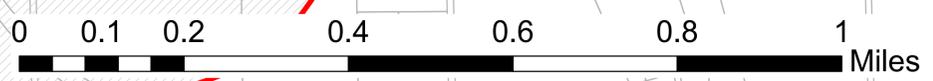
Legend

Zoning	Other
CC	1/4 mile buffer
CH	Parcels
CN	Railroad
CS	State Highway
IH	Streets
IL	City Limits
MIXED-USE	
PO	
R-1-7	
RCO	
RM-1.5	
RM-3	
RM-MH8	
UNKNOWN	



Base Data Provided by Tulare County
 Created By Brian Spaulhurst
 Community Development Department
 Printed June 21, 2016

The Features Produced by These Data Are
 Only Representations and are Not Intended
 For Legal or Survey Purposes





Tulare County Agricultural Commissioner/Sealer

Marilyn Kinoshita, Agricultural Commissioner
Sealer of Weights and Measures
Tom Tucker, Assistant
Commissioner/Sealer

June 10, 2016

Bill Zigler
Interim City Manager
City of Lindsay
PO Box 369
251 E Honolulu Street
Lindsay, CA 93247

Mr Zigler,

Pesticides are registered for use in the United States by the U.S. Environmental Protection Agency. The California Department of Pesticide Regulation (CDPR) regulates pesticides further under a comprehensive program that encompasses enforcement of pesticide use in agricultural and urban environments. CDPR oversees a multi-tiered enforcement infrastructure and is vested by the U.S. Environmental Protection Agency with primary responsibility to enforce federal pesticide laws in California. CDPR directs and oversees the County Agricultural Commissioners who carry out and enforce pesticide and environmental laws and regulations locally. California has the most comprehensive pesticide regulatory system in the country, and I would venture to say, the world.

California has a commitment to reduce pesticide exposure to children (and adults). We have a successful School Integrated Pest Management Program which promotes proper training of staff who uses pesticides on school grounds and child care centers. County agricultural commissioners are sensitive to the proximity and locations of schools, and often work with growers to try to avoid school hours. This means that pesticide applications often occur on weekends, nights and during school breaks when kids are not present. Here in Tulare County, our Pesticide Use Enforcement Inspectors receive many more on-school ground and homeowner-related illness reports from the California Poison Control Center than agricultural incidents.

After examining the documents presented to your Council by El Quinto Sol de America, I would like make the following points:

Point 1:

The organization supports the establishment of Healthy Kids Zones around homes, schools, day cares, hospitals and all sensitive sites in Tulare County to protect the health of our children, families and communities from the dangers of restricted material pesticides.

Restricted-use pesticides represent only approximately 23-25 percent of all agricultural pesticide use in Tulare County. The Director of the California Department of Pesticide Regulation has authority to designate a list of restricted materials based upon, but not limited to any of the following criteria:

- a) Danger of impairment of public health
- b) Hazards to applicators and farmworkers
- c) Hazards to domestic animals, including honeybees, or crops from direct application or drift
- d) Hazard to the environment from drift onto streams, lakes, and wildlife sanctuaries
- e) Hazards relating to persistent residues in the soil resulting from ultimately in contamination of the air, waterways, estuaries or lakes, with consequent damage to fish, wild birds, and other wildlife.
- f) Hazards to subsequent crops through persistent soil residues

Point 2:

The proposed Resolution regarding Healthy Kid Zones references an April 2014 study that was conducted by The California Department of Public Health. Please see *Attachment 1*, which is a letter written by the President of our California Agricultural Commissioner and Sealer Association (CACASA) to the Secretary of the State Health and Human Services Agency due to many data errors and misinterpretations in the report (*Attachment 2*). The association believes that the report is misleading at best, and inaccurate at its worst. The executive summary contained ten statistics-laden paragraphs, before it revealed that *"the study methodology does not attempt to measure schoolchildren's exposure risk to pesticides, therefore, study results cannot be used to predict possible health impacts"*. CDPR's evaluation of monitoring data and pesticide exposure cases indicates low risk to schoolchildren.

Point 3:

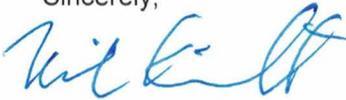
There are many statements in the Proposed Resolution about pesticide active ingredients and their suggested health concerns for children. To comment on the document, I sought the technical expertise of Randy Segawa, CDPR Enforcement Branch Special Advisor to the Director. His comments are below:

1. 1,3-Dichloropropene is a soil fumigant. It was never banned. Permits were suspended for a time. CDPR scientists register and routinely reevaluate products based upon many criteria.
2. The U.S. Environmental Protection Agency finding was never finalized.
3. The U.C. Davis MIND Institute study did not estimate pesticide exposure, and there are problems with the analysis of the data. Even if organophosphate pesticides caused this effect, a buffer zone around schools will provide little protection to pregnant women.

The California Department of Pesticide Regulation is weeks away from unveiling a draft regulation package that will involve some type of notification related to ag-related pesticide use to school administrators, statewide. Many groups provided input during the planning stages. The California Agricultural Commissioners will be an integral part in enforcing those requirements. Keep in mind, that the Director of CDPR has authority over pesticide use in California and regularly monitors efforts by local municipalities and even Ag Commissioner's decisions for attempts to usurp state law.

Let me know if you need additional information about pesticide use in Tulare County.

Sincerely,



Marilyn Kinoshita
Tulare County
Agricultural Commissioner/Sealer



April 29, 2014

Diana S. Dooley, Secretary
Health and Human Services Agency
1600 Ninth Street, Room 460
Sacramento, CA 95814

RE: CDPH Report: *Agricultural Pesticide Use Near Public Schools in California*

Dear Secretary Dooley:

The recent release by CDPH of the report [*Agricultural Pesticide Use Near Public Schools in California*](#) has raised questions and concerns throughout California, especially in the 15 counties highlighted in the report. The stated purpose of the report, understanding pesticide use patterns by quantifying use near schools and describing school demographics was, not surprisingly, overshadowed by the misinterpretation of the report and concerns that have resulted. This letter serves to request your leadership and assistance in responding to concerns and questions raised in communities affected by this report.

As you may know, California County Agricultural Commissioners (CAC's) are charged with local enforcement of pesticide laws and regulations in California under the oversight and leadership of the California Department of Pesticide Regulation. One of our highest priorities is ensuring the effectiveness of California's regulatory program in protecting schoolchildren, farmworkers and any others who may be at risk of exposure to pesticide use. From our perspective, the report was disappointing as it did little to shed new light on pesticide use around schools, provide for improvements in pesticide safety, or provide guidance on future actions. Furthermore, the manner in which the report was prepared and presented invited misinterpretation. For example, the report's executive summary proceeded for ten lengthy, statistic-laden paragraphs before it revealed the following crucial caveat: "The study methodology does not attempt to measure schoolchildren's exposure to pesticides and therefore, study results cannot be used to predict possible health impacts." Although the authors were advised to expect parties to raise concerns, they failed to develop any plan, or even minimal effort, to address or react to public concerns.

CAC's were not consulted during the development and design of the report; however, CDPH did engage certain advocacy groups, including Californians for Pesticide Reform and Pesticide Action Network. It was only when CAC's were alerted to the development of the report and we requested involvement, that we were engaged; by that time, the design and goals of the report were already in place. Even though we provided extensive suggestions on one draft of the report, we were not afforded the same access and involvement of certain advocacy groups. We believe this resulted in a report that is misleading at best, inaccurate at its worst. This same disparate involvement of (and communication with) stakeholder groups occurred up to, and around the time of, the release of the report. The failure of the authors to deliver on promises made to CAC's (e.g. providing two weeks' notice of the release) and their "selective" communication resulted in an enhancement of miscommunications, misunderstandings and concerns raised by the report.

Stacy Carlsen, President
Marin County
Agricultural Commissioner /
Sealer of Weights & Measures

Kurt Fioren, President-elect
Los Angeles County
Agricultural Commissioner /
Sealer of Weights & Measures

Jim Allan, Vice President
(Agriculture)
Solano County
Agricultural Commissioner /
Sealer of Weights & Measures

John Young, Vice President
(Weights & Measures)
Yolo County
Agricultural Commissioner /
Sealer of Weights & Measures

John Gardner, Executive Secretary
San Bernardino County
Agricultural Commissioner /
Sealer of Weights & Measures

Tim Cansler, Executive Director
777 E. Rialto Avenue
San Bernardino, CA 92415-0720
(916) 880-3550
Fax (888) 252-5560
tcansler@cacasa.org

CDPH also failed to effectively consider the value and contribution from local Public Health Officers or Environmental Health Officers from the 15 counties. Although the Public Health Officers provided suggestions to an early draft report, their role was limited and largely after-the-fact. This was, in our opinion, shortsighted and contributed to a report that does little to help public health officials in improving health outcomes for schoolchildren.

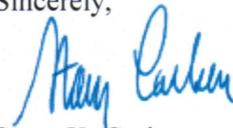
Although CAC's made requests of CDPH to consider the anticipated community reaction to the report and to provide outreach, nothing tangible was done. Outreach to school districts was left to local public health officials and CAC's; that outreach was impeded by the fact that copies of the document were not provided in advance of the release of the report. This left local officials in a difficult position and contributed to the likelihood for unnecessary concerns and misinterpretations of the report.

While we are disappointed in the process utilized to develop this report, the inherent inaccuracies and the lack of new information developed, we hope that we can now prevail upon you to initiate actions that might further our mutual goals of protecting and enhancing public health associated with schoolchildren. To that end, we suggest CDPH:

- Critically review ALL existing research, data sources and related activities by other public agencies that might contribute to a comprehensive evaluation of risks associated with schoolchildren and communicate findings to ALL stakeholders;
- In consultation with local public health officials and CAC's, provide immediate communication/outreach with school districts in, at least, the highlighted 15 counties: What does the report say, how should school districts respond, what are the plans for CDPH going forward, etc.;
- Identify additional research that might be conducted to address concerns created from the report. Consult with public agencies and educational institutions to determine the practicality and usefulness of future research efforts;
- Develop a transparent and effective relationship with all public agencies in any future effort around the use and regulation of pesticides in California.

County Agricultural Commissioners are not only sensitive to the proximity and locations of schools as related to pesticide use, we work closely with growers, schools and others to ensure a safe and effective regulatory program in California. In fact, protection of schoolchildren is a high priority for us, and we are proud of the work we do in that regard. We urge you to review our request and hope that we might work together to improve the understanding of pesticide use and potential risks as we help shape the direction of public policy in the years to come.

Sincerely,



Stacy K. Carlsen
Marin County Agricultural Commissioner/Sealer
President, CACASA



Cathleen M. Fisher
Santa Barbara County
Agricultural Commissioner/Sealer
Chair, Pesticide Regulatory Affairs Committee

c. Matt Rodriguez, Secretary-Cal-EPA
Brian Leahy, Director-California Department of Pesticide Regulation

Agricultural Pesticide Use near Public Schools in California: CACASA Comments

In evaluating the draft report, CAC reviewers focused on six main areas: data analysis, pesticide use on school grounds, schools with no pesticide use within ¼ mile, DPR's Air Monitoring Program, fumigants, and school site selection.

DATA ANALYSIS

We first looked to the Executive Summary that lists two goals:

- “Improve the methodology for the ongoing surveillance of agricultural pesticides to understand use patterns and
- “Provide information that can be used to assess and inform policies to minimize potential pesticide exposures among children.”

As noted in the cover letter, DPH declined to provide the CACs with detailed data analyses for each county prior to completion of our draft report review. Since individual county data underpins DPH's overall findings, a county-by-county critique could have significantly improved the report's validity. It is unclear why CACs were not afforded the opportunity to examine how their county data was manipulated, since such a vetting process is part of standard procedure in scientific inquiry. Based on the limited information provided in the draft report, coupled with our own detailed knowledge of local pesticide use and school locations, we must conclude that the basic goals of the report were not met.

DPH should be credited with making some improvements in data accuracy based on input by DPR and the CACs (e.g., location of pesticide use); however, the overall product is by no means complete or accurate. The report employs flawed analyses, utilizing various methodologies. While information gleaned from this report may provide grounds for discussion and further study, it lacks substantive, reliable information upon which to base changes in policy or regulations. Even with complete data sets from all CACs, the data would only loosely correlate with pesticide exposure potentials due to the numerous variables involved with pesticide applications.

Pesticide use report data alone is not very useful in “minimizing potential pesticide exposures in children”. To provide information that can truly be used to “assess and inform policies”, specific studies, including data sets that might measure exposure potential to school children must be undertaken. Without such studies, DPR and CACs must continue to rely upon data focusing on specific exposure potentials to shape local and statewide regulatory policies.

Pesticide use data used in the report is already outdated and several new laws and regulations have been implemented since 2010 that have impacted pesticide use patterns and would significantly alter the results of this report.

While we acknowledge and appreciate the efforts of DPH staff, we must conclude that the report, as currently drafted, utilizes flawed methodology, lacks detailed information specific to pesticide use (type, amounts, timing and proximity of use to schools) and provides misleading information.

Recommendation: The CACs strongly urge this report be updated with current pesticide use data and reviewed, in a collaborative and transparent process with the different stakeholders, prior to any public release. DPH should also incorporate other existing data sets (air monitoring, illness reports,

etc.) into the report. Only with improved data and this kind of a process can the end results be meaningful and useful.

Specific comments:

The study uses two datasets to spatially refine the actual location of the pesticide application: GIS and Department of Water Resources (DWR) land use surveys. The GIS data was provided by 14 CACs. In 2010, Tulare County did not have GIS mapping capabilities. The report states, “The PUR enhancement and data linkage processes were successful” and “the vast majority of PUR records used in this study were captured at a very high spatial resolution.” The CACs assessments of the use of the two datasets in the report include:

1. The DWR methodology is a substantially less accurate dataset. DPH was informed of this by the CACs prior to the release of this draft.
2. Madera County recently compared their permit data/2010 field border shape file with the 2001 Madera DWR shape file for sites within ¼ mile of a school. The results of their comparison are listed below:
 - Only 40% of the crops shown on the Madera DWR layer were accurate in 2010.
 - Urbanization that has taken place in Madera County since 2001 has resulted in sites that are no longer under agricultural production. The DWR data identifies these sites as having crop production.
 - The DWR data crop codes do not match the PUR crop codes in several incidences. Crops that could not be identified by the DWR land surveyor were combined into one crop group. This generalization will lead to significant errors.
 - The homogenizing of PUR data over an entire square mile further compounds the errors.
 - Madera County listed the most current DWR Survey Year available for each county involved in the report that ranged from 1996 to 2008.
3. Since 2010, Tulare County has adopted a new GIS system.
 - Using only DWR data for Tulare County will result in the pesticide exposure estimate having a greater potential for overstating the amount of pesticides used near schools than did some of the other counties with which it is being compared. Table 1 in the report lists Tulare County as the #3 county for pesticide use by weight.
4. While the 19% for DWR data and 1% not being geographically refined may seem a small percentage overall, the potential for overstating the amount of pesticides used near a school will vary by county. Counties that had the highest amounts of pesticides applied by weight that were linked to schools with DWR data and no geographic refinement, such as Tulare County, would have results that would be biased and inaccurate. Other examples include Fresno County, listed as the No. 1 county for pounds of pesticides applied, having 12.9% of their PURs linked via DWR data.
5. During the review of the report, Tulare County ran a query by location:
 - 2,070 sites are at least partially located within the boundaries around each school.
 - Of the 2,070 sites, only 400 are completely within the quarter-mile boundary around each school.
 - The total pounds of pesticides listed in the DPH document for the remaining 1,670 sites should be included for only the portion of the site that is in the boundaries.
 - According to the DPH report, only 5,943 PURs were on file for these sites in 2010 with 33,636 pounds of pesticides.
 - Total pounds of pesticides used in Tulare County for the entire 2010 year for all sites were 11,147,223 pounds with 181,449 applications.

- According to the study, PURs for school buffer areas is 31.3% of our total reports for the 2010 year.
- It is actually .25% of total pounds applied (there were 23,277 total permit sites in Tulare County in 2010).
- From the current 2013 query, 8.9% of our total sites are within a quarter mile of a school.

The CACs disagree with the statement at the beginning of the data linkage section: “Data linkage process was successful and the vast majority of PUR’s were captured at a very high spatial resolution”. The report acknowledges the limitations of using DWR data, and states that, “erroneous attribution of pesticide applications to field location may vary by county.” The accuracy of the data is extremely important and these two related conclusions are in conflict.

Recommendation: The CACs recommend DPH use only CAC data sets and omit PUR records linked to schools via DWR data.

6. The report compiles pounds of pesticides in each of the six categories for each county versus each school within each county. This approach does not provide regulators or policy-makers any useful information.
 - In order for this data to be useful, it is vital for CACs to review data for each of the schools included in the report. It is difficult, if not impossible, to evaluate and consider what changes need to be made to the school data without having a chance to review it for accuracy. CACs sought individual county data to include in their reviews but DPH declined to provide it prior to the review deadline.

7. Stanislaus County officials in 2012 analyzed their own 2010 local data, policies and regulations in regards to pesticide applications to see how they matched with the DPH report.
 - There were a total of 13,049 pounds or 3.1 lbs./acre of agricultural pesticides applied within ¼ mile of 10 selected rural schools.
 - The six focus categories of pesticides that are of highest concern in the DPH study account for 1,273 pounds or 10% of the pesticides applied around the 10 rural schools.
 - These 1,273 pounds amount to .3 lbs./acre.
 - 285 pounds of pesticides in the six focus categories were applied during school hours, which represents only 2% of the total pesticides applied or .07 lbs./acre.
 - This detailed data reveals that there is a relatively low use of the pesticides of concern around schools in comparison to the total amount of pesticides applied.
 - This is an example of analysis needed, versus the DPH methodology that opted to total all pounds of material in each county.

8. The report assumes that pesticides are applied evenly across a field and does not consider mandatory buffer zones that prohibit use within a specified area, as well as time restrictions that prohibit the use of certain pesticides when schools are in session or when children are present. As a result, the report does not provide an accurate depiction of pesticide applications near schools in general, and fumigant applications in particular. The draft report’s failure to include permit conditions negates any benefit for regulators or policy makers who must assess the need for additional restrictions.

Recommendation: The CACs recommend the DPH integrate Restricted Materials Permit conditions and other local unique policies and practices that were provided by CAC's. The report should be amended to reflect these local conditions.

Kern County Multi-Year Study

In August, Kern County Department of Agriculture published "Multi-Year Study of Agricultural Chemical Use near Kern County Public Schools." (It is attached for DPH reference.) The report provided the following information:

- The Department analyzed a decade (2002-11) of permitting and chemical use around public schools in order to document trends over time.
- Mapping every permitted site in the county for the last 15 years has created a robust spatial database of more than 200,000 individual crop locations.
- The total number of schools in Kern County increased by 6%. However, schools impacted by commercial agriculture decreased by 6% in the same period.
- Between 2002 and 2011, growers farmed on fewer sites and fewer acres. They applied smaller quantities of pesticides in general and far fewer pounds of restricted materials and fumigants to sites around schools. This was due to urbanization of farmland, resulting in a transition to more permanent crops near schools, less restricted material use, and more use of less toxic materials.
- GIS mapping software enables counties to identify fields adjacent to sensitive sites and to notify the growers of the permit conditions that apply.

Recommendation: The CACs recommend the DPH report include Kern County's study results that reveal trends of pesticide use around schools. The Kern research also presents an example of how a highly sophisticated mapping database may assist in accurately assessing pesticide use.

SCHOOLS WITH NO USE OF PESTICIDES

- The study indicates in the Executive Summary "The majority of the schools in this study (64%) did not have any pesticides of public health concern applied within ¼ mile."

Some 1,607 out of the 2,511 schools involved with the study did not have any pesticides of concern applied within ¼ mile, although DPH methodology and data, as described above, could be expected to overstate the number of schools adjacent to pesticide applications. Unfortunately, the report offers no further elaboration on schools with no adjacent pesticide use or any insight into agricultural practices or school siting factors that might be valuable to regulators and policy-makers. However, it is reasonable to expect that current regulations and restrictions for pesticides applied near schools must have played some role in a desirable outcome involving two-thirds of the schools selected by DPH.

As described in Appendix A, California's pesticide regulatory program includes the restricted material permitting process, training and certification requirements for applicators, permit conditions, enforcement authority and continual outreach and educational opportunities provided by the CACs. The regulatory system takes special precautions for sensitive populations. In the case of pesticide applications near schools, permit conditions commonly call for establishment of buffer zones, restricting the timing of the application, notification requirements and monitoring the applications.

Buffer Zones

Use of buffer zones is widely viewed as a pro-active health protection for children at schools in agricultural areas by creating additional level of safety. Buffer zones can restrict, or even prohibit, the use of certain materials and application methods within the designated area. The size of the buffer zone may vary greatly, depending on the type of material, timing of application, how it is applied, weather conditions and pesticide labels. Buffer zones vary in size for many reasons; some are relatively small while others may range up to a mile.

Some counties have developed buffer policies and ordinances that require new development projects to have a buffer setback for projects on non-agricultural parcels adjacent to farmland. For example, Santa Barbara County recently passed a buffer ordinance that establishes different buffer widths depending on the type of development and the farming operation. The ordinance requires the development to provide a setback which will require new buildings be constructed up to 400 feet away from the farming operation.

Timing of Pesticide Applications

Additional restrictions with buffer zones involve timing of the application. The majority of the 15 CACs prohibit the application of certain pesticides when “school is in session” or “scheduled to be in session.” Some CACs also prohibit the use of certain pesticides “during school sponsored activities when children are present.” This would include afterschool activities such as sports events. The application method also is considered when restricting the timing of the application, such as aerial applications versus ground applications. Additionally, most pesticide applications occur during the summer when schools are not in session. The draft report acknowledges that it did not take application timing restrictions into account. Without considering the timing of application, this report inaccurately portrays populations and potential student exposures.

Notification

Some CACs require a 24- to 48-hour notification from the property operator before the application occurs, regardless of whether the material is restricted or not. This notification allows CAC staff the opportunity to conduct a pre-site inspection to determine if any additional restrictions are needed or whether the application should be allowed. Other CACs require applications to be monitored by their staff and have school notification requirements in place. Some growers have voluntary agreements with schools to contact them about pending applications.

New Label Restrictions

In 2012, new fumigant labels were issued and now include an application restriction that prohibits the use of specific fumigants within 1/8 or ¼ mile of a site that is difficult to evacuate. This restriction applies to schools, and the distance depends on the size of the pesticide buffer calculated. For example, no fumigant application with a buffer zone greater than 300 feet is permitted within ¼ mile of a school, unless the site is not occupied by children during the application and for a 36-hour period after the application ends. No fumigant application with a buffer zone of 300 feet or less is permitted within 1/8 mile of a school unless the site is not occupied by children during the application and for 36 hours after the application ends. Since that new label restriction was not in effect in 2010, it will significantly reduce the amount of fumigants applied within ¼ mile of a school in comparison to the report’s estimates.

Recommendation: The CACs recommend the DPH review and evaluate the reasons why 64% of the schools included in the DPH’s review did not have any pesticide use of public health concern. That review would reveal policies and practices that have influenced pesticide use patterns near schools.

The CACs also recommend updating information and data to reevaluate the number of schools without nearby pesticide use. Recent regulatory changes should significantly increase the number of schools with no pesticide use nearby; those changes also will reduce the amount of pesticides used near other schools.

“Time of Application and Pathways of Exposure”

- The DPH report provides commentary in the section titled “Time of Application and Pathways of Exposure” on page 13. The report acknowledges the use of permit restrictions, and presumed value thereof; however, DPH does not include them in the report.
 - The report dismisses restrictions for timing of applications and assumes applications that occur when children are not present may drift to school property.

This statement is misleading, inaccurate and presumes that pesticides may cause exposure when school is not in session.

- The study states there are implications of chronic exposure and chronic health concerns based on the possibility of drift from applications that occur when school is not in session and from the persistence of the pesticides in the soil.

There is no data or documentation in the report to support this presumptive statement about movement onto school grounds when children are not present. In fact, this statement is contradicted by a previous DPH school bio monitoring study in 2000 (see below.)

Recommendation: Since the report clearly states that it is not intended to reflect exposure risk, the CACs recommend that statements suggesting potential pathways of exposure be deleted.

Imperial County Pilot Study

In 2000, DPH conducted a pilot study of pesticide concentrations in soil at schools in Imperial County. The goal was to assess whether the collection and analysis of soil from schoolyards was a feasible method to study the relationship between agricultural pesticide use and potential exposure to children.

- The Executive Summary states that 20 pesticides considered for the study were used near schools and identified two schools with the highest agricultural activity nearby.
- Eight soil samples were collect at 100 feet from the school fence line nearest to the agricultural fields.
- The study also included a comparison school with much less agricultural activity nearby. Four samples were collected at the fence line at the comparison school.
- Only 13 of the 20 pesticides could be analyzed with available methodology.
- Of these, eight were not detected in any sample.
- The pilot study states the absence of detections of the eight compounds is consistent with the estimated short environmental fate of most of these compounds. It concluded that there was no need for further study of soil at schools in Imperial Valley.
- Some of the compounds that could not be detected in the 2000 pilot study are in the 2010 DPH study, such as chlorpyrifos and malathion.
- The other five compounds that were detected were “reliably measured and detected at low part per billion (ppb) levels in soil.” One of the compounds is diazinon.
- The pilot study concludes, “The levels detected are low and considered safe for children to contact.”

- The pilot study also recommends future exposure or soil studies should include environmental fate information and may be “warranted” at “sensitive” receptors, such as schools.
- Such studies would assist in determining whether there is a relationship between agricultural use and potential pesticide exposure to children.

The DPH draft report makes no reference to these prior DPH findings. It is not apparent that DPH has pursued additional studies since the 2000 Imperial study. Finally, the draft report provides no additional data to support its reference to risks of chronic exposure and chronic health concerns related to persistence of pesticides in soil around schools.

Recommendation: The CACs recommend DPH work in conjunction with DPR and CACs to consider future studies similar to the project in Imperial County to evaluate chronic exposure risk associated with schools. We further recommend that DPH reference this study in the document and provide it in its entirety in the appendix.

FUMIGANTS

- Several tables in the report prominently feature pounds of fumigants used.

The pounds reported for each pesticide category within ¼ mile from schools are influenced heavily by fumigant use. Including fumigants use with other pesticides in the different table categories is inappropriate and misleading. At least one fumigant is included in each of the six categories. Where use of any pesticide category is high, it is most influenced by the use of fumigants. The application of fumigants is substantially different from non-fumigants; comparing them to other pesticides without substantial explanation is misleading and does not help guide policy decisions. The use of the 190+ non-fumigant pesticides is dwarfed by the fumigants, since fumigants are injected into soil at rates that range from 10-100 times the weight of non-fumigant pesticides. This is another example of why “pounds” of pesticides used (as an isolated statistic) is a poor measure of risk.

The data for fumigants use near schools in 2010 is outdated; new fumigant labels that took effect in December 2012 have substantially changed use patterns. The new fumigant labels prohibit the use of a specific fumigant (chloropicrin, methyl bromide, metam-sodium and potassium n-methyldithiocarbamate) at a site within 1/8 or ¼ mile of a difficult to evaluate site. This restriction clearly applies to schools, and the distance (1/8 or ¼ mile) required depends on the size of buffer calculated.

- No fumigant application with a buffer zone greater than 300 feet is permitted within ¼ mile (1,320 feet) of difficult to evacuate sites unless the site is not occupied by children from state-licensed day care centers, students (pre-K to grade 12), patients, or prisoners during the application and the 36-hour period following the end of the application.
- No fumigant application with a buffer zone of 300 feet or less is permitted within 1/8 mile (660 feet) of difficult to evacuate sites unless the site is not occupied by children from state-licensed day care centers, students (pre-K to grade 12), patients, or prisoners during the application and the 36 hour period following the end of the application.

The report should include a comparison table that adjusts the pounds of pesticides used in all categories, other than cholinesterase inhibitors, based on the above restriction. This discussion should also be included in each pesticide category section. Example of a comparison table is below:

Table Comparing Total and Estimated Adjusted Pounds Due to New Fumigant Labels

Pesticide Category	Total lbs. applied within ¼ mile of all schools in the 15 counties	Adjusted for new fumigant labels: 50% not applied within ¼ mile (<300 ft. buffer)	Adjusted for new fumigant labels: 100% not applied within ¼ mile (>300 ft. buffer)
Carcinogens	228,019	199,489	170,958
Reproductive & Developmental	149,279	78,189	7,098
Cholinesterase Inhibitors	37,455	37,455	37,455
Toxic Air Contaminants	454,202	307,973	161,744
Fumigants	428,835	282,606	136,377
Priority Pesticides for Assessment & Monitoring	523,566	377,337	231,108
Total for all Pesticides	538,912*		

*Some chemicals are in multiple categories and were not double-counted so the sum of the total does not match up.

Because the pesticide use analysis in the DPH report is based on the application locations, and the buffer zones were unknown, we estimated the adjustment of total pounds based on one half of the applications having a buffer zone of greater than 300 feet. The report should also include a statement that has a minimum 1/8 mile restriction regardless of the buffer zone distance.

Recommendation: The CACs recommend that a chart be included in the report showing projected fumigant use adjacent to schools under the recent changes in regulations. The report should also make reference to the minimum 1/8 mile and ¼ mile restriction for fumigant use near schools, regardless of the buffer zone distance.

The largest use of pesticides (by weight alone, not number or frequency of applications) applied near a school is likely to be associated with fumigant use. The review will likely change the findings results substantially since the label restrictions on certain fumigants were added in 2012.

Pesticide Category	Largest poundage of pesticides applied near a school without fumigants
Carcinogens	18,082
Reproductive and Developmental	18,082
Cholinesterase Inhibitors	1,345
Toxic Air Contaminants	28,448
Fumigants	27,038
Priority Pesticides for Assessment and Monitoring	28,920

Total Pesticides	538,912*
------------------	----------

*Some chemicals are in multiple categories and were not double-counted so the sum of the total does not match up.

Several commodities grown in the central coast counties rely on the use of fumigants to sterilize the soil prior to planting. Many of the counties listed in the pesticide category tables within the report are ranked higher than others because of the inclusion of fumigants. Nearly 80% (428,835 of 538,912 total pounds) of all use in your report is for fumigants. It will undoubtedly be confusing to readers who attempt to interpret this document. This disparity with fumigants vs. non-fumigants is misleading and misrepresents use in those counties. The new label restrictions will not only reduce the amount of pounds of fumigants being applied within ¼ mile of a school but will more accurately describe use in those counties.

Fumigants are applied to the soil under tarps prior to planting. As such, the risks are very different from non-fumigants. Additionally, new tarps have been developed and employed that are “totally impermeable”; use of these tarps have proven to be very effective in reducing offsite movement and associated risks.

Recommendation: The CACs recommend DPH separate the fumigants from the other five categories and/or create subcategories of fumigants and non-fumigants. This will provide much more accurate and useful information for policy discussions, related to fumigants versus the non-fumigant pesticide use near schools.

The report includes zinc phosphide as a fumigant; this is incorrect. Zinc phosphide is a dry material that is formulated into rodent bait and is used for control of a variety of different rodents. It is a restricted material and is sometimes used by pest control applicators to control gophers on school grounds (mostly in turf), by applying it underground.

Recommendation: The CACs recommend removing zinc phosphide from the fumigant amounts and to contact the CACs for additional information about the material.

DPR AIR MONITORING PROGRAM

The report includes some general information about DPR’s Air Monitoring Network Program at the end of an “Introduction” section. It devotes only two sentences to monitoring data from 2011, although the findings appear to be significant. (“Of 5,676 analyses produced from February to December 2011, only 3% (173) contained quantifiable concentrations. Overall, the results from the three sites found a low health risk to people in the monitored communities.”) Despite an emphasis on fumigants, the report fails to make any reference to ongoing DPR air monitoring at a school in Watsonville, a fumigant high-use area in Santa Cruz County. Monitoring began there in 2011; DPR recently updated monitoring results for 2012 and reported detections that were far below regulatory screening levels for acute, sub-chronic, and chronic exposure. (Screening levels are set well below the levels at which regulatory action would be required.) See the attached DPR documents

- Methyl bromide monitoring for one day at the Watsonville school found the highest concentration to be 140 times below the screening level (210 ppb).
- Monitoring for four weeks found a highest concentration more than five times below the screening level (5ppb).

- Monitoring for one year found the highest concentration to be seven times below the screening level of 1 part per billion (ppb).

Other DPR air monitoring results for 2012 are equally significant. In July, DPR reported results from a second year of monitoring in three communities that were selected based on agricultural use and demographics, including the percentage of children, the elderly, and farmworkers in local populations. Among DPR's findings:

- Some 94% of 6,002 analyses involving 33 pesticides and five breakdown products resulted in no detectable concentrations.
- All measured pesticide air concentrations in 2012 were less than DPR regulatory target or screening levels.
- Of the 33 pesticides and five breakdown products monitored, 14 could not be detected at all and 13 were detected only at trace levels.

The report should use DPR's Air Monitoring Network latest data in the "Discussion" section since it is based on monitoring sites in three high-use areas of California where children are a significant demographic factor. Since fumigants are the primary pesticides influencing the outcome of data, this monitoring data is critical to the DPH report's discussion and findings.

Recommendation: CACs recommend describing the Air Monitoring Program in detail and including the high value of its data. The data from this study is substantially more valuable for, and directly applicable to, defining exposure risk than pesticide use data alone.

- The DPR established its air program monitors pesticides in rural agricultural communities including areas near schools. DPR compares measured ambient air concentrations to human health screening levels to determine what, if any, action to take.
- The health screening levels for monitored pesticides were developed by the California Office of Environmental Health Hazard Assessment (OEHHA).
- The results of the air monitoring are shared with other government agencies, the public and a Scientific Review Panel.
- The air monitoring program is a scientifically sound program that actually determines the risk for human exposure by what is detected. It is the first monitoring program of its kind in the nation and has been recognized by California Air Resources Board representatives for the quality of its work.

Recommendation: The CACs recommend that DPH contribute additional resources for DPR air monitoring expansion, including representative sampling throughout California.

PESTICIDE USE ON SCHOOL PROPERTY

- The DPH report acknowledges "the use of pesticides in schools is of potential public health concern; the lack of data makes it difficult to conduct a comprehensive and meaningful analysis."

The DPH report does not take into consideration all other (nearby) pesticide use that would include home use, non-agricultural and industrial.

The Healthy Schools Act of 2000 (Assembly Bill 2260) put into place right-to-know requirements such as notification, posting, and recordkeeping for pesticides used at public schools and public child day care facilities. The legislation also put into law DPR's existing School IPM Program and requirements for reporting pesticide use. The Healthy Schools Act (HSA) was amended in 2005 to prohibit the use of certain pesticides at schools and public child day care facilities.

Public K-12 schools and both public and private child day care facilities are subject to the Healthy Schools Act (HSA). Under the HSA, each school or child day care facility must keep records of almost all pesticide applications for four years. Some pesticide applications are exempt from the record-keeping requirement under the law. Applications made by school or child day care facility personnel do not need to be reported to the county agricultural commissioner, except when a restricted-use pesticide is used (as defined in California Code of Regulations § 6400). Only a person holding either a qualified applicator certificate or a qualified applicator license may apply restricted-use materials. That person must report the use of restricted-use pesticides to the county agricultural commissioner each month. The law also requires licensed pest control businesses hired by a school or child day care facility to keep records of pesticide use and report that use to DPR. This requirement is intended for commercial applicators and is in addition to the pesticide use report applicators already submit to the county agricultural commissioner.

The HSA already requires substantial recordkeeping for applications that occur on school grounds. The number of applications that are applied by school personnel would be minimal compared to the applications by certified applicators. Applications that take place on school grounds would potentially create more exposure risk to schoolchildren than applications beyond school boundaries. The CACs urge DPH to support a study to evaluate pesticide applications that create more direct exposure risks to schoolchildren. The HSA has been in place for 13 years and requires sufficient record keeping supporting a study.

A 2012 Stanislaus CAC study looked at 2010 data of all pesticides applied within ¼ of a school including pesticides applied on school grounds. Even though they were only able to obtain data for Pest Control Operator (PCO), applied pesticides, the total pounds applied on school grounds, 4,322 pounds represented 25% of all pesticides applied within ¼ mile of the school in the DPH report.

Recommendation: The CACs recommend DPH pursue resources to collaborate with DPR and the CACs to study pesticide applications on school sites. Such a study may help quantify actual exposure risks and thus inform the need for mandatory reporting for all pesticide use in schools.

SCHOOL SITE SELECTION

The California Department of Education has developed a School Site Selection Guide to help school districts decide upon the best location for a new school.

When a school district decides to select a new school site, two basic questions must be addressed: (1) who will be responsible for the school site selection process? (2) What criteria will be considered in selecting the site? The guide contains information that school districts can use to answer those questions.

School site selection is affected by many factors, including health and safety, location, size, and cost. Those persons responsible for the school site selection will have to evaluate both the present characteristics and the possible future characteristics of a site and its surrounding property.

To help focus and manage the site selection process, the Department of Education developed screening and ranking procedures. The procedures were created on the basis of the following criteria, which are listed in the general order of importance:

1. Safety
2. Location
3. Environment
4. Soils
5. Topography
6. Size and Shape
7. Accessibility
8. Public Services
9. Utilities
10. Cost
11. Availability
12. Public Acceptance

Safety is the first consideration in the selection of school sites. Certain health and safety requirements are governed by state regulations and the policies of the Department. The presence of potentially toxic or hazardous substances on or in the vicinity of a prospective school site is another concern relating to the safety of students, staff, and the public. Persons responsible for site evaluation should give special consideration to the following hazards:

1. Landfill areas on or adjacent to the site
2. Proximity of the site to current or former dump areas, chemical plants, oil fields,
3. Refineries, fuel storage facilities, nuclear generating plants, abandoned farms and dairies, **and agricultural areas where pesticides and fertilizer have been heavily used**
4. Naturally occurring hazardous materials, such as asbestos, oil, and gas.

The CACs would like to point out that the current “Site Selection Guidelines” do not include CACs involvement with the site selection process. CACs could serve as a valuable resource for school districts by providing information about the adjacent farming operation and pesticide applications. The Safety Criteria mentions “agricultural areas where pesticides and fertilizer have been heavily used” are to be considered but this criteria seems to be overlooked based upon the siting of current schools located adjacent to farming operations; which has triggered the need for the DPH to conduct a study and CACs to develop permit conditions.

School districts need to be mandated to involve CACs with the school site selection when it involves sites that are adjacent to agricultural operations. The DPH report could be used as a mechanism to develop

sound policies to regulate school site selection, resulting in effective changes that would protect student health and safety in agricultural communities, but only if it is a scientifically sound study.

Recommendation: The CACs urge DPH to revise the current report as written and take into consideration the concerns and recommendations provided in this review document.

Additional Recommendations:

The CACs recommend DPH consult with the individual county public health directors prior to the study's public release.

Each county public health officer should be afforded the opportunity to provide DPH with specific input on his or her relative priorities in regard to childhood health. They can advise DPH on studies they deem useful and necessary and assist with development of methodology. Typically, a health study identifies a problem first and then initiates research to identify sources or contributing. The "Agricultural Pesticide Use near Public Schools in California" report takes the opposite approach by collecting data first and then attempting to link it to a problem.

RESOLUTION NO. 16-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY DEFINING ITS ROLE IN PESTICIDE CONTROL, AS IT PERTAINS TO SUPPORTING THE ESTABLISHMENT OF A QUARTER-MILE BUFFER ZONE FOR RESTRICTED MATERIAL PESTICIDE APPLICATIONS AROUND SCHOOLS AND OTHER SITES WHERE CHILDREN AND FAMILIES LIVE, LEARN, AND PLAY, AS REQUESTED BY EL QUINTO SOL DE AMERICA.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held June 28, 2016, at the hour of 6:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

THAT WHEREAS, the City of Lindsay considers El Quinto Sol de America a valued partner in encouraging community members to become engaged in the decision-making process and in providing a voice to those who often remain silent; and

WHEREAS, El Quinto Sol de America and their supporters made presentations to the Lindsay City Council at regularly scheduled meetings held on May 24 and June 14, 2016 seeking Council support in the “establishment of a ¼ mile buffer (protection) zone “from all restricted material pesticide applications around schools and other sites where children and families live, learn, and play”; and

WHEREAS, the City Council of the City of Lindsay did hold a public meeting before said Council on June 28, 2016; and

WHEREAS, an investigation was conducted to determine the City’s authority to support such a regulation and the effectiveness of said support; and

WHEREAS, it was determined that pesticides are exclusively regulated by the United States Environmental Protection Agency and the California Department of Pesticide Regulation; and

WHEREAS, the California Department of Pesticide Regulation directs and oversees the County Agricultural Commissioners who carry out and enforce pesticide and environmental laws and regulations locally.

NOW, THEREFORE, BE IT RESOLVED, that the City has determined that it has no jurisdictional or regulatory authority regarding the application of pesticides and further, lacks the expertise to determine pesticide hazards or effectiveness.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the California Department of Pesticide Regulation is the only regulatory agency of pesticides for the City of Lindsay and Tulare County, outside of the Federal Government and is an acknowledged authority in the field of pesticide control.

BE IT FURTHER RESOLVED, that the California Department of Pesticide Regulation invites public participation in its decision making and provides a website link for “Decisions Pending and Opportunities for Public Participation” (http://www.cdpr.ca.gov/docs/dept/quicklinks/com_opts.htm),

which includes a calendar and meeting notices, agendas, and minutes for the Agricultural Pest Control Advisory Committee, the Pest Management Advisory Committee and the Pesticide Registration and Evaluation Committee.

BE IT FURTHER RESOLVED, that the City of Lindsay feels that any fruitful, evidence-based dialogs to modify the control of pesticides should begin with the California Department of Pesticide Regulation.

BE IT FURTHER RESOLVED, that the City of Lindsay feels that an evidence-based dialog between El Quinto Sol de America and the California Department of Pesticide Regulation would be much more productive than petitions or municipal support.

THEREFORE BE IT FURTHER RESOLVED, that the City of Lindsay, desiring to keep all of its residents safe, and especially children, supports El Quinto Sol de America's efforts in promoting pesticide awareness and encourages El Quinto Sol de America to engage in a dialog with the California Department of Pesticide Regulation.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lindsay this 28th day of June, 2016.

CITY COUNCIL OF THE CITY OF LINDSAY

Ramona Villarreal-Padilla, Mayor

ATTEST:

Carmela Wilson, City Clerk

**HEALTHY KIDS ZONE
TULARE COUNTY PROTECTIONS ZONE CAMPAIGN**



Yes! Our organization supports the establishment of Healthy Kids Zones around homes, schools, day cares, hospitals and all sensitive sites in Tulare County to protect the health of our children, families and communities from the dangers of restricted material pesticides.

Name of organization: _____

Contact person: _____

Position/Title: _____

Address: _____

City: _____ County: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____ Web site: _____

Signature: _____

Feel free to list my name/organization's name as a campaign supporter in outreach materials Yes, that's fine No, please don't use our name publicly

I and/or my organization can help the Tulare County Healthy Kids Zone Campaign by:

- Helping to get people to come to events
- Arranging a meeting where campaign staff can educate our staff/constituents about pesticide drift
- Attending meetings with public officials
- Speaking to the media
- Other _____

Please sign this form and return it by email or regular mail to:

El Quinto Sol de America, Att. Angel Garcia
115 N. Elmwood Ave., Lindsay, CA. 93247 • Phone: 559-562-3060
www.elquintosoldeamerica.org • angel@elquintosoldeamerica.org