City Council Meeting
Agenda

August 1, 2023
7:00 PM – Regular Meeting
Council Chambers
400 N. Douty St.

Council Members will meet in-person in the Council Chambers. The meeting will also be lived streamed on the City's website: http://livestream.hanford.city/

4:00 PM CALL TO ORDER STUDY SESSION AND CLOSED SESSION:

ROLL CALL BY THE CITY CLERK:

PUBLIC COMMENT:

*Study Sessions are considered Special Meetings under the Brown Act. Accordingly, comments from the public are limited to items listed on the agenda (GC 54954.3a). Public Comment will be accepted during each agenda item. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

STUDY SESSION:

A. Presentation regarding the Annual Fire inspection process and an overview of the Program including the types, frequency, and costs of the inspections.

B. Review of the Handbook of Rules and Procedures for the Hanford City Council and discussion of potential amendments

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

A. CONFERENCE WITH LEGAL COUNSEL-REAL PROPERTY NEGOTIATIONS (GC 54956.8):

1. Property: 113 Court St. (Court House) APN: 010-265-001-000
   Agency Negotiators: Mario Cifuentez and Ty Mizote
   Negotiating Party: Kevin Nickell and Jason Carvalho

2. Property: 113 Court St. (Bastille) APN: 010-265-001-000

Agency Negotiators: Mario Cifuentez and Ty Mizote
Negotiating Party: Julie Green and Steven Green

CALL TO ORDER REGULAR SESSION:

ROLL CALL:

INVOCATION:

FLAG SALUTE:

CLOSED SESSION ACTION REPORT:

COUNCIL REPORTS/GENERAL REPORTS:

Brief information-only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expenses (AB1234).

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code sec. 54954.2). A maximum of three minutes is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.

CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

A. Procedural Waiver: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title the only.

B. Public Works: Approval of FY 23/24 blanket purchase orders (BPOs) over $50,000 for various divisions in the Public Works Department. The total amount of these BPOs for FY 23/24 is $5,520,900.

C. Public Works: Approval of the Final Map and Subdivision Agreement for Tract No. 934 with Lennar Homes of California, LLC, and adopt the attached Resolution 23-27-R Establishing the Formation of Assessment District No. 20-02; and adopt the attached Resolution 23-31-R Intention to Levy Assessment and Confirmation of Engineer's Report; and adopt the attached Resolution 23-30-R Initiating Proceedings for the Formation of Assessment District No. 20-02.

D. Finance: Adoption of Resolution 23-29-R to update the authorization of investment of monies in the Local Agency Investment Fund.

E. Finance: Acceptance and authorization for staff to File the City of Hanford's Quarterly Investment Portfolio and Transactions Reports as of 06/30/2023.

PUBLIC HEARING:

A. Parks and Community Services: Public Hearing to Adopt Resolution 23-28-R, approving the collection of Landscape Assessment District assessments as outlined, pursuant to Chapter 3 of the Landscape and Lighting Act of 1972, and approving the assessment increases as proposed.

GENERAL BUSINESS:

A. Police: Adoption of Resolution No. 23-32-R, authorizing the acceptance of a grant from California Highway Patrol in the amount of $63,033.28, Amendment to the Police Department operating budget to recognize the grant, Appropriation of the same amount in the General Fund for the Police Department, and Authorization for the Police Chief to execute the grant agreement.

B. Parks and Community Services: Approval of a contract with Park Planet, totaling $174,586.80, for the purchase of replacement playground equipment and installation services at Earl F Johnson Park, to be funded by the Accumulated Capital Outlay (ACO) Fund.

COUNCIL COMMENTS AND COMMUNICATIONS::

At this time, any Council Member may ask a question for clarification, make an announcement, or report briefly on their activities. In addition, subject to Council Policies and Procedures, they may request staff to report back to the Council at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (GOV. CODE SEC. 54954.2)

A. Council Future Agenda Items

B. Upcoming Events and Important Dates:

Every Saturday: Free Fitness Court Classes at Hidden Valley Park 8:00 a.m. - 9:00 a.m.
August 12: Helping Hands Volunteer Program at Hidden Valley Park 8:00 a.m. - 12:00 noon
August 15: Regular City Council Meeting
August 19: Walk with a Doc at Hanford Mall (food court entrance) 9:00 a.m.-10:00 a.m. More info
September 4: City offices will be closed in observance of Labor Day
September 5: Cancelled City Council meeting

ADJOURNMENT:

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available to public inspection in the City Clerk's Office located at 319 N. Douty Street, Hanford, California 93230, during normal business hours. Such agendas are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post the agenda before the meeting.

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's office, 559-585-2515, 319 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** STUDY SESSION

SUBJECT:
Presentation regarding the Annual Fire inspection process and an overview of the Program including the types, frequency, and costs of the inspections.

RECOMMENDATION:

Recommendation: That council receive this presentation and provide further directions if needed.

Recommended Motion: No motion at this time

BACKGROUND:

The Fire Department's Prevention Division conducts several types of inspections of the City pursuant to the requirements of the CA Fire Code. The first type is inspections for new construction and tenant improvements. Our inspectors also perform safety inspections for biannual, annual, and biennial businesses based on the occupancy type. The purpose of all inspections is to provide reassurances to customers and property owners that the occupancy is up to the current Fire Code for the owner, occupant, and the customer. Like most Codes, much of the Fire Code was developed based on preventable events, had they been recognized and brought to the attention of the responsible party. Finally, our inspectors conduct fire weed abatement inspections to reduce the fire threat and growth potential for our community.

For new construction and tenant improvements, the first step begins with a site plan review. Staff reviews the rough plans for a particular project and identifies any obvious needs for the proposed project. When the developer is ready to begin the project, they will submit a formal set of plans for permit review. The intake process is similar for residential and commercial construction. The plans are initially examined for accuracy and, if needed, sent off for third-party review. Depending on the scope of the project, the permitting process provides an initial inspection and one re-inspect. For single-family residential, the inspection process consists of a flush test, a rough inspection with pressure, and a final hydro test 2 hours after the rough; the process is known as a "Rough and Hydro". Multifamily residential inspections consist of much more due to risers, corridors, extinguishers, and alarm systems. The above is a simplified explanation of the work done by inspectors. Inspections may take 30 minutes to several hours, depending on the scope of work.

For routine inspections, the process is much different. Each occupancy has its own complications and simplicities. The main purpose of these inspections is to provide an assurance to business owners, employees, and customers that the business is up to the current Fire Code or to provide a mitigation plan to bring the business up to Code. This does not mean that a fire will not occur or that a business is completely safe. By nature, many businesses have an inherent risk that is mitigated

through internal safety precautions and/or limited access to the public. Some occupancies are mandated to be inspected annually or biannually by the fire code. The rest are up to the Jurisdiction Having Authority (JHA), or the Fire Department. For those businesses, we conduct a biennial inspection to verify they are up to Code. Every business is required to conform to the Fire Code.

Property owners must have weed abatement completed by June 1st or risk an administrative penalty. However, abatement issues are a year-round process. While it is recommended that the owner complete their abatement in May so as not to incur new growth, if the weeds begin to turn color early, they should be removed, cut, or disced to prevent the fire hazard. After June 1st, I send inspectors around the city to identify problem areas. That process takes about 2 weeks due to the continual workload. It then takes about a week to write up the inspection and abatement notice to send to the property owner. Once received, the property owner has 10 days to complete the abatement. If completed before the next inspection, the property owner will only receive an inspection fee for not completing the abatement before June 1st. The second and third notices follow the same process as the first. We do add escalating administrative penalties after the second and third notice. After another required 10-day waiting period, if the property is still out of compliance, we will begin the Abatement Warrant process to send in a cleanup crew. If we have a property that goes through the entire process, it could be as late as September before we are able to clean the property. Due to this, it is always better to have the property owner handle the abatement before June 1st.

Per the City's adopted Master Fee schedule, a routine inspection costs $105 for occupancies less than 5,000 sq ft. This includes time, travel, software, and a re-inspection if needed. As the occupancy type and size grow, the cost of the inspection increases to coincide with the time it takes to perform the work. The goal of the user fee is to recover the cost of performing a reimbursable service without reducing other services provided by the City. Below is an estimate chart assuming 100% inspection compliance. Without the ability to recover costs, these fees would have to come out of the General Fund. Currently, the department has been successful in completing all new construction and mandated inspections. Unfortunately, due to a lack of a standardized notification, scheduling, and billing system, as well as staffing shortages, the department has not been able to complete the majority of the biennial inspections. The Prevention division has put a priority on the inspection process for this Fiscal Year. Because of the inability to complete all of the required inspections, the department has only been able to budget for $160,000 in annual inspection review instead of the $330,750 figure shown below.

Inspection Services and Fees

Inspection Type	Annual Quantity	Time Est	Est. Cost	Est. Total
New Construction - Single Family Residential	250	1	$105	$26,250
New Construction - Multi Family Residential	2	20	$105	$4,200
New Construction - Commercial	30	10	$105	$31,500
Biannual Inspections	60	1	$105	$6,300
Annual Inspectinos	400	4	$105	$168,000
Biennial Inspections	800	1	$105	$84,000
Weed Abatement	100	1	$105	$10,500
			Total	**$330,750**

Admittedly, many business owners have never had a Fire Safety Inspection. Moving forward, every effort is being made to inform the public as we advance our inspection program to correct the gaps. To inform business owners, the Fire Chief is working with the City's Community Relations Manager to develop a series of messages to be sent through all digital platforms currently used by the City. We will attempt to identify the geographical area on our media platforms where inspectors will be

working to give business owners notice. If we show up to perform the inspection and a business is not ready, they can ask to reschedule to a more convenient time without incurring additional costs. After this first 2-year cycle, all businesses should be on an automated scheduling system through the new software. All new businesses will be added to the system as they come online.

To better explain the inspection process, staff has set up some Code violations in the West Wing. We will conduct a simple walk-through to explain and demonstrate the process for you and the public to conduct an inspection.

FISCAL IMPACT:

By completing 100% of estimated Fire and Life Safety Inspection sites, the City would be able to recover approximately $330,000; more than doubling the previous year's recovery efforts for inspections. These fees would be promoting safety in the city and recovering the costs of inspection services.

ATTACHMENTS:

1. sfm-regulated-occupancies-march-2011-_final_

OFFICE OF THE STATE FIRE MARSHAL REGULATED OCCUPANCIES: AUTHORITY, RESPONSIBILITY, INSPECTION FREQUENCY, ABILITY TO MODIFY REGULATIONS LOCALLY ABILITY TO CHARGE AN INSPECTION FEE

Revised by Office of the State Fire Marshal
March, 2011

This document is intended to assist individuals with the application/enforcement of specific provisions of the California Health and Safety Code. Individuals must still review the provisions of statute regularly to determine if changes have been made that impact particular sections of the Health and Safety Code.

GROUP A OCCUPANCIES

Description
Health and Safety Code, §13143
(a) Except as provided in Section 18930, the State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare, adopt, and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 and shall prepare and adopt other regulations establishing minimum requirements for the prevention of fire, and for the protection of life and property against fire and panic, in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and for any laboratory or research and development facility that stores, handles, or uses regulated hazardous materials. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 for the purposes described in this section. Regulations adopted pursuant to this subdivision and building standards relating to fire and panic safety published in the California Building Standards Code shall establish minimum requirements relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, security bars, grills, grates, and furnishings that present a fire, explosion, or panic hazard, and the minimum requirements shall be predicated on the height and fire-resistive qualities of the building or structure and the type of occupancy for which it is to be used. The building standards and other regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this subdivision. Violation of any building standard or other regulation shall be a violation of this chapter.

In preparing and adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13, and in preparing and adopting other regulations affecting public schools, the State Fire Marshal shall also secure the advice of the State Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or building standard lawfully adopted or enforced by the Department of General Services pursuant to Article 3 (commencing with Section 39140) of Chapter 2 of Part 23 or Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of the Education Code.

In addition to any other requirements for location of exit signs or devices in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, the State Fire Marshal shall adopt building standards pursuant to this section establishing minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. Exit sign technologies permitted by the model building code upon which the California Building Standards Code is based, shall be permitted. These building standards shall be adopted before July 1, 1998, and shall apply to all newly constructed buildings or structures subject to this subdivision for which a building permit is issued, or construction commenced, if no building permit is issued, on or after January 1, 1989.
(b) Notwithstanding subdivision (a) and Section 13143.6, facilities licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 which provide nonmedical board, room, and care for six or fewer ambulatory children placed with the licensee for care or foster family homes and family day care homes for children, licensed pursuant to Chapter 3.6 (commencing with Section 1597.50) of Division 2, with a capacity of six or fewer and providing care and supervision for ambulatory children or children two years of age or younger, or both, shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of this chapter or regulations adopted pursuant thereto. No city, county, or public district shall adopt or enforce any requirement for the prevention of fire, or for the protection of life and property against fire and panic, with respect to structures used as facilities specified in this subdivision, unless the requirement would be applicable to a structure regardless of the special occupancy.

Nothing in this subdivision shall restrict the application of state or local housing standards to those facilities, if the standards are applicable to residential occupancies and are not based upon the use of the structure as a facility specified in this subdivision. "Ambulatory children," as used in this subdivision, does not include nonambulatory persons, as defined in Section 13131, and relatives of the licensee or the licensee's spouse.

(c) The State Fire Marshal shall adopt building standards establishing regulations providing that all school classrooms constructed after January 1, 1990, not equipped with automatic sprinkler systems, which have metal grills or bars on all their windows and do not have at least two exit doors within three feet of each end of the classroom opening to the exterior of the building or to a common hallway used for evacuation purposes, shall have an inside release for the grills or bars on at least one window farthest from the exit doors. The window or windows with the inside release shall be clearly marked as an emergency exit, in accordance with regulations adopted by the State Fire Marshal.

Authority to Inspect

Health and Safety Code, §13109

The State Fire Marshal, his or her deputies, or his or her salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

Responsibility to Inspect

Health and Safety Code, §13145 and 13146

13145. The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

13146 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Inspection Frequency
This is **not** mandated by statute or regulation and no state license or fire clearance is required.

Ability to Modify Regulations Locally
See Health and Safety Code, §18941.5 (b)

Ability to Charge an Inspection Fee
Health and Safety Code §13146(f)
The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

GROUP C OCCUPANCIES

Description
Health and Safety Code, §18897 and 18897.3
18897(a) "Organized camp" means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year.
(b) The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and does not include a child care institution or home-finding agency.
(c) The term "organized camp" also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.

18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Authority to Inspect
Health and Safety Code, §13145 and 13146
13145 The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

13146 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Responsibility to Inspect
Health and Safety Code, §18897.5
The building standards published in the State Building Standards Code relating to fire and panic safety and the other regulations adopted by the State Fire Marshal pursuant to Section 18897.3 shall be enforced in the same manner as is prescribed by Sections 13145, 13146, and 13146.5 of this code for the enforcement of building standards published in the State Building Standards Code relating to fire and panic safety and the other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Inspection Frequency
No periodic inspection is required by statute.

Ability to Modify Regulations Locally
See Health and Safety Code, §18941.5 (b)

Ability to Charge an Inspection Fee
Health and Safety Code, §13146 (f)
The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

GROUP E OCCUPANCIES

Description

Health and Safety Code, §13143 (a)

(a) Except as provided in Section 18930, the State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare, adopt, and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 and shall prepare and adopt other regulations establishing minimum requirements for the prevention of fire, and for the protection of life and property against fire and panic, in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and for any laboratory or research and development facility that stores, handles, or uses regulated hazardous materials. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 for the purposes described in this section. Regulations adopted pursuant to this subdivision and building standards relating to fire and panic safety published in the California Building Standards Code shall establish minimum requirements relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials of substances, and the installation and maintenance of appliances, equipment, decorations, security bars, grills, grates, and furnishings that present a fire, explosion, or panic hazard, and the minimum requirements shall be predicated on the height and fire-resistive qualities of the building or structure and the type of occupancy for which it is to be used. The building standards and other regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this subdivision. Violation of any building standard or other regulation shall be a violation of this chapter.

In preparing and adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13, and in preparing and adopting other regulations affecting public schools, the State Fire Marshal shall also secure the advice of the State Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or building standard

lawfully adopted or enforced by the Department of General Services pursuant to Article 3 (commencing with Section 39140) of Chapter 2 of Part 23 or Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of the Education Code.
In addition to any other requirements for location of exit signs or devices in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, the State Fire Marshal shall adopt building standards pursuant to this section establishing minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. Exit sign technologies permitted by the model building code upon which the California Building Standards Code is based, shall be permitted. These building standards shall be adopted before July 1, 1998, and shall apply to all newly constructed buildings or structures subject to this subdivision for which a building permit is issued, or construction commenced, if no building permit is issued, on or after January 1, 1989.
(b) Notwithstanding subdivision (a) and Section 13143.6, facilities licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 which provide nonmedical board, room, and care for six or fewer ambulatory children placed with the licensee for care or foster family homes and family day care homes for children, licensed pursuant to Chapter 3.6 (commencing with Section 1597.50) of Division 2, with a capacity of six or fewer and providing care and supervision for ambulatory children or children two years of age or younger, or both, shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of this chapter or regulations adopted pursuant thereto. No city, county, or public district shall adopt or enforce any requirement for the prevention of fire, or for the protection of life and property against fire and panic, with respect to structures used as facilities specified in this subdivision, unless the requirement would be applicable to a structure regardless of the special occupancy. Nothing in this subdivision shall restrict the application of state or local housing standards to those facilities, if the standards are applicable to residential occupancies and are not based upon the use of the structure as a facility specified in this subdivision. "Ambulatory children," as used in this subdivision, does not include nonambulatory persons, as defined in Section 13131, and relatives of the licensee or the licensee's spouse.
(c) The State Fire Marshal shall adopt building standards establishing regulations providing that all school classrooms constructed after January 1, 1990, not equipped with automatic sprinkler systems, which have metal grills or bars on all their windows and do not have at least two exit doors within three feet of each end of the classroom opening to the exterior of the building or to a common hallway used for evacuation purposes, shall have an inside release for the grills or bars on at least one window farthest from the exit doors. The window or windows with the inside release shall be clearly marked as an emergency exit, in accordance with regulations adopted by the State Fire Marshal.

Authority to Inspect
Health and Safety Code, §13145
The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Responsibility to Inspect
Health and Safety Code, §13146
The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:
(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:
(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.
(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Inspection Frequency
Health and Safety Code, §13146.3
The chief of any city or county fire department or district providing fire protection services and his or her authorized representatives shall inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The State Fire Marshal and his or her authorized representatives shall make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

Ability to Modify Regulations Locally
Not permitted based upon case law: Hall vs. City of Taft

Ability to Charge an Inspection Fee
This is under review.

GROUP I OCCUPANCIES

Description
Health and Safety Code, §13143
(a) Except as provided in Section 18930, the State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare, adopt, and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 and shall prepare and adopt other regulations establishing minimum requirements for the prevention of fire, and for the protection of life and property against fire and panic, in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and for any laboratory or research and development facility that stores, handles, or uses regulated hazardous materials. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 for the purposes described in this section. Regulations adopted pursuant to this subdivision and building standards relating to fire and panic safety published in the California Building Standards Code shall establish minimum requirements relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, security bars, grills, grates, and furnishings that present a fire, explosion, or panic hazard, and the minimum requirements shall be predicated on the height and fire-resistive qualities of the building or structure and the type of occupancy for which it is to be used. The

building standards and other regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this subdivision. Violation of any building standard or other regulation shall be a violation of this chapter.
In preparing and adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13, and in preparing and adopting other regulations affecting public schools, the State Fire Marshal shall also secure the advice of the State Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or building standard lawfully adopted or enforced by the Department of General Services pursuant to Article 3 (commencing with Section 39140) of Chapter 2 of Part 23 or Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of the Education Code.
In addition to any other requirements for location of exit signs or devices in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, the State Fire Marshal shall adopt building standards pursuant to this section establishing minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. Exit sign technologies permitted by the model building code upon which the California Building Standards Code is based, shall be permitted. These building standards shall be adopted before July 1, 1998, and shall apply to all newly constructed buildings or structures subject to this subdivision for which a building permit is issued, or construction commenced, if no building permit is issued, on or after January 1, 1989.
(b) Notwithstanding subdivision (a) and Section 13143.6, facilities licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 which provide nonmedical board, room, and care for six or fewer ambulatory children placed with the licensee for care or foster family homes and family day care homes for children, licensed pursuant to Chapter 3.6 (commencing with Section 1597.50) of Division 2, with a capacity of six or fewer and providing care and supervision for ambulatory children or children two years of age or younger, or both, shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of this chapter or regulations adopted pursuant thereto. No city, county, or public district shall adopt or enforce any requirement for the prevention of fire, or for the protection of life and property against fire and panic, with respect to structures used as facilities specified in this subdivision, unless the requirement would be applicable to a structure regardless of the special occupancy.
Nothing in this subdivision shall restrict the application of state or local housing standards to those facilities, if the standards are applicable to residential occupancies and are not based upon the use of the structure as a facility specified in this subdivision. "Ambulatory children," as used in this subdivision, does not include nonambulatory persons, as defined in Section 13131, and relatives of the licensee or the licensee's spouse.
(c) The State Fire Marshal shall adopt building standards establishing regulations providing that all school classrooms constructed after January 1, 1990, not equipped with automatic sprinkler systems, which have metal grills or bars on all their windows and do not have at least two exit doors within three feet of each end of the classroom opening to the exterior of the building or to a common hallway used for evacuation purposes, shall have an inside release for the grills or bars on at least one window farthest from the exit doors. The window or windows with the inside release shall be clearly marked as an emergency exit, in accordance with regulations adopted by the State Fire Marshal.

Authority to Inspect
Health and Safety Code, §I3145
The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Authority to Inspect Group I-3 Occupancies (not subject to HSC 13108)
Health and Safety Code, §13146.1 (b)
(a) Notwithstanding the provisions of Section 13146, the State Fire Marshal, or the State Fire Marshal's authorized representative, shall inspect every jail or place of detention for persons charged with or convicted of a crime, unless the chief of any city or county fire department or fire protection district, or that chief's authorized representative, indicates in writing to the State Fire Marshal that inspections of jails or

places of detention, therein, shall be conducted by the chief, or the chief's authorized representative and submits the reports as required in subdivision (c).

(b) The inspections shall be made at least once every two years for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143, and the minimum standards pertaining to fire and life safety adopted by the Board of Corrections, pursuant to Section 6030 of the Penal Code.

(c) Reports of the inspections shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal, and the Board of Corrections within 30 days of the inspections.

(d) The State Fire Marshal, or his or her authorized representative, who performs an inspection pursuant to subdivision (a) may charge and collect a fee for the inspection from the local government. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

Responsibility to Inspect

Health and Safety Code, §13146 (b) and (d)

The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Inspection Frequency

Health and Safety Code, §13146.1

(a) Notwithstanding the provisions of Section 13146, the State Fire Marshal, or the State Fire Marshal's authorized representative, shall inspect every jail or place of detention for persons charged with or convicted of a crime, unless the chief of any city or county fire department or fire protection district, or that chief's authorized representative, indicates in writing to the State Fire Marshal that inspections of jails or places of detention, therein, shall be conducted by the chief, or the chief's authorized representative and submits the reports as required in subdivision (c).

(b) The inspections shall be made at least once every two years for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143, and the minimum standards pertaining to fire and life safety adopted by the Board of Corrections, pursuant to Section 6030 of the Penal Code.

(c) Reports of the inspections shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal, and the Board of Corrections within 30 days of the inspections.

(d) The State Fire Marshal, or his or her authorized representative, who performs an inspection pursuant to subdivision (a) may charge and collect a fee for the inspection from the local government. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

Ability to Modify Regulations Locally
See Health and Safety Code, §18941.5 (b)

Ability to Charge an Inspection Fee
Health and Safety Code, §13146 (f)
The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Special Provisions Regarding Health Care Construction Projects
Health and Safety Code, §129680
(a) It is the intent of the Legislature that hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster, shall be designed and constructed to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds. In order to accomplish this purpose, the office shall propose proper building standards for earthquake resistance based upon current knowledge, and provide an independent review of the design and construction of hospital buildings.

(b) Local jurisdictions are preempted from the enforcement of all building standards published in the California Building Standards Code relating to the regulation of hospital buildings and the enforcement of other regulations adopted pursuant to this chapter, and all other applicable state laws, including plan checking and inspection of the design and details of the architectural, structural, mechanical, plumbing, electrical, and fire and panic safety systems, and the observation of construction. The office shall assume these responsibilities.

(c) Where local jurisdictions have more restrictive requirements for the enforcement of building standards, other building regulations, and construction supervision, these requirements shall be enforced by the office.

(d) Each local jurisdiction shall keep the office advised as to the existence of any more restrictive local requirements. Where a reasonable doubt exists as to whether the requirements of the local jurisdiction are more restrictive, the effect of these requirements shall be determined by the Hospital Building Safety Board. It is further the intent of the Legislature that the office, with the advice of the Hospital Building

Safety Board, may conduct or enter into contracts for research regarding the reduction or elimination of seismic or other safety hazards in hospital buildings or research regarding hospital building standards.

GROUP L OCCUPANCIES

Description

Health and Safety Code, §13143

(a) Except as provided in Section 18930, the State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare, adopt, and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 and shall prepare and adopt other regulations establishing minimum requirements for the prevention of fire, and for the protection of life and property against fire and panic, in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and for any laboratory or research and development facility that stores, handles, or uses regulated hazardous materials. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 for the purposes described in this section. Regulations adopted pursuant to this subdivision and building standards relating to fire and panic safety published in the California Building Standards Code shall establish minimum requirements relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, security bars, grills, grates, and furnishings that present a fire, explosion, or panic hazard, and the minimum requirements shall be predicated on the height and fire-resistive qualities of the building or structure and the type of occupancy for which it is to be used. The building standards and other regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this subdivision. Violation of any building standard or other regulation shall be a violation of this chapter.

In preparing and adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13, and in preparing and adopting other regulations affecting public schools, the State Fire Marshal shall also secure the advice of the State Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or building standard lawfully adopted or enforced by the Department of General Services pursuant to Article 3 (commencing with Section 39140) of Chapter 2 of Part 23 or Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of the Education Code.

In addition to any other requirements for location of exit signs or devices in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, the State Fire Marshal shall adopt building standards pursuant to this section establishing minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. Exit sign technologies permitted by the model building code upon which the California Building Standards Code is based, shall be permitted. These building standards shall be adopted before July 1, 1998, and shall apply to all newly constructed buildings or structures subject to this subdivision for which a building permit is issued, or construction commenced, if no building permit is issued, on or after January 1, 1989.

(b) Notwithstanding subdivision (a) and Section 13143.6, facilities licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 which provide nonmedical board, room, and care for six or fewer ambulatory children placed with the licensee for care or foster family homes and family day care homes for children, licensed pursuant to Chapter 3.6 (commencing with Section 1597.50) of Division 2, with a capacity of six or fewer and providing care and supervision for ambulatory children or children two years of age or younger, or both, shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of this chapter or regulations adopted pursuant thereto. No city, county, or public district shall adopt or enforce any requirement for the prevention of fire, or for the protection of life and property against fire and panic, with respect to structures used as facilities

specified in this subdivision, unless the requirement would be applicable to a structure regardless of the special occupancy.
Nothing in this subdivision shall restrict the application of state or local housing standards to those facilities, if the standards are applicable to residential occupancies and are not based upon the use of the structure as a facility specified in this subdivision. "Ambulatory children," as used in this subdivision, does not include nonambulatory persons, as defined in Section 13131, and relatives of the licensee or the licensee's spouse.

(c) The State Fire Marshal shall adopt building standards establishing regulations providing that all school classrooms constructed after January 1, 1990, not equipped with automatic sprinkler systems, which have metal grills or bars on all their windows and do not have at least two exit doors within three feet of each end of the classroom opening to the exterior of the building or to a common hallway used for evacuation purposes, shall have an inside release for the grills or bars on at least one window farthest from the exit doors. The window or windows with the inside release shall be clearly marked as an emergency exit, in accordance with regulations adopted by the State Fire Marshal.

Authority to Inspect
Health and Safety Code, §13109
The State Fire Marshal, his or her deputies, or his or her salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

Responsibility to Inspect
Health and Safety Code, §13145 and 13146
13145. The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

13146 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Inspection Frequency
This is not mandated by statute and no state license or fire clearance is required.

Ability to Modify Regulations Locally
See Health and Safety Code, §18941.5 (b)

Ability to Charge an Inspection Fee
Health and Safety Code, §13146 (f)
The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

GROUP R OCCUPANCIES

Group R-1 and R-2 Occupancies

Description
Health and Safety Code, §17921 (b)
(a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Authority to Inspect
Health and Safety Code, §13146.2
(a) Every city or county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.
(b) A city, county, or district that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection. A city, county, or district that provides related fire and life safety activities may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection.
(c) The State Fire Marshal, or his or her authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

Responsibility to Inspect
Health and Safety Code, §17921 (b)
(a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.
(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Inspection Frequency
Health and Safety Code, §13146.2
(a) Every city or county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.
(b) A city, county, or district that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection. A city, county, or district that provides related fire and life safety activities may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection.

(c) The State Fire Marshal, or his or her authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

Ability to Modify Regulations Locally
See Health and Safety Code, §13143.5, 17958, 17958.5, 17958.7 and 17958.8

Ability to Charge an Inspection Fee
Health and Safety Code, §13143.5 (f) (2)
(a) Notwithstanding Part 2 (commencing with Section 13100) of Division 12, Part 1.5 (commencing with Section 17910) of Division 13, and Part 2.5 (commencing with Section 18901) of Division 13, any city, county, or city and county may, by ordinance, make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and the other regulations adopted pursuant to this part. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(c) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(d) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or new additions to existing dwelling units.

(e) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(f) (1) A city, county, or city and county that adopts an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(g) On or before October 1, 1991, and each October 1 thereafter, the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the more stringent requirements, adopted by a city, county, or city and county, pursuant to this section or adopted by a fire protection district and ratified pursuant to Section 13869.7, to the building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the more stringent requirements. The report required pursuant to this subdivision shall apply to any more stringent requirements adopted or ratified on or after January 1, 1991.

(h) All structures governed by Part 2.7 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (a).

Existing Group R-1 and R-2 Occupancies

Health and Safety Code, §13143.2
(a) Except as provided in Section 18930, the State Fire Marshal shall adopt, amend, and repeal fire safety rules and regulations, and, except as otherwise provided in this part and Part 1.5 (commencing with

Section 17910) of Division 13, the State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor. The State Fire Marshal shall adopt, amend, or repeal, and shall submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13. The rules and regulations and building standards shall provide adequate safety to the occupants and the general public, and shall be consistent with the requirements contained in subdivisions (d), (e), (f), (g), (h), (i), (k), and (l) of Section 1215 of Part 2 of the California Building Standards Code, 1990 edition, or similar successor standards of the California Building Standards Code.

Except as provided in Section 18930, the department, with the written approval of the State Fire Marshal, may allow reasonable exceptions to subdivisions (e) and (g) of Section 1215 of Part 2 of the California Building Standards Code, 1990 edition, or similar successor standards of the California Building Standards Code, to permit the continued use of existing stairs and to subdivision (l) of Section 1215 to permit equivalent protection in lieu of occupancy separations. However, the exceptions shall not impair occupant safety and shall be consistent with the legislative intent of this section.

The building standards adopted by the State Fire Marshal and submitted for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 shall not require that interior stairs and vertical openings be enclosed in two-story buildings.

(b) Notwithstanding subdivision (a), any city, county, or city and county may adopt building standards for structural fire safety and fire-resistant exits in structures subject to this section. However, those building standards shall be substantially equivalent in fire safety to, or more stringent in fire safety than, the building standards published in the California Building Standards Code. Each city, county, or city and county adopting alternative standards shall submit a detailed statement, with supporting data, to the State Fire Marshal of the alternate standards to the state building standards and other regulations adopted by the State Fire Marshal. The State Fire Marshal shall make a finding as to whether the alternative local standards are equivalent to the requirements of the California Building Standards Code. It is the intention of the Legislature that the building standards adopted and published in the California Building Standards Code shall be consistent with the requirements for new construction contained in the Uniform Building Code, 1988 edition, as adopted by the International Conference of Building Officials or similar successor standards adopted in accordance with Section 18928, except as otherwise required by state or federal law.

(c) This section shall not apply to any apartment house, hotel, or motel existing on May 14, 1979, having floors, as measured from the top of the floor surface, used for human occupancy located more than 75 feet above the lowest floor level having building access which is subject to Chapter 3 (commencing with Section 13210) of Part 2 of Division 12 relating to high rise buildings existing on May 14, 1979.

(d) The enforcement agency shall make inspections to the extent necessary to identify the structures within its jurisdiction in violation of the rules and regulations adopted pursuant to this section, and all structures subject to this section shall be conformed to the requirements contained in those regulations.

(e) All structures governed by Part 2.7 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (b).

Group R-2.1 and R-4 Occupancies

Description

Health and Safety Code, §13133

(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, as defined in Section 1502, and residential care facilities for the elderly, as defined in Section 1569.2. Notwithstanding Sections 13143.2, 13143.5, and 13869.7, building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, and other regulations adopted by the State Fire Marshal pursuant to this section, shall apply uniformly throughout the state, and no city, county, city and county, including a charter city or charter county, or fire protection district shall adopt or enforce any ordinance or local rule or regulation relating to fire and panic safety in buildings or structures subject to this section that is inconsistent with building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code

relating to fire and panic safety, or other regulations adopted by the State Fire Marshal pursuant to this section.

(b) Notwithstanding subdivision (a), a city, county, city and county, including a charter city or charter county may pursuant to Section 13143.5, or a fire protection district may pursuant to Section 13869.7, adopt standards more stringent than those contained in subdivision (a) that are reasonably necessaryto accommodate local climate, geological, or topographical conditions relating to roof coverings for residential care facilities for the elderly.

Authority to Regulate

Health and Safety Code, §13133

(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, as defined in Section 1502, and residential care facilities for the elderly, as defined in Section 1569.2. Notwithstanding Sections 13143.2, 13143.5, and 13869.7, building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, and other regulations adopted by the State Fire Marshal pursuant to this section, shall apply uniformly throughout the state, and no city, county, city and county, including a charter city or charter county, or fire protection district shall adopt or enforce any ordinance or local rule or regulation relating to fire and panic safety in buildings or structures subject to this section that is inconsistent with building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, or other regulations adopted by the State Fire Marshal pursuant to this section.

(b) Notwithstanding subdivision (a), a city, county, city and county, including a charter city or charter county may pursuant to Section 13143.5, or a fire protection district may pursuant to Section 13869.7, adopt standards more stringent than those contained in subdivision (a) that are reasonably necessaryto accommodate local climate, geological, or topographical conditions relating to roof coverings for residential care facilities for the elderly.

Responsibility to Inspect

Health and Safety Code, §13235

(a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

(b) The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final prelicensure inspection by the State Department of Social Services, whichever is later.

Inspection Frequency

Health and Safety Code, §13146.2 and 17921 (b)

13146.2 (a) Every city or county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.

(b) A city, county, or district that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection. A city, county, or district that provides related fire and life safety activities may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or district, sufficient to pay the costs of that inspection.

(c) The State Fire Marshal, or his or her authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

17921 (a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Ability to Modify Regulations Locally

Health and Safety Code, §13133 and 13143.6

13133 (a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, as defined in Section 1502, and residential care facilities for the elderly, as defined in Section 1569.2. Notwithstanding Sections 13143.2, 13143.5, and 13869.7, building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, and other regulations adopted by the State Fire Marshal pursuant to this section, shall apply uniformly throughout the state, and no city, county, city and county, including a charter city or charter county, or fire protection district shall adopt or enforce any ordinance or local rule or regulation relating to fire and panic safety in buildings or structures subject to this section that is inconsistent with building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, or other regulations adopted by the State Fire Marshal pursuant to this section.

(b) Notwithstanding subdivision (a), a city, county, city and county, including a charter city or charter county may pursuant to Section 13143.5, or a fire protection district may pursuant to Section 13869.7, adopt standards more stringent than those contained in subdivision (a) that are reasonably necessary to accommodate local climate, geological, or topographical conditions relating to roof coverings for residential care facilities for the elderly.

13143.6 (a) Except as provided in Section 18930, the State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. The State Fire Marshal shall adopt and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 for the purposes described in this section. Occupancies within the meaning of this subdivision shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to, those commonly referred to as "certified family care homes," "out-of-home placement facilities," and "halfway houses." Building standards relating to fire and panic safety published in the State Building Standards

Code and other regulations adopted pursuant to this subdivision shall establish minimum requirements relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum requirements shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used.

Any building or structure within the scope of this subdivision used or intended to be used for the housing of more than six nonambulatory persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. "Nonambulatory person," as used in this section, means nonambulatory person as defined in Section 13131.

The ambulatory or nonambulatory status of any developmentally disabled person within the scope of this subdivision shall be determined by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative.

Any building or structure within the scope of this subdivision used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion other than heat.

In preparing and adopting regulations pursuant to this subdivision, the State Fire Marshal shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to March 4, 1972.

In preparing and adopting regulations pursuant to this subdivision, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state.

Any governmental agency that refers any person to, or causes his or her placement in, any home or institution subject to this section shall, within seven days after the referral or placement, request verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146. Any referral or placement in homes or institutions subject to this section shall be subject to rescission if the fire authority having jurisdiction subsequently informs the governmental agency that it is unable to give the requested verification.

When a building or structure within the scope of this subdivision is used to house either ambulatory or nonambulatory persons, or both, and an automatic sprinkler system, approved by the State Fire Marshal, is installed, this subdivision shall not be construed to also require the installation of an automatic fire alarm system.

(b) Notwithstanding any other provision of law, facilities which are subject to the provisions of subdivision (a) and which are used for the housing of persons, none of whom are physically or mentally handicapped or nonambulatory persons within the meaning of Section 13131, shall not be required to have installed an automatic sprinkler system or an automatic fire alarm system. In adopting regulations, or when adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13, affecting facilities specified in this subdivision, the State Fire Marshal shall take into consideration the ambulatory and nonhandicapped status of persons housed in such facilities.

(c) It is the intent of the Legislature that any building or structure within the scope of subdivision (a) in which there is housed any totally deaf person, shall be required by the State Fire Marshal to be equipped with fire warning devices to which such person is able to respond.

(d) The provisions of this section, building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, and the other regulations adopted by the State Fire Marshal pursuant to this section shall apply uniformly throughout the State of California, and no county, city, city and county, or district shall adopt or enforce any ordinance or local rule or regulation relating to fire and panic safety in buildings or structures subject to the provisions of this section which is inconsistent with the provisions of this section, building standards published in the State Building Standards Code relating to fire and panic safety, or the other regulations adopted by the State Fire Marshal pursuant to this section.

Ability to Charge an Inspection Fee

Health and Safety Code, §13235 and 13143.5

13235 (a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244,

or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

(b) The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final prelicensure inspection by the State Department of Social Services, whichever is later.

13143.5 Neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing the provisions of Section 13143 or regulations adopted pursuant thereto with respect to facilities providing nonmedical board, room, and care for six or less children which are required to be licensed under the provisions of Chapter 2 (commencing with Section 1250) of Division 2.

Group R-3 Occupancies

Description

Health and Safety Code, §17921 (b)

(a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Authority to Inspect

Health and Safety Code, §17921(b)

(a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto.

These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Responsibility to Inspect
Health and Safety Code, §13145, 13146 and 17921(b)
13145 The State Fire Marshal, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

13146 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 1201 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city or county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

17921 (b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. *These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.*

Inspection Frequency
No periodic inspection is required by statute.

Ability to Modify Regulations Locally
See Health and Safety Code, §17922, 17958, 17958.5 and 17958.7

HIGH-RISE STRUCTURES

Description
Health and Safety Code, §13210
(a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
(b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
(c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Authority to Inspect
Health and Safety Code, §13214
The provisions of this chapter, building standards applicable to high-rise structures published in the State Building Standards Code relating to fire and panic safety, and the other regulations of the State Fire Marshal adopted pursuant to this chapter shall be enforced in the same manner as provided in Sections 13145 and 13146 The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, may enter any building, premises, or portion thereof not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter The owner, lessee, manager, or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants, or the chief or any city or county fire department or district providing fire protection services, or their authorized representatives, to enter and inspect the building or premises at the time and for the purpose stated in this chapter.

Responsibility to Inspect
Health and Safety Code, §13217
(a) The fire department of any city or county may annually inspect all high-rise structures for compliance with building standards and other regulations of the State Fire Marshal. If a local agency elects to perform the inspection, the results of the inspection shall be submitted to the State Fire Marshal's office in a form and manner approved by the State Fire Marshal no later than 30 days after the date of the inspection. If the local fire department elects not to conduct an inspection, the State Fire Marshal shall conduct the inspection.
(b) A local agency which inspects a high-rise structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.
(c) If the State Fire Marshal conducts an inspection pursuant to subdivision (a), the State Fire Marshal shall determine his or her costs of the inspection and submit a claim for that amount, together with a designation of the city or county in which the inspection was conducted, to the Controller. Notwithstanding Section 11005 of the Revenue and Taxation Code, the Controller shall deduct the claimed amount from the moneys allocated pursuant to Section 11005 of the Revenue and Taxation Code to the designated city or county and transfer that amount to the State Fire Marshal to pay the costs of the inspections, and the Controller shall distribute the balance to the designated city or county.

Inspection Frequency
Health and Safety Code, §13217 (a)
(a) The fire department of any city or county may annually inspect all high-rise structures for compliance with building standards and other regulations of the State Fire Marshal. If a local agency elects to perform the inspection, the results of the inspection shall be submitted to the State Fire Marshal's office in a form and manner approved by the State Fire Marshal no later than 30 days after the date of the inspection. If the local fire department elects not to conduct an inspection, the State Fire Marshal shall conduct the inspection.
(b) A local agency which inspects a high-rise structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.
(c) If the State Fire Marshal conducts an inspection pursuant to subdivision (a), the State Fire Marshal shall determine his or her costs of the inspection and submit a claim for that amount, together with a designation of the city or county in which the inspection was conducted, to the Controller. Notwithstanding Section 11005 of the Revenue and Taxation Code, the Controller shall deduct the

claimed amount from the moneys allocated pursuant to Section 11005 of the Revenue and Taxation Code to the designated city or county and transfer that amount to the State Fire Marshal to pay the costs of the inspections, and the Controller shall distribute the balance to the designated city or county.

Ability to Modify Regulations Locally
Health and Safety Code, §13216
The governing body of any city or county may impose greater restrictions with respect to high-rise structures than are imposed by the building standards published in the State Building Standards Code relating to fire or panic safety or the other regulations of the State' Fire Marshal adopted pursuant to this chapter.

Ability to Charge an Inspection Fee
Health and Safety Code, §13217 (b)
(a) The fire department of any city or county may annually inspect all high-rise structures for compliance with building standards and other regulations of the State Fire Marshal. If a local agency elects to perform the inspection, the results of the inspection shall be submitted to the State Fire Marshal's office in a form and manner approved by the State Fire Marshal no later than 30 days after the date of the inspection. If the local fire department elects not to conduct an inspection, the State Fire Marshal shall conduct the inspection.
(b) A local agency which inspects a high-rise structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.
(c) If the State Fire Marshal conducts an inspection pursuant to subdivision (a), the State Fire Marshal shall determine his or her costs of the inspection and submit a claim for that amount, together with a designation of the city or county in which the inspection was conducted, to the Controller. Notwithstanding Section 11005 of the Revenue and Taxation Code, the Controller shall deduct the claimed amount from the moneys allocated pursuant to Section 11005 of the Revenue and Taxation Code to the designated city or county and transfer that amount to the State Fire Marshal to pay the costs of the inspections, and the Controller shall distribute the balance to the designated city or county.

STATE-OWNED BUILDING OR ANY STATE-OCCUPIED BUILDING

Description
Health and Safety Code, §13108
(a) Except as limited by Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code and Section 18930 of this code, the State Fire Marshal shall prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building or in any state-occupied building and submit those building standards to the State Building Standards Commission for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code. The State Fire Marshal shall prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state institution or other state-owned building or in any state-occupied building. The State Fire Marshal shall adopt those regulations as are reasonably necessary to define what buildings shall be considered as state-occupied buildings.
(b) The fire chief of any city, county, city and county, or fire protection district, or that official's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for the purpose of investigating any fire in a state-occupied building.
(c) Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, state-occupied buildings, and state institutions throughout the state. Upon written request from the chief fire official of any city, county, city and county, or fire protection district, or a Designated Campus Fire Marshal, pursuant to Section 13146, the State Fire Marshal may authorize that person and his or her authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or state-occupied buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and

panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts which maintain a fire prevention bureau staffed by paid personnel.

(d) Any requirement or order made by any chief fire official or Designated Campus Fire Marshal pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal and subject to the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13 of this code, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code.

Authority to Inspect

Health and Safety Code, §13108 (b) and (c)

(a) Except as limited by Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code and Section 18930 of this code, the State Fire Marshal shall prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building or in any state-occupied building and submit those building standards to the State Building Standards Commission for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code. The State Fire Marshal shall prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state institution or other state-owned building or in any state-occupied building. The State Fire Marshal shall adopt those regulations as are reasonably necessary to define what buildings shall be considered as state-occupied buildings.

(b) The fire chief of any city, county, city and county, or fire protection district, or that official's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for the purpose of investigating any fire in a state-occupied building.

(c) Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, state-occupied buildings, and state institutions throughout the state. Upon written request from the chief fire official of any city, county, city and county, or fire protection district, or a Designated Campus Fire Marshal, pursuant to Section 13146, the State Fire Marshal may authorize that person and his or her authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or state-occupied buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts which maintain a fire prevention bureau staffed by paid personnel.

(d) Any requirement or order made by any chief fire official or Designated Campus Fire Marshal pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal and subject to the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13 of this code, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code.

Responsibility to Inspect

Health and Safety Code, §13108 (c)

(a) Except as limited by Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code and Section 18930 of this code, the State Fire Marshal shall prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building or in any state-occupied building and submit those building standards to the State Building Standards Commission for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code. The State Fire Marshal shall prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state institution or other state-owned building or in any state-occupied building. The

State Fire Marshal shall adopt those regulations as are reasonably necessary to define what buildings shall be considered as state-occupied buildings.

(b) The fire chief of any city, county, city and county, or fire protection district, or that official's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for the purpose of investigating any fire in a state-occupied building.

(c) Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, state-occupied buildings, and state institutions throughout the state. Upon written request from the chief fire official of any city, county, city and county, or fire protection district, or a Designated Campus Fire Marshal, pursuant to Section 13146, the State Fire Marshal may authorize that person and his or her authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or state-occupied buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts which maintain a fire prevention bureau staffed by paid personnel.

(d) Any requirement or order made by any chief fire official or Designated Campus Fire Marshal pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal and subject to the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13 of this code, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code.

Inspection Frequency
State-owned or any state-occupied building is not mandated by statute and no state license or fire clearance is required.

Ability to Modify Regulations Locally
None.

Ability to Charge an Inspection Fee
None.

LAWS RELATING TO THE ADOPTION OF LOCAL ORDINANCES

GOVERNMENT CODE SECTION 50020-50033

50020. When a statute requires a local agency to take legislative action by resolution and the local agency is required by its charter to take legislative action by ordinance, action by ordinance is compliance with the statute for all purposes.

50022.1. (a) "Code," as used in this article, means any statute, or any published compilation of rules, regulations or standards adopted by the federal government or the State of California, or by any agency of either of them. It shall include any codification or compilation of existing ordinances of the adopting local agency. It shall include any nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution which has been in existence for a period of at least three years.

(b) "Primary code," as used in this article, means any code which is directly adopted by reference, in whole or in part, by any ordinance passed pursuant to this article.

(c) "Secondary code," as used in this article, means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

(d) "Published," as used in this article, means issued in printed, lithographed, multigraphed, mimeographed or similar form.

(e) "Approved," as used in this article, means the approval of the legislative body of the local agency, as the result of investigation and tests conducted by such agency or by reason of the accepted principles or tests by recognized national or state authorities, technical, or scientific organizations.

50022.2. Provided that all the procedures and requirements of this article are complied with, any local agency is hereby authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. Every primary code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance. A local agency ordinance may adopt a code, the adoption of which is expressly required or permitted as a condition of compliance with a state statute, by reference without complying with the procedures and requirements of this article.

50022.3. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

50022.4. After the hearing, the legislative body may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances; and, except as to the adoption of a code of existing ordinances of the adopting agency, nothing in this article shall be deemed to permit the adoption by reference of any penalty clauses which may appear in any code which is adopted by reference. Any such penalty clauses may be enacted only if set forth in full, and published, in the adopting ordinance. It is further provided that all changes or additions to any code made by the legislative body shall be published in the manner which is required for ordinances.

50022.5. Nothing contained in this article shall be deemed to relieve any local agency from the requirement of publishing in full the ordinance that adopts any code, and all provisions applicable to the publication shall be fully carried out.

50022.6. At least one copy of each primary code adopted by reference, and of each secondary code pertaining thereto, all certified to be true copies by the clerk of the legislative body, shall be filed in the office of the clerk of the legislative body at least 15 days preceding the hearing, and shall be kept there for public inspection while the ordinance is in force. However, after the adoption of the code by reference, one copy of the primary code and of each secondary code may be kept in the office of the chief enforcement officer instead of in the office of the clerk of the legislative body.

50022.7. If at any time any code which any local agency has previously adopted by reference, shall be amended by the agency which originally promulgated or adopted it, then the legislative body may adopt such amendment or amended code by reference through the same procedure as required for the adoption of the original code; or an ordinance may be enacted in regular manner, setting forth the entire text of such amendment.

50022.8. Copies of such codes in published form, duly certified by the clerk of the legislative body, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this State.

50022.9. A city may enact ordinances which adopt by reference county ordinances, codes, or any parts thereof and any amendments thereto by complying with the requirements of this article.

50022.10. A code adopted and fully published or adopted by reference as provided in this article, may be subsequently recodified or recompiled and thereafter adopted by reference in the same manner as prescribed by this article for the original adoption by reference of the code.

50023. The legislative body of a local agency, directly or through a representative, may attend the Legislature and Congress, and any committees thereof, and present information to aid the passage of legislation which the legislative body deems beneficial to the local agency or to prevent the passage of legislation which the legislative body deems detrimental to the local agency. The legislative body of a

local agency, directly or through a representative, may meet with representatives of executive or administrative agencies of state, federal, or local government to present information requesting action which the legislative body deems beneficial to, or opposing action deemed detrimental to, such local agency. The cost and expense incident thereto are proper charges against the local agency.

50024. The legislative bodies of local agencies may enter into associations and through a representative of the associations attend the Legislature and Congress, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the local agencies in the association, or to prevent the passage of legislation which the association deems detrimental to the local agencies in the association. The cost and expense incident thereto are proper charges against the local agencies comprising the association.

50025. By resolution, a legislative body may withdraw from the association at any time.

50026. The legislative body of any local agency, chartered or general law, which is otherwise authorized by law or charter to impose any tax on the privilege of earning a livelihood by an employee or any other tax, fee or charge on or measured by the earnings, or any part thereof, of any employee, shall not impose any such tax, fee or charge on the earnings of any employee, when such employee is not a resident of the taxing jurisdiction, unless exactly the same tax, fee or charge at the same rate, with the same credits and deductions, is imposed on the earnings of all residents of the taxing jurisdiction who are employed therein. This section shall not be construed as authorizing any tax prohibited by Section 17041.5 of the Revenue and Taxation Code or any other provision of law, nor shall it be construed so as to prohibit the levy or collection of any otherwise authorized tax upon a business measured by or according to gross receipts.

50026.5. (a) The legislative body of any local agency, chartered or general law, which is otherwise authorized by law or charter to impose any tax, shall not impose any tax, fee, or charge on or measured by the sale of any stocks, bonds, or any other securities.
(b) It is the intent of the Legislature to prohibit any imposition of any local tax, fee, or charge, in connection with the sale of those securities, whether that imposition is imposed on the transaction itself, on the privilege of engaging in any transaction, or in any other form.
(c) The Legislature finds and declares that the need for uniform statewide regulation and taxation of securities transactions is a matter of statewide concern, and it is the Legislature's intent to regulate the subject matter of securities comprehensively and to occupy the field to the exclusion of local action.

50027. Any city, county, or city and county in the State of California may, pursuant to such provisions as may be prescribed by its governing body, prohibit or regulate the practice of astrology for compensation. In connection therewith, the governing body may prescribe such rules and regulations as it deems advisable to protect users of such astrological services. The power granted cities, counties, and cities and counties pursuant to this section is in addition to any authority granted by Section 37101 or by charter provision or by Sections 16000 and 16100 of the Business and Professions Code.

50028. (a) The legislative body of any county, city, or city and county, whether general law or chartered, may adopt, by ordinance, such rules and regulations as it deems necessary, which require any coin-operated viewing machine to have permanently attached thereto a tally counter that will count each coin, and accumulate that count or the accumulated amount of money, deposited in the coin-operated viewing machine. The tally counter shall be resistant to tampering, and shall not be capable of being reset to a lower number, and shall display the count in such a manner that the accumulated total is readily visible near the coin insertion slot or opening. For purposes of this section, "coin-operated viewing machine" means any projector, machine, television, or other device that displays for viewing motion pictures, projection slides, filmstrips, photographic pictures, video recordings, or drawings, and that is operated by the viewer, or for the viewer, by means of inserting a coin into the device, an attachment thereto, an enclosure surrounding the device, or any other device electrically or mechanically connected thereto. For purposes of this section, "coin" means any physical object, including, but not limited to, a piece of metal issued by the federal government as money. "Coin-operated viewing machine" does not include an electronic video game of skill wherein the image is created, generated, or synthesized electronically, or coin-operated television receivers that display commercial or public service broadcasts.
(b) Notwithstanding any other provision of law, any county ordinance adopted pursuant to this section shall be enforceable within the incorporated, as well as the unincorporated, area of the county, whether general law or chartered, unless a city ordinance in direct conflict with that county ordinance has been

adopted, in which case the county ordinance shall be enforceable in the area of the county outside the city.

(c) (1) Any person who violates the provisions of the ordinance adopted pursuant to this section shall be subject to a civil penalty not to exceed ten thousand dollars ($10,000) for each machine and each day in which a violation occurs.

(2) In determining the amount of the penalty, the court shall take into consideration all relevant circumstances, including, but not limited to, the frequency of inspection, the cash flow through the machine, the amount of revenue derived by other machines in the vicinity, prior revenues generated, the nature and persistence of the violation, and prior violations by the same person or establishment.

(d) No peace officer, as defined in Section 830 of the Penal Code, shall check tally counters, provided, however, that an ordinance adopted pursuant to this section may provide for checking of tally counters by a person or persons employed by the adopting county, city, or city and county, other than a peace officer, on a predetermined schedule.

(e) The provisions of this section shall not be construed to limit, or otherwise affect, any other power of a county, city, or city and county to license, tax, or regulate business or commercial enterprises or property within their jurisdiction, but shall be in addition to those powers.

50029. The board of supervisors of the County of Orange or the city council of any city in that county may, by resolution, establish a fee program requiring the payment of a fee as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares pursuant to the procedures set forth in Section 66484.3.

50030. Any permit fee imposed by a city, including a chartered city, a county, or a city and county, for the placement, installation, repair, or upgrading of telecommunications facilities such as lines, poles, or antennas by a telephone corporation that has obtained all required authorizations to provide telecommunications services from the Public Utilities Commission and the Federal Communications Commission, shall not exceed the reasonable costs of providing the service for which the fee is charged and shall not be levied for general revenue purposes.

50033. (a) Notwithstanding any other provision of law:

(1) The legislative body of a city, county, or city and county
shall not grant credit for service to an elective officer for service that the elective officer has not performed.

(2) The legislative body of a city, county, or city and county shall not pay contributions for credit for service if an elective officer has not performed the service, regardless of the fact that the elected officer may personally elect to contribute for additional credit for service.

(b) The prohibition provided by this section does not preclude an elective officer from choosing to receive credit for service in a retirement system by paying his or her own contributions for that purpose pursuant to the applicable provisions of the retirement system.

FIRE PROTECTION STATE FIRE MARSHAL

Health and Safety Code, §13143.5

(a) Notwithstanding Part 2 (commencing with Section 13100) of Division 12, Part 1.5 (commencing with Section 17910) of Division 13, and Part 2.5 (commencing with Section 18901) of Division 13, any city, county, or city and county may, by ordinance, make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and the other regulations adopted pursuant to this part. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(c) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(d) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or new additions to existing dwelling units.

(e) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(f) (1) A city, county, or city and county that adopts an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(g) On or before October 1, 1991, and each October 1 thereafter, the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the more stringent requirements, adopted by a city, county, or city and county, pursuant to this section or adopted by a fire protection district and ratified pursuant to Section 13869.7, to the building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the more stringent requirements. The report required pursuant to this subdivision shall apply to any more stringent requirements adopted or ratified on or after January 1, 1991.

(h) All structures governed by Part 2.7 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (a).

STATE HOUSING LAW

Health and Safety Code, §17922

(a) Except as otherwise specifically provided by law, the building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the other rules and regulations that are contained in Title 24 of the California Code of Regulations, as adopted, amended, or repealed from time to time pursuant to this chapter shall be adopted by reference, except that the building standards and rules and regulations shall include any additions or deletions made by the department. The building standards and rules and regulations shall impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes as adopted by the organizations specified:

(1) The Uniform Housing Code of the International Conference of Building Officials, except its definition of "substandard building."

(2) The Uniform Building Code of the International Conference of Building Officials.

(3) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(5) The National Electrical Code of the National Fire Protection Association.

(6) Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

(b) In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for publication in the California Building Standards Code and in adopting other regulations, the department shall consider local conditions and any amendments to the uniform codes referred to in this section. Except as provided in Part 2.5 (commencing with Section 18901), in the absence of adoption by regulation, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the uniform codes.

(c) Except as provided in Section 17959.5, local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

(d) Regulations other than building standards which are adopted, amended, or repealed by the department, and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, governing alteration and repair of existing buildings and moving of apartment houses and dwellings shall permit the replacement, retention, and

extension of original materials and the continued use of original methods of construction as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the California Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to subdivision (b) of Section 13143.2 or Section 17958.5 and does not become or continue to be a substandard building. Building additions or alterations which increase the area, volume, or size of an existing building, and foundations for apartment houses and dwellings moved, shall comply with the requirements for new buildings or structures specified in this part, or in building standards published in the California Building Standards Code, or in the other rules and regulations adopted pursuant to this part. However, the additions and alterations shall not cause the building to exceed area or height limitations applicable to new construction.

(e) Regulations other than building standards which are adopted by the department and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 governing alteration and repair of existing buildings shall permit the use of alternate materials, appliances, installations, devices, arrangements, or methods of construction if the material, appliance, installation, device, arrangement, or method is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the California Building Standards Code, and the rules and regulations promulgated pursuant to the provisions of this part in performance, safety, and for the protection of life and health. Regulations governing abatement of substandard buildings shall permit those conditions prescribed by Section 17920.3 which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant thereof.

(f) A local enforcement agency may not prohibit the use of materials, appliances, installations, devices, arrangements, or methods of construction specifically permitted by the department to be used in the alteration or repair of existing buildings, but those materials, appliances, installations, devices, arrangements, or methods of construction may be specifically prohibited by local ordinance as provided pursuant to Section 17958.5.

(g) A local ordinance may not permit any action or proceeding to abate violations of regulations governing maintenance of existing buildings, unless the building is a substandard building or the violation is a misdemeanor.

Health and Safety Code, §17958
Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

Health and Safety Code, §17958.5
Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make those changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922, including, but not limited to, green building standards, as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions. For purposes of this section, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, including, but not limited to, green building standards, contained in the provisions of the code and regulations on the basis of local conditions.

Health and Safety Code, §17958.7
(a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.
(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

STATE BUILDING STANDARDS LAW

Health and Safety Code, §18928
(a) Each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.
(b) Each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent editions of the model codes, as amended or proposed to be amended by the adopting agency, within one year after the date of publication of the model codes, national standards, or specifications. The "date of publication of a model code, national standard, or specification" is either of the following:
(1) The date of publication printed in the model code, national standard, or specification. If only a month and year are shown by the model code, national standard, or specification adopting agency or body, the date of publication shall be considered to be the last day of the month shown.
(2) The date determined by the commission, if no publication date is shown in the model code, national standard, or specification. The commission shall notify all adopting agencies of its determination within 15 days.
(c) If the adopting agencies fail to comply with subdivision (b), the commission shall convene a committee to recommend to the commission the adoption, amendment, or repeal, on the agencies' behalf, of the most recent editions of the model codes, national standards, or specifications and necessary state standards.

Health and Safety Code, §18929.1
(a) The commission shall receive proposed building standards from state agencies for consideration in an 18-month code adoption cycle. The commission shall develop regulations setting forth the procedures for the 18-month adoption cycle. The regulations shall ensure all of the following:
(1) Adequate public participation in the development of building standards prior to submittal to the commission for adoption and approval.
(2) Adequate notice, in written form, to the public of the compiled building standards and their justification.
(3) Adequate technical review of proposed building standards and accompanying justification by advisory bodies appointed by the commission.
(4) Adequate time for review of recommendations by advisory bodies prior to action by the commission.
(5) The procedures shall meet the intent of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code) and Section 18930.
(b) Where this section is in conflict with other provisions of this part, the intent of this section shall prevail.

Health and Safety Code, §18930
(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
(3) The public interest requires the adoption of the building standards.
(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
(A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
(B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
(8) The format of the proposed building standards is consistent with that adopted by the commission.
(9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.
(b) In reviewing building standards submitted for its approval, the commission shall consider only the record of the proceedings of the adopting agency, except as provided in subdivision (b) of Section 11359 of the Government Code.
(c) Where the commission is the adopting agency, it shall consider the record submitted to, and considered by, the state agency that proposes the building standards and the record of public comment that results from the commission's adoption of proposed regulations.
(d) (1) The commission shall give great weight to the determinations and analysis of the adopting agency or state agency that proposes the building standards on each of the criteria for approval set forth in subdivision (a). Any factual determinations of the adopting agency or state agency that proposes the building standards shall be considered conclusive by the commission unless the commission specifically finds, and sets forth its reasoning in writing, that the factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the adopting agency or state agency that proposes the building standards.
(2) Whenever the commission makes a finding, as described in this subdivision, it shall return the standard to the adopting agency or state agency that proposes the building standards for a reexamination of its original determination of the disputed fact.
(e) Whenever a building standard is principally intended to protect the public health and safety, its adoption shall not be a "factual determination" for purposes of subdivision (d). Whenever a building standard is principally intended to conserve energy or other natural resources, the commission shall consider or review the cost to the public or benefit to be derived as a "factual determination" pursuant to subdivision (d). Whenever a building standard promotes fire and panic safety, each agency shall, unless adopted by the State Fire Marshal, submit the building standard to the State Fire Marshal for prior approval.
(f) Whenever the commission finds, pursuant to paragraph (2) of subdivision (a), that a building standard is adopted by an adopting agency pursuant to statutes requiring adoption of the building standard, the commission shall not consider or review whether the adoption is in the public interest pursuant to paragraph (3) of subdivision (a).

Health and Safety Code, §18934
State agencies proposing to adopt building standards shall adopt, and the commission shall approve, regulations establishing procedures to ensure public participation in the development of building standards and regulations.

Health and Safety Code, §18938
(a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.

(b) The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, and the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission or at a later date after publication established by the commission.

(c) Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of standards adopted pursuant to Section 25402 of the Public Resources Code and those regulations that implement or enforce building standards. Regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

Health and Safety Code, §18938.5

(a) Only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans and specifications for, and to the construction performed under, that building permit.

(b) (1) A local ordinance adding or modifying building standards for residential occupancies, which are published in the California Building Standards Code, shall apply only to an application for a building permit submitted after the effective date of the ordinance and to the plans and specifications for, and the construction performed under, that permit.

(2) Paragraph (1) shall not apply to any of the following:

(A) A city or county that has been subject to an emergency proclaimed pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8850) of Division 1 of Title 2 of the Government Code).

(B) A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 180 days from the date of the permit, or the permittee has suspended or abandoned the work authorized by the permit at any time after the work is commenced.

(C) A permit that is subsequently deemed suspended or revoked because the building official has, in writing, suspended or revoked the permit due to its issuance in error or on the basis of incorrect information supplied.

(c) No model code made applicable to any additional occupancy shall apply to any project that has been submitted for a building permit prior to the effective date of that model code.

Health and Safety Code, § 18941.5

(a) (1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

Health and Safety Code, §18942
(a) The commission shall publish, or cause to be published, editions of the code in its entirety once in every three years. In the intervening period the commission shall publish, or cause to be published, supplements as necessary. For emergency building standards defined in subdivision (a) of Section 18913, an emergency building standards supplement shall be published whenever the commission determines it is necessary.
(b) The commission shall publish the text of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104, within the requirements for single-family residential occupancies contained in Part 2 of Title 24 of the California Code of Regulations, with the following note: "NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit."
(c) The commission shall publish the text of Section 116064.2 within Part 2 of Title 24 of the California Code of Regulations.
(d) The commission may publish, stockpile, and sell at a reasonable price the code and materials incorporated therein by reference if it deems the latter is insufficiently available to the public, or unavailable at a reasonable price. Each state department concerned and each city, county, or city and county shall have an up-to-date copy of the code available for public inspection.
(e) (1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.
(2) This subdivision shall not apply to a city or county that contracts for the administration and enforcement of the provisions of this part with another local government agency that complies with this section.

Health and Safety Code, §18945
(a) Any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency respecting the administration of any building standard may appeal the issue for resolution to the commission.
(b) If any local agency having authority to enforce a state building standard and any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of such agency respecting such building standard both wish to appeal the issue for resolution to the commission, then both parties may appeal to the commission. The commission may accept such appeal only if the commission determines that the issues involved in such appeal have statewide significance.

Health and Safety Code $18946
Except as provided in Section 18947, the commission may hear the appeal itself, or by designating a member of the commission to be a hearing officer, or may refer the appealing parties to an advisory panel, a committee, or to a hearing officer appointed by the Office of Administrative Hearings, wherein the hearing officer designated by the commission or appointed by the Office of Administrative Hearings, should, where possible, possess some expertise in the technical aspects of the appeal. If a referral is made, the panel, committee, or hearing officer may make an investigation and conduct hearings as they deem appropriate, provided that all interested agencies or parties shall have a full and fair opportunity to be heard. A proposed written decision shall be submitted to the commission which the commission may adopt, adopt as modified, or reject. The commission shall render its decision or interpretation in writing.

Health and Safety Code, 18949.2
(a) Any responsibilities of the State Fire Marshal to adopt, through a formal rulemaking process as provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the

Government Code, relating to building standards, including, but not limited to, Sections 13108, 13143, 13143.6, and 13211, are hereby transferred to the commission.

(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

(d) The role of the commission in reviewing and adopting fire and life safety building standards shall be strictly limited to a technical review of those standards, through a process integrated with the technical review of all other state building standards, and a determination as to whether those standards conform to the requirements of Section 18930 commonly known as the "nine point criteria."

(e) The commission may not rewrite or modify any fire or life safety building standard without the express mutual agreement of the State Fire Marshal. If the State Fire Marshal does not agree with the modification of a fire or life safety building standard as proposed by the commission, the authority of the commission shall be limited to disapproval of the standard, pursuant to the "nine point criteria" in Section 18930.

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** STUDY SESSION

SUBJECT:
Review of the Handbook of Rules and Procedures for the Hanford City Council and discussion of potential amendments

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RECOMMENDATION:

Recommendation:Staff recommends that the City Council receive the presentation, review the Handbook, and provide direction to staff regarding any potential amendments that may be recommended by the majority of Council.

Recommended Motion:

BACKGROUND:

Historically, past City Councils have adopted various policies and rules pertaining to City Council meetings, decorum, appointments to Commissions, and several other subjects. These policies were memorialized in a varied manner as resolutions, ordinances, and regular documents, all of which had been officially approved at Council meetings.

On June 21, 2016, the Hanford City Council formally adopted the Handbook of Rules and Procedures, in order to create one (1) single document for all rules and procedures and to eliminate the multiple references to other regulations. Since the initial adoption, there have been several amendments to the Handbook, which have included, but are not limited to, changes to the length of the Public Comment period and the size of various commissions.

At the May 16, 2023 Council meeting, during the Future Agenda Items section of the agenda, a request was made for a formal review of the Handbook by this Council and the matter was scheduled based on Council Consensus to move the item forward to a regular agenda. In response to the formal request by Council, staff felt that it was the ideal time to review the full document with the current Council and get direction any potential amendments.

Staff will make a presentation to Council regarding the various sections of the Handbook and provide detail into those sections that relate to recent Council discussion or Public Comment at meetings.

FISCAL IMPACT:

ATTACHMENTS:

1. Handbook of Rules and Procedures - 2020 Final
2. Professional Governance Standards
3. Limited Public Forum advice
4. A City Council Member’s Role With Respect to Individual City Employees

HANDBOOK OF RULES AND PROCEDURES

HANFORD CITY COUNCIL

PREFACE

As provided by California Government Code Section 36813, the City Council of the City of Hanford established the Handbook of Rules and Procedures contained therein. The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended or new rules are adopted in the manner provided herein.

In addition to the Handbook of Rules and Procedures, the City Council has included in this document other information which may be useful to the City Council, Commissions, administrative staff, and the general public. This document is to be known as "The Handbook of Rules and Procedures of the City Council of the City of Hanford."

Adopted: June 21, 2016
Resolution: 16-31-R

Amended: June 6, 2017
Resolution: 17-34-R

Amended: August 15, 2017
Resolution: 17-44-R

Amended: July 7, 2020
Resolution: 20-14-R

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CHAPTER 1
GENERAL INFORMATION, POWERS AND DUTIES

A. THE CITY OF HANFORD

The City of Hanford has a City Council/City Manager form of government.

Under this form of government, the elected City Council sets the policies for the operation of the Hanford City Government. The Council is responsible to the citizens for:

- Establishing community-wide goals that address short and long range needs.
- Formulating policies that define a course of action that shape city operations.
- Providing quality services within available resources.
- Acting as a link between the professional staff and local citizens.

City Council members are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal setting are the tools that enable a Council to define their vision and determine methods for accomplishing their goals.

The administrative responsibility of the city rests with the City Manager, who is appointed by the City Council. The City Manager has the responsibility to apply and administer Council's policies through the day-to-day operation of the city. The City Manager is the chief administrative officer of the city and directs the totality of city operations.

Teamwork between the Council and the City Manager is a key element of the council-manager form of government. The pooling of skills is essential to resolve the many complex problems that face the city today. The council-manager form of government seeks to enhance the effectiveness of local policy-making and municipal operations by bringing together skilled lawmakers, community representatives, and experts in municipal administration and management.

B. COUNCIL ELECTIONS

The City Council consists of five (5) members, elected by district. Each Council Member serves four-year staggered terms, without limit. Elected Officials serve until his/her successor has been elected and qualified. Elections are held in November of even numbered years.

C. VACANCIES

Vacancies on the City Council shall be filled in accordance with California Government Code 36512.

California Government Code Section 36502 specifies the conditions under which a vacancy occurs.

D. MAYOR/VICE MAYOR SELECTION

The Mayor and Vice Mayor are members of the City Council and selected by the Council and not elected by the voters. These positions typically serve a period of one (1) year.

E. MAYOR AS PRESIDING OFFICER AND DUTIES THERETO

The Mayor shall be recognized as the official head of the City of Hanford for all ceremonial purposes and by the Governor for military purposes. In the time of public danger or emergency, the Mayor may, with the consent of the City Council, cause order to be maintained and enforce laws. The Mayor shall act as the Presiding Officer at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council. The Mayor may move, second, and debate from the Chair, subject to such limitations of debate as are imposed on all Council Members by these rules and shall not be deprived of any of the rights and privileges of a Council Member as such Presiding Officer. The Mayor shall possess no veto power.

The Mayor shall preserve strict order and decorum at all times. The Mayor shall state each item coming before the City Council, and shall upon conclusion of said presentation related thereto call for the vote. Following the vote, the Mayor shall announce the results of the vote. The Mayor is eligible to vote on all motions, and shall direct the order of participation of Council Members. The Mayor shall, in all instances, have the last chance to speak. The Mayor shall sign all ordinances and resolutions adopted by the City Council during the Mayor's presence. The Mayor shall sign all agreements and/or contracts, except where otherwise instructed or set forth by policy.

F. VICE MAYOR

In the absence of the Mayor, the Vice Mayor shall possess and perform the power and duties of the Mayor. In that capacity, the Vice Mayor shall sign ordinances and resolutions adopted in his/her presence. The Vice Mayor shall also sign all agreements and/or contracts, except where otherwise instructed or set forth by policy.

G. COMPENSATION

Salaries for the City Council Members may be fixed in accordance with Section 36516 of the Government Code of the State of California. Council Members may be reimbursed for actual and necessary expenses incurred in the performance of their official duties as allowed by Government Code Section 36514 and any resolutions or ordinances adopted by the City.

H. CITY MANAGER

The City Manager, appointed by the City Council, is responsible for the overall administration of the City in response to the policies and programs established by the City Council. The City Manager is responsible for forecasting the program and service needs of the City and its related financial, personnel, and capital improvement requirements. The City Manager is a significant liaison with the community and other levels of government.

I. CITY CLERK

The City Clerk is appointed by the City Manager and is the local official for elections, local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). The City Clerk, in consultation with the City Attorney, ensures that actions are in compliance with all federal, state and local statutes and regulations and that all actions are properly executed, recorded, and archived.

The statutes of the State of California prescribe the basic functions and duties of the City Clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow.

The Office of the City Clerk is a service department within the municipal government upon which the City Council, all City departments, and the general public rely on for information regarding the operations and legislative history of the City. The City Clerk serves as the liaison between the public and City Council and provides related municipal services. The City Clerk provides clerical support to the City Council.

J. CITY ATTORNEY

The City Attorney, appointed by the City Council, is responsible for providing necessary legal services and guidance to the City Council, the City Manager, department heads, and city boards, commissions and committees to ensure that city functions are performed on a sound legal basis.

In the event that it is deemed necessary and in the best interest of the City to contract for either Special or Conflict Counsel to act in the place of the City Attorney, the City Manager shall bring forth a recommendation to the City Council

for approval at a regular or special meeting and be designated to execute the necessary documentation to facilitate those contracts. If outside legal counsel is required due to a reason other than a conflict of interest affecting the City Attorney, the City Manager shall confer with the City Attorney regarding the hiring of Special Counsel.

Communications from the City Attorney's Office may be confidential and shall be treated as attorney-client privilege. Only the City Council, as an entire body, may waive the privilege, and not individual Council Members.

During the normal course of a Council Member carrying out the duties of office, it is common practice to discuss issues or ask questions of City Staff, including the City Attorney. For the purpose of this policy statement, the intent is to regulate an individual Council Member's authority to cause work to be performed by the City Attorney.

When an individual Council Member poses a question to the City Attorney, the City Attorney shall estimate the amount of time required to answer the question. In the event the City Attorney believes the amount of time for research involved in answering the question will generate a bill in excess of $600.00, the City Attorney will notify the Council Member that the answer will exceed policy limitations. If the submitting Council Member continues to seek an answer to the question, the Council Member will pose the question to the Council, as a body, at a Council Meeting and must obtain a consensus of the majority of the Council Members present at the meeting in order for the City Attorney to work on the question.

Legal work involving questions or inquiries that require less than $2,500.00, per year, in billable hours by the City Attorney may be authorized by the submitting Council Member without the need of obtaining the Council's approval.

K. TRIANGLE OF POLICY, PROCESS & PRODUCT

The City Council establishes the Policy—establishing vision and direction for the community's future.

The City Clerk, in consultation with the City Attorney oversees the Process—ensuring that the decision-making process complies with federal, state, and local regulation and that it is properly recorded.

The City Manager provides the Product—which is the primary reason for the existence of local government: to provide services to the taxpayer that the taxpayers cannot (or will not) provide for themselves.

L. MUNICIPAL CODE

The Hanford Municipal Code sets forth the regulatory, penal and administrative laws of general application to the city. These laws are enforceable by the City, and violation constitutes a misdemeanor or infraction.

Other directives and policies of the City Council are recorded in resolutions or by minute action of the Council.

M. INTERFERENCE IN STAFF FUNCTIONS

The City Council shall deal with the administrative services of the City through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof, shall give orders to subordinates of the City Manager. No member of the City Council shall publicly criticize or censure any staff member of the City, and shall instead relay any criticism of a staff member privately through the City Manager.

The City Council shall deal with the Office of the City Attorney only through the City Attorney or his/her designees, except for the purpose of inquiry, and neither the City Council nor any member thereof, may give orders to subordinates of the City Attorney without the City Attorney's consent.

N. CITY DEPARTMENTS

Administration – In addition to the City Manager and City Clerk, the administrative office also includes Human Resources, Information Technology and the Airport division. Human Resources is responsible for risk management, insurance services, and the city's comprehensive personnel program, including recruitment, classification, compensation, employee benefits, safety administration, and employee training.

Information Technology is responsible for design and maintenance of the city's software systems and administration of the City's Local/Wide Area Network. This division also manages the City's web services and intranet.

Airport operations oversee all matters pertaining to the airport.

Finance – The Finance department is composed of two divisions, the Accounting division and Utility Billing division. The Accounting division is responsible for cash management, financial management services, payroll, purchasing, accounts payable and receivable, and business license administration.

The Utility Billing division is responsible for customer services for Refuse, Sewer, and Water operations. This includes all billing, collections, and adjustments as necessary.

Community Development – The Community Development department includes three divisions: Planning, Building, and Housing. The Planning division is responsible for administering the city's general plan and zoning ordinance, and provides support services to the planning commission.

The Building division is responsible for ensuring that construction activities in the city meet all requirements of the *Uniform Building Code*. The division issues building permits and provides inspections as needed to ensure that buildings are constructed in accordance with the approved plans. The Building division also provides city-wide code enforcement services and abates dangerous buildings to ensure they do not pose a hazard to the community.

The Housing division is responsible for assisting in the development, rehabilitation and maintenance of affordable housing in our community. This division provides funds for the CDBG Housing Rehabilitation Grant Program, the BEGIN/HOME Programs, First-Time Homebuyers Program, and the processing and monitoring of all housing rehabilitation projects.

Parks & Community Services – The Recreation division operates recreational and leisure activities for the community of Hanford. It is composed of administrative services, sports, youth/cultural/special events, Longfield Center, aquatics, senior center, teen center, facilities management, and therapeutic recreation. Hanford's recreation department offers a full range of recreational activities for nearly every segment of our community. The Parks and Community Services department provides recommendations to the Parks and Recreation Commission.

The Parks division is responsible for maintaining the aesthetic and recreation value of city property including City parks, street medians, athletic fields, City parking lot landscapes, the Industrial Park, Airport Park, and the Intermodal Station. The division designs and constructs streetscape improvement projects within the Downtown District; administers the Landscape Assessment District contracts; repairs citywide irrigation systems; performs annual playground safety inspections; and conducts repairs and upgrades to existing playgrounds.

The Facilities division is responsible for the maintenance and repair of all city owned facilities. This includes the civic auditorium, city offices, veterans building, historic courthouse, intermodal facility, public works corporation yard, wastewater treatment plant, Longfield Center, aquatics facility, police department, and fire stations. This is accomplished through a staff of full time and part-time employees.

Public Works – The most complex department in the City of Hanford is the public works department. It is composed of Administration/Engineering, Streets, Refuse, Fleet, Wastewater, and Utilities.

The Administration and Engineering division is responsible for the design and supervision of all capital improvement projects as well as administering the entire public works department. This division is also responsible for providing recommendations to the City Council and Commissions.

The Streets division is composed of two programs: street maintenance and street cleaning. Street maintenance is primarily responsible for maintenance of local streets and city parking lots as well as supervising painting activities, maintenance of traffic signals and streetlights, and other maintenance activities. The street-cleaning program is responsible for sweeping of all city streets on a periodic basis.

The Wastewater Treatment plant is a sophisticated, multimillion dollar facility responsible for the treatment and recycling of all city wastewater. This division is also responsible for maintaining the sanitary sewer collection system. The plant uses state of the art techniques and continues to meet all applicable water quality standards.

The Refuse division provides refuse pickup, recycling, and disposal services for all businesses and residents of the city, as well as some residents located in unincorporated areas around the city.

The Fleet Maintenance division is responsible for maintaining and managing a diverse fleet of equipment including sedans, police vehicles, street sweepers, refuse trucks, motor graders, sewer cleaning equipment, fire vehicles, and other specialized pieces of large and small equipment. The city's fleet maintenance program is set up as a leasing operation with all costs accumulated in this program and charged out to city departments.

The Utilities division is composed of two program areas: storm sewer maintenance and water operations. The storm sewer maintenance section is responsible for maintaining storm drain facilities within the city. The water operations section is responsible for the operation and maintenance of the city water system.

Police – The Police department is responsible for providing police services to preserve the peace and ensure the general safety and welfare of city residents and visitors. The department is organized into multiple areas: support services, records and communications, operations, narcotics task force, traffic enforcement, school resource officer program, and the problem-oriented policing (POP) program. These divisions work cooperatively to maintain a low crime rate with a community approach to law enforcement.

The Support Services division is responsible for the overall administration of the police department and investigative services. This division also administers the

Gang Resistance Education (G.R.E.A.T.) program in conjunction with the Hanford Elementary School District and Hanford Joint Union High School District.

The Records and Communications division is responsible for providing communications, clerical support, and police records management for the police department.

The Operations division is responsible for patrol services, traffic enforcement, and development of a highly responsible force for both emergency and service needs.

The Traffic Enforcement division focuses on traffic education and enforcement, driving under the influence enforcement, seat belt and child restraint education, and bicycle and pedestrian safety in our community.

The School Resource Officer (SRO) program is a cooperative program with the Hanford Joint Union High School District and the purpose of the program is to provide guidance to our youth and to maintain a safe environment at the three (3) Hanford High School campus sites.

The Problem Oriented Policing (POP) program provides specialized police services through community partnerships with citizens to reduce criminal activities in our community. The division concentrates its efforts on developing specific strategies and projects to solve issues within the community.

Fire - The fire department is responsible for the prevention and suppression of fires in the community. The department is broken into two divisions: administration/suppression and fire prevention.

The Administration/Suppression division is responsible for administering the department, as well as providing suppression services when fires occur.

The Prevention division is responsible for building inspections, plan review, weed abatement, and citizen education programs.

CHAPTER 2
CITY COUNCIL MEETINGS

A. RULES OF ORDER

The City Council shall determine its own rules of order and amend them from time to time, or adopt new rules as it deems necessary. The City of Hanford shall follow Rosenberg's Rules of Order and incorporate the procedures set forth in this chapter.

The City Attorney acts as the parliamentarian and advises the Mayor when points of order are raised.

B. REGULAR MEETINGS

Regular meetings of the City Council shall be open to the public and held on the first and third Tuesdays of every month, at the hour of 7:00 p.m. The business to be considered during the council meeting is detailed on a printed agenda. State law (the Ralph M. Brown Act) requires that public notice be given at least 72 hours before the regular meeting indicating the time and place of the meeting. An agenda of each meeting is posted at City Hall. Regular meetings may be adjourned or continued to a specified time and place.

Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting may be held at the same hour on the next succeeding day, not a holiday, as if it were a regular meeting or the meeting may be cancelled.

C. SPECIAL MEETINGS

A special meeting may be ordered whenever the public business may require it or upon the request from three members of the City Council. Whenever a special meeting shall be called, notice of such meeting shall be provided at least 24 hours prior to the time of the meeting pursuant to State law.

Ordinances **may not** be adopted at special meetings; only urgency ordinances may be adopted at such meetings. Items not listed on the agenda shall not be considered at the special meeting.

D. STUDY SESSIONS

The City Council may meet in a "study session" for the purpose of acquiring information on a particular subject(s) or hold "work sessions" for the purpose of collaborating with the public. These sessions are special meetings that shall be open to the public and comply with the Brown Act.

E. CLOSED SESSIONS

Consistent with Government Code Section 54954.2 the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.

The general subject matter for consideration shall be expressed in an open meeting before such session is held. After closed session the legislative body must reconvene to open session and may be required to disclose action taken, if any.

Closed sessions may be held to discuss certain matters specified by law, including:

- Personnel matters to consider the appointment, employment, performance, or dismissal of a public employee
- Matters of national and public safety
- Labor negotiations
- License applications by persons with criminal records
- Real estate negotiations
- Anticipated litigation

The legislative body in a closed session can consider only matters covered in its agenda descriptions. City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence in accordance with Government Code section 54963. No mention of information in these materials should be made to anyone unless allowed by this statute.

If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claims or litigation, and/or employee negotiations, all contact with the other party should be by the designated representative handling the negotiations or litigation. A Council Member should not have any contact or discussions with the other party or its representative(s) involved concerning the negotiation during this time and not communicate any discussion conducted in closed sessions. All public statements, information, press releases, should be handled by the designated representative or spokesperson.

Government Code Section 54963 (a) – (f) outlines the injunctive relief and disciplinary actions that may be imposed on those who divulge confidential closed session discussions, without first receiving authorization from the legislative body.

F. EMERGENCY MEETINGS

Emergency meetings may be called by the City Council with one-hour notice to its members and local news media. The City Council **may not** meet in closed session during an emergency meeting. Except for the 24-hour notice requirement, the special meeting requirements set forth above shall apply in emergency meetings.

G. AGENDA

In order to facilitate the orderly conduct of the business of the citizens of Hanford, the City Manager and City Clerk shall set the agenda, in addition to any direction by the City Council. The City Clerk shall arrange such matters as may have been timely provided, for inclusion in the agenda. Copies of the agenda are available at City Hall and at the council meeting, as well as posted on the city's website.

H. CALL TO ORDER

The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Vice Mayor. In the absence of the Mayor and Vice Mayor, the meeting shall be called to order by the most senior Council Member present. This person shall serve as the Council's presiding officer until the arrival of the Mayor or Vice Mayor, or until adjournment of the meeting.

I. QUORUM

Three members of the City Council shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters, which, by law, require a greater majority. All ordinances require at least three affirmative votes. Approval of resolutions and all orders for the payment of money also require an affirmative vote by a majority of the entire Council.

J. LACK OF QUORUM

If a majority of the City Council are absent from any meeting, the remaining members of the City Council may declare the meeting adjourned or if no member of the City Council is present, the City Clerk may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced. A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

K. RULES OF DISCUSSION

1. Motions

Action items listed on the council agenda in accordance with applicable law, or added as an action item on a council agenda in accordance with applicable law, may be voted on by the council.

Following a presentation of the item by staff, the Mayor will open discussion to the City Council for questions and comments. When there appears to be no further discussion or all of the Council Members have had the opportunity to speak, the Mayor may call for a motion.

Motions may be made by any member of the council, including the presiding officer, providing that before a motion is offered by the presiding officer, the opportunity for making a motion should be offered to the other members of the council. Any member of the council, other than the person offering the motion, may second a motion. Following a motion and a second, and any further discussion, the Mayor shall call upon the City Clerk for the vote.

2. Voting

The City Council, in the absence of an electronic voting device, votes by "voice vote" on all matters before it, unless a roll call vote is required by law or is requested by the Mayor. Unless a Council Member states that he or she is not voting, silence shall be recorded as an affirmative vote. The Presiding Officer shall announce the results of the vote.

A majority, also known as a simple majority, is a subset of a group that is more than half of the members present.

A two-thirds majority means that two-thirds of the quorum must agree to the proposition. It is much stronger than a simple requirement. In the event of an absence the vote would have to be unanimous.

3. Abstention/Recuse: Conflict of Interest

Council Members shall disqualify themselves if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Council Members shall state the specific reason for such disqualification. The disqualified Council Member shall leave the Council dais until the conclusion of the agenda item unless applicable State law or regulations permit otherwise.

It should be noted, however, a Council Member may speak as a member of the public, on his/her own behalf – as opposed to on behalf of someone else – on a matter that directly affects his/her financial interest even when conflicted out. Thus, while a Council Member would have to disqualify

him/herself on a matter affecting a piece of property in which the Council Member has a financial interest, he/she could address the Council, speaking to what the impact would be to his/her property.

In some instances, a Council Member may determine that it is appropriate to abstain from voting on a matter even though no financial conflict of interest exists. If a City Council member abstains from voting, their vote will count as a negative. A Council Member is counted as present for quorum purposes, but his/her abstention is effectively a negative vote. For example, if a matter requires three affirmative votes for approval and one Council Member abstains, at least three other Council Members must cast affirmative votes for the matter to be approved.

4. Tie Votes

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

L. RECOGNITION TO SPEAK, COUNCIL MEMBER

Every Council Member desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine his or her remarks to the item coming before the City Council.

1. Interruptions:

A Council Member, once recognized, may voice concerns, comments or ask staff to provide explanation or clarification of the item before the City Council, without interruption, unless out of order with the rules and procedures established herein and/or the Mayor call the item to order.

2. Public Hearings:

Council Members should not speak to the merits of an issue, other than to ask questions, until the public comment has been closed.

M. COUNCIL MEMBERS' OBLIGATION AFTER ABSENCE

When a Council Member is absent from an earlier meeting at which a matter was discussed, it shall be the duty of that Council Member to become acquainted with the issues discussed by reading the documents presented, reviewing the minutes from the meeting in which that item was discussed, listening to or viewing the taped recording of the meeting missed in order to further participate in future discussions and/or vote on the item.

N. ADJOURNMENT OF MEETING

Regular meetings shall conclude no later than 10:00 p.m., unless the time is extended by a majority consensus of the Council.

The Mayor shall adjourn the meeting. In the instance of the lateness of the hour the Mayor may also adjourn the meeting to a date and time specific to continue discussions on either the remainder of the agenda or on a specific item for discussion.

O. RECESS

At any point during a meeting the Mayor may call for a brief recess.

P. AGENDA ITEMS OUT OF ORDER

The Mayor may with the consent of the City Council modify the order of the agenda at the meeting, if such modifications would promote fluidity in the process and discussions.

Q. AUDIO RECORDINGS

All regular meetings (except closed sessions) of the City Council are audio recorded, as well as special meetings. Workshops or meetings that require extensive interaction with the public, staff, and City Council may not be recorded if the length of the meeting is anticipated to be unusually long or if simultaneous discussions are expected to occur.

R. VIDEO RECORDINGS

All regular meetings (except closed sessions) of the City Council are video recorded, as well as any special meetings held in the Council Chambers. The City of Hanford allows the use of additional recordings as long as they are not being disruptive to the proceedings or to those in attendance. Any equipment being used should not block aisles, exits, or the view of others. If the use of equipment is determined to be disruptive by the legislative body, the use of said equipment may be banned. Council has identified an area against the East wall of the Chambers, just south of the Director's box, where all video camera equipment should be setup for recording.

S. AGENDA FORMAT FOR MEETINGS

The agenda format for the Hanford City Council and Commission meetings will be prepared to allow for an efficient method to conduct city business. The format and order of business will be established by the City Clerk, unless modifications are approved by the City Council.

T. COMPONENTS OF MEETING

The following sections of a regular meeting agenda shall set forth the guidelines of decorum for each respective section of the agenda.

1. Public Comments

For regular meetings, this is the time for citizens to comment on subject matters within the jurisdiction of the Hanford City Council, including matters listed on the meeting's agenda and other matters not appearing on the agenda. For special meetings, citizen comments are limited to matters on the agenda. The Council cannot legally discuss or take official action on citizen requests that are introduced under this section.

This is also the time for citizens to comment on items listed under the Consent Calendar or General Business, or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Public Hearing items will be heard at the time the item is discussed.

Each speaker will be allowed **three minutes**, but the Mayor has the discretion to shorten the time limit to make an efficient use of the Council's time. As a courtesy, but not required, the speaker should state his/her name and provide their city of residence.

2. Staff Communications

Staff will provide updates to the City Council on major events or projects that may be of public interest. Any documents submitted by a member of the public to the City Clerk for the purposes of handing out to the City Council will be distributed and made a part of the record. The City Clerk will **not** read the documents out loud, but note who the correspondence was from.

3. Consent Calendar

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

4. Public Hearings

Staff will provide a report on the item, then the Mayor will open the hearing to public comments. Public comments are subject to the rules and regulation of the Hanford Municipal Code. After closing public comments, the Mayor will allow the Council to provide questions or comments to the staff prior to making a motion. Once public comments are closed it is inappropriate for the public to speak except to answer an inquiry of a

Council Member addressed through the Mayor. However, public comments may be re-opened by a majority approval by the Council to hear new information.

5. General Business

Any other remaining items requiring action may be placed in this section. Items that do not need action, but are to provide informational or receive direction from the City Council may also be placed under General Business.

6. Council Reports/Comments

The City Council may report on other meetings or community events that they have recently attended. General announcements that may be of interest to the other Council Members or the public may be made at this time. If a Council Member receives any written correspondence that they would like to be a part of the record, they may announce that they received said correspondence and that it will be given to the City Clerk for distribution.

7. Items for Future Agendas

Any Council Member may request a matter which is not otherwise scheduled on a City Council agenda to be placed on a future agenda. The Council Member referring the item shall provide sufficient information as to the nature of the item. The City Council by concurrence of a majority may direct the City Manager to put the item on a future agenda.

U. ORDINANCES

Ordinances are the laws of the municipality. City councils are given the power to pass ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and Constitution of the State of California or the United States. Approval of an ordinance requires a first reading or introduction and a second reading and adoption, with at least five days between readings (except an urgency ordinance). The passage of an ordinance requires the affirmative votes of at least three (3) council members. The ordinance or a summary is then published in the local newspaper and becomes effective thirty (30) days later. The thirty (30) day time frame is known as a referendum period. A referendum period is required by state law and is a time frame in which any citizen can file a petition challenging the legality of a recently adopted ordinance. An ordinance is an action that can be repealed or amended only by a subsequent ordinance.

In matters deemed by the City Council to warrant immediate action to preserve peace, public safety or health, an urgency/emergency ordinance may be passed immediately upon introduction at either a regular or special meeting, and can be effective immediately.

V. RESOLUTIONS

A resolution sets forth the action of the council on certain types of policy, procedural, or administrative matters. It requires only one reading and may be changed by subsequent resolution.

W. RECOGNITIONS/PROCLAMATIONS

The City Council may recognize individuals, organizations, or activities during the meetings. Other organizations may also present recognitions to the City.

X. MINUTES

The City Council utilizes summary minutes, which include the motions made, action taken, and a brief summary of council, staff and/or public comments. The audio recording may be used for reference, but it is not the official record of the meeting.

The City Clerk shall prepare the Minutes, and upon approval of the City Council, it shall become the official record.

Y. APPEALS

The filing of an appeal shall have the effect of staying the issuance of any permit or action until such time as the matter on appeal is resolved. If there are subsequent items to come before the Council that are subject to the outcome of the appeal, those items shall be listed following the item for appeal on the agenda, the decision of which shall be factored upon the Council's decision on appeal.

CHAPTER 3
DECORUM

A. ENFORCEMENT OF DECORUM

The City Manager shall designate the Chief of Police, or his/her designated representative as a sergeant-at-arms when necessary to attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chambers, lobby, or other designated meeting location. Upon instructions from the Mayor, the sergeant-at-arms shall eject any person from the City Council Chambers, in conformance with State law.

B. CONDUCT IN THE CITY COUNCIL CHAMBERS

1. Council Chambers Defined

Council Chambers shall be, in addition to the usual and customary meeting location, any location or facility wherein a majority of the legislative body may meet for an open and public meeting as defined by the Brown Act, whether it be a regular meeting, special meeting, or emergency meeting.

2. Council Dais

The City Council seating area, most commonly referred to as the Council Dais is restricted to Council and City Staff at all times. Loitering or the dissemination of materials are not permitted in the area directly in front of the City Council seating area, commonly referred to as the well, unless invited by a Council Member to step forward. Written or photographic materials are to be handed to the City Clerk for dissemination to the Council, and made part of the record.

3. Rules of Decorum for the Public

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, and stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from the meeting per Government Code Section 54954.3(c).

4. Rules of Conduct and Safety

When the City Council is in session, all persons present must preserve safety and order. Members of the public should sit in the seats provided, subject to ADA compliance, unless addressing the Council or entering or leaving the Council Chambers. Members of the public shall not block the aisles or exits in any manner. Members of the public should not bring

audible equipment into the Council Chambers, including cellular phones or pagers, without first either turning said equipment off or to a silent mode.

5. Removal from the Council Chambers

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Government Code Section 54957.9.

(a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting; and,
(b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting; and,
(c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City Council; and,
(d) Any other unlawful interference with the due and orderly course of said meeting.

C. COURTESY

1. Council Members

Council Members shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statement as to motives and personalities.

2. Public Speakers

Members of the public have the right to attend City Council meetings and to address the City Council on specific agenda items and under the Public Comments section of the agenda. The right of the public to address the City Council includes their right to criticize the policies, procedures, programs, or services of the City, and the acts or omissions of the City Council members. Criticisms that do not relate to City business will not be tolerated.

While the City Council meeting is in session, all persons must preserve order and decorum. A person who addresses the City Council under a specific agenda item or under Public Comments may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is outside of the Council's jurisdiction, repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The Mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If, after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Mayor or presiding officer may direct the City Manager to contact law enforcement.

3. Appointed members of Commissions and Committees
Appointed members of Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

D. DISCIPLINING A DISRUPTIVE MEMBER

If one member engages in disruptive behavior, it is the responsibility of the City Council to remind the disruptive member about their duties. The failure of the governing body to deal with a misbehaving member or commissioner can also have legal consequences for the locality. For example:

1. A City Council member or Commissioner that mistreats staff members by using inappropriate language, asking the staff member to perform personal tasks, hugging or touching staff in an inappropriate manner, etc. may be putting the locality at risk for a lawsuit alleging harassment or a hostile work environment. If the governing body does not take appropriate steps to avoid the appearance of agreement with the objectionable behavior of a fellow member or commissioner, the inappropriate behavior may be considered to have been sanctioned by the governing body.

2. A member that leaks a confidential legal opinion of the local government attorney can result in the loss of the attorney client privilege and with the loss of the attorney client privilege it is possible the opinion can be used in court against the locality. In order to protect the attorney client privilege the other members of the governing body need to take affirmative action against the member that leaked the opinion.

In some instances meeting one-on-one outside of a public meeting can rectify a misunderstanding or correct inappropriate behavior. The manner in which a situation is addressed may be on a case by case basis. If the behavior continues or if the actions are more severe, the City Council may determine other methods of discipline.

The Mayor, with the approval by a majority of the Council, may remove a Commissioner from their seat. Similarly, a Council Member may be removed

from his or her standing committee assignments as well as assignments to outside committees.

One of the most common forms of discipline is for the governing body to "censure" a fellow council member. A censure is a public statement condemning the member's inappropriate behavior with the hopes of reforming him or her so that he or she will not behave in the same way again. Members can be censured for misconduct at meetings, failing to follow proper procedures, violating confidentiality, illegal or immoral conduct, absenteeism, lying, disloyalty, working against the organization, conspiracy, and violating other values that the Hanford City Council holds dear. With a consensus of the Council, a censure may be placed on a future agenda. Censures are then approved by a resolution.

E. NOISE IN THE LOBBY

Noise emanating from the lobby outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

F. DISTRIBUTION OF LITERATURE AND OTHER MATERIALS IN CITY COUNCIL CHAMBERS

No person, other than City staff, shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chambers.

Flyers, leaflets, placards or literature may only be distributed to the Council by a member of the public under Public Comments, or by a project applicant/appellant pertaining to City business as may be referenced on the agenda, by approaching the City Clerk and requesting such material be distributed on their behalf.

Hand-held signs are permitted in the Council Chambers, but they cannot block the view of others in the audience or prevent the public from freely entering or exiting the room.

CHAPTER 4
PROCLAMATIONS, CERTIFICATES, AND OTHER ACCOLADES

A. PURPOSE

The purpose of this policy is to establish uniform procedures, criteria, and identify authority.

B. GUIDELINES

The following are basic guidelines for recognition.

Proclamations – Generally proclaims certain periods of time (days, weeks, or months) in honor of an event or activity. Proclamations also may recognize individuals for extraordinary contributions they have made to the community. They contain several biographical or informational paragraphs. Examples include Fire Prevention Week, Arbor Day, and American Red Cross Month.

Certificates – Certificates are prepared in response to the type of recognition desired and are to express appreciation for exemplary service or performance to individuals, teams, or organizations.

Other Tokens of Appreciation – These items include various forms of Hanford memorabilia and are distributed at the discretion of individual City Council Members, City Clerk or City Manager. For example, the City Clerk is often contacted for lapel pins and forwards them to the requesting parties.

C. POLICY

It is the policy of the City of Hanford to recognize individuals and/or organizations for their outstanding performance, or honor special events and dates with proclamations, certificates, plaques, or other tokens of appreciation in accordance with the criteria set forth below.

1. Request for proclamations, certificates or plaques from City Council Members, city departments, residents, and local organizations must be submitted to the City Clerk's office.

2. Requests should specify:

(a) Reason why recognition should be granted; and
(b) Information that will assist the Mayor, City Council, or City Manager in arriving at a decision.

3. Requests by individuals or organizations for proclamations or certificates of recognition/appreciation are subject to approval by the Mayor and City Manager. The Mayor and City Manager will determine if

it will be presented at a City Council meeting or will direct the City Clerk to forward the accolade to the recipient.

4. All requests for plaques, framed certificates, or custom gifts to visiting officials/dignitaries, elected officials, individuals or organizations shall be approved by the Mayor and City Manager.

5. Individual Council Members shall have the discretion to direct the City Clerk to prepare certificates (not framed) or another token of appreciation that he or she will personally present.

6. Requests for plaques, gifts or awards to city employees for dedicated service to the city shall be approved by the City Manager.

7. The Mayor and City Manager shall have the discretion to determine the appropriate type of honor for special or unusual circumstances that may arise and may warrant deviation from this policy.

CHAPTER 5
CITY COMMISSIONS

A. APPOINTMENTS

The mayor, with the approval of the City Council, appoints citizens to various commissions that carry out designated functions and advise the City Council on certain decisions and policy matters. All members serve at the pleasure of the City Council for designated terms. The City Council may remove a member by a majority vote of the Council without cause, notice or hearing.

Members of advisory bodies serve terms of four (4) years beginning in January. In no event shall any one member serve more than two consecutive terms on any one commission, exclusive of appointments to fill unexpired terms. After serving the maximum number of terms, an individual may not be reappointed to that commission for at least one year from the last date served.

Appointees to commissions should be 18 years of age or older, and live within the city limits of Hanford. Individuals under the age of 18 who indicate they are interested in participating are encouraged to attend meetings and participate as a member of the public. Additional requirements may be applicable to a specific Committee or Commission.

The following is a summary of the specific scope of responsibility for each city advisory body.

Planning Commission

The Planning Commission has the principal duty of establishing and maintaining the general plan of the community and advising on physical development, zoning, subdivision proposals, and special studies so that development values are maintained and protected.

Parks and Recreation Commission

The Parks and Recreation Commission's duties are to study and advise on matters pertaining to the city's public park and recreation programs.

Parking and Traffic Commission

The duties of the Parking and Traffic Commission are to investigate ways and means of improving parking and traffic movements and make appropriate recommendations.

B. ATTENDANCE

A compilation of members' attendance will be submitted to the City Council at the end of the calendar year and will be a factor in a request for reappointment.

Members may be removed by the City Council if they have three (3) consecutive absences or attend less than 70% of the meetings, unless extenuating circumstances apply and are noted for the record.

C. RELATIONSHIP TO COUNCIL, STAFF AND MEDIA

Advisory bodies should not become involved in the administrative or operational matters of City departments unless specifically provided in their prescribed powers and duties. Members may not direct staff to initiate major programs, conduct large studies, or establish department policy without specific approval of the City Council. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Additional or other staff support may be provided upon a formal request to the City Council. The responsibility for setting policies for the City rests with the City's duly elected representatives, the City Council.

Members should refer all media inquiries to City staff and not provide statements or positions on any issues on behalf of the City or the Advisory Body.

D. PUBLIC APPEARANCE AND REPRESENTATION BY MEMBERS

When a member appears in a non-official, non-representative capacity before the public, for example in a Council meeting, the member shall indicate that he or she is speaking only as an individual, not as a member of a Commission. Conversely, when a member who is present at a Council meeting is asked to address the Council on a matter pertaining to his or her Commission, the member should represent the viewpoint of the particular body as a whole, not a personal opinion. If during a Commission meeting, a member was directed by the body to attend another meeting to speak on their behalf, then that is permitted.

Members shall not act independently of their Commissions in conducting surveys, studies, or petitions, unless he or she is acting as an applicant or submitting a request as a citizen. Commissioners shall not use their positions for personal interest and must recuse themselves if conflicts of interest arise.

E. OTHER RULES AND PROCEDURES

Each Commission may adopt other rules and procedures, as it feels necessary to effectively and efficiently accomplish its duties. Such rules are subject to Council approval before becoming effective and should not be in conflict with this Handbook, or with any local, state, or federal laws.

CHAPTER 6
ADMINISTRATIVE RULES

A. RULES AND PROCEDURES ADMINISTRATION

1. **Review of City Council Rules and Procedures** – The Council will review and revise the Handbook of Rules and Procedures as needed.

2. **Adherence to Rules and Procedures** – During City Council discussions, deliberations and proceedings, the Mayor bears the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's adopted protocol.

3. **City Attorney as Rules and Procedures Advisor** – With the consensus of a majority of the Council, the City Attorney may be directed to interpret the City Council's adopted Rules and Procedures and proposed changes.

4. **Applicability of Rules and Procedures** – The City of Hanford City Council Handbook of Rules and Procedures shall also apply to all Commissions and/or Committees as established by the City Council.

B. CONFLICT WITH CITY MUNICIPAL CODE, ADMINISTRATION POLICIES, STATE OR FEDERAL LAW

If there is any conflict contained hereinabove with the City Municipal Code, Administration Policies, State or Federal Law, such laws shall prevail.

PROFESSIONAL GOVERNANCE STANDARDS

The Individual Council Member

In California's public governance system, a councilmember is a person elected or appointed to serve on a city council. Individual council members bring unique skills, values and beliefs to their council. In order to govern effectively, individual council members must work with each other and the city manager to ensure a high quality of living for all Hanford citizens.

TO BE EFFECTIVE, AN INDIVIDUAL COUNCIL MEMBER:

1. Keeps ongoing oversight and monitoring of City-adopted Goals and objectives as the primary focus.
2. Values, supports and advocates for all citizens throughout the City of Hanford.
3. Recognizes and respects differences of perspective and style on the council and among staff, and the community.
4. Acts with dignity, and understands the implications of personal demeanor and behavior.
5. Keeps confidential matters confidential.
6. Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
7. Understands the distinctions between council and staff roles, and refrains from performing management functions that are the responsibility of the city manager and staff.
8. Understands that authority rests with the council as a whole and not with individuals.

PROFESSIONAL GOVERNANCE STANDARDS

The Council as a Governing Body

Councils, not individual council members, govern Cities. While understanding their separate roles, the council and city manager work together as a "governance team." This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

TO OPERATE EFFECTIVELY, THE COUNCIL MUST HAVE A UNITY OF PURPOSE AND:

1. Keep the city focused on quality of living for all Hanford citizens.
2. Communicate a common vision.
3. Operate openly, with trust and integrity.
4. Govern in a dignified and professional manner, treating everyone with civility and respect.
5. Govern within city-adopted policies, codes, ordinances and procedures.
6. Take collective responsibility for the council's performance.
7. Periodically evaluate its own effectiveness.
8. Ensure opportunities for the diverse range of views in the community to inform council deliberations.

PROFESSIONAL GOVERNANCE STANDARDS

The Council's Job

The primary responsibilities of the council are to set a direction for the city, provide a structure by establishing policies, ensure accountability and provide community leadership on behalf of the city and all its citizens. To fulfill these responsibilities, there are a number of specific jobs that effective councils must carry out.

EFFECTIVE COUNCILS:

1. Involve the community and staff in striving toward a common vision for the city focused on quality of living and responsive to the needs of all citizens.
2. Adopt, evaluate and update policies, codes and ordinances consistent with the law and the city's vision and goals.
3. Maintain accountability by adopting annual goals and monitoring progress through measurable objectives.
4. Hire and support the city manager so that the vision, goals and policies of the city can be implemented.
5. Conduct regular and timely evaluations of the city manager based on the goals and performance of the city, and ensure that the city manager holds city personnel accountable.
6. Adopt a fiscally responsible budget based on the city's vision and goals, and regularly monitor the fiscal health of the city.
7. Ensure that a safe, healthy and appropriate public environment is provided to all citizens.
8. Establish a framework for the city's collective bargaining process and adopt responsible agreements.
9. Provide community leadership on city issues and advocate on behalf of Hanford citizens at the local, state and federal levels.

Dealing With Difficult Situations at City Council Meetings: Legal and Practical Considerations for City Attorneys

Friday, May 10, 2013 General Session; 10:30 – 11:15 a.m.

David Kahn, Renne Sloan Holtzman Sakai
Facilitated by: Michael Jenkins, City Attorney, Hermosa Beach, Rolling Hills and West Hollywood

Notes:

Dealings With Disruptions at Public Meetings: Legal and Practical Considerations for the Public Attorney

by

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DEALINGS WITH DISRUPTIONS AT PUBLIC MEETINGS: LEGAL AND PRACTICAL CONSIDERATIONS FOR THE PUBLIC ATTORNEY

Introduction

The Ralph M. Brown Act,[1] as well as court decisions applying broader constitutional principles, recognizes the general right of the public to attend and, to some extent participate in, meetings of local legislative bodies.[2] Those meetings often involve controversial, divisive and highly charged issues that can result in disruptions by members of the public and, at times, by members of the legislative body itself. This article discusses both legal and practical considerations for resolving disruptions at public meetings, with a focus on the role of the public attorney.

The Legal Framework

A local legislative body seeking to address a disruption in its meetings must do so consistent with governing law, including the Brown Act, other state statutory provisions, and First Amendment considerations developed by federal and state courts. A public attorney plays a critical role in advising his or her clients about these legal constraints, and providing practical recommendations for conducting effective meetings with these legal considerations in mind.

The Brown Act

The primary body of law governing the conduct of meetings of local legislative bodies in California is the Brown Act. This discussion focuses on those provisions of the Brown Act that address participation by members in meetings of legislative bodies, and the authority of those bodies to address behavior that disrupts the ability of the body to conduct the public's business. For a more comprehensive guide to the Brown Act, refer to *Open & Public IV: A Guide to the Ralph M. Brown Act*, published by the League of California Cities.[3]

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[1] Government Code section 54950 *et seq.*

[2] The Brown Act applies to "legislative bodies" which is defined in Government Code section 54952.

[3] This excellent publication is available at http://www.cacities.org/UploadedFiles/LeagueInternet/86/86f75625-b7df-4fc8-ab60-de577631ef1e.pdf. The Attorney General's 2003 guide to the Brown Act, although now somewhat out of date, is another valuable source of information about this statutory scheme: http://caag.state.ca.us/publications/2003_Main_BrownAct.pdf.

The Brown Act seeks to strike a balance between the right of the public to participate in meetings of their legislative bodies with the need for those bodies to conduct the public's business effectively and productively. Of course, the extent to which the Brown Act strikes the proper balance is a matter for debate.

The Brown Act generally requires the public's business to be conducted in open and public meetings, and that the public be provided prior notice of the matters that will be considered at a meeting.[4] The Brown Act also recognizes the right of the public to participate in meetings by providing comment on agenda items, and on matters not on the agenda but within the subject matter jurisdiction of the body.[5] Moreover, individuals, as well as members of the news media, may record public meetings.[6]

The Brown Act specifically provides that a legislative body may not "prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body."[7] Federal courts, employing a First Amendment analysis, have similarly invalidated rules aimed at shielding public employees and officials from public criticism at meetings.[8]

The Brown Act authorizes legislative bodies to adopt reasonable regulations on public participation. This authority includes adopting regulations on public testimony.[9] Such regulations must be enforced fairly and without regard to the viewpoint of the speaker. Similarly, the body may regulate the recording or broadcast of the meeting upon making a

[4] Government Code §§ 54953 and 54954.

[5] Government Code § 54954.3; see *Galbiso v. Orosi Public Utility Dist.* (2008) 167 Cal.App.4th 1063, 1075 (The Brown Act's objectives "include facilitating participation in local government decisions. . . . .").

[6] Government Code § 54953.3.

[7] Government Code § 54953.3.

[8] See *Baca v. Moreno Valley Unified School Dist.* (C.D. Cal. 1996) 936 F.Supp. 719; *Leventhal v. Vista Unified School Dist.* (S.D. Cal. 1997) 973 F.Supp. 951.

[9] Government Code § 54953.3.

finding that the noise, illumination, or obstruction of view from the recording would constitute a persistent disruption of the proceedings.[10]

Significantly, the Brown Act also expressly authorizes the legislative body to remove from a meeting those persons who willfully interrupt the proceedings.[11] If order still cannot be restored, the legislative body may order that the room be cleared. The legislative body must allow members of the news media who have not participated in the disturbance to remain in the meeting room and observe the meeting. The legislative body may establish a process to permit individuals not responsible for the disturbance to reenter the meeting room.[12]

Other Statutory Provisions

Independently of the Brown Act, California Penal Code section 403 makes it a misdemeanor to willfully disturb or break up a lawful assembly or meeting unless the person has legal authority to do so. *McMahon v. Albany Unified School District*[13] discusses the application of this statute.

In *McMahon*, the plaintiff dumped bags of garbage on the floor during a school board meeting. He was arrested for violating section 403, and sued for unlawful arrest. The court concluded that the plaintiff's arrest was proper because he initially had been warned not to dump the trash, and the body was unable to proceed with the meeting because of plaintiff's conduct. As the court explained, absent arresting the plaintiff, "[e]ither the meeting would have been further delayed at some point while McMahon picked up the garbage or other speakers would have had to stand near the trash in order to address the board and audience members would have been forced to peer over a mound of garbage in order to watch a public body perform its duty."[14] Accordingly, the court concluded, the trash dumping did not merely "disturb the sensibilities" of the board members. Rather, it actually impaired the ability of the body to effectively conduct its meeting.

Finally, California Government Code section 36813 – which is not part of the Brown Act – authorizes a city council to address disruptions by members of the council. That provision states

[10] Government Code §§ 54953.5 and 54953.6.

[11] Government Code § 54957.9.

[12] *Ibid.*

[13] (2002) 104 Cal.App,4th 1275.

[14] *Id.* at 1289.

that a city council "may punish a member or other person for disorderly behavior at a meeting." In exercising this authority, the council must act within constitutional constraints.[15]

First Amendment Principles Governing Legislative Body Meetings

Providing advice to a body about its ability to address disruptions of its meetings would be difficult enough if the governing law consisted solely of these state statutory provisions. Courts, however, have concluded that a city council meeting is a *limited* public forum for purposes of First Amendment analysis.[16] As the Ninth Circuit has explained, "[c]itizens have an enormous first amendment interest in directing speech about public issues to those who govern their city."[17] Accordingly, the provisions of the Brown Act and Penal Code section 403 authorizing the legislative body to address disruptions must be implemented consistent with First Amendment principles.

In *White v. City of Norwalk*, the Ninth Circuit Court upheld a city ordinance that authorized the city council to order removed individuals who uttered "personal, impertinent, slanderous or profane" remarks if the remarks "disrupted, disturbed, or otherwise impeded" the conduct of the meetings. The court explained that the presiding officer should not rule speech out of order "simply because he disagrees with it, or because it employs words he does not like."[18] The court explained, however, that under the challenged ordinance, "[s]peakers are subject to restriction only when their speech 'disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting.' So limited, we cannot say that the ordinance on its face is substantially and fatally overbroad."[19] More specifically, the court stated:

> A speaker may disrupt a Council meeting by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies. The meeting is disrupted because the Council is prevented from accomplishing its business in a reasonably efficient

[15] See *Nevens v. City of Chino* (1965) 233 Cal.App.2d 775, 778 (in invalidating prohibition on tape recording city council meetings, court explained that rules adopted under section 36813 cannot be "too arbitrary and capricious, too restrictive and unreasonable.").

[16] *White v. City of Norwalk* (9th Cir. 1990) 900 F.2d 1421, 1425.

[17] *Ibid.*

[18] *Ibid.*

[19] *Ibid.*

> manner. Indeed, such conduct may interfere with the rights of other speakers.
>
> Of course the point at which speech becomes unduly repetitious or largely irrelevant is not mathematically determinable. The role of a moderator involves a great deal of discretion. Undoubtedly, abuses can occur, as when a moderator rules speech out of order simply because he disagrees with it, or because it employs words he does not like. But no such abuses are written into Norwalk's ordinance, as the City and we interpret it. Speakers are subject to restriction only when their speech 'disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting.' So limited, we cannot say that the ordinance on its face is substantially and fatally overbroad.[20]

In *Norse v. City of Santa Cruz*,[21] the Ninth Circuit explained that city councils may "regulate not only the time, place, and manner of speech in a limited public forum, but also the content of speech – as long as content-based regulations are viewpoint neutral and enforced that way."[22] Indeed, the city council may "close an open meeting by declaring that the public has no First Amendment right whatsoever once the public comment period has closed."[23]

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[20] *Ibid*.; see also *Steinburg v. Chesterfield County Planning Comm'n* (4th Cir. 2008) 527 F.3d 377, 384-385 (rejecting First Amendment challenge to removal of individual for failing to address matters relevant to the subject of the meeting); *Rowe v. City of Cocoa* (11th Cir. 2004) 358 F.3d 800, 803 ("As a limited public forum, a city council meeting is not open for endless public commentary speech but instead is simply a limited platform to discuss the topic at hand"); *Eichenlaub v. Township of Indiana* (3d Cir. 2004) 385 F.3d 274, 281 (body may remove a "repetitive and truculent" speaker in order to prevent 'badgering' and 'constant interruptions."); *Galena v. Leone* 199 (3d Cir. 2011) 638 F.3d 186 (member of the public who continues to interrupt meeting by making "objections" may be removed from meeting); (*Jones v. Heyman* (11th Cir. 1989) 888 F.2d 1328, 1329 (presiding officer may require that speakers adhere to the agenda); *Scroggins v. City of Topeka, Kansas* (D. Kan. 1998) 2 F.Supp.2d 1362 (upholding a viewpoint neutral city council rule prohibiting personal attacks); but see *Richard v. City of Pasadena* (C.D. Cal. 1995) 889 F.Supp. 384 (invalidating rule requiring members of the city council "[t]o perform responsibilities in a manner that is efficient, courteous, responsive and impartial" on the ground that it was unconstitutionally vague and did not require that the regulated conduct be disruptive); see generally *But It's My Turn to Speak! When Can Unruly Speakers at Public Hearings Be Forced to Leave or Be Quiet* (2009) 41 Urb.Law 579.

[21] (9th Cir. 2010) 629 F.3d 966.

[22] *Id.* at 975.

[23] *Ibid.*

The *Norse* court emphasized, however, that city councils may not "extinguish all First Amendment rights" at a public meeting.[24] For example, a member of the public may not be ordered removed from the meeting merely for making an inflammatory gesture, such as a "Nazi salute," unless this conduct was itself *actually* disruptive.[25] The court in *Norse* emphasized that city councils are not free to define "disruption" in whatever manner they choose. Rather, the court explained that "[a]ctual disruption means actual disruption. It does not mean constructive disruption, technical disruption, virtual disruption, *nunc pro tunc*[26] disruption, or imaginary disruption."[27]

The Ninth Circuit recently emphasized the requirement that both the city rules of order regulating conduct at public meetings – and the actual application of those rules – be limited to conduct that is *actually* disruptive, at least to the extent that the person is to be removed from the meeting for the conduct.[28] Because the challenged ordinance regulating "insolent" conduct during a meeting could not be narrowly construed to apply only when the "insolent" conduct actually disrupted the meeting, the court invalidated that provision of the ordinance.[29]

In applying rules prohibiting disruptions of meetings, the requirement of viewpoint neutrality is critically important. Courts have invalidated orders that individuals be removed from meetings where the courts concluded that the actions were based on the viewpoints of the speakers, or speech offended the sensibilities of the public officials.[30]

California courts have also applied First Amendment principles to limit the circumstances in which a body may order a member of the public removed from a meeting for behavior the body

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[24] *Id.* at 975-976.

[25] *Id.* at 976; see also *Leonard v. Robinson* (6th Cir. 2007) 477 F.3d 347, 352 (single utterance of obscenity did not constitute disruption sufficient to justify individual's removal from meeting).

[26] I.e., "disruption" that is determined retroactively.

[27] *Id.* at 976.

[28] *Acosta v. City of Costa Mesa* (9th Cir. 2012) 694 F.3d 960, 971-972.

[29] *Ibid.* The court, however, severed that provision from the ordinance to save it from complete invalidation. See *id.* at 977-978.

[30] *Norse, supra*, 629 F.3d at 976; see also *Monteiro v. City of Elizabeth* (3d Cir. 2006) 436 F.3d 397; *Musso v. Hourigan* (2d Cir. 1988) 836 F.2d 736, 739; *Kindt v. Santa Monica Rent Control Bd.* (9th Cir. 1995) 67 F.3d 266, 270-71 ("[L]imitations on speech at meetings must be reasonable and viewpoint neutral. . . .").

deems to be disruptive. *In re Kay*[31] involved the scope of Penal Code section 403. The court recognized that the orderly conduct of public meetings protects the right to free speech because "[f]reedom of everyone to talk at once can destroy the right of anyone effectively to talk at all."[32] The court concluded, however, that Penal Code section 403 does not "grant to the police a 'roving commission' to enforce Robert's Rules of Order."[33]

Accordingly, the court held that section 403 must be limited to those situations where a member of the public substantially impairs the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable man should have known."[34] The court expressly cautioned that, "[i]f any audience participation is permitted the rules regulating who may speak cannot be used to silence a participant merely because his views happen to be unpopular with the audience or with the government sponsors of the meeting."[35]

General Considerations for Mitigating Disruptive Conduct

With these legal principles in mind, and before discussing specific disruptive situations, we will provide some general thoughts on steps that can be taken to prevent or reduce the degree of disruption at public meetings, based on our experience.

1. **Encourage the Adoption of Council Rules That Clarify the Types of Behavior Deemed Disruptive.**

Having specific rules that identify the types of conduct deemed disruptive, rather than have this issue addressed through ad hoc rulings, is a critical first step. In adopting your rules, look to rules that have been upheld by courts, such as those challenged in *White v. City of Norwalk.* Consistent with *Norwalk* and *Norse*, those rules should make clear that they prohibit only behavior that *actually* disrupts the meeting, and that they will be applied in a viewpoint neutral manner.

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[31] (1970) 1 Cal.3d 930.

[32] *Id.* at 941.

[33] *Ibid.*

[34] *Id.* at 943.

[35] *Id.* at 943, fn.10.

2. **If a Highly Charged Issue is on the Agenda, Encourage the Presiding Officer to Explain These Rules, and How They Will Be Applied.**

We think that this practice serves multiple purposes. First, it reminds the presiding officer and other council members of how disruptions must be handled, and that the rules must be applied in an even-handed manner. Second, it lets the audience know at the outset that rules prohibit disruptions, and what the consequences will be if someone does choose to actually disrupt the meeting. Third, should someone be removed from the meeting, and later challenge the removal in court, it will assist in the defense of the action.

3. **Meet With the Presiding Officer, and if Appropriate a Police Department Representative, Before the Meeting to Ensure That Everyone is on the Same Page About How Disruptions Will Be Handled.**

In many cities, a police officer serves as the sergeant-at-arms responsible for carrying out the directives of the presiding officer, or city council. In addition, to the extent that a member of the audience engages in conduct that violates Penal Code section 403, police officers may be involved in arresting an individual for violating that section. We have found that it is very helpful to meet with the presiding officer, police chief or designee, and, if appropriate, the city manager to ensure that everyone has the same understanding and expectations about the circumstances and process that would lead to a member of the audience being removed, and perhaps cited for violating Penal Code section 403. For example, everyone should be on the same page about the need for the challenged conduct to be actually disruptive, that actions to address such conduct be done even-handedly without reference to the viewpoint of the member of the public, and the interaction between the presiding officer and police officer or other sergeant-at-arms.

4. **Encourage the Presiding Officer to Provide at Least One Warning Before Ordering a Disruptive Individual from the Meeting Room.**

Given the rights of the public under the Brown Act and First Amendment, it is our view that except in the most extreme cases, the presiding officer should clearly warn the individual that his or her conduct is actually disrupting the meeting, and request that it cease, before taking action to have the individual removed from the meeting room.

5. **Encourage the Agenda to Be Organized in the Manner Most Likely to Ensure that the Critical Business of the Council Can Be Completed Even if Disruptions Are Anticipated With Respect to a Particular Agenda Item.**

This is a practical, rather than legal consideration, and must be assessed on a case-by-case basis. If there are important, but not controversial, matters on the same agenda as a highly charged item, it may be best to have the council address those matters early in the meeting, before tensions rise, nerves fray, and the decision-making process becomes impaired.

6. **Encourage All of Your Clients to Remain Calm and Focused, and Provide an Example Through Your Own Demeanor.**

Again, this is a practical consideration, but an important one. It has been our experience that the public feeds off of rancor and discord among members of the council. There are certainly limits as to what a city attorney can do when tempers flare, but addressing legal questions that arise in a calm and assured manner may help the situation.

Dealing With Specific Types of Disruptive Conduct By Members of the Public

We cannot, of course, address every type of disruption that might occur during a public meeting. Nevertheless, we will now discuss types of disruption that we have seen arise with some frequency, offer some suggestions for addressing them, and hopefully spark further suggestions at the conference discussion of this topic, and on the listserv. One important role the public attorney can play, apart from providing guidance to the council and presiding officer "on the fly" when disruptions occur, is to discuss these more common types of disruptions with new presiding officers, and advise the officers of the legal constraints under which they must operate.

1. **A Speaker Refuses to Leave the Microphone After His or Her Speaking Time Has Expired.**

In our experience, this is one of the most common types of "disruptions" that can occur during a council meeting. The Ninth Circuit has identified this type of conduct as one that can result in an actual disruption, and one that is within the discretion of the presiding officer to address.[36] Nonetheless, this is the quintessential example of a situation where at least one warning should be issued before any effort is made to remove the speaker for disrupting the meeting. We have

[36] *White v. City of Norwalk*, *supra*, 900 F.2d at 1425.

found that it can be effective to provide to the city clerk – who is likely to viewed as more impartial than an elected presiding officer – the ability to turn off the microphone (if one is used) once the person has been warned that his or her speaking time has expired.

This is a situation where enforcing the rule in an even-handed is extremely important. If the audience senses that the presiding officer is not enforcing the time limits against speakers on one side of an issue, the ability to enforce the time limits can be undermined, and it can lead to unruly behavior by others in the audience.

2. Speakers Insist on Addressing Matters Clearly Not Relevant to the Agenda Item.

This type of "disturbance" can be a difficult one to properly police. It can arise in different ways. First, a speaker may use his time to comment on something that is indisputably irrelevant to the specific agenda item. For example, in connection with an item to declare June as City Attorney Month, a speaker uses his time to talk about the need to fix potholes on Main Street. Second, a speaker may seek to speak during general public comment about a specific item on that agenda but that the council has not yet reached, and that will have its own time set aside for public comment. Third, a speaker may attempt to discuss a subject that is not on the agenda, nor within the subject matter jurisdiction of the city council, such as using his time to advertise for sale his used Subaru.

Again, the approach to be used depends on the extent of the problem caused by this practice. If there are thirty items on the agenda, and it becomes apparent that the individual is committed to speaking about the same clearly irrelevant subject on each of those items, then after a clear warning to the individual, ordering him or her removed may be appropriate. In more isolated cases, we believe that the more practical solution is encourage the person to address the agenda item, and leave it at that. Apart from the fact that it is unlikely that a single isolated instance will rise to the level of an actual disruption, is likely to take more time to remedy the problem than it would be hear the person out.

3. Verbal Disruptions from the Audience

A council's consideration of a particularly controversial matter can lead to heated emotions on both sides of the issue. At times these emotions can manifest themselves in the form of outbursts

from the audience, either while individuals are providing public comment, or during the council's deliberation of the issue.

Addressing this species of disruption depends on how widespread, noisy and continuous the outbursts are. If individual members of the audience causing the actual disturbance can be identified – and if warnings are not effective in quieting the outbursts – those specific individuals may removed. If the outbursts come from a significant portion of the audience, removing individuals is unlikely to be effective, and may even exacerbate the problem with the remaining audience members. Instead, following warnings, the more practical and effective practice would be to call a brief recess. In addition to giving the crowd an opportunity to cool off, it also provides an opportunity to confer with the presiding officer, city manager and police representative about next steps in the event the nature of the outbursts constitute an actual disturbance of the meeting.

And that brings us to the "nuclear" option: ordering that the room be cleared. We have never seen that option exercised, and there are compelling reasons – legal, political and practical – for choosing not to resort to an option that could result in photos in the next day's newspaper of police officers ushering folks out of a public meeting. We believe that almost any alternative is preferable – including threatening the use of the option, or continuing the matter to later in the meeting or to some future meeting.

If the option is to be exercised, strict adherence to the statutory requirement – including allowing the press back in and determining whether others should be allowed in – should be followed. You may also wish to consider allowing individuals back in one at a time to provide public comments, and broadcasting the audio of the meeting to an area where those who have been removed can listen, assuming the availability of the necessary technology.

4. When It's a Council Member Who is Difficult

Council meetings are difficult enough for a City Attorney when it is members of the public that engage in belligerent and disruptive behavior. The issues in dealing with disruptive behavior are compounded when it is a member of the City Council or a city board or commission who is misbehaving or disrupting the meeting by refusing to comply with the mayor's request for order

or by making *ad hominem* personal attacks or accusations involving other Council members or staff.

In addition to the First Amendment rights that all citizens speaking at public meetings have, as discussed above, elected officials have the additional First Amendment protection arising from holding public office. In *Carter v. Commission on Qualifications of Judicial Appointments*,[37] the court stated that "the right to hold public office, either by election or appointment, is one of the valuable rights of citizenship."[38] Restrictions on the First Amendment rights of elected and appointed officials is likely subject to more stringent review than those of non-elected citizens.[39] In the case involving the refusal of the Georgia House of Representatives to seat Julian Bond because of his statements on the Vietnam draft, the U.S. Supreme Court stated that "the manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy."[40] In *Miller v. Town of Hull*,[41] the First Circuit affirmed a 42 U.S.C section 1983 jury verdict, including punitive damages, against a town council that attempted to remove members of an appointed city redevelopment authority based on the authority's exercise of First Amendment rights in supporting a subsidized housing project that the town council opposed.

In addition, as previously noted, the Brown Act in Government Code section 54954.3 protects public criticism of the agency:

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

It follows that a city attorney must exercise great caution in advising that a council member or board member is disruptive and subject to removal from a public meeting. Absent clear behavior that is threatening to public safety or involves physical conduct that disrupts a meeting, a court is

[37] (1939) 14 Cal.2d 179.

[38] *Id.* at 182.

[39] See *Huntley v. Public Util. Com.* (1968) 69 Cal. 2d 67.

[40] *Bond v. Floyd* (1966) 385 U.S. 116, 135-136.

[41] (1st Cir. 1989) 878 F. 2d 523.

likely to find issues of fact precluding summary judgment and requiring an evidentiary showing of the constitutional basis for the exclusion.

For example, in *Vacca v. Barletta*,[42] acting chair Barletta told Vacca, a member of the school board, that he would not continue with a "screaming debate" where Vacca was "aggressively challenging" the school superintendent. Barletta called a recess, and shortly after the meeting resumed three police officers physically dragged the protesting Mr. Vacca from his seat, handcuffed him, and took him to the police station for the duration of the meeting. Good drama, but bad decision, as the summary judgment for Barletta was reversed by the First Circuit based on disputed facts on whether Vacca's removal was content-neutral for disruption or for constitutionally protected speech. It should be noted that the case does not say that Barletta acted on the advice of the board's counsel, who perhaps was not present and did not have the chance to counsel his client.

Practical Pointers

- Be extremely cautious in advising that an elected Council member can be removed or excluded from a public meeting, as absent compelling evidence on a tape of the meeting it will be setting the Council member up to claim he/she is being targeted for First Amendment expression, is likely to aggravate rather than calm the situation in the long term, and may result in a lawsuit against the agency and mayor claiming violation of federal constitutional rights.

- If a meeting becomes unruly or difficult, a recess is often a good way to provide a short respite from the arguing and accusations and to provide the opportunity for Council members to cool down and hopefully return as adults to the podium.

- When a Councilmember continues to return to points already made and wants to speak multiple times and at length on the same issues, the parliamentary procedure motion to end debate and call the question is an effective method to move the item along.

[42] (1st Cir. 1991) 933 F. 2d 31.

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WESTERN City

March 1, 2007 | Legal Notes | Melanie M. Poturica | David A. Urban

A City Council Member's Role With Respect to Individual City Employees

Melanie M. Poturica is managing partner at the law firm of Liebert Cassidy Whitmore in Los Angeles, and can be reached at mpoturica@lcwlegal.com. David A. Urban is an attorney with the firm, and can be reached at durban@lcwlegal.com.

In the public eye, city council members are at the top of the city's government structure, presiding over large and small bureaucracies that may include police officers, firefighters and many other types of employees charged with serving the public interest. Accordingly, when residents are aggrieved by or interested in the conduct of a particular employee, they may view their council member as that employee's ultimate "boss" or de facto CEO of the city, who can cause the employee to be disciplined or even terminated, and who could certainly take such lesser actions as communicating with the employee's direct supervisor or reviewing the employee's personnel file for information relevant to the issue.

City councils often have appointing authority over the city's highest officials, such as the city manager and city attorney. But otherwise, individual council members and the council as a body have virtually no role with regard to individual city employees. In fact, a council member's role with respect to such employees probably has more in common with that of a city resident (who is an interested "outsider" looking at the city employment structure) than with that of a private company's CEO.

This article describes several legal reasons why city council members' roles with regard to individual employees have such substantial limitations and includes some practical approaches for dealing with individual employees.

WHY A CITY COUNCIL MEMBER'S ROLE IS SO LIMITED

City council members are meant to act as part of the council, not individually. A primary reason why council members have virtually no role with regard to individual city employees is that applicable law provides that council members will act as a body, not as individuals. Indeed, the law requires that, with limited exceptions, the council conduct city business only through duly convened meetings "in full view of the public."[1] Thus, when an individual city council member takes unilateral action, his or her conduct may well lose the sanction of the law. The council member may then lose certain protections and immunities from liability, and his or her actions may more easily be rescinded or disputed.[2]

Legislative immunity is limited. Second, city council members may well *not* have legislative immunity with regard to actions toward individual employees. This is particularly true if the council member acts unilaterally. Typically, when a city council member acts as a legislator, he or she has absolute immunity. But that immunity can be lost when the legislator takes actions outside the "sphere of legitimate legislative activity."[3] Accordingly, if a council member takes any unilateral actions concerning an individual employee, he or she could risk loss of legislative immunity. Even actions taken collectively with the full council might conceivably lack immunity if they relate to specific individuals instead of furthering general city policy.

Under California law, city council members can be liable for invasion of privacy, among other things. Third, the threat of liability presents another factor that limits council member roles toward individual employees. One potential type of liability is for invasion of privacy. In one case, *Braun v. City of Taft*, a city council member was subject to censure by the council for removing documents from a city employee's personnel file and revealing them to the press. Although the court ultimately determined that the particular documents were public records that could legally be disclosed, the court remanded the case to the council to allow it to decide whether the member should suffer censure for other reasons. These possible reasons included his "unilateral decision regarding [the documents'] suitability for disclosure."[4] Other courts have articulated that public employees can have limited privacy rights in their personnel files.[5] Employees can thus argue that improper review and/or disclosure should result in personal liability for invasion of privacy.[6]

Other officials, such as city managers, are charged with overseeing city employees. Fourth, council member actions with regard to individual employees may be considered suspect because other high level city officials are officially charged with supervising and/or overseeing individual employees. Most cities appoint city managers to provide overall supervision to a city's human resources function. Because a designated official already has this responsibility, there should be little need for city council members to become involved with individual employees.[7]

PRACTICAL ADVICE FOR DEALING WITH INDIVIDUAL EMPLOYEES

Refrain from doing so, unless it is a part of one's obligations to the city. The most prudent course for a city council member is to refrain from taking action or otherwise becoming involved in any supervisory role, with respect to individual city employees.

Proceed as part of properly convened city council meetings and not individually. If a council member must become involved in decisions with respect to an individual employee, the member should not act unilaterally but should instead act as part of the council. The member should also act pursuant to the requisite formalities that will ensure legislative immunity applies.

The city manager or other appropriate city employee should interface with employees. Tasks such as reviewing employee personnel files, gathering information from supervisors and providing instruction as to particular employees should be done by the city manager or other official charged with overseeing the city's employment structure. This is true even for matters of public interest. If city residents object to the conduct of particular employees, the council can respond by asking the city manager to investigate and take appropriate action regarding the objections. For example, in a small city experiencing resident complaints about rude police officers, the council should itself refrain from taking direct action as to those officers. Instead, it can ask the city manager to investigate and respond to the issue globally. The city manager can then, as part of his or her comprehensive response, take appropriate employment action as to the officers in question.

Comply with the Brown Act. The Ralph M. Brown Act provides that certain official bodies, including city councils, may only act through duly called and regularly held meetings that are open to the public. A city council can conduct closed meetings to discuss certain personnel matters. These include meetings in which the council discusses the "appointment, employment, evaluation of performance, discipline, or dismissal of a public employee …"[8] This closed meeting exception, however, may apply only to the council's consideration of employees over whom the council has appointing authority (for example, city managers, city attorneys and others). A California attorney general opinion describes that the closed meeting exception does *not* apply to a body's consideration of an employee over whom it does not have

appointing authority.[9] Lack of compliance with the Brown Act may lead to adverse legal consequences, which include voiding the actions that the council takes.

Consult with legal counsel. These issues can be complex. Also, situations where council members must take a role with regard to city employees will be rare. Council members should obtain legal advice when such circumstances arise to ensure they undertake their role appropriately.

FOOTNOTES:

[1] *Wolfe v. City of Fremont*, 144 Cal. App. 4th 533, 541, 543 (2006); *see also Moreno v. King*, 127 Cal. App. 4th 17, 20 (2005) (city council's termination of finance director was ineffective because of failure strictly to comply with notice provisions of Brown Act).

[2] *See Braun v. City of Taft*, 154 Cal. App. 3d 332, 338-40, 347-48 (1984) (considering council member's censure for unilaterally disclosing personnel records to the public).

[3] *Bogan v. Scott-Harris*, 523 U.S. 44, 54, 118 S. Ct. 966, 140 L.Ed.2d 79 (1998) (council members have immunity from civil rights liability for all actions taken "in the sphere of legitimate legislative activity"). For legislative immunity under federal law, courts apply a four-part test: "(1) whether the act involves *ad hoc* decision-making, or the formulation of policy; (2) whether the act applies to a few individuals, or to the public at large; (3) whether the act is formally legislative in character; and (4) whether it bears all the hallmarks of traditional legislation." *Kaahumanu v. County of Maui*, 315 F.3d 1215, 1220 (9th Cir. 2003). "Whether an act is legislative turns on the nature of the act, rather than on the motive or intent of the official performing it."*Bogan*, 523 U.S. at 54.

[4] *Braun*, 154 Cal. App. 3d at 338-40, 347-48.

[5] *Id.* at 346-48.

[6] *See Hill v. National Collegiate Athletic Assn.*, 7 Cal. 4th 1, 35-38 (1994).

[7] Indeed, at least one Attorney General Opinion describes that the Brown Act closed meeting exception does not apply to a body's discussion of employees over whom the body does not have appointing authority.*See* 85 Ops. Cal. Atty. Gen. 77 (2002). This supports the position that a council should delegate decision-making over such employees, since it would otherwise have to consider their performance in open session.

[8] Cal. Gov. Code § 54957(b)(1).

[9] 85 Ops. Cal. Atty. Gen. 77 (2002).

ABOUT LEGAL NOTES

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

This article appears in the March 2007 issue of Western City
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AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:
Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title the only.

RECOMMENDATION:

Recommendation:

Recommended Motion:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
None

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:

Approval of FY 23/24 blanket purchase orders (BPOs) over $50,000 for various divisions in the Public Works Department. The total amount of these BPOs for FY 23/24 is $5,520,900.

RECOMMENDATION:

Recommendation: Staff recommends that City Council approve the following Annual Blanket Purchase Orders (BPO) for a total of $5,520,900 for FY 23/24, which has already been appropriated in the Council-adopted budget.

Public Works FY 23/24 Blanket POs over $50,000

VENDOR NAME	DESCRIPTION	BPO AMOUNT
FLEET MAINTENANCE		
BUFORD OIL COMPANY INC	FUEL, OIL & GREASE	$ 150,000
SILVAS OIL CO INC	FUEL, OIL & GREASE	$ 110,000
KINGS PETROLIUM	FUEL, OIL & GREASE	$ 706,070
CENTRAL VALLEY GMC	VEHICLE PARTS & LABOR	$ 130,000
RUCKSTELL CALIF SALES CO	VEHICLE PARTS AND LABOR	$ 121,920
DELRAY TIRE & RETREADING, INC	TIRES, TUBES, PARTS AND LABOR	$ 114,320
BADASCI TIRE CO, INC	TIRES, TUBES, PARTS AND LABOR	$ 198,160
		$ 1,530,470
REFUSE		
KINGS WASTE & REC AUTHORITY	TIPPING FEES	$ 2,556,380
WASTEQUIP MANUFACT. CO	REFUSE CONTAINERS, COMM & RES	$ 400,000
		$ 2,956,380
WASTEWATER OPERATIONS		
THATCHER CO OF CALIF INC	CHLORINE	$ 389,610
TELSTAR INSTRUMENTS, INC	EQUIPMENT MTCE	$ 167,000
FRUIT GROWERS LABORATORY,	PROFESSIONAL LAB SERVICES	$ 106,440
		$ 663,050
WATER OPERATIONS		
UNIVAR SOLUTIONS USA INC	HYPOCHLORITE (chlorine)	$ 371,000
		$ 371,000

RECOMMENDED MOTION:

Move to approve the purchase orders listed in this report for a total of $5,520,900.

BACKGROUND:

Per Hanford Municipal Code 2.48.060, the City Council has the sole authority to authorize purchases exceeding fifty thousand dollars, regardless of whether or not the funding has already been appropriated in the adopted budget. Additionally, purchases of $2,500 or more must have either formal or informal bids or a sole-source justification provided.

The purchase orders listed above cover annual contracts for the Public Works department of the City of Hanford.

- Fleet Maintenance BPOs include annual contracts for petroleum products, vehicle parts, and tire services.
- Refuse BPOs are for tipping fees and the purchase of refuse containers.
- Wastewater Operations BPOs are for the purchase of chlorine as well as laboratory testing and instrumentation maintenance and repair.
- Water Operations utilizes a BPO for the purchase of hypochlorite (liquid chlorine) for disinfection.

All of these contracts will be monitored by staff on an ongoing basis. For some purchases and/or services, multiple vendors are identified. When purchasing these products/services, all of the vendors are polled and vendor with the lowest price (or in some cases, fastest service) is selected.

FISCAL IMPACT:

Purchase orders total $5,520,900 of approved spending. These expenses will come out of previously approved budget appropriations across all listed divisions for fiscal year 2023/2024.

ATTACHMENTS:
None

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:
Approval of the Final Map and Subdivision Agreement for Tract No. 934 with Lennar Homes of California, LLC, and adopt the attached Resolution 23-27-R Establishing the Formation of Assessment District No. 20-02; and adopt the attached Resolution 23-31-R Intention to Levy Assessment and Confirmation of Engineer's Report; and adopt the attached Resolution 23-30-R Initiating Proceedings for the Formation of Assessment District No. 20-02.

RECOMMENDATION:

That City Council by motion:

1. Approve the Final Map and Subdivision Agreement for Tract No. 934 with Lennar Homes of California, LLC; and
2. Adopt the attached Resolution 23-27-R Establishing the Formation of Assessment District No. 20-02; and
3. Adopt the attached Resolution 23-31-R Intention to Levy Assessment and Confirmation of Engineer's Report; and
4. Adopt the attached Resolution 23-30-R Initiating Proceedings for The Creation of Assessment District No. 20-02

BACKGROUND:

The final subdivision map for Tract No. 934, Lennar Homes subdivision, a 161-lot subdivision located as shown on the attached map, has been checked and approved by staff. The developer of Tract No. 934 Subdivision is Lennar Homes of California, LLC. All required fees have been paid, and proper improvement security bonds for all required subdivision improvements have been posted in accordance with the attached Subdivision Agreement, which has been reviewed and approved by the Public Works Department and signed by the developer. The Final Map, Subdivision Agreement, and developer bonds are attached for council review.

The Tract conditions of approval require the lots of the subdivision to be included within Landscape Assessment District (LAD) 20-02, for purposes of funding maintenance of neighborhood park improvements and landscape, irrigation, and decorative block wall improvements. The adoption of Resolution No. 23-27-R will form the LAD areas shown in the attached exhibits. The Tract 934 LAD Engineer Report is attached for council review.

FISCAL IMPACT:

The right of way dedications and easements are offered at no cost to the city, and all subdivision

improvements will be constructed at the developer’s expense. No impact to the budget will result from approval of the Resolution for the formation of Landscape Assessment District No. 20-02.

ATTACHMENTS:

1. Tract 934 Engineer's Report LAD 20-02
2. Tract 934 - Final Subdivision Agreement_Unsigned
3. Tract 934 LAD Exhibits
4. 23-31-R TR. 934 LAD 20-02 - Intention to Levy Reso
5. 23-27-R TR. 934 LAD 20-02 - Establish Formation and Confirm Levy
6. 23-30-R TR. 934 LAD 20-02 - Reso. Initiating Proceedings
7. Tract 934 - Subdivision Performance Bond_$10,331,771.86_05252023
8. Tract 934 - Waiver of Hearing
9. Tract 934 - Right to Farm
10. Tract 934 - Statement of Covenants
11. Tract 934 - Subdivision Payment Bond_$5,165,885.93_05252023

ATTACHMENT "A"

ENGINEER'S REPORT
ASSESSMENT DISTRICT FORMATION NO. 20-02
(Pursuant to the Landscaping and Lighting Act of 1972)

TRACT NO. 934-LENNAR HOMES

NOTE: Assessment District Formation of Landscape Assessment District No. 20-02.

Lisa Dock, City Engineer and Engineer of Work for the formation of Landscape Assessment District No. 20-02, City of Hanford, Kings County, California, makes this report for the formation of a Landscape Assessment District as directed by City Council, pursuant to Section 22585 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The improvements to be constructed and maintained in the District provide special benefits to all of the parcels within the District about and beyond general benefits conferred on parcels located in the District or to the public at large. Specifically, the particular and distinct special benefits include:

1. Reduction of traffic noise level from the street located adjacent to the District;

2. Restriction of unwanted pedestrian access onto the lots and parcels within the District;

3. Enhancement of appearance of the entrance into the subdivision which is included within the District;

4. Reduction of impact of dust and other particulate matter onto the lots and parcels within the District;

The improvements which are the subject of this report are briefly described as follows:

1. Decorative masonry block wall fencing, and landscape & irrigation system improvements located along 13th Avenue, Grangeville Blvd., North Sophia Street, West Ella Street, West Cornell Street and North Frontier Street, located adjacent to and within Tract No. 934 Lennar Homes.

2. Interior street lighting within Tract 934 Lennar Homes.

This report consists of six parts as follows:

Exhibit "A": Plans and specifications for the improvements are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are incorporated herein by reference.

Exhibit "B": An estimate of costs to maintain the improvements.

Exhibit "C": An assessment of the estimated maintenance costs on each benefited parcel of land within the Assessment District.

Exhibit "D": A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

Exhibit “E”: A list of the names and addresses of the property owners of real property within each assessment district as shown on the last equalized assessment roll for taxes, or known to the Clerk. The list is keyed to Exhibit “C” by assessment number.

ATTACHMENT “A” continued…

Exhibit “F”: A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Exhibit “C” by lot number.

Respectfully submitted,

Lisa Dock, P.E.,
City Engineer

ENGINEER'S REPORT

ASSESSMENT DISTRICT FORMATION NO. 20-02
(Pursuant to the Landscaping and Lighting Act of 1972)

TRACT NO. 934-LENNAR HOMES

The undersigned hereby respectfully submits the enclosed Engineer's Report as directed by the City Council.

DATED: _____

_____
Lisa Dock, P.E.
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessments and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 20___.

Natalie Corral
City of Hanford, City Clerk
Kings County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessments and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Hanford, California, on the _____ day of _____, 20___.

Natalie Corral
City of Hanford, City Clerk
Kings County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessments and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Kings on the _____ day of _____, 20___.

Natalie Corral
City of Hanford, City Clerk
Kings County, California

By _____

EXHIBIT “A”

ASSESSMENT DISTRICT FORMATION NO. 20-02
(Pursuant to the Landscaping and Lighting Act of 1972)

TRACT NO. 934-LENNAR HOMES

NOTE: Landscape Assessment District No. 20-02.

Plans and specifications for the improvements are those prepared by Precision Civil Engineering, Inc. and Lennar Homes for the City Engineer. These plans and specifications have been filed separately with the Clerk of the Legislative Body and are incorporated in this report by reference.

EXHIBIT "B"

CITY OF HANFORD
ENGINEER'S REPORT

ASSESSMENT DISTRICT FORMATION NO. 20-02
FISCAL YEAR 2023-2024

ESTIMATED ASSESSMENTS
TRACT NO. 934-LENNAR HOMES

ITEM NO.	DESCRIPTION	FY 2023-2024 ESTIMATE UNITS	RATE	AMOUNT
A.	MAINTENANCE COSTS			
1.	Landscape and Irrigation System along 13th Avenue, Grangeville Blvd, Cornell Street, Frontier Street and Sophia Street (Labor and Materials)	105,217 SF ±	$ 0.3/SF	$31,565.10
2.	Decorative Block Walls along W. 13th Avenue, Grangeville Blvd, Cornell Street, Frontier Street and Sophia Street (Labor and Materials)	4,246 LF ±	$ 0.50/LF	$ 2,123.00
3.	Water Usage ($150/mo./Service x 12 = $1800.00/Service)	Five services	$ 1,800.00/ea	$ 9,000.00
4.	Electricity Usage ($30/mo./Meter x 12 = $360.00/Meter)	Five meters	$ 360.00/ea	$ 1,800.00
5.	Street Light Usage ($12/Lt./Mo. x 12 = $144.00/Lt./Yr.)	23 St. Lights	$ 144.00/Lt./Yr.	$ 3,312.00
B.	INCIDENTAL COSTS/FORMATION COSTS			
1.	Staff Preparation of Documents		$ 325.00	$ 325.00
2.	Collection of Assessment		$ 121.00	$ 121.00
TOTAL ANNUAL SUBDIVISION ASSESSMENT AMOUNT				$50,246.10

TRACT NO. 934- LENNAR HOMES
LOTS 1 THROUGH 161 SHALL BE ASSESSED: $ 312.09

C. ADJUSTMENT FOR INFLATION IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 53739(b)(1).

The Annual Total Subdivision Assessment Amount will be adjusted for inflation on an annual basis in accordance with the following formula:

Commencing with the calendar year 2023-2024, and January 1 of each calendar year ("Adjustment Date") thereafter during the life of the District, the Total Annual Subdivision Assessment Amount for the next fiscal year shall be an amount equal to the greater of:

(i) the Total Annual Subdivision Assessment amount in effect immediately prior to the Adjustment Date, or

(ii) the product obtained by multiplying the Total Annual Subdivision Assessment in effect immediately prior to the Adjustment Date by a fraction, the numerator of which is the Index published nearest but prior to the Adjustment Date and the denominator of which is the Index published nearest but prior to January 1 of the first year the Subdivision Assessment became effective.

The term "Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers, San Francisco-Oakland-San Jose Consolidated Statistical Area, 1982-1984, equals 100, published by the Bureau of Labor Statistics of the United States Department of Labor. If the Bureau of Labor Statistics revises the Index, the Bureau of Labor Statistics will be the sole judge of the comparability of successive indexes, but if that agency fails to supply indexes that it deems comparable or if no succeeding index is published, the City shall determine an appropriate alternative published price index.

EXHIBIT "C"

ASSESSMENT ROLL AND
ESTIMATED ASSESSMENTS

TRACT NO. 934-LENNAR HOMES

ASSESSMENT NUMBER	AMOUNT OF ASSESSMENT	PROPERTY DESCRIPTION OR ASSESSOR PARCEL NUMBER
1 Through 161	$312.09	Lot 1 through 161, Tract 934

Total Assessment: $ 50,246.10

EXHIBIT “D”

METHOD OF APPORTIONMENT OF ASSESSMENT

ASSESSMENT DISTRICT FORMATION NO. 20-02
(Pursuant to the Landscaping and Lighting Act of 1972)

TRACT NO. 934-LENNAR HOMES

NOTE: Landscape Assessment District No. 20-02.

The method of apportionment of Landscape Assessment District 20-02 maintenance costs is as follows:

100% of the maintenance costs divided equally between Lots 1 through 161 of Tract 934-Lennar Homes

EXHIBIT “E”

PROPERTY OWNERS LIST

ASSESSMENT DISTRICT RESTRUCTURE NO. 20-02

TRACT NO. 934-LENNAR HOMES

ASSESSMENT NUMBERS	PROPERTY DESCRIPTIONS	OWNERS NAME AND ADDRESS
1 through 161	009050001000 009050002000 009050003000 009050004000 009050005000	R-HEARTHSTONE LOT OPTION POOL 2, L.P. A Delaware Limited Partnership AND LENNAR HOMES OF CALIFORNIA, LLC A CALIFORNIA CORPORATION

CITY OF HANFORD
SUBDIVISION AGREEMENT

TRACT NO. 934

THIS SUBDIVISION AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2023, by and between R-HEARTHSTONE LOT OPTION POOL 02, L.P. ("OWNER"), LENNAR HOMES OF CALIFORNIA, LLC ("SUBDIVIDER") and the City of Hanford, a Municipal Corporation ("CITY").

RECITALS

A. The SUBDIVIDER has presented to the CITY a final map of the proposed Subdivision of certain real property located within the city limits of the City and more particularly described in Exhibit "A" which has been filed with the City Engineer and is made a part hereof by reference ("Final Map") and identified as Tract No. 934 ("SUBDIVISION"). The real property is to be developed in accordance with subdivision improvement plans, which have been filed with the City Engineer and are made a part hereof by reference and identified as Exhibit "B" ("Improvement Plans"). SUBDIVIDER has requested that the CITY accept and approve the Final Map and the dedications delineated and shown on the Final Map for the use and purposes specified thereon, and otherwise approve the Final Map in order that the same may be recorded as required by law.

B. The CITY requires as a condition precedent to the acceptance and approval of the Final Map, the dedication of such streets and easements as are delineated and shown on the Final Map, and deems the same as necessary for the public use, and requires that any and all streets and easements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements specified herein.

C. Certain public improvements are required to be made by SUBDIVIDER in accordance with the approved tentative map of the SUBDIVISION. Section 66462 of the California Government Code provides, as a condition precedent to the approval of the Final Map, that the City Council shall require the SUBDIVIDER to enter into an agreement to complete said public improvements.

D. Chapter 16.24.070 of the Hanford Municipal Code requires the SUBDIVIDER to enter into an agreement with the CITY to perform and complete the work and matters as hereinafter described in this Agreement, in conformance with Sections 16.24.010 through 16.24.120, inclusive of the Hanford Municipal Code, which Sections by reference are incorporated into this Agreement and made a part hereof.

NOW THEREFORE, it is hereby agreed as follows:

1. Improvements.

SUBDIVIDER shall complete all required public improvements in the Subdivision as identified in Exhibit "B" of this Agreement (collectively "IMPROVEMENTS") and in accordance with all of the requirements and standards as set forth in the approval or conditional approval of the Tentative Map of the SUBDIVISION, the Hanford Municipal Code, all applicable laws, codes and regulations and the terms and conditions of this Agreement. In accordance with Section 16.24.110 of the Hanford Municipal Code, all of the Improvements shall be completed no later than two (2) years from the date of approval of this Agreement by the City of Hanford. A request to extend the time for completion of the Improvements must be in written form and received by the CITY not less than thirty (30) days prior to expiration of this Agreement and shall include facts in support of the request for such extension of time. Only the City shall have the authority to extend such time period. The extension period shall not exceed twelve (12) months.

Within thirty (30) days after the SUBDIVIDER notifies the City Engineer that the required work has been completed, the City Engineer shall inspect such work, and if such work has been performed in the required manner and in accordance with this Agreement, the Final Map, the Hanford Municipal Code and all other applicable laws, codes and regulations, the City Engineer shall advise the City Council that the public improvements are ready for acceptance by the CITY.

2. Inspection.

The CITY shall inspect all work in accordance with Section 16.24.100 of the Hanford Municipal Code including the SUBDIVIDER'S conformance with CITY Standards and

Specifications and any and all conditions, standards or requirements identified at the preconstruction conference held prior to commencing construction.

CITY shall schedule a preliminary final inspection and a deficiency list shall be compiled and submitted to the SUBDIVIDER for correction. Upon completion of all corrections or additional work as outlined by the deficiency list, the SUBDIVIDER shall certify in writing that all corrections have been completed and request a final inspection. Upon finding that all items have been corrected and upon receipt of as-built improvement plans, the Improvements may be provisionally accepted by the CITY pending approval of the final map and subdivision agreement for Tract No. 934, by the City Council.

The completion of corrections indicated by the deficiency list shall not relieve the SUBDIVIDER from the responsibility of correcting any deficiency not shown on the list that may be subsequently discovered. Should the CITY require payment of additional engineering and inspection fees and costs for improvements constructed after the stated date of completion, the SUBDIVIDER must pay said additional fees and costs prior to acceptance by the City Council of the IMPROVEMENTS.

3. Costs and Fees.

The SUBDIVIDER shall be responsible for the work, including without limitation, the costs identified in the IMPROVEMENT COST ESTIMATE attached hereto and made a part hereof and identified as Exhibit "C" to this Agreement. SUBDIVIDER agrees to the amount thereof and agrees to pay, when due, all amounts identified therein, including without limitation, all CITY engineering and inspection fees.

4. Security.

SUBDIVIDER agrees to furnish security, which complies with Section 66499 et. seq. of the California Government Code, in such amounts as are fixed by the CITY, to guarantee the faithful performance of this Agreement, including without limitation, the construction of the

IMPROVEMENTS and to guarantee payment to contractors, subcontractors, laborers, material men and other persons employed in the performance of the work under this Agreement. In the sole discretion of the CITY and with the written authorization of the CITY, the sureties provided by the SUBDIVIDER may be released in whole or in part in the following manner:

(a) Faithful performance sureties, not in excess of ninety percent (90%) of the estimated costs of the individual items of public improvements, may be released or the required surety amounts may be reduced as work is satisfactorily completed and tentatively accepted by the CITY.

(b) Forty-five (45) days after recordation of the Notice of Completion for the Subdivision, the sureties securing the payment to contractors and subcontractors and to persons furnishing labor, materials, or equipment may be released if claims, including without limitation, stop notices have not been filed.

(c) Ten percent (10%) of the total faithful performance surety, retained as the public improvement warranty, may be released one year after the Notice of Completion has been recorded. In the alternative, SUBDIVIDER shall provide CITY with new warranty security of not less than ten percent (10%) of the Improvement Cost Estimate identified in Exhibit "C" hereto, which security shall have a term of one (1) year from the date of recordation of the Notice of Completion.

In accordance with Section 16.24.080 of the Hanford Municipal Code, the SUBDIVIDER shall furnish, in writing, proof of adequate security deposit to all utility companies for the installation of electricity, gas, telephone, cable television and any other utility which charges are not part of the Improvement Cost Estimate set forth in Exhibit "C."

No final map shall be signed by the City Engineer or recorded until all improvement securities required by Section 16.24.080 of the Hanford Municipal Code and under this Agreement have been received and approved. The form of securities shall be one or the combination of forms as approved by the CITY.

5. Liability.

a. SUBDIVIDER, at SUBDIVIDER's own cost and expense, shall procure and maintain, for the duration of this Agreement, the following insurance policies.

i. Workers Compensation Coverage. As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than ONE MILLION AND NO/100 DOLLARS ($1,000,000) per accident for bodily injury or disease.

ii. Commercial General Liability (CGL) Coverage. Insurance Services Office (ISO) Form CG 0001, including products and completed operations, with a limit of no less than TWO MILLION AND NO/100 DOLLARS ($2,000,000) per occurrence for bodily injury, personal injury, and property damage, and a general aggregate limit of no less than FOUR MILLION AND NO/100 DOLLARS ($4,000,000).

iii. Automobile Liability Coverage. ISO Form Number CA 0001 covering any auto (Code 1), or if SUBDIVIDER has no owned autos, Code 8 (hired) and 9 (non-owned),with a limit no less than ONE MILLION AND NO/100 DOLLARS ($1,000,000) per accident for bodily injury and property damage.

If SUBDIVIDER maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by SUBDIVIDER.

SUBDIVIDER's insurance policies shall be "occurrence" policies and not "claims-made."

SUBDIVIDER may maintain an Umbrella policy in conjunction with the insurance policies referenced above. In such case, SUBDIVIDER shall be deemed to have satisfied the insurance requirements of this contract as long as: (i) the coverage limits of the Umbrella policy and of the underlying liability policy(ies), when combined, satisfy each of the per occurrence and aggregate requirements identified in this section; and (ii) coverage under the Umbrella policy is as broad as and includes all incidents and events covered by the underlying insurance that it supplements.

b. Any deductibles or self-insured retentions must be declared to and approved by the City.

c. The policies are to contain, or be endorsed to contain, the following provisions:

i. The City and its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL and automobile liability policies with respect to liability arising out of work or operations performed by or on behalf of SUBDIVIDER including materials, parts, or equipment furnished in connection with such work or operations; products used by SUBDIVIDER; or automobiles owned, leased, hired or borrowed by SUBDIVIDER. General liability coverage can be provided in the form of an endorsement to SUBDIVIDER's insurance at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33 or CG 20 38 *and* CG 20 37 if a later edition is used. The coverage shall contain no special limitations on the scope of protection afforded to the City and its officers, officials, employees or volunteers.

ii. For any claims related to this Agreement, SUBDIVIDER's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 as to the City and its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City and/or its officers, officials, employees, or volunteers shall be in excess of SUBDIVIDER's insurance and shall be non-contributory.

iii. Each insurance policy required above shall provide that coverage shall not be canceled or modified, except with fifteen (15) days prior written notice to the City.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

SUBDIVIDER shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work

commences. However, failure to obtain the required documents prior to the work beginning shall not waive the SUBDIVIDER's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

d. SUBDIVIDER hereby grants to the City and its officers, officials, employees, and volunteers a waiver of any right to subrogation which any insurer of SUBDIVIDER may acquire against the City and/or its officers, officials, employees, and volunteers by virtue of the payment of any loss under such insurance. SUBDIVIDER agrees to obtain endorsements necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

e. The City reserves the right to modify the insurance requirements contained in this contract, including, without limitation, coverage limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

6. <u>Indemnification</u>.

SUBDIVIDER hereby agrees to and shall protect, indemnify and hold harmless the CITY and all officials, officers, agents, representatives and employees thereof from and against any and all liability, loss, claims or damages of whatsoever kind or character, including attorneys' fees and costs of all types, to the extent arising out of, or related, directly or indirectly, to the work to be performed pursuant to this Agreement or the acts or omissions of the SUBDIVIDER, SUBDIVIDER's independent contractors, employees, representatives, agents and invitees. These indemnification and hold-harmless provisions shall be in full force and effect regardless of whether or not there shall be insurance policies covering such damages, claims, or liability. This indemnification shall be binding upon the SUBDIVIDER whether or not there are any allegations of fault, negligence or liability of the parties indemnified hereunder and shall survive the completion of construction of the IMPROVEMENTS.

SUBDIVIDER agrees that the use of any and all public streets and improvements, which are part of the Subdivision, shall be at all times, prior to the final acceptance by the CITY, the sole and exclusive risk of the SUBDIVIDER.

7. <u>Permits and Compliance</u>.

Should SUBDIVIDER be required to perform any work within any public rights-of-way or easements located beyond the Subdivision limits, SUBDIVIDER shall satisfy any and all requirements, other than the payment of fees, as necessary to obtain an encroachment permit for said work.

SUBDIVIDER shall make arrangements for the relocation of all overhead and underground public utility facilities that interfere with the construction of the IMPROVEMENTS. The SUBDIVIDER shall be responsible for the full cost of relocating such facilities.

The SUBDIVIDER shall repair any damage to public streets or other public property or improvements resulting from or incidental to, the construction of the Improvements, or in lieu of making such repairs, the SUBDIVIDER shall pay to the CITY the full cost of such repairs.

Building permits for individual lots of the Subdivision will not be issued until all underground utilities are installed within the public right-of-way, the trenches have been backfilled, and an approved all-weather road is constructed for street frontage and access.

No occupancy permit for any dwelling to be constructed within the Subdivision shall be issued until all Improvements are completed and accepted by the City Council.

In accordance with Section 16.24.090 of the Hanford Municipal Code, construction methods and materials for all Improvements shall conform to the Standards and Specifications of the CITY. Construction shall not commence until required Improvement Plans have been approved by the City Engineer and payment of all fees have been received by the CITY.

The IMPROVMENTS shall be constructed in accordance with all applicable street, plumbing, building, electrical and zoning codes and any other codes, rules or regulations of the CITY and the State of California.

The SUBDIVIDER shall require contractors and subcontractors to provide and maintain barricades and warning signs to protect and warn the public of construction hazards. Traffic control shall conform to a traffic control plan approved by the City Engineer. If, in the opinion of the City Engineer, proper barricades and warning signs are not being provided, the Contractor will be required to immediately stop work until proper traffic control is provided and approved by the City Engineer.

The SUBDIVIDER shall require all contractors and subcontractors to conform to the applicable provisions of the California Occupational Safety and Health Act ("OSHA"). Onsite inspection of the work will be requested of OSHA officials, and all work subject to this Agreement shall immediately stop if, in the opinion of the City Engineer, any such work is being performed in violation of OSHA or when appropriate safety measures are not being utilized for said work.

The SUBDIVIDER and its contractors and subcontractors shall pay for any materials, provisions and other supplies used in, upon, for, or about the performance of the work to be performed hereunder and for any and all work or labor associated therewith and for all amounts due under the Workers' Compensation and the unemployment insurance acts and all other applicable laws or regulations of the State of California or the United States with respect to such work or labor, including without limitation, as required by Section 3200 of the California Labor Code and Section 4200 of the California Government Code.

8. <u>Scheduling</u>.

It shall be the responsibility of the SUBDIVIDER to coordinate all work performed by its contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability if one operation delays another. In no case shall representatives

of the CITY be placed in the position of making decisions that are the responsibility of the SUBDIVIDER. It shall further be the responsibility of the SUBDIVIDER to give the City Engineer written notice not less than two (2) working days in advance of the actual date on which work is to be started. Failure on the part of the SUBDIVIDER to notify the City Engineer may cause delay for which the SUBDIVIDER shall be solely responsible.

9. <u>Soil and Dust Control Provisions</u>.

The SUBDIVIDER is responsible for arrangement for and payment of all CITY-required soil tests at locations as determined by the City Engineer. Payment for said tests shall be made directly by the SUBDIVIDER to the certified testing firm of the SUBDIVIDER's choice. Adequate dust control shall be maintained by the SUBDIVIDER on all streets within and outside of the Subdivision on which work is required to be performed under this Agreement, from the time work is first commenced until all work is completed. "Adequate dust control" as used herein shall mean the sprinkling of the streets with water or approved dust palliative with sufficient frequency to prevent the scattering of dust by wind or the activity of vehicles and equipment onto any street area or private property adjacent to the Subdivision. Whenever, in the opinion of the City Engineer, adequate dust control is not being maintained on any street or streets or other areas of the Subdivision, the City Engineer shall give notice to the SUBDIVIDER to comply with the provisions herein, or, at the election of the City Engineer, notice may be mailed to the SUBDIVIDER at his address on file with the City Engineer. If, within twenty-four (24) hours after personal service or within forty-eight (48) hours after mailing of notice, the SUBDIVIDER has not commenced to maintain adequate dust control or at any time thereafter fails to maintain adequate dust control, the City Engineer may, without further notice of any kind, cause any street or streets to be sprinkled with water or an approved dust palliative as may be deemed necessary by the City Engineer to eliminate the scattering of dust. Such dust

control shall be performed by equipment and personnel of the CITY or by contract as the City Engineer shall determine, and the SUBDIVIDER agrees to pay to CITY, upon receipt of the billing, therefore, the entire cost to the CITY of such dust control.

When the surfacing on any existing street is disturbed, the surfacing shall be immediately replaced with temporary surfacing and permanently paved within fourteen (14) calendar days thereafter. The streets shall be maintained in a safe and passable condition at all times between the commencement of construction of IMPROVEMENTS and final completion thereof.

10. <u>Reimbursement</u>.

If the City Municipal Code provides SUBDIVIDER with the right to receive cash reimbursement or impact fee credit because of the construction of certain improvements or the oversizing thereof, SUBDIVIDER must request payment of the cash reimbursement or preparation of a reimbursement agreement, whichever is applicable, or the impact fee credit prior to the date of final acceptance of all subdivision improvements by the City Council. Such request must be made in writing and received by the City Engineer prior to the date of final acceptance of the IMPROVMENTS by City Council. SUBDIVIDER agrees that should it fail to make such written request by the date identified herein, SUBDIVIDER forever waives its right to request and receive any cash reimbursement, reimbursement agreement or impact fee credit.

11. <u>Prevailing Wage Laws, Rules and Regulations</u>.

SUBDIVIDER shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to the SUBDIVISION. Unless otherwise advised in writing by the City, SUBDIVIDER shall be solely responsible for making any and all decisions regarding any portion or aspect of the SUBDIVISION including, without limitation, any form of reimbursement by the City to the SUBDIVIDER or any contractor, that will require the payment of prevailing wages. Further, SUBDIVIDER will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments or any other actions

that may be initiated against applicant or any contractor as a result of failure to pay prevailing wages.

SUBDIVIDER shall defend, indemnify and hold harmless the City of Hanford, its officials, officers, employees, representatives, agents and attorneys from and against any and all claims, damages, losses, judgments, liabilities, expenses and other costs, including, without limitation, litigation costs and attorney's fees arising out of, to the extent resulting from any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the SUBDIVISION. SUBDIVIDERS's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or administrative action against the City which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the SUBDIVISION.

SUBDIVIDERS's obligations to defend, indemnify and hold the City, its officials, officers, employees, representatives, agents and attorneys harmless as set forth herein, shall include, but shall not be limited to, staff time, copying costs, court costs, the costs of any judgments or awards against the City for damages, losses, litigation costs or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the SUBDIVISION and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

The City may, at any time, require the SUBDIVIDER to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any action. SUBDIVIDER shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City for costs actually incurred. Failure of the SUBDIVIDER to timely reimburse the City shall be considered a material violation of the conditions of approval of the SUBDIVISION.

12. Sole and Only Agreement.

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the matters set forth herein and contains all of the covenants and agreements between the parties regarding such matters. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or in writing, have been made by any party or anyone acting on behalf of any party which are not embodied in this Agreement, and no other agreement, statement or promises shall be valid or binding.

13. Severability.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.

14. Attorneys' Fees.

If an action at law or inequity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and necessary disbursements in addition to any other reasonable relief to which he may be entitled. With respect to any suit, action or proceeding arising out of or related to this Agreement or the documentation related hereto, the parties hereby submit to the jurisdiction and venue of the Superior or Municipal Court, whichever is applicable, in the County of Kings, State of California for any proceeding arising hereunder.

15. Successors and Assigns.

The covenants and agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties hereto. This

Agreement shall not be assignable by SUBDIVIDER without the express prior written consent of CITY.

16. Governing Law.

This Agreement shall be construed and governed pursuant to the laws of the State of California.

17. Time of the Essence.

Time is of the essence of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the _____ day of _____, 2023.

OWNER: **R-HEARTHSTONE LOT OPTION POOL 02, L.P., a Delaware limited partnership**

By: R-Hearthstone PBLOJV GP, LLC, a Delaware limited liability company its General Partner

By: _____
Steven C. Porath
Authorized Person

SUBDIVIDER: **Lennar Homes of California, LLC**
A California Limited Liability Company

By: _____
Mike Miller, Vice President

CITY OF HANFORD APPROVAL: **By: _____**
Lisa Dock, P.E.
City Engineer, City of Hanford

ATTEST: **By: _____**
Natalie Corral
City Clerk, City of Hanford

EXHIBIT "C"

SUBDIVISION IMPROVEMENT COST ESTIMATE

In accordance with Section 16.24.080 of the Hanford Municipal Code, estimated construction costs used in this Agreement are increased for projected inflation computed to the estimated mid-point of construction.

	ESTIMATED CONSTRUCTION COST
Sanitary Sewers	
Construction of sanitary sewer mains, manholes and appurtenances as shown on the approved improvement plans in accordance with City Standards and Specifications.	**$499,010.00**
Storm Sewers	
Construction of storm drain mains, manholes, catch basins and disposal facilities as shown on the approved improvement plan in accordance with City Standards.	**$301,280.00**
Water System	
Construction of water mains, hydrants, services and appurtenances as shown on the approved Improvement Plans in accordance with City Standards and Specifications.	**$504,990.00**
Curb and Gutter and Other Concrete Construction	
Construction of curb and gutter, sidewalk, wheelchair ramps, drive approaches, valley gutter and other concrete improvements as shown on the approved Improvement Plans in accordance with City Standards and Specifications.	**$1,273,480.00**
Street Surfacing	
Construct Type "B" asphalt concrete surfacing over Class II aggregate base as shown on the approved Improvement Plans in accordance with City Standards and Specifications.	**$1,535,326.00**

Street Lighting

Install street lighting as shown on the approved Improvement Plans in accordance with City Standards and Specifications.	**$93,000.00**

Street Barricades

Install street barricades as shown on the approved Improvement Plans in accordance with City Standards and Specifications.	**$0.00**

Fencing, Landscaping, and Irrigation System

Construct fencing, block walls and install landscape and irrigation system improvements, misc. as shown on the approved Improvement Plans in accordance with City Standards and Specifications.	**$1,076,512.00**

Monuments and Lot Markers

Install permanent monuments and lot markers in accordance with City Standards and Specifications.	**$0.00**

Engineering Services

Engineering, surveying, & geotechnical services associated with Completion of the Subdivision Improvements.	**$1,055,000.00**

Earthwork Improvements

• **Excavation & Compaction**	**$574,285.00**
• **Subgrade Compaction & Fine Grade**	**$0.00**
• **Final Lot Grading**	**$112,700.00**
• **Total Improvements subject to Plan Review & Insp. Fee**	**$7,025,583.00**
• **Total Improvements with additional 10% Contingency**	**$7,728,141.30**
• **Total Improvements with additional 20% Prevailing Wage**	**$9,273,769.56**

Private Utilities

• **Applicant Install Utilities Onsite Construct (Includes Rule 20)**	**$1,058,002.30**
Total Estimated Improvement Cost (To be bonded with Final Map)	**$10,331,771.86**

SECURITY REQUIREMENTS

Performance	**$10,331,771.86**
Labor and Materials (50%)	**$5,165,885.93**
Warranty (Minimum 12-mo. from N.O.C.) (10%)	**$1,033,177.19**

City Engineering Plan Review and Inspection Fee Schedule

City Engineering and Inspection Fees are established by Council Resolution No.1902, and are set forth below:

(1) 6% of first	**$ 5,000.00**	**$ 300.00**
(2) 5% of next	**$ 20,000.00**	**$ 1,000.00**
(3) 4.5% of next	**$ 75,000.00**	**$ 3,375.00**
(4) 3.5% of next	**$150,000.00**	**$ 5,250.00**
(5) 2% over	**$250,000.00**	**$ 201,635.44**
Total City Engineering Review and Inspection Fee obligation		**$ 211,560.44**
Fee balance payable with this Agreement Acct. #0001-20100000-493700		**$ 211,560.44**

- **Engineering Plan Review & Inspection Fees are based on estimated cost of Improvements, including all items constructed both prior to & following posting of security.**
- **Private utility costs are not included in determination of City Engineering Plan Review and Inspection fee calculation.**

Note: Additional fees and charges will be payable prior to approval of Final Map and Final Subdivision Agreement by the City Council, including:

12th Ave. Sewer Benefit District, Acct. #0161-21600000-549400
(8.07 Ac @ $1,734.30/Ac) **$ 7,747.28**
(Determined at completion of final map review.)

Street Sign Fee, Acct. #0001-20100000-493700 (19 @ $200.00 Ea.) **$ 3,800.00**
(Per intersection cost for sign blades furnished by City.)

Final Map Review Fee, Acct. #0001-20100000-493700 **$ 950.00**
(Determined at completion of final map review.)

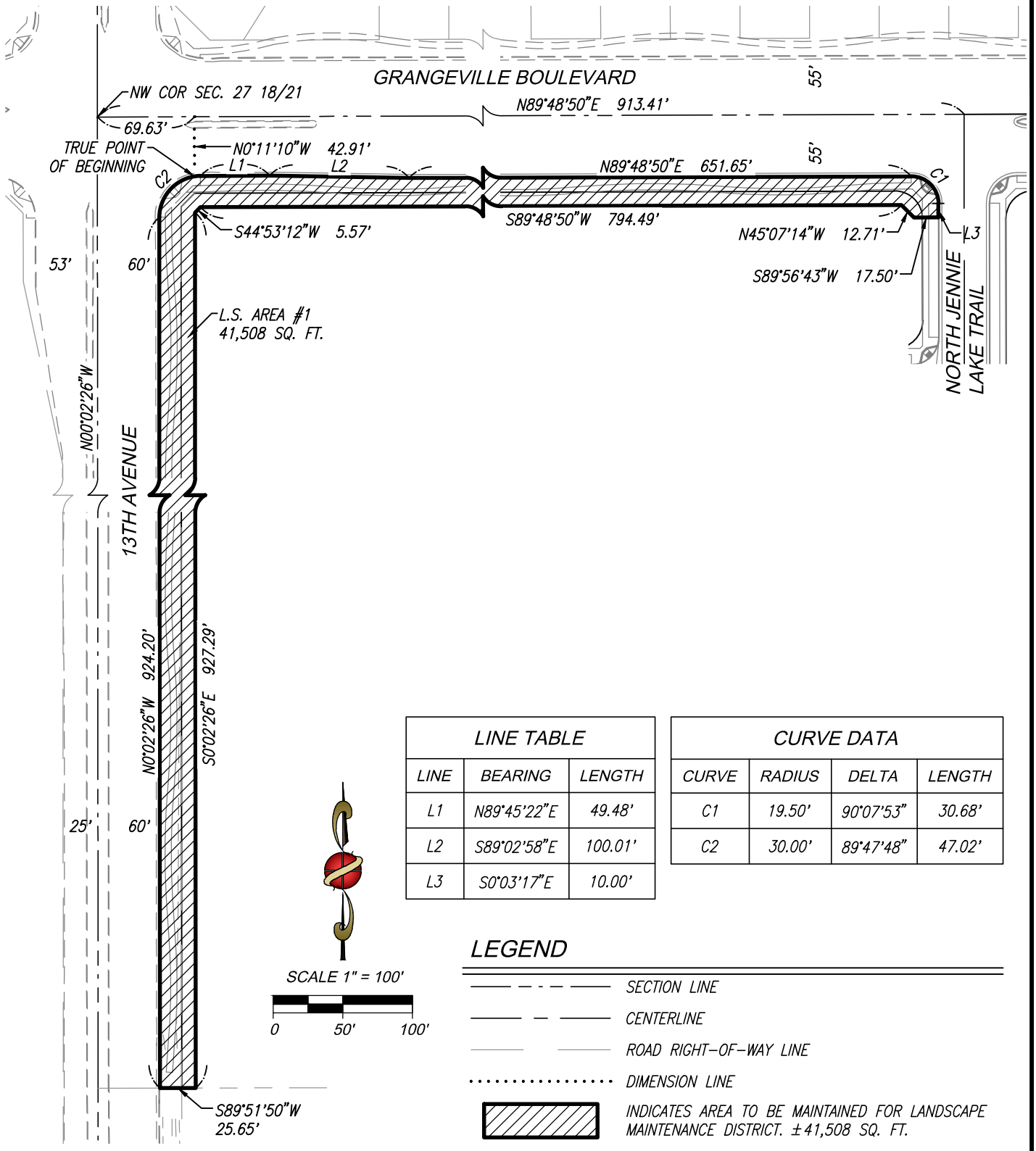
Engineering Plan Review & Inspection Fees, Acct. #0001-20100000-493700 **$ 211,560.44**
(Additional fees to be determined at completion of final map review)

Storm Drainage Impact Fees, Acct. #0184-21840000-550400 (N/A) **$ 0.00**
(Onsite drainage Basin provided, no impact to existing City drainage)

Building Dept. block wall plan review fees paid from Acct. #0001-20100000-493700 **$ 1,464.71**
(Additional fees, if any, to be determined at completion of block wall plan review)

SUBTOTAL	**$ 225,522.43**
PAID:	**$ 0.00**
BALANCE DUE:	**$ 225,522.43**

EXHIBIT 'B–1'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°45'22"E	49.48'
L2	S89°02'58"E	100.01'
L3	S0°03'17"E	10.00'

CURVE DATA			
CURVE	RADIUS	DELTA	LENGTH
C1	19.50'	90°07'53"	30.68'
C2	30.00'	89°47'48"	47.02'

SCALE 1" = 100'

0 50' 100'

LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT–OF–WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±41,508 SQ. FT.

PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-1	PROJECT NAME: TRACT NO. 934		FIGURE 1
DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023	20-133	

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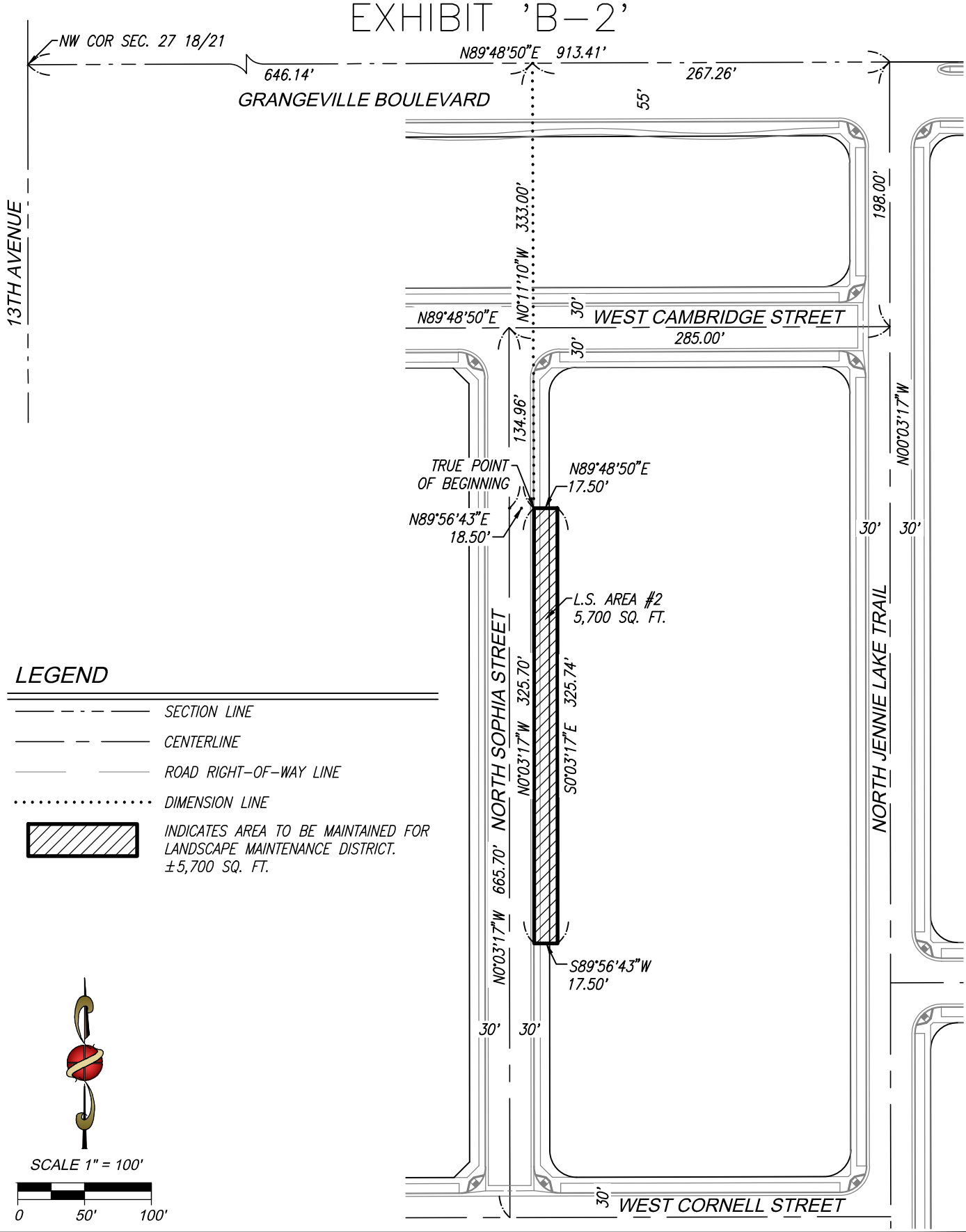
EXHIBIT 'B-2'



LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT-OF-WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±5,700 SQ. FT.

SCALE 1" = 100'

0 50' 100'

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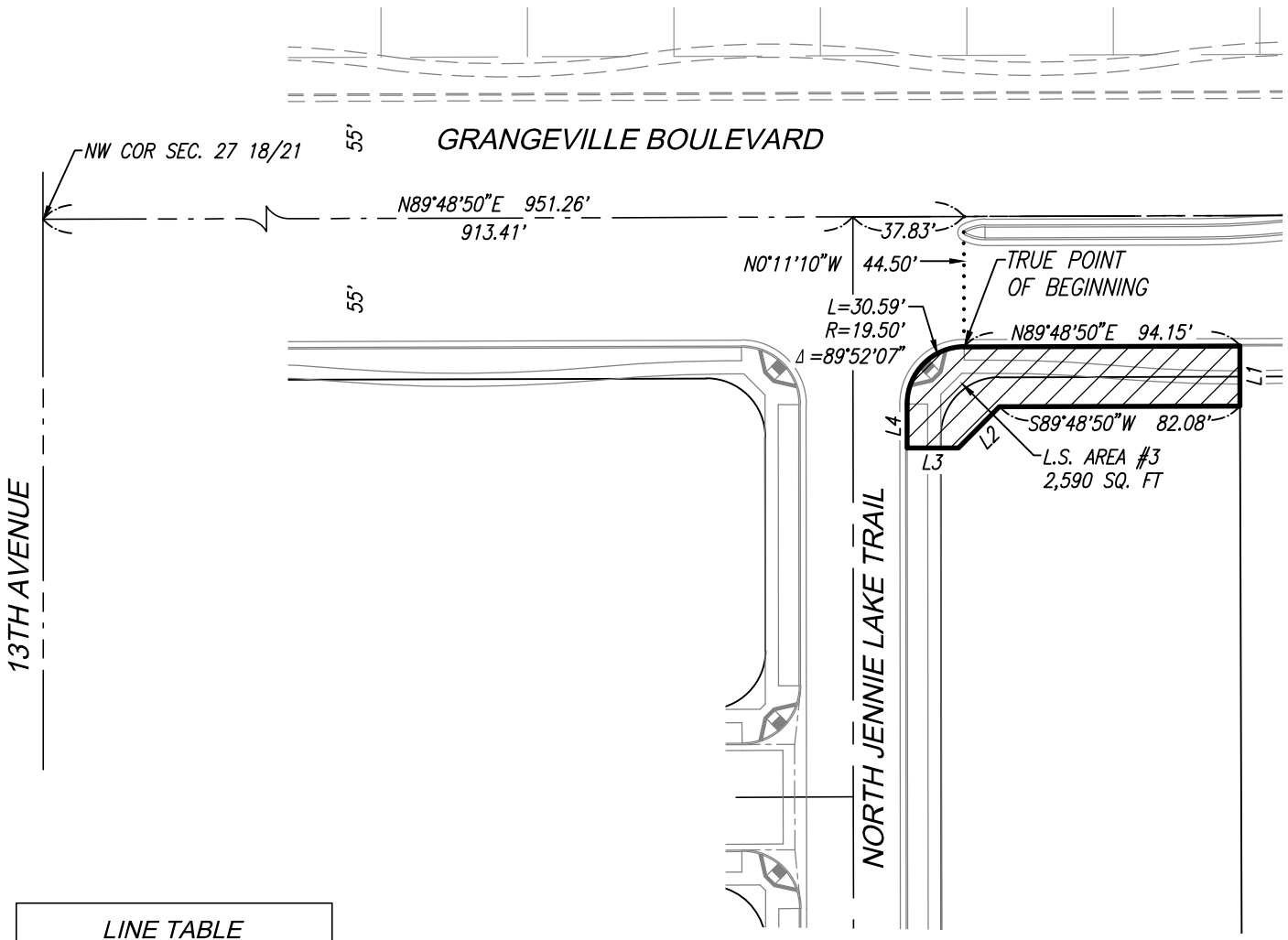
PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-2	PROJECT NAME: TRACT NO. 934		FIGURE 1
DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023	20-133	

EXHIBIT 'B-3'



LINE TABLE		
LINE	BEARING	LENGTH
L1	S0°00'00"E	20.50'
L2	S44°52'46"W	19.82'
L3	S89°56'43"W	17.50'
L4	N0°03'17"W	15.00'

LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT-OF-WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±2,590 SQ. FT.

SCALE 1" = 60'

0 30' 60'

PRECISION CIVIL ENGINEERING, INC	EXHIBIT B-3 DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	PROJECT NAME: TRACT NO. 934 7/20/2023 | 20-133	FIGURE 1

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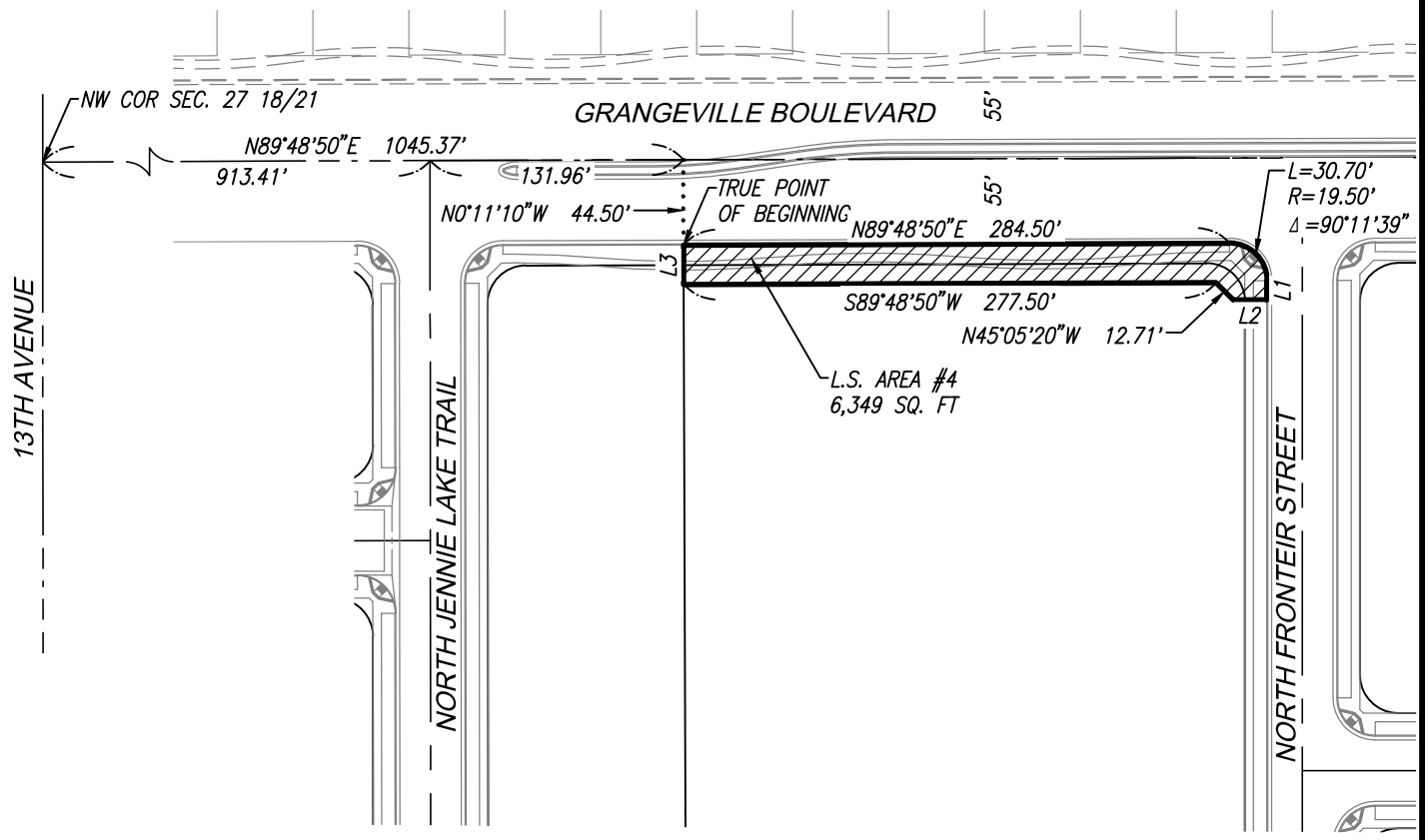
EXHIBIT 'B-4'



LINE TABLE		
LINE	BEARING	LENGTH
L1	S0°00'29"W	9.99'
L2	N89°59'31"W	17.50'
L3	N0°11'10"W	20.50'

LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT-OF-WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±6,349 SQ. FT.

SCALE 1" = 100'

0 50' 100'

PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-4	PROJECT NAME: TRACT NO. 934		FIGURE 1
DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023	20-133	

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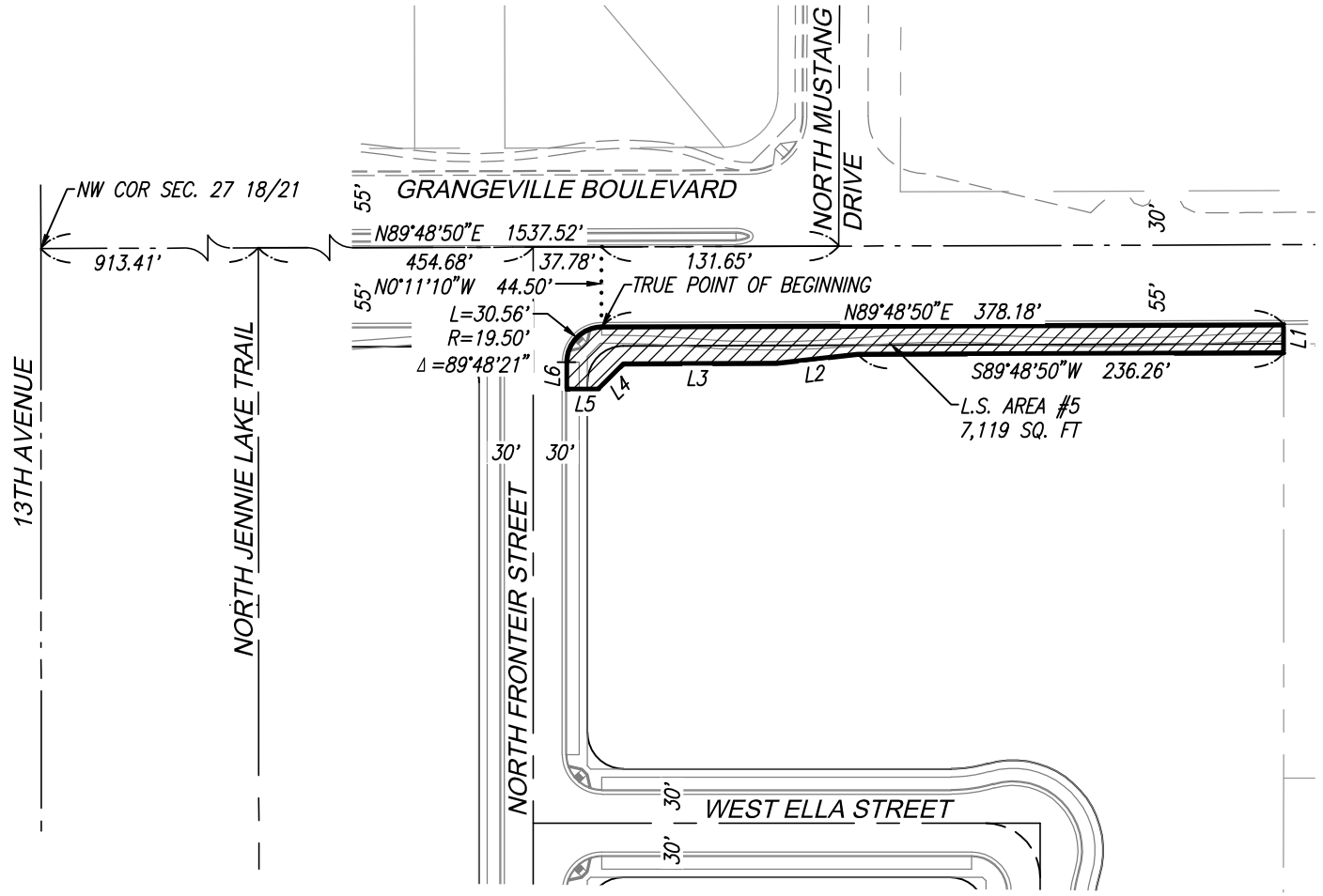
EXHIBIT 'B-5'



LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT-OF-WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±77,119 SQ. FT.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S0°02'12"W	15.50'
L2	S83°27'08"W	45.13'
L3	S89°48'50"W	85.02'
L4	S44°54'40"W	19.83'
L5	N89°59'31"W	17.50'
L6	N0°00'29"E	15.01'

SCALE 1" = 100'

0 50' 100'

PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-5

DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT

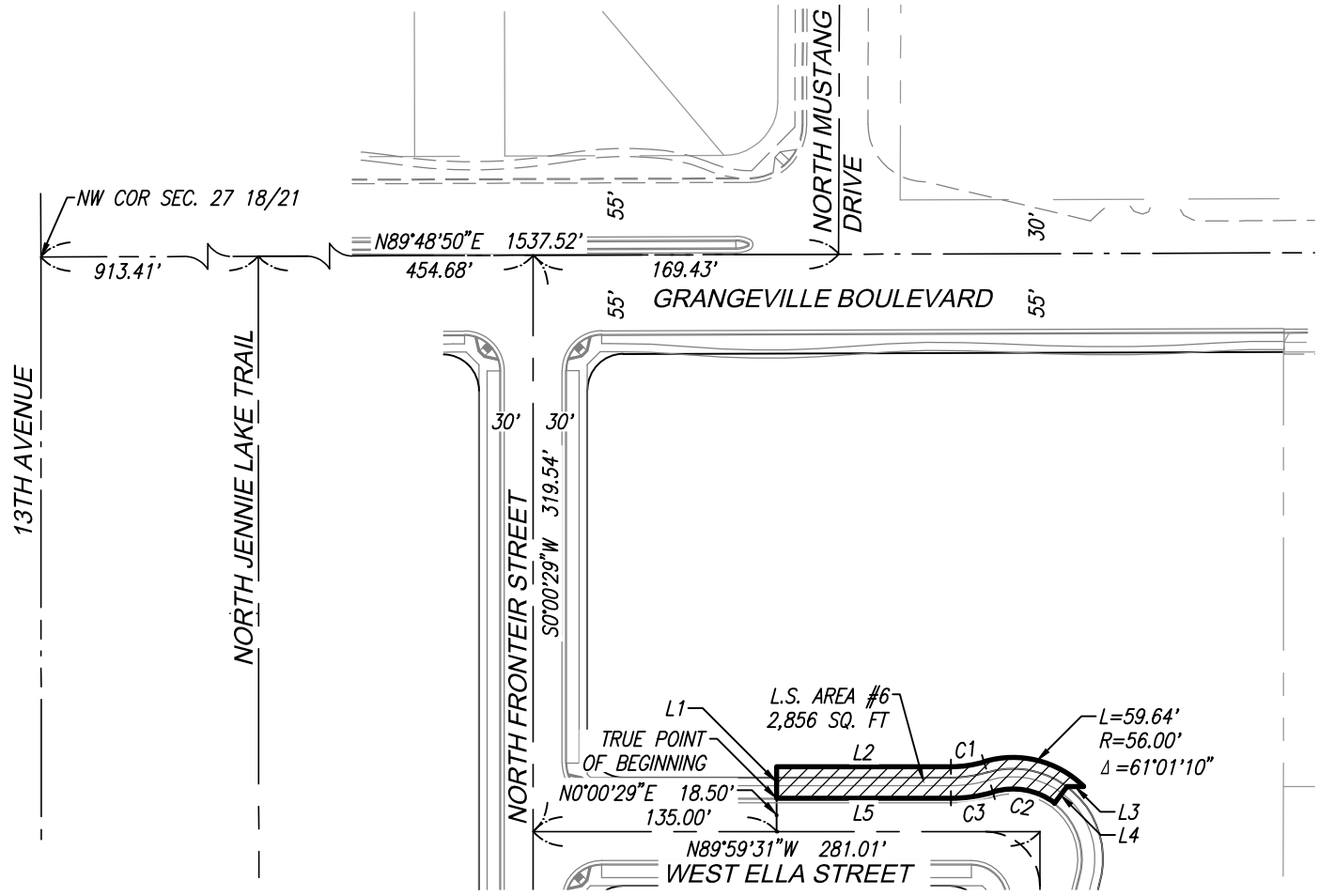
PROJECT NAME: TRACT NO. 934

7/20/2023 | 20-133

FIGURE 1

P:\CIVIL 3D PROJECTS\2020\20-133\SURVEY AND MAPPING\SURVEY EXHIBITS\LANDSCAPE EASEMENT EXHIBITS\20-133 LANDSCAPE EASEMENT EXHIBIT B-5.DWG 7/20/2023 5:05:05 PM

EXHIBIT 'B–6'



CURVE DATA			
CURVE	RADIUS	DELTA	LENGTH
C1	64.00'	16°35'52"	18.54'
C2	38.50'	53°28'10"	35.93'
C3	81.50'	16°35'52"	23.61'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N0°00'29"E	17.50'
L2	S89°59'31"E	96.72'
L3	N89°58'13"W	9.20'
L4	S36°52'47"W	11.50'
L5	N89°59'31"W	96.72'

LEGEND

SECTION LINE

CENTERLINE

ROAD RIGHT–OF–WAY LINE

DIMENSION LINE

INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±2,856 SQ. FT.

SCALE 1" = 100'

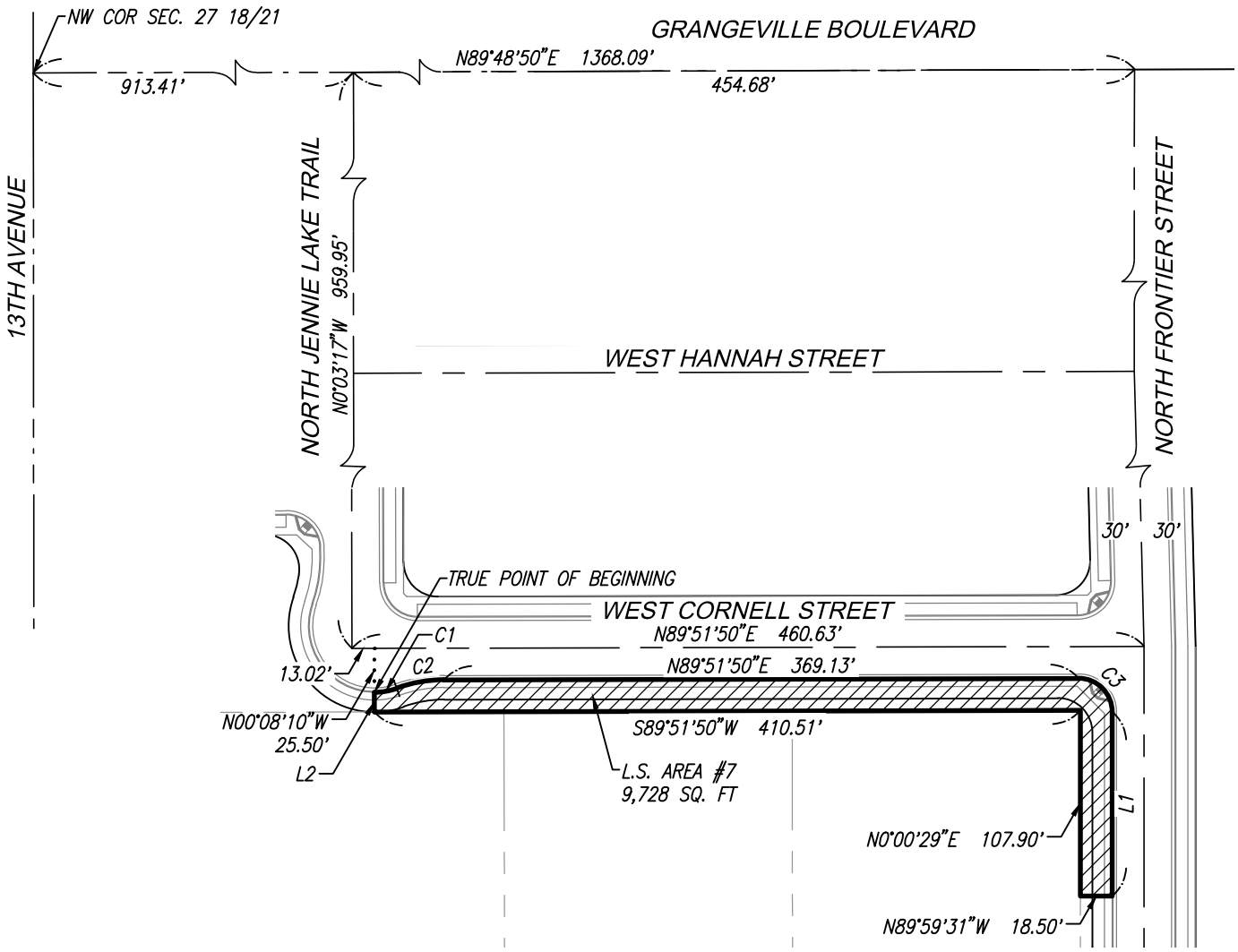
0 50' 100'

PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-6	PROJECT NAME: TRACT NO. 934		FIGURE 1
DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023	20-133	

P:\CIVIL 3D PROJECTS\2020\20-133\SURVEY AND MAPPING\SURVEY EXHIBITS\LANDSCAPE EASEMENT EXHIBITS\20-133 LANDSCAPE EASEMENT EXHIBIT B-6.DWG 7/20/2023 5:07:10 PM

EXHIBIT 'B-7'



CURVE DATA			
CURVE	RADIUS	DELTA	LENGTH
C1	38.50'	19°40'00"	13.22'
C2	81.50'	19°40'00"	27.97'
C3	19.50'	90°08'39"	30.68'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S0°00'29"W	106.90'
L2	N0°08'10"W	11.50'

LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT-OF-WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±9,728 SQ. FT.

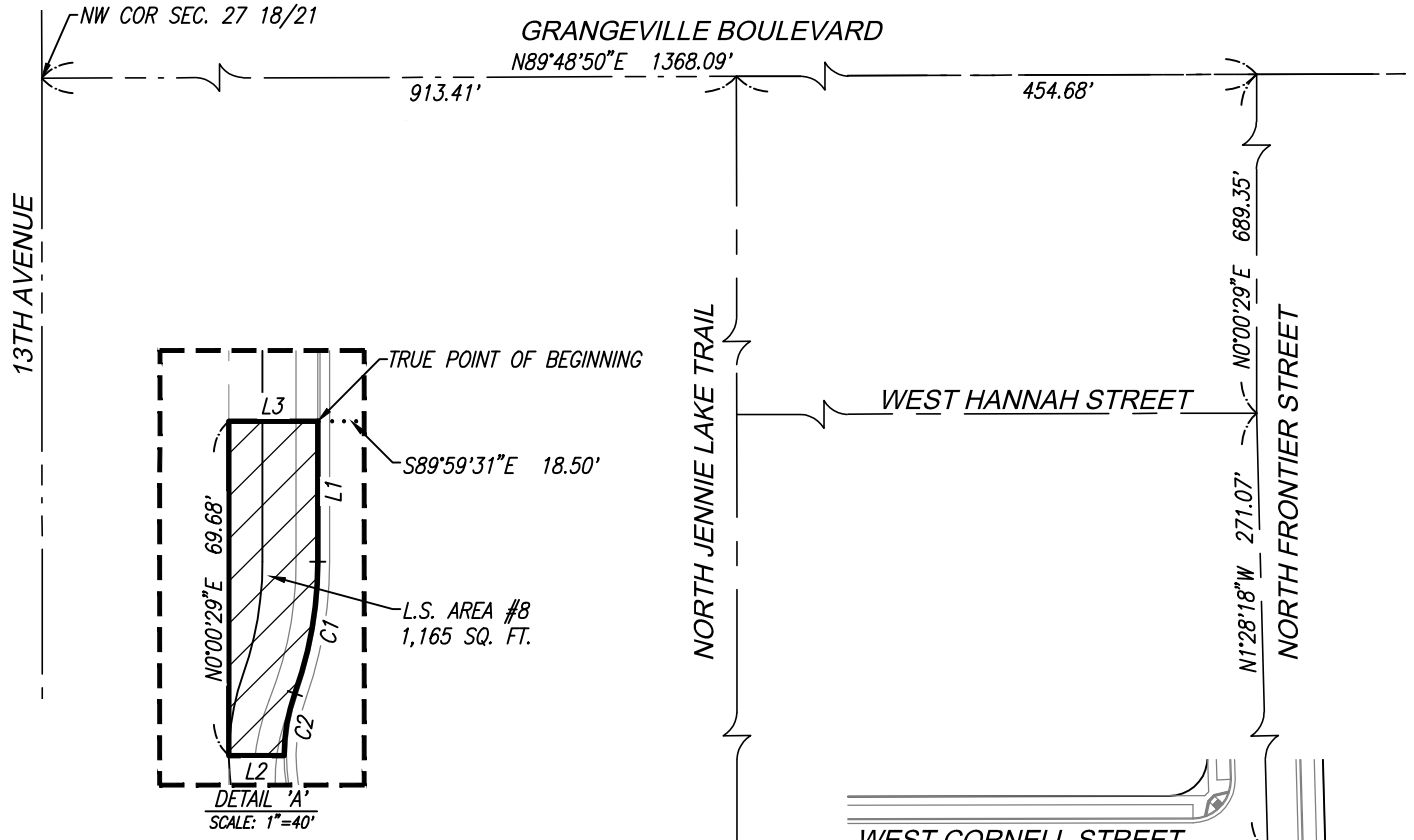
SCALE 1" = 100'

0 50' 100'

PRECISION CIVIL ENGINEERING, INC	EXHIBIT B-7	PROJECT NAME: TRACT NO. 934	FIGURE 1
	DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023 / 20-133	

P:\CIVIL 3D PROJECTS\2020\20-133\SURVEY AND MAPPING\SURVEY EXHIBITS\LANDSCAPE EASEMENT EXHIBITS\20-133 LANDSCAPE EASEMENT EXHIBIT B-7.DWG 7/20/2023 5:08:36 PM

EXHIBIT 'B-8'



CURVE DATA			
CURVE	RADIUS	DELTA	LENGTH
C1	81.50'	19°40'00"	27.97'
C2	38.50'	19°40'00"	13.22'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S0°00'29"W	29.29'
L2	N89°59'31"W	11.50'
L3	S89°59'31"E	18.50'

LEGEND

- SECTION LINE
- CENTERLINE
- ROAD RIGHT-OF-WAY LINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±1,165 SQ. FT.

SCALE 1" = 100'

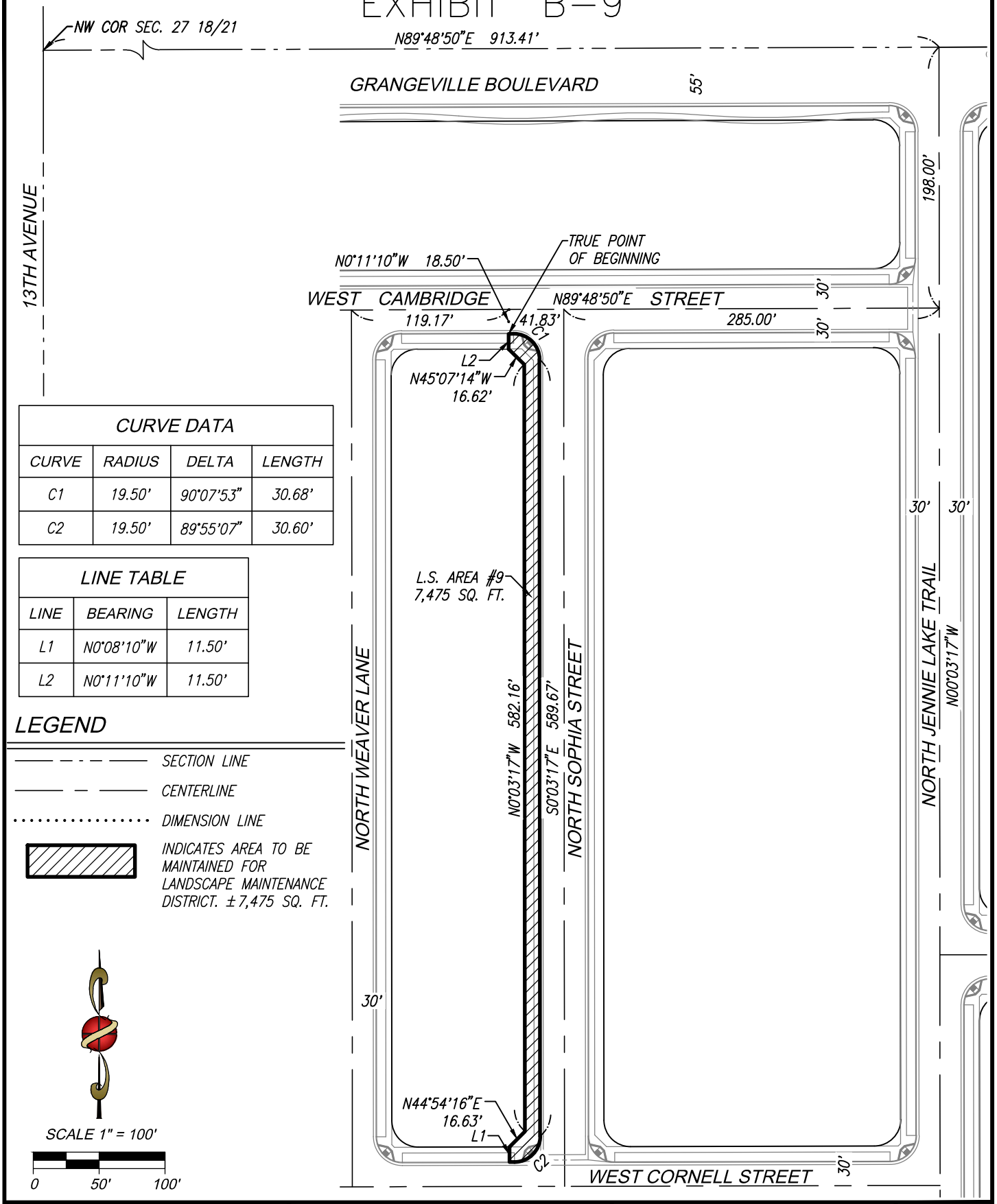
0 50' 100'

PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-8	PROJECT NAME: TRACT NO. 934		FIGURE 1
DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023	20-133	

P:\CIVIL 3D PROJECTS\2020\20-133\SURVEY AND MAPPING\SURVEY EXHIBITS\LANDSCAPE EASEMENT EXHIBITS\20-133 LANDSCAPE EASEMENT EXHIBIT B-8.DWG 7/20/2023 5:10:12 PM

EXHIBIT 'B-9'



CURVE DATA			
CURVE	RADIUS	DELTA	LENGTH
C1	19.50'	90°07'53"	30.68'
C2	19.50'	89°55'07"	30.60'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N0°08'10"W	11.50'
L2	N0°11'10"W	11.50'

LEGEND

- SECTION LINE
- CENTERLINE
- DIMENSION LINE
- INDICATES AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT. ±7,475 SQ. FT.

SCALE 1" = 100'

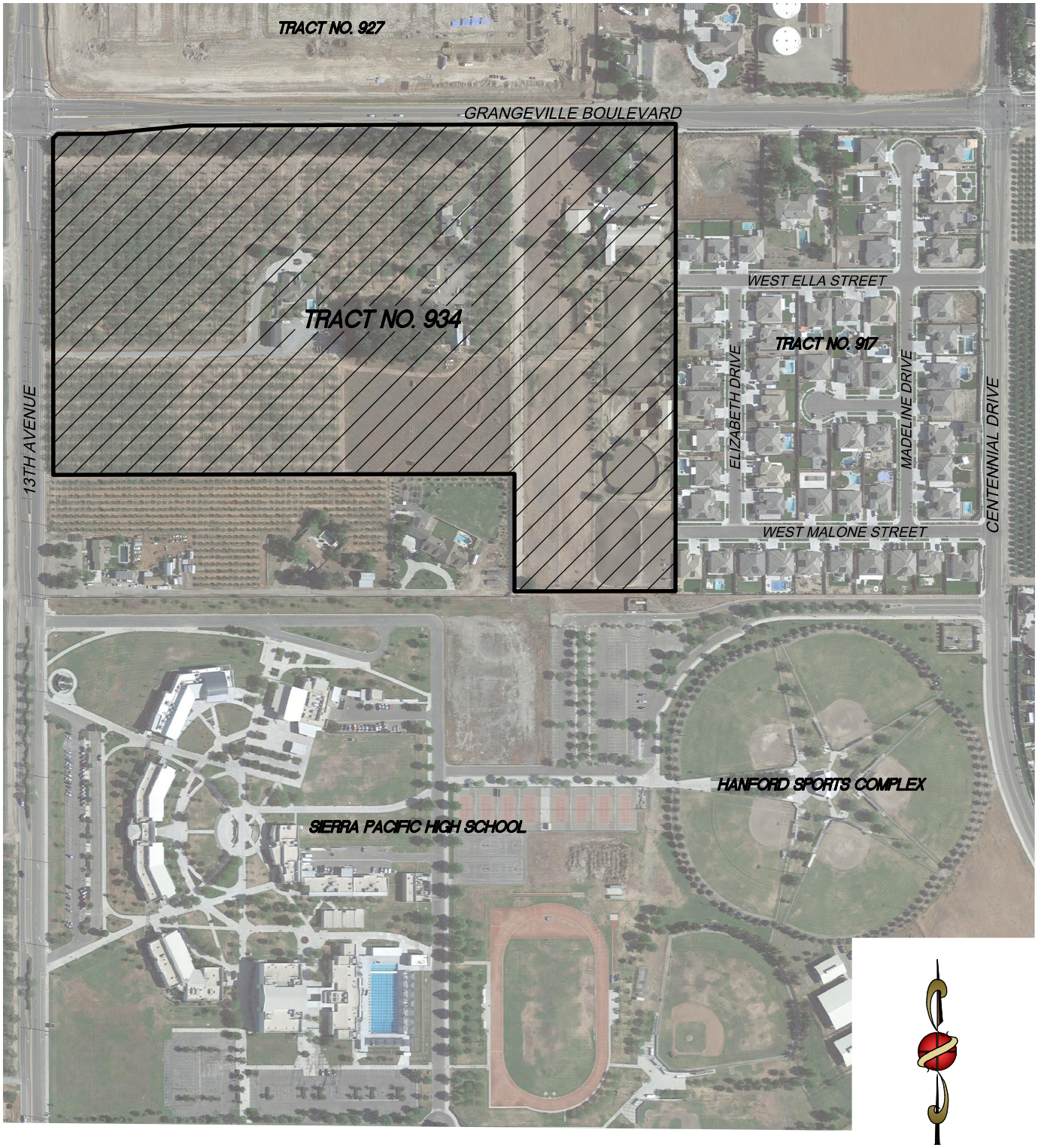
0 50' 100'

PRECISION CIVIL ENGINEERING, INC

EXHIBIT B-9	PROJECT NAME: TRACT NO. 934		FIGURE 1
DESCRIPTION: AREA TO BE MAINTAINED FOR LANDSCAPE MAINTENANCE DISTRICT	7/20/2023	20-133	

P:\CIVIL 3D PROJECTS\2020\20-133\SURVEY AND MAPPING\SURVEY EXHIBITS\LANDSCAPE EASEMENT EXHIBITS\20-133 LANDSCAPE EASEMENT EXHIBIT B-9.DWG 7/20/2023 5:11:27 PM

LOCATION MAP



SCALE 1" = 400'

0 200' 400'

PRECISION CIVIL ENGINEERING, INC	EXHIBIT B	PROJECT NAME: TRACT NO. 934	FIGURE 1
	DESCRIPTION: LOCATION MAP	7/20/2023	20-133

P:\CIVIL 3D PROJECTS\2020\20-133\SURVEY AND MAPPING\SURVEY EXHIBITS\LANDSCAPE EASEMENT EXHIBITS\20-133 LANDSCAPE EASEMENT LOCATION MAP.DWG - 7/20/2023 9:32:28 AM

RECORDING REQUESTED BY:

CITY OF HANFORD

WHEN RECORDED RETURN TO:

Natalie Corral
CITY OF HANFORD
319 North Douty Street
Hanford, California 93230

RESOLUTION NO. 23-31-R

RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF HANFORD OF INTENTION TO LEVY ASSESSMENT AND CONFIRMATION OF ENGINEER'S REPORT

At a regular meeting of the City Council of the City of Hanford, duly called and held on August 1, 2023 at 7:00 p.m., it was moved by Council Member _____, seconded by Council Member _____, and duly carried that the following resolutions be adopted:

WHEREAS, on August 1, 2023, the City Council of the City of Hanford adopted a resolution initiating proceedings for the creation of Assessment District No. 20-02 pursuant to the Landscape and Lighting Act of 1972 ("District") for Tract No. 934 – Lennar Homes ("Subdivision") and directing the preparation and filing of the Engineer's Report for the formation of the District;

WHEREAS, the City Engineer has prepared and filed with the City Clerk, an Engineer's Report which includes a full and detailed description of the improvements and boundaries of the District and any zones therein, and also sets forth proposed annual assessments upon assessable lots and parcels of land within the District;

WHEREAS, the Engineer's Report establishes that: (1) each lot or parcel of real property which is within the District and which is subject to the levy of the assessment is

receiving a special benefit from the public improvements identified in the Engineer's Report and the maintenance thereof, above and beyond any general benefit to the general public; and (2) the special benefit is proportionate to the amount of the assessment;

WHEREAS, the improvements within the District include:

1. Decorative masonry block fencing, landscaping & irrigation systems improvements located along 13th Avenue, Grangeville Blvd., North Sophia Street, West Ella Street, North Frontier Street, within and adjacent to Tract 934.

WHEREAS, the City Council of the City of Hanford reviewed the Engineer's Report and intends to levy and collect the assessment for the District as set forth in the Engineer's Report for the fiscal year 2023-2024;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hanford approves the Engineer's Report as submitted for District;

RESOLVED FURTHER, that the City Council for the City of Hanford shall hold a public hearing on its intention to form the District and levy the proposed assessment for the District as set forth in the Engineer's Report, which public hearing shall be held on August 1, 2023 at the hour of 7:00 p.m. in the City Council Chambers of the Civic Auditorium in Hanford, California. At such public hearing, affected property owners will be afforded an opportunity to give oral testimony and submit written ballots identifying the affected property owners' support or opposition to the proposed formation of the District and the levy of assessments for the District.

Passed and adopted at a regular meeting of the City Council of the City of Hanford on August 1, 2023, by the following vote:

AYES: Council Member _____

_____

_____

_____

_____

NOES: Council Member _____

ABSTAIN: Council Member _____

ABSENT: Council Member _____

APPROVED: _____

ATTEST: _____
City Clerk

STATE OF CALIFORNIA)
COUNTY OF KINGS)
CITY OF HANFORD)

I, NATALIE CORRAL, City Clerk of the City of Hanford, do hereby certify the foregoing resolution was duly passed and adopted by the City Council of the City of Hanford at a regular meeting thereof held on the 18th day of July, 2023.

Dated: _____,2023 _____
City Clerk

RECORDING REQUESTED BY:

CITY OF HANFORD

WHEN RECORDED RETURN TO:

City Clerk
CITY OF HANFORD
319 North Douty Street
Hanford, California 93230

RESOLUTION NO. 23-27-R

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD ESTABLISHING THE FORMATION OF ASSESSMENT DISTRICT NO. 20-02, TRACT NO. 934– LENNAR HOMES AND CONFIRMING LEVY AND COLLECTION OF ANNUAL ASSESSMENTS

At a regular meeting of the City Council of the City of Hanford, duly called and held on August 1, 2023 at 7:00 p.m., it was moved by Council Member _____, seconded by Council Member _____, and duly carried that the following resolution be adopted:

WHEREAS, On August 1, 2023, the City Council of the City of Hanford adopted a resolution initiating proceedings for the creation of Landscape Assessment District No. 20-02 pursuant to the Landscape and Lighting Act of 1972 ("District") for Tract No. 934 – Lennar Homes;

WHEREAS, on August 1, 2023 the City Council of the City of Hanford adopted a resolution of intention to create the District, levy and assessment and to confirm the Engineer's Report, which is incorporated herein by reference, with regards to the District;

WHEREAS, at its regular meeting on August 1, 2023the City Council for the City of Hanford did approve the Engineer's Report which: (1) gave a full and detailed description of the improvements and boundaries of the District and any zones therein; (2)

identified the proposed assessments upon assessed lots and parcels of land within the District; (3) established that each lot or parcel of real property which is within the District and which is subject to the levy of assessment is receiving a special benefit from the public improvements and maintenance thereof identified in the Engineer's Report above and beyond any general benefit to the general public; and (4) established that the special benefit is proportionate to the amount of the assessment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hanford hereby confirms the Assessment Diagram as originally identified and proposed in the Engineer's Report and does hereby create Landscape and Lighting Assessment District 20-02 pursuant to the Landscape and Lighting Act of 1972 for Tract No. 934 – Lennar Homes in accordance with the provisions of the Landscape and Lighting Act of 1972;

RESOLVED FURTHER, that the City Council of the City of Hanford hereby confirms the Assessment Diagram and assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2023-2024 as stated in the Engineer's Report in the amount of **$ 50,246.10**.

RESOLVED FURTHER, commencing with the calendar year 2023-2024, and January 1 of each calendar year ("Adjustment Date") thereafter during the life of the District, the Total Annual Subdivision Assessment amount for the next calendar year shall be an amount equal to the greater of:

(i) the Total Annual Subdivision Assessment amount in effect immediately prior to the Adjustment Date; or

(ii) the product obtained by multiplying the Total Annual Subdivision Assessment in effect immediately prior to the Adjustment Date by a

fraction, the numerator of which is the Index published nearest but prior to the Adjustment Date and the denominator of which is the Index published nearest but prior to January 1 of the first year the Subdivision Assessment became effective.

The term "Index" means the Consumer Price Index for Urban Wage Earners and Clerical Worker, San Francisco-Oakland-San Jose Consolidated Statistical Area, 1982-1984, equals 100, published by the Bureau of Labor Statistics of the United States Department of Labor. If the Bureau of Labor Statistics revises the Index, the Bureau of Labor Statistics will be the sole judge of the comparability of successive indexes, but if that agency fails to supply indexes that it deems comparable or if no succeeding index is published, the City shall determine an appropriate alternative published price index.

Passed and adopted at a regular meeting of the City Council of the City of Hanford on August 1, 2023, by the following vote:

AYES: Council Member _____

_____

_____

_____

_____

NOES: Council Member _____

ABSTAIN: Council Member _____

ABSENT: Council Member _____

APPROVED: _____
Travis Paden
MAYOR of City of Hanford

ATTEST: _____
Natalie Corral, City Clerk

STATE OF CALIFORNIA)
COUNTY OF KINGS)
CITY OF HANFORD)

I, Natalie Corral, City Clerk of the City of Hanford, do hereby certify that the foregoing resolution was duly passed and adopted by the City Council of the City of Hanford at a regular meeting thereof held on the 1st day of August, 2023.

Dated:_____, 2023 _____
City Clerk

RECORDING REQUESTED BY:

CITY OF HANFORD

WHEN RECORDED RETURN TO:

Natalie Corral
CITY OF HANFORD
319 North Douty Street
Hanford, California 93230

RESOLUTION NO. 23-30-R

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD INITIATING PROCEEDINGS FOR THE CREATION OF ASSESSMENT DISTRICT NO. 20-02 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 FOR TRACT NO. 915 – THE ENCLAVE.

At a regular meeting of the City Council of the City of Hanford, duly called and held on August 1, 2023, at 7:00 p.m., it was moved by Council Member _____, seconded by Council Member _____, and duly carried that the following resolutions be adopted:

WHEREAS, a determination has been made that it is necessary to create an assessment district for Tract No. 934 – Lennar Homes, located within the City of Hanford, California for the purpose of maintenance of certain improvements related to said subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hanford proposes to form an assessment district pursuant to the Landscaping and Lighting Act of 1972, for the purpose of maintaining the following improvements:

1. Decorative masonry block fencing, landscaping & irrigation systems improvements located along Grangeville Blvd., 13th Avenue, North

Sophia Street, West Ella Street and North Frontier Street, within and adjacent to Tract 934;

RESOLVED FURTHER, that the proposed assessment district shall be designated Assessment District No. 20-02, City of Hanford, Kings County, California and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 20-02, City of Hanford, Kings County, California" which map is on file with the City Clerk for the City of Hanford and which map is hereby approved.

RESOLVED FURTHER, that the City Engineer of the City of Hanford is hereby designated engineer for the purpose of the formation of the Assessment District. The City Council hereby directs the engineer to prepare and file with the City Clerk a report in accordance with Section 22565, et. seq., of the California Streets and Highway Code.

Passed and adopted at a regular meeting of the City Council of the City of Hanford on August 1, 2023 by the following vote:

AYES: Council Member _____

_____

_____

_____

_____

NOES: Council Member _____

ABSTAIN: Council Member _____

ABSENT: Council Member _____

APPROVED: _____

ATTEST: _____
City Clerk

STATE OF CALIFORNIA)
COUNTY OF KINGS)
CITY OF HANFORD)

I, NATALIE CORRAL, City Clerk of the City of Hanford, do hereby certify the foregoing resolution was duly passed and adopted by the City Council of the City of Hanford at a regular meeting thereof held on the 18th day of July, 2023.

Dated: _____, 2023 _____
City Clerk

BOND NO. : 9432554
Premium: $25,571.00/annum

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we, Lennar Homes of California, LLC at 8080 N. Palm Avenue, Fresno, CA 93711, as Principal, and Fidelity and Deposit Company of Maryland at 1299 Zurich Way, 5th Floor, Schaumburg, IL 60196-1056, a corporation organized and existing under the laws of the State of Illinois and authorized to transact surety business in the State of California, as Surety, are held and firmly bound unto the City of Hanford at 900 South 10th Avenue, Hanford, CA 93230, as Obligee, in the sum of Ten million three hundred thirty-one thousand seven hundred seventy-one and 86/100 Dollars ($10,331,771.86) lawful money of the United States, for the payment whereof, well and truly to be made, said Principal and Surety bind themselves, their heirs, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, Whereas, said Principal entered into an agreement with the Obligee dated _____, in which said Principal agrees to perform or to construct certain designated public improvements, known as follows:

Coronet @ 13th & Grangeville, Tract 934 – Subdivision Improvements

NOW, THEREFORE, if the said Principal shall well, truly perform the work in the manner specified therein, and comply with the terms or conditions of the agreement, then this obligation shall be null and void; otherwise, to remain in full force and effect.

No party other than the Obligee shall have any rights hereunder as against the Surety. The aggregate liability of the Surety on this bond obligation shall not exceed the penal sum set forth above for any reason whatsoever.

Signed, sealed and dated on May 25, 2023.

Lennar Homes of California, LLC,
a California limited liability company
Principal

By:_____

Fidelity and Deposit Company of Maryland
Surety

By:_____
Mechelle Larkin, Attorney-in-Fact

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno)

On May 29, 2023 before me, Christine Collins, Notary Public personally appeared Darryl S. Denius, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

CHRISTINE COLLINS
Notary Public - California
Fresno County
Commission # 2308378
My Comm. Expires Nov 7, 2023

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On MAY 25 2023 before me, Kathy R. Mair, Notary Public, personally appeared Mechelle Larkin who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KATHY R. MAIR
Notary Public - California
Orange County
Commission # 2355508
My Comm. Expires May 22, 2025

Signature Kathy R Mair
Kathy R. Mair, Notary Public

(seal)

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray**, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint, **Mechelle LARKIN, Kathy R. MAIR and My HUA, all of Irvine, California** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons. The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 17th day of December A.D. 2020.

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown

Secretary

State of Maryland
County of Baltimore

On this 17th day of December, 2020, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

WAIVER OF HEARING NOTICE

* * * * *

The undersigned are authorized agents of R-Hearthstone Lot Option Pool 2, L.P. (R-Hearthstone) (Owner) and Lennar Homes (Lennar) (Developer) of County Tract 934 (Tract 934) a partnership of the land that comprises Tract 934.

The City of Hanford (City) intends to form an assessment district (District) in accordance with the Landscape and Lighting Act of 1972 and to levy assessments for the future operation, maintenance, repair, replacement, and improvement of landscaping and lighting in and around the boundaries of Tract 934.

Streets & Highways Code Section 22587 requires the Hanford City Council (Council) to adopt a resolution that gives notice of the time and place at which the Council will hold a hearing (Hearing) on the formation of the District and levy of an assessment (Assessment) against each lot comprising Tract 934.

Pursuant to Government Code Section 53753, the City is to mail a Notice of Hearing to all record owners of lots comprising Tract 934 at least forty-five (45) days prior to the Hearing.

R-HEARTHSTONE AND LENNAR desires for the City to proceed with the formation of the District and levy of the Assessment. As a result, R-HEARTHSTONE AND LENNAR hereby waives: (i) the Streets & Highways Code Section 22587 requirement that the Council establish a Hearing date and time by resolution; and (ii) the Government Code Section 53753 requirement that a Notice of Hearing be mailed to LENNAR at least forty-five (45) days prior to the Hearing.

R-HEARTHSTONE AND LENNAR understands the following:

1. The City will rely upon this Waiver of Hearing Notice (Waiver), and the Council will hold a Hearing on the formation of the **Assessment District No. 20-02** at its meeting held August 1, 2023. The Council meeting will begin at 7:00 p.m. Pacific Time and will occur in the Council Chambers located at 400 N. Douty St., Hanford, CA.

2. R-HEARTHSTONE AND LENNAR will receive a ballot, through which R-HEARTHSTONE AND LENNAR will have an opportunity to vote for or against the formation of the District and the levy of the Assessment. By executing this Waiver, R-HEARTHSTONE AND LENNAR is not obligated to vote in favor of the District's formation or levy of the Assessment.

3. R-HEARTHSTONE AND LENNAR may submit its completed ballot to the City and change or withdraw its ballot at any time prior to the conclusion of the public testimony portion of the Hearing.

4. R-HEARTHSTONE AND LENNAR may provide testimony to the Council during the Hearing. Such testimony may be consistent with or contrary to the ballot that R-HEARTHSTONE AND LENNAR submits to the City.

5. R-HEARTHSTONE AND LENNAR is not required by law to execute this Waiver, and by signing this document, LENNAR voluntarily waives the rights identified above.

Dated: July _____, 2023

R-Hearthstone Lot Option Pool 2, L.P A Delaware Limited Partnership

By: R-Hearthstone PBLOJV GB, LLC, a Delaware Limited Liability Company its General Partner

By: _____
Steven C. Porath, Authorized Person

Dated: July _____, 2023

LENNAR HOMES OF CALIFORNIA, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY

By: _____
Mike Miller, Vice President

RECORDING REQUESTED BY

City of Hanford

WHEN RECORDED MAIL TO :

City of Hanford
Community Development Department
317 N. Douty Street
Hanford, CA 93230

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE, DISCLOSURE AND ACKNOWLEDGMENT OF AGRICULTURAL LAND USE PROTECTION AND RIGHT TO FARM POLICIES OF THE CITY OF HANFORD

NOTICE IS HEREBY GIVEN pursuant to City of Hanford Ordinance No. 01-16, adopted on November 6, 2001, that the City Council of the City of Hanford has adopted policies which establish agriculture and agricultural facilities and operations as priority uses on productive agricultural lands within Kings County or the City of Hanford, and residents and other occupants of property in the agricultural zone districts should be prepared to accept inconveniences or discomfort from normal, usual, and customary agricultural operations, facilities, and practices.

ASSESSOR'S PARCEL NUMBER: **009050001000, 009050002000, 009050003000, 009050004000, 009050005000**

PROJECT APPLICATION NO.: **TRACT NO. 934 LENNAR HOMES**

LEGAL DESCRIPTION OF PROPERTY:

County Tract No. 934, Lennar Homes as shown on L.S.P _____K.C.R. containing 36.47 acres more or less. (NET).

The above described property is recognized to be in the vicinity of, or adjacent to, land designated and utilized for agricultural uses, facilities, and operations, and may be subject to inconveniences or discomforts arising from the pursuit of those agricultural operation, including, but not limited to, land preparation, cultivation, growing and harvesting of crops, raising of livestock, dairy production, processing of agricultural commodities, viticulture, apiculture, horticulture, aquaculture, poultry and other agricultural operations, Said inconvenience or discomforts may include, but shall not be limited to: equipment and animal noises; farming activities conducted on a 24-hour, 7-day a week basis; odors from manure, fertilizers, pesticides, chemicals, or other sources; the aerial and ground application of chemicals and seeds; dust; flies and other insects; and smoke from such agricultural operations.

I HEREBY ACKNOWLEDGE AND UNDERSTAND the agricultural land use protection and right to farm policies of the City of Hanford and declare that non-agricultural uses of the subject land, including any residential uses, are secondary and subservient to normal, usual, and customary agricultural activities and operations in the vicinity of the above described property, and **HEREBY NOTIFY AND PASS ON** said acknowledgment to all subsequent owners and occupants of the above described property.

Lennar Homes of California, LLC
a California limited liability company

BY: _____ _____
Mike Miller, Vice President Date

R-Hearthstone Lot Option Pool 2, L.P.
a Delaware limited partnership

By: R-Hearthstone PBLOJV GB, LLC,
a Delaware limited liability company,
its General Partner

BY: _____ _____
Steven C. Porath, Date
Authorized Person

Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____before me, _____ Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Acknowledgment

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State of California
County of _____

On _____before me, _____ Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RECORDING REQUESTED BY:

CITY OF HANFORD

AND WHEN RECORDED MAIL TO:

CITY OF HANFORD
PUBLIC WORKS
DEPARTMENT
900 S. 10th Avenue
Hanford, CA 93230

(SPACE ABOVE FOR RECORDER'S USE)

STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR CONTINUED CARE AND MAINTENANCE OF PARKWAY LANDSCAPE IMPROVEMENTS WITHIN TRACT NO. 934

RECITALS

WHEREAS, R-Hearthstone Lot Option Pool 2, L.P., Lennar Homes of California, LLC, a California limited liability company, are respectively the Owner and the Developer of the real property situated in the City of Hanford, County of Kings, State of California, hereinafter referred to as the "Subject Property", more particularly described as follows:

> Lots 1 through 161, inclusive, of Tract No. 934, according to the Map
> Thereof recorded on _____, 2023 in Volume ___of Licensed Surveyors Plats
> At Page ____, Kings County Records.

WHEREAS, the Owner and Developer, as Covenantors, hereby warrant that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument and that all such instruments of subordination, if any, are attached hereto and made a part of this instrument; and

WHEREAS, City of Hanford Planning Commission Resolution No. 2021-29 approved the development of Tract No. 934 conditional upon continued care and maintenance of trees and lawn areas within the landscaped parkways of said Tract No. 934 by the lot owners:

COVENANTS, CONDITIONS, AND RESTRICTIONS

NOW THEREFORE, it is agreed in consideration of the foregoing and the approval of the final map for the Subject Property by the City of Hanford, the Covenantors hereby covenant, promise, and agree with the City of Hanford for the benefit of the City that:

1. It is the intention hereof that this instrument shall constitute a Covenant in favor of the City of Hanford and shall run with the land and be binding upon the undersigned, and all subsequent grantees, heirs, successors, and assigns.
2. Owners of each lot within Tract No. 934, shall care for and maintain the trees and lawn area located in the parkway in front of their lots. For corner lots, the lot owners shall also care for and maintain the parkway trees and lawn area along the street side of the lot. All species of trees shall be selected from a list approved by the City Street Tree Commission. The parkway is defined as that land area located between the street curb and the public sidewalk.

3. The trees and lawn area are to be properly pruned, mowed, sprayed, watered and fertilized on a regular ongoing basis in order to preserve the health and life of the trees and lawn area.
4. Should the trees and lawn area become damaged, severely pruned, neglected, removed, or die, the lot owners shall replace said trees and lawn area within a reasonable time frame, but no later than thirty (30) days after the date of written notice from the City of Hanford. The trees shall be replaced with a 15 gallon size tree of the same species that was originally planted. The lawn area shall be replaced with lawn. Rocks, bark, ground cover, plants or paving are not allowed in the parkway.
5. Covenantors understand and agree that failure to comply with the conditions identified above shall constitute a breach of obligations as identified in this instrument and shall also constitute a violation of the provisions of Chapter 17.68 of the Hanford Municipal Code.
6. The foregoing conditions shall remain in full force and effect unless and until such time as the Director of Public Works of the City of Hanford may execute a written release of such conditions and obligations and cause such release to be recorded in the office of the Kings County Recorder.
7. The provisions of this Covenant shall be deemed independent and severable, and the invalidity or unenforceability of any one provision, or portion thereof, shall not affect the validity or enforceability of any other provision thereof. Whenever the context of the Covenant so requires, in interpreting this instrument, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

IN WITNESS WHEREOF, Covenantors have executed this instrument on the _____ day of _____, 2023.

OWNER:

R-Hearthstone Lot Option Pool 2, L.P.
A Delaware Limited Partnership

By: R-Hearthstone PBLOJV GB, LLC, a
Delaware Limited Liability Company its
General Partner

_____
Steven C. Porath, Authorized Person

DEVELOPER: Lennar Homes of California, LLC
A California limited liability company

By: _____
Mike Miller, Vice President

CITY OF HANFORD:

By: _____
Lisa Dock, PE,
City Engineer

ATTEST:

By:_____
Natalie Corral, City Clerk

Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

_____

Signature of Notary Public

(SPACE ABOVE FOR NOTARY SEAL)

Acknowledgment

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State of California
County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Witness my hand and official seal.

_____

Signature of Notary Public

(SPACE ABOVE FOR NOTARY SEAL)

Acknowledgment

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State of California
County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

_____

Signature of Notary Public

(SPACE ABOVE FOR NOTARY SEAL)

BOND NO. : 9432554
Premium: Included in Performance Bond

SUBDIVISION PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That Lennar Homes of California, LLC, with an address at 8080 N. Palm Avenue, Fresno, CA 93711, as Principal, and Fidelity and Deposit Company of Maryland, with an address at 1299 Zurich Way, 5th Floor, Schaumburg, IL 60196-1056, a corporation organized and existing under the laws of the State of Illinois and authorized to transact surety business in the State of California, as Surety, are held and firmly bound onto City of Hanford, with an address at 900 South 10th Avenue, Hanford, CA 93230, as Obligee, in the sum of Five million one hundred sixty-five thousand eight hundred eighty-five and 93/100 DOLLARS ($5,165,885.93), for which the payment whereof, well and truly to be made, said Principal and Surety bind themselves, their heirs, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, Whereas, said Principal has entered into a Subdivision Agreement or has applied for a certain Permit with the Obligee, dated _____, in which said Principal agrees to perform or to construct a certain designated public improvements, as follows:

Coronet @ 13th & Grangeville, Tract 934 – Subdivision Improvements

and, as a condition of approving said Subdivision, the Principal is required to give Labor and Material Payment Bond as herein provided.

NOW, THEREFORE, if said Principal and/or contractor or subcontractor are in default under the Subdivision Agreement and fails to pay for any materials, provisions, or rented equipment used in, upon, or for or about the construction of the public improvements for performance of the work to be done, or any work or labor done of any kind, in or on such improvements, and said Principal and/or contractor shall fail to cure such default after notice pursuant to the Subdivision Agreement, said surety will pay the same in an amount not exceeding the sum set forth above.

This bond shall insure to the benefit of the contractor, his subcontractors, and to persons renting equipment or furnishing labor and materials to them for the improvements.

SIGNED, SEALED, and DATED on May 25, 2023.

Lennar Homes of California, LLC,
a California limited liability company
Principal

By:_____

Fidelity and Deposit Company of Maryland
Surety

By:_____
Mechelle Larkin, Attorney-in-Fact

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno)

On May 29, 2023 before me, Christine Collins, Notary Public personally appeared Darryl S. Denius, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

CHRISTINE COLLINS
Notary Public - California
Fresno County
Commission # 2308378
My Comm. Expires Nov 7, 2023

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On MAY 25 2023 before me, Kathy R. Mair, Notary Public, personally appeared Mechelle Larkin who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KATHY R. MAIR
Notary Public - California
Orange County
Commission # 2355508
My Comm. Expires May 22, 2025

Signature _____
Kathy R. Mair, Notary Public

(seal)

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray**, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint, **Mechelle LARKIN, Kathy R. MAIR and My HUA, all of Irvine, California** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons. The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 17th day of December A.D. 2020.

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown

Secretary

State of Maryland
County of Baltimore

On this 17th day of December, 2020, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:
Adoption of Resolution 23-29-R to update the authorization of investment of monies in the Local Agency Investment Fund.

RECOMMENDATION:

Recommendation: Adopt Resolution 23-29-R to update the authorization of investment of monies in the Local Agency Investment Fund

Recommended Motion: I move to approve Resolution 23-29-R to authorize the investment of monies in the Local Agency Investment Fund

BACKGROUND:

In accordance with the City's Investment Policy, the State of California's Local Agency Investment Fund (LAIF) may be an investment tool for the City. This offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the State Treasurer's Office investment staff at no additional cost to taxpayers. The City has used this investment tool for many years, with the change in Finance staff over the years, there is a need to update the staffing authorized to conduct transactions on behalf of the City.

There are no proposed changes to the way the City invests, this is just an update of staff positions (and their successors) to conduct business on behalf of the City. The LAIF is generally considered to be one of the most liquid and safe investments an agency can invest in.

As outlined in the attached resolution, the following positions would be authorized:

Finance Director
Finance Manager
Financial Analyst
Accountant
City Manager

FISCAL IMPACT:

This will allow staff to continue to invest monies in the Local Agency Investment Fund (LAIF) in accordance with the City's Investment Policy.

ATTACHMENTS:

1. RESOLUTION LAIF UPDATE 8.1.2023

RESOLUTION NO. 23-29-R

RESOLUTION OF THE CITY OF HANFORD

AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et. seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein is in the best interests of the City;

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the deposit and withdrawal of City monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein.

BE IT FURTHER RESOLVED, as follows:

Section 1. The following City officers holding the title(s) specified hereinbelow **or their successors in office** are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby:

Chris Tavarez – Finance Director
Destiny Borba – Finance Manager
Aubrey Carri – Financial Analyst
Vacant – Accountant
Mario Cifuentez II – City Manager

Section 2. This resolution shall remain in full force and effect until rescinded by City Council by resolution and a copy of the resolution rescinding this resolution is filed with the State Treasurer's Office.

PASSED AND ADOPTED ON August 1, 2023, by the City Council of City of Hanford (Kings County) of State of California by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

_____

(Travis Paden, Mayor)

ATTEST:

_____
(Natalie Corral, City Clerk)

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, Natalie Corral, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the _____day of ____ __, 20___.

Date: _____

_____
City Clerk

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:
Acceptance and authorization for staff to File the City of Hanford's Quarterly Investment Portfolio and Transactions Reports as of 06/30/2023.

RECOMMENDATION:

Recommended Motion: That the City Council accept the City of Hanford's Quarterly Investment Portfolio and Transactions Report as of 6/30/2023.

BACKGROUND:

Quarterly Investment Report. The City has approximately $116 million in investments and cash as of 6/30/2023.

Recent Activity. The City actively maintains its Wells Fargo cash accounts at a minimum of $2.5 million. To take advantage of the current high interest rates the City purchased $9.75 million worth of securities. Idle cash beyond the necessary $2.5 million minimum cash needed for operations is invested into the local government pools such as LAIF. LAIF is currently outperforming Tulare County Pool by 0.44%. On an ongoing basis, securities which mature are quickly reinvested.

Current Investment Environment. An interest rate increase from the Federal Reserve paused during the month of June, in contrast to consecutive rate hikes during the previous 10 meetings since March of 2022. The next meeting is to take place on July 26th and it is anticipated that there will be one last quarter percentage increase which would set the federal funds rate to 5.25%-5.5%. It would mark the highest rate since 2001. Majority of economists believe this may be the last increase for the time being until they eventually start lowering interest rates (Fox Business).

The 5-year and 10-year Treasury Note interest is currently at 4.15% and 3.86% respectively. Compared to same time last year the interest rates are approximately 1.35% and 1% higher.

Proposed Actions. With the recent 2-year budget approved and the anticipation of limited funds for City projects over the next couple of years due to debt obligations and unchanging revenue, any excess cash will continue to be invested in securities limited to 2–3-year terms or LAIF. The City should take advantage of the last rate hike that is anticipated to occur during the upcoming period.

Summary. The primary purpose of the City's cash is to provide residents of Hanford with services. In order to maximize the earnings potential on the City's idle cash, the City utilizes registered securities dealers to purchase low-risk investments which will provide a higher return versus allowing the cash

to be held in savings accounts earning little to no interest. Additionally, idle cash is also held with government pools, including Tulare County Investment Pool and State of California LAIF. It is the policy of the City to invest public funds in a manner that will provide a high investment return with a high level of security while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds

FISCAL IMPACT:

This item is informational. Investing the City cash will generate continual interest earnings on the investment portfolio.

ATTACHMENTS:

1. Quarterly Investment Detail Report 06.30.23
2. Quarterly Transactions Report 04.01.23-06.30.23
3. Quarterly Treasurer's Report 06.30.23

City of Hanford
Quarterly Investment Detail Report
As of 6/30/2023

Description	CUSIP/Ticker	Security Sector	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity	% of Portfolio
Brokerage | Higgins Capital										
Nebraska State Bank NE 1 9/29/2023	63970BAK5	Certificate Of Deposit	3/30/2020	1.000	250,000.00	250,000.00	247,365.00	9/29/2023	91	0.21
Citbank National SD 3.55 11/24/2023	17312QW47	Certificate Of Deposit	11/23/2018	3.550	250,000.00	250,000.00	248,245.00	11/24/2023	147	0.21
Live Oak Bank 0.5 12/11/2023	538036TF1	Certificate Of Deposit	12/10/2021	0.500	250,000.00	250,000.00	244,707.50	12/11/2023	164	0.21
Greenstate Credit Union 0.5 7/30/2024	39573LBQ0	Certificate Of Deposit	7/30/2021	0.500	250,000.00	250,000.00	236,940.00	7/30/2024	396	0.21
Texas Exchange Bank TX 0.5 7/30/2024	88241TLS7	Certificate Of Deposit	7/30/2021	0.500	249,000.00	249,000.00	235,982.28	7/30/2024	396	0.21
Pentagon Federal Credit Union 0.55 9/30/2024	70962LAR3	Certificate Of Deposit	9/29/2021	0.550	250,000.00	250,000.00	235,180.00	9/30/2024	458	0.21
Sallie Mae Bank UT 1.9 10/30/2024	7954504Z5	Certificate Of Deposit	10/30/2019	1.900	100,000.00	100,000.00	95,421.00	10/30/2024	488	0.09
Capital Bank 4.65 11/8/2024	139805AX3	Certificate Of Deposit	11/9/2022	4.650	250,000.00	250,000.00	247,352.50	11/8/2024	497	0.21
Horizon Bk 4.75 11/8/2024	44042WCG0	Certificate Of Deposit	11/8/2022	4.750	250,000.00	250,000.00	247,685.00	11/8/2024	497	0.21
Synchrony Bank 0.9 12/10/2024	87165HK41	Certificate Of Deposit	12/10/2021	0.900	250,000.00	250,000.00	234,297.50	12/10/2024	529	0.21
First National Bank TX 1.8 12/30/2024	32112UDJ7	Certificate Of Deposit	12/30/2019	1.800	250,000.00	250,000.00	236,880.00	12/30/2024	549	0.21
Merrick Bank UT 1.85 12/31/2024	59013KEP7	Certificate Of Deposit	12/31/2019	1.850	250,000.00	250,000.00	237,037.50	12/31/2024	550	0.21
Citadel Federal PA 1.65 2/27/2025	17286TAG0	Certificate Of Deposit	2/27/2020	1.650	250,000.00	250,000.00	235,002.50	2/27/2025	608	0.21
BMO Harris Bank IL 0.5 3/28/2025-21	05600XAY6	Certificate Of Deposit	9/28/2020	0.500	249,000.00	249,000.00	228,614.37	3/28/2025	637	0.21
Insight4.6 5/2/2025	45791JAA4	Certificate Of Deposit	11/2/2022	4.600	250,000.00	250,000.00	246,375.00	5/2/2025	672	0.21
Jonesboro State Bank LA 0.8 5/29/2025-20	48040PGX7	Certificate Of Deposit	5/29/2020	0.800	249,000.00	249,000.00	228,103.92	5/29/2025	699	0.21
Barclays Bank 5 6/6/2025	06740KRQ2	Certificate Of Deposit	6/7/2023	5.000	250,000.00	250,000.00	248,055.00	6/6/2025	707	0.21
First Technology Federal 5.1 6/16/2025	33715LFK1	Certificate Of Deposit	6/16/2023	5.100	250,000.00	250,000.00	248,502.50	6/16/2025	717	0.21
Continental Bank UT 0.55 6/26/2025	211163KK5	Certificate Of Deposit	6/26/2020	0.550	175,000.00	175,000.00	159,068.00	6/26/2025	727	0.15
State Bank of India GA 0.95 6/26/2025	856283N69	Certificate Of Deposit	6/26/2020	0.950	250,000.00	250,000.00	227,962.50	6/26/2025	727	0.21
Partners Bank AK 0.6 6/30/2025	70212VAB4	Certificate Of Deposit	6/30/2020	0.600	250,000.00	250,000.00	227,210.00	6/30/2025	731	0.21
Bank Baroda NY 0.65 7/22/2025	06063HMT7	Certificate Of Deposit	7/22/2020	0.650	198,000.00	198,000.00	179,817.66	7/22/2025	753	0.17
Luana Savings Bank IA 0.45 7/29/2025	549104RJ8	Certificate Of Deposit	7/29/2020	0.450	250,000.00	250,000.00	225,867.50	7/29/2025	760	0.21
Medallion Bank UT 0.55 7/30/2025	58404DHQ7	Certificate Of Deposit	7/30/2020	0.550	250,000.00	250,000.00	226,075.00	7/30/2025	761	0.21
Enerbank UT 0.5 8/29/2025	29278TRA0	Certificate Of Deposit	8/31/2020	0.500	245,000.00	245,000.00	220,426.50	8/29/2025	791	0.21
First Choice Bank CA 0.4 9/30/2025-21	319461DB2	Certificate Of Deposit	9/30/2020	0.400	249,000.00	249,000.00	222,601.02	9/30/2025	823	0.21
Capital One 4.8 11/3/2025	14042RVH1	Certificate Of Deposit	11/2/2022	4.800	250,000.00	250,000.00	246,640.00	11/3/2025	857	0.21
Direct Federal CDT Union 4.7 11/3/2025	25460FDU7	Certificate Of Deposit	11/3/2022	4.700	250,000.00	250,000.00	246,087.50	11/3/2025	857	0.21
United Heritage 4.75 11/4/2025	91334AAE3	Certificate Of Deposit	11/4/2022	4.750	250,000.00	250,000.00	246,355.00	11/4/2025	858	0.21
Caterpillar Financial 3.75 12/24/2023	14912L5X5	Corporate	11/23/2020	0.466	1,000,000.00	1,100,500.00	993,070.00	12/24/2023	177	0.86
Toyota Motor Credit 0.45 1/11/2024	89236THU2	Corporate	9/20/2021	0.450	1,000,000.00	1,000,000.00	973,600.00	1/11/2024	195	0.86
Citibank NA 3.65 1/23/2024-23	17325FAS7	Corporate	5/22/2020	1.183	1,000,000.00	1,088,310.00	988,460.00	1/23/2024	207	0.86
John Deer Capital 2.6 3/7/2024	24422EUX5	Corporate	5/15/2020	1.160	700,000.00	737,464.00	686,063.00	3/7/2024	251	0.60
Bank of New York Mellon 1.6 4/24/2025-25	06406RAN7	Corporate	5/13/2020	1.216	1,000,000.00	1,018,368.00	936,990.00	4/24/2025	664	0.86
FHLB 0.5 9/24/2024-21	3130ALKN3	US Agency	3/24/2021	0.500	2,000,000.00	2,000,000.00	1,881,680.00	9/24/2024	452	1.72
FHLB 0.5 10/4/2024-22	3130AP4G7	US Agency	10/4/2021	0.500	1,000,000.00	1,000,000.00	939,530.00	10/4/2024	462	0.86
FHLB 0.57 10/15/2024-22	3130ALWW0	US Agency	4/15/2021	0.570	1,000,000.00	1,000,000.00	939,220.00	10/15/2024	473	0.86
FHLB Step 1/27/2025-22	3130AQML4	US Agency	1/27/2022	1.370	325,000.00	325,000.00	307,567.00	1/27/2025	577	0.28
FHLMC 5.32 6/6/2025-24	3134GYTM4	US Agency	6/6/2023	5.320	1,000,000.00	1,000,000.00	995,530.00	6/6/2025	707	0.86
FHLB 5.5 11/24/2025-23	3130AWBD1	US Agency	6/1/2023	5.500	2,000,000.00	2,000,000.00	1,997,980.00	11/24/2025	878	1.72
FHLB 5.125 5/28/2026-24	3130AWAA8	US Agency	5/30/2023	5.125	1,000,000.00	1,000,000.00	993,750.00	5/28/2026	1,063	0.86
Sub Total / Average Brokerage | Higgins Capital				2.125	19,989,000.00	20,233,642.00	19,243,297.25		558	17.17
Brokerage | Multi-Bank Securities										
Sunset Science Park FCU 5 12/14/2023	86777TAA4	Certificate Of Deposit	12/14/2022	5.000	250,000.00	250,000.00	249,662.50	12/14/2023	167	0.21
Trustone Financial CU 5 12/14/2023	89841MAM9	Certificate Of Deposit	12/14/2022	5.000	250,000.00	250,000.00	249,662.50	12/14/2023	167	0.21
General Electric Credit Union 5 1/30/2024	369674CG9	Certificate Of Deposit	1/30/2023	5.000	250,000.00	250,000.00	249,542.50	1/30/2024	214	0.21
Valley Strong 4.9 1/31/2024	920133AM7	Certificate Of Deposit	1/31/2023	4.900	250,000.00	250,000.00	249,395.00	1/31/2024	215	0.21
WESTERN ALLIANCE BK PHOENIX 5.25 5/24/2024	95763PMY4	Certificate Of Deposit	5/26/2023	5.250	250,000.00	250,000.00	249,545.00	5/24/2024	329	0.21
IC Federal Credit Union 5 6/10/2024	44931EAD3	Certificate Of Deposit	12/9/2022	5.000	240,000.00	240,000.00	238,996.80	6/10/2024	346	0.21
First Carolina Bank 5.25 7/15/2024	31944MCU7	Certificate Of Deposit	6/14/2023	5.250	250,000.00	250,000.00	249,417.50	7/15/2024	381	0.21
Austin Telco FCU 4.95 7/26/2024	052392CL9	Certificate Of Deposit	1/27/2023	4.950	250,000.00	250,000.00	248,627.50	7/26/2024	392	0.21
Zions Bank Corp 5.2 12/6/2024	98970LFU2	Certificate Of Deposit	6/7/2023	5.200	250,000.00	250,000.00	249,107.50	12/6/2024	525	0.21
Ally Bank5.15 12/9/2024	02007GN90	Certificate Of Deposit	6/8/2023	5.150	250,000.00	250,000.00	248,940.00	12/9/2024	528	0.21
Bank Hapoalim BM NY 5.2 12/9/2024	06251A5Q9	Certificate Of Deposit	6/9/2023	5.200	250,000.00	250,000.00	249,112.50	12/9/2024	528	0.21
Liberty Fed Credit Union 4.9 12/9/2024	53052LAE9	Certificate Of Deposit	12/9/2022	4.900	250,000.00	250,000.00	248,080.00	12/9/2024	528	0.21
FHLB 5 12/12/2024	3130ATXG7	US Agency	12/12/2022	5.000	1,000,000.00	1,000,000.00	990,170.00	12/12/2024	531	0.86
FHLMC 5.3 5/15/2025-23	3134GYRH7	US Agency	5/26/2023	5.300	1,000,000.00	1,000,000.00	992,190.00	5/15/2025	685	0.86
FHLB 5.5 11/24/2025-23	3130AW5T3	US Agency	6/1/2023	5.500	1,000,000.00	1,000,000.00	994,010.00	11/24/2025	878	0.86
FFCB 4.92 1/12/2026	3133ENR77	US Agency	12/7/2022	4.920	1,000,000.00	1,000,000.00	986,810.00	1/12/2026	927	0.86
FHLMC 5.3 2/27/2026-23	3134GYJB9	US Agency	5/26/2023	5.300	2,000,000.00	2,000,000.00	1,980,940.00	2/27/2026	973	1.72

Description	CUSIP/Ticker	Security Sector	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Maturity Date	Days To Maturity	% of Portfolio
Sub Total / Average Brokerage | Multi-Bank Securities				5.169	8,990,000.00	8,990,000.00	8,924,209.30		672	7.72
Brokerage | Wells Fargo Securities										
State Bank of India 0.55 11/29/2023	856285YX3	Certificate Of Deposit	11/29/2021	0.550	250,000.00	250,000.00	245,093.18	11/29/2023	152	0.21
Goldman Sachs 0.6 12/15/2023	38149MQ22	Certificate Of Deposit	12/15/2021	0.600	224,000.00	224,000.00	219,204.16	12/15/2023	168	0.19
IADB 0.25 11/15/2023	4581X0DP0	Corporate	11/24/2021	0.586	500,000.00	496,710.00	490,662.42	11/15/2023	138	0.43
IFC 0.61 11/24/2023	45950VQS8	Corporate	11/24/2021	0.570	1,000,000.00	1,000,790.00	980,382.96	11/24/2023	147	0.86
Wells Fargo Securities MM	WFMM5968	Money Market	11/3/2021	4.950	512,138.79	512,138.79	512,138.79	N/A	1	0.44
FHLB 2.3 3/28/2025-22	3130AREM9	US Agency	3/28/2022	2.300	250,000.00	250,000.00	238,068.90	3/28/2025	637	0.21
Sub Total / Average Brokerage | Wells Fargo Securities				1.551	2,736,138.79	2,733,638.79	2,685,550.41		165	2.35
LGIP | LAIF										
Local Agency Investment Fund LGIP	LAIF6352	Local Government Investment Pool	2/28/2009	3.167	31,008,974.38	31,008,974.38	31,008,974.38	N/A	1	26.64
Sub Total / Average LGIP | LAIF				3.167	31,008,974.38	31,008,974.38	31,008,974.38		1	26.64
LGIP | Tulare County										
Tulare County Pool LGIP	TULARE860	Local Government Investment Pool	5/5/2017	2.727	46,729,474.30	46,729,474.30	46,729,474.30	N/A	1	40.15
Sub Total / Average LGIP | Tulare County				2.727	46,729,474.30	46,729,474.30	46,729,474.30		1	40.15
Umpqua Bank										
Umpqua MM	MM7248	Money Market	8/19/2022	0.010	4,000,336.35	4,000,336.35	4,000,336.35	N/A	1	3.44
Sub Total / Average Umpqua Bank				0.010	4,000,336.35	4,000,336.35	4,000,336.35		1	3.44
US Bank Custodian | Fixed Assets										
US Bank Cash	USBANK	Cash	10/31/2022	0.000	7,137.78	7,137.78	7,137.78	N/A	1	0.01
Sub Total / Average US Bank Custodian | Fixed Assets				0.000	7,137.78	7,137.78	7,137.78		1	0.01
Wells Fargo | Operating Accounts										
Wells Fargo | General Account Cash	WFGENERAL5186	Cash	10/31/2007	0.000	115,857.00	115,857.00	115,857.00	N/A	1	0.10
Wells Fargo | Self Insurance Cash	WFSELFINS1892	Cash	6/30/2020	0.000	180,418.19	180,418.19	180,418.19	N/A	1	0.16
Wells Fargo | Sweep Cash	WFSWEEP5186	Cash	6/30/2020	0.000	2,628,448.75	2,628,448.75	2,628,448.75	N/A	1	2.26
Sub Total / Average Wells Fargo | Operating Accounts				0.000	2,924,723.94	2,924,723.94	2,924,723.94		1	2.51
Total / Average				2.740	116,385,785.54	116,627,927.54	115,523,703.71		152	100

City of Hanford
Quarterly Transactions Report
04/01/23-06/30/23

Description	CUSIP/Ticker	Settlement Date	Face Amount/Shares	Principal	Interest/Dividends	Total	Portfolio Name
Buy							
Ally Bank5.15 12/9/2024	02007GN90	6/8/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Multi-Bank Securities
Bank Hapoalim BM NY 5.2 12/9/2024	06251A5Q9	6/9/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Multi-Bank Securities
Barclays Bank 5 6/6/2025	06740KRQ2	6/7/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
FHLB 5.125 5/28/2026-24	3130AWAA8	5/30/2023	1,000,000.00	1,000,000.00	0.00	1,000,000.00	Brokerage | Higgins Capital
FHLB 5.5 11/24/2025-23	3130AW5T3	6/1/2023	1,000,000.00	1,000,000.00	0.00	1,000,000.00	Brokerage | Multi-Bank Securities
FHLB 5.5 11/24/2025-23	3130AWBD1	6/1/2023	2,000,000.00	2,000,000.00	0.00	2,000,000.00	Brokerage | Higgins Capital
FHLMC 5.3 2/27/2026-23	3134GYJB9	5/26/2023	2,000,000.00	2,000,000.00	0.00	2,000,000.00	Brokerage | Multi-Bank Securities
FHLMC 5.3 5/15/2025-23	3134GYRH7	5/26/2023	1,000,000.00	1,000,000.00	0.00	1,000,000.00	Brokerage | Multi-Bank Securities
FHLMC 5.32 6/6/2025-24	3134GYTM4	6/6/2023	1,000,000.00	1,000,000.00	0.00	1,000,000.00	Brokerage | Higgins Capital
First Carolina Bank 5.25 7/15/2024	31944MCU7	6/14/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Multi-Bank Securities
First Technology Federal 5.1 6/16/2025	33715LFK1	6/16/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
WESTERN ALLIANCE BK PHOENIX 5.25 5/24/2024	95763PMY4	5/26/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Multi-Bank Securities
Zions Bank Corp 5.2 12/6/2024	98970LFU2	6/7/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Multi-Bank Securities
Deposit							
Local Agency Investment Fund LGIP	LAIF6352	6/30/2023	2,000,000.00	2,000,000.00	0.00	2,000,000.00	LGIP | LAIF
Local Agency Investment Fund LGIP	LAIF6352	5/31/2023	3,000,000.00	3,000,000.00	0.00	3,000,000.00	LGIP | LAIF
Local Agency Investment Fund LGIP	LAIF6352	4/30/2023	3,500,000.00	3,500,000.00	0.00	3,641,785.88	LGIP | LAIF
Matured							
BMW Bank UT 3 4/20/2023	05580AMJ0	4/20/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Centerstate Bank FL 1.2 4/17/2023	15201QDC8	4/17/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Flagstar Bank MI 1.15 4/17/2023	33847E2Z9	4/17/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Israel Discount Bank 0.45 6/12/2023	465076SW8	6/12/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Wells Fargo Securities
Morgan Stanley UT 3 4/19/2023	61747MV32	4/19/2023	186,000.00	186,000.00	0.00	186,000.00	Brokerage | Higgins Capital
Morthwest Bank ID 1 4/28/2023	66736ABS7	4/28/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Nicolet National Bank WI 1.2 4/17/2023	654062KJ6	4/17/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Pacific Western Bank CA 1.2 4/17/2023	69506YRJ0	4/17/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Pinnacle Bank TN 0.7 5/8/2023	72345SKU4	5/8/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Sterling Bank MO 1.05 4/27/2023	85916VDR3	4/27/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
UBS Bank UT 3.15 5/30/2023	90348JCR9	5/30/2023	249,000.00	249,000.00	0.00	249,000.00	Brokerage | Higgins Capital
West Michigan Bank MI 1 4/24/2023	954444BW4	4/24/2023	250,000.00	250,000.00	0.00	250,000.00	Brokerage | Higgins Capital
Withdraw							
Local Agency Investment Fund LGIP	LAIF6352	4/30/2023	500,000.00	500,000.00	0.00	500,000.00	LGIP | LAIF
Tulare County Pool LGIP	TULARE860	5/19/2023	7,000,000.00	7,000,000.00	0.00	7,000,000.00	LGIP | Tulare County

CITY OF HANFORD, CALIFORNIA

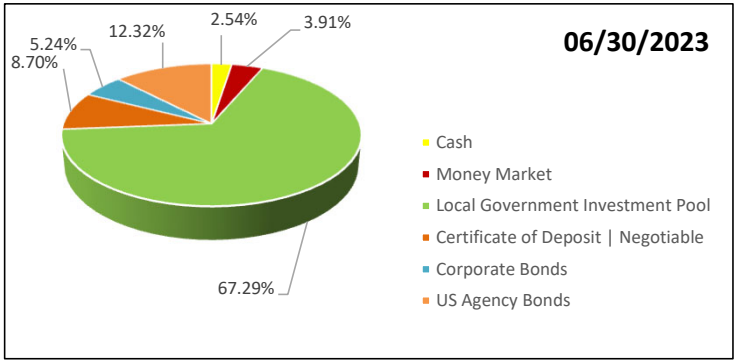
Treasurer's Report

June 30, 2023

Performance

Weighted Average Yield **2.751%**

Diversification | Security Sector	% of Portfolio	YTM @Cost	Days to Maturity	Face Amount / Shares	Cost Value	Market Value
Cash	2.54%	0.00%	1	2,931,862	2,931,862	2,931,862
Money Market	3.91%	0.57%	1	4,512,475	4,512,475	4,512,475
Local Government Investment Pool	67.29%	2.90%	1	77,738,449	77,738,449	77,738,449
Certificate of Deposit | Negotiable	8.70%	2.92%	507	10,428,000	10,428,000	10,054,244
Corporate Bonds	5.24%	0.80%	261	6,200,000	6,442,142	6,049,228
US Agency Bonds	12.32%	3.89%	737	14,575,000	14,575,000	14,237,446
	100.00%	**2.751%**	**149**	**116,385,786**	**116,627,928**	**115,523,704**



AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** PUBLIC HEARING

SUBJECT:
Public Hearing to Adopt Resolution 23-28-R, approving the collection of Landscape Assessment District assessments as outlined, pursuant to Chapter 3 of the Landscape and Lighting Act of 1972, and approving the assessment increases as proposed.

Recommendation: Adopt Resolution 23-28-R, approving the collection of Landscape Assessment District assessments as outlined, pursuant to Chapter 3 of the Landscape and Lighting Act of 1972, and approve the assessment increases as proposed.

Background:

In accordance with Chapter 3 of the Landscaping and Lighting Act of 1972 ("Act"), an Annual Engineer's Report addressing adjustments based on a review of the costs of maintenance of public improvements must be prepared and submitted to the City Council for action. The Streets and Highway Code, as referenced in the Act, requires holding a public hearing for Landscape Districts identified in the Annual Engineer's Report as showing an increase, decrease, or no change in the annual assessment amount.

A public hearing will be held at the regular City Council meeting on August 1, 2023. The City Council shall consider all public input before taking final action on confirming and levying the assessments proposed in the Annual Engineer's Report. Regarding the Districts identified in the Annual Engineer's Report as showing an increase in the annual assessment amount, the City Council must consider all protests against the proposed increase in the assessment amount and tabulate any protests delivered to the City before the close of the public hearing. Per Article XXX D, Section 4 of the California Constitution, if the ballots submitted in opposition to the increased assessment exceed the ballots submitted in favor of the increased assessment, the assessment amount shall not be increased. If the increase in the assessment to maintain the current level of service for the existing landscape area is voted down, the current level of service may be reduced. In tabulating the protests, the protests shall be weighed according to the proportional financial obligation of each affected parcel of real property.

The Annual Engineer's Report identifies an increase in the annual assessment from the previous year and the reasons for the increase, including the imposition of a 4.6% Standard Annual CPI Increase (December 2022) in accordance with California Government Code section 53739(b)(1) for the following Districts:

93-02 Walnut Forest, No. 1, 2 and 3

01-02	Cambridge Homes (Tract 770), No. 1, 2 and 3
01-04	Silver Oaks, No. 1, 2, 3, 4 and 5
02-01	Ashton Park, No. 1, 2, 3 and 4
04-02	Cambridge Homes (Tract 799)/Majesty II (Tract 830)
04-03	Cambridge Homes (T 795/826)/Vineyards (T 825)
06-01	Quail Park Subdivision (Tract 794), No. 1 and 2
14-01	Independence (Tract 843), Unit No. 3
15-02	The Greens II (Tract 823)
16-01	Woodside Homes
19-01	Pacific Grove Addition II (Tract 916)
20-01	Enclave (Track 915)

The annual assessment amounts for each affected parcel identify a decrease or no change in the annual assessments from the previous fiscal year for the following Districts:

13.	90-01	Pinecastle Addition, Units 1, 2, 3 and 4
14.	90-02	Park Monterey, Unit No. 1 and 2
15.	90-03	Mansionette Estates, No. 7 and 8
16.	90-04	Hyde Park
17.	91-01	Sierra Vista
18.	92-01	Portofino Estates
19.	92-02	Cielo En Tierra, No. 1, 2, 3, 4 and 5
20.	93-01	Vintage Estates
21.	94-01	Gateway Estates
22.	94-02	Stonecrest, No. 1, 2, 3, 4, 5, 6, 7, 8 and 9
23.	94-03	Quail Run
24.	97-01	Rosewood Estates
25.	97-02	Summer Field
26.	97-03	Country Crossing, No. 1, 2, 3, 4 and 5
27.	98-01	Crystal Springs
28.	98-02	Mountain View Estates, No. 1, 2, 3, 4, 5 and 6
29.	01-01	Pacific Grove/N. Pointe, No 1, 2, 3, 4
30.	01-03	Poppy Hills No. 1 and 2
31.	03-01	Le Parc, No. 1, 2 and 3
32.	04-01	Sidonia Estates, (Tract 810), No. 1 and 2/ (Tract 814)
33.	04-04	Sierra Heights, No. 1 and 2
34.	05-01	Mission Park
35.	05-02	Copper Valley
36.	07-02	South Gate Addition (Tract 811), Greenbrier Gardens
37.	09-01	Victory Estates
38.	09-02	Independence (Tract 843), No. 1 and 2
39.	15-01	Silver Oaks Addition III (Tract 887/922)
40.	16-02	Mynderup, No. 1 and 2 (Tract 914)
41.	18-01	Bella Vista, No. 1, 2 and 3 (Tract 918/919)
42.	19-02	Pacific Grove Addition II (Tract 916)
43.	20-02	Woodside Homes (Track 928)

The Annual Engineer's Report also provides the following information as required by Article XIII D, Section 4 of the California Constitution:

1. Identifies all real property parcels with a special benefit conferred upon them and upon which the assessment will be imposed.
2. Determines the appropriate special benefit derived by each parcel of the real property in

relation to the entirety of the maintenance cost of public improvements.
3. Identifies the special benefit conferred on each parcel of real property.
4. Establishes that the assessment imposed on each parcel of real property does not exceed the reasonable cost of the proportionate special benefit conferred on that parcel of real property.

Fiscal Impact:
The total balance of levies across all landscape assessment districts is $944,323. The summary of the assessments is included in the Engineer's Report.

In accordance with Proposition 218 and over the entire general benefit, the City's general benefit contribution is $29,869. Unlike the enhanced aesthetic services funded through the District assessments, this baseline service would benefit the general public and the properties within and outside the specific Districts. The cost of providing this baseline service and a five percent (5%) cost factor for City overhead and administration is treated as the cost of general benefit from landscape maintenance services.

ATTACHMENTS:
1. RESOLUTION 23-28-R Intent to Levy
2. Hanford FY23-24 LLMD Consolidated ER (Signed Ver 07.05.23)

RESOLUTION NO. 23-28-R

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD APPROVING THE COLLECTION OF ASSESMENTS AS OUTLINED, PURSUANT TO SECTION 3 OF THE LANDSCAPE AND LIGHTING ACT OF 1972, AND APPROVE THE ASSESSMENT INCRASES AS PROPOSED.

At a regular meeting of the City Council of the City of Hanford duly called a Public Hearing held on August 1, 2023, at 7:00 p.m., it was moved by Council Member_____, seconded by Council Member, _____, and duly carried that the following resolution be adopted: WHEREAS, pursuant to the California Landscaping & Lighting Act of 1972 (″Act″), the City of Hanford has established the following landscape and lighting assessment districts within the City limits of the City of Hanford.

ASSESSMENT DISTRICTS

90-01 Pinecastle Addition, Unit No. 1, 2, 3 and 4 – (Located East of 10th Avenue and North of Fargo Avenue)
90-02 Park Monterey, Unit No. 1 and 2 – (Located West of Douty Street and North of Sherwood Drive)
90-03 Mansionette Estates, No. 7 and 8 – (Located West of Douty Street and North Encore Drive)
90-04 Hyde Park – (Located East of 12th Avenue and North of Hanford-Armona Road)
91-01 Sierra Vista (Tract 641)/New Dimensions (Tract 703/713), No. 1, 2, 3, 4, 5 and 6 – (Located West of 11th Avenue and South of Hanford-Armona Road)
92-01 Portofino, No. 1, 2, 3 and 4 – (Located East of Neill Way and South of Fargo Avenue)
92-02 Cielo En Tierra, No. 1, 2, 3, 4 and 5 – (Located West of 11th Avenue and South of Fargo Avenue)
93-01 Vintage Estates – (Located West of 12th Avenue and North of Grangeville Boulevard)
93-02 Walnut Forest, No. 1, 2 and 3 – (Located West of 11th Avenue and North of Hume Avenue)
94-01 Gateway Estates – (Located West of 10th Avenue and North of Encore Drive)
94-02 Stonecrest, No. 1, 2, 3, 4, 5, 6, 7, 8 and 9 – (Located West of 11th Avenue and North of Fargo Avenue)
94-03 Quail Run Estates, No. 1, 2, 3, 4 and 5 – (Located East of 11th Avenue and North of Pepper Drive)
97-01 Rosewood Estates, No. 1 and 2 – (Located East of 12th Avenue and South of Grangeville Boulevard)
97-02 Summer Field Addition, No. 2 – (Located West 91/4 Avenue and South of Florinda Street)
97-03 Country Crossing, No. 1, 2, 3, 4 and 5 – (Located West of Centennial Drive and North of Lacey Boulevard)
98-01 Crystal Springs, No. 1, 2 and 3 – (Located West of 91/4 Avenue and North of Grangeville Boulevard)

98-02 Mountain View Estates, No. 1, 2, 3, 4, 5 and 6 – (Located West of 11th Avenue and North of Houston Avenue)

01-01 Pacific Grove (Tract 680/777)/N. Pointe (Tract 778), No. 1, 2, 3 and 4 – (Located East of 12th Avenue and North of Grangeville Boulevard)

01-02 Cambridge Homes (Tract 770), No. 1, 2 and 3 – (Located West of 11th Avenue and North of Pepper Drive)

01-03 Poppy Hills, No. 1 and 2 – (Located West of 11th Avenue and North of Pepper Drive)

01-04 Silver Oaks, No. 1, 2, 3, 4 and 5 – (Located West of 12th Avenue and North of Grangeville Boulevard)

02-01 Ashton Park, No. 1, 2, 3 and 4 – (Located West of 12th Avenue and North of Lacey Boulevard)

03-01 La Parc, No. 1, 2 and 3 – (Located West of 11th Avenue and South of Fargo Avenue)

04-01 Sidonia Estates, No. 1 and 2 (Tract 810)/Sidonia Estates II (Tract 814) – (Located East of 12th Avenue and North of Hume Avenue)

04-02 Cambridge Homes (Tract 799)/Majesty II (Tract 830) – (Located East of 11th Avenue and South of Flint Avenue)

04-03 Cambridge Homes (Tract 795/826)/Vineyards (Tract 825), No. 1, 2, 3, 4, 5 and 6 – (Located East of 12th Avenue and South of Fargo Avenue)

04-04 Sierra Heights (Tract 802/803), No. 1 and 2 – (Located West of 9th Avenue and North of Fargo Avenue)

05-01 Mission Park – (Located West of Highway 43 and South of Flint Avenue)

05-02 Copper Valley – (Located West of 12th Avenue and South of Fargo Avenue)

06-01 Quail Park Subdivision – (Tract 794), No. 1 and 2, Located West of 11th Avenue and South of Flint Avenue)

07-02 South Gate Addition – (Tract 811)/Greenbrier Gardens (876)/ Live Oak North (902) - (Located West of 12th Avenue and South of Hanford-Armona Road)

09-01 Victory Estates – (Located West of University Avenue and North of Grangeville Boulevard)

09-02 Independence (Tract 843), No. 1 and 2 - (Located West of 12th Avenue and North of Greenfield Avenue)

14-01 Independence (Tract 843), No. 3 and 4 - (Located West of 12th Avenue and North of Merritt Street)

15-01 Silver Oaks Addition III (Tract 887/922), No. 1, 2, and 3 - (Located West of Centennial Drive and North of West Berkshire Lane)

15-02 The Greens II (Tract 823) - (Located West of 9 ¼ Avenue and North of Grangeville Boulevard)

16-01 Woodside Homes (Tract 917) – (Located West of Centennial Drive and South of Grangeville Blvd)

16-02 Myderup (Tract 914), No. 1 and 2 – (Located East of 12th Avenue and North of Hume Avenue)

18-01 Bella Vista (Tract 918/919), No. 1, 2, and 3 – (Located West of Centennial Drive and South of Fargo Avenue)

19-01 Pacific Grove Addition No. 2 (Tract 916) – (Located East of 12th Avenue and North of Bristol Lane)

19-02 Enclave (Track 915) – (Located South of Lacey Blvd. and West Centennial Ave.)

20-01 Woodside Homes (Track 928) – (Located North of Centennial Ave and South of 12th Ave.)

21-01 San Joaquin Valley Homes (Track 929) – (Located North of 13th Ave and West of Devon St.)

(collectively ″Districts″).

WHEREAS, pursuant to the Act, it is necessary that the City Council review an annual report (″Engineer's Report″), which sets forth a full and detailed description of the improvements and boundaries of each District and any zones therein and the proposed annual assessments to be levied upon assessable lots and parcels of land within each District;

WHEREAS, Willdan Financial Services, the appointed Assessment Engineer for the City of Hanford has prepared and filed with the City Clerk, an Engineer's Report for fiscal year 2023/2024 pursuant to Chapter 3 of the Act , which includes: (1) a full and detailed description of the improvements and boundaries of each District and any zones therein; (2) identifies the proposed annual assessments upon assessable lots and parcels of land within each District; (3) identifies all parcels of real property which will have a special benefit conferred upon them and upon which the assessment will be imposed; (4) determines the proportionate special benefit derived by each parcel of real property in relationship to the entirety of the cost of maintenance of the public improvements; (5) identifies the special benefit conferred on parcels of real property; and (6) establishes that the assessment imposed on each parcel of real property does not exceed the reasonable cost of the proportionate special benefit conferred on that parcel of real property.

WHEREAS, the Engineer's Report identifies an increase in the annual assessment from the previous year and the reasons for the increase, including the imposition of 4.6% Annual CPI Increase (December 2022) in accordance with California Government Code section 53739(b)(1) for the following Districts:

1.	93-02	Walnut Forest, No. 1, 2 and 3
2.	01-02	Cambridge Homes (Tract 770), No. 1, 2 and 3
3.	01-04	Silver Oaks, No. 1, 2, 3, 4 and 5
4.	02-01	Ashton Park, No. 1, 2, 3 and 4
5.	04-02	Cambridge Homes (Tract 799)/Majesty II (Tract 830)
6.	04-03	Cambridge Homes (T 795/826)/Vineyards (T 825)
7.	06-01	Quail Park Subdivision (Tract 794), No. 1 and 2
8.	14-01	Independence (Tract 843), Unit No. 3
9.	15-02	The Greens II (Tract 823)
10.	16-01	Woodside Homes
11.	19-01	Pacific Grove Addition II (Tract 916)
12.	20-01	Enclave (Track 915)

WHEREAS, the Report identifies a decrease or no change in the annual assessments from the previous fiscal year for the following Districts:

13.	90-01	Pinecastle Addition, Unit 1, 2, 3 and 4
14.	90-02	Park Monterey, Unit No. 1 and 2
15.	90-03	Mansionette Estates, No. 7 and 8
16.	90-04	Hyde Park
17.	91-01	Sierra Vista
18.	92-01	Portofino Estates
19.	92-02	Cielo En Tierra, No. 1, 2, 3, 4 and 5
20.	93-01	Vintage Estates
21.	94-01	Gateway Estates
22.	94-02	Stonecrest, No. 1, 2, 3, 4, 5, 6, 7, 8 and 9
23.	94-03	Quail Run
24.	97-01	Rosewood Estates
25.	97-02	Summer Field
26.	97-03	Country Crossing, No. 1, 2, 3, 4 and 5
27.	98-01	Crystal Springs
28.	98-02	Mountain View Estates, No. 1, 2, 3, 4, 5 and 6
29.	01-01	Pacific Grove/N. Pointe, No 1, 2, 3, 4
30.	01-03	Poppy Hills No. 1, and 2
31.	03-01	Le Parc, No. 1, 2 and 3
32.	04-01	Sidonia Estates, (Tract 810), No. 1 and 2/ (Tract 814)
33.	04-04	Sierra Heights, No. 1 and 2
34.	05-01	Mission Park
35.	05-02	Copper Valley
36.	07-02	South Gate Addition (Tract 811), Greenbrier Gardens
37.	09-01	Victory Estates
38.	09-02	Independence (Tract 843), No. 1 and 2
39.	15-01	Silver Oaks Addition III (Tract 887/922)
40.	16-02	Mynderup, No. 1 and 2 (Tract 914)
41.	18-01	Bella Vista, No. 1, 2 and 3 (Tract 918/919)
42.	19-02	Pacific Grove Addition II (Tract 916)
43.	20-02	Woodside Homes (Track 928)

WHEREAS, the existing improvements within each District include decorative block fencing, landscaping and irrigation systems;

WHEREAS, interested parties should refer to the Engineer's Report, a copy of which is on file with the City Clerk for the City of Hanford, for a full and detailed description of the improvements, the boundaries of the assessment districts and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the districts;

WHEREAS, there are no substantial changes proposed to the existing improvements in any District; and

WHEREAS, Streets and Highways Code Section 22624(e) requires the City Council of the City of Hanford to give notice of the time and place for hearing by the City's legislative body on the levy of the proposed assessments.

NOW, THEREFORE, BE IT RESOLVED

That the City Council of the City of Hanford declares its intention to levy and collect assessments for fiscal year 2023/2024 within each respective District and each lot thereof, as set forth in the Engineer's Report for fiscal year 2023/2024.

RESOLVED FURTHER, that the City Council of the City held a public hearing on the levying of the assessments set forth in the Engineer's Report, which public hearing shall occur on August 1, 2023, at the hour of 7:00 p.m., in the City Council Chambers of the Civic Auditorium in Hanford, California. At such public hearing, affected property owners will be afforded an opportunity to give oral testimony and submit written comments regarding the proposed assessments.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Council of the City of Hanford at a meeting thereof held on August 1, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

_____
TRAVIS PADEN
MAYOR of the City of Hanford

Attest:

_____
NATALIE CORRAL
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, Natalie Corral, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the _____day of _____, 20___.

Date: _____

_____
City Clerk

City of Hanford

Fiscal Year 2023/2024
Consolidated Engineer's Report
Landscaping and Lighting Assessment Districts

Incorporating Forty-three District Numbers:
90-01, 90-02, 90-03, 90-04, 91-01, 92-01, 92-02, 93-01, 93-02, 94-01, 94-02, 94-03, 97-01, 97-02, 97-03, 98-01, 98-02, 01-01, 01-02, 01-03, 01-04, 02-01, 03-01, 04-01, 04-02, 04-03, 04-04, 05-01, 05-02, 06-01, 07-02, 09-01, 09-02, 14-01, 15-01, 15-02, 16-01, 16-02, 18-01, 19-01, 19-02, 20-01, and 21-01

Intent Meeting: July 18, 2023

Public Hearing: August 1, 2023

CITY OF HANFORD
400 N. DOUTY ST.
HANFORD, CA 93230

JUNE 2023
PREPARED BY
WILLDAN FINANCIAL SERVICES

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ENGINEER'S REPORT AFFIDAVIT

City of Hanford
Landscaping and Lighting Assessment Districts
Fiscal Year 2023/2024

City of Hanford,
Kings County, State of California

This Report and the enclosed descriptions, budgets and diagram outline the proposed improvements and assessments for the forty-three Landscaping and Lighting Assessment Districts in the City of Hanford for fiscal year 2023/2024, which includes each lot, parcel, and subdivision of land within District Nos. 90-01, 90-02, 90-03, 90-04, 91-01, 92-01, 92-02, 93-01, 93-02, 94-01, 94-02, 94-03, 97-01, 97-02, 97-03, 98-01, 98-02, 01-01, 01-02, 01-03, 01-04, 02-01, 03-01, 04-01, 04-02, 04-03, 04-04, 05-01, 05-02, 06-01, 07-02, 09-01, 09-02, 14-01, 15-01, 15-02, 16-01, 16-02, 18-01, 19-01, 19-02, 20-01, and 21-01, as the same existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Kings County Assessor's maps for a detailed description of the lines and dimensions of parcels within the Districts. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this 15th day of June, 2023.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Hanford

By: _____
Jim McGuire
Principal Consultant, Project Manager

By: _____
Tyrone Peter
PE # C 81888

REGISTERED PROFESSIONAL ENGINEER
TYRONE PETER
NO. 81888
CIVIL ENGINEER
STATE OF CALIFORNIA

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Introduction

The City of Hanford ("City"), under the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("1972 Act") and in compliance with the substantive and procedural requirements of the California State Constitution, Article XIII D ("California Constitution") annually levies and collects special assessments for the City's Landscaping and Lighting Assessment Districts designated and referred to as:

District No.	Subdivision Name	District No.	Subdivision Name
90-01	Pinecastle Addition Units 1 - 4	**90-02**	Park Monterey Units 1 & 2
90-03	Mansionette Units 7 & 8	**90-04**	Hyde Park
91-01	Sierra Vista & New Dimensions Units 1 - 5	**92-01**	Portofino Unit Units 1 - 4
92-02	Cielo En Tierra Units 1 - 5	**93-01**	Vintage Estates
93-02	Walnut Forest Units 1 - 3	**94-01**	Gateway Estates
94-02	Stonecrest Units 1 - 9	**94-03**	Quail Run Estates Units 1 - 5
97-01	Rosewood Estates Units 1 & 2	**97-02**	Summer Field Addition #2
97-03	Country Crossing Units 1 - 5	**98-01**	Crystal Springs Units 1 - 3
98-02	Mountain View Estates Units 1 - 6	**01-01**	Pacific Grove Units 1 - 3 and N. Pointe Units 1 - 4
01-02	Cambridge Homes Units 1 - 3	**01-03**	Poppy Hills Units 1 & 2
01-04	Silver Oaks Units 1 - 5	**02-01**	Ashton Park Units 1 - 4
03-01	Le Parc Units 1 - 3	**04-01**	Sidonia Units 1 & 2 and Sidonia Estates II
04-02	Cambridge Homes/Majesty II, #2	**04-03**	Cambridge Homes -Majesty II - #2, Cambridge Homes Units 1 - 6, Cambridge Homes- Vineyards Units 1 - 4
04-04	Sierra Heights Units 1 & 2	**05-01**	Mission Park
05-02	Copper Valley	**06-01**	Quail Park Subdivision
07-02	South Gate Addition, Greenbrier Gardens, & Live Oak North	**09-01**	Victory Estates
09-02	Independence Units 1 & 2	**14-01**	Independence Units 3 & 4
15-01	Silver Oaks Addition III Units 1 and 2, Lennar Homes Units 1 and 2, and Lennar Homes	**15-02**	The Greens II
16-01	Woodside Homes	**16-02**	Mynderup Units 1 & 2
18-01	Bella Vista Units 1 - 4	**19-01**	Pacific Grove Addition II
19-02	The Enclave	**20-01**	Woodside Homes
21-01	San Joaquin Valley Homes		

(hereafter referred to collectively as "LLMD" and individually as "Districts") that fund, in whole or in part, the maintenance and operation of local landscaping or landscaping and lighting improvements that provide special benefits to properties within those individual Districts.

Report Content and Annual Proceedings

This Consolidated Engineer's Report (the "Report") has been prepared pursuant to Chapter 1, Article 4 and Chapter 3 of the 1972 Act, and presented to the City Council for their consideration and approval of the proposed improvements and services to be provided within the Districts and the levy and collection of annual assessments related thereto for fiscal year 2023/2024. This Report generally describes the improvements, and proposed assessments to be levied in connection with the special benefits the properties will receive from the maintenance and servicing of the improvements within each of the designated Districts for fiscal year 2023/2024. The annual assessments to be levied on properties within these Districts provide a source of funding to fund in whole or in part, the continued operation and maintenance of the landscaping improvements or landscaping and lighting improvements and services to be provided by the City through the Districts that provide special benefits to the properties within each of those Districts and respective developments.

Each fiscal year, the City establishes the District's assessments based on an estimate of the costs to maintain, operate and service the authorized District improvements and based upon available revenues including assessment revenues, fund balances, general benefit contributions and any additional City contributions from available sources. The costs of the improvements and the proposed annual assessments budgeted and assessed against properties within the District may include, but are not limited to the estimated expenditures for regular annual maintenance and repairs; incidental expenditures related to the operation and administration of the District; deficits or surpluses from prior years (fund balance); revenues from other sources; and the collection of funds for operational reserves and/or periodic repairs, replacements and rehabilitation projects as authorized by the 1972 Act. The net annual cost to provide the improvements for each District are allocated to the benefiting properties within each District respectively based on an established method of apportionment (refer to Assessment Methodology in Section II, Method of Apportionment) that calculates the proportional special benefit and assessment for each parcel within those Districts. Thus, each parcel is assessed proportionately for only those improvements, services, and expenses for which the parcel receives special benefit.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number ("APN") by the Kings County Assessor's Office. The Kings County Auditor/Controller uses APNs and specific Fund Numbers to identify properties to be assessed on the tax roll for the District assessments.

At a noticed annual Public Hearing, the City Council will accept all public comments and written protests regarding the Districts and the annual levy of assessments. Based on those public comments and written protests, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments, the City Council will by Resolution, order the improvements to be made and confirm the levy and collection of assessments for fiscal year 2023/2024 pursuant to the 1972 Act. The assessment for each parcel as approved will be placed on the fiscal year 2023/2024 property tax roll by the Kings County Auditor/Controller and collected together and in the same manner as other property taxes for such parcels.

As required by the 1972 Act, this Engineer's Report describes the improvements to be provided, maintained, and serviced by the Districts, an estimated budget for the improvements for each District, and the proposed assessments to be levied upon each assessable lot or parcel within those Districts for fiscal year 2023/2024.

This Report consists of five (5) parts:

Part I

Plans and Specifications: This section contains a general description of the Districts, and the improvements and services that provide special benefits to the parcels within those Districts. The improvements and appurtenant facilities that provide special benefits to the properties within the Districts and for which parcels are assessed may include, but not limited to local landscaping, neighborhood parks, basins, street lights, and related amenities as well as associated incidental expenses (City Administration expenses and County Fees), and fund balances authorized by the 1972 Act. The plans and specifications contained in this Report generally describe the nature and extent of the improvements. More detailed information regarding the specific plans and specifications associated with the improvements in each District may be on file in the Public Works Department and by reference are made part of this Report.

Part II

Method of Apportionment: This section includes a discussion of the general and special benefits associated with the improvements to be provided within the Districts (Benefit Analysis), which includes a discussion of the proportional costs of the special benefits and a separation of costs considered to be of general benefit (and therefore not assessed). This section of the Report also outlines the basis upon which the estimated costs to provide such improvements are apportioned to each parcel of land within the Districts in proportion to the special benefits to be received. (the method of calculating each property's proportional special benefit assessment). This method of apportionment is consistent with the previously approved and adopted method of apportionment for each District.

Part III

Estimate of Costs: Identifies the estimated annual funding costs (budgets) required for the maintenance and operation of the improvements in each of the Districts, including, but not limited to, annual maintenance and service expenses, utility costs, related incidental expenses, and fund balances authorized by the 1972 Act and deemed appropriate to support the improvements, even though not all costs identified in these budgets are necessarily supported fully by the current assessment revenues. Those improvements and/or costs determined to be of general benefit shall be funded by a City contribution. In addition to the general benefit costs, the City may provide additional funding to support the maintenance and operation of the improvements considered to be of special benefit. Ultimately, City staff shall make the determination of which improvements, and the extent of the services and activities that shall be provided based on available revenues.

This section also identifies and outlines an Assessment Range Formula (inflationary adjust) that has been previously approved and adopted for specified Districts (most but not all Districts), which provides for an annual adjustment to the maximum assessment rates, which establishes limits on future assessments, but also provides for reasonable cost adjustments due to inflation.

Part IV

District/ Diagrams: This section of the Report contains a diagram showing the general location and boundaries of the Districts for fiscal year 2023/2024 which incorporate the parcels determined to receive special benefits from the improvements in each District. The lines and dimensions of each lot, parcel, and subdivision of land contained in the diagram for each District is inclusive of the parcels listed in "Part V - Assessment Roll" of this Report and the corresponding County Assessor's parcel maps for said parcels as they existed at the time this Report was prepared and shall incorporate all subsequent subdivisions, lot-line adjustments, or parcel changes therein. Reference is hereby made to the Kings County Assessor's maps for a detailed description of the lines and dimensions of each lot and parcel of land within the Districts.

Part V

Assessment Roll: The assessment amounts to be levied and collected in fiscal year 2023/2024 for each parcel is provided in the Assessment Roll, and these assessments are based on the parcel's calculated proportional special benefit as outlined in Part II - Method of Apportionment and the annual assessment rates established by the estimated budgets (refer to Part III Estimate of Costs).

If any section, subsection, sentence, clause, phrase, portion, zone, or subzone of this Engineer's Report is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Engineer's Report and each section, subsection, subdivision, sentence, clause, phrase, portion, zone, or subzone thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions, zones, or subzones might subsequently be declared invalid or unconstitutional.

Part I - Plans and Specifications

The purpose of the Districts (collectively the LLMD) is to provide in part through annual assessments, funding for the ongoing installation, maintenance, operation, and servicing of local landscaping, neighborhood parks, and related appurtenant facilities and services in specified areas of the City as well as local street lighting within some Districts. The territory within each District consists of all lots or parcels of land that receive special benefits from the installation, maintenance, operation and servicing of the local public improvements and related amenities associated with the developments and Tracts within each of those Districts.

Description of Improvements

As authorized by the 1972 Act, the improvements provided by the Districts and associated with each development incorporate various local improvements and/or street lighting and related amenities installed in connection with the development of those properties and are maintained and serviced for the benefit of real property within those developments. Improvements provided within the Districts may include but are not limited to:

- Landscaping and related facilities and amenities located within designated street medians, parkway and streetscape side-panels, and entryways within the public right of ways or easements adjacent to public right of ways; and within public places including greenbelt areas, open spaces, and neighborhood parks within each respective District. These improvements may include, but are not limited to:
  - various landscape materials such as trees, turf, shrubs, vines, ground cover, annual or perineal plantings;
  - irrigation and drainage systems including but not limited to pipes, fixtures, controllers, and water and electrical meters;
  - specified amenities such as monuments, ornamental lighting, block walls, retaining walls, or other fencing;
  - hardscape surfaces and areas including decomposed granite, mulch, asphalt, stamped concrete, pavers, and other trail and/or path surfaces; and
  - recreational amenities within the parks, parks/basins, trails, or greenbelts that may include benches, play structures, picnic or other recreational facilities, signage, and related appurtenances.

  The maintenance of these improvements may include, but is not limited to the scheduled mowing, trimming, pruning, fertilization, pest control, weed and graffiti abatement; installation, replacement, and rehabilitation of the landscaping; repair or replacement of irrigation or drainage systems; and repair or replacement of hardscape improvements and recreational amenities.
- Street lighting improvements located in the public right of ways within and on the perimeter of the developments associated with specific Districts and the parcels and developments therein. Street lighting improvements include energy costs and maintenance of the lighting facilities including, but not limited to the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures, and related equipment and materials.

The work to be performed within each respective District may include but is not limited to (as applicable), the personnel, materials, equipment, electricity, water, contract services, repair and rehabilitation of the improvements, and incidental expenses. The City Public Works Department shall authorize and schedule such maintenance and servicing as needed and based on available funding.

Specific District Improvements and Services

As previously noted, there are forty-three (43) designated Districts within the City for which assessments are proposed to be levied and collected to maintain, operate and service the proposed improvements for fiscal year 2023/2024. The boundaries of each District are established on the basis of the location, extent and types of improvements being maintained and the proximity and direct benefit those specific improvement provide to the immediately surrounding developments, planned developments, and parcels, as well as the nexus and observation that the developments and/or planned development of the properties within the each District clearly required or otherwise facilitated the installation of the improvements to be maintained and that such improvements (both landscaping and lighting) would otherwise not be necessary if not for the development of those properties. Therefore, the benefits to the immediately surrounding properties and developments for which the improvements were constructed and installed and/or were facilitated by the development or potential development of properties within each respective District are clearly particular and distinct (special benefits).

Landscape Service Levels

As part of the ongoing maintenance and servicing of the landscape improvements associated with each District, the City has established various maintenance frequency referred to as Service Levels. These Service Levels provide general guidelines for how often the landscape improvement areas are serviced based on overall maintenance needs and/or available assessment funding. For most Districts, the various landscape improvements or improvement areas within a District are maintained at the same level of service, but in some Districts two or more Service Levels may be applicable based on the nature and/or location of the improvements. At present, the City has established five Service Levels summarized as follows:

- **Service Level A –** Landscape improvements are serviced every week;
- **Service Level B –** Landscape improvements are serviced every week (March through October) and every two weeks (November through February);
- **Service Level C –** Landscape improvements are serviced every two weeks;
- **Service Level D –** Landscape improvements are serviced every two weeks (March through October) and every four weeks (November through February); and
- **Service Level E –** Landscape improvements are serviced once every month.

Currently all improvements in the District are maintained at Service Levels A, B, C or D.

District Improvements

The following is a brief summary and description of the improvements to be maintained within each District for fiscal year 2023/2024.

District 90-01: Pinecastle Addition Units 1 through 4

The parcels assessed in this District (totaling 352 lots) include, but are not limited to Tracts 606, 606-2, 606-3, and 606-4. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 67,750 square feet of designated landscape improvement area. These improvements are maintained at Service Level A, including the 11,532 square feet associated with the park/basin area.

District 90-02: Park Monterey Units 1 and 2

The parcels assessed in this District (totaling 53 lots) include but are not limited to Tracts 610 and 657. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 8,625 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 90-03: Mansionette Units 7 and 8

The parcels assessed in this District (totaling 84 lots) include but are not limited to Tracts 596 and 596-2. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 16,425 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 90-04: Hyde Park

The parcels assessed in this District (totaling 14 lots) include but are not limited to Tract 619. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 1,425 square feet of designated landscape improvement area. These improvements are maintained at Service Level B.

District 91-01: Sierra Vista and New Dimensions Units 1 through 5

The parcels assessed in this District (totaling 285 lots) include, but are not limited to Tracts 641, 703, 703-2, 713-3, 713-4, and 713-5. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 12,974 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 92-01: Portofino Unit Units 1 through 4

The parcels assessed in this District (totaling 78 lots) include, but are not limited to Tracts 607, 607-2, 607-3, and 607-4. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 19,167 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 92-02: Cielo En Tierra Units 1 through 5

The parcels assessed in this District (totaling 98 lots) include, but are not limited to Tracts 652, 652-2, 652-3, 652-4, and 652-5. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 11,735 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 93-01: Vintage Estates

The parcels assessed in this District (totaling 29 lots) include but are not limited to Tract 634. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 10,346 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the six (6) street lights identified within the District boundaries.

District 93-02: Walnut Forest Units 1 through 3

The parcels assessed in this District (totaling 169 lots) include, but are not limited to Tracts 673, 673-2, and 673-3. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 15,637 square feet of designated landscape improvement area. These improvements are maintained at Service Level A, including the 3,537 square feet associated with slough frontage.

District 94-01: Gateway Estates

The parcels assessed in this District (totaling 114 lots) include but are not limited to Tract 712. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 8,185 square feet of designated landscape improvement area. These improvements are maintained at Service Level D, including the 5,460 square feet associated with the basin area.

District 94-02: Stonecrest Units 1 through 9

The parcels assessed in this District (totaling 654 lots) include, but are not limited to Tracts 708, 708-2, 727-3, 727-4, 727-5, 727-6, 727-7, 727-8, and 727-9. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 173,903 square feet of designated landscape improvement area. These improvements are maintained at Service Level D for the 51,578 square feet of railroad frontage, Service Level B for the 14,765 square feet of the landscape area, and Service Level A for the remaining 122,325 square feet of landscaping including the 54,450 square feet of basin area.

District 94-03: Quail Run Estates Units 1 through 5

The parcels assessed in this District (totaling 272 lots) include, but are not limited to Tracts 696, 696-2, 696-3, 696-4, and 696-5. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 111,188 square feet of designated landscape improvement area. These improvements are maintained at Service Level B.

District 97-01: Rosewood Estates Units 1 and 2

The parcels assessed in this District (totaling 44 lots) include but are not limited to Tracts 711 and 711-2. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 6,300 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 97-02: Summer Field Addition #2

The parcels assessed in this District (totaling 30 lots) include but are not limited to Tract 742. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 4,650 square feet of designated landscape improvement area. These improvements are maintained at Service Level D.

District 97-03: Country Crossing Units 1 through 5

The parcels assessed in this District (totaling 251 lots) include, but are not limited to Tracts 743, 743-2, 743-3, 772-4, and 772-5. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 46,415 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 98-01: Crystal Springs Units 1 through 3

The parcels assessed in this District (totaling 126 lots) include, but are not limited to Tracts 747, 747-2, and 747-3. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 14,435 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 98-02: Mountain View Estates Units 1 through 6

The parcels assessed in this District (totaling 162 lots) include, but are not limited to Tracts 759, 759-2, 759-3, 759-4, 759-5, and 759-6. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 30,991 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 01-01: Pacific Grove Units 1 through 3 and N. Pointe Units 1 through 4

The parcels assessed in this District (totaling 148 lots) include, but are not limited to Tracts 680, 777-2, 778-3, and 778-4. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 12,152 square feet of designated landscape improvement area. These improvements are maintained at Service Level A including the 3,530 square feet associated with the basin area.

District 01-02: Cambridge Homes Units 1 through 3

The parcels assessed in this District (totaling 198 lots) include, but are not limited to Tracts 770, 770-2, and 770-3. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 35,222 square feet of designated landscape improvement area. These improvements are maintained at Service Level D for the 22,790 square feet of railroad frontage and Service Level A for the remaining 12,432 square feet of landscaping.

District 01-03: Poppy Hills Units 1 and 2

The parcels assessed in this District (totaling 86 lots) include but are not limited to Tracts 771 and 796-2. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 11,782 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 01-04: Silver Oaks Units 1 through 5

The parcels assessed in this District (totaling 489 lots) include, but are not limited to Tracts 769, 769-2, 769-3, 769-4, and 769-5. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 95,556 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 02-01: Ashton Park Units 1 through 4

The parcels assessed in this District (totaling 182 lots) include, but are not limited to Tracts 776, 776-2, 776-3, and 776-4. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 63,922 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 03-01: Le Parc Units 1 through 3

The parcels assessed in this District (totaling 128 lots) include, but are not limited to Tracts 788, 788-2, and 788-3. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 30,628 square feet of designated landscape improvement area. These improvements are maintained at Service Level A including the 21,858 square feet associated with the railroad frontage.

District 04-01: Sidonia Units 1 and 2 and Sidonia Estates II

The parcels assessed in this District (totaling 233 lots) include but are not limited to Tracts 810 and 810-2. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 21,533 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 04-02: Cambridge Homes and Cambridge Homes/Majesty II, #2

The parcels assessed in this District (totaling 75 lots) include but are not limited to Tracts 799 and 830. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 63,824 square feet of designated landscape improvement area. These improvements are maintained at Service Level A including the 8,440 square feet associated with the basin area. The assessments for this District also fund in whole or in part, the eleven (11) street lights identified within the District boundaries.

District 04-03: Cambridge Homes, Cambridge Homes - Majesty II - #2, Cambridge Homes Units 1 through 6, Cambridge Homes - Vineyards Units 1 through 4

The parcels assessed in this District (totaling 424 lots) include, but are not limited to Tracts 795, 795-2, 799, 825-3, 826-4, 826-5, and 830. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 167,767 square feet of designated landscape improvement area. These improvements are maintained at Service Level A including the 19,929 square feet associated with the railroad frontage and the 77,548 square feet associated with the park area. The assessments for this District also fund in whole or in part, the sixty-three (63) street lights identified within the District boundaries.

District 04-04: Sierra Heights Units 1 & 2

The parcels assessed in this District (totaling 16 lots) include but are not limited to Tracts 802 and 803. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 15,237 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 05-01: Mission Park

The parcels assessed in this District (totaling 40 lots) include but are not limited to Tract 812. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 4,930 square feet of designated landscape improvement area. These improvements are maintained at Service Level A including the 2,537 square feet associated with the basin area.

District 05-02: Copper Valley

The parcels assessed in this District (totaling 150 lots) include but are not limited to Tract 835. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 44,126 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 06-01: Quail Park Subdivision #2

The parcels assessed in this District (totaling 144 lots) include but are not limited to Tract 794. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 148,501 square feet of designated landscape improvement area. These improvements are maintained at Service Level B for the park area (95,551 square feet) and Service Level D for the 52,950 square feet of railroad frontage. The assessments for this District also fund, in whole or in part, the twenty-four (24)street lights identified within the District boundaries.

District 07-02: South Gate Addition, Greenbrier Gardens, and Live Oak North

The parcels assessed in this District (totaling 129 lots) include, but are not limited to Tracts 811, 876, and 902. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 29,440 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund in whole or in part, the thirteen (13) street lights identified within the District boundaries.

District 09-01: Victory Estates

The parcels assessed in this District (totaling 14 lots) include but are not limited to Tract 877. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 7,077 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the two (2) street lights identified within the District boundaries.

District 09-02: Independence Units 1 and 2

The parcels assessed in this District (totaling 121 lots) include but are not limited to Tract 843. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 56,252 square feet of designated landscape improvement area. These improvements are maintained at Service Level B including the 20,558 square feet of park area. The assessments for this District also fund, in whole or in part, the eighteen (18) street lights identified within the District boundaries.

District 14-01: Independence Units 3 and 4

The parcels assessed in this District (totaling 175 lots) include but are not limited to Tract 843. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 76,555 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the twenty-nine (29) street lights identified within the District boundaries.

District 15-01: Silver Oaks Addition III Units 1 and 2, Lennar Homes Units 1 and 2, and Lennar Homes

The parcels assessed in this District (totaling 468 lots) include, but are not limited to Tracts 887, 887-2, 922, and 927. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 412,396 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund in whole or in part, the ninety-four (94) street lights identified within the District boundaries.

District 15-02: The Greens II

The parcels assessed in this District (totaling 34 lots) include but are not limited to Tract 823. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 16,416 square feet of designated landscape improvement area. These improvements are maintained at Service Level B. The assessments for this District also fund, in whole or in part, the eight (8) street lights identified within the District boundaries.

District 16-01: Woodside Homes

The parcels assessed in this District (totaling 60 lots) include but are not limited to Tract 917. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 25,206 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the nineteen (19) street lights identified within the District boundaries.

District 16-02: Mynderup Units 1 and 2

The parcels assessed in this District (totaling 113 lots) include but are not limited to Tracts 914 and 914-2. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 31,363 square feet of designated landscape improvement area. These improvements are maintained at Service Level C. The assessments for this District also fund in whole or in part, the sixteen (16) street lights identified within the District boundaries.

District 18-01: Bella Vista Units 1 through 4

The parcels assessed in this District (totaling 267 lots) include but are not limited to Tracts 918 and 919. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 185,001 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund in whole or in part, the fifty-four (54) street lights identified within the District boundaries.

District 19-01: Pacific Grove Addition II

The parcels assessed in this District (totaling 22 lots) include but are not limited to Tract 916. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 13,128 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the eight (8) street lights identified within the District boundaries.

District 19-02: The Enclave

The parcels assessed in this District (totaling 26 lots) include but are not limited to Tract 915. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 16,466 square feet of designated landscape improvement area. These improvements are maintained at Service Level A.

District 20-01: Woodside Homes

The parcels assessed in this District (totaling 81 lots) include but are not limited to Tract 928. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 143,413 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the twenty-four (24) street lights identified within the District boundaries.

District 21-01: San Joaquin Valley Homes

The parcels assessed in this District (totaling 52 lots) include but are not limited to Tract 929. The properties within this District proportionately share and receive special benefit from the maintenance, servicing, and operation of an estimated 134,540 square feet of designated landscape improvement area. These improvements are maintained at Service Level A. The assessments for this District also fund, in whole or in part, the twenty-three (23) street lights identified within the District boundaries.

Part II - Method of Apportionment

Legislative Requirements for Assessments

The estimated costs to provide the proposed improvements for fiscal year 2023/2024 have been identified and allocated to properties within the Districts based on special benefit, consistent with the requirements of the 1972 Act and the assessment provisions of Proposition 218 (being contained in Article XIII D of the California Constitution). The improvements provided by these Districts and for which properties are assessed include local parks, basins, landscaping, and lighting improvements, as well as related amenities. The formulas used for calculating assessments within the designated Districts herein reflect the composition of parcels and the improvements and services to be provided and fairly apportion the cost of providing those improvements based on a determination of the proportional special benefits to each parcel.

Provisions of the 1972 Act

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, including the acquisition, construction, installation and servicing of landscape improvements and related facilities. The 1972 Act requires that the cost of these improvements be levied according to benefit rather than assessed value:

Section 22573 defines the net amount to be assessed as follows:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Provisions of the California Constitution

In addition to the provisions of the 1972 Act, the Article XIII D of the California Constitution outlines specific requirements regarding assessments including the following:

Article XIII D Section 2d defines District as follows:

"District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service";

Article XIII D Section 2i defines Special Benefit as follows:

"Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

Article XIII D Section 4a defines proportional special benefit assessments as follows:

"An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Benefit Analysis

Special Benefits

Landscaping Special Benefit

The ongoing maintenance of landscaped areas within the various Districts addressed in this Report, provide aesthetic benefits to the properties and a more pleasant environment to walk, drive, live, and/or work. The primary function of these landscape improvements and related amenities is to serve as an aesthetically pleasing enhancement and green space for the benefit of the immediately surrounding properties and developments for which the improvements were constructed and installed and/or were facilitated by the development or potential development of properties within each respective District. These landscape improvements are an integral part of the physical environment associated with the parcels in each District and while some of the improvements may in part be visible to properties outside the District, collectively if the District improvements are not properly maintained, it is the parcels within the District that would be aesthetically burdened. Additionally, the many of the landscaped areas being maintained in these Districts serve as both a physical buffer as well as a sound reduction buffer between the roadways and/or railroad and the properties within the District and also serve as a pleasant aesthetic amenity that enhances the approach to the parcels. In some Districts, the landscaped areas may include green space areas (neighborhood parks, park/basins, greenbelts, open space and/or trails) that may provide a physical buffer between properties, overall open space within a development, and/or recreational areas that serve as an extension of the physical attributes of the parcels being assessed. Thus, the maintenance of these landscape improvements and the related amenities provide particular and distinct benefits to the properties and developments associated with those improvements within each District.

Street Lighting Special Benefit

The street lighting (localized street lighting) is primarily useful for illuminating the sidewalks and parking lanes on the streets used specifically to access the properties and/or is adjacent to those properties that comprise each particular District. This lighting is distinct from lights that may be installed that serve in large part to enhance traffic safety, such as traffic signals and intersection safety lights or the more sporadic lighting found on major thoroughfares outside the more concentrated development areas. These localized street lights tend to be more closely spaced and of a lower intensity than street lights installed primarily for traffic safety. These low-level, lower-intensity street lights within a designated District provide three main special benefits: (i) property security benefit, (ii) pedestrian safety benefit, and (iii) parkway/roadway egress benefit. Because traffic to and from these parcels is largely limited to the residents and residents' guests, it is reasonable to assume that essentially all pedestrians and parking vehicles in the lit areas will, after dark, be directly associated with the properties in that District and that the vehicular traffic on those streets is primarily for accessing the properties within that area. Therefore, street lighting on such streets is entirely a special benefit to those properties.

In addition, the street lights for which properties within the Districts may be assessed, are consistent with the City's typical intensity and spacing standards for areas zoned for residential development and each parcel to be assessed is served directly by the system of street lights providing appropriate lighting within these respective development areas. Furthermore, the cost of maintaining and operating each light is substantially the same, regardless of its location within the District. Consequently, we conclude that each parcel to be assessed for street lighting receives substantially similar benefit from the street light improvements and the only notable distinctions in proportional special benefit to each parcel is related to the specific quantity of lights associated with each District.

General Benefit

Landscaping General Benefit

In reviewing the location and extent of the specific landscaped areas and improvements to be funded by each District's assessments and the proximity and relationship to properties to be assessed in each District, it is evident these improvements were primarily installed in connection with the development of properties therein or are improvements that would otherwise be shared by and required for development of properties in each respective District. It is also evident that the maintenance of these improvements and the level of maintenance provided has a direct and particular impact (special benefit) only on those properties in proximity to those improvements. Furthermore, such maintenance beyond that which is required to ensure the safety and protection of the general public and property in general, has no quantifiable benefit to the public at large or properties outside each respective District.

In the absence of a special funding District, the City would typically provide only limited (as needed) tree management, weed abatement, rodent control, and erosion control services for the landscape areas currently maintained within each District. This baseline level of service would typically provide for periodic servicing of the improvement areas on an as-needed basis, but typically not more than twice annually. This baseline level of service provides for public safety and essential property protection to avoid negative impacts on adjacent roadways and vehicles traveling on those roadways and potential property damage resulting from erosion or fire hazards but results in a far less visually pleasing environment than is created with the enhanced levels of services associated with the regular landscape maintenance provided in the various Districts. For most agencies, the cost to provide this baseline level of service for mostly flat or moderately-sloped street landscaped areas (landscaping within the street right-of way) is less than $560 per acre (approximately $0.01285 per square foot) including medians, parkway and streetscape side panels; less than $448 per acre (approximately $0.01028 per square foot) for non-street public areas such as parks, park/basins, greenbelts, and trail areas; and less than $224 per acre (approximately $0.00514 per square foot) for natural open space areas or other limited access areas such as enclosed basin areas. This baseline servicing, unlike the enhanced aesthetic services funded through the District assessments, would provide benefits to the general public and to the properties both within and outside of the specific Districts. The cost of providing this baseline service along with a five percent (5%) cost factor for City overhead and administration is treated as the cost of general benefit from landscape maintenance services. Therefore, for mostly flat or moderately-sloped street landscaped areas a rate of $0.01349 per square foot ($0.01285 +5%) is applied to calculate the general benefit costs for the assessed improvements; for non-street public areas a rate of $0.01079 per square foot ($0.01028 +5%) is applied to calculate the general benefit costs for the assessed improvements; and for non-street public areas a rate of $0.00540 per square foot ($0.00514 +5%) is applied to calculate the general benefit costs for the assessed improvements. Collectively these baseline general benefit costs are funded by the City and excluded from the potential assessment funding and are shown in the District budgets (Part III of this Report) as "General Benefit."

Street Lighting General Benefit

For fiscal year 2023/2024, not all Districts are assessed for street light improvements. While potentially, some street lights associated with a given District, may be located at the entryway or on the perimeter of the development(s) within the District and may arguably provide some illumination that extends beyond the boundaries of the developments and parcels being assessed, and may indirectly enhance the safety of members of the public unassociated with the assessed parcels (illuminating traffic lanes and/or parking on those perimeter streets), such benefits are considered an indirect consequence of the special benefits to properties within the Districts. Furthermore, if the properties within the Districts were not developed, any street lights that may be located at the entryways or on the perimeter of the developments would not have been installed. Clearly these street lights exist solely because of the development of assessed parcels, and the primary purpose of these lights is to provide illumination to access the assessed parcels, Therefore we conclude that the cost of providing the street lights within the existing Districts are entirely a special benefit to the properties being assessed in each District and there is no quantifiable general benefit to properties outside the Districts or the public at large.

Assessment Methodology

To assess benefits equitably it is necessary to calculate each property's proportionate special benefits conferred by the funded improvements and service. The Equivalent Benefit Unit (EBU) method of assessment apportionment is commonly utilized for assessment districts formed under the 1972 Act, as the benefit to each parcel from the improvements may be apportioned as a function of comparable property characteristics which utilizes a basic unit (base value) of benefit and then calculates the benefit derived by each assessed parcel either at that base unit or as a multiple (or a fraction) of that basic unit. In accordance with the provisions of the California Constitution and the 1972 Act, the proportionate special benefit derived by each identified parcel within the various Districts shall be determined in relationship to the entirety of the cost to maintain, operate and service the improvements within each District. Consistent with the method of apportionment established at the formation of each District, it has been determined that the developments and/or planned development of the properties within each District required or facilitated the installation of the improvements to be funded in whole or in part by the District assessments and that such improvements (both landscaping and lighting) would otherwise not be necessary and those improvements benefit each lot/parcel equally. Therefore, collectively the particular and distinct benefits to each lot/parcel within each respective District are equally shared and one hundred percent (100%) of the fiscal year 2023/2024 special benefit expenses is proportionately and equally allocated and shared by each development lot and each of these parcels/lots are assigned one (1.0) EBU, excluding parcels or lots that may be part of the improvement areas being maintained.

Calculation of Assessments

An assessment amount per Lot or Equivalent Benefit Unit (EBU) in each District is calculated by:

Taking the "Total Annual Expenses" (Total budgeted costs) and subtracting the "General Benefit" (Expenses Funded by the City), to establish the "Special Benefit Expenses";

Total Annual Expenses - General Benefit = Special Benefit Expenses

To the resulting "Special Benefit Expenses", various "Funding Adjustments" may be applied that may include, but are not limited to:

- "Reserve Fund Collection or (Transfer)", represents an amount being collected and added to the Reserve Fund or available existing Reserve Funds being applied ("Transferred") to pay a portion of the Special Benefit Expenses for the fiscal year.
- "City Loan and/or Service Reductions", represents a further adjustment that addresses the funding gap between the amount budgeted to provide the improvements and services ("Special Benefit Expenses"); and the amount that will be collected through the assessments. This funding gap may be addressed by an additional City contribution, reductions in service and service expenses, or a combination of the two. If the City provides an additional City Contribution to support the operation and maintenance for a given fiscal year, that contribution is carried forward as a deficit applied to the Beginning Fund Balance in the next fiscal year.

These adjustments to the Special Benefit Expenses result in the net special benefit amount to be assessed "Balance to Levy";

Special Benefit Expenses +/- Funding Adjustments = Balance to Levy

The amount identified as the "Balance to Levy" is divided by the total number of Lots or EBUs for the parcels that receive special benefit to establish the "Assessment Rate" for the fiscal year. This Rate is then applied back to each parcel's individual EBU to calculate the parcel's proportionate special benefit and assessment for the improvements.

Balance to Levy / Total Lots/EBUs = Assessment Rate (for the fiscal year)

Assessment Rate x Parcel's EBU = Parcel Assessment Amount

Part III - Estimate of Costs

Annual Inflationary Adjustment (Assessment Range Formula)

Pursuant to Article XIII D of the California Constitution (Proposition 218), any "new or increased assessments" require certain noticing and balloting requirements. However, Government Code Section 54954.6(a) provides that a "new or increased assessment" does not include "*an assessment which does not exceed an assessment formula or range of assessments...previously adopted by the agency or approved by the voters in the area where the assessment is imposed*." This definition of a new or increased assessment is reaffirmed in the Proposition 218 Omnibus Implementation Act, Government Code Section 53753.5.

Currently, the maximum assessment rates identified in this Report for Districts 90-01, 90-02, 90-03, 90-04, 91-01, 92-01, 92-02, 93-01, 94-01, 94-02, 94-03, 97-01, 97-02, 97-03, 98-01, and 98-02 are fixed maximum assessment rates that do not include any inflationary adjustment.

However, either at the time of formation or in a subsequent proceeding the maximum assessments for Districts 93-02, 01-01, 01-02, 01-03, 01-04, 02-01, 03-01, 04-01, 04-02, 04-03, 04-04, 05-01, 05-02, 06-01, 07-02, 09-01, 09-02, 14-01, 15-01, 15-02, 16-01, 16-02, 18-01, 19-01, 19-02, 20-01, and 21-01 were balloted for a new or increased assessments that include an inflationary adjustment (assessment range formula).

As previously adopted and approved by the City Council for the Districts with an inflationary adjustment, each fiscal year the maximum assessment rate established for the improvements in the previous fiscal year for each District may be adjusted by the percentage increase in the Local Consumer Price Index (CPI). The Consumer Price Index used for the inflationary adjustment shall be for Urban Wage Earners and Clerical Workers, San Francisco-Oakland-San Jose Area, as developed by U.S. Bureau of Labor Statistics. The CPI used shall be as determined by the Bureau of Labor Statistics for a similar period of time.

January 1, of each calendar year ("Adjustment Date"), the City shall identify the percentage change in the CPI, using the difference over a 12-month period between the current year and of the previous year as of the Adjustment Date (typically December to December). This percentage difference shall then establish the range of increase to the maximum assessment rates allowed. If the percentage change in the CPI is negative, the maximum assessment rates shall not be adjusted from the previous fiscal year (unchanged). Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Bureau of Labor Statistics will be the sole judge of the comparability of successive indexes, but if the Bureau of Labor Statistics fail to supply indexes it deems comparable or if no succeeding index is published, the City shall determine an appropriate published price index as approved by the City Council for determining fluctuations in the cost of living.

The annual change in CPI from December 2021 to December 2022 as reported by the U.S. Bureau of Labor Statistics was 4.6 percent. Therefore, the maximum assessment rates for fiscal year 2021/2023 will be increased by 4.6 percent for fiscal year 2023/2024 in those Districts with a previously approved inflationary adjustment including, Districts 93-02, 01-01, 01-02, 01-03, 01-04, 02-01, 03-01, 04-01, 04-02, 04-03, 04-04, 05-01, 05-02, 06-01, 07-02, 09-01, 09-02, 14-01, 15-01,15-02,16-01,16-02, 18-01, 19-01, 19-02, 20-01, and 21-01.

This assessment range formula or inflationary adjustment provides for the District maximum assessment rate applicable for the prior fiscal year to be increased each subsequent fiscal year

which is consistent with the California Constitution and the above-referenced Government Code sections.

The adoption of the maximum assessment rates and the Assessment Range Formula does not mean that the annual assessments will necessarily increase each fiscal year, nor does it absolutely restrict the assessments to the annually adjusted maximum assessment rate. Although the maximum assessment rate that may be levied shall be increased by this assessment range formula for each applicable District each fiscal year, the actual amount to be assessed will be based on the Balance to Levy for that fiscal year. If the calculated assessment rate is less than the adjusted maximum assessment rate, then the calculated assessment rate may be approved by the City Council for collection. If the calculated assessment rate (based on the proposed budget) is greater than the adjusted maximum assessment rate for that fiscal year, then the assessment would be considered an increased assessment and would require property owner approval through a protest ballot proceeding before imposing such an increase. Otherwise, it would be necessary to reduce the budget or provide funding from other sources to the City to reduce the Balance to Levy to an amount that can be supported by an assessment rate less than or equal to the adjusted maximum assessment rate authorized for that fiscal year.

Annual District Budgets

The following budget pages outline the estimated costs to maintain and service the various landscaping and lighting improvements described in this Report for fiscal year 2023/2024.

The budgeted expenses outlined in the following pages for each District reflect the estimated annual expenses required to support and maintain the improvements to be provided for fiscal year 2023/2024. The Total Annual Expenses, minus the general benefit expenses (expenses not assessed and identified as the City's financial obligation to support the improvements) plus any Reserve Fund Collection result in the amount of funding the property owners should reasonably be assessed to fully fund their proportional special benefit from those improvements. Negative Funding Adjustments (Reserve Fund Transfers or City Loan and/or Service Reductions) represent additional funding that is required from either the existing Reserve Funds or from the City to fully support the improvement maintenance and services.

Budgets for Fund Numbers 0240 through 0261 (Districts 90-01 through 02-01)

Fund No.	District No.	Direct Maintenance Expenses	Incidental Expenses (Admin.)	Total Annual Expenses	General Benefit	Special Benefit Expenses	Reserve Fund Collection or (Transfer)	City Loan and/or Service Reductions	Balance to Levy	EBUs	FY 2023/2024 Assessment Rate	Maximum Assessment Rate	Beginning Fund Balance	Fund Balance Additions or Deficits	Estimated Ending Fund Balance
0240	90-01	$ 33,984	$ 4,811	$ 38,796	$ (883)	$ 37,913	$ 11,191	$ -	$ 49,104	352	$139.50	$139.50	$ 45,726	$ 11,191	$ 56,917
0241	90-02	$ 2,819	$ 594	$ 3,412	$ (116)	$ 3,296	$ 1,050	$ -	$ 4,346	53	$82.00	$82.00	$ 3,825	$ 1,050	$ 4,875
0242	90-03	$ 3,676	$ 944	$ 4,620	$ (222)	$ 4,398	$ -	$ (274)	$ 4,124	84	$49.10	$49.10	$ (2,863)	$ (274)	$ (3,137)
0243	90-04	$ 1,045	$ 158	$ 1,204	$ (19)	$ 1,184	$ -	$ (312)	$ 872	14	$62.30	$62.30	$ (1,568)	$ (312)	$ (1,880)
0244	91-01	$ 4,173	$ 2,185	$ 6,358	$ (142)	$ 6,216	$ -	$ (1,001)	$ 5,215	285	$18.30	$18.30	$ (1,125)	$ (1,001)	$ (2,126)
0245	92-01	$ 4,321	$ 977	$ 5,298	$ (259)	$ 5,039	$ -	$ (1,077)	$ 3,962	78	$50.80	$50.80	$ (6,802)	$ (1,077)	$ (7,879)
0246	92-02	$ 2,030	$ 886	$ 2,916	$ (158)	$ 2,758	$ 55	$ -	$ 2,813	98	$28.70	$28.70	$ 57	$ 55	$ 111
0247	93-01	$ 3,309	$ 490	$ 3,799	$ (140)	$ 3,659	$ 801	$ -	$ 4,460	29	$153.80	$153.80	$ 4,353	$ 801	$ 5,154
0248	93-02	$ 5,053	$ 1,534	$ 6,587	$ (201)	$ 6,386	$ 1,574	$ -	$ 7,960	169	$47.10	$47.10	$ (5,617)	$ 1,574	$ (4,043)
0249	94-01	$ 4,142	$ 1,034	$ 5,176	$ (66)	$ 5,110	$ -	$ (2,135)	$ 2,975	114	$26.10	$26.10	$ (10,421)	$ (2,135)	$ (12,556)
0250	94-02	$ 38,837	$ 7,793	$ 46,630	$ (1,488)	$ 45,142	$ 843	$ -	$ 45,985	541	$85.00	$85.00	$ (8,728)	$ 843	$ (7,885)
0251	94-03	$ 20,335	$ 4,305	$ 24,640	$ (1,255)	$ 23,385	$ -	$ (7,337)	$ 16,048	272	$59.00	$59.00	$ (25,553)	$ (7,337)	$ (32,890)
0252	97-01	$ 1,290	$ 431	$ 1,720	$ (85)	$ 1,635	$ 622	$ -	$ 2,257	44	$51.30	$51.30	$ (1,152)	$ 622	$ (530)
0253	97-02	$ 1,322	$ 320	$ 1,641	$ (63)	$ 1,579	$ -	$ (298)	$ 1,281	30	$42.70	$42.70	$ (3,077)	$ (298)	$ (3,374)
0254	97-03	$ 12,226	$ 2,834	$ 15,060	$ (626)	$ 14,434	$ 1,241	$ -	$ 15,675	250	$62.70	$62.70	$ (10,650)	$ 1,241	$ (9,409)
0255	98-01	$ 5,454	$ 1,263	$ 6,717	$ (195)	$ 6,523	$ -	$ (1,735)	$ 4,788	126	$38.00	$38.00	$ (5,209)	$ (1,735)	$ (6,943)
0256	98-02	$ 8,392	$ 1,872	$ 10,263	$ (418)	$ 9,845	$ 4,573	$ -	$ 14,418	162	$89.00	$89.00	$ 15,053	$ 4,573	$ 19,626
0257	01-01	$ 4,221	$ 1,311	$ 5,532	$ (135)	$ 5,396	$ (477)	$ -	$ 4,920	148	$33.24	$47.95	$ 15,315	$ (477)	$ 14,839
0258	01-02	$ 6,023	$ 2,056	$ 8,079	$ (291)	$ 7,789	$ 1,656	$ -	$ 9,444	199	$47.46	$47.46	$ 1,072	$ 1,656	$ 2,728
0259	01-03	$ 3,237	$ 868	$ 4,105	$ (159)	$ 3,946	$ (181)	$ -	$ 3,765	86	$43.78	$67.19	$ 16,742	$ (181)	$ 16,561
0260	01-04	$ 27,160	$ 5,765	$ 32,925	$ (1,289)	$ 31,636	$ 5,000	$ -	$ 36,636	489	$74.92	$74.93	$ 7,450	$ 5,000	$ 12,449
0261	02-01	$ 16,753	$ 2,874	$ 19,627	$ (862)	$ 18,765	$ 3,971	$ -	$ 22,735	182	$124.92	$124.92	$ 2,285	$ 3,971	$ 6,255

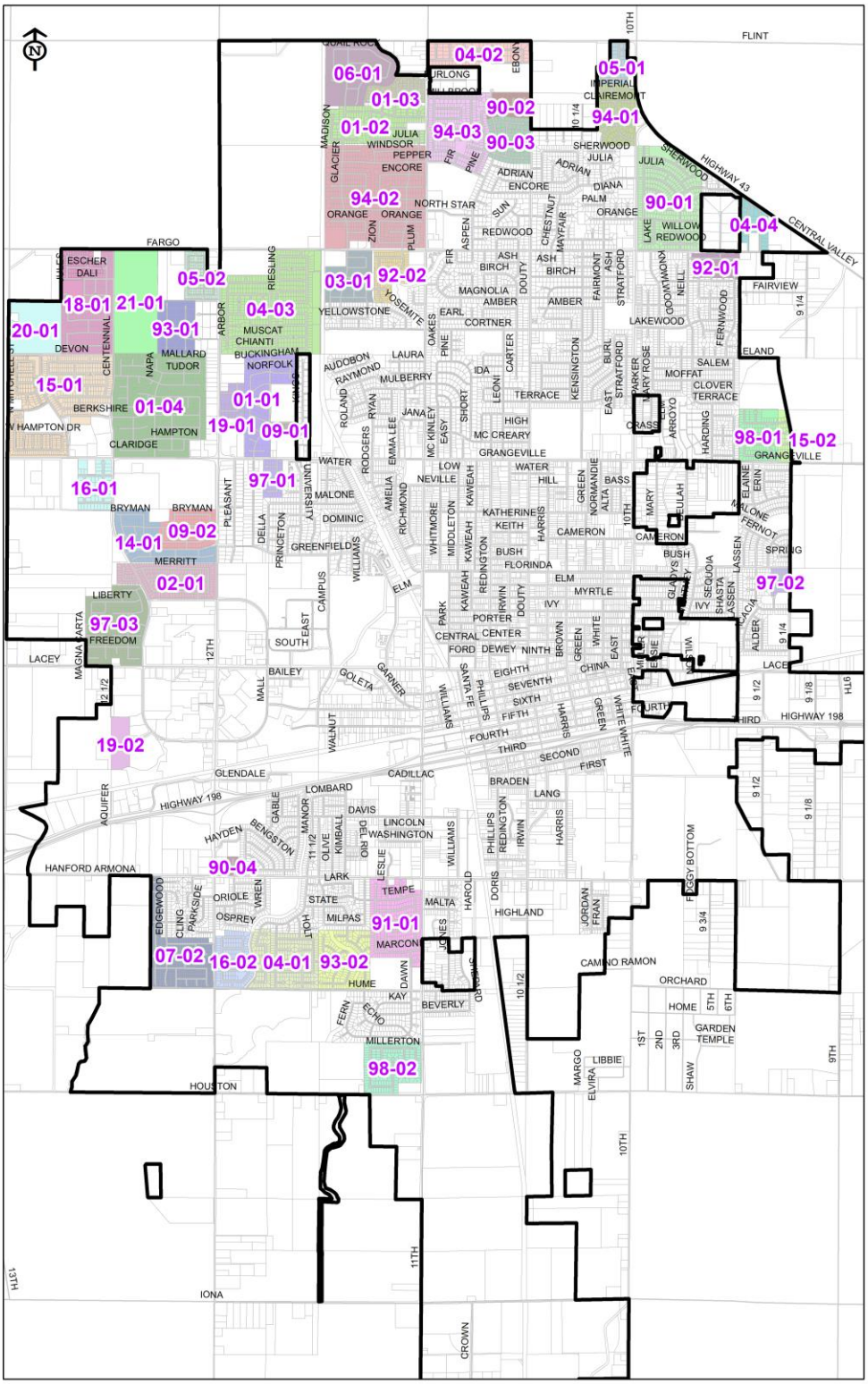
Budgets for Fund Numbers 0262 through 0282 (Districts 03-01 through 21-01)

Fund No.	District No.	Direct Maintenance Expenses	Incidental Expenses (Admin.)	Total Annual Expenses	General Benefit	Special Benefit Expenses	Reserve Fund Collection or (Transfer)	City Loan and/or Service Reductions	Balance to Levy	EBUs	FY 2023/2024 Assessment Rate	Maximum Assessment Rate	Beginning Fund Balance	Fund Balance Additions or Deficits	Estimated Ending Fund Balance
0262	03-01	$ 7,301	$ 1,601	$ 8,902	$ (236)	$ 8,666	$ (33)	$ -	$ 8,632	128	$67.44	$81.20	$ 29,150	$ (33)	$ 29,117
0263	04-01	$ 7,183	$ 2,124	$ 9,307	$ (290)	$ 9,017	$ (792)	$ -	$ 8,225	233	$35.30	$46.33	$ 49,788	$ (792)	$ 48,996
0264	04-02	$ 17,980	$ 2,255	$ 20,235	$ (793)	$ 19,442	$ 232	$ -	$ 19,674	75	$262.32	$262.33	$ 33,873	$ 232	$ 34,105
0265	04-03	$ 45,880	$ 7,427	$ 53,307	$ (1,893)	$ 51,414	$ 15,291	$ -	$ 66,705	445	$149.90	$149.91	$ 23,245	$ 15,291	$ 38,536
0266	04-04	$ 7,149	$ 686	$ 7,835	$ (206)	$ 7,629	$ (100)	$ -	$ 7,529	20	$376.44	$524.66	$ 21,705	$ (100)	$ 21,605
0267	05-01	$ 2,638	$ 442	$ 3,080	$ (46)	$ 3,034	$ (144)	$ -	$ 2,890	39	$74.10	$139.46	$ 13,268	$ (144)	$ 13,123
0268	05-02	$ 10,708	$ 2,098	$ 12,805	$ (595)	$ 12,210	$ 138	$ -	$ 12,348	150	$82.32	$118.67	$ 25,535	$ 138	$ 25,673
0269	06-01	$ 27,792	$ 4,396	$ 32,188	$ (1,317)	$ 30,871	$ 679	$ -	$ 31,550	144	$219.10	$219.11	$ (5,469)	$ 679	$ (4,790)
0272	07-02	$ 6,269	$ 2,399	$ 8,668	$ (397)	$ 8,271	$ (840)	$ -	$ 7,431	265	$28.04	$149.91	$ 84,183	$ (840)	$ 83,343
0270	09-01	$ 2,089	$ 290	$ 2,379	$ (95)	$ 2,283	$ (140)	$ -	$ 2,143	14	$153.10	$281.07	$ 10,327	$ (140)	$ 10,187
0271	09-02	$ 19,940	$ 2,526	$ 22,466	$ (703)	$ 21,762	$ 3,527	$ -	$ 25,289	121	$209.00	$218.61	$ 30,208	$ 3,527	$ 33,734
0273	14-01	$ 30,510	$ 3,661	$ 34,171	$ (1,033)	$ 33,138	$ 2,310	$ -	$ 35,448	175	$202.56	$257.50	$ 54,150	$ 2,310	$ 56,460
0274	15-01	$ 152,558	$ 16,165	$ 168,723	$ (5,563)	$ 163,160	$ 32,627	$ -	$ 195,787	467	$419.24	$489.13	$ 176,248	$ 32,627	$ 208,875
0275	15-02	$ 9,283	$ 891	$ 10,174	$ (221)	$ 9,953	$ (1,575)	$ -	$ 8,378	34	$246.42	$246.43	$ 3,716	$ (1,575)	$ 2,142
0276	16-01	$ 12,475	$ 1,296	$ 13,771	$ (340)	$ 13,431	$ (1,347)	$ (6)	$ 12,079	54	$223.68	$223.69	$ 1,347	$ (1,353)	$ (6)
0277	16-02	$ 9,713	$ 1,630	$ 11,342	$ (423)	$ 10,919	$ (1,131)	$ -	$ 9,788	113	$86.62	$168.79	$ 29,176	$ (1,131)	$ 28,045
0278	18-01	$ 72,920	$ 7,825	$ 80,745	$ (2,496)	$ 78,250	$ 15,014	$ -	$ 93,264	267	$349.30	$518.00	$ 147,790	$ 15,014	$ 162,804
0279	19-01	$ 10,638	$ 831	$ 11,469	$ (177)	$ 11,291	$ 936	$ -	$ 12,227	22	$555.78	$565.78	$ 8,214	$ 936	$ 9,150
0280	19-02	$ 7,396	$ 595	$ 7,991	$ (222)	$ 7,769	$ 3,875	$ -	$ 11,644	26	$447.84	$468.45	$ 1,895	$ 3,875	$ 5,770
0281	20-01	$ 42,399	$ 4,602	$ 47,001	$ (1,935)	$ 45,066	$ 8,462	$ -	$ 53,528	80	$669.10	$689.11	$ 30,944	$ 8,462	$ 39,406
0282	21-01	$ 47,574	$ 4,563	$ 52,137	$ (1,815)	$ 50,322	$ 5,659	$ -	$ 55,981	56	$999.66	$1,100.72	$ 58,798	$ 5,659	$ 64,457

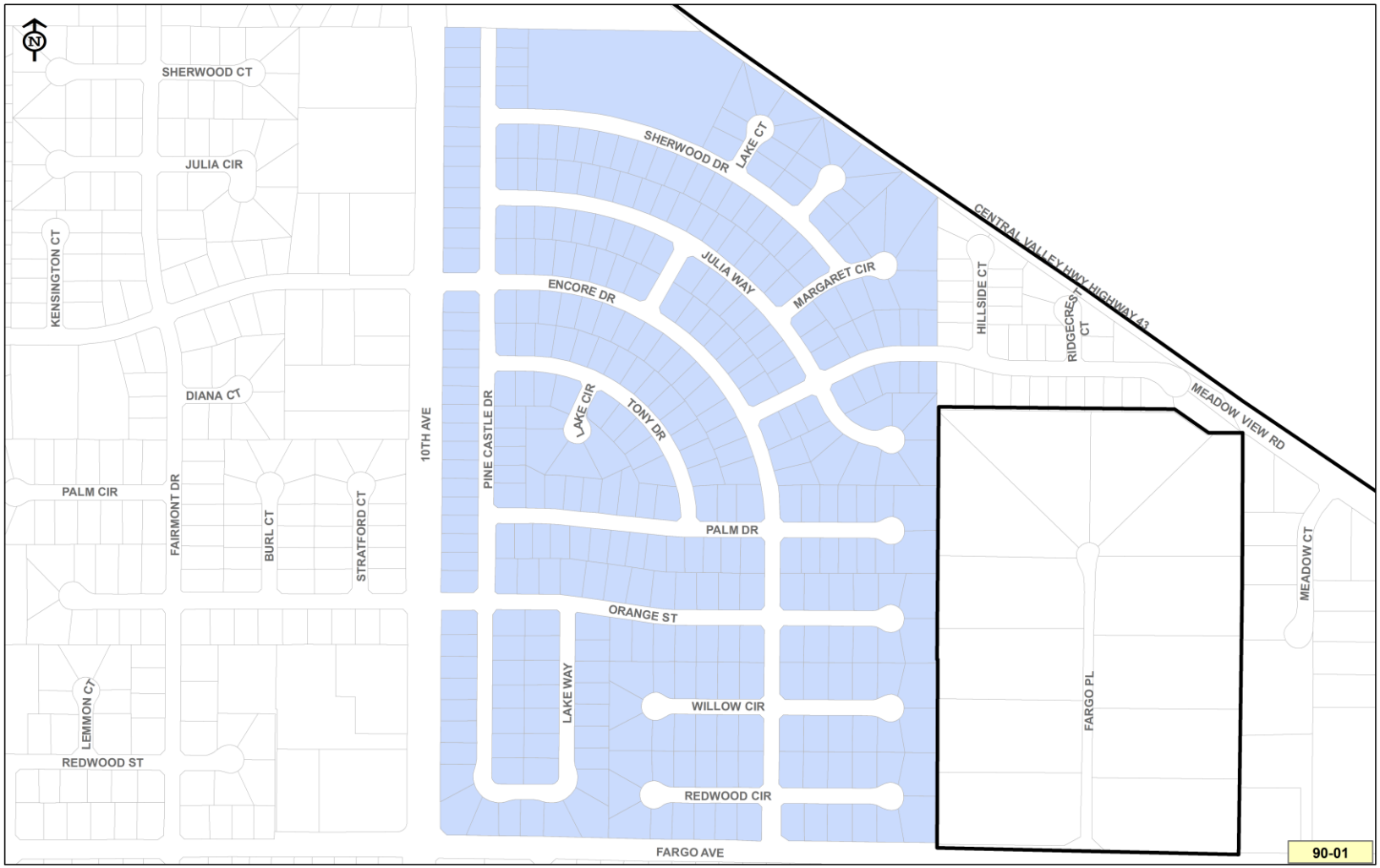
Part IV - District Diagrams

The following pages contain an Overview LLMD Diagram showing the general location of the Districts within the City of Hanford for fiscal year 2023/2024 described within this Report as well as individual District Diagrams for each of the individual Districts, which incorporates the parcels determined to receive special benefits from the various District improvements. All parcels that will receive a special benefit from the improvements provided within each District consist of all lots, parcels and subdivisions of land within the boundaries of those Districts as depicted by these diagrams and the lines and dimensions of those lots, parcels and subdivisions of land shall be those lines and dimensions shown on the current Kings County Assessor's parcel maps and by reference the Kings County Assessor's parcel maps are incorporated herein and made part of this Report. This diagram along with the Assessment Roll incorporated in this Report constitute the District Assessment Diagram for each District for fiscal year 2023/2024.

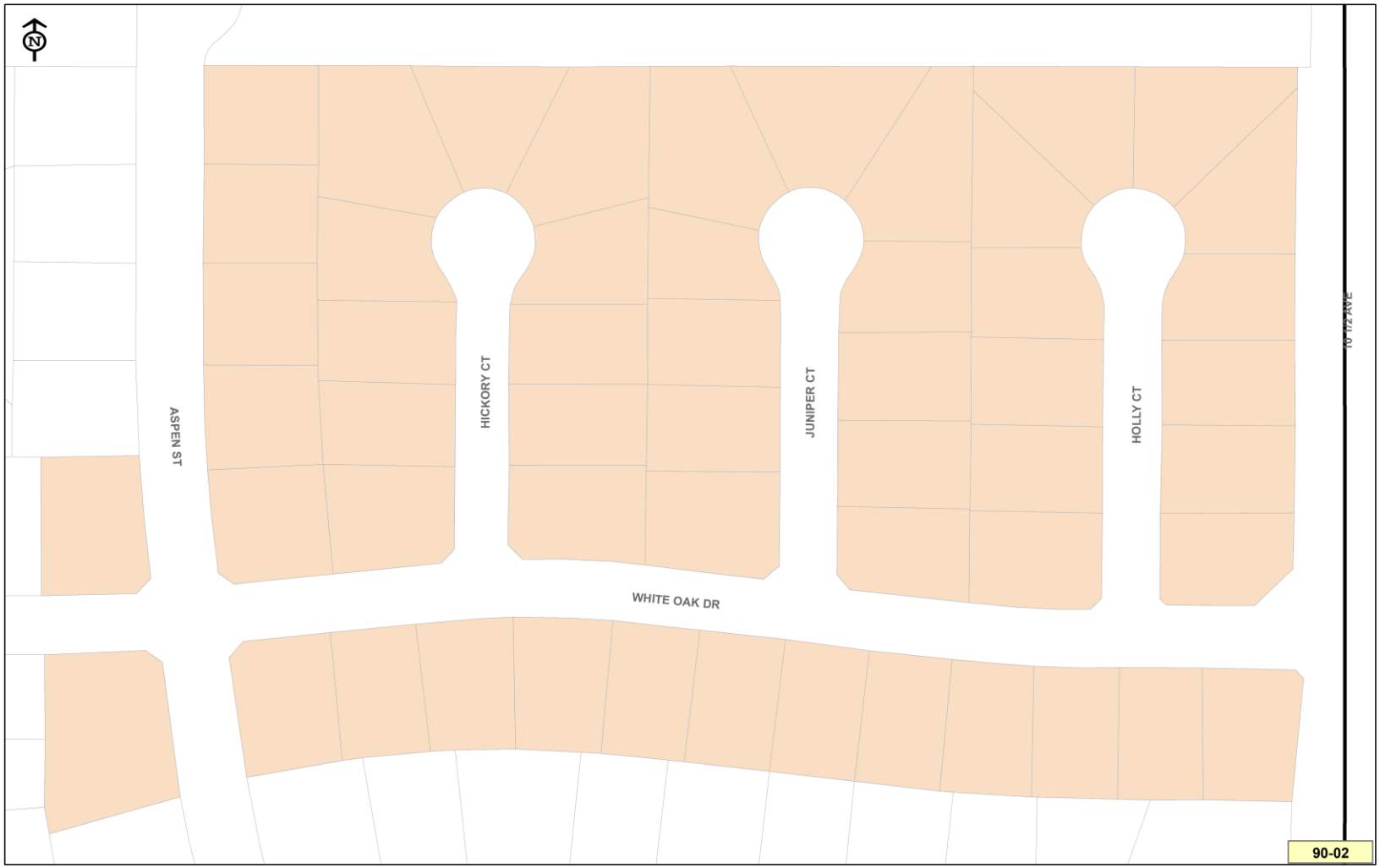
Overview LLMD Diagram



District 90-01 Pinecastle Addition Units 1 through 4

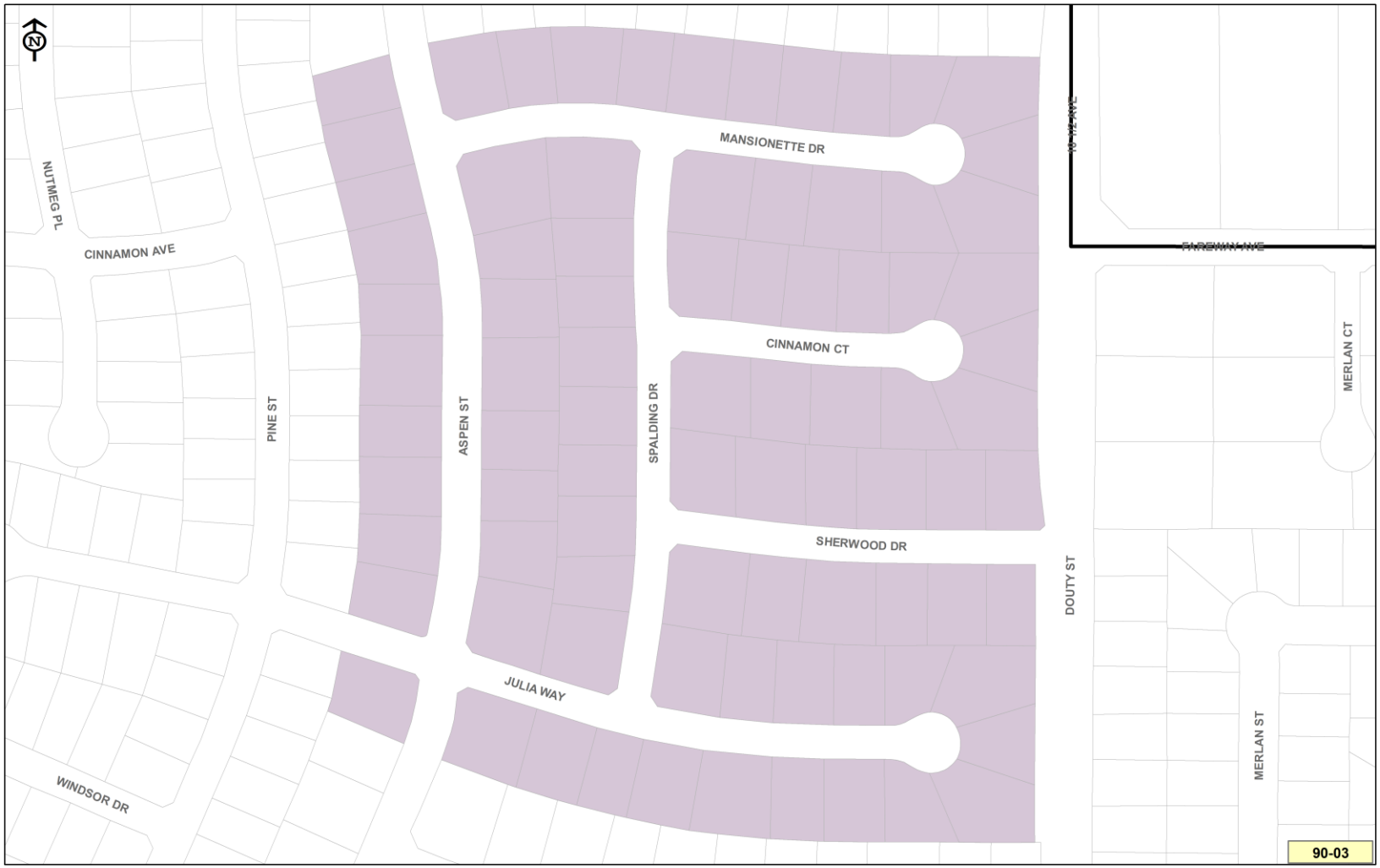


District 90-02 Park Monterey Units 1 & 2



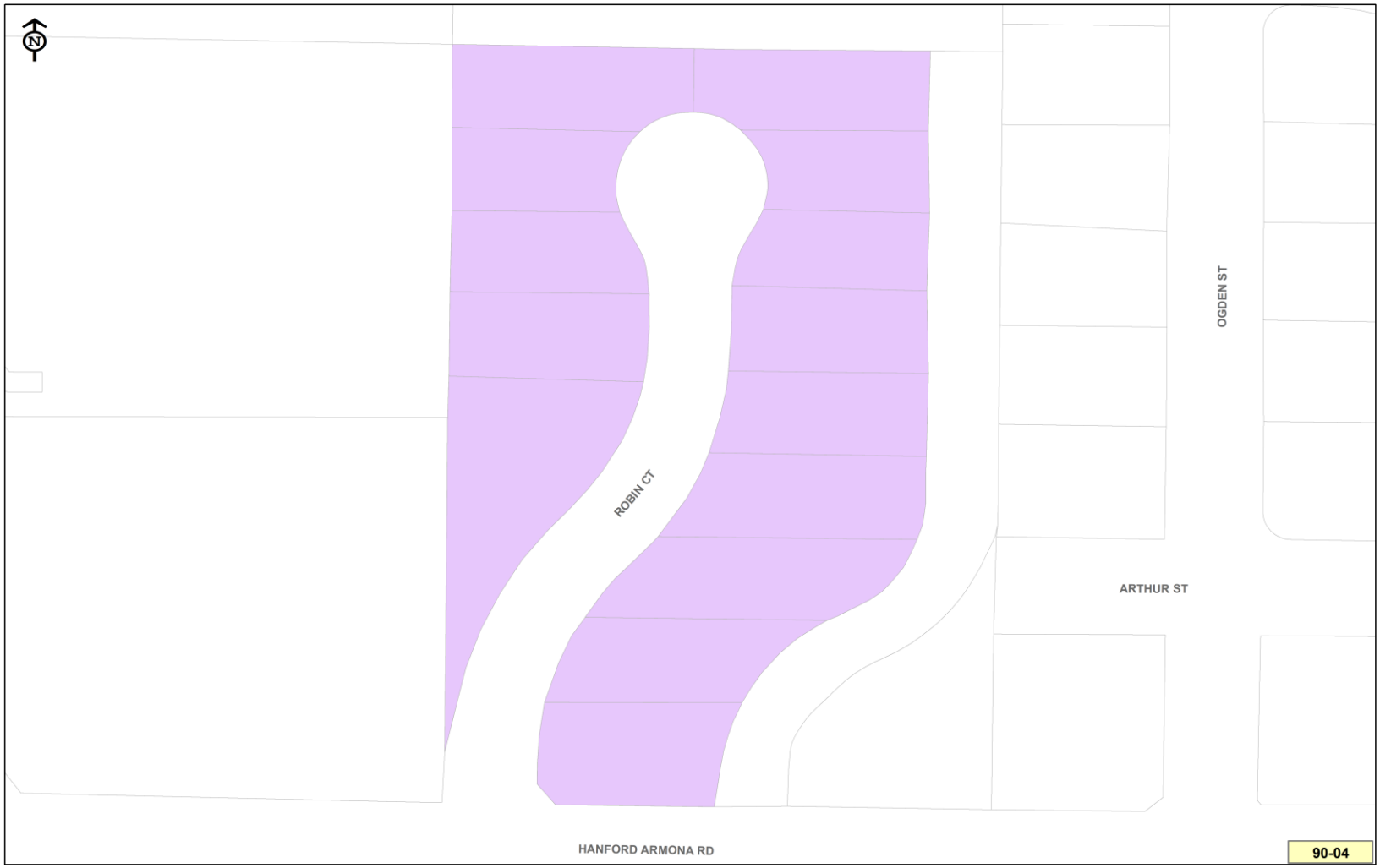
Date: 4/26/2022

District 90-03 Mansionette Estates Units 7 & 8



Date: 4/26/2022

District 90-04 Hyde Park

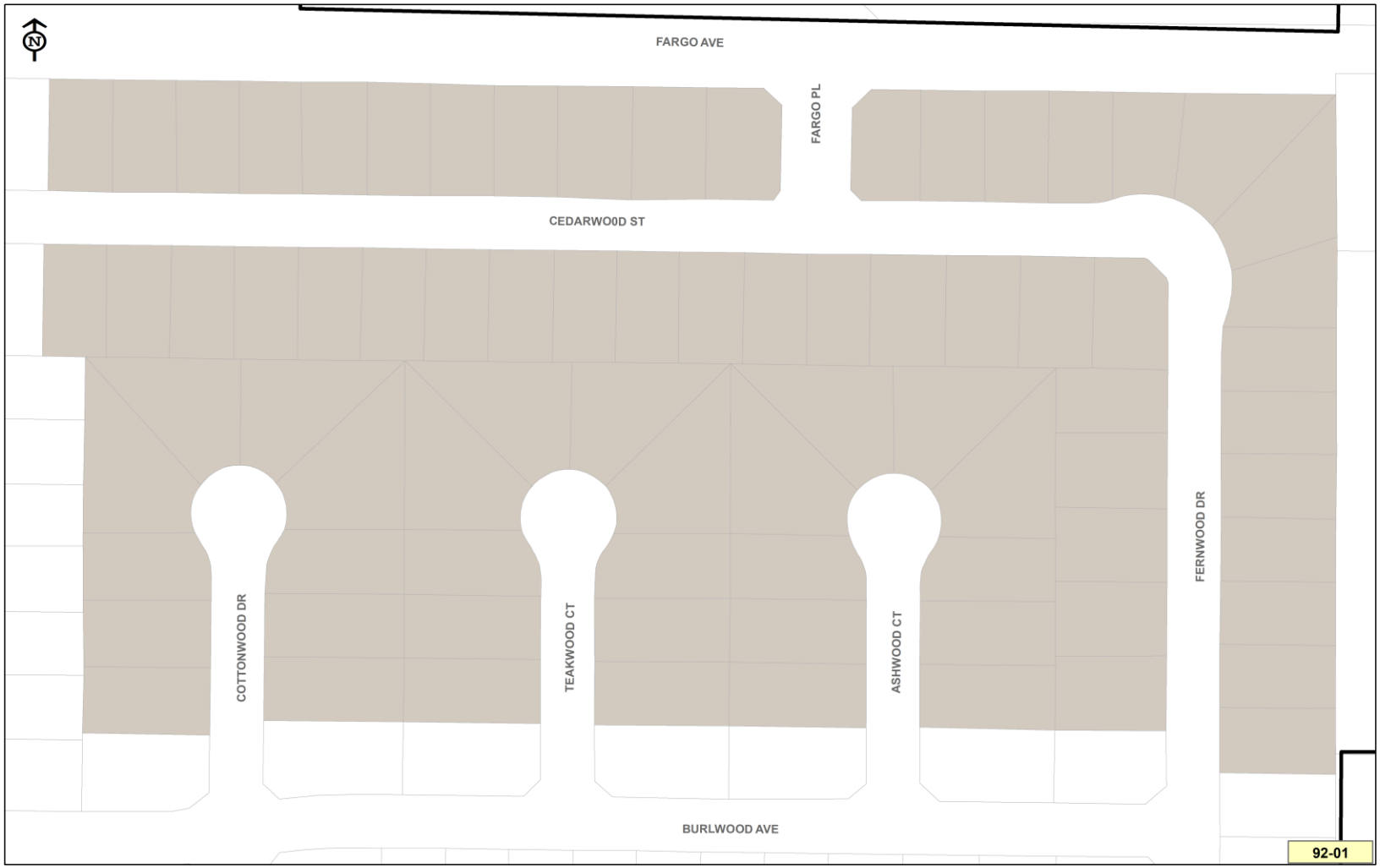


Date: 4/26/2022

District 91-01 Sierra Vista & New Dimensions Units 1 through 5

Date: 4/26/2022

District 92-01 Portofino Units 1 through 4

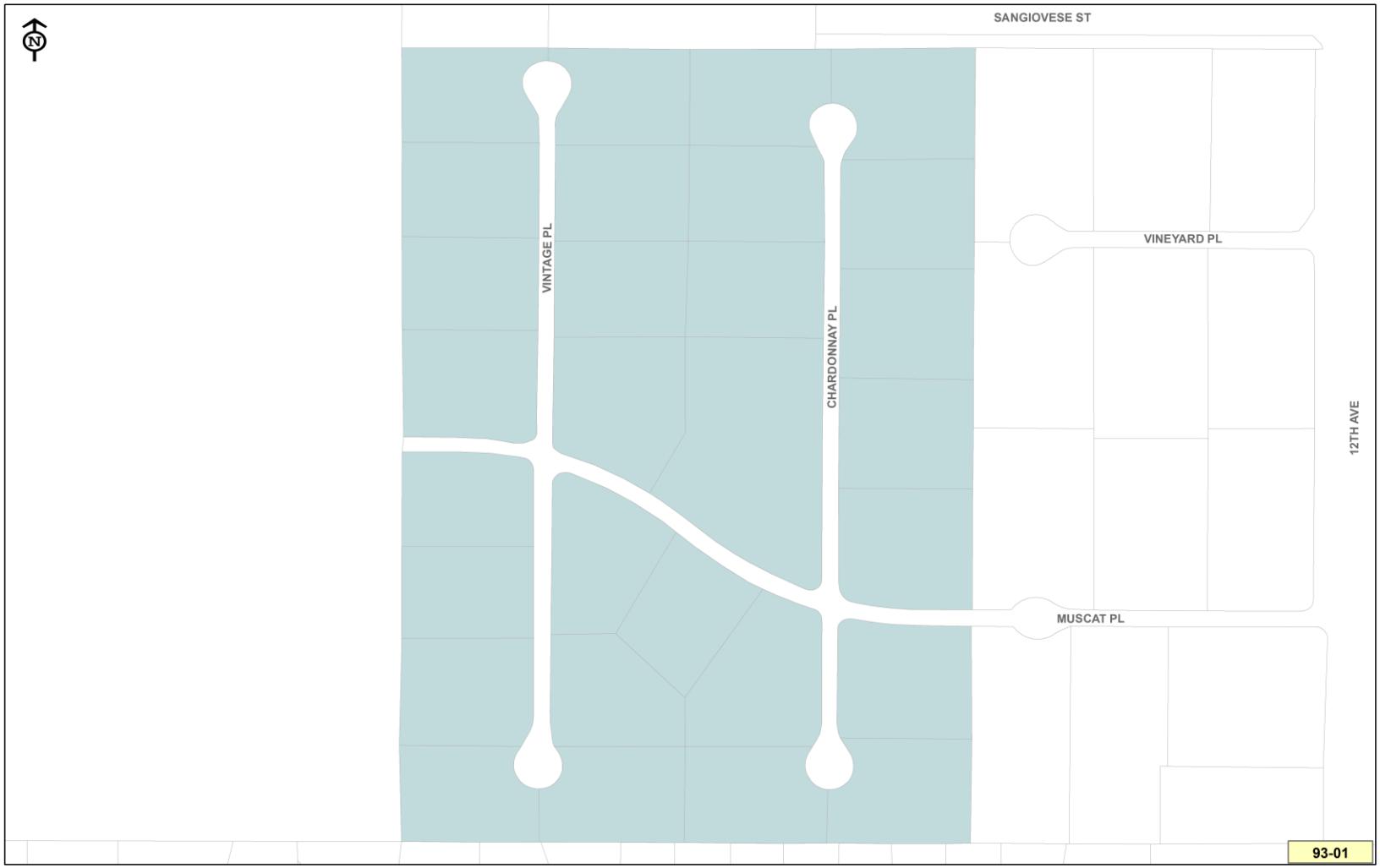


Date: 4/26/2022

District 92-02 Cielo En Tierra Units 1 through 5

Date: 4/26/2022

District 93-01 Vintage Estates



Date: 4/26/2022

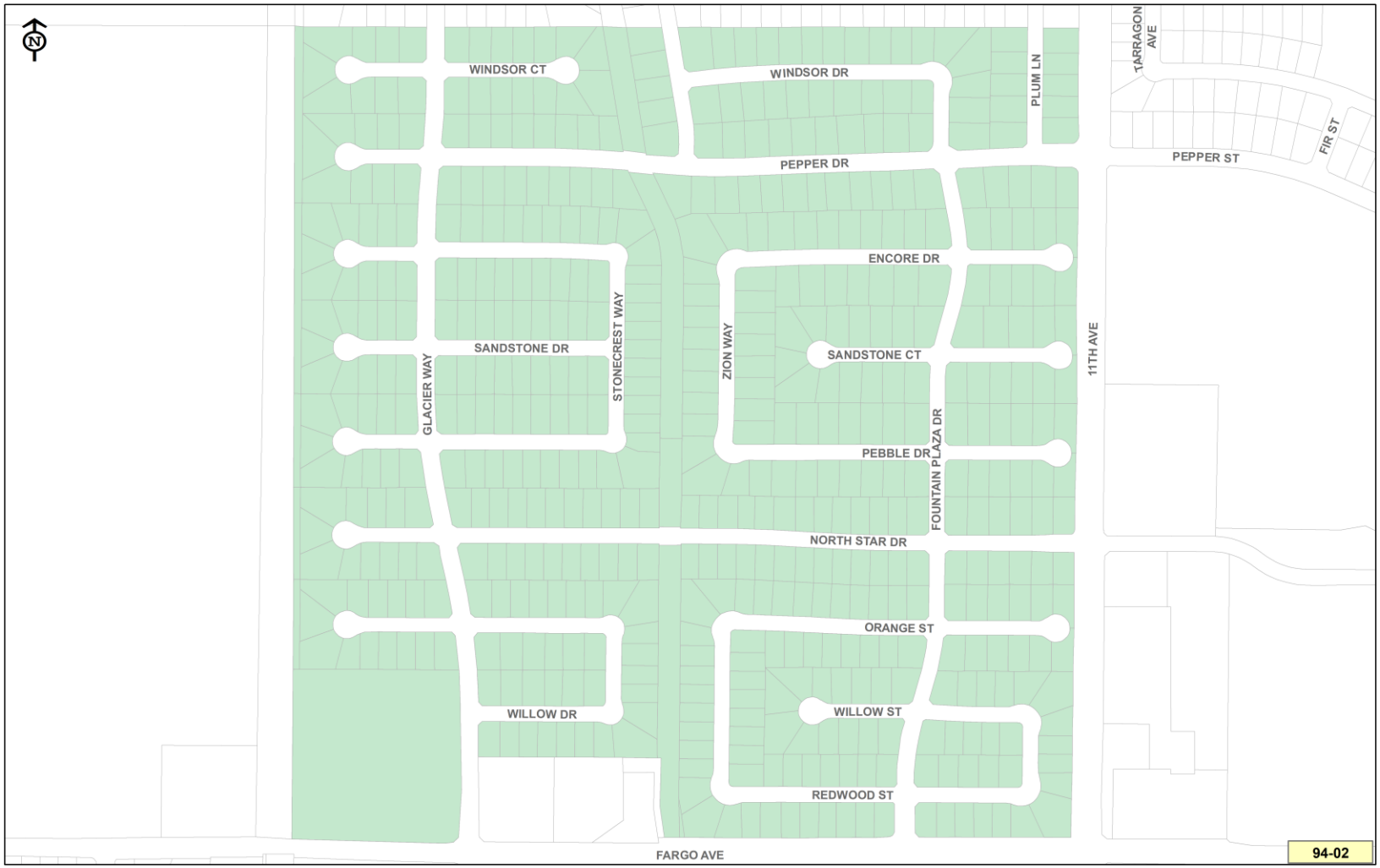
District 93-02 Walnut Forest Units 1 through 3

Date: 4/26/2022

District 94-01 Gateway Estates

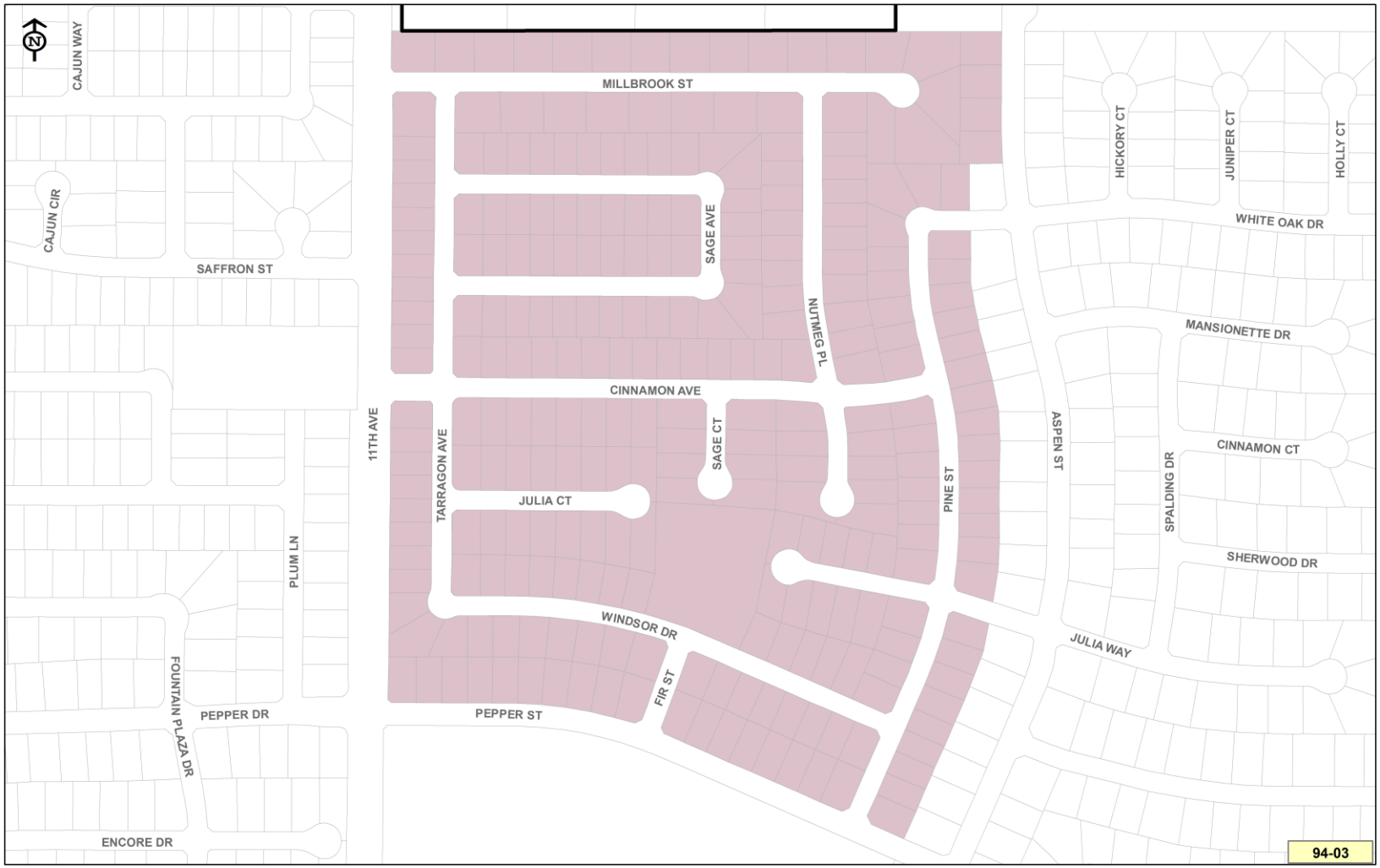
Date: 4/26/2022

District 94-02 Stonecrest Units 1 through 9



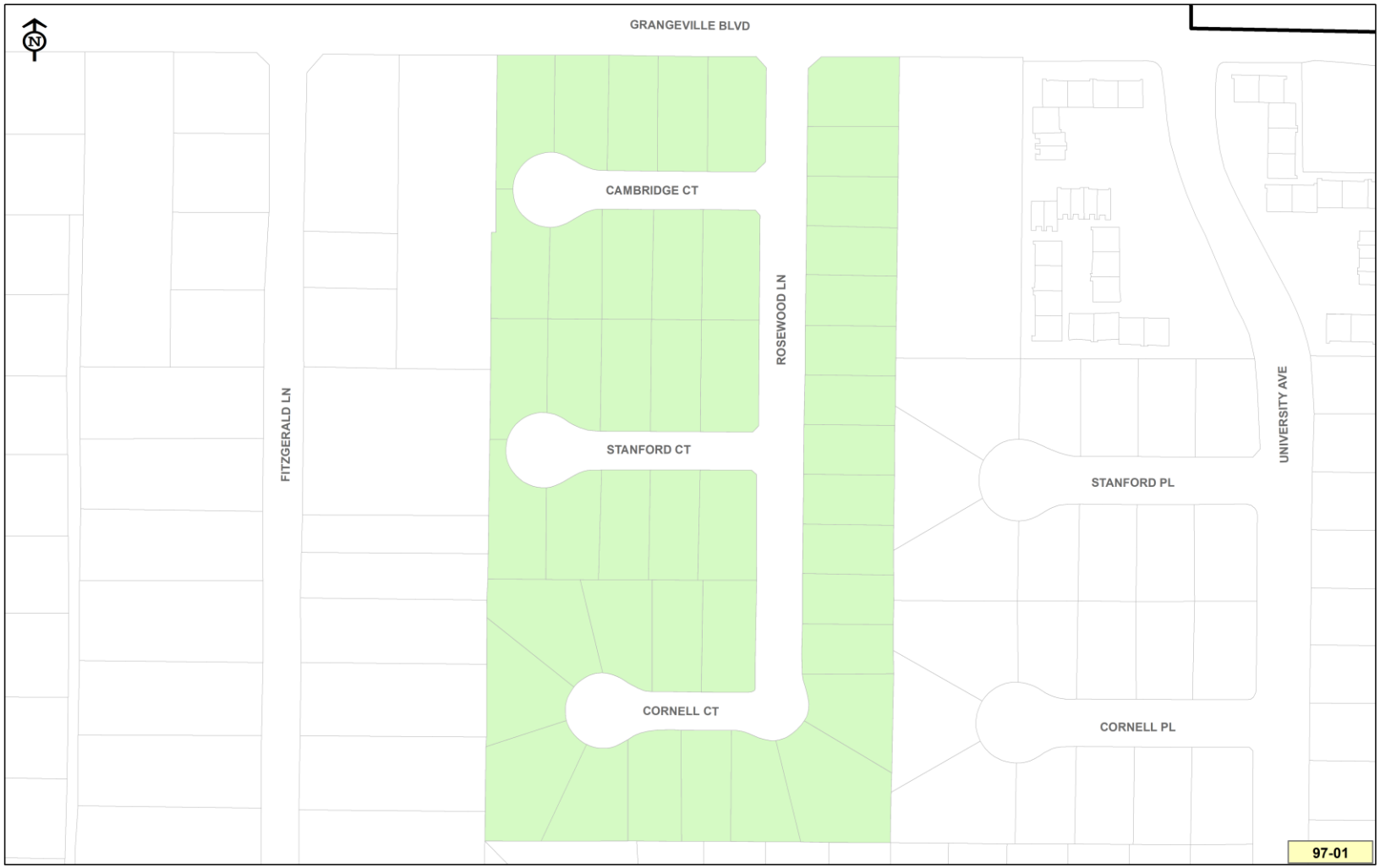
Date: 4/26/2022

District 94-03 Quail Run Estates Units 1 through 5



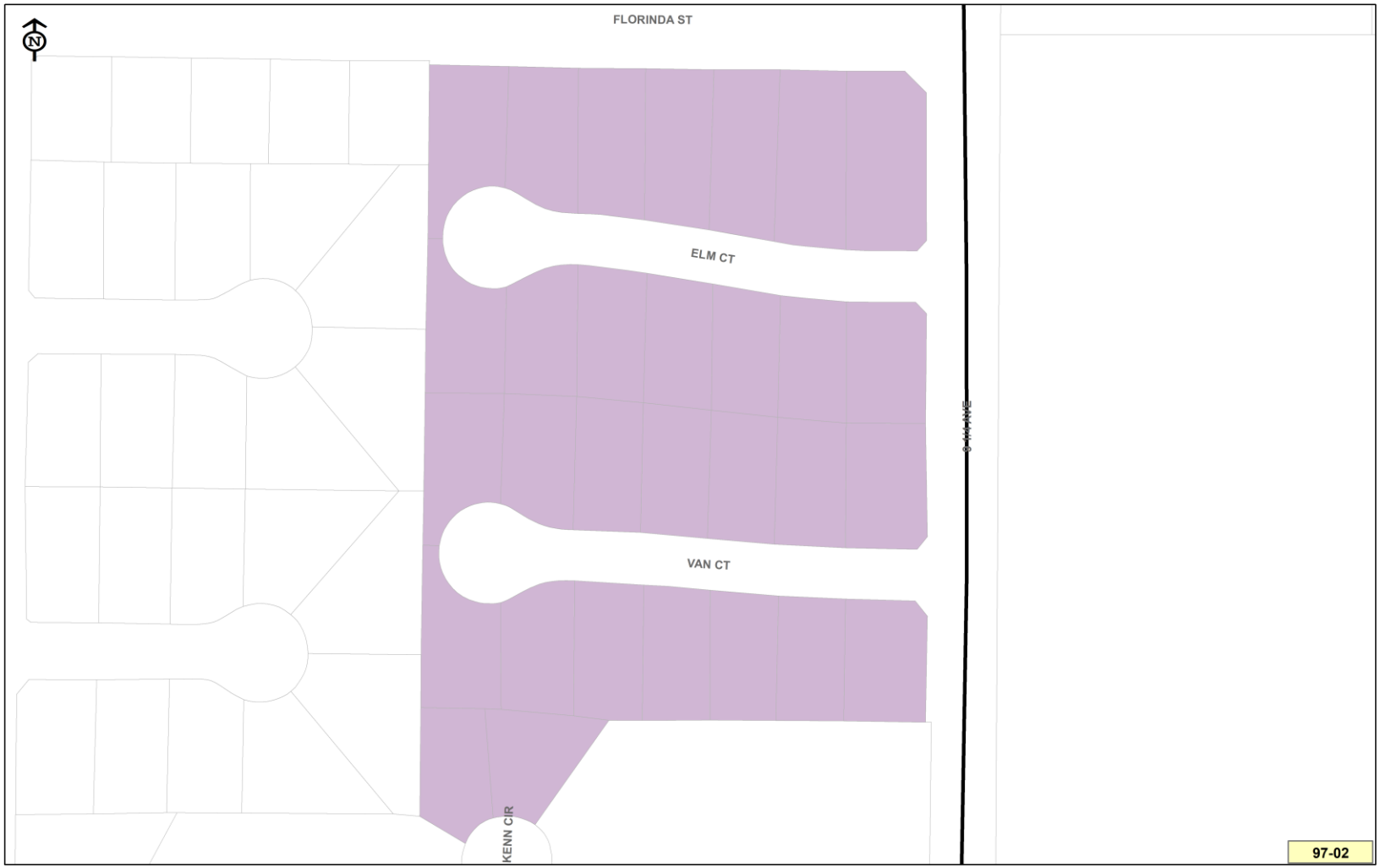
Date: 4/26/2022

District 97-01 Rosewood Estates Units 1 & 2



Date: 4/26/2022

District 97-02 Summer Field Addition #2



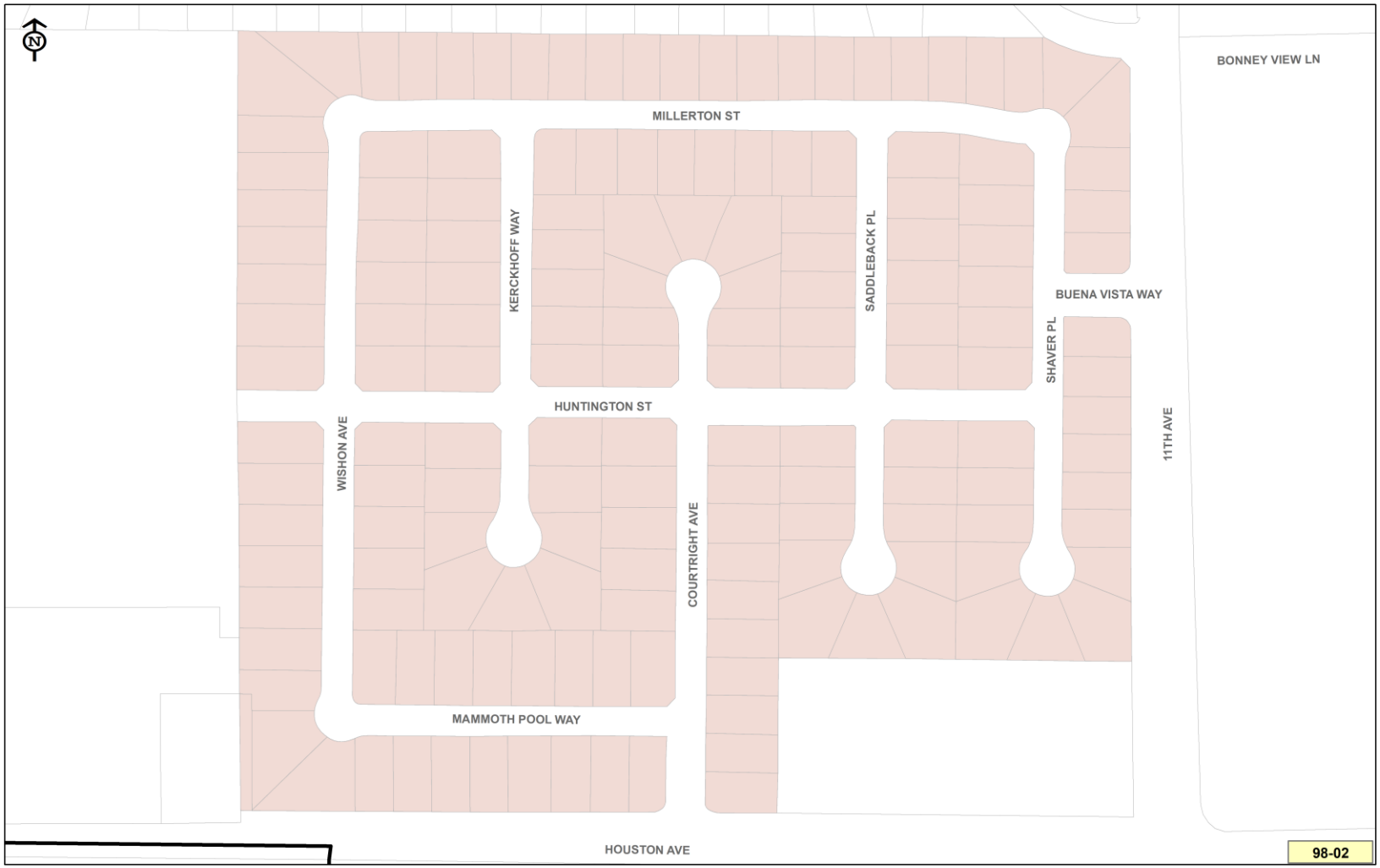
District 97-03 Country Crossing Units 1 through 5

Date: 4/26/2022

District 98-01 Crystal Springs Units 1 through 3

Date: 4/26/2022

District 98-02 Mountain View Estates Units 1 through 6



Date: 4/26/2022

District 01-01 Pacific Grove Units 1 through 3 and N. Pointe Units 1 through 4

Date: 4/26/2022

District 01-02 Cambridge Homes Units 1 through 3

Date: 4/26/2022

District 01-03 Poppy Hills Units 1 & 2

Date: 4/26/2022

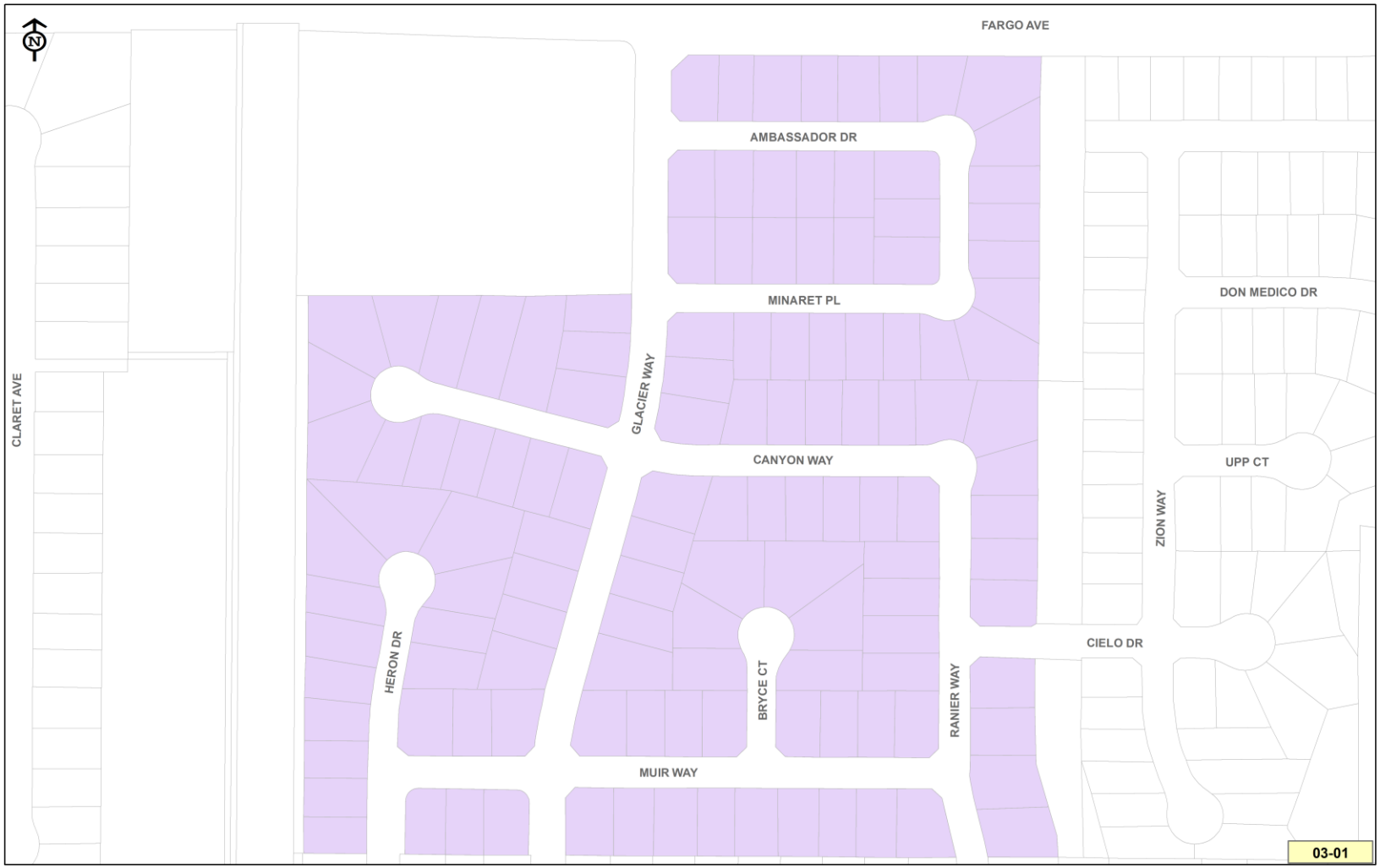
District 01-04 Silver Oaks Units 1 through 5

Date: 4/26/2022

District 02-01 Ashton Park Units 1 through 4

Date: 4/26/2022

District 03-01 Le Parc Units 1 through 3

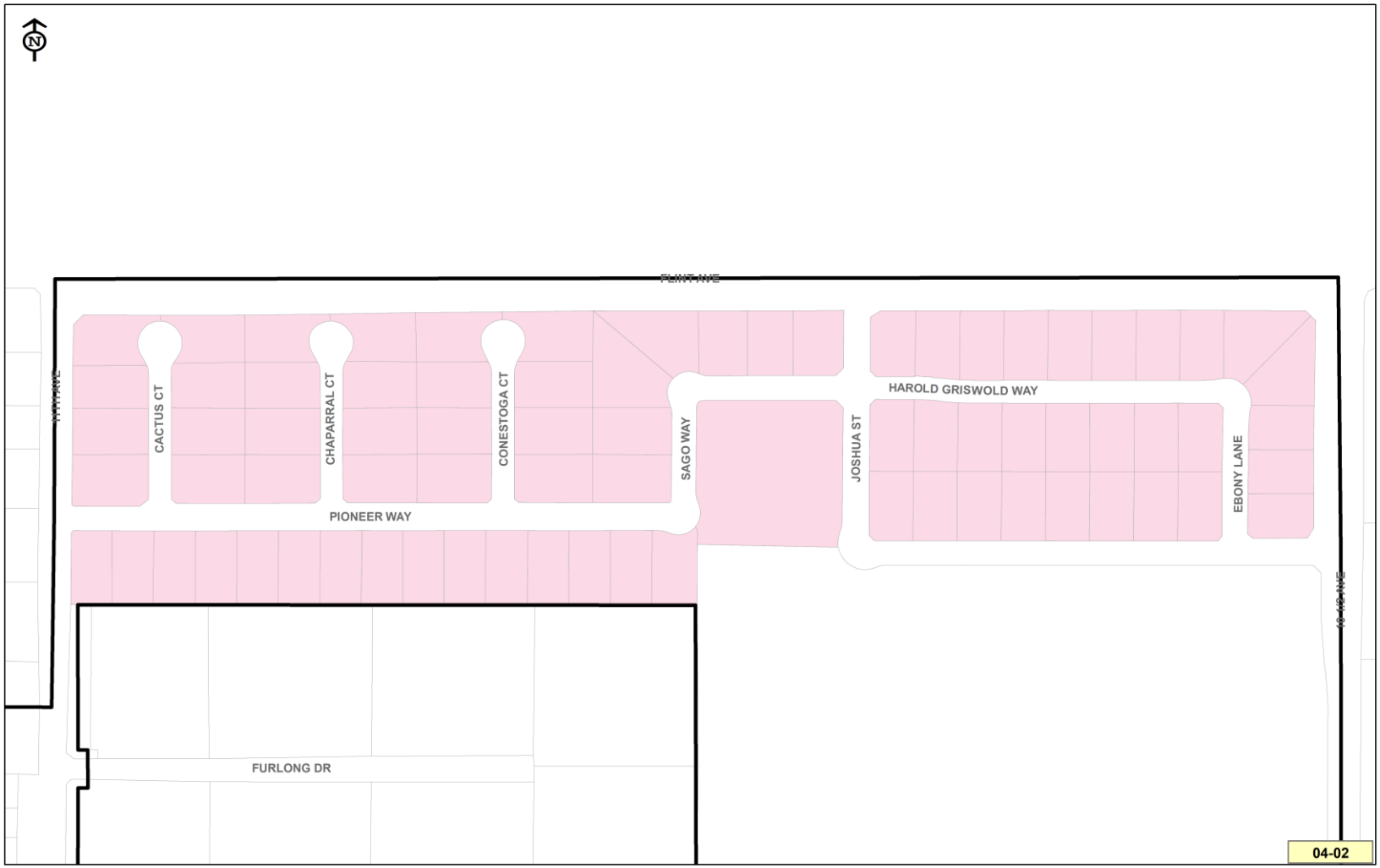


Date: 4/26/2022

District 04-01 Sidonia Units 1 & 2 and Sidonia Estates II

Date: 4/26/2022

District 04-02 Cambridge Homes - Majesty Pinnacle & Majesty II

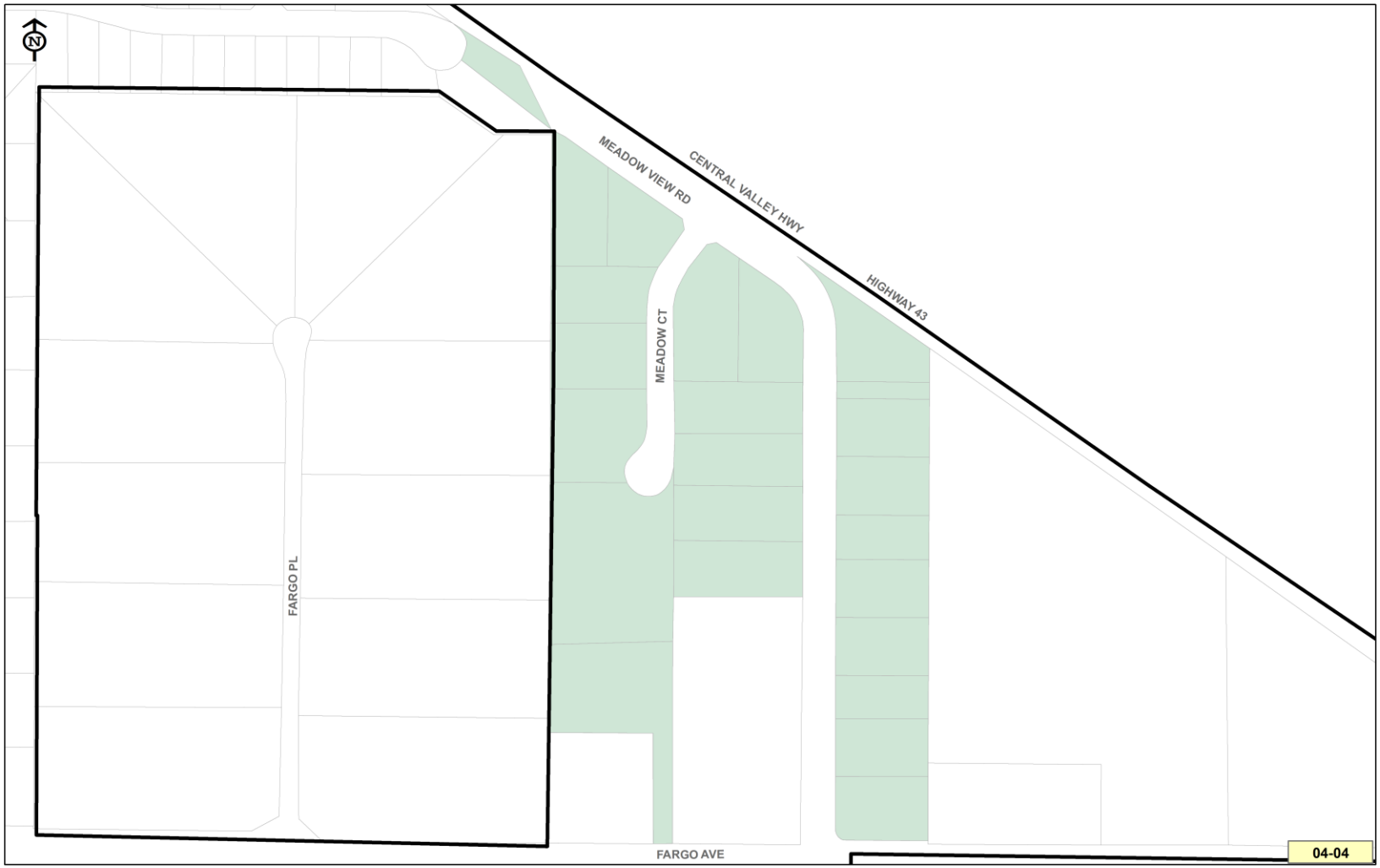


Date: 4/26/2022

District 04-03 Cambridge Homes - Majesty II #2, Cambridge Homes Units 1 through 6, Vineyards Units 1 through 4

Date: 4/26/2022

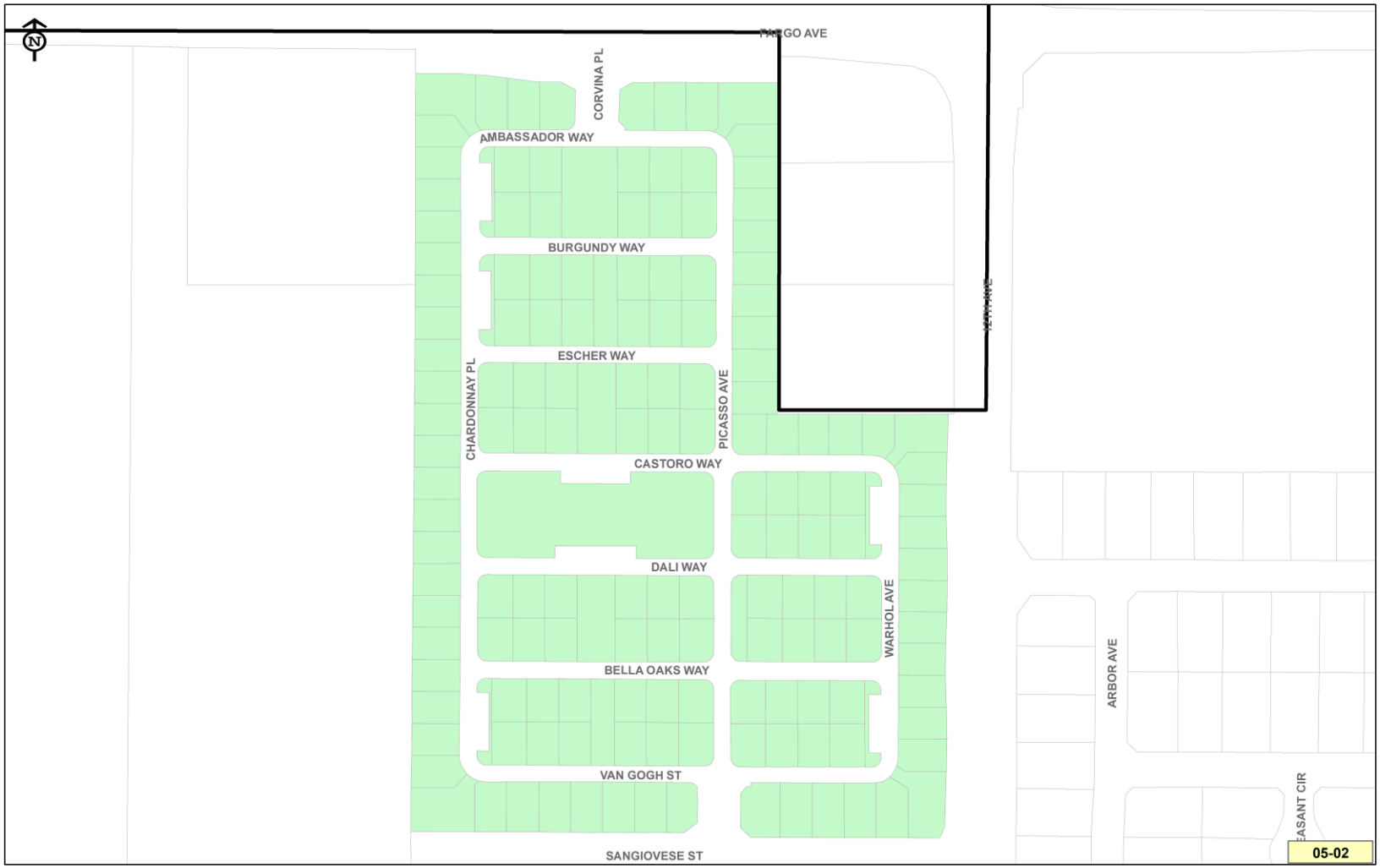
District 04-04 Sierra Heights Units 1 & 2



District 05-01 Mission Park

Date: 4/26/2022

District 05-02 Copper Valley



Date: 4/26/2022

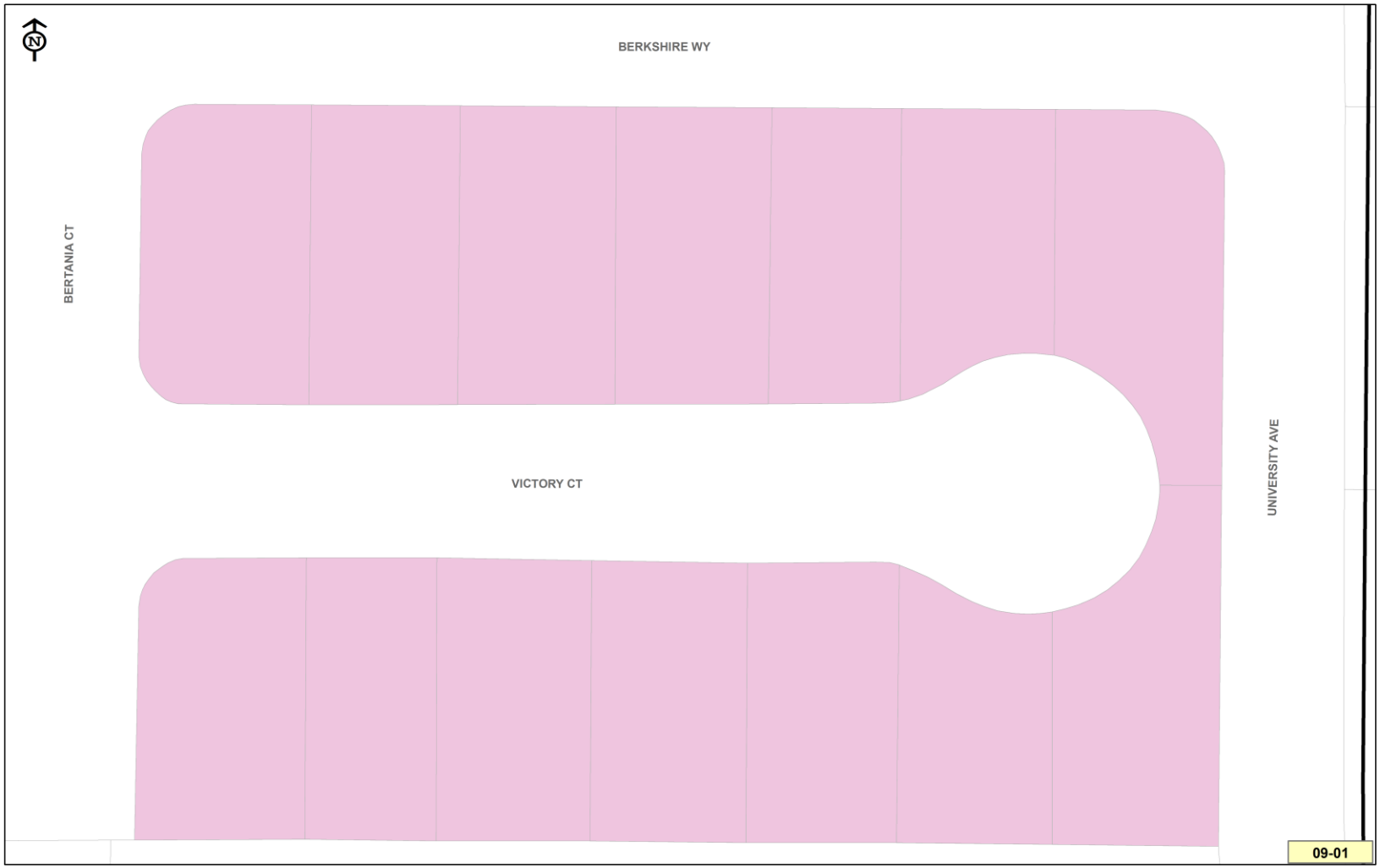
District 06-01 Quail Park Units 1 & 2

Date: 4/26/2022

District 07-02 South Gate Addition, Greenbrier Gardens, & Live Oak North

Date: 4/26/2022

District 09-01 Victory Estates



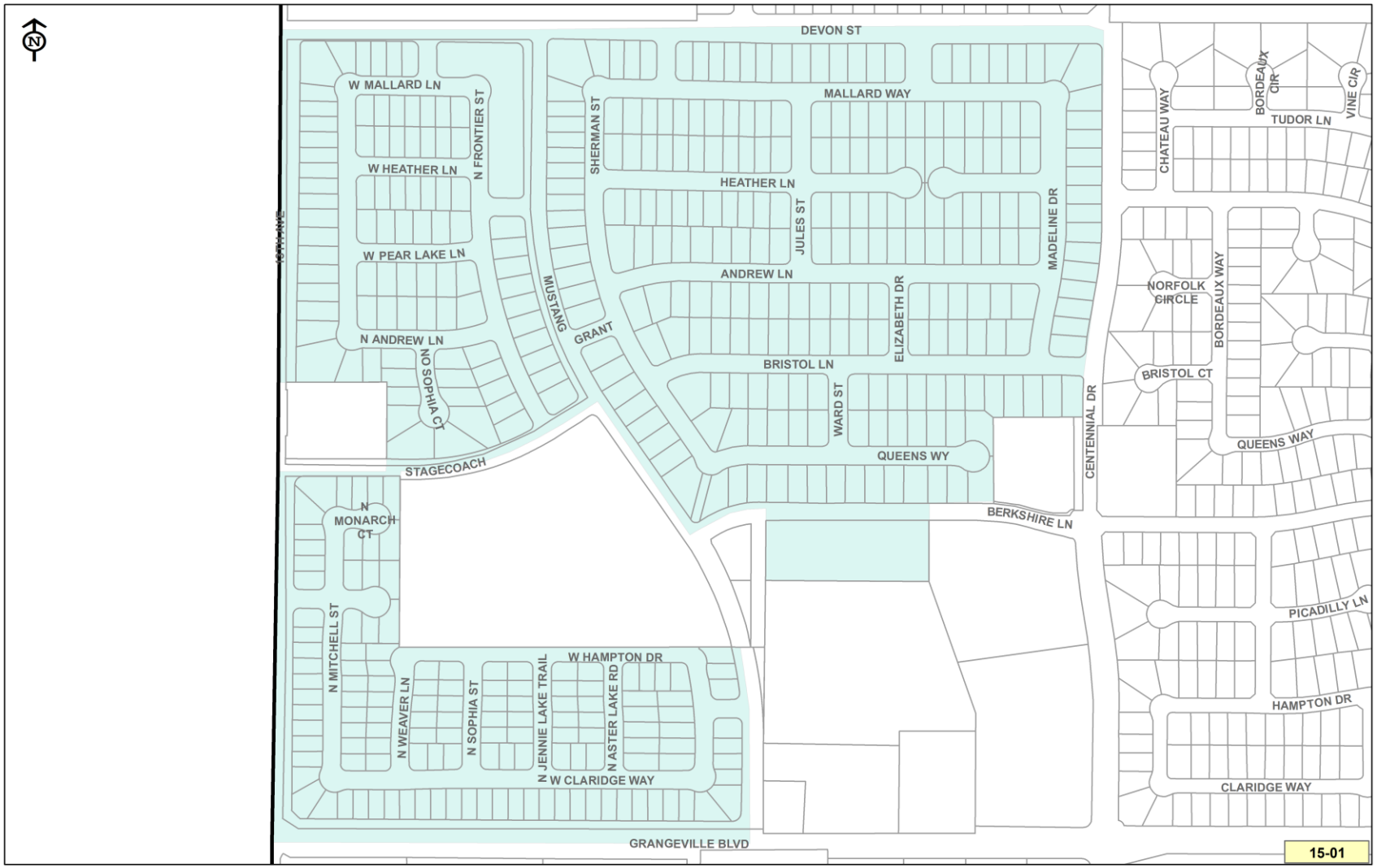
District 09-02 Independence Units 1 & 2

Date: 4/26/2022

District 14-01 Independence Units 3 & 4

Date: 4/26/2022

District 15-01 Silver Oaks Addition III Units 1 through 3

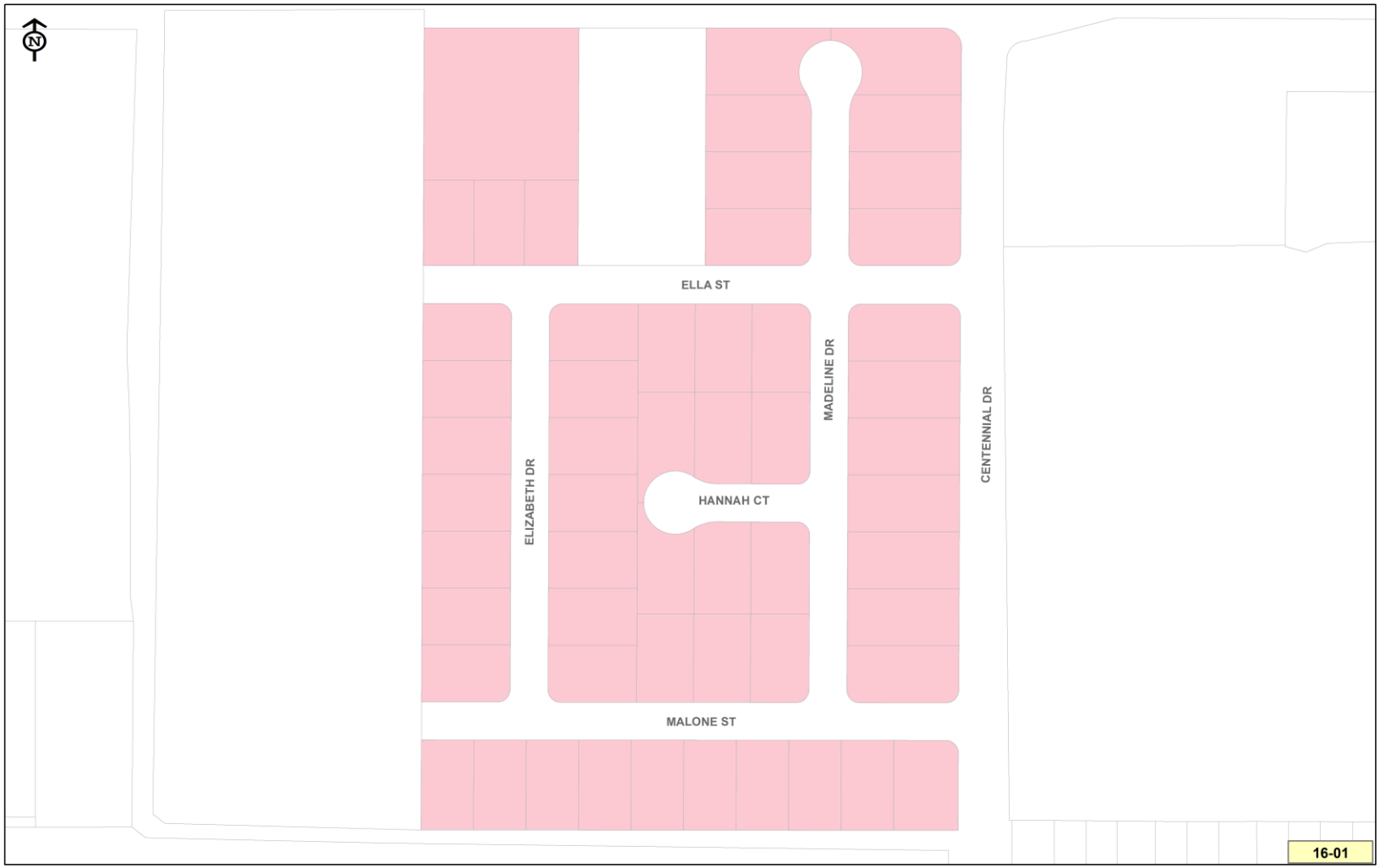


Date: 6/16/2022

District 15-02 The Greens II

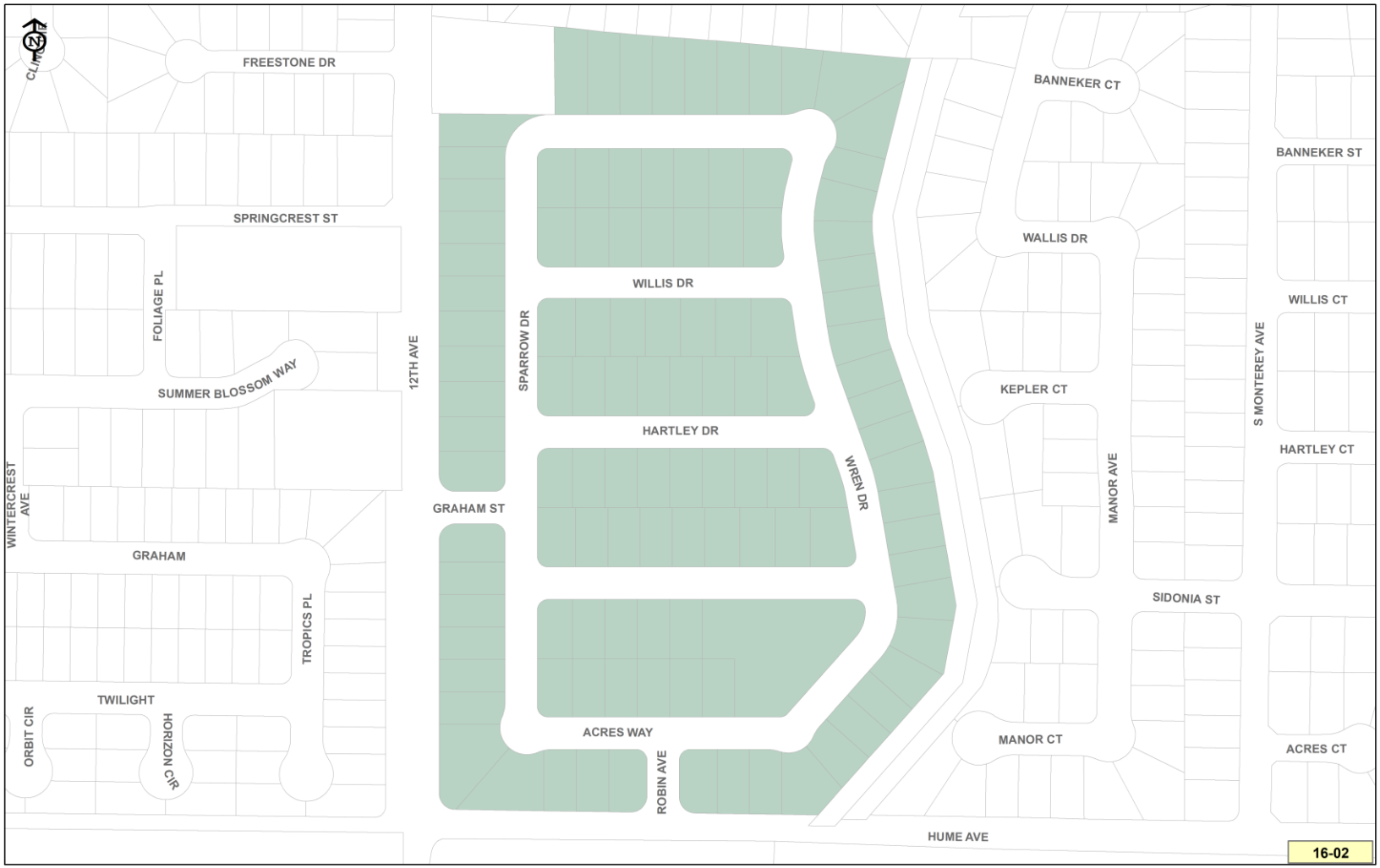
Date: 4/26/2022

District 16-01 Woodside Homes



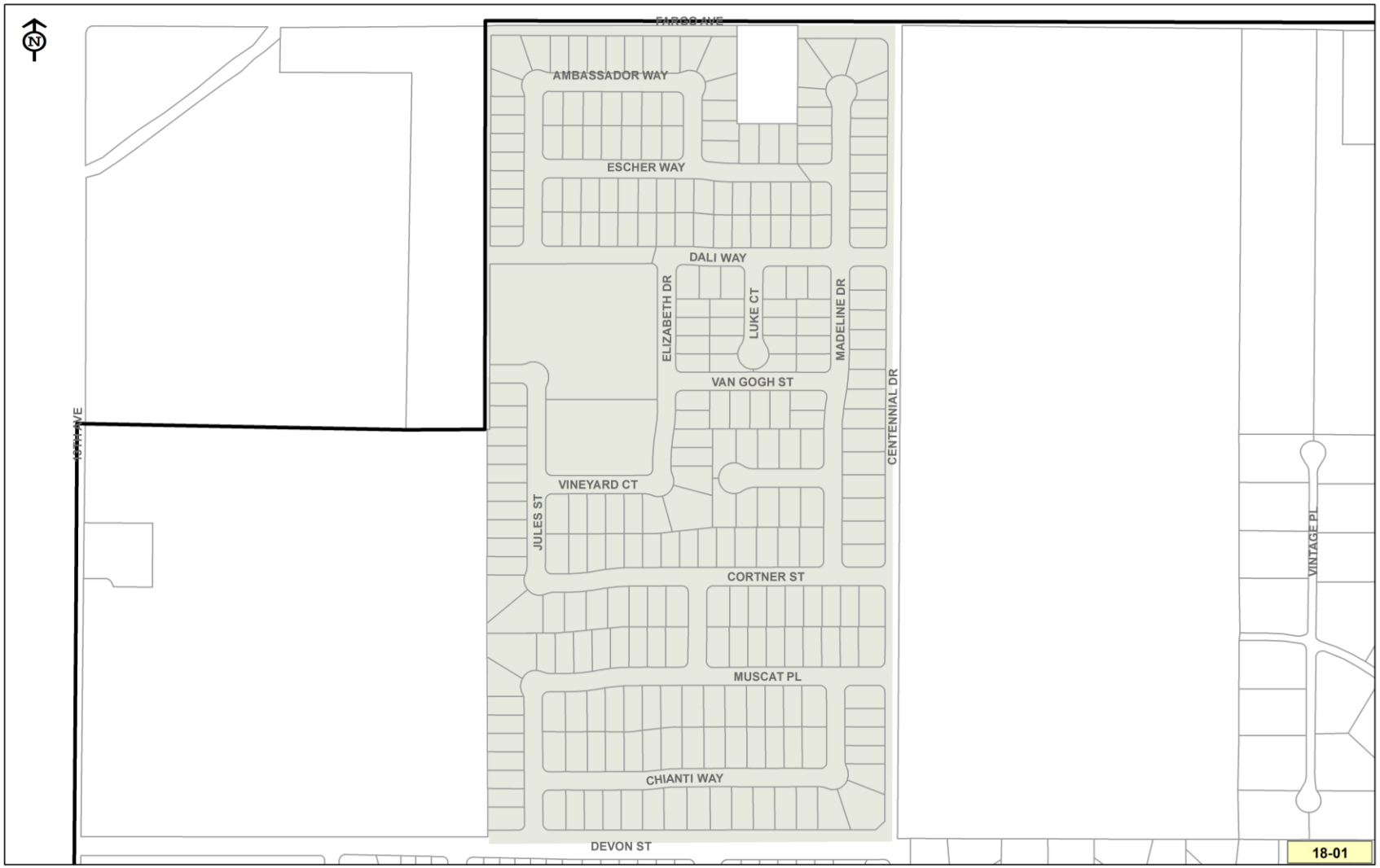
Date: 4/26/2022

District 16-02 Mynderup Units 1 & 2



Date: 4/26/2022

District 18-01 Bella Vista Units 1 through 4



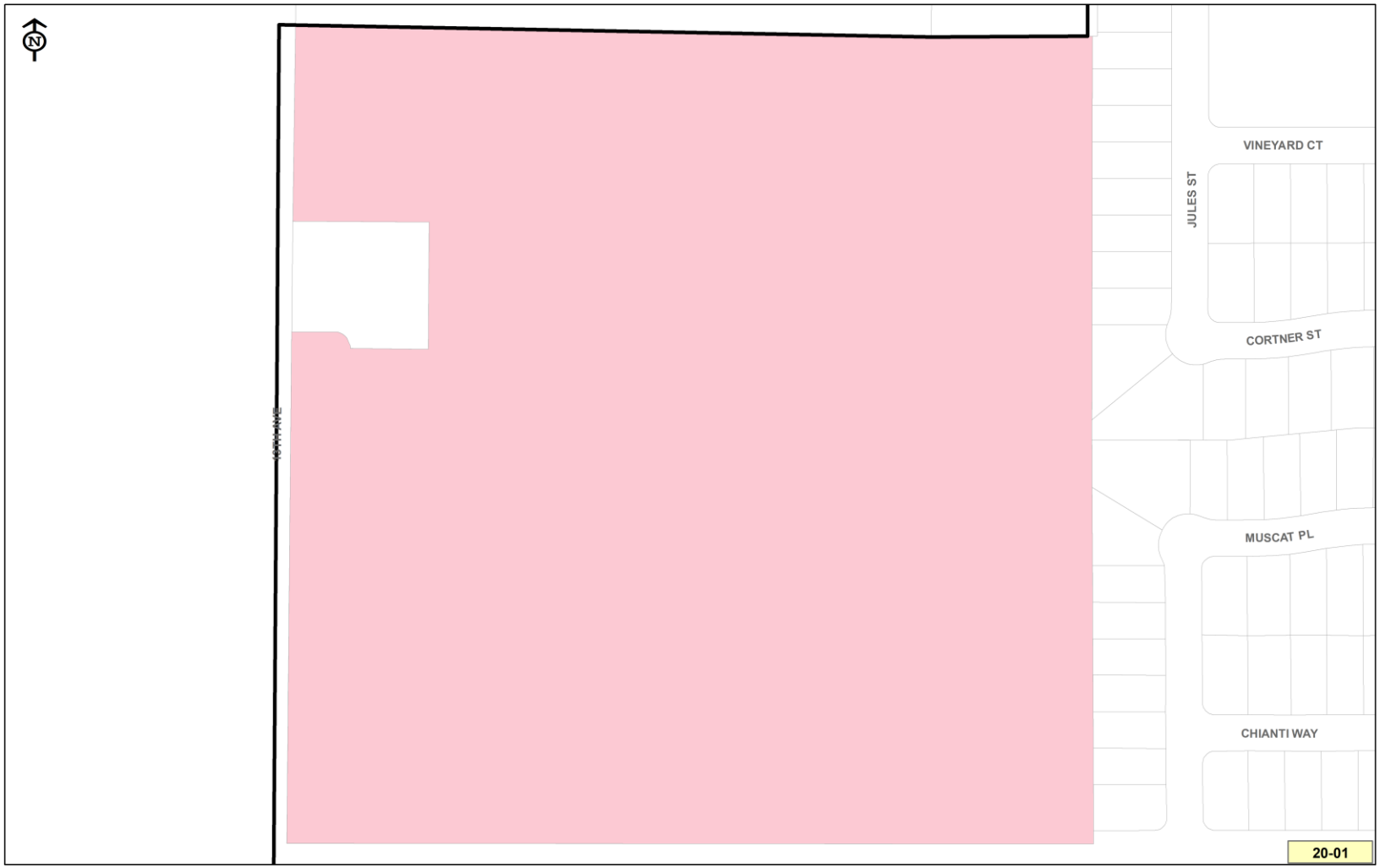
Date: 6/16/2022

District 19-01 Pacific Grove Addition II

Date: 4/26/2022

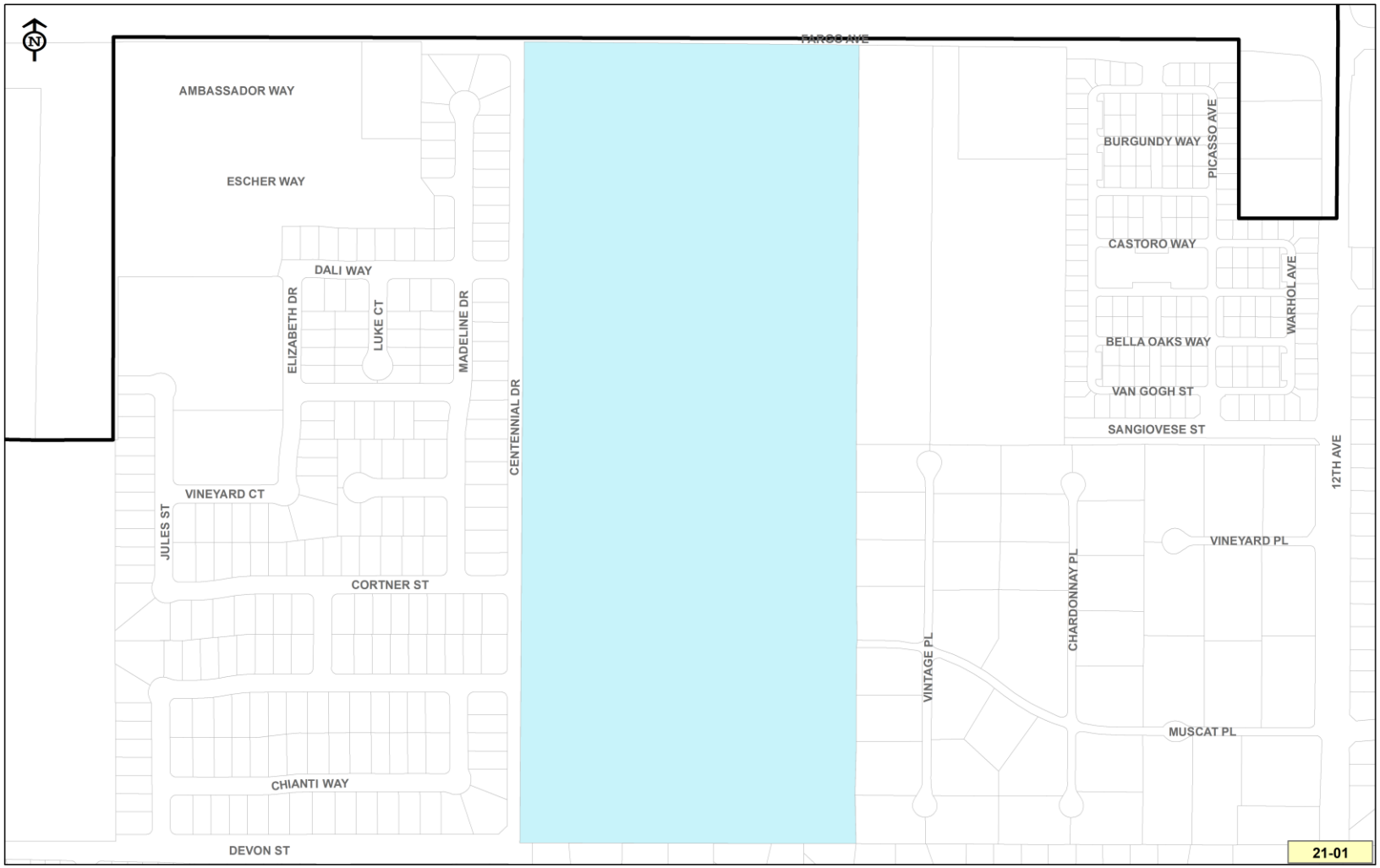
District 19-02 The Enclave

District 20-01 Woodside Homes



Date: 6/15/2022

District 21-01 San Joaquin Valley Homes



Date: 6/15/2022

Part V - Assessment Rolls

Due to the number of parcels in the Districts, the Assessment Roll for fiscal year 2023/2024 has been filed with the City Clerk in an electronic format and is, by reference, made part of this Report.

The Assessment Roll identifies the parcels within each District that are assessed for special benefits and their corresponding assessment amount for fiscal year 2023/2024. Each parcel listed on the Assessment Roll is currently shown and illustrated on the County Assessor's Roll and the County Assessor's Parcel Number Maps (APN maps). These records are, by reference, made part of this Report and shall govern for all details concerning the description of the lots or parcels. All assessments presented on the assessment roll are subject to change as a result of parcel changes made by the County including parcel splits, parcel merges or development changes that occur prior to the County Assessor's Office securing the final roll and generating tax bills for fiscal year 2023/2024.

The proposed Assessment Roll shall be available for public inspection in the City Clerk's Office during normal office hours.

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** GENERAL BUSINESS

SUBJECT:
Adoption of Resolution No. 23-32-R, authorizing the acceptance of a grant from California Highway Patrol in the amount of $63,033.28, Amendment to the Police Department operating budget to recognize the grant, Appropriation of the same amount in the General Fund for the Police Department, and Authorization for the Police Chief to execute the grant agreement.

Recommendation:
Recommendation:That the City Council approve the resolution accepting the California Highway Patrol (CHP) grant in the amount of $63,033.28, amend the budget to recognize the grant, appropriate this amount in the General Fund for the Police Department, and authorize the Police Chief to execute the grant agreement.

Recommended Motion: I move to approve the resolution accepting the California Highway Patrol (CHP) grant in the amount of $63,033.28, amend the budget to recognize the grant, appropriate this amount in the General Fund for the Police Department, and authorize the Police Chief to execute the grant agreement.
Background:
The Hanford Police Department sought a CHP DUI/DUID (Driving Under the Influence/Drugs) Enforcement grant.This was a highly competitive grant and the police department was notified last month that the grant was awarded to the Hanford Police Department. The award amount totals $63,033.28 to cover the overtime associated with twelve (12) DUI/DUID Saturations and six (6) DUI Checkpoints to be conducted over this fiscal year, and includes $25,000 toward the purchase of a message board. The message board will be able to be purchased within this allowed amount and will most likely include a programmable LED messaging sign, Flock Camera and a speed enforcement radar.

The grant offer required the agreement to be signed within 10 days. After contacting the grant officials, they recognized it was not possible for the Council to approve a resolution within 10 days. Therefore, they instructed staff to sign the grant and then to get the council to adopt a resolution. The Hanford Police Department has not conducted any events or purchased any items in connection with this grant and are under no obligation to do so should the Council not wish to accept these funds.

There are no matching funds associated with this grant, an appropriation for the amount of the grant will have to be made to expend the funds as the reimbursement will occur after the fact. There may be a minor expenditure that will have to occur in excess of the grant amount as the state wants the agencies to expend all of the funds and it is not possible to expend the exact amount. We will strive to get as close as possible to the actual grant amount and minimize the impact on the department's

operating budget. Any amount in excess can be absorbed within the existing police budget.

Fiscal Impact:
The fiscal impact will be a total of $63,033.28 of grant monies to the City. Staff is requesting a budget amendment to recognize the grant funds and an appropriation in the amount of $63,033.28 to the General Fund for the Police Department. The City will be reimbursed on a quarterly basis by the grant administrator.

ATTACHMENTS:
1. CHP GRANT RESOLUTION No. 23-32-R
2. FY23-24 CTFGP Grant Agreement - Hanford PD

RESOLUTION NO. 23-32-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD AUTHORIZING THE ACCEPTANCE AND EXECUTIION OF A GRANT AGREEMENT FROM THE CALIFORNIA HIGHWAY PATROL (CHP) FOR DRIVING UNDER THE INFLUENCE ENFORCEMENT (DUI) ENFORCEMENT.

At a regular meeting of the City Council of the City of Hanford duly called and held on August 1, 2023, at 7:00 p.m., it was moved by Council Member_____, and seconded by Council Member_____, and carried that the following resolutions be adopted:

WHEREAS, The California Highway Patrol (CHP) made available a grant opportunity for DUI/DUID enforcement; and,

WHEREAS, The City of Hanford was successful in being awarded $63,033.28 in grant funding; and,

WHEREAS, The grant will enable the Hanford Police Department to conduct DUI checkpoints and enforcement events; and,

WHEREAS, The grant will provide a message board specifically designed for DUI/DUID prevention; and

WHEREAS, The grant requires no matching funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the acceptance and execution of said grant agreement.

PASSED, ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Hanford held on August 1, 2023, by the following vote:

AYES: _____

NOES:_____

ABSENT:_____

ABSTAIN:_____

_____

Travis Paden

MAYOR of the City of Hanford

Attest:

_____

NATALIE CORRAL

CITY CLERK

STATE OF CALIFORNIA)

COUNTY OF KINGS) ss

CITY OF HANFORD)

I, Natalie Corral, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the _____day of _____, 20___.

Date: _____

_____

City Clerk

Award Number
12953

1. GRANT TITLE
FY23/24 CTFGP Law Enforcement – Hanford Police Department

2. NAME OF ORGANIZATION/AGENCY
Hanford Police Department

3. ORGANIZATION/AGENCY SECTION TO ADMINISTER GRANT
Hanford Police Department

4. PROJECT PERFORMANCE PERIOD
From: 07/01/2023 To: 06/30/2024

5. PURCHASE ORDER NUMBER

6. GRANT OPPORTUNITY INFORMATION DESCRIPTION
Law Enforcement grants provide financial assistance to allied agencies for the education, prevention, and the enforcement of laws related to driving under the influence of alcohol and other drugs, including cannabis and cannabis products.

The intent of the program is to educate the public regarding the dangers of impaired driving, enforce impaired driving laws on the roadway, and improve Agency's effectiveness through training and development of new strategies.

7. FUNDS ALLOCATED UNDER THIS GRANT AGREEMENT SHALL NOT EXCEED $63,033.28

8. TERMS AND CONDITIONS
The Grantee agrees to complete the Project, as described in the Project Description. The Grantee's Grant Application, and the California Code of Regulations, Title 13, Division 2, Chapter 13, Sections 1890.00-1890.27, are hereby incorporated into this Grant Agreement by reference.

The parties hereto agree to comply with the Terms and Conditions of the following attachments:

- Schedule A – Project Description, Problem Statement, Goals and Objectives, and Method of Procedure
- Schedule B – Detailed Budget Estimate
- Schedule B-1 – Budget Narrative

We, the officials named below, hereby swear, under penalty of perjury under the laws of the State of California, that we are duly authorized to legally bind the Grant recipient to the above-described Grant Terms and Conditions.

IN WITNESS WHEREOF, this Grant Agreement is executed by the parties hereto.

9. APPROVAL SIGNATURES

A. AUTHORIZED OFFICIAL OF ORGANIZATION/AGENCY
Name: Parker Sever
Title: Chief of Police
Phone: (559) 585-4730

Address: 425 N. Irwin Street
Hanford, CA 93230

E-Mail: psever@cityofhanfordca.com

_____ _____
(Signature) *(Date)*

B. AUTHORIZED OFFICIAL OF CHP
Name: Evan Robinson Phone: (916) 843-4360
Title: Captain Fax: (916) 322-3169

Address: North 7th Street
Sacramento, CA 95811

E-Mail: ERobinson@chp.ca.gov

_____ _____
(Signature) *(Date)*

C. ACCOUNTING OFFICER OF CHP
Name: C. M. Jones Phone: (916) 843-3531
Title: Commander Fax: (916) 322-3159

Address: North 7th Street
Sacramento, CA 95811

E-Mail: Catrina.Jones@chp.ca.gov

_____ _____
(Signature) *(Date)*

10. AUTHORIZED FINANCIAL CONTACT TO RECEIVE REIMBURSEMENT PAYMENTS

Name: Jimmy Macias
Title: Administrative Analyst
Phone: (559) 585-4730

Address: 425 N. Irwin Street
Hanford, CA 93230

TERMS AND CONDITIONS

Grantee shall comply with the California Code of Regulations, Title 13, Division 2, Chapter 13 Section 1890, et seq. and all other Terms and Conditions noted in this Grant Agreement. Failure by the Grantee to comply may result in the termination of this Grant Agreement by the California Highway Patrol (hereafter referred to as State). The State will have no obligation to reimburse the Grantee for any additional costs once the Grant Agreement has been terminated.

A. EXECUTION

1. The State (the California Highway Patrol) hereby awards, to the Grantee, the sum of money stated on page one of this Grant Agreement. This funding is awarded to the Grantee to carry out the Project set forth in the Project Description and the terms and conditions set forth in this Grant Agreement.

2. The funding for this Grant Agreement is allocated pursuant to California Revenue and Taxation Code Section 34019(f)(3)(B). The Grantee agrees that the State's obligation to pay any sum under this Grant Agreement is contingent upon availability of funds disbursed from the California Cannabis Tax Fund to the State. If there is insufficient funding, the State shall have the option to either: 1) terminate this Grant Agreement; whereby, no party shall have any further obligations or liabilities under this Grant Agreement, or 2) negotiate a Grant Agreement Amendment to reduce the grant award and scope of work to be provided under this Grant Agreement.

3. The Grantee is not to commence or proceed with any work in advance of receiving notice that the Grant Agreement is approved. Any work performed by the Grantee in advance of the date of approval by the State shall be deemed volunteer work and will not be reimbursed by the State.

4. The Grantee agrees to provide any additional funding, beyond what the State has agreed to provide, pursuant to this Grant Agreement, and necessary to complete or carry out the Project, as described in this Grant Agreement. Any modification or alteration of this Grant Agreement, as set forth in the Grant Application submitted by the Grantee and on file with the State, must be submitted in writing thirty (30) calendar days in advance to the State for approval.

5. The Grantee agrees to complete the Project within the timeframe indicated in the Project Performance Period, which is on page one of this Grant Agreement.

B. PROJECT ADMINISTRATION

1. The Grantee shall submit all reimbursements, progress, performance, and/or other required reports concerning the status of work performed in furtherance of this Grant Agreement on a quarterly basis, or as requested by the State.

2. The Grantee shall provide the State with a final report showing all Project expenditures, which includes all State and any other Project funding expended, within sixty (60) calendar days after completion of this Grant Agreement.

3. The Grantee shall ensure all equipment which is purchased, maintained, operated, and/or developed is available for inspection by the State.

4. Equipment purchased through this Grant Agreement shall be used for the education, prevention, and enforcement of impaired driving laws, unless the Grantee is funding a portion of the purchased price not dedicated to impaired driving and that portion is not part of the Project costs. Equipment purchased under this Grant Agreement must only be used for approved Project-related purposes, unless otherwise approved by the State in writing.

5. Prior to disposition of equipment acquired under this Grant Agreement, the Grantee shall notify the State via e-mail, and by telephone, by calling the California Highway Patrol, Impaired Driving Section, Cannabis Grants Unit at (916) 843-4360.

TERMS AND CONDITIONS

C. PROJECT TERMINATION

1. Grantee or the State may terminate this Grant Agreement at any time prior to the commencement of the Project. Once the Project has commenced, this Grant Agreement may only be terminated if the party withdrawing provides thirty (30) calendar days written notice of their intent to withdraw.

    a. If by reason of force majeure the performance hereunder is delayed or prevented, then the term end date may be extended by mutual consent for the same amount of time of such delay or prevention. The term “force majeure” shall mean any fire, flood, earthquake, or public disaster, strike, labor dispute or unrest, embargo, riot, war, insurrection or civil unrest, any act of God, any act of legally constituted authority, or any other cause beyond the Grantee’s control which would excuse the Grantee’s performance as a matter of law.

    b. Grantee agrees to provide written notice of an event of force majeure under this Grant Agreement within ten (10) calendar days of the commencement of such event, and within ten (10) calendar days after the termination of such event, unless the force majeure prohibits Grantee from reasonably giving notice within this period. Grantee will give such notice at the earliest possible time following the event of force majeure.

2. Any violations of law committed by the Grantee, misrepresentations of Project information by the Grantee to the State, submission of falsified documents by the Grantee to the State, or failure to provide records by the Grantee to the State when requested for audit or site visit purposes may be cause for termination. If the Project is terminated for the reasons described in this paragraph, the State will have no obligation to reimburse the Grantee for any additional costs once the Grant Agreement has been terminated.

3. The State may terminate this Grant Agreement and be relieved of any payments should the Grantee fail to perform the requirements of this Grant Agreement at the time and in the manner herein provided. Furthermore, the Grantee, upon termination, shall return grant funds not expended by the Grantee as of the date of termination.

4. If this Grant Agreement is terminated, the State may choose to exclude the Grantee from future Grant Opportunities.

D. FINANCIAL RECORDS

1. The Grantee agrees the State, or their designated representative, shall have the right to review and to copy all records and supporting documentation pertaining to the performance of this Grant Agreement. Grantee agrees to maintain such records for possible audit for a minimum of five (5) years after final payment, unless a longer period of records retention is stipulated or required by law. Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Furthermore, the Grantee agrees to include a similar right for the State to audit all records and interview staff in any subcontract related to performance of this Grant Agreement.

E. HOLD HARMLESS

1. The Grantee agrees to indemnify, defend, and save harmless the State, its officials, agents and employees from any and all claims and losses accruing or resulting to any and all Grantee’s staff, contractors, subcontractors, suppliers, and other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Grant Agreement, and from any and all claims and losses accruing or resulting to any person, agency, firm, corporation who may be injured or damaged by the Grantee in performance of this Grant Agreement.

F. NONDISCRIMINATION

1. The Grantee agrees to comply with State and federal laws outlawing discrimination, including, but not limited to, those prohibiting discrimination because of sex, race, color, ancestry, religion, creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (including cancer or genetic characteristics), sexual orientation, political affiliation, position in a labor dispute, age, marital status, and denial of statutorily-required employment-related leave. (GC 12990 [a-f] and CCR, Title 2, Section 8103.)

G. AMERICANS WITH DISABILITIES ACT

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

H. DRUG-FREE WORKPLACE

1. The Grantee shall comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

    a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

    b. Establish a Drug-Free Awareness Program to inform employees about:

        i. The dangers of drug abuse in the workplace.

        ii. The person's or Organization/Agency's policy of maintaining a drug-free workplace.

        iii. Any available counseling, rehabilitation, and employee assistance programs.

        iv. Penalties that may be imposed upon employees for drug abuse violations.

    c. Every employee who works on the Project will:

        i. Receive a copy of the company's drug-free workplace policy statement.

        ii. Agree to abide by the terms of the company's statement as a condition of employment on the Grant Agreement.

2. Failure to comply with these requirements may result in suspension of payments under this Grant Agreement, or termination of this Grant Agreement, or both, and Grantee may be ineligible for award of any future Grant Agreements if the department determines that any of the following has occurred:

    a. The Grantee has made false certification or violated the certification by failing to carry out the requirements, as noted above. (GC 8350 et seq.)

I. LAW ENFORCEMENT AGENCIES

1. All law enforcement Organization/Agency/Agency Grantees shall comply with California law regarding racial profiling. Specifically, law enforcement Organization/Agency/Agency Grantees shall not engage in the act of racial profiling, as defined in California Penal Code Section 13519.4.

TERMS AND CONDITIONS

J. LABOR CODE/WORKERS' COMPENSATION

1. The Grantee is advised and made aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Grantee affirms to comply with such provisions before commencing the performance of the work of this Grant Agreement, (refer to Labor Code Section 3700).

K. GRANT APPLICATION INCORPORATION

1. The Grantee agrees the Grant Application and any subsequent changes or additions approved or required by the State is hereby incorporated into this Grant Agreement.

L. STATE LOBBYING

1. The Grantee is advised that none of the funds provided under this Grant Agreement may be used for any activity specifically designed to urge or influence a state or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., “grassroots”) lobbying activities, with one exception. This does not preclude a state official, whose salary is supported by this Grant Agreement, from engaging in direct communications with the state or local legislative officials, in accordance with customary state and/or local practice.

M. REPRESENTATION AND WARRANTIES

1. The Grantee represents and warrants that:

    a. It is validly existing and in good standing under the laws of the State of California, has, or will have the requisite power, authority, licenses, permits, and the like necessary to carry on its business as it is now being conducted and as contemplated in this Grant Agreement, and will, at all times, lawfully conduct its business in compliance with all applicable federal, state, and local laws, regulations, and rules.

    b. It is not a party to any Grant Agreement, written or oral, creating obligations that would prevent it from entering into this Grant Agreement or satisfying the terms herein.

    c. If the Grantee is a Nonprofit Organization/Agency, it will maintain its “Active” status with the California Secretary of State, maintain its “Current” status with the California Attorney General’s Registry of Charitable Trusts, and maintain its federal and State of California tax-exempt status. If the Grantee subcontracts with a Nonprofit as part of this Grant Agreement, the Grantee shall ensure the Nonprofit will maintain its “Active” status with the California Secretary of State, maintain its “Current” status with the California Attorney General’s Registry of Charitable Trusts, and maintain its federal and State of California tax-exempt status.

    d. All of the information in its Grant Application and all materials submitted are true and accurate.

N. AIR OR WATER POLLUTION VIOLATION

1. Under the state laws, the Grantee shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

O. GRANTEE NAME CHANGE

1. Grantee agrees to immediately inform the State, in writing, of any changes to the name of the person within the Organization/Agency/Agency with delegated signing authority.

2. An Amendment is required to change the Grantee's name, as listed on this Grant Agreement. Upon receipt of legal documentation of the name change, the State will process the Amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said Amendment.

P. RESOLUTION

1. A county, city, district, or other local public body shall provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body, which by law, has authority to enter into a Grant Agreement, authorizing execution of the Grant Agreement.

Q. PAYEE DATA RECORD FORM STD. 204

1. This form shall be completed by all non-governmental Grantees.

R. FINANCIAL INFORMATION SYSTEM FOR CALIFORNIA GOVERNMENT AGENCY TAXPAYER ID FORM

1. This form shall be completed by all Grantees.

S. CONFLICT OF INTEREST

1. This section serves to make the Grantee aware of specific provisions related to current or former state employees. If Grantee has any questions regarding the status of any person rendering services or involved with the Grant Agreement, the Grantee shall contact the State (California Highway Patrol, Impaired Driving Section, Cannabis Grants Unit) immediately for clarification.

2. Current State Employees:

    a. No officer or employee shall engage in any employment, activity, or enterprise, from which the officer or employee receives compensation or has a financial interest, and which is sponsored or funded by any state agency, unless the employment, activity, or enterprise is required, as a condition of regular state employment.

    b. No officer or employee shall contract on their own behalf, as an independent Grantee, with any state agency to provide goods or services.

3. Former State Employees:

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

    b. For the 12-month period from the date they left state employment, no former state officer or employee may enter into a contract with any state agency if they were employed by that state agency in a policy-making position in the same general subject area as the proposed Grant Agreement within the 12-month period prior to their leaving state service.

4. The authorized representative of the Grantee Organization/Agency, named within this Grant Agreement, warrants their Organization/Agency and its employees have no personal or financial interest and no present or past employment or activity, which would be incompatible with

participating in any activity related to this Grant Agreement. For the duration of this Grant Agreement, the Organization/Agency and its employees will not accept any gift, benefit, gratuity or consideration, or begin a personal or financial interest in a party who is associated with this Grant Agreement.

5. The Grantee Organization/Agency and its employees shall not disclose any financial, statistical, personal, technical, media-related, and/or other information or data derived from this Grant Agreement, made available for use by the State, for the purposes of providing services to the State, in conjunction with this Grant Agreement, except as otherwise required by law or explicitly permitted by the State in writing. The Grantee shall immediately advise the State of any person(s) who has access to confidential Project information and intends to disclose that information in violation of this Grant Agreement.

6. The Grantee will not enter into any Grant Agreement or discussions with third parties concerning materials described in paragraph five (5) prior to receiving written confirmation from the State that such third party has a Grant Agreement with the State, similar in nature to this one.

7. The Grantee warrants that only those employees who are authorized and required to use the materials described in paragraph 5 will have access to them.

8. If the Grantee violates any provisions in the above paragraphs, such action by the Grantee shall render this Grant Agreement void.

T. EQUIPMENT-USE TERMS

1. The Grantee agrees any equipment purchased under this Grant Agreement shall be used for impaired driving efforts.

2. Law Enforcement Projects:

   a. Oral Fluid Drug Screening Devices and Cannabis/Marijuana Breath Testing Equipment - The Grantee agrees to ensure all personnel using road-side drug testing equipment, including oral fluid drug testing devices and/or cannabis/marijuana breath testing devices, purchased with grant funds from this Grant Agreement, are trained to recognize alcohol and drug impairment. At a minimum, personnel using these devices should receive Standardized Field Sobriety Testing training. These personnel are also encouraged to attend Advanced Roadside Impaired Driving Enforcement and Drug Recognition Evaluator training. Prior to using these devices, the Grantee agrees to obtain permission from their local prosecutor's office, establish a policy ensuring appropriate use, and require the staff using these devices to receive appropriate training, which may include training from the manufacturer. This will help ensure the equipment is used appropriately. The Grantee shall advise the State (California Highway Patrol, Impaired Driving Section, Cannabis Grants Unit) of any legal challenges or other items of significance that may affect the use or legal acceptance of these devices. Additionally, the State may request additional information about the performance of these devices, including information about their use, accuracy, and feedback from personnel using the devices.

   b. Law Enforcement Vehicles – The Grantee agrees any law enforcement vehicles purchased with Grant funds, from this Grant Agreement, will be primarily used for the enforcement of driving under the influence laws and/or providing public education, related to the dangers of driving under the influence. Additionally, any vehicle purchased using funds from this Grant Agreement shall comply with all California Vehicle Code and California Code of Regulation requirements. The State may require the Grantee to mark these vehicles with a decal and/or emblem, indicating the vehicle is used for driving under the influence enforcement.

Schedule A

Hanford Police Department

All grant awards, including any adjustments to requested funding, were made by the Cannabis Grants Unit based on the merits of the Grant Application, scale of operation, and in accordance with the Request for Application (RFA) requirements and associated regulations. As a result, not all Project activities and items detailed in Schedule A are applicable. Refer to Schedule B - Detailed Budget Estimate for approved Budget line items and Project activities. Project activities and items that are not clearly identified/specified in the Grant Agreement must be submitted to and approved by CGU prior to purchase. Grantees shall not exceed the travel rates paid to exempt, excluded, and represented State of California employees and will be reimbursed at the State travel rates. Any costs beyond State travel rates will be at the expense of the Grantee.

Project Description

For this grant, The Hanford Police Department is going to do saturation details and DUI checkpoints to ensure public safety and preventing impaired driving of any kind. The department will do saturations and checkpoints each month throughout the year to ensure the roadways are safe for the citizens of the city. The desired outcome for this grant is to have officers patrolling the streets and catching people who are driving impaired. The more saturations and checkpoints happen, the higher probability it is that the officers can monitor the roads and ensure safety for the community. Along with saturations and checkpoints, the agency is asking for a message board. The agency does not have one currently and the need for one is dire. With a message board, the agency can remind people to not drink and drive or inform people of a checkpoint ahead. Currently, the agency uses dim lighting and road signs to signal a checkpoint is ahead. During thick fog, officers' safety is compromised because people cannot see very well in thick fog.

Problem Statement & Proposed Solution

The need for the community is to have more officers on patrol for people who are driving impaired. In 2020 there were sixty (60) DUI collisions in the city of Hanford. In 2021, the number rose thirty (30%) percent to eighty (80) DUI collisions. In 2022, the number of DUI collisions stayed at eighty (80) for the year. The City of Hanford is the biggest city in Kings County. Hanford has grocery stores, a mall, multiple big box stores, restaurants, hospital and birthing center, movie theater, and host sporting events at various gyms, and sports facilities around the city. At any point throughout a day in the city, the amount of people increases highly because of the amenities people are coming to the city for. Because of the amount of vehicle traffic, normal Traffic Enforcement cannot combat the amount of DUI collisions which mostly happen at night. By having saturations and DUI checkpoints, that will help to combat impaired driving through the city. By having saturations and checkpoints, that will minimize the amount of impaired drivers on the roads and call save the lives of people who are sharing the roads with impaired drivers.

Performance Measures/Scope of Work

Keeping the roadways safe from impaired drivers is vital to the department. The Hanford Police Department will conduct six (6) DUI/DUID Checkpoints throughout the grant period. There will be one checkpoint every two months. The department will also conduct twelve (12) DUI/DUID Saturations throughout the grant period.

After a saturation or a checkpoint is conducted, a narrative about what occurred during that operation will be sent to our administrative analyst for reporting purposes. The narrative will tell if there were any arrests/ citations, what were the arrests/ citation for, or if there were any arrests for DUI/DUID or alcohol related incidents. These narratives will be used to update our reporting to CHP in Amplifund. Amplifund will be updated on a monthly basis and the agency will report on a quarterly basis. Once the reporting periods are finished, the department will be able to quantitatively measure reductions or increases in DUI/DUID arrests or impaired related accidents. The agency will be able to see the statistical data from the previous year to make a comparison on how the DUI/DUID enforcement is evolving from year to year or quarter to quarter. The hope would be to have DUI/DUID down by ten (10) percent.

During this grant cycle, the department will conduct Six (6) DUI/DUID Checkpoints. One checkpoint will be completed every two months. For each checkpoint there will be one (1) sergeant, one (1) corporal, two (2) traffic enforcement officers, five (5) patrol officers, one (1) dispatcher assigned specifically to the checkpoint, and one (1) traffic corporal.

The message board the department is asking for in this grant will help make roadways safer by the agency being able to remind drivers not to drink and drive and to deliver. The message board will help during

checkpoints because the message board will be out to notify to people driving that there is a checkpoint ahead and to not drink and drive. The message board would be great to utilize during DUI checkpoints to make people aware to slow down because there is a checkpoint ahead. The message board has the ability for the department to have " do not drink and drive" and " checkpoint ahead" showing at one time. Currently, the department uses dim lights and road signs. The message board could also be used to remind people not to drink and drive and the message board could be put up and community events where alcohol is being sold/ consumed such as the Thursday Night Farmers Market amongst other community events.

Project Performance Evaluation

The method of evaluation to show the effectiveness of the project will be to review the monthly and Quartey statistics and see how many people were caught breaking the law. By reviewing the statistics, the department will be able to see how many citations or arrests were made as well as what type of offenses those arrests or citations there were as well. With these statistics, the department can put out a press release to let the citizens of Hanford know the results of a checkpoint or saturation. By putting out press releases, that will help curve the amount of DUI/DUID cases the public will become more aware that the department is targeting enforcement. With press releases, saturations, and DUI/DUID checkpoints, the agency hopes to decrease the number of DUI/DUID cases by at least ten percent (10%). By being consistent with doing a saturation or checkpoint each month, this will help us reach our goal of DUI/DUID cases by ten percent 10%. The positive impact of decreasing the amount of DUI/DUID cases is massive. By cases decreasing, that means people are being safe which means the city is safer. Public safety a big priority for the agency.

Program Sustainability

Financial support internally and externally is vital for the success on a short and long term basis. Supervisory and management staff have been successful in the past in obtaining grants from federal and state government agencies. based off of the statistics from the last three years, funding specifically for saturations and checkpoints is important. In the reduction of future funding or if grant funds are not available, the agency will do everything possible to continue the project. the agency will try and budget for overtime to continue this project. The amount of saturations and checkpoints may decrease because of funding. Regardless, the ultimate goal is to keep the roads safe.

Administrative Support

The administrative support of the department is terrific. Administration is very supportive of the department, and they are wanting to ensure the city is always as safe as possible. Administration has dealt with a variety of grants as well as have knowledge with the CHP DUI grant. There is an administrative analyst within the department that will handle reporting for this grant. The department has the personnel to complete this grant as well as any others. The department has the equipment to conduct saturations as well checkpoints. The only thing that the department is lacking regarding equipment is a message board. When there are checkpoints being conducted, we must use road signs and dim lighting to illuminate the signage. That is dangerous for officer safety. Recently, there was a checkpoint being done and it was very foggy out and the only signage for people driving up to see were stop signs and checkpoint ahead signs under dim lights. A message board would help officers during checkpoints immensely.

Schedule B

Detailed Budget Estimate

Award Number	Organization/Agency	Total Amount
12953	Hanford Police Department	$63,033.28

Cost Category	Line Item Name	Total Cost to Grant
Personnel		
	DUI Saturation Patrol	$10,532.16
	DUI Checkpoint	$27,501.12
Category Sub-Total		**$38,033.28**
Equipment		
	Message Board	$25,000.00
Category Sub-Total		**$25,000.00**

Grant Total	$63,033.28

Schedule B-1
Budget Narrative

Hanford Police Department

Personnel

DUI Saturation Patrol

$10,532.16

The Hanford Police Department will plan monthly DUI/DUID Saturation details. The saturations will consist of two officers or two corporals working as a two man unit for six (6) hours per saturation. One saturation will occur per month. 2 Corporals: 144 hours @OT rate of $73.14=$10,532.16

DUI Checkpoint

$27,501.12

The cost breakdown for Checkpoints: 1 Sergeant: 36 hours @OT rate of $84.92=$3,057.12 1 Corporal: 36 hours@ OT rate of $73.14=$2,633.04 2 Traffic Officers- 36 hours each @ OT rate of $69.68= $5,016.96 5 Patrol Officers: 36 hours each@ OT rate of $69.68=$12,542.40 1 Dispatcher: 36 hours@ OT rate of $44.96=$1,618.56 1 Traffic Corporal: 36 hours @ OT rate of $73.14=$2,633.04 Overtime cost for DUI/DUID Checkpoints= $27,501.12

Equipment

Message Board

$25,000.00

The total cost for the message board is $25,000. The message on the message board will have messages to help mitigate DUI/DUID. The message board comes equipped with a trailer to be able to move it, a three year warranty, all the power cords and cables necessary, an ALPR camera, trailer certificate of origination, shipping and handling, along with tech support if needed as well as phone app software support.

AGENDA
STAFF REPORT

MEETING DATE: 8/1/2023	**AGENDA SECTION:** GENERAL BUSINESS

SUBJECT:
Approval of a contract with Park Planet, totaling $174,586.80, for the purchase of replacement playground equipment and installation services at Earl F Johnson Park, to be funded by the Accumulated Capital Outlay (ACO) Fund.

RECOMMENDATION:

Recommendation: The City Council, by motion, approve the purchase of replacement playground equipment and installation services from Park Planet, totaling $174,586.80 from the approved Accumulated Capital Outlay (ACO) Fund.

BACKGROUND:

The existing playground equipment at Earl F. Johnson Park has reached the end of its safe and useful lifespan. The structure is approximately 14 years old and has begun to fail in certain areas. Most recently, the lower section of a slide cracked/broke, creating a potential hazard for users. The part was replaced with a new part that took a15 weeks to receive. Due to the age of the structure and production schedules for the manufacturers, replacement parts are not readily available, creating delays in repairing any future damage.

Parks and Community Services staff sought proposals from the following manufacturers:

- Park Planet- Options
- Ross Recreation-
- Kompam - Options
- Miracle Playsystems
- MRC/Gametime

We received the following proposals:

- Kompan (three options)
- MRC/Gametime (two options)
- Park Planet (two options)

Each manufacturer provided play structure options (8 in total) and pricing. These options were presented to the public at the three in-person Reimagining Hidden Valley Park outreach events on

May 27, June 1, and June 3. Based on the votes for each play structure from those events, the top four play structures were:

- Park Planet Option 1
- Kompan Options 1 and 2
- MRC/Gametime Option 1

Those four play structures were presented to forty young summer campers aged 6- 13. The Park Planet Option 1 play structure (see attached rendering) was the top vote recipient. This play structure meets all City of Hanford play structure specifications and meets the site's needs.

The Park Planet Option 1 play structure:

- Provides increased shade protection that extends the usable window (the time the structure can be played on in our hot summers) and extends its lifespan by protecting it from UV rays.
- Has the benefit of limited flat platforms that could be used for vagrant behavior or other non-play-related uses.
- Allows for a better line of sight for parental observation.

FISCAL IMPACT:

The Capital Improvement Plan budgeted $252,000 for this project from the ACO funds. The project costs $174,586.80, which would leave the remaining $77,413.20 in funding in the ACO fund for other projects. If not approved, we could expect future replacement parts to cost between $2,000-10,000 for slides, play panels, or platforms that are degrading.

ATTACHMENTS:

1. EFJ Playground Renderings
2. Park Planet Option 1

Proposed New Play Structure at Earl F. Johnson Park

Proposed New Play Structure at Earl F. Johnson Park

Park Planet Option One

Park Planet Option One

Council Future Agenda Items				
Originated Date	**Item**	**Originator**	**Staff Lead**	**Date Estimate**
12/20/2022	Presentation to City Council regarding Youth Sports Activities and related field usage and level of services provided after the formation of the Field Sports Advisory Committee	Council Consensus	Brad Albert	9/19/2023
3/21/2023	Discussion regarding the feasibility of implementing a permitting system to allow for portable basketball hoops within the City's Right of Way	Council Consensus	Various Staff	8/15/2023
7/18/2023	Council review of a proposed policy regarding the guidelines for Community Facility Districts for all future subdivisions	Council Consensus	Various Staff	9/5/2023