



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING NOVEMBER 12, 2013
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

- 1. Call To Order.**
- 2. Pledge Of Allegiance.**
- 3. Invocation.**
- 4. Roll Call.**
- 5. Declaration Of Conflicts Of Interest.**
- 6. Ceremonial Matters.**
 - a. Presentation Of PG&E Community Vitality Grant To The City Newman For The Skate Park Project.
 - b. Demonstration By The Newman Police K9 Association.
- 7. Items from the Public - Non-Agenda Items.**
- 8. Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants. ([View Warrant Register](#))
 - c. Approval Of Minutes Of The October 22, 2013 Meetings. ([View Minutes](#))
 - d. Adopt Resolution No. 2013- , A Resolution Supporting And Encouraging Modesto Junior College To Provide Educational Services To The West Side. ([View Report](#))
- 9. Public Hearings**
 - a. Adopt Resolution No. 2013- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
 - b. Second Reading And Adoption Of Ordinance No. 2013- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman And Authorizing Staff To Publish A Summary Of Said Ordinance. ([View Report](#))
 - c. Second Reading And Adoption Of Ordinance No. 2013- , An Ordinance Amending Title 8 Health And Sanitation, Chapter 8.05 Administrative Citation, Section 8.05.10 Applicability Of The Newman Municipal Code And Authorizing Staff To Publish A Summary Of Said Ordinance. ([View Report](#))
- 10. Regular Business**
 - a. Second Reading And Adoption Of Ordinance No. 2013- , An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2013 Edition Of The California Building Standards Code And Authorizing Staff To Publish A Summary Of Said Ordinance. ([View Report](#))

- b. Adopt Resolution No. 2013- , A Resolution Receiving And Accepting The General Purpose Financial Statement And Transportation Development Act Audits For The Fiscal Year Ending June 30th, 2013. ([View Report](#))
- c. Report On Appointment To The Parks And Recreation Commission. ([View Report](#))
- d. Report On Newman Chamber Of Commerce Tree Lighting Event At The Downtown Plaza. ([View Report](#))
- e. Report On Contract With City Of Turlock For Municipal Legal Services. ([View Report](#))

11. Items From District Five Stanislaus County Supervisor.

12. Items From The City Manager And Staff.

13. Items From City Council Members.

14. Adjournment.

Calendar of Events

November 11 – Veteran’s Day - City Offices Closed.
November 12 – City Council - 7:00 P.M.
November 14 – Recreation Commission – Cancelled.
November 19 – Two-On-Two Meeting With The School Board - 4:00 P.M.
November 21 – Planning Commission - Cancelled.
November 26 – City Council – Cancelled.
November 28-29 – Thanksgiving Holiday– City Offices Closed.

December 3 – NCLUSD Board Meeting - 6:00 P.M.
December 7 – Chamber Of Commerce Tree Lighting Event – 3:00 P.M. - 7:00 P.M.
December 10 – City Council - 7:00 P.M.
December 12 – Recreation Commission – 7:00 P.M.
December 17 – Two-On-Two Meeting With The School Board – Cancelled.
December 19 – Planning Commission – 7:00 P.M.
December 24 – City Council – Cancelled.
December 24-31 – Winter Holiday Closure – City Offices Closed.
December 25 – Christmas Day

Accounts Payable

AP Check Register for Council



CITY OF NEWMAN
938 Fresno St. - 2nd Floor
P.O. Box 787
Newman, CA 95360
209-862-3725

User: efaria

Printed: 10/28/2013 - 11:34 AM

<u>Name</u>	<u>Account</u>	<u>Description</u>	<u>Check Num</u>	<u>Check Da</u>	<u>Amount</u>
MCI Engineering	61-55-7520	Settlement on M Street sewer line project/settlement #677854	104454	10/28/2013	32,500.00
					<hr/> <hr/>
					32,500.00
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Accounts Payable

AP Check Register for Council



CITY OF NEWMAN
 938 Fresno St. - 2nd Floor
 P.O. Box 787
 Newman, CA 95360
 209-862-3725

User: efaria

Printed: 11/04/2013 - 9:06 AM

Name	Account	Description	Check Num	Check Da	Amount
BLUE SHIELD OF CALIFORNI	10-00-2260	Health Insurance premium/Nov 2013	104440	10/22/2013	13,312.00
BUSINESS CARD	10-21-6300	Cameras and SD cards	104453	10/28/2013	344.37
BUSINESS CARD	10-21-6530	Car wash/PD	104453	10/28/2013	7.00
BUSINESS CARD	10-45-6740	TT ball/Airhockey pucks	104453	10/28/2013	15.20
BUSINESS CARD	10-45-6739	Supplies for teen center snack bar	104453	10/28/2013	83.46
BUSINESS CARD	10-45-6738	Supplies for soccer snack bar	104453	10/28/2013	270.83
BUSINESS CARD	10-45-6739	Supplies for teen center snack bar	104453	10/28/2013	82.33
BUSINESS CARD	10-45-6735	Stop watches for soccer program	104453	10/28/2013	38.70
BUSINESS CARD	10-45-6738	Supplies for soccer snack bar	104453	10/28/2013	20.41
BUSINESS CARD	10-45-6738	Supplies for soccer snack bar	104453	10/28/2013	460.12
BUSINESS CARD	10-45-6738	Jerseys/medals for soccer	104453	10/28/2013	834.87
Harris Dale	10-00-5521	Refunded Pioneer Park deposit which was posted to park rent	104363	10/10/2013	20.00
Zendejas Bianca	10-21-6200	Gustine vs. Newman football game detail/Zendejas	104439	10/22/2013	147.06
					15,636.35

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User: efaria

Printed: 11/07/2013 - 3:15 PM

Name	Account	Description	Check Nu	Check D	Amount
ABBOTT & KINDERMANN, LLP	10-15-62C	Professional services rendered thru 10/20/13	104456	11/07/201	1,032.08
Anaya Raya Jaime	10-45-67E	Youth soccer referee/setup & clean-up/J. Anaya Raya	104457	11/07/201	347.50
Animal Damage Management, Inc	69-47-62C	Gopher, ground squirrel and vole control/Sherman Park	104458	11/07/201	275.00
Animal Damage Management, Inc	10-44-62C	Gopher, ground squirrel and vole control/Sherman Park	104458	11/07/201	275.00
ARAMARK UNIFORM SERVICES	10-33-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	54.75
ARAMARK UNIFORM SERVICES	10-44-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	36.50
ARAMARK UNIFORM SERVICES	60-50-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	54.75
ARAMARK UNIFORM SERVICES	63-56-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	36.51
ARAMARK UNIFORM SERVICES	10-22-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	25.84
ARAMARK UNIFORM SERVICES	10-07-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	96.80
ARAMARK UNIFORM SERVICES	10-21-62C	Mats/towels/rental and service/Oct 2013	104459	11/07/201	79.72
ARROWHEAD MOUNTAIN SPRING	10-14-63C	Bottled water delivered/9/30/13	104460	11/07/201	22.57
ARROWHEAD MOUNTAIN SPRING	60-50-63C	Bottled water delivered/9/30/13	104460	11/07/201	22.57
ARROWHEAD MOUNTAIN SPRING	63-56-63C	Bottled water delivered/9/30/13	104460	11/07/201	22.57
ARROWHEAD MOUNTAIN SPRING	10-45-63C	Bottled water delivered/9/30/13	104460	11/07/201	46.37
ARROWHEAD MOUNTAIN SPRING	10-21-63C	Bottled water delivered/9/30/13	104460	11/07/201	4.99
ARROWHEAD MOUNTAIN SPRING	60-50-63C	Bottled water delivered/9/30/13	104460	11/07/201	38.87
ARROWHEAD MOUNTAIN SPRING	63-56-63C	Bottled water delivered/9/30/13	104460	11/07/201	38.86
ARROWHEAD MOUNTAIN SPRING	60-50-63C	Bottled water delivered/9/30/13	104460	11/07/201	40.38
AT&T MOBILITY	10-21-64E	Wireless access/PD 9/3/13 to 10/2/13	104461	11/07/201	404.94
AT&T	10-21-64E	Long distance charges 9/13/13 to 10/12/13	104462	11/07/201	17.71
AT&T	10-14-64E	Long distance charges 9/13/13 to 10/12/13	104462	11/07/201	46.32
AT&T	10-07-66E	Long distance charges 9/13/13 to 10/12/13	104462	11/07/201	14.98
AT&T	63-56-64E	Long distance charges 9/13/13 to 10/12/13	104462	11/07/201	45.94
AT&T	60-50-64E	Long distance charges 9/13/13 to 10/12/13	104462	11/07/201	16.16
AT&T	10-14-64E	Analog line for alarm system 9/13/13 to 10/12/13	104462	11/07/201	5.55
AT&T	60-50-64E	Analog line for alarm system 9/13/13 to 10/12/13	104462	11/07/201	5.55
AT&T	63-56-64E	Analog line for alarm system 9/13/13 to 10/12/13	104462	11/07/201	5.54
AT&T	10-21-64E	Emergency dispatch line @ PD 9/20/13 to 10/19/13	104462	11/07/201	136.53
AT&T	10-21-64E	T one line @ PD 9/20/13 to 10/19/13	104462	11/07/201	336.23
Avid Identification Systems, Inc	10-21-63C	Animal friendChip/PD	104463	11/07/201	582.30
BERTOLOTTI DISPOSAL	10-41-62C	Monthly garbage service/Oct 2013	104464	11/07/201	60,724.78
BJ'S CONSUMER'S CHOICE IN	10-07-62C	Pest control treatment/938 Fresno St	104465	11/07/201	145.63
BJ'S CONSUMER'S CHOICE IN	10-22-62C	Pest control treatment/FD	104465	11/07/201	60.62
BJ'S CONSUMER'S CHOICE IN	10-44-66E	Pest control treatment/Teen center	104465	11/07/201	50.62
BJ'S CONSUMER'S CHOICE IN	63-56-62C	Pest control treatment/1125 Fresno	104465	11/07/201	55.62
BJ'S CONSUMER'S CHOICE IN	10-21-62C	Pest control treatment/PD	104465	11/07/201	60.63
BJ'S CONSUMER'S CHOICE IN	73-70-66E	Pest control treatment/Theater	104465	11/07/201	50.63
BJ'S CONSUMER'S CHOICE IN	10-07-62C	Pest control treatment/1162 Main St	104465	11/07/201	60.63
BJ'S CONSUMER'S CHOICE IN	10-44-66E	Pest control treatment/Teen center	104465	11/07/201	50.62
CAL TRAFFIC SIGNS	10-33-63C	10 caps/10 90 degree cross/2 street names	104466	11/07/201	248.15
CALIFORNIA SOCIETY OF MUNICIPAL FI	10-14-66E	CSMFO annual dues/2014/Humphries	104467	11/07/201	110.00
CALIF DEPT OF PUBLIC HEAL	63-56-66E	Distribution Certification request/Grade 2/R. Rocha	104468	11/07/201	80.00
CALIF DEPT OF PUBLIC HEAL	63-56-66E	Distribution Certification request/Grade 2/G. Stonebarger	104468	11/07/201	80.00
CALIFORNIA CONSULTING, LL	10-02-62C	Monthly grant & lobbying retainer/Nov 2013	104469	11/07/201	1,001.58

Name	Account	Description	Check Nu	Check D	Amount
CALIFORNIA CONSULTING, LL	60-50-620	Monthly grant & lobbying retainer/Nov 2013	104469	11/07/201	1,001.58
CALIFORNIA CONSULTING, LL	63-56-620	Monthly grant & lobbying retainer/Nov 2013	104469	11/07/201	1,001.58
CARTER JEFF	68-68-772		104470	11/07/201	100.00
CBA (ADMIN FEES)	10-00-220	Monthly dental-vision benefits admin fee	104471	11/07/201	234.00
CENTRAL SANITARY SUPPLY	10-44-660		104472	11/07/201	42.62
CENTRAL SANITARY SUPPLY	10-44-667		104472	11/07/201	21.30
CENTRAL SANITARY SUPPLY	10-07-630		104472	11/07/201	10.66
CENTRAL SANITARY SUPPLY	10-21-630		104472	11/07/201	10.65
CENTRAL SANITARY SUPPLY	10-07-660		104472	11/07/201	5.33
CENTRAL SANITARY SUPPLY	10-22-630		104472	11/07/201	5.33
CENTRAL SANITARY SUPPLY	10-44-630		104472	11/07/201	5.32
CENTRAL SANITARY SUPPLY	10-46-630		104472	11/07/201	5.33
CENTRAL SANITARY SUPPLY	10-44-660		104472	11/07/201	318.63
CENTRAL SANITARY SUPPLY	10-44-667		104472	11/07/201	159.32
CENTRAL SANITARY SUPPLY	10-07-630		104472	11/07/201	79.66
CENTRAL SANITARY SUPPLY	10-21-630		104472	11/07/201	79.65
CENTRAL SANITARY SUPPLY	10-07-660		104472	11/07/201	39.83
CENTRAL SANITARY SUPPLY	10-22-630		104472	11/07/201	39.83
CENTRAL SANITARY SUPPLY	10-44-630		104472	11/07/201	39.83
CENTRAL SANITARY SUPPLY	10-46-630		104472	11/07/201	39.83
Churchwell White, LLP	10-15-620	General municipal services/MCI Eng.	104473	11/07/201	3,542.92
CLENDENIN BIRD & CO LLP	10-14-620	Final progress bill fiscal 6/30/13 audit	104474	11/07/201	3,043.00
CLENDENIN BIRD & CO LLP	60-50-620	Final progress bill fiscal 6/30/13 audit	104474	11/07/201	3,043.00
CLENDENIN BIRD & CO LLP	63-56-620	Final progress bill fiscal 6/30/13 audit	104474	11/07/201	3,043.00
COELHO CARL J. (CHUCK)	10-22-660		104475	11/07/201	50.00
COLLISON (NT) ELAINE	10-21-630	Sponges/dish soap/cascade/purchase reimbursement/Collison	104476	11/07/201	32.61
COMCAST CABLE	60-50-620	Comcast high speed internet/10/22 to 11/21/13	104477	11/07/201	35.20
COMCAST CABLE	63-56-620	Comcast high speed internet/10/22 to 11/21/13	104477	11/07/201	35.20
COMCAST CABLE	10-21-620	Comcast high speed internet/10/22 to 11/21/13	104477	11/07/201	35.21
CROP PRODUCTION SERVICES	60-50-620	12500 lbs forage mix/WWTP/McPike	104478	11/07/201	6,359.70
CROP PRODUCTION SERVICES	60-50-620	7500 lbs forage mix/WWTP/back 66 acres	104478	11/07/201	3,750.03
CROP PRODUCTION SERVICES	60-50-620	12 lbs Kanota Oats/WWTP/back 66 acres	104478	11/07/201	258.00
CRWA	63-56-660	HACH water training 12/10 to 12/12/2013/Millan	104479	11/07/201	125.00
CSG Consultants, Inc	10-23-621	Building permit issuances/Oct 2013	104480	11/07/201	1,522.06
CSG Consultants, Inc	10-23-621	Building permit finals/Oct 2013	104480	11/07/201	43.24
CSG Consultants, Inc	10-23-621	Building permit plan check fees/Oct 2013	104480	11/07/201	532.00
CSG Consultants, Inc	10-23-624	Occupancy inspects/Marin/Timeless Mem/Mary Boutique/Oct	104480	11/07/201	100.00
DEPARTMENT OF HEALTH SERV	63-56-660	Water system fees 7/1/12 thru 6/30/13	104481	11/07/201	4,551.27
ECONOMIC TIRE SHOP	10-44-650	1 new tire for lawnmower	104482	11/07/201	69.95
ECONOMIC TIRE SHOP	60-50-650	1 tire repaired/2007-1 vehicle	104482	11/07/201	20.00
ECONOMIC TIRE SHOP	63-56-650	1 tire repaired/Ford F150 vehicle	104482	11/07/201	11.00
ECONOMIC TIRE SHOP	60-50-650	1 tire repaired/2 patches Polaris Ranger/WWTP vehicle	104482	11/07/201	20.00
ENVIRONMENTAL TECHNIQUES	60-50-630	60 ProOxidizer for A.B. #1/WWTP	104483	11/07/201	3,540.00
Escobar Isaiah	10-45-670	Youth soccer referee/I. Escobar	104484	11/07/201	340.00
FGL ENVIRONMENTAL, INC	60-50-620	Bacti analysis/inorganic analysis/WWTP	104485	11/07/201	1,036.00
GARTON TRACTOR	10-44-650	Engine filter/lawnmower	104486	11/07/201	16.95
GARTON TRACTOR	10-44-650	Replaced oil & filter/transmission fluid & filter/greased/Kubot	104486	11/07/201	476.48
Garcia Mayra	10-45-670	Youth soccer set-up/take-down/M. Garcia	104487	11/07/201	280.00
G BAR N VETERINARY CLINIC	10-21-620	Veterinary services/August 2013	104488	11/07/201	975.00
G BAR N VETERINARY CLINIC	10-21-620	Veterinary services/September 2013	104488	11/07/201	815.00
GEMPLERS ACCT #5224757	60-50-630	Flannel lined jacket	104489	11/07/201	112.50
George Reed, Inc.	24-32-774	Retention payment on 2013 street repairs	104490	11/07/201	8,509.53
GOLDEN BY-PRODUCTS SCRAP	17-41-620	28' trailer service for tire amnesty program	104491	11/07/201	650.00
GOMEZ YANET	10-00-284	Additional refund of deposit due on 4/20/13 rental/Y. Gomez	104492	11/07/201	85.34
Gouveia Engineering, Inc	10-31-620	Meeting with PW director/City manager	104493	11/07/201	212.63

Name	Account	Description	Check Nu	Check D	Amount
Gouveia Engineering, Inc	10-31-620	Meeting/public works general	104493	11/07/201	354.38
Gouveia Engineering, Inc	10-31-620	Research project background/Rule 20 A/alleys	104493	11/07/201	354.38
Gouveia Engineering, Inc	10-31-620	Plan review and comments/Dollar General	104493	11/07/201	376.88
Gouveia Engineering, Inc	10-31-620	Plan review and comments/Mattos Ranchl	104493	11/07/201	141.75
Gouveia Engineering, Inc	10-31-620	Prepare application documentation/Prop 84 SD grant	104493	11/07/201	359.63
Gouveia Engineering, Inc	10-31-620	Prepare application submit to STANCOG/STIP Funding app.	104493	11/07/201	2,317.88
Gouveia Engineering, Inc	18-32-773	Follo up with Design engineers/Hwy 33 & Inyo	104493	11/07/201	70.88
Gouveia Engineering, Inc	10-33-620	Prepare and submit QAO to Caltrans	104493	11/07/201	367.50
Gouveia Engineering, Inc	17-32-774	Prepare and submit invoice to Caltrans/Safe Routes to School	104493	11/07/201	210.00
Gouveia Engineering, Inc	17-32-774	Non-infrastructure outreach program/post construction data/Stu	104493	11/07/201	126.00
Gouveia Engineering, Inc	60-50-730	Design & prep of plans/M St waterline/sewer line replace	104493	11/07/201	5,940.38
Gouveia Engineering, Inc	71-07-750	Integrated sesigns by Somam/Mem center reno	104493	11/07/201	2,420.88
Gouveia Engineering, Inc	71-07-750	Rescoping project to expand improvements/Mem center reno	104493	11/07/201	425.25
Government Finance Officers Association	10-14-663	Membership dues 12/1/13 to 11/30/14/Humphries	104494	11/07/201	190.00
GROENIGER & CO.	63-56-630	Double stainless steel sadle/Water dept	104495	11/07/201	202.37
HALLINAN TOM	10-15-620		104496	11/07/201	525.00
HALLINAN TOM	60-50-620		104496	11/07/201	525.00
HALLINAN TOM	63-56-620		104496	11/07/201	525.00
HUB INTERNATIONAL OF CA I	10-00-284	October 2013 liability insurance payable	104497	11/07/201	107.40
IN-SYNCH SYSTEMS	10-21-620	Monthly RMS subscription 12/1 to 12/31/13/PD	104498	11/07/201	1,020.00
IWORQ SYSTEMS	10-06-620	Internet Work management and support 11/2013 to 10/14	104499	11/07/201	450.00
IWORQ SYSTEMS	10-21-620	Internet Work management and support 11/2013 to 10/14	104499	11/07/201	450.00
IWORQ SYSTEMS	60-50-620	Internet Work management and support 11/2013 to 10/14	104499	11/07/201	450.00
IWORQ SYSTEMS	63-56-620	Internet Work management and support 11/2013 to 10/14	104499	11/07/201	450.00
J&E Janitorial and Handyman	10-07-620	Mopped, swept and buffed floors/city hall	104500	11/07/201	100.00
JAM Services, Inc	10-33-620	1 flashing warning light	104501	11/07/201	2,039.49
JORGENSEN & COMPANY	10-22-620	Ansul kit system semi-annual service/parts/FD	104502	11/07/201	162.73
KAISER PERMANENTE	10-00-220	Health Insurance premium/Dec 2013	104503	11/07/201	2,713.00
Kaufmann Bryanna	10-45-673	Youth soccer set-up and take-down/B. Kaufmann	104504	11/07/201	150.00
Lane Cydney	10-45-673	Youth soccer referee/setup & take-down/C. Lane	104505	11/07/201	200.00
Lopez Anthony	10-45-673	Youth soccer referee/setup & clean-up/A. Lopez	104506	11/07/201	370.00
Lopez Mayela	10-45-673	Youth soccer referee/setup & clean-up/M. Lopez	104507	11/07/201	130.00
Madrigal Belisario	10-45-673	Youth soccer referee/cleanup & takedown/B. Madrigal	104508	11/07/201	160.00
Madrigal Oscar	10-45-673	Youth soccer referee/setup & cleanup/O. Madrigal	104509	11/07/201	210.00
MEDINA AUTO REPAIR	69-47-653	Replaced fuel pump/filter/distributor & cap/Ford 1993 F150	104510	11/07/201	201.72
MEDINA AUTO REPAIR	10-33-653	Replaced fuel pump/filter/distributor & cap/Ford 1993 F150	104510	11/07/201	201.72
MEDINA AUTO REPAIR	10-44-653	Replaced fuel pump/filter/distributor & cap/Ford 1993 F150	104510	11/07/201	201.72
Merced County Tax Collector	73-70-668	Property tax 054-220-001/Business park lot 7	104511	11/07/201	147.26
Modesto Police Department	10-21-669	POST training/Williams	104512	11/07/201	50.00
Newman Flange & Fitting Co	10-00-284	Balance on deposit of hydrant meter to be refunded/Newman F	104513	11/07/201	99.04
NEWMAN SMOG AND LUBE	10-21-653	Replaced oil pressure sensor/06 Dodge charger	104514	11/07/201	167.08
NEWMAN SMOG AND LUBE	10-21-653	Oil & filter change/smog check/02 Chevy Silverado	104514	11/07/201	79.68
NEWMAN SMOG AND LUBE	60-50-653	Oil & filter change/tire rotation/mount & balance	104514	11/07/201	67.22
NEWMAN SMOG AND LUBE	63-56-653	Oil & filter change/tire rotation/mount & balance	104514	11/07/201	67.21
NEWMAN SMOG AND LUBE	63-56-653	Oil & filter change/09 Honda Civic	104514	11/07/201	18.85
NEWMAN SMOG AND LUBE	60-50-653	Oil & filter change/09 Honda Civic	104514	11/07/201	18.84
NEWMAN SMOG AND LUBE	10-21-653	Smog check/02 Crown Victoria	104514	11/07/201	37.95
NEWMAN SMOG AND LUBE	10-21-653	Rear tire repair/diagnostics/03 Ford Crown Victoria	104514	11/07/201	57.50
NEWMAN SMOG AND LUBE	10-21-653	Lube & oil & oil filter change/11 Nissan Altima	104514	11/07/201	18.00
NEWMAN SMOG AND LUBE	60-50-653	Smog check/05 Chevy Silverado	104514	11/07/201	37.95
NEWMAN SMOG AND LUBE	63-56-653	Failed Smog check/04 GMC Yukon	104514	11/07/201	37.95
NEWMAN SMOG AND LUBE	10-44-653	Smog check/failed evap test/1990 Ford Ranger	104514	11/07/201	47.95
NEWMAN ACE HARDWARE/JACT,	60-50-630	air filter/chopsaw/wire/WWTP	104515	11/07/201	253.83
NEWMAN ACE HARDWARE/JACT,	10-44-630	barricade tape/pik stik/misc fastners/hearing protector/trmr lin	104515	11/07/201	116.68
NEWMAN ACE HARDWARE/JACT,	10-46-630	wastebasket/hose barb/power tip brush	104515	11/07/201	70.41

Name	Accoun	Description	Check Nu	Check D	Amount
NEWMAN ACE HARDWARE/JACT,	10-33-63C	fertilizer/key set/goof off/plier/misc fastners	104515	11/07/201	93.88
NEWMAN ACE HARDWARE/JACT,	10-21-63C	insect repel/batteries/cat litter	104515	11/07/201	19.88
NEWMAN ACE HARDWARE/JACT,	63-56-63C	hose/garden valve/hose reel	104515	11/07/201	137.43
NEWMAN ACE HARDWARE/JACT,	10-07-63C	toilet cleaner/anti-siph valve/keys	104515	11/07/201	35.63
NEWMAN ACE HARDWARE/JACT,	10-22-63C	keys/steel padlock	104515	11/07/201	20.41
NEWMAN ACE HARDWARE/JACT,	24-32-772	/spray marking red paint/	104515	11/07/201	16.12
NEWMAN ACE HARDWARE/JACT,	69-47-63C	Sthil chain/pvc cap/batteries	104515	11/07/201	30.32
NORMAC, INC.	10-07-63C	Weathermatic solenoid	104516	11/07/201	34.87
NORMAC, INC.	69-47-63C	150 Rainbird MPR nozzle	104516	11/07/201	100.10
O'Dell Engineering	17-44-752	Professional services 9/9/13 to 10/6/13/skate park	104517	11/07/201	485.00
OPERATING ENGINEERS/	10-00-22€	Health Insurance premium/Dec 2013	104518	11/07/201	2,037.00
Orozco Anthony	10-45-673	Youth soccer referee/setup & cleanup/A. Orozco	104519	11/07/201	330.00
P G & E	10-07-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	1,321.90
P G & E	10-22-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	365.14
P G & E	10-33-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	4,770.33
P G & E	10-44-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	647.08
P G & E	10-45-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	217.24
P G & E	10-46-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	337.67
P G & E	10-44-66€	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	844.40
P G & E	10-07-66€	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	57.65
P G & E	10-44-667	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	354.46
P G & E	60-50-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	24,481.82
P G & E	62-60-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	309.22
P G & E	62-60-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	1,245.52
P G & E	63-56-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	21,221.49
P G & E	69-47-641	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	3,058.27
P G & E	73-70-66€	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	225.55
P G & E	73-70-667	Gas and electric 9/16/13 to 10/14/13	104520	11/07/201	631.65
PIONEER DRUG	10-14-63C	Halloween plates and stands	104521	11/07/201	41.93
PIONEER DRUG	63-56-63C	Sandwich bags/water supplies	104521	11/07/201	6.44
Powers Brette	10-00-552	Refund partial rent from use of 10/26/13/Powers	104522	11/07/201	40.00
R-SAFE SPECIALTY	60-50-63C	Floor stand caution/gloves	104523	11/07/201	10.76
R-SAFE SPECIALTY	63-56-63C	Floor stand caution/gloves	104523	11/07/201	16.15
R-SAFE SPECIALTY	10-33-63C	Safety glasses/Estrada	104523	11/07/201	9.69
Ramos Austin	10-45-673	Youth soccer referee/set-up 7 clean-up/A. Ramos	104524	11/07/201	227.50
REIS MARTY	63-56-62C	Backflow device test done @ Nob Hill	104525	11/07/201	55.00
RELIABLE OFFICE SUPPLIES	60-50-63C	Deskpad/Display stand/pens/WWTP	104526	11/07/201	219.65
RENTERIA LYDIA	10-00-284	Refund Memorial Bldg deposit/J. Corral	104527	11/07/201	75.00
ROCHA BACKHOE SERVICE, IN	63-56-63C	1 load concrete sand/12.5 tons cold mix	104528	11/07/201	790.00
ROCHA BACKHOE SERVICE, IN	10-33-63C	1 load concrete sand/12.5 tons cold mix	104528	11/07/201	790.00
SAFE-T-LITE	10-01-664	Barricade rentals for Fall Festival	104529	11/07/201	603.78
SAFE-T-LITE	10-01-664	Return of 3 missing barricade rentals for Fall Festival	104529	11/07/201	-54.89
SAN JOAQUIN VALLEY AIR	60-50-667	Annual convault permit fee/WWTP 13/14 Annual permit to ope	104530	11/07/201	34.00
SHARPENING SHOP	10-44-63C	Ran test and adjuste operation/chainsaw	104531	11/07/201	20.79
SHARPENING SHOP	10-33-63C	Ran test and adjuste operation/chainsaw	104531	11/07/201	20.78
SHARPENING SHOP	69-47-63C	Ran test and adjuste operation/chainsaw	104531	11/07/201	20.78
SHARPENING SHOP	10-44-63C	Ran test/rope/tension spring/filter/chainsaw	104531	11/07/201	38.92
SHARPENING SHOP	69-47-63C	Ran test/rope/tension spring/filter/chainsaw	104531	11/07/201	38.92
SHARPENING SHOP	10-33-63C	Ran test/rope/tension spring/filter/chainsaw	104531	11/07/201	38.91
SIERRA DISPLAY, INC.	68-68-662	1000 C-7 5 watt steady burning lamps/Christmas Lighting 2013	104532	11/07/201	302.15
SOLECON, INC	10-07-62C	Ran new conduit and wiring to beauty salon downstairs	104533	11/07/201	841.35
SOLECON, INC	10-07-62C	Replaced stat capacitor/repaiored wiring to condensor/nursery sc	104533	11/07/201	296.25
SOLECON, INC	10-07-62C	Replaced blower motor at City Hall	104533	11/07/201	430.38
GORDON B. FORD	10-44-66€	Property tax 026-026-017	104534	11/07/201	759.54
GORDON B. FORD	10-44-66€	Property tax 026-026-018	104534	11/07/201	759.54

Name	Accoun	Description	Check Nu	Check D	Amount
GORDON B. FORD	10-15-66€	Supplemental taxes 985-003-174	104534	11/07/201	109.22
GORDON B. FORD	10-15-66€	Supplemental taxes 986-003-171	104534	11/07/201	235.10
GORDON B. FORD	10-15-66€	Supplemental taxes 985-003-171	104534	11/07/201	39.04
GORDON B. FORD	10-15-66€	Supplemental taxes 986-003-174	104534	11/07/201	657.30
STAPLES ADVANTAGE	10-21-63€	Labels/Marker board/batteries/copy paper/HP ink cartridges	104535	11/07/201	251.29
STAPLES ADVANTAGE	10-14-63€	Air freshner/calculator ribbon/post-it notes	104535	11/07/201	17.75
STAPLES ADVANTAGE	60-50-63€	Air freshner/calculator ribbon/post-it notes	104535	11/07/201	17.75
STAPLES ADVANTAGE	63-56-63€	Air freshner/calculator ribbon/post-it notes	104535	11/07/201	17.75
STAPLES ADVANTAGE	10-06-63€	Wall planner	104535	11/07/201	12.91
STAPLES ADVANTAGE	60-50-63€	Monthly planner/paper/correction tape/letter opner	104535	11/07/201	4.79
STAPLES ADVANTAGE	63-56-63€	Monthly planner/paper/correction tape/letter opner	104535	11/07/201	4.79
STAPLES ADVANTAGE	10-14-63€	Monthly planner/paper/correction tape/letter opner	104535	11/07/201	17.74
STAPLES ADVANTAGE	60-50-63€	Monthly planner/paper/correction tape/letter opner	104535	11/07/201	17.74
STAPLES ADVANTAGE	63-56-63€	Monthly planner/paper/correction tape/letter opner	104535	11/07/201	17.73
STAPLES ADVANTAGE	10-14-63€	letter opner	104535	11/07/201	1.23
STAPLES ADVANTAGE	60-50-63€	letter opner	104535	11/07/201	1.23
STAPLES ADVANTAGE	63-56-63€	letter opner	104535	11/07/201	1.22
STAPLES ADVANTAGE	10-21-63€	Copy paper/dust-off/lexmark ink/HP laserjet ink/stapler	104535	11/07/201	308.06
STAPLES ADVANTAGE	10-21-63€	glue tape/PD	104535	11/07/201	11.21
STANTEC CONSULTING SERVIC	60-50-62€	Newman water and wastewater on-call thru 9/20/13	104536	11/07/201	352.00
SUN VALLEY PORTABLES	69-47-62€	Portable restroom rental and service/Oct 2013	104537	11/07/201	155.76
T&R ENTERPRISES	63-56-63€	Repaired water meter cover	104538	11/07/201	85.00
TelePacific Communications	10-21-64€	Telephone service 10/1/13 to 10/31/13	104539	11/07/201	202.30
TelePacific Communications	10-45-64€	Telephone service 10/1/13 to 10/31/13	104539	11/07/201	136.91
TelePacific Communications	60-50-64€	Telephone service 10/1/13 to 10/31/13	104539	11/07/201	136.91
TelePacific Communications	63-56-64€	Telephone service 10/1/13 to 10/31/13	104539	11/07/201	136.92
TESCO CONTROL, INC.	63-56-62€	Well #5 site inspection	104540	11/07/201	1,160.00
T.H.E. OFFICE CITY	10-01-63€	Calendar for council chambers	104541	11/07/201	23.13
T.H.E. OFFICE CITY	10-14-63€	Calendars for finance offices	104541	11/07/201	14.87
T.H.E. OFFICE CITY	60-50-63€	Calendars for finance offices	104541	11/07/201	14.87
T.H.E. OFFICE CITY	63-56-63€	Calendars for finance offices	104541	11/07/201	14.87
T.H.E. OFFICE CITY	64-56-75€	new office furniture for corp yard	104541	11/07/201	232.11
T.H.E. OFFICE CITY	61-55-75€	new office furniture for corp yard	104541	11/07/201	232.11
T.H.E. OFFICE CITY	71-46-75€	new office furniture for corp yard	104541	11/07/201	232.12
T.H.E. OFFICE CITY	10-14-63€	5 cases copy paper	104541	11/07/201	53.72
T.H.E. OFFICE CITY	60-50-63€	5 cases copy paper	104541	11/07/201	53.72
T.H.E. OFFICE CITY	63-56-63€	5 cases copy paper	104541	11/07/201	53.73
TOSTA BARBARA J.	10-45-67€	Young at heart instructor/Oct 2013	104542	11/07/201	135.00
SCHMIDT LINDA	63-00-201	Refund Check	104543	11/07/201	51.32
ESQUIVEZ ESEQUIEL	63-00-201	Refund Check	104544	11/07/201	27.17
THE CHURCH OF JESUS CHRIST OF LDS	63-00-201	Refund Check	104545	11/07/201	14.41
JARAMILLO KRISTINA	63-00-201	Refund Check	104546	11/07/201	4.46
ALVAREZ ROSAURA	63-00-201	Refund Check	104547	11/07/201	8.50
UNIVAR USA, INC	63-56-63€	90 gallons sodium hypochloride/Well #6	104548	11/07/201	297.17
UNIVAR USA, INC	63-56-63€	295 gallons sodium hypochloride/Well #8	104548	11/07/201	826.92
VALLEY PARTS SERVICE	10-44-65€	Drain pan/oil/battery	104549	11/07/201	55.98
VALLEY PARTS SERVICE	10-33-65€	Handle	104549	11/07/201	31.34
VALLEY PARTS SERVICE	69-47-65€	Battery	104549	11/07/201	13.59
VALLEY PARTS SERVICE	10-46-63€	Multi-purpose lithium grease	104549	11/07/201	28.99
VALLEY PARTS SERVICE	10-21-65€	Battery with core deposit/elect battery/NTH tool/oil filter/oil	104549	11/07/201	171.87
VALLEY PARTS SERVICE	10-07-63€	ATC 15 fuse/tail lamp	104549	11/07/201	8.87
VALLEY PARTS SERVICE	60-50-65€	Stoplight switch/brake fluid/gasket maker/battery with core dep	104549	11/07/201	261.87
VARGAS GEORGE	10-22-66€		104550	11/07/201	50.00
Williams Ashley	10-21-66€	Per diem/POST training/Williams	104551	11/07/201	50.00
Winton Ireland Strom & Green Insurance Agen	10-14-62€	2013-2016 new city treasurer bond/Thompson	104552	11/07/201	274.00

Name	Accoun	Description	Check Nu	Check D	Amount
Womack Striping, Inc	10-33-620	Thermo plast striping for R/R crossings/Inyo/Merced/Driskell/	104553	11/07/201	2,400.00
ZEE MEDICAL SERVICE CO	10-21-630	Ice pack/knuckle bandage/tape/PD	104554	11/07/201	21.09
					<u> </u>
					<u> </u>
					223,686.13
					<u> </u>
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MINUTES
NEWMAN CITY COUNCIL
SPECIAL MEETING OCTOBER 22, 2013
CITY HALL CONFERENCE ROOM, 6:30 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Katen 6:31 P.M.
2. **Roll Call - PRESENT:** Davis, Hutchins, Martina And Mayor Katen.
ABSENT: Candea
3. **Items From The Public** - None.
4. **Adjourn To Closed Session** - 6:32 P.M.
 - a. Conference With Legal Counsel - Potential Litigation - Stanislaus County - One Case - G.C. 54956.9.
 - b. Conference With Legal Counsel - Pending Litigation - MCI Engineering - One Case - G.C. 54956.9.
 - c. Return To Open Session - 6:49 P.M.

Mayor Katen Reported That The Council Had Authorized A Settlement In The Amount Of \$32,500 For Item 4.b. Thereby Closing Out The MCI Engineering Case.

5. Adjournment.

ACTION: On Motion By Davis Seconded By Hutchens And Unanimously Carried, The Meeting Was Adjourned At 6:51 P.M.



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING OCTOBER 22, 2013
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Katen 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Hutchins.
4. **Roll Call** - **PRESENT:** Davis, Hutchins, Martina And Mayor Katen.
ABSENT: Candea.

5. **Declaration Of Conflicts Of Interest** None.

6. **Ceremonial Matters** - None.

7. **Items from the Public - Non-Agenda Items**

Manuel Salazar, 3941 Weber Creek Drive, Placerville CA, Noted That He Was Addressing The Council On Behalf Of Maria Galvan. Salazar Stated That She Could Not Sell 915 "N" Street Because Of Restrictions That The City Had Placed On Her Property. He Did Acknowledge That City Staff Was Willing To Allow A Flower Shop At The Location On A Trial Basis But Pointed Out That Ms. Galvan Had Already Operated A Different Business In That Location For The Past Three Years. Salazar Questioned Why A Flower Shop Would Be Denied In That Area.

City Manager Holland Noted That Location Did Not Meet The City's Parking Standards But Commented That Staff Was Willing To Allow The New Business Type On A Trail Basis. Holland Noted If No Problems Had Surfaced After The One Year Trail Period, Then The Business Could Continue. He Stated That Staff Was Trying To Balance Being Business Friendly While Protecting Public Health And Safety. Holland Concluded By Reiterating That Would Be Willing To Continue To Work With Ms. Galvan.

Mayor Katen Encouraged The Property Owner To Continue To Work With City Staff.

8. **Consent Calendar**

- a. Waive All Readings Of Ordinances And Resolutions Except By Title
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The October 8, 2013 Meetings.

ACTION: On A Motion By Hutchins Seconded By Davis And Unanimously Carried, The Consent Calendar Was Approved.

9. **Public Hearings**

- a. First Reading And Introduction Of Ordinance No. 2013- , An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2013 Edition Of The California Building Standards Code.

Mayor Katen Continued the Public Hearing At 7:04 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:05 P.M.

ACTION: Ordinance No. 2013- , An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2013 Edition Of The California Building Standards Code Was Introduced By Council Member Hutchins, Said Ordinance Had Its First Reading By Title Only.

10. Regular Business

- a. First Reading And Introduction Of Ordinance No. 2013- , An Ordinance Amending Title 8 Health And Sanitation, Chapter 8.05 Administrative Citation, Section 8.05.10 Applicability Of The Newman Municipal Code.

ACTION: Ordinance No. 2013- , An Ordinance Amending Title 8 Health And Sanitation, Chapter 8.05 Administrative Citation, Section 8.05.10 Applicability Of The Newman Municipal Code Was Introduced By Council Member Martina, Said Ordinance Had Its First Reading By Title Only.

- b. First Reading And Introduction Of Ordinance No. 2013- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman.

Rod Atteberry, Neumiller & Beardslee, 509 Weber Avenue, Stockton, CA, Noted That He Was The Attorney For The Applicant And That He Would Be Happy To Answer Any Questions. Atteberry Noted That The Applicant Was Out Of Town. He Stated That They Thought Staff Had Done A Good Job And That They Agree With The Planning Commission's Recommendation.

Mayor Katen Mentioned That The He Was Concerned About The Safety Around The Homes Fronting Hills Ferry Road Which Ne Noted Is Heavily Traveled Road.

Council Member Hutchins Stated That He Would Like To See Some Kind Of Safety Mitigation.

The Mayor Asked Staff To Relay The Council's Safety Concerns To The Applicant And Seek Some Type Of Remedy.

ACTION: On A Motion By Hutchins Seconded By Martina, Ordinance No. 2013- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman Was Introduced By The Following Vote: AYES: Hutchins, Martina And Katen; NOES: Davis ABSENT: Candea; NOT PARTICIPATING: None. Said Ordinance Had Its First Reading By Title Only.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reported That Patterson Had Won The Biggest Loser Contest And Noted That Newman Came In A Respectable Second. DeMartini Thanked The City For Their Participation In The Biggest Loser Contest And For Hosting The Health Choices Summit. He Reminded Everyone That The Next West Side Healthcare Taskforce Would Be Meeting In Newman On December 12th.

12. Items From The City Manager And Staff.

City Manager Holland Reported That The Public Works Modular Office Had Been Completed And Was Now Fully Functioning. Holland Thanked Perfecto Millan For Acting As The City's Interim Public Works Director And Noted That New Public Works Director Koosun Kim Would Begin On

November 1st. He Stated That City Offices Would Be Closed On November 11th In Observance Of Veterans Day. Holland Confirmed That The City Council Desired To Cancel The November 26th And December 24th Council Meetings. He Mentioned That He Would Like To Convene The Public Safety Committee To Meet Regarding Fire Services On The West Side.

Chief Richardson Reported That The Newman Police Department's Annual Tickets For Tots Program Will Begin In November.

Finance Director Humphries Noted That The September Treasurer's Reports Were Placed In Their Inboxes And That The Annual Streets Report Had Been Filed With The State Controller's Office.

City Planner Ocasio Informed The Council That The USDA Loan Application For The L.J. Newman Memorial Center Rehabilitation Project Was Almost Complete. Ocasio Noted That While Presenting On A Panel About Newman's Smart Growth Efforts At The State APA Conference In Visalia, She Received Many Positive Compliments About The City.

13. Items From City Council Members.

Council Member Davis Noted That She Felt That The SCM Project Was Unsafe Without A Sound Wall.

Council Member Martina Thanked The City And Staff For Offering The City-Wide Fall Clean-Up.

Mayor Katen Mentioned That The City Council Had Received A Notice From The VFW Inviting Councilmembers To Their Veteran's Day Ceremonies. Katen Stated That He Was Disappointed That The City And County Can't Agree On A Settlement Regarding The PTAFF Dispute.

14. Adjournment.

ACTION: On Motion By Martina Seconded By Hutchins And Unanimously Carried, The Meeting Was Adjourned At 7:50 P.M.



**City of Newman
City Manager's Office
Memorandum**

**Date: November 5, 2013
To: Mayor Katen and City Council
From: Michael E. Holland, City Manager**

Subject: A resolution Supporting and Encouraging Modesto Junior College to provide educational services to the West Side.

Staff submits the attached resolution for Council consideration. In 2005, the Yosemite Community College District (YCCD) passed a bond measure, which included a measure for a Modesto Junior College (MJC) satellite campus to be built in Patterson. While MJC has already purchased land and has had plans approved to build the educational facility, construction has not commenced. Approval of the resolution would allow the City of Newman to join Patterson Joint Unified School District, Newman-Crows Lands Unified School District and the City of Patterson in submitting resolutions of support and encouragement.

RESOLUTION NO. 2013-

A RESOLUTION SUPPORTING AND ENCOURAGING MODESTO JUNIOR COLLEGE TO IMMEDIATELY PROVIDE EDUCATIONAL SERVICES TO THE WEST SIDE

WHEREAS, the Yosemite Community College District (“YCCD”) passed a \$500,000,000 bond in 2005 which included a measure for a satellite Modesto Junior College (“MJC”) campus to be built in Patterson, California.

WHEREAS, MJC has purchased property for the satellite campus and has had plans approved to build the educational facility.

WHEREAS, MJC still lacks funding to staff the facility it intends to build.

WHEREAS, Stanislaus County Office of Education (“SCOE”), Patterson Joint Unified School District (“PJUSD”) and Newman-Crows Landing Unified School District (“NCLUSD”) wish to assist MJC in providing educational services to the community of Patterson before the MJC satellite facility is built and functional as soon as possible.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman supports and encourages MJC to immediately provide educational services to the West Side communities.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of November, 2013, by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9.a.
City Council Meeting
of November 12, 2013

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2013- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, November 11, 2013. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

This staff report is submitted for City Council consideration and possible future action.

ATTACHMENTS:

1. Resolution No. 2013- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,



Randy Richardson, Chief of Police

REVIEWED/CONCUR:



Michael Holland, City Manager

RESOLUTION NO. 2013-

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on November 12, 2013, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of November, 2013 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

City of Newman
Abatement list

1. 725 Barrington

Garbage and debris throughout the backyard of the property.

2. 907 Fig

The property needs to be boarded up (the City has cleaned this property)





Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.b.**
City Council Meeting
of November 12, 2013

REPORT ON ZONE CHANGE No. 13-01

RECOMMENDATION:

1. Open a Public Hearing and accept public comment regarding the proposed Zone Change/Ordinance
2. Per applicant's request, continue Public Hearing to the December 10, 2013 City Council meeting.

BACKGROUND:

In 2005, the Newman City Council approved Ordinance No. 2005-2 rezoning the area now known as The Villas from R-3 (Multiple Residential) to P-D. The developer is requesting a zone change to modify the Planned-Development as follows: revised layout, wider lots, reduced density (elimination of 18 lots), replacement of four of the five two-story plans with single story plans, option of additional living space over garages, elimination of paseos and creation of alleys

On August 1, 2013 the Architectural Review Committee conditionally approved the project's new conceptual elevations contingent upon final elevations being returned to the Committee for formal approval.

On August 15, 2013, the Planning Commission unanimously recommended approval of the Zone Change to the City Council.

On October 22, 2013, the first reading of Ordinance No.2013- , An Ordinance Amending Title 5, Zoning and Accompanying Zoning Maps of the City of Newman was held by the City Council. Concerns were raised about the lack of a safety barrier between the proposed development and traffic on Hills Ferry Road.

ANALYSIS:

The applicant (The Villas, LLC) is proposing changes to the existing Planned Development known as The Villas at Sherman Ranch. Said changes will (according to the applicant) allow for a more marketable product leading to increased building activity and subsequent sales.

The subject properties are located in the northeast portion of Newman in the Sherman Ranch development. The partially developed project site has a General Plan Land Use designation of High Density Residential and has already met environmental review requirements through the adopted General Plan EIR.

The Planning Commission staff report was provided during the first reading for additional analysis and findings.

In response to the City Council's concerns regarding a barrier between the development and Hills Ferry Road, staff contacted the applicant regarding said concerns. At this time (11/8/13), staff has been notified that the applicant is evaluating the issue and considering potential solutions.

FISCAL IMPACT:

None

CONCLUSION:

The proposed changes to the The Villas Planned Development project are compatible with the approved residential use but are technically inconsistent with the current General Plan. It is important to note, however, that the proposal is consistent with the 1992 General Plan designation of Neighborhood Planned Residential (which was in effect at the time of the project's original approval).

Agenda Item: 9.b.

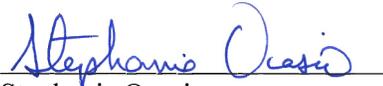
The proposed reconfiguration, new plans and elevations are considerably different from the original development. However, given the changes in the housing market, housing trends and valley housing tendencies, staff believes that the revised Planned Development proposal is consistent with the original intent of The Villas P-D and will provide an additional housing option in the community.

In an effort to thoroughly address the Council's concerns, the applicant has requested that the Public Hearing be continued to the next City Council meeting. Therefore, staff recommends that the Council open the Public Hearing, accept public comment and continue the Public Hearing to the December 10, 2013 City Council meeting.

ATTACHMENTS:

1. Ordinance No. 2013- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman.

Respectfully submitted,



Stephanie Ocasio
City Planner

REVIEWED/CONCUR



Michael Holland
City Manager

ORDINANCE NO. 2013-

**AN ORDINANCE AMENDING TITLE 5, ZONING AND ACCOMPANYING ZONING MAPS
OF THE CITY OF NEWMAN**

WHEREAS, the Newman 2030 General Plan was adopted on April 10, 2007 designating the project site as High Density Residential; and

WHEREAS, the Planning Commission has recommended approval of a zone change in a certain territory known as The Villas at Sherman Ranch; and

WHEREAS, it is the applicant's desire to modify said territory's Planned Development designation; and

WHEREAS, the Planning Commission has conducted a public hearing on the proposal and recommended approval of the zone change (ZC No. 13-01); and

WHEREAS, it has been determined that the zone change will not have a significant adverse environmental effect.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN DOES ORDAIN AS FOLLOWS:

Section 1.

That certain real properties situated in the City of Newman, County of Stanislaus, State of California, more articulately described in Exhibit A, Planned Development designation is hereby amended.

Section 2.

That a duly noticed public hearing was held by the City Council on November 12, 2013.

Section 3.

This Ordinance shall take effect and be in full force and operation from and after 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the West Side Index, the official newspaper of the City of Newman.

Introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of October, 2013 by Council Member _____, and adopted at a regular meeting of said City Council held on the 12th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk

ASSESSMENT PURPOSES ONLY

60' SHERMAN PARKWAY

060

PARLIAMENT COURT

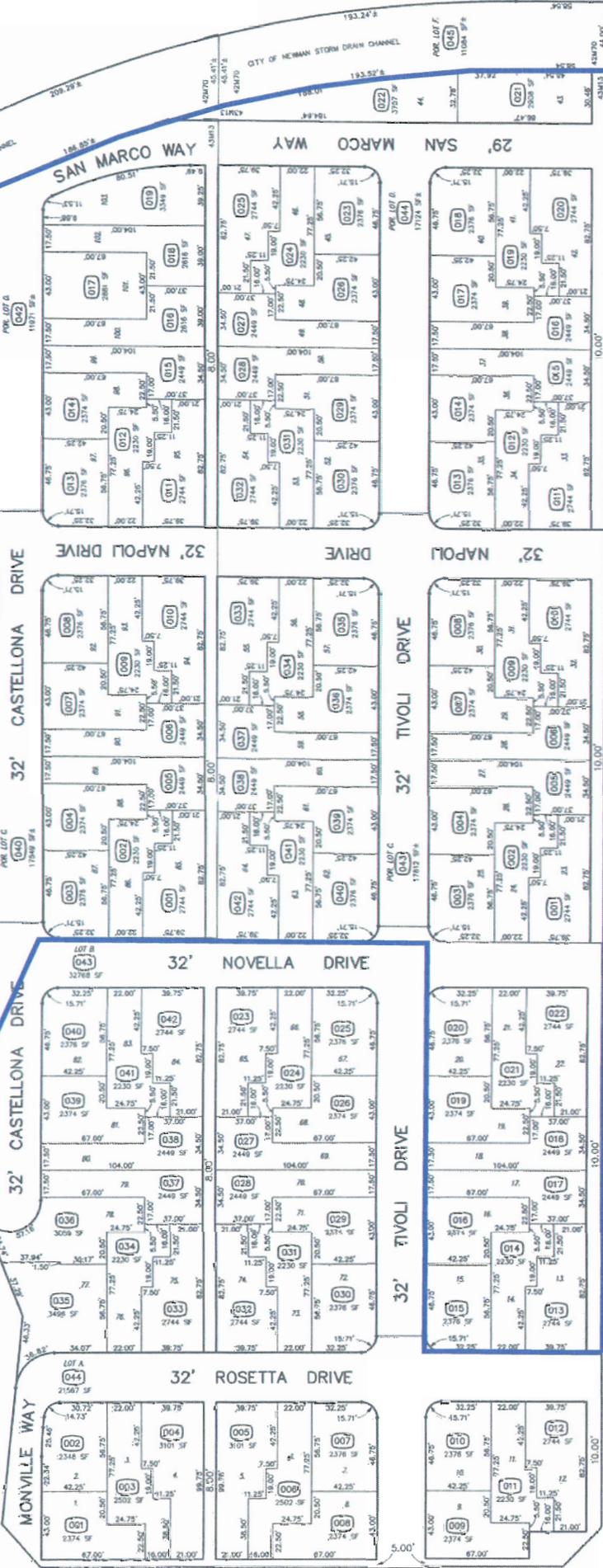
057

WAY TEAL CANNON

056

RED LION WAY

Zone Change applies to areas bordered in blue



FROM 049-060
DRAWN 6-15-06 DH
REVISED

70' EDINBURGH WAY

060

100' HILLS FERRY ROAD

100' HILLS FERRY ROAD



**SECOND READING AND ADOPTION OF ORDINANCE AMENDING TITLE 8 HEALTH
AND SANITATION, CHAPTER 8.05 ADMINISTRATIVE CITATION, SECTION 8.05.10
APPLICABILITY OF THE NEWMAN MUNICIPAL CODE**

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing and a second reading of Ordinance No. 2013- , Amending Title 8 Health And Sanitation, Chapter 8.05 Administrative Citation, Section 8.05.10 Applicability of the Newman Municipal Code.
2. Adopt said Ordinance and authorize staff to publish a summary of said Ordinance.

BACKGROUND:

At the October 8, 2013 meeting, the City Council directed Staff to explore adding administrative penalties for violations of Title 4 (Building Regulations). As a result, Staff has amended the previously proposed "Title 4" ordinance and added language allowing that any violation of Title 4 may be alternatively charged as an administrative citation instead of a misdemeanor. Unfortunately, the current Administrative Citation process excludes building code violations. Therefore, staff is proposing that the City Council adopt an ordinance amending the Administrative Citation process to allow violations of the Building Code to be charged as administrative citations.

ANALYSIS:

The proposed ordinance would omit the current language in the Administrative Citation Code Section (8.05.010.B) that excludes violations that pertain to building, plumbing, electrical or other similar structural or zoning issues. This change would be consistent with the other proposed ordinance amending Title 4 and the City Council's request to allow administrative citations for Building Code violations.

FISCAL IMPACT:

For violations of the Building Code, the option of an administrative citation will encourage the reduction of violations and will be another avenue to recoup costs. Any fiscal impact would be immaterial but positive.

CONCLUSION:

The proposed Ordinance will allow the Administrative Citation process to be utilized for violations that pertain to building, plumbing, electrical or other similar structural or zoning issues. Staff recommends that the Council conduct a second reading and adopt Ordinance 2013- , amending Newman Municipal Code, Title 8 and authorize staff to publish a summary of said Ordinance.

ATTACHMENTS:

1. Ordinance No. 2013-

Respectfully submitted,



Mike Maier
Deputy City Clerk

REVIEWED/CONCUR:


Michael Holland
City Manager

ORDINANCE NO. 2013-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 8 HEALTH AND SANITATION, CHAPTER 8.05 ADMINISTRATIVE CITATION,
SECTION 8.05.10 APPLICABILITY - OF THE NEWMAN CITY CODE**

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

Section 1.

That Title 8 Health And Sanitation, Chapter 8.05 Administrative Citation, Section 8.05.10 Applicability of the Newman City Code be amended as amended as follows (deletions shown as ~~strikeouts~~):

8.05.010 Applicability.

- A. This chapter provides for administrative citations, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this Code.
- B. ~~The administrative citations process set forth in this chapter does not apply to continuing violations of this Code that pertain to building, plumbing, electrical or other similar structural or zoning issues.~~

Section 2.

All other sections and provisions of Titles 8 shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on November 12, 2013.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of October, 2013 by Council Member Martina, and adopted at a regular meeting of said City Council held on the 12th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

SECOND READING AND ADOPTION OF ORDINANCE AMENDING TITLE 4 BUILDING REGULATIONS OF THE NEWMAN MUNICIPAL CODE, AND ADOPTING BY REFERENCE, THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a second reading of Ordinance No. 2013- , amending Title 4 Building Regulations of the Newman Municipal Code, and adopting by reference, The California Code of Regulations Title 24, 2013 Edition of the California Building Standards Code with amendments.
2. Adopt said Ordinance and authorize staff to publish a summary of said Ordinance.

BACKGROUND:

The model codes are updated every three years. This allows for the codes to improve and adjust to the newest materials, methods of construction and technological advances in the industry.

A public hearing was opened at the October 8, 2013 City Council Meeting and continued until the October 22, 2013 Council Meeting. At the October 8, 2013 meeting, the City Council directed Staff to explore adding administrative penalties for any violations of Title 4. As a result, Staff has amended the ordinance and added language allowing that a violation of Title 4 may be alternatively charged as an administrative citation instead of a misdemeanor.

ANALYSIS:

The California Building Standards Commission adoption of the 2013 Code comes after a comprehensive multi-state agency and stakeholder update of the 2010 Building Code.

The objective is to produce a practical building code that ensures public safety first and foremost while implementing the most efficient technology available to conserve the State's natural resources and energy use. California's Building Code is applied to virtually every commercial and residential structure in the state.

Californians will find a number of important updates in the 2013 Code, such as:

- An extensive update of California's Energy Code;
- Division of the State Architect's adoption of the 2010 Americans with Disabilities Act standards with California amendments;
- Updated California Green Building Code – CALGreen - requirements for nonresidential building alterations and additions;
- New plumbing code provisions pertaining to greywater and rainwater catchments

The new 2013 California Building Standards Code contains thirteen parts that incorporate public health, life safety, and general welfare standards used in the design and construction of buildings in California. These parts incorporate the latest national standards in the International Building, Residential and Fire Codes, California Green Building Code, California Energy Code, National Electrical Code and the Uniform Mechanical and Plumbing Codes.

Health and Safety Code Section 18941.5 mandates that the Building Standards contained in the 2013 California Building Standards Code shall be effective 180 days after publication by the California Building Standards Commission. If these codes are not adopted by ordinance they become effective by default without any amendments. The proposed effective date for the City of Newman will be January 1, 2014. As part of the adoption process, this Department has made every effort to notify all affected parties of the proposed changes.

FISCAL IMPACT:

None

CONCLUSION:

Staff recommends council adopt the proposed ordinance amending Title 4 Building Regulations of the Newman Municipal Code and authorize staff to publish a summary of said Ordinance.

ATTACHMENTS:

1. Ordinance No. 2013- ,
2. Attachment "A" the amended version of Newman Municipal Code Title 4, Building Regulations.

Respectfully Submitted,



Mike Brinkman
Chief Building Official

REVIEWED/CONCUR:



Michael Holland
City Manager

ORDINANCE NO. 2013-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 4 BUILDING REGULATIONS - OF THE NEWMAN CITY CODE**

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

Section 1.

That Title 4 of the Newman City Code be amended as stated in Attachment "A", attached hereto and made a part hereof by this reference.

Section 2.

All other sections and provisions of Titles 4 shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on October 8, 2013 and continued to October 22, 2013.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of October, 2013 by Council Member Hutchins, and adopted at a regular meeting of said City Council held on the 12th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

**Title 4
BUILDING REGULATIONS**

Chapters:

- 4.01 Building Code**
- 4.02 Plumbing Code**
- 4.03 Electrical Code**
- 4.04 Numbering Buildings**
- 4.05 Moving Buildings**
- 4.06 Television Antennas**
- ~~4.07 Swimming Pool, Spa, and Hot Tub Code~~**
- 4.08 Housing Code**
- 4.09 Mechanical Code**
- 4.10 Abatement of Dangerous Buildings**
- 4.11 Floodplain Management**
- 4.12 Administrative Code**
- 4.13 The Historic Building Preservation of the City of Newman**
- ~~4.14 Solar Energy Code~~**
- 4.15 Historical Building Code**
- 4.16 Existing Building Code**
- 4.17 Energy Code**
- 4.18 Elevator Safety Construction Code**
- 4.19 Reference Standard Code**
- 4.20 Residential Code**
- 4.21 Green Code**
- 4.22 Safety Assessment Placards**

Chapter 4.01 BUILDING CODE

Sections:

- 4.01.010 Purposes.
- 4.01.020 Adoption.
- 4.01.030 Definitions.
- 4.01.040 Violations and penalties.
- 4.01.050 Amendments.
- 4.01.060 Validity.
- 4.01.070 Board of Appeals.

4.01.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 1, 10-22-2002; Ord. 99-11 § 1, 3-23-1999; Ord. 92-9, 7-28-1992)

4.01.020 Adoption.

Those certain documents in book form entitled “California Building Code – ~~2010~~ **2013** Edition of Title 24 Part 2 Volume 1 and 2,” and including the Appendices Chapter H – Signs, Chapter I – Patio Covers, and Chapter J – Grading, based on the ~~2009~~ **2012** International Building Code, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, one copy of which document is now on file in the Building Department of the City of Newman, except as to portions thereof which are herewith specifically amended, deleted and added to, are hereby adopted by reference together as “California Building Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 2, 10-22-2002; Ord. 99-11 § 2, 3-23-1999)

4.01.030 Definitions.

A. The name “Newman” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of this Code wherever the City or the State is left blank.

B. The term “Building Official” shall include the term “Chief Building Official,” and means the authority having jurisdiction/Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 3, 10-22-2002; Ord. 99-11 § 3, 3-23-1999; Ord. 92-9, 7-28-1992)

4.01.040 Violations and penalties.

Section 205 of the 1997 Uniform Administration Code as set forth in said Code is omitted, but in lieu thereof a new Section 205 is added to read as follows:

Section 205.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 4, 10-22-2002; Ord. 99-11 § 4, 3-23-1999)

4.01.050 Amendments.

A. Chapter J of the California Building Code Appendix is amended by adding Section ~~J112~~ **J113** thereto, to read:

Section ~~J112~~ **J113** Storm Water Drainage Requirement.

In all cases where proposed construction is for commercial, industrial, or public or quasi-public buildings or structures, for two-family, three-family, four-family, or multi-family dwellings, or for other uses which similarly involve structural ground coverage likely to affect storm drainage in the areas in which they are located, including but not limited to, trailer parks and parking lots, drainage facilities for the property shall be constructed in a manner approved by the Department of Public Works, which may include discharge into a publicly maintained storm drain system or ponding basin. Submission of the drainage plans for approval shall be the responsibility of the owner or the developer of the property on which the construction is proposed, and the application for a building permit shall be accompanied by a drainage plan suitable for review by the Department of Public Works.

B. Section 501.2 of the 2010 California Building Code is hereby amended by adding the following subsection:

501.2.1 Address Illumination. Addressing shall be illuminated at night in all new buildings. Address signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 5, 10-22-2002; Ord. 99-11 § 5, 3-23-1999)

4.01.060 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 6, 10-22-2002; Ord. 99-11 § 6, 3-23-1999; Ord. 92-9, 7-28-1992)

4.01.070 Board of Appeals.

Section 204 of the 1997 Uniform Administrative Code is hereby added to read as follows:

Section 204 Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.
(Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.02 PLUMBING CODE

Sections:

- 4.02.010 Adoption.
- 4.02.020 Purposes.
- 4.02.030 Penalties.
- 4.02.040 Board of Appeals.
- 4.02.050 Validity.

4.02.010 Adoption.

That certain document in book form entitled "California Plumbing Code, ~~2010~~ **2013** Edition of Title 24 Part 5," including the Appendices thereof, based on the ~~2009~~ **2012** Uniform Plumbing Code, as approved and copyrighted by the International Association of Plumbing and Mechanical Officials (IAPMO) and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of plumbing, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as "The California Plumbing Code of the City of Newman," and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 1, 10-22-2002; Ord. 2002-5 § 1, 10-22-2002)

4.02.020 Purposes.

The purposes of this chapter are: providing for the protection of the public health and safety; requiring a permit and inspection for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; providing penalties for its violations; and repealing conflicting ordinances. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 2, 10-22-2002; Ord. 2002-5 § 2, 10-22-2002; Ord. 90-16, 10-16-1990)

4.02.030 Penalties.

Section ~~402.3~~ **102.4 & 102.5** of the California Plumbing Code is hereby amended to read as follows:

Section ~~402.3~~ **102.4 & 102.5** Violation and Penalties.

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall~~

~~be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this ordinance. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 3, 10-22-2002; Ord. 2002-5 § 3, 10-22-2002)

4.02.040 Board of Appeals.

Section ~~402.4~~ **102.3** of the California Plumbing Code is hereby added to read as follows:

Section ~~402.4~~ **102.3** Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may

be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 4, 10-22-2002; Ord. 2002-5 § 4, 10-22-2002)

4.02.050 Validity.

The City Council of the City of Newman hereby declares that should any section, subsection, sentence, clause or phrase of this chapter or the Code hereby adopted be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Newman hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 5, 10-22-2002; Ord. 2002-5 § 5, 10-22-2002)

Chapter 4.03 ELECTRICAL CODE

Sections:

- 4.03.010 Adoption.
- 4.03.020 Penalties.
- 4.03.030 Violations.

4.03.010 Adoption.

That certain document in book form entitled "California Electrical Code – 2010 **2013** Edition of Title 24 Part 3," based on the 2008 **2011** National Electrical Code, published by the National Fire Protection Association, 1 Batterymarch Park (P.O. Box 9146), Quincy, MA 02269, and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, and approved by the United States of America Standards Institute, one copy of which document is on file in the Building Department of the City of Newman, is hereby adopted by reference, and enacted by the City Council of the City of Newman as the "California Electrical Code of the City of Newman," in its present form, except as hereinafter amended, deleted and added to, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-12 § 1, 10-22-2002; Ord. 2002-9 § 1, 10-22-2002)

4.03.020 Penalties.

Annex H Section 80.23(B) of the California Electrical Code is hereby amended to read as follows:

Annex H Section 80.23(B). Penalties.

~~Any person, firm or corporation, who shall violate any of the provisions of this ordinance or the Code hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed therein, shall for each and every separate violation and noncompliance, respectively, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500.00 or by jail imprisonment for a period not exceeding 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation of this ordinance or the Code hereby adopted shall not excuse the violation, or permit it to continue; and any such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten days that prohibitive conditions are maintained shall constitute a separate offense. The application of the above penalties shall not be held to prevent the enforced removal of prohibitive conditions.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause

or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-12 § 2, 10-22-2002; Ord. 2002-9 § 2, 10-22-2002; Ord. 91-9, 7-16-1991)

4.03.030 Violations.

Annex H Section 80.23(A) of the California Electrical Code is hereby amended to read as follows:

Annex H Section 80.23(A). Violations.

Every person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each ten days thereof during which such violation continues and shall be punishable therefor as herein provided.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-12 § 3, 10-22-2002; Ord. 2002-9 § 3, 10-22-2002; Ord. 91-9, 7-16-1991)

Chapter 4.04 NUMBERING BUILDINGS

Sections:

- 4.04.010 System established.
- 4.04.020 North, south designations.
- 4.04.030 Director to supervise.

4.04.010 System established.

The following system of numbering the houses in the City is hereby established as follows:

A. South of Fresno Street. All blocks fronting on the streets lying south of Fresno Street, and extending in a southerly direction, shall commence with number one on each street on the southerly line of Fresno Street, and thence continue southerly with 100 numbers to each block to the southern City limits; provided, that the odd numbers be placed on the houses fronting on the westerly line of said streets, and the even numbers be placed on the houses fronting on the easterly line of said streets.

B. North of Fresno Street. All blocks fronting on the streets lying north of Fresno Street and extending in a northerly direction shall commence with number one on each street on the northerly line of Fresno Street, and thence continue northerly with 100 numbers to each block to the northern City limits; provided, that odd numbers be placed on the houses fronting on the westerly side on said streets, and the even numbers be placed on the houses fronting on the easterly side on said streets.

C. East of O Street. All blocks fronting on the streets lying east of O Street and extending in an easterly direction shall commence with number one on each street on the easterly line of O Street, and thence continue easterly with 100 numbers to each block to the eastern City limits; provided, that the odd numbers shall be placed on the houses fronting on the northerly side of said streets and the even numbers be placed on the houses fronting on the southerly side of said streets.

D. West of O Street. All blocks fronting on the streets lying west of O Street, and extending in a westerly direction, shall commence with number one on each street on the westerly line of O Street, and thence continue westerly with 100 numbers to each block to the western City limits; provided, that the odd numbers shall be placed on the houses fronting on the northerly side of said streets, and the even numbers be placed on the houses fronting on the southerly side of said streets. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.04.020 North, south designations.

All numbers lying north of Fresno Street shall be designated as No. ____ North, and all numbers lying south of Fresno Street shall be designated as No. ____ South. All numbers lying east of O Street shall be designated as No. ____ East, and all numbers lying west of O Street shall be designated as No. ____ West. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 79, 10-22-1918)

4.04.030 Director to supervise.

The work of numbering the houses as above provided shall be under the supervision of the Director of Public Works. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 77-2, 2-8-1977; Ord. 79, 10-22-1918)

Chapter 4.05 MOVING BUILDINGS

Sections:

- 4.05.010 House mover's and relocation permits.
- 4.05.021 Relocation permits – Application for permit.
- 4.05.022 Relocation permits – Investigation of applicant.
- 4.05.023 Relocation permits – Issuance of permit denied.
- 4.05.024 Relocation permits – Issuance of permit.
- 4.05.025 Relocation permits – Bond required.
- 4.05.026 Relocation permits – Conditions of bond.
- 4.05.027 Relocation permits – Default in performance of conditions.
- 4.05.028 Relocation permits – Bond period and termination of bond.
- 4.05.031 House mover's permit – Permit prerequisites.
- 4.05.032 House mover's permit – Contents of application.
- 4.05.033 House mover's permit – Action upon application.
- 4.05.034 House mover's permit – Deposits.
- 4.05.041 Procedure for house movers – Conditions of permit.
- 4.05.042 Procedure for house movers – Inspection of structures.
- 4.05.043 Procedure for house movers – Police escort.
- 4.05.044 Procedure for house movers – Methods of moving.
- 4.05.045 Procedure for house movers – Damage to streets.
- 4.05.046 Procedure for house movers – Deposit deductions.
- 4.05.047 Procedure for house movers – Red light required.
- 4.05.050 Insurance.
- 4.05.060 Appeals.

4.05.010 House mover's and relocation permits.

A. Defined.

1. No person shall move any building or structure or any portion thereof over, upon, along or across any public street, alley or sidewalk without a written permit therefor from the office of the City Clerk. Such permit may be referred to as a "house mover's permit."

2. No person shall relocate any building or structure or any portion thereof upon any premises in the City without a permit therefor. Such permit may be referred to as a "relocation permit."

B. Permits Required. No house mover's permit shall be issued until the City Clerk has first issued to the owner of the premises to which the building is to be moved a relocation permit. No relocation permit shall be required if the building or structure is to be moved to a place located outside the limits of the City or if the building or structure is to be used by a governmental agency for a governmental purpose. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.021 Relocation permits – Application for permit.

A. Every application to the City Clerk for a relocation permit shall be in writing upon a form furnished by the City Clerk and shall set forth such information as may be reasonably required in order to carry out the purposes of this chapter. The application shall have attached thereto:

1. Photograph of the building of not less than eight inches by 10 inches in dimension of all sides of such building or structure, showing the general architectural design and appearance thereof.

2. Plot plan showing proposed location of building.

3. Plan of reconstruction.

4. Written report of a licensed pest control operator showing whether there is infestation, infection or damage to the building, or any hazardous or dangerous conditions to the structure related to wood-destroying organisms.

B. Such application shall be filed with the City Clerk accompanied by an application fee of \$100.00. The application fee shall be in addition to the regular building permit fee required in the City Building Code. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.022 Relocation permits – Investigation of applicant.

A. Upon the filing of the application, the City Clerk shall refer the matter to the Planning Commission of the City for its review, and no such permit shall be issued until the same has been approved by said body. The Planning Commission shall set a hearing thereon. Written notice of the time and place of such hearing shall be mailed to the known owners of property within a radius of 300 feet of the property to which said building is to be moved, and notice thereof shall also be posted on said proposed location. Such notice mailed and posted shall set forth the character of the building to be moved, and the place from which and the place to which it is to be moved, in addition to the time and place of hearing upon the application. Such mailing and posting of notices shall be completed at least 10 days before the date of said hearing.

B. Any person aggrieved by the decision of the Planning Commission upon any application for a permit as herein provided may, within 15 days from the date said action is taken by the Planning Commission, appeal to the City Council. Said appeal shall be in writing and filed with the City Clerk. Upon the filing of any such appeal the same shall be set for hearing before the City Council and notice of the time and place of such hearing and the purpose thereof shall be given by the mailing of notices to the owners of all property within a radius of 300 feet of the property to which any building or structure is to be moved, and to the applicant. Such mailing of notices shall be completed at least 10 days before the date of said hearing. After such hearing by the City Council, the City Council may grant or deny the application or may modify in any particular the action taken by the Planning Commission. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.023 Relocation permits – Issuance of permit denied.

No permit shall be issued to relocate any building or structure which in the opinion of the Planning Commission is so constructed or in such condition as to be dangerous; or which is infested with pests or unsanitary; or which, if it be a dwelling or habitation, is

unfit for human habitation; or which is so dilapidated, defective, unsanitary or in such a condition of deterioration or disrepair that its relocation at the proposed site would be materially detrimental to the property or improvements in the district within a radius of 300 feet from the proposed site; or if the proposed use is prohibited by the zoning laws of the City; or if the structure is of a type prohibited, at the proposed location, by any fire district ordinance, or by any other law or ordinance; provided, however, that if the condition of the building or structure in the judgment of the Planning Commission admits of practicable and effective repair, the permit may be issued subject to appropriate conditions as hereinafter provided. If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the permit shall be denied. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.024 Relocation permits – Issuance of permit.

If the granting of a permit is not prohibited by NCC 4.05.023, the Planning Commission may, after the necessary investigation and hearing, authorize the City Clerk to issue a relocation permit and, in authorizing such permit, may impose such terms and conditions as he may deem reasonable and proper, including but not limited to the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure to the end that the relocation thereof will not be materially detrimental to public welfare or to the property and improvements, or either, in the district within a radius of 300 feet of the proposed site to which it is to be moved. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.025 Relocation permits – Bond required.

A. No relocation permit shall be issued by the City Clerk unless the applicant therefor shall first post with the City Clerk a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company, authorized to do business in this State, as surety. The bond, which shall be in form joint and several, shall name the City as obligee and shall be in an amount equal to the cost plus 50 percent of the work required to be done in order to comply with all of the conditions of such relocation permit, as such cost is estimated by the Director of Public Works. In lieu of a surety bond the applicant may post a bond executed by said owner, as principal, and which is secured by a deposit in cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is hereafter called a “cash bond” for the purposes of this chapter.

B. Any bond executed pursuant to any provision of this chapter shall contain a provision indemnifying and saving harmless the City and each officer or employee thereof from any loss or liability arising out of or resulting from any of the acts done pursuant to the provisions of any such bond or permit. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.026 Relocation permits – Conditions of bond.

Every bond posted pursuant to this chapter shall be conditioned as follows:

A. That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the Director of Public Works.

B. That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time limit specified in the relocation permit; or, if no time limit is specified, within 90 days after the date of the issuance of the house mover's permit elsewhere in this chapter provided for. The time limit herein specified, or the time limit specified in any permit, may be extended for good and sufficient causes by the Director of Public Works. No such extension of time shall be valid unless written and no such extension shall release any surety upon any bond. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.027 Relocation permits – Default in performance of conditions.

A. Whenever the Director of Public Works shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety of the bond.

B. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Director of Public Works to be reasonably necessary for the completion of such work.

C. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay over to the Director of Public Works the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 10 percent of the said estimated cost. Upon the receipt of such moneys, the Director of Public Works shall proceed by such mode as he deems convenient to cause the required work to be performed and completed, but no liability shall be insured therein other than for the expenditure of the said sum in hand therefor.

D. If a cash bond has been posted, notice of default as provided above shall be given to the principal and if compliance is not had within the time specified, the Director of Public Works shall proceed without delay and without further notice or proceedings whatever to use the cash deposit, or any portion of such deposit, to cause the required work to be done by contractor or otherwise in the discretion of the Director of Public Works. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor, or to his successors or assigns, after deducting the cost of the work plus 10 percent thereof. If upon investigation or failure to secure offers or bids to do said work, it appears that the cash deposit is not adequate to complete the same, the Director of Public Works shall report the facts to the City Council for such action as it shall order after due investigation.

E. When any default has occurred on the part of the principal under the preceding provisions, the surety shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site. If the surety defaults, the Director of Public Works shall report the facts to the City Council for its order, which order may include all actions herein placed in the power of the surety. The City Council may, at its discretion, bring suit against the surety and principal and such other defendants as it may be advised to obtain a judgment authorizing demolishing the building or structure or for such other remedies as the court shall decree. Costs of such proceeding shall be paid by the principal and surety and other defendants as the court may decree. Any building or structure maintained after default shall constitute a public nuisance and be subject to abatement as such.

F. In the event of any default in the performance of any term or condition of the relocation permit, the surety, or any person employed or engaged on its behalf, shall have the right to go upon the premises to complete the required work or to remove or to demolish the building or structure.

G. No person shall interfere with or obstruct the ingress or egress to or from any such premises by any authorized representative or agent of any surety engaging in the work of completing, demolishing or removing a building or structure for which a relocation permit has been issued after a default has occurred in the performance of the terms or conditions thereof. The provisions of this subsection as well as all subsections of this section shall also extend to representatives of the City. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.028 Relocation permits – Bond period and termination of bond.

The term of each bond posted pursuant to this chapter shall begin upon the date of the posting thereof, and shall end upon completion to the satisfaction of the Director of Public Works of the performance of all of the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof signed by the Director of Public Works, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this chapter provided. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.031 House mover's permit – Permit prerequisites.

No house mover's permit shall be granted by the City Clerk except as follows:

A. The applicant must first furnish evidence that the applicant has already been issued a relocation permit for the particular building or structure when such a permit is required by the provisions of this chapter.

B. The applicant shall pay to the City Clerk an application fee of \$25.00 for each permit requested.

C. A separate application upon a form furnished by the City Clerk must be filed, and a separate permit obtained, for the moving of each separate building or structure or portion of a building or structure. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.032 House mover's permit – Contents of application.

Each application for a house mover's permit must show:

A. The kind of building or structure to be moved.

B. The street location or other identifying description from which it is proposed to be moved if such location is within the City, and the street location or other identifying description to which it is proposed to be moved, and the route over, along, across and upon which such building or structure or section or portion thereof is to be moved.

C. The number of sections in which the building or structure will be moved.

D. The time when it is proposed to be moved and within which removal will be completed. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.033 House mover's permit – Action upon application.

The Director of Public Works, immediately upon receipt of such application, shall notify the Chief of Police that such application, has been filed. The Director of Public Works shall investigate the route designated in the application to ascertain whether the moving of the building can be made without damage to the trees adjacent thereto. If the moving would damage such trees, he shall prescribe another route which will not cause such damage. If the moving of the building requires any tree trimming, such tree trimming shall be performed by a street trimmer designated by the Director of Public Works, and a charge of \$10.00 per hour shall be made for the services of such tree trimmer. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.034 House mover's permit – Deposits.

A. No permit shall be issued to any house mover pursuant to the terms of this chapter until the applicant therefor shall have deposited \$150.00 with the City Clerk.

B. Any house mover may make and maintain with the City Clerk a general deposit in the sum of \$500.00, which general deposit shall be used for the same purpose as the special deposit mentioned in this section, and while such general deposit is maintained such house mover shall not be required to make the special deposit in this section provided for, but shall be required to comply with all other provisions set forth in this chapter. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.041 Procedure for house movers – Conditions of permit.

Where the building or structure is to be moved from one street location to another street location within the City, or from one street location within the City to a place located outside the City, the house mover shall comply with the following conditions with respect to such parcel:

A. Immediately upon removal of said building, securely cap and seal all gas, water and oil pipes disconnected from the building.

B. Securely seal all sewer and other sanitary facilities remaining on the land.

C. Fill with dirt, sand or small rock all openings and excavations in the land, including cesspools and septic tanks, if any.

D. Remove therefrom all refuse, debris, old foundations, walls, slabs, waste material and other impediments.

E. Within 10 days after such removal, the house mover shall file a letter with the Director of Public Works certifying that all of the provisions of this section have been complied with. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.042 Procedure for house movers – Inspection of structures.

Every building or structure or section or portion thereof moved over, upon, along or across any street shall be moved under the inspection and supervision of the Director of Public Works. The Director of Public Works shall appoint an Inspector for the moving of any building or structure and of each section or portion thereof; provided, that in case two or more buildings or structures, or two or more sections or portions thereof, are being moved at the same time along a route or routes so situated that one person can inspect the same, only one person shall be appointed therefor. Such inspection and supervision in each case shall be for such time as the Director of Public Works shall

deem necessary for the performance of such service and a charge of \$15.00 for each two hours or fraction thereof shall be made for the time required for such inspection and supervision. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.043 Procedure for house movers – Police escort.

The Director of Public Works shall notify the Chief of Police of the time of moving the building through the public streets. If the Chief of Police determines that the protection of the public requires a police escort, he shall provide such escort and a charge of \$7.50 per hour or fraction thereof shall be made therefor. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.044 Procedure for house movers – Methods of moving.

A. It shall be the duty of any house mover when required by the Director of Public Works to cause boards of sufficient strength to carry the load without breaking to be placed under all of the rolls or wheels to serve as a runway for such rolls or wheels during the moving of any building or structure, or section or portion thereof, along every street improved in any other manner than by portland cement, concrete, asphalt or brick, and at no time shall such rolls or wheels be permitted to revolve, except upon such board runway when the same is required by the Director of Public Works.

B. The Director of Public Works may direct that steel- or rubber-tired dollies may be used when any building or structure is moved on any unimproved or oil, gravel street.

C. In the event that the equipment of the house mover is not sufficient for the work required, or if the street or the use thereof or the property of any public utility will be at any time endangered or damaged by such moving or if such house mover or his servants or employees at any time violate any of the terms, conditions or restrictions of the permit required by NCC 4.05.041 either as to the size or dimensions of the building or structure being moved or the route of such moving, or otherwise, the Inspector shall report such fact to the Director of Public Works and, when properly authorized by the Director of Public Works, the Inspector shall be empowered to stop the progress of such moving. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.045 Procedure for house movers – Damage to streets.

In case of damage to any street by reason of the moving of any building or structure or section or portion thereof, the Director of Public Works shall do such work as may be necessary to restore the street to as good a condition as the same was in prior to such damage, and shall charge the cost thereof to the house mover to whom the permit was issued for the moving of such building or structure or section or portion thereof. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.046 Procedure for house movers – Deposit deductions.

A. There shall be deducted from the deposits provided for in NCC 4.05.034 the sum of \$25.00 as a permit fee.

B. In addition to the above deduction, there shall also be deducted from each deposit the cost of the service of the Inspector provided for in NCC 4.05.042, the cost of the tree trimmer provided for in NCC 4.05.033, the cost of the police escort provided for in NCC 4.05.043, and the cost of repairs, if any, made by the Director of Public Works

as provided in NCC 4.05.045. The remainder of such deposit, if any, shall be refunded to the person making such deposit or to his assigns. In case the deposit made pursuant to NCC 4.05.034 shall not be sufficient to pay the cost of the service of the Inspector, the police escort, the tree trimmer and the cost of the repairs, if any, the person making such deposit shall, upon demand, pay to the Director of Public Works a sufficient sum to cover all such costs. Upon failure to pay such sum, it may be recovered by the City in any court of competent jurisdiction. No permit fee shall be required for the moving of temporary buildings or structures over public streets or alleys if such buildings or structures are to be used for a governmental purpose. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.047 Procedure for house movers – Red light required.

No person moving any building or structure or section or portion thereof over, upon, along or across any street, alley or sidewalk shall fail, neglect or refuse to keep a red light burning at all times between sunset and sunrise at each corner of such building or structure or section or portion thereof, and at the end of any projection thereon while the same or any part thereof is located in or upon any street, alley or sidewalk. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.050 Insurance.

No permit to move a building authorized by the Director of Public Works or other City officer shall be issued until the permittee has filed with the City Clerk a policy of public liability and property damage, or approved certificate thereof, issued by a responsible insurance company authorized to do business in the State of California. Said policy shall insure the permittee and shall inure to the benefit of any and all persons suffering loss or damage either to person or property by reason of wrongful or negligent acts in moving the building. Said policy shall also contain a clause or special endorsement indemnifying and saving harmless the City, its officers, agents and employees against any loss, damage, costs and expenses which may in anywise accrue against the City, its officers, agents or employees in consequence of the granting of the permit for moving any building. Such policy shall insure against loss from the liability imposed by law for injury to, or death of, any person in the amount or limit of \$500,000 on account of injury to, or death of, any one person, and, subject to the same limit as respects injury to, or death of, one person, of \$500,000 on account of any one accident resulting in injury to, or death of, more than one person, and of \$100,000 for damage to property of others resulting from any one accident. Such policy shall certify therein that it shall not be cancelled except upon 30 days' prior written notice thereof to the City Clerk. Said liability insurance shall be a continuing liability up to the full amount thereof notwithstanding any recovery thereon. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.060 Appeals.

Any person aggrieved by any decision of the Director of Public Works in carrying out the provisions of this chapter may, within 10 days after decision, appeal to the City Council by filing a written notice thereof with the City Clerk, and the City Council shall hold a hearing on the matter and its decision thereon shall be final and conclusive. (Ord.

2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 77-2, 2-8-1977;
Ord. 282, 4-8-1975)

Chapter 4.06 TELEVISION ANTENNAS

Sections:

- 4.06.010 Definitions.
- 4.06.020 Permit required – Fees.
- 4.06.030 Technical requirements.
- 4.06.040 Electrical Inspector – Rights, duties and powers.
- 4.06.050 Existing antennas.

4.06.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Antenna” means the outdoor portion of the receiving equipment used for receiving or radiating television waves.

“Height” means the overall vertical length of the antenna system above the ground, or, if such system be located on a building, then above that part of the level of such building upon which the system rests.

“Mast” means that portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation, excluding towers. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.06.020 Permit required – Fees.

A. No person shall erect a television antenna mast or tower or add to or replace the guy lines and fastenings on an existing mast without obtaining a permit from the Electrical Inspector.

B. Before a permit is issued, a permit fee of \$1.00 shall be paid to the Electrical Inspector.

C. A reinspection fee of \$1.00 shall be made for each trip when extra inspections are necessary due to any of the following reasons:

1. Wrong address on permit.
2. Condemned work resulting from faulty construction.
3. Repairs or corrections not made when inspection is called.
4. Work not ready for inspection when called. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.06.030 Technical requirements.

It shall be unlawful for any person hereafter to install, repair or maintain, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any outside television antenna, or to make any additions to, or substitutions for, said antenna, except in accordance with the following rules and regulations:

A. Materials, Height. Every mast and antenna hereafter erected shall be of noncombustible and corrosive-resistant material, except that in the case of ground

support a wooden pole may be used when adequately treated with a wood preservative. No mast or antenna hereafter erected shall exceed the maximum height of 45 feet above a roof support and 65 feet above a ground support; provided, however, that in areas where reception is affected by obstruction or ground elevation special permission may be granted by the Electrical Inspector upon request to exceed the above-specified height limitations.

B. Mounting. Every mast and antenna installed on a roof shall be mounted on its own platform or plate covering one or more rafters of the roof. Whenever a plate is used, it shall be of wood at least two inches thick, six inches wide and 18 inches long, or of metal one-eighth inch thick, six inches wide and 12 inches long.

C. Method of Erection. Masts shall be erected by means of the telescope method, and the base of the mast shall be at least one and three-fourths inches in diameter, and at least three-fourths inch in diameter at the top of the mast except that no rotor shall be mounted on any mast the top dimension of which is less than one inch in diameter. Masts shall be made of tubing material of a minimum thickness of 16 gauge. Each mast shall be securely fastened to the building structure by not less than three guy wires as equally separated as is practically possible and guyed every 10 feet in height. Guy wires shall be at least 20-gauge, six-strand galvanized cable. The distance that the guy wire shall be fastened from the base of the television mast shall be the ratio of one-third of its height; e.g., a 45-foot mast shall be guyed at least 15 feet away from the mast.

D. Wind Load Requirements. Notwithstanding any other provisions of this chapter, antennas shall be designed and installed to withstand a wind pressure of 25 pounds per square foot.

E. Anchor Screws. Anchor screws or lead expansion shields must be used in masonry at anchor points of masts and guy wire supports.

F. Eye Bolts. All eye bolts shall be galvanized and a minimum of one-quarter inch in diameter, set one and one-half inches into wood.

G. Public Ways. In no case shall an antenna be installed nearer to the street, sidewalk or any primary power line than the height of the antenna plus 10 feet unless approved by the Electrical Inspector, and no wires, cables or guy wires shall cross or extend over any part of any street or sidewalk.

H. Safety Wire. Whenever it is necessary to install an antenna near primary power lines (2,200 volts or over), or where damage would be caused by its falling, a separate safety wire shall be attached to the top of the mast and secured to a separate eye bolt in a direction away from the hazard.

I. Fire Protection. No antenna shall be installed in such a manner as to prevent access to any building for fire fighting or fire prevention purposes.

J. Grounding. Each mast and tower shall be grounded at its lowest point with wires of at least No. 8 copper, or with other conductors of equivalent carrying capacity. Ground shall be a cold water pipe, if available, or if not, by an approved ground rod driven a minimum of six feet into the ground and fastened with an approved ground connector. Grounding means shall be by approved grounding fittings. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 216, 9-8-1959)

4.06.040 Electrical Inspector – Rights, duties and powers.

A. The Electrical Inspector, or his authorized assistants, shall be authorized to inspect any television antenna hereafter erected to ascertain if the work has been done in a workmanlike manner and in compliance with this chapter.

B. Nothing contained in this chapter shall be construed to prevent the City, through a duly authorized Inspector, from inspecting any antenna system in use in the City, heretofore or hereafter installed, in order to ascertain whether or not the same is reasonably safe to life or property. In case any condition is found which might result in danger to life or property, the Electrical Inspector is authorized to give written notice to the owner or operator of such antenna at his last known address, specifying the dangerous condition, indicating the corrective action that must be taken to make the same safe, and requiring the same to be corrected within five days after such notice, or, in the case of serious safety hazards, within such shorter time as the Electrical Inspector may specify, not less than 48 hours after such notice. If such conditions are not corrected within such time, the maintenance thereafter of any such defective installation by the owner or use thereof shall be unlawful. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 216, 9-8-1959)

4.06.050 Existing antennas.

Every television antenna erected prior to the effective date of the ordinance codified in this chapter may be maintained and operated in its present location, unless said antenna is so constructed and maintained as to be unsafe and dangerous as determined by the Electrical Inspector in accordance with the provisions of NCC 4.06.040. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 216, 9-8-1959)

Chapter 4.07 SWIMMING POOL, SPA, AND HOT TUB CODE

Sections:

- ~~4.07.010 Purposes.~~
- ~~4.07.020 Adoption.~~
- ~~4.07.030 Administrative authority.~~
- ~~4.07.040 Violation and penalties.~~
- ~~4.07.050 Board of Appeals.~~
- ~~4.07.060 Validity.~~

4.07.010 Purposes.

~~The purposes of this chapter are to prescribe minimum standards for the design, construction or installation, repair or alterations of swimming pools, public or private, and equipment related thereto; to require a permit and inspection therefor; to provide for the administration and enforcement of the standards set forth herein; and to provide for the qualification and registration of persons engaged in the business of swimming pool installation or alterations of equipment related thereto. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-8 § 1, 10-22-2002; Ord. 92-10, 7-28-1992)~~

4.07.020 Adoption.

~~That certain document in book form entitled "Uniform Swimming Pool, Spa, and Hot Tub Code, 2009 Edition," as approved and copyrighted by the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California 91761, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as the "Uniform Swimming Pool, Spa, and Hot Tub Code of the City of Newman," and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-8 § 2, 10-22-2002)~~

4.07.030 Administrative authority.

~~Section 102.1 of the Uniform Swimming Pool, Spa, and Hot Tub Code is hereby amended to read as follows:~~

~~Section 102.1:~~

~~Whenever the term "administrative authority" is used in this Code, it shall be deemed to mean the Building Official, or his authorized representative.
(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-8 § 3, 10-22-2002; Ord. 92-10, 7-28-1992)~~

4.07.040 Violation and penalties.

Section 102.3 of the Uniform Swimming Pool, Spa, and Hot Tub Code is omitted and, in lieu thereof, a new section is added to read as follows:

~~Section 102.3.~~

~~Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.~~

~~The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which is authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the Code or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work may be recommenced, a new permit shall be first obtained, and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.
(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-8 § 4, 10-22-2002)~~

4.07.050 Board of Appeals.

The following section is hereby added to the Uniform Swimming Pool, Spa, and Hot Tub Code to read as follows:

In order to make a correct determination of any appeal arising from the actions of the Building Official, the City Council is hereby designated as a Board of Appeals.

Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the grounds of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the building official, with a

~~duplicate copy to the appellant. The decision of the City Council on such appeal shall be final.
(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-8 § 5, 10-22-2002)~~

4.07.060 Validity.

~~Section 103.8 of the Uniform Swimming Pool, Spa, and Hot Tub Code is omitted, but in lieu thereof a new Section 103.8 is added to read as follows:~~

~~Section 103.8.~~

~~If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Newman hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional.
(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-8 § 6, 10-22-2002)~~

FYI: This code requirement is no longer used and is enforced in all the pertinent code sections embodied in the entire 2013 California Building Standards Code.

Chapter 4.08 HOUSING CODE

Sections:

- 4.08.010 Purposes.
- 4.08.020 Adoption.
- 4.08.030 Definitions.
- 4.08.040 Interpretation and appeals.
- 4.08.050 Violations and penalties.
- 4.08.060 Validity.

4.08.010 Purposes.

The purposes of this chapter are to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public in the incorporated area of the City of Newman by regulating the erection, construction, enlargement, alteration, repair, removal, conversion, use and maintenance of all buildings or portions thereof used, or designed, or intended to be used, for human habitation; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 1, 3-23-1999; Ord. 92-8, 7-28-1992)

4.08.020 Adoption.

That certain document in book form entitled "Uniform Housing Code, 1997 Edition" including the appendices thereof, as approved and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, one copy of which is now on file in the Building Department of the City of Newman, is adopted and enacted as the "Housing Code of the City of Newman" in its present form, except as to certain portions of said Uniform Housing Code, 1997 Edition, are hereafter specifically amended. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 2, 3-23-1999)

4.08.030 Definitions.

Wherever the following words appear in the Uniform Housing Code, they shall be deemed to mean:

- A. "City" shall mean the incorporated area of the City of Newman.
- B. "State" shall mean the State of California. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 3, 3-23-1999; Ord. 92-8, 7-28-1992)

4.08.040 Interpretation and appeals.

Section 203 of the Uniform Housing Code is hereby amended to read as follows:

Section 203

In order to provide for a final interpretation of the provisions of this ordinance and to hear appeals provided for hereunder, the City Council is hereby designated as a

Board of Appeals. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the council and shall notify the appellant by mail of the time and place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 4, 3-23-1999; Ord. 92-8, 7-28-1992)

4.08.050 Violations and penalties.

Section 204 of the Uniform Housing Code, 1997 Edition, as set forth in said Code, is omitted, but in lieu thereof a new Section 204 is added to read as follows:

Section 204.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 5, 3-23-1999)

4.08.060 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any portion as may be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 6, 3-23-1999; Ord. 92-8, 7-28-1992)

Chapter 4.09 MECHANICAL CODE

Sections:

- 4.09.010 Purposes.
- 4.09.020 Adoption.
- 4.09.030 Interpretation and appeals.
- 4.09.040 Violations and penalties.
- 4.09.050 Validity.

4.09.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 1, 10-22-2002; Ord. 2002-6 § 1, 10-22-2002; Ord. 92-11, 7-28-1992)

4.09.020 Adoption.

That certain document in book form entitled “California Mechanical Code —~~2010~~ **2013** Edition of Title 24 Part 4,” including the Appendix thereof, based on the ~~2009~~ **2012** Uniform Mechanical Code, as approved and copyrighted by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “California Mechanical Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 2, 10-22-2002; Ord. 2002-6 § 2, 10-22-2002)

4.09.030 Interpretation and appeals.

Section ~~440.4~~ **108.1** of the California Mechanical Code is hereby amended to read as follows:

Section 440.4 **108.1.**

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code, the City Council shall appoint a Board of Appeals in accordance with administrative regulations of the Building Codes. Any person dissatisfied with any decision of the Building Official may appeal in writing to the Board of Appeals, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such

appeal, the Board shall set the same for hearing for a time not later than the next regular meeting and shall notify the appellant by mail of the time and place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The decision of the Board of Appeals on such appeal may be appealed in writing to the City Council by any person. Said appeal shall be set for hearing for a time not later than the next regular meeting of the Council. Notification of hearing and action shall be the same as indicated above for the Board of Appeals.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 3, 10-22-2002; Ord. 2002-6 § 3, 10-22-2002)

4.09.040 Violations and penalties.

Section 111 of the California Mechanical Code – ~~2010~~ **2013** Edition, as set forth in said Code, is omitted, but in lieu thereof a new Section 111 is added to read as follows:

Section 111 Violations and Penalties.

It shall be unlawful for any person, firm or corporation, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilation, cooling or refrigeration equipment in the jurisdiction, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Code. Maintenance of equipment which was unlawful at the time it was installed, and which would be unlawful under this Code if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 4, 10-22-2002; Ord. 2002-6 § 4, 10-22-2002)

4.09.050 Validity.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Newman hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 5, 10-22-2002; Ord. 2002-6 § 5, 10-22-2002; Ord. 92-11, 7-28-1992)

Chapter 4.10 ABATEMENT OF DANGEROUS BUILDINGS

Sections:

- 4.10.010 Purpose.
- 4.10.020 Adoption.
- 4.10.030 Definitions.
- 4.10.040 Interpretation and appeals.
- 4.10.050 Violations and penalties.
- 4.10.060 Validity.

4.10.010 Purpose.

The purpose of this chapter is to provide a just, equitable, and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 1, 3-23-1999; Ord. 92-12, 7-28-1992)

4.10.020 Adoption.

That certain document in book form entitled “Uniform Code for the Abatement of Dangerous Buildings – 1997 Edition,” as approved and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, one copy of which document is now on file in the Building Department of the City of Newman, is hereby adopted by reference and enacted by the City Council of the City of Newman as the “Dangerous Buildings Code of the City of Newman” in its present form, except as certain portions thereof are hereinafter specifically amended, deleted or added to, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 2, 3-23-1999)

4.10.030 Definitions.

A. The name “Newman” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of this Code wherein the City or the State is left blank.

B. The term “Building Official” shall include the term “Building Inspector.”

C. “Fire Marshal” shall mean “Fire Chief.” (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 3, 3-23-1999; Ord. 92-12, 7-28-1992)

4.10.040 Interpretation and appeals.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

Section 205.

In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the City Council is hereby designated as a Board of Appeals. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the grounds of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and the place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 4, 3-23-1999)

4.10.050 Violations and penalties.

Section 203 of the Uniform Code for the Abatement of Dangerous Buildings as set forth in said Code is omitted, but in lieu thereof a new section is added to read as follows:

Section 203.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain, any building, structure or premises or cause or permit the same to be done in the City of Newman contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 5, 3-23-1999)

4.10.060 Validity.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Newman hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 6, 3-23-1999; Ord. 92-12, 7-28-1992)

Chapter 4.11 FLOODPLAIN MANAGEMENT

Sections:

Article I. Statutory Authorization, Findings of Fact, Purpose and Methods

- 4.11.010 Statutory authorization.
- 4.11.020 Findings of fact.
- 4.11.030 Statement of purpose.
- 4.11.040 Methods of reducing flood losses.

Article II. Definitions

- 4.11.050 Definitions.

Article III. General Provisions

- 4.11.060 Lands to which this chapter applies.
- 4.11.070 Basis for establishing the areas of special flood hazard.
- 4.11.080 Compliance.
- 4.11.090 Abrogation and greater restrictions.
- 4.11.100 Interpretation.
- 4.11.110 Warning and disclaimer of liability.
- 4.11.120 Severability.

Article IV. Administration

- 4.11.130 Establishment of development permit.
- 4.11.140 Designation of the Floodplain Administrator.
- 4.11.150 Duties and responsibilities of the Floodplain Administrator.
- 4.11.160 Appeals.

Article V. Provisions for Flood Hazard Reduction

- 4.11.170 Standards of construction.
- 4.11.180 Standards for utilities.
- 4.11.190 Standards for subdivisions.
- 4.11.200 Standards for manufactured homes.
- 4.11.210 Standards for recreational vehicles.
- 4.11.220 Floodways.

Article VI. Variance Procedure

- 4.11.230 Nature of variances.
- 4.11.240 Appeal Board.
- 4.11.250 Conditions for variances.

Article I. Statutory Authorization, Findings of Fact, Purpose and Methods

4.11.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Newman does hereby adopt the following floodplain management regulations. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.020 Findings of fact.

A. The flood hazard areas of the City of Newman are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities also contributes to the flood loss. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 2010-7 § 1 (Att.

A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.4, 9-12-2000; Ord. 95-1, 3-28-1995)

Article II. Definitions

4.11.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See “Special flood hazard area (SFHA).”

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). “Base flood” is the term used throughout this chapter.

“Basement” means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

Building. See “structure.”

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood,” “flooding,” or “flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

“Flood Hazard Boundary Map (FHBM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “flooding.”

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively

increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Floodway fringe” is that area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

“Fraud and victimization” as related to Article VI, Variance Procedure, of this chapter means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Newman City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Governing body” is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Article VI, Variance Procedure, of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State

program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “basement”).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

- a. The wet floodproofing standard in NCC 4.11.170(C)(3);
- b. The anchoring standards in NCC 4.11.170(A);
- c. The construction materials and methods standards in NCC 4.11.170(B);

and

- d. The standards for utilities in NCC 4.11.180.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “basement”). This prohibition includes below-grade garages and storage areas.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after the effective date of floodplain

management regulations adopted by this community, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year Flood. See “Base flood.”

“Public safety and nuisance” as related to Article VI, Variance Procedure, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet Flow Area. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1 – A30, AE, A99, AH.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual

start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of an historic structure; provided, that the alteration will not preclude the structure’s continued designation as an historic structure.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. “Watercourse” includes specifically designated areas in which substantial flood damage may occur. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 2.0, 9-12-2000; Ord. 95-1, 3-28-1995)

Article III. General Provisions

4.11.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) or the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated March 1, 1978, and accompanying Flood Insurance Rate Maps (FIRMs), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City of Newman by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at 1162 Main Street, City Hall. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City of Newman from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.4, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.5, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger

floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Newman, any officer or employee thereof, the State of California, the Federal Insurance Administration, Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.6, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.7, 9-12-2000; Ord. 95-1, 3-28-1995)

Article IV. Administration

4.11.130 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in NCC 4.11.070. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Site plan, including but not limited to:

1. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site; and
2. Proposed locations of water supply, sanitary sewer, and utilities; and
3. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
4. If applicable, the location of the regulatory floodway; and

B. Foundation design detail, including but not limited to:

1. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and
2. For a crawl-space foundation, location and total net area of foundation openings as required in NCC 4.11.170(C)(3) and FEMA Technical Bulletins TB 1-93 and TB 7-93; and
3. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test method); and

C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in NCC 4.11.170(C)(2) and FEMA Technical Bulletin TB 3-93; and

D. All appropriate certifications listed in NCC 4.11.150(D); and

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.140 Designation of the Floodplain Administrator.

The City Manager is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.150 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but not be limited to the following:

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;
2. All other required State and Federal permits have been obtained;
3. The site is reasonably safe from flooding; and

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review, Use and Development of Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with NCC 4.11.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Article V of this chapter. Any such information shall be submitted to the City Council for adoption; or

2. If no base flood elevation data is available from a Federal or State agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations," dated July 1995, in order to administer Article V of this chapter:

a. Simplified Method.

i. One-hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and

ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or

b. Detailed Method.

i. One-hundred-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and

ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by NCC 4.11.170(C)(1) (lowest floor elevations) and 4.11.200;

2. Certification required by NCC 4.11.170(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by NCC 4.11.170(C)(3) (wet floodproofing standard);

4. Certification of elevation required by NCC 4.11.190(B) (subdivision standards);

and

5. Certification required by NCC 4.11.220(A) (floodway encroachments).

E. Map Determinations. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI of this chapter.

F. Remedial Action. Take action to remedy violations of this chapter as specified in NCC 4.11.080. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.160 Appeals.

The City Council of the City of Newman shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.4, 9-12-2000; Ord. 95-1, 3-28-1995)

Article V. Provisions for Flood Hazard Reduction

4.11.170 Standards of construction.

In all areas of special flood hazard the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of NCC 4.11.200.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood-resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. If within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. (See NCC 4.11.050 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement.")

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

a. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified. (The State of California recommends that in AO Zones without velocity the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two feet or elevated at least four feet above the highest adjacent grade if no depth number is specified.) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator and is required within six months of project completion, submittal of technical data to FEMA for a letter of map revision.

b. In an A Zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in NCC 4.11.150(B). (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation, as determined by the community.) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator and is required within six months of project completion, submittal of technical data to FEMA for a letter of map revision.

c. In all other zones, elevated to or above the base flood elevation. (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation.)

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:

a. Be floodproofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:

a. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood water; or

b. Be certified by a registered professional engineer or architect.

4. Manufactured homes shall also meet the standards in NCC 4.11.200. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and
2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.190 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

F. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five

acres, whichever is the lesser, shall include within such proposals base flood elevation data. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.200 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved, within Zones A1 – 30, AH, and AE on the community’s Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a

manufactured home has incurred “substantial damage” as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 – 30, AH, and AE on the community’s Flood Insurance Rate Map that are not subject to the provisions of subsection (A) of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation); or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.4, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.210 Standards for recreational vehicles.

A. All recreational vehicles placed on sites within Zones A1 – 30, AH, and AE on the community’s Flood Insurance Rate Map will either:

1. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use – a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions; or
2. Meet the permit requirements of Article IV of this chapter and the elevation and anchoring requirements for manufactured homes in NCC 4.11.200(A). (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.5, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.220 Floodways.

Located within areas of special flood hazard established in NCC 4.11.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

B. If subsection (A) of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Article V. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.6, 9-12-2000; Ord. 95-1, 3-28-1995)

Article VI. Variance Procedure

4.11.230 Nature of variances.

A. The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 6.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.240 Appeal Board.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Stanislaus County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 6.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.250 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles IV and V of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures (as defined in NCC 4.11.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter.

For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional hardship (as defined in NCC 4.11.050) to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in NCC 4.11.050 – see “public safety and nuisance”), cause fraud or victimization (as defined in NCC 4.11.050) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (A) through (E) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of NCC 4.11.240(A) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 6.3, 9-12-2000; Ord. 95-1, 3-28-1995)

Chapter 4.12 ADMINISTRATIVE CODE

Sections:

- 4.12.010 Purposes.
- 4.12.020 Adoption.
- 4.12.030 Definitions.
- 4.12.040 Interpretation and appeals.
- 4.12.050 Violations and penalties.
- 4.12.060 Validity.

4.12.010 Purposes.

The purposes of this chapter are to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public in the incorporated area of the City of Newman by regulating the erection, construction, enlargement, alteration, repair, removal, conversion, use and maintenance of all buildings or portions thereof used, or designed or intended to be used, for human habitation; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 1, 10-22-2002; Ord. 2002-7 § 1, 10-22-2002; Ord. 99-12 § 1, 3-23-1999; Ord. 90-15, 10-16-1990)

4.12.020 Adoption.

That certain document in book form entitled "Uniform Administrative Code, 1997 Edition," including the Appendices thereof, as approved and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, one copy of which is now on file in the Building Department of the City of Newman, is adopted and enacted as the "Uniform Administrative Code of the City of Newman" in its present form, except as to certain portions of said Uniform Administrative Code, 1997 Edition, are hereby specifically amended. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 2, 10-22-2002; Ord. 2002-7 § 2, 10-22-2002; Ord. 99-12 § 2, 3-23-1999; Ord. 95-14, 12-19-1995)

4.12.030 Definitions.

Wherever the following words appear in the Uniform Administrative Code, they shall be deemed to mean:

- A. "City" shall mean the incorporated area of the City of Newman.
- B. "State" shall mean the State of California. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 3, 10-22-2002; Ord. 2002-7 § 3, 10-22-2002; Ord. 99-12 § 3, 3-23-1999; Ord. 90-15, 10-16-1990)

4.12.040 Interpretation and appeals.

In order to provide for a final interpretation of the provisions of this chapter and to hear appeals provided for hereunder, the City Council shall designate a Board of

Appeals. Any person dissatisfied with any decision of the Administrative Official may appeal in writing to the Board of Appeals of the City of Newman, which statement shall specify the grounds of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Board and shall notify the appellant by mail of the time and place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Administrative Official, with a duplicate copy to the appellant. The decision of the City Council on such appeal shall be final. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 4, 10-22-2002; Ord. 2002-7 § 4, 10-22-2002; Ord. 99-12 § 4, 3-23-1999; Ord. 90-15, 10-16-1990)

4.12.050 Violations and penalties.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

B. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than 180 days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 5, 10-22-2002; Ord. 2002-7 § 5, 10-22-2002; Ord. 99-12 § 5, 3-23-1999; Ord. 95-14, 12-19-1995)

4.12.060 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 6, 10-22-2002; Ord. 2002-7 § 6, 10-22-2002; Ord. 99-12 § 6, 3-23-1999; Ord. 90-15, 10-16-1990)

Chapter 4.13 THE HISTORIC BUILDING PRESERVATION OF THE CITY OF NEWMAN

Sections:

- 4.13.010 Title.
- 4.13.020 Findings and purposes.
- 4.13.030 Area of application.
- 4.13.040 Ordinary maintenance and repair.
- 4.13.050 Definitions.
- 4.13.060 Architectural Review Committee.
- 4.13.070 Powers and duties of the Architectural Review Committee.
- 4.13.080 Criteria for historic designation.
- 4.13.090 Procedures for historic designation of homes not on the City of Newman local historic resources inventory.
- 4.13.100 Zoning regulations.
- 4.13.110 Scope of alterations.
- 4.13.120 Alteration of an historic resource –Permit required.
- 4.13.130 Duty to keep in good repair.
- 4.13.140 Enforcement.
- 4.13.150 Penalties.
- 4.13.160 CEQA.

4.13.010 Title.

This chapter shall be known as the Historic Building Preservation of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.020 Findings and purposes.

A. Findings. It is hereby found that:

1. The City has many places, sites, buildings, and structures which possess special historic, architectural and cultural interest and value to the community and its citizens; and
2. There is great value in the protection and enhancement of such important places, sites, buildings, and structures which often necessitates appropriate and reasonable consideration upon their appearance and use; including their alteration and re-use, which preserves their unique character and economic value; and
3. The proper use of historic places, sites, buildings, and structures is essentially desirable to the community, but, because of their age, structural nature, or threats from modernization, require special considerations in regard to the applicability of present construction and zoning codes affecting any change in use or structural alteration which could have a negative effect on their unique and important character and economic value.

B. Purposes. The purpose of this chapter is to promote health, safety and general welfare of the citizens of the City through:

1. The protection, enhancement, and perpetuation of structures, sites and areas that are reminders of past eras, events and persons important to local, State or national history, or which provide significant examples of architectural styles of the past, or are elements in the history of architecture, or reflect the phases of the City's development, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.

2. The enhancement of tourism and the economy of the City by protecting and preserving places having special and unique character and interest.

3. Support of the efforts of property owners to preserve, protect, and/or renovate historic and architecturally significant buildings/structures through financial incentive programs such as the Mills Act and the City's Downtown Facade Improvement Program and Housing Rehabilitation Program.

4. Fostering public appreciation of, and civic pride in, the beauty of the City and the accomplishments of its past.

5. Allowing the use of the State Historic Building Code (SHBC) by declaring the importance of designated structures to Newman's history, architecture, and local culture. The SHBC provides an alternative to the California Building Code by recognizing the unique construction problems inherent in historical buildings while maintaining acceptable life safety standards.

6. Promoting the enhancement of property values, the stabilization and improvement of neighborhoods and areas of the City, and the increase of economic and financial benefits to the City and its inhabitants.

7. Contributing to the preservation and encouragement of a City of varied architectural styles, reflecting the distinct phases of its history – cultural, social, economic, political and architectural.

8. Promoting the public's awareness of the benefits of preservation including encouragement of public participation in identifying and preserving historical and architectural resources, thereby increasing community pride in the City's cultural heritage. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.030 Area of application.

This chapter shall apply to all cultural and historical resources within the City as identified on the City of Newman's Inventory of Historic Resources. In addition, historic structures as defined herein shall include the exterior portions of any primary building and also related accessory structures of the same period construction but shall not apply to the interior of the designated structure. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.040 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on an historic resource that does not involve a change in design, material or appearance thereof. This chapter does not prevent the construction, reconstruction, restoration, demolition, or removal of any such feature when the Chief Building Official certifies to the Architectural Review Committee

that such action is required for the public safety due to an unsafe condition which cannot be rectified through the uses of the State Historical Building Code and following of the California Health and Safety Code as the same exists or may hereafter be amended. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.050 Definitions.

“Alteration” means any change to or modification of an historic resource.

“Architectural” means anything pertaining to the science, art or profession of designing and constructing buildings.

“Architectural Review Committee” means the Committee established under this Code.

“Culture” or “cultural” means anything pertaining to the concept, skills, habits, arts, instruments, or institutions of a given people at a given point in time.

“District” or “historic district” or “historic preservation area” means a geographically definable area within the City of Newman possessing a significant concentration, linkage, or continuity of historic resources and which has been so designated pursuant to this chapter.

“Historic resource” means a structure, natural feature, site or other artifact of architectural, artistic, cultural, engineering, aesthetic, archaeological, historical, political, or social significance to the citizens of the City of Newman, the State, or the Nation and formally designated by the City of Newman in accordance with the provisions of this chapter. A “historic resource” also includes a resource listed in the State and/or National Register of Historic Resources.

“Local historic resources inventory” means the inventory of historic resources (including structures of architectural, cultural and historical significance) located within the City of Newman.

“Material change” means a change, as defined herein, in the design, material, or appearance of an exterior architectural feature in or on an historic resource.

“Natural feature” means any tree, plant life, geographical or geological site or feature.

“Owner” means any person, association, partnership, firm, corporation or public entity appearing as the holder of title on any property as shown on the records of the County Assessor or on the last assessment roll of the County of Stanislaus, as applicable.

“Preservation” means the identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.

“Residentially used property” shall mean any owner-occupied building or structure, and accessory structures, located within an R District and used for single-family residential purposes, when used within the context of this chapter.

“Site” means a place or plot of land where something was, is or will be.

“Structure” means a building or any other manmade object affixed on or under the ground. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.060 Architectural Review Committee.

A. The City's Architectural Review Committee shall be the advisory agency for carrying out the duties and responsibilities identified under this chapter.

B. As per this Code, the Architectural Review Committee shall consist of the following five members:

1. One Planning Commissioner;
2. One member of the Newman Historical Society;
3. One City resident at-large;
4. One member of the business community and/or Chamber of Commerce; and
5. One professional in one or more of the following disciplines:
 - a. Architecture;
 - b. Architectural history;
 - c. Historical remodeling or reconstruction;
 - d. Historic archaeology;
 - e. Historical conservation; or
 - f. Related discipline to the extent such professionals are available in the

community of Newman.

C. At least one member of the Architectural Review Committee should be a licensed building contractor. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.070 Powers and duties of the Architectural Review Committee.

The Architectural Review Committee shall have the following powers and duties:

A. Following formal notification to the property owner of record, the designation of historic resources within the City.

B. Review design and/or building permit plans for construction, alteration, or demolition of designated historic resources.

C. Consult with and consider the general ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation.

D. View structures, sites and areas which it has reason to believe are worthy of preservation.

E. Disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation, and encourage and advise property owners and members of the community generally in the protection, enhancement, perpetuation and use of property designated historic.

F. Consider methods other than those provided for in this chapter for encouraging and achieving historical or architectural preservation.

G. Conduct a review of the inventory of historic resources and update the inventory every two years or as deemed appropriate. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.080 Criteria for historic designation.

An historic resource structure is normally considered a structure of over 50 years of age as determined by the records of the Stanislaus County Assessor's Office. In considering a proposal for designation as an historic resource the Architectural Review Committee shall apply a minimum of two of the following criteria:

A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation.

B. Its location as a site of a significant historic event.

C. Its identification with a person or persons who significantly contribute to the culture and development of the City, the State or the Nation.

D. Its exemplification of a particular architectural style or way of life.

E. Its exemplification of the best remaining architectural type in the City.

F. Its identification as the creation, design or work of a person or persons whose efforts have significantly influenced the heritage of the City, the State or the Nation.

G. Its embodiment of elements demonstrating outstanding attention to artistic, architectural and/or engineering design, detail, materials, or craftsmanship.

H. Its relationship to any other historic resource if its preservation is essential to the integrity of the other historic resource.

I. Its unique location or singular physical characteristics representing an established and familiar visual feature of the City.

J. Its potential of yielding significant information of archaeological interests.

K. Its integrity as a natural feature that strongly contributes to the well-being of the people of the City, the State, or the Nation.

L. The Architectural Review Committee shall, in making its determination for historic resource designations, consider the above criteria and make the following findings:

1. The property, place, site, building, structure, or use has special local historical, architectural, archaeological, or cultural interest that embodies the character and history of the City;

2. The unique character and history of the City are reflected in the cultural, historical, economic and architectural heritage embodied in said property, place, site, building, structure or use which should be preserved as living parts of the community;

3. The property, place, site, building, structure or use is facing increasing pressures of modernization and may be threatened with demolition or decay;

4. The request for designation represents an area of special natural beauty and aesthetic interest, the preservation of which would enhance the economy of the City by promoting such areas as market draws or tourist attractions;

5. The property is listed on the National Register of Historic Places or any State or County official register of historical or architecturally significant sites, places, or landmarks or is to be listed on the City register of historically or architecturally significant sites, places, or landmarks;

6. The property owner of record has been formally notified by certified U.S. mail that their property was being considered for designation as an historic resource and was provided with an opportunity to address the Committee regarding the merits of designation and that the property owner's comments were considered in the determination. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.090 Procedures for historic designation of homes not on the City of Newman local historic resources inventory.

A. Commercially Used Property. Upon its own application, or upon an application filed with the Architectural Review Committee by the property owner, the Architectural

Review Committee may designate a commercially used historic resource, subject to appeal to the Planning Commission and the City Council.

B. Residentially Used Property. Upon an application filed with the Architectural Review Committee by the property owner, the Architectural Review Committee may designate a residentially used historic resource, subject to appeal to the Planning Commission and the City Council.

C. Designation Procedure. The procedure for designation of historic resources is as follows:

1. The application shall include the following data:
 - a. Assessor's parcel number of the site or legal description;
 - b. Description detailing the proposed resource's special aesthetic, cultural, architectural, artistic, or engineering interest or value of an historic nature;
 - c. Sketches, drawings, photographs, or other descriptive materials;
 - d. Statement of condition of structures;
 - e. Other material or information requested by the Architectural Review Committee.
2. Prior to approval or approval with modification, the Architectural Review Committee shall find:
 - a. That the proposed structure, natural feature, site or district has significance as an historic resource; and
 - b. That the proposed designation may be made without imposing an undue hardship upon the owner(s) of the property(ies); and
 - c. That approval or approval with modification(s) of the application is consistent with the purpose and criteria of this chapter.
3. The recommendation of the Architectural Review Committee, approved by at least three affirmative votes, shall be approved unless reversed by the Planning Commission or on appeal by the City Council.
4. Following approval of the designation, the Architectural Review Committee shall send to the owner(s) of the property(ies) so designated a letter outlining the basis for such designation, and the regulations resulting from such designation. The Architectural Review Committee may also forward a copy of the letter to any other department or agency requesting it or that the Architectural Review Committee considers affected by the designation.
5. Once designated, the property shall then be listed on the Inventory of Historic Resources. The inventory shall be reviewed by the Architectural Review Committee every two years.
6. Within 90 days of designation of a building or structure as an historic resource in accordance with the provisions of this chapter, a document shall be recorded by the City in the office of the Stanislaus County Recorder. The document to be recorded shall contain the name of the owner or owners, a legal description of the property, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this section authorizing the recordation.
7. For 24 months from the effective date of the ordinance codified in this chapter, all appeal fees attributable to the implementation of these provisions shall be paid by

the City and/or the Newman Redevelopment Agency. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.100 Zoning regulations.

The provisions of this chapter are intended to complement and support the provisions of NCC 5.13.030. Where an historic resource is located within an H District, and the provisions of this chapter are more restrictive than the provisions of the H District, the provisions of this chapter shall apply. Similarly, although a building or structure is located within an H District, unless the building or structure is designated as an historic resource, the provisions of this chapter shall not apply to any proposed construction and such work shall be governed exclusively by the provisions of the H District, any underlying zoning or other building code or similar provisions. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.110 Scope of alterations.

A. Any replacement of elements of any structure in a manner which may become inconsistent with proposed regulations preserving the original construction of such structure is hereby limited. Structural elements regulated herein are defined as any exterior visible portion of the structure, including:

1. Roof;
2. Eaves;
3. Fascia and siding;
4. Masonry walls and supports;
5. Porches, landings, outside stairs;
6. Columns of walls;
7. Windows and frames;
8. Auxiliary buildings;
9. Doors.

B. Except as otherwise provided in this chapter, no exterior alteration to any and/or all of the above-listed structural elements shall be carried out unless the Chief Building Official and/or the Architectural Review Committee has determined that the alteration utilizes materials in a manner compatible with the existing or original construction and design of the structure. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.120 Alteration of an historic resource –Permit required.

Except as otherwise provided in this chapter:

A. No person shall carry out or cause to be carried out on an historic resource any material change through alteration, construction, or relocation, unless the applicant has secured the required building permit.

B. Any person who plans the demolition, construction, alteration, relocation or removal of an historic resource or part thereof shall first submit an application to the City. Copies of the plans for the proposed work shall accompany the application. As a minimum, the application and plans shall contain the following data:

1. A clear statement of the proposed work;

2. Plans describing the size, height and appearance of the proposed work and its relationship to adjacent structures;
3. A site plan showing all existing buildings and structures and the proposed work;
4. Reasons for demolition if demolition is proposed;
5. Other information deemed necessary by the City to properly evaluate the proposal.

C. Except as otherwise provided in this chapter, no permit for the demolition, exterior construction, or alteration, relocation or removal of an historic resource or part thereof shall be issued until such application has been reviewed and approved by the Architectural Review Committee.

D. In the case where a permit has been applied for and the property owner plans to alter (utilizing materials not compatible with existing or original materials), demolish, relocate or remove an historic resource, the following shall apply:

1. The Architectural Review Committee shall consider, among other things, the purpose of this chapter and the historic architectural value and significance of the historic resource, as well as present and prospective effects or hardships (economic, financial, or otherwise) upon the owners and occupants of the affected properties. The Architectural Review Committee shall take into consideration architectural features of the building or structure in question, other buildings within any Historic District, and the position of such building or structure in relation to the street or public way and to other buildings and structures. The United States Secretary of the Interior's Guidelines for Rehabilitation shall provide base criteria for evaluating proposed alterations to an historic resource.

2. The Committee may approve, approve with modifications, or disapprove the application.

3. Prior to approval, or approval with modifications, the Architectural Review Committee shall find that:

- a. The action proposed is consistent with the purposes of this chapter; and
- b. The action proposed will not be detrimental to a structure or feature of significance as an historic resource; and
- c. The applicant has demonstrated that the action is necessary to correct an unsafe or dangerous condition on the property; or
- d. The applicant has demonstrated that denial of the application will result in immediate, undue, or substantial hardship (economic, financial, or otherwise); and
- e. If the finding in subsection (D)(3)(a), and either finding (D)(3)(b), (c), or (d), of this section cannot be made, then the building permit shall be denied.

4. A final determination, along with the written findings, shall be rendered by the Architectural Review Committee within 45 calendar days of receipt of the application, unless extended by mutual consent of the owner and the Architectural Review Committee.

5. Action of the Architectural Review Committee shall be deemed final, unless appealed. No building permit shall be issued until the time period for appeal has expired. Such appeal by the applicant, owner, or any person or entity dissatisfied with the action of the Architectural Review Committee shall be filed with the City Clerk within

10 days of the date of approval, conditional approval, or disapproval by the Architectural Review Committee.

The appeal shall set forth specifically where the petitioner believes the Architectural Review Committee's findings to be in error, and shall be accompanied by such fees as established from time to time by resolution of the City Council (as per NCC 1.16.010). On appeal, the Planning Commission may grant or deny the appeal, conditionally grant the appeal, or refer the matter to the Architectural Review Committee for further consideration.

6. The provisions of this section shall not apply to the following:

a. Where an historic resource has been damaged by fire, earthquake or other act of God to the extent that it cannot be repaired or restored with reasonable diligence, and where demolition of such structure, natural feature or site is being undertaken with prior approval of the City's Chief Building Official.

b. Where hazardous conditions exist as determined by the Chief Building Official and said hazardous conditions must be corrected immediately in the interest of the public health, safety and welfare. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.130 Duty to keep in good repair.

The owner, occupant, or other person in actual charge of an historic resource, or part thereof, shall keep in good repair all of the exterior portions of such building(s), or structure(s), and all interior portions whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. It shall be the duty of the Chief Building Official to enforce this section. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.140 Enforcement.

In addition to the regulations of this chapter, other parts of this Municipal Code and other provisions of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the Chief Building Official shall have the authority to implement enforcement of this chapter by any of the following means:

A. Serve notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the historic resource.

B. Call upon the City Attorney to initiate any necessary legal proceedings for enforcement of this chapter, and the City Attorney is hereby authorized to institute any legal actions toward that end.

C. Call upon the Police Chief and/or other sworn police officer to assist in the enforcement of this chapter. In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.150 Penalties.

Any person violating or failing to comply with the provisions of this chapter shall be guilty of a misdemeanor. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.160 CEQA.

A. Pursuant to the California Environmental Quality Act (CEQA), this chapter is exempt under the provision of Section 15061(B)(3), known as the “general or common sense” rule exemption. This section of the guidelines provides that where it can be seen with certainty that an action will not have a significant effect on the environment, it is exempt from CEQA.

B. In addition, this chapter is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines, because it is a regulatory action taken by the City in the exercise of its authority pursuant to Government Code Section 65858, to assure completion of a contemplated change to City standards which the City is studying, revising and contemplating adopting within a reasonable period of time. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

Chapter 4.14 SOLAR ENERGY CODE

Sections:

- 4.14.010 — Adoption.
- 4.14.020 — Purposes.
- 4.14.030 — Penalties.
- 4.14.040 — Board of Appeals.

4.14.010 Adoption.

~~That certain document in book form entitled “Uniform Solar Energy Code, 2009 Edition,” including the Appendices thereof, as approved and copyrighted by the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California 91761, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of solar equipment, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “The Solar Energy Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-4 § 1, 10-22-2002)~~

4.14.020 Purposes.

~~The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-4 § 2, 10-22-2002)~~

4.14.030 Penalties.

~~Section 102.3 of the Uniform Solar Energy Code is hereby amended to read as follows:~~

~~Section 102.3 Violation and Penalties~~

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an~~

~~approval of any violation of any of the provisions of this ordinance. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-4 § 3, 10-22-2002)~~

4.14.040 Board of Appeals.

Section 103.9 of the Uniform Solar Energy Code is hereby added to read as follows:

~~Section 103.9 Board of Appeals.~~

~~The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-4 § 4, 10-22-2002)~~

FYI: This code requirement is no longer used and is enforced in all the pertinent code sections embodied in the entire 2013 California Building Standards Code.

Chapter 4.15 HISTORICAL BUILDING CODE

Sections:

- 4.15.010 Adoption.
- 4.15.020 Purposes.
- 4.15.030 Penalties.
- 4.15.040 Board of Appeals.

4.15.010 Adoption.

That certain document in book form entitled "California Historical Building Code, 2010 **2013** Edition of Title 24 Part 8," including the Appendices thereof, as approved and copyrighted by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of historic buildings, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as "The Historical Building Code of the City of Newman," and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 1, 10-22-2002)

4.15.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 2, 10-22-2002)

4.15.030 Penalties.

Section 8-104.4 of the California Historical Building Code is hereby amended to read as follows:

Section 8-104.4 Violation and Penalties.

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of~~

~~plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this ordinance. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 3, 10-22-2002)

4.15.040 Board of Appeals.

Section 8-104.3 of the California Historical Building Code is hereby added to read as follows:

Section 8-104.3 Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular

meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 4, 10-22-2002)

Chapter 4.16 EXISTING BUILDING CODE

Sections:

- 4.16.010 Adoption.
- 4.16.020 Purposes.
- 4.16.030 Penalties.
- 4.16.040 Board of Appeals.

4.16.010 Adoption.

That certain document in book form entitled “California Existing Building Code, ~~2010~~ **2013** Edition of Title 24 Part 10,” including the Appendices thereof, based on the ~~2009~~ **2012** International Existing Building Code, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “The Existing Building Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 1, 10-22-2002)

4.16.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 2, 10-22-2002)

4.16.030 Penalties.

Section A102.3 of the California Existing Building Code is hereby added to read as follows:

Section A102.3 Violation and Penalties.

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an~~

~~approval of any violation of any of the provisions of this ordinance. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 3, 10-22-2002)

4.16.040 Board of Appeals.

Section A102.4 of the California Existing Building Code is hereby added to read as follows:

Section A102.4 Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of

such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 4, 10-22-2002)

Chapter 4.17 ENERGY CODE

Sections:

- 4.17.010 Adoption.
- 4.17.020 Purposes.
- 4.17.030 Penalties.
- 4.17.040 Board of Appeals.

4.17.010 Adoption.

That certain document in book form entitled “California Energy Code, 2010 2013 Edition of Title 24 Part 6,” including the Appendices thereof, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of energy-efficient equipment, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “The Energy Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 1, 10-22-2002)

4.17.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 2, 10-22-2002)

4.17.030 Penalties.

The following section is hereby added to the California Energy Code to read as follows:

Violation and Penalties.

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of~~

~~plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this ordinance. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 3, 10-22-2002)

4.17.040 Board of Appeals.

The following section is hereby added to the California Energy Code to read as follows:

Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular

meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 4, 10-22-2002)

Chapter 4.18 ELEVATOR SAFETY CONSTRUCTION CODE

Sections:

- 4.18.010 Adoption.
- 4.18.020 Purposes.
- 4.18.030 Penalties.
- 4.18.040 Board of Appeals.

4.18.010 Adoption.

That certain document in book form entitled "California Elevator Safety Construction Code, 2007 Edition of Title 24 Part 7," including the Appendices thereof (refer to the California Code of Regulations, Title 8, for the Part 7 item), prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of elevators, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as "The Elevator Safety Construction Code of the City of Newman," and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-17 § 1, 10-22-2002)

4.18.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-17 § 2, 10-22-2002)

4.18.030 Penalties.

The following section is hereby added to the California Elevator Safety Construction Code to read as follows:

Violation and Penalties.

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this ordinance. No permit~~

~~presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-17 § 3, 10-22-2002)

4.18.040 Board of Appeals.

The following section is hereby added to the California Elevator Safety Construction Code to read as follows:

Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and

shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-17 § 4, 10-22-2002)

Chapter 4.19 REFERENCE STANDARD CODE

Sections:

- 4.19.010 Adoption.
- 4.19.020 Purposes.
- 4.19.030 Penalties.
- 4.19.040 Board of Appeals.

4.19.010 Adoption.

That certain document in book form entitled "California Reference Standard Code, 2010 ~~2010~~ **2013** Edition of Title 24 Part 12," including the Appendices thereof, as approved and copyrighted by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as "The Reference Standard Code of the City of Newman," and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 1, 10-22-2002)

4.19.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 2, 10-22-2002)

4.19.030 Penalties.

The following section is hereby added to the California Reference Standard Code to read as follows:

Violation and Penalties.

~~Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an~~

~~approval of any violation of any of the provisions of this ordinance. No permit presuming to give authority to violate or cancel the provisions of this ordinance shall be valid, except insofar as the work or use which it authorized is lawful.~~

~~The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this ordinance or of any other ordinance or from revoking any certificate of approval when issued in error.~~

~~Every permit issued by the Administrative Authority under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 3, 10-22-2002)

4.19.040 Board of Appeals.

The following section is hereby added to the California Reference Standard Code to read as follows:

Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of

such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 4, 10-22-2002)

Chapter 4.20 RESIDENTIAL CODE

Sections:

- 4.20.010 Purposes.
- 4.20.020 Adoption.
- 4.20.030 Definitions.
- 4.20.040 Violations and penalties.
- 4.20.050 Validity.
- 4.20.060 Board of Appeals.
- 4.20.070 Amendments.

4.20.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.020 Adoption.

Those certain documents in book form entitled “California Residential Code – ~~2010~~ **2013** Edition of Title 24 Part 2.5,” and including the Appendix Chapter H – Patio Covers, based on the ~~2009~~ **2012** International Residential Code, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, one copy of which document is now on file in the Building Department of the City of Newman, except as to portions thereof which are herewith specifically amended, deleted and added to, are hereby adopted by reference together as the “California Residential Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.030 Definitions.

A. The name “Newman” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of this Code wherever the City or the State is left blank.

B. The term “Building Official” shall include the term “Chief Building Official,” and means the authority having jurisdiction/Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.040 Violations and penalties.

Section 205 of the 1997 Uniform Administration Code as set forth in said Code is omitted, but in lieu thereof a new Section 205 is added to read as follows:

Section 205.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.050 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.060 Board of Appeals.

Section 204 of the 1997 Uniform Administrative Code is hereby added to read as follows:

Section 204 Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the building official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.070 Amendments.

Section R319.1 of the ~~2010~~ **2013** California Residential Code is hereby amended by adding the following subsection:

R319.1.2 Address Illumination.

Addressing shall be illuminated at night in all new buildings. Address signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

(Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.21 GREEN CODE

Sections:

- 4.21.010 Purposes.
- 4.21.020 Adoption.
- 4.21.030 Definitions.
- 4.21.040 Violations and penalties.
- 4.21.050 Validity.
- 4.21.060 Board of Appeals.

4.21.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement; by enhancing the design and construction of buildings through the use of building concepts having and encouraging sustainable construction practices in the following categories:

- A. Planning and design;
- B. Energy efficiency;
- C. Water efficiency and conservation;
- D. Material conservation and resource efficiency;
- E. Environmental quality. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.020 Adoption.

Those certain documents in book form entitled “California Green Code ‘CALGreen’ – ~~2010~~ **2013** Edition of Title 24 Part 11,” as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, one copy of which document is now on file in the Building Department of the City of Newman, except as to portions thereof which are herewith specifically amended, deleted and added to, are hereby adopted by reference together as the “California Green Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.030 Definitions.

places provided therefor in each and every section of this Code wherever the City or the State is left blank.

B. The term “Building Official” shall include the term “Chief Building Official,” and means the authority having jurisdiction/Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.040 Violations and penalties.

Section 205 of the 1997 Uniform Administration Code as set forth in said Code is omitted, but in lieu thereof, a new Section 205 is added to read as follows:

Section 205.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. **Any violation of this chapter may be alternatively charged as an administrative citation.**

(Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.050 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.060 Board of Appeals.

Section 204 of the 1997 Uniform Administrative Code is hereby added to read as follows:

Section 204 Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the building official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.22 SAFETY ASSESSMENT PLACARDS

Sections:

- 4.22.010 Intent.
- 4.22.020 Application of provisions.
- 4.22.030 Definitions.
- 4.22.040 Placards.

4.22.010 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.22.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Newman. The City Council may extend the provisions as necessary. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.22.030 Definitions.

“Safety assessment” is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy. (Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.22.040 Placards.

A. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.

1. “INSPECTED – Lawful Occupancy Permitted” is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. “RESTRICTED USE” is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. “UNSAFE – Do Not Enter or Occupy” is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order.

The individual who posts this placard will note in general terms the type of damage encountered.

B. This ordinance number, the name of the jurisdiction and its address and phone number shall be permanently affixed to each placard.

C. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

INSPECTED	
LAWFUL OCCUPANCY PERMITTED	
This structure has been inspected (as indicated below) and no apparent structural hazard has been found.	Date: _____ Time: _____
<input type="checkbox"/> Inspected Exterior Only	(Caution: Aftershocks since inspection may increase damage and risk)
<input type="checkbox"/> Inspected Exterior and Interior	This facility was inspected under emergency conditions by:
Report any unsafe condition to local authorities; re-inspection may be required.	
Inspector comments: _____ _____ _____	City of Newman, California 1247 Main Street, 209-862-1506
Facility Name and Address: _____ _____	Inspector ID/Agency: _____
Do Not Remove, Alter or Cover this Placard until Authorized by the Building Official (Municipal Code Title 4, Chapter 4.22)	
(Printed on GREEN colored paper)	

RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

Entry, occupancy and lawful use are restricted as Indicated below:

Facility Name and Address:

Date: _____
Time: _____

(Caution: Aftershocks since inspection may increase damage and risk)

This facility was inspected under emergency conditions by:



City of Newman, California
1247 Main Street, 209-862-1506

Inspector ID/Agency: _____

**Do Not Remove, Alter or Cover this Placard
until Authorized by the Building Official
(Municipal Code Title 4, Chapter 4.22)**

(Printed on YELLOW colored paper)

UNSAFE

DO NOT ENTER OR OCCUPY

(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

Date: _____
Time: _____

(Caution: Aftershocks since inspection may increase damage and risk)

This facility was inspected under emergency conditions by:



City of Newman, California
1247 Main Street, 209-862-1506

Inspector ID/Agency:

**Do Not Remove, Alter or Cover this Placard
until Authorized by the Building Official
(Municipal Code Title 4, Chapter 4.22)**

(Printed on RED colored paper)

(Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Honorable Mayor and Members
of the Newman City Council

A RESOLUTION RECEIVING AND ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENT AND TRANSPORTATION DEVELOPMENT ACT AUDITS FOR THE FISCAL YEAR ENDING JUNE 30, 2013

RECOMMENDATION:

It is recommended that we Approve Resolution No. 2013- receiving and accepting the General Purpose Financial Statement and Transportation Development Act audits for the Fiscal Year ending June 30th, 2013.

BACKGROUND:

Each year the City's financial records are audited by an independent Certified Public Accounting firm. For the last several years this firm has been Clendenin Bird & Company, PC, Certified Public Accountants. The firm's partner in charge of our audit is Robert Kehl. Using Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards, they review our financial records and issue audited financial statements along with their Independent Auditor's Report. These reports are used by the Council, the public, and Bond Rating Agencies to evaluate the fiscal condition of the City.

ANALYSIS:

Prior to the beginning of the fiscal year, we projected a budget deficit of \$248,526. The Financial Statements audit shows the City of Newman General Fund ending balance at \$2,944,995. This figure is a decrease from the beginning fund balance of \$3,100,191 by \$155,196; an improvement of \$93,330 over our projected deficit from the beginning of the year. Total General Fund expenditures were \$3,847,685. A more detailed analysis is found in the Management's Discussion and Analysis and Notes of the financial statements.

With the California Supreme Court upholding ABx1-26, and with the passing of AB 1484, separate financials of the Newman Redevelopment Agency are no longer produced. The former Redevelopment Agency funds are now listed as fiduciary responsibility within the General Purpose Financial Statements.

The ending pages of the report include the auditor's report on internal controls, and on compliance and other matters. The auditors did not identify any deficiencies in internal controls that are considered material weaknesses and report that their tests disclosed no instances of noncompliance or other matters. The Transportations Development audit reports that funds were accounted for in conformance with the applicable laws, rules and regulations of the TDA.

FISCAL IMPACT:

The cost of the audit was budgeted and came in at the budgeted amount.

CONCLUSION:

As stated earlier, the audit is considered an unqualified opinion. An unqualified opinion is the best opinion an independent auditor can give and this is what we want and would expect. Michelle Gallagher from Clendenin Bird & Company will be at the Council meeting to further discuss the audit findings with you.

ATTACHMENTS:

1. Resolution No. 2013-
2. City of Newman Annual Financial Report

Respectfully submitted:



Lewis Humphries
Finance Director

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2013-

A RESOLUTION RECEIVING AND ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENT AND TRANSPORTATION DEVELOPMENT ACT AUDITS FOR THE FISCAL YEAR ENDING JUNE 30, 2013

WHEREAS, there has been submitted to the City Council of the City of Newman by CLENDENIN BIRD & COMPANY, PC, Certified Public Accountants, the annual General Purpose Financial Statement and Transportation Development Act Funds Audit for the fiscal year ending June 30, 2013; and

WHEREAS, said Annual Financial Reports have been examined and considered by the City Council of the City of Newman.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the General Purpose Financial Statement and Transportation Development Act Funds Audit of the City of Newman for the fiscal year ended June 30, 2013, submitted by CLENDENIN BIRD & COMPANY, PC, Certified Public Accountants, is hereby received and accepted.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of November, 2013, by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

CITY OF NEWMAN
ANNUAL FINANCIAL REPORT
YEAR ENDED JUNE 30, 2013

CITY OF NEWMAN, CALIFORNIA

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INDEPENDENT AUDITOR'S REPORT

To The City Council
City Of Newman
State of California

We have audited the accompanying financial statements of the governmental activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Newman, State of California, as of and for the year ended June 30, 2013, which collectively comprise the City's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the City of Newman, State of California's management. Our responsibility is to express opinions on these financial statements based on our audit. The prior year summarized comparative information has been derived from the City's 2012 financial statements and, in our report dated November 19, 2012, we expressed unqualified opinions on the respective financial statements of the governmental activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Newman, State of California as of June 30, 2013, and the respective changes in financial position thereof for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued a report dated September 30, 2013 on our consideration of the City of Newman, State of California's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Governmental Auditing Standards* and should be considered in assessing the results of our audit.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 3 through 14 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Newman, State of California's financial statements as a whole. The introductory section, combining and individual non-major fund financial statements are presented for purposes of additional analysis and are not a required part of the financial statements. The combining and individual non-major fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards general accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole. The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

CLENDENIN BIRD & COMPANY, P.C.

CLENDENIN BIRD & COMPANY, PC

Modesto, California
September 30, 2013

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

The following discussion provides readers of the City of Newman's financial statements a narrative overview and analysis of the financial activities of the City of Newman for the fiscal year ended June 30, 2013. Please read this document in conjunction with the accompanying Basic Financial Statements.

The City of Newman (the City) General Fund revenues are marginally up over the prior year. Property tax revenues are up over the prior year due to the increase in the number of properties changing owners. We saw an increase in the collection of Prior Year and Property Transfer taxes. Tax revenues from current secured taxes remained flat. Revenues returned mostly flat when compared to the prior year with the exception of Property Taxes and revenues from Charges for Services.

On February 1, 2012 all Redevelopment Agencies(RDA) statewide were dissolved with the California Supreme Court upholding ABx1-26. The City accepted to be the Successor Agency charged with the winding down of operations. The Financials for the Successor Agency (former RDA) are no longer published as a separate report. They are included with the Annual Financial Report for the City and listed as fiduciary responsibility. At the printing of this report the City has received it's 'Finding of Completion' and has filed its 'Long Range Property Management Plan'. The City's financial highlights are presented below:

FISCAL YEAR 2013 FINANCIAL HIGHLIGHTS

Financial highlights of fiscal year 2013 include the following:

Entity-wide:

- The City's total net assets were \$39,201,871 as of June 30, 2013. Of this total, \$25,680,969 was Governmental assets and \$13,520,902 was Business-type assets.
- Entity-wide Governmental revenues include program revenues of \$2,714,308 and general revenues and transfers of \$2,038,024 for a total of \$4,752,332.
- Entity-wide Governmental expenses were \$4,981,024.
- Entity-wide Business-type program revenues and interest revenue were \$3,935,860 while Business-type expenses and transfers were \$2,884,149.

Fund Level:

- Governmental Fund balances declined \$147,878 in fiscal year 2013
- Governmental Fund revenues declined \$381,030 in fiscal year 2013.
- Governmental Fund expenditures declined \$242,170 in fiscal year 2013.

General Fund:

- General Fund revenues of \$3,445,440 were \$111,360 more than the prior year.
- General Fund expenditures of \$3,847,685 represent an increase of \$380,810 over the prior year.
- General Fund balance of \$2,944,995 as of June 30, 2013, is down \$155,196 from the fiscal year 2012's fund balance of \$3,100,191.

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

OVERVIEW OF THE ANNUAL FINANCIAL REPORT

This Annual Financial Report is divided into two parts:

- 1) Management's Discussion and Analysis (MD&A);
- 2) The Basic Financial Statements, which include the Entity-wide and the Fund Financial Statements, along with the Notes to these financial statements.

The Basic Financial Statements

The Basic Financial Statements comprise the Entity-wide Financial Statements and the Fund Financial Statements; these two sets of financial statements provide two different views of the City's financial activities and financial position.

The Entity-wide Financial Statements provide a longer-term view of the City's activities as a whole, and comprise the Statement of Net Assets and the Statement of Activities. The Statement of Net Assets provides information about the financial position of the City as a whole, including all of its capital assets and long-term liabilities on the full accrual basis, similar to that used by corporations.

The Statement of Activities provides information about all of the City's revenues and all of its expenses, also on the full accrual basis, with the emphasis on measuring revenues net of expenses of each of the City's programs. The Statement of Activities explains in detail the change in Net Assets for the year.

All of the City's activities are grouped into Government Activities and Business-type Activities, as explained below. The amounts in the Statement of Net Assets and the Statement of Activities are separated into Governmental Activities and Business-type Activities in order to provide a summary of these two activities for the City as a whole.

The Fund Financial Statements report the City's operations in more detail than the Entity-wide statements and focus primarily on the short-term activities of the City's General Fund and other Major Funds. The Fund Financial Statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt and other long-term amounts.

Major Funds account for the major financial activities of the City and are presented individually, while the activities of Non-major Funds are presented in summary, with subordinate schedules (located after the Notes section) presenting the detail for each of these other funds. Major Funds are explained below.

The Entity-wide Financial Statements

Entity-wide financial statements are prepared on the accrual basis, which means they measure the flow of all economic resources of the City as a whole.

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

The Statement of Net Assets and the Statement of Activities present information about the following:

- Governmental Activities – All of the City's basic services are considered to be governmental activities. These services are supported by general City revenues such as taxes, and by specific program revenues such as user fees and charges.

The City's governmental activities previously included the activities of another separate legal entity, the Redevelopment Agency of the City of Newman. With the California Supreme Court upholding ABx1-26 the Newman Redevelopment Agency is now dissolved (see Note IV D).

- Business-type Activities – The City's enterprise activities of water and wastewater are reported in this area. Unlike governmental services, these services are supported by charges paid by users based on the amount of the service they use.

Fund Financial Statements

The Fund Financial Statements provide detailed information about each of the City's most significant funds, called Major Funds. The concept of Major Funds, and the determination of which are Major Funds, was established by Governmental Accounting Standards Board (GASB) Statement 34 and replaces the concept of combining like funds and presenting them in total. Instead, each Major Fund is presented individually, with all Non-major Funds summarized and presented only in a single column. Subordinate schedules present the detail of these Non-major Funds. Major Funds present the major activities of the City for the year, and may change from year to year as a result of changes in the pattern of the City's activities.

In the City's case, there are three Major Governmental Funds in addition to the General Fund: The CDBG Fund (Funds 15, 19 and 26), the Public Facility Improvement Fund (Fund 40), and the Storm Drain Fund (Fund 42). Both of the City's Enterprise Funds are reported as Major Proprietary Funds.

Fund Financial Statements include governmental and proprietary funds as discussed below.

Governmental Fund Financial Statements are prepared on the modified accrual basis, which means they measure only current financial resources and uses. Capital assets and other long-lived assets, along with long-term liabilities, are not presented in the Governmental Fund Financial Statements.

Proprietary Funds Financial Statements are prepared on the full accrual basis, as in the past, and include all of their assets and liabilities, current and long-term.

Comparisons of Budget and Actual financial information are presented only for the General Fund, as required by GASB Statement 34.

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

FINANCIAL ACTIVITIES OF THE CITY AS A WHOLE

This analysis focuses on the net assets and changes in net assets of the City as a whole. Tables 1, 2 and 3 focus on the City's Governmental Statement of Net Assets and Statement of Activities, while Tables 4 and 5 focus on the City's Business-type Statement of Net Assets and Statement of Activities.

Governmental Activities

Table 1
Governmental Net Assets at June 30, 2013

	Governmental Activities 2013	Governmental Activities 2012
Cash and investments	\$ 11,046,552	\$ 10,606,699
Other assets	4,739,401	4,822,852
Capital assets	<u>12,284,945</u>	<u>12,397,787</u>
Total assets	<u>28,070,898</u>	<u>27,827,338</u>
Long-term debt outstanding	253,696	300,642
Other liabilities	<u>2,136,233</u>	<u>1,617,035</u>
Total liabilities	<u>2,389,929</u>	<u>1,917,677</u>
Net assets:		
Invested in capital assets, net of debt	12,031,249	12,097,145
Restricted	10,764,324	10,804,036
Unrestricted	<u>2,885,396</u>	<u>3,008,480</u>
Total net assets	<u>\$ 25,680,969</u>	<u>\$ 25,909,661</u>

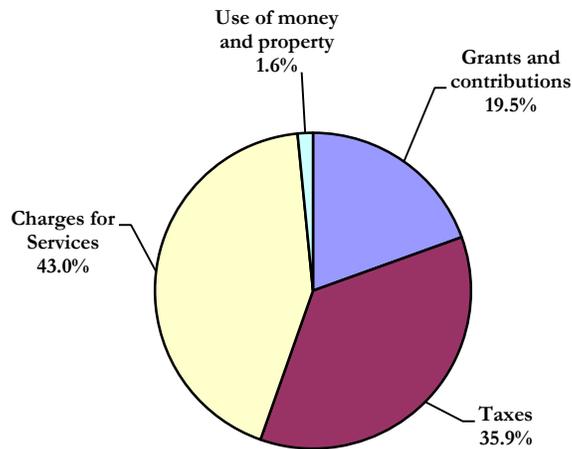
The City's governmental net assets amounted to \$25,680,969 as of June 30, 2013; a decrease of \$228,692 from 2012. This decrease is the Change in Net Assets reflected in the Governmental Activities column of the Statement of Activities shown in Table 2. The City's net assets as of June 30, 2013 comprised the following:

- Cash and investments comprised \$11,046,552 in the city treasury and \$0 of restricted cash and investments. Substantially all of these amounts were held in short term investments in government securities, as detailed in Note III-A to the financial statements.
- Receivables comprised \$526,841 of current receivables and loans receivable for \$4,212,560.
- Capital assets of \$12,284,945, net of depreciation charges, which includes all the City's capital assets used in governmental activities.
- Current liabilities, including accounts payable, claims and other amounts due currently, totaling \$2,028,510.

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

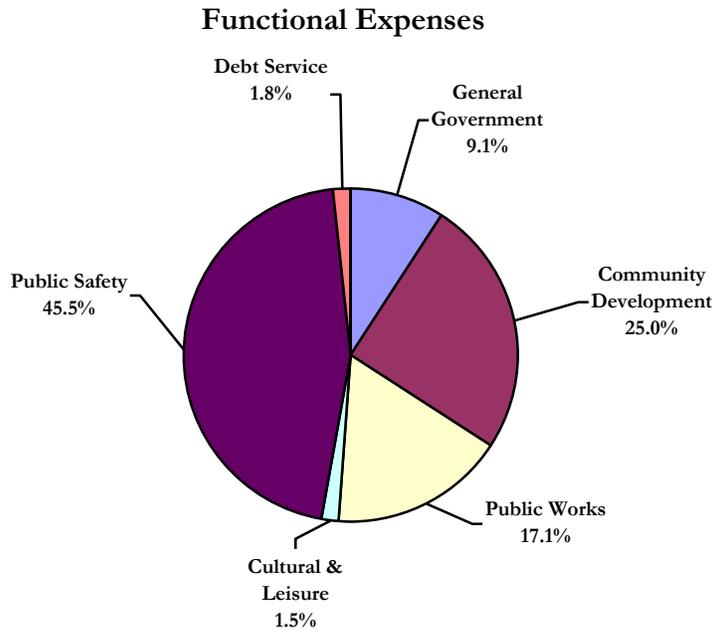
- Accrued compensated absence liabilities payable to employees of \$107,723, as detailed in Note III-I to the financial statements.
- Long-term debt of \$253,696 of which \$233,713 is due in future years and \$19,983 is due within one year.
- Net assets invested in capital assets, net of related debt, of \$12,031,249, representing the City's investment in capital assets used in Governmental Activities, net of amounts borrowed to finance that investment.
- Restricted net assets totaling \$10,764,324, which may be used only to construct specified capital projects, for debt service, or for community development projects. The restrictions on these funds were placed there by outsiders and cannot be changed by the City.
- Unrestricted net assets, the part of net assets that can be used to finance day-to day operations without constraints established by debt covenants or other legal requirements or restrictions. The City had \$2,885,396 of unrestricted net assets as of June 30, 2013.

Sources of Revenues



As the Sources of Revenue Chart above shows, \$1,705,995, or 35.9%, of the City's fiscal year 2013 governmental activities revenue came from taxes, while \$926,552 or 19.5%, came from grants and contributions, \$2,045,544, or 43.0%, came from charges for services, and the remainder, \$74,241 came from the use of money and property (investments), as shown above.

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013



The Functional Expenses Chart above includes only current year expenses; it does not include capital outlays, which are now added to the City's capital assets. As the Chart shows, general government is \$405,899, or 9.1%, of total government expenses, community development and planning is \$1,113,815, or 25.0%, Public Safety is \$2,024,590 or 45.5%, Public Works is \$762,794, or 17.1%, Culture & Leisure is \$67,745, or 1.5%, and Debt Service is \$78,257 or 1.8%.

The Statement of Activities presents program revenues and expenses and general revenues in detail. All of these are elements in the Changes in Governmental Net Assets summarized below.

Table 2
Changes in Governmental Net Assets

<u>Expenses</u>	<u>Governmental Activities 2013</u>
General government	\$ 439,805
Public Safety	2,156,088
Public Works	1,110,811
Community Development	1,172,520
Culture and Leisure	84,683
Interest on long term debt	<u>17,117</u>
Total expenses	<u>\$ 4,981,024</u>

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

Revenues

Program Revenues:

Charges for services	\$ 2,045,544
Operating grants and contributions	<u>668,764</u>
Total program revenues	<u>2,714,308</u>

General revenues:

Taxes	1,963,783
Use of money and property	74,241
Other	<u>0</u>
Total general revenues	<u>2,038,024</u>
Total revenues	<u>4,752,332</u>

Change in net assets \$ (228,692)

As the Sources of Revenue Chart and Table 2 above show, \$2,714,308, or 57%, of the City's fiscal year 2013 governmental revenue, came from program revenues and \$2,038,024, or 43%, came from general revenues such as taxes and interest and transfers.

Program revenues were composed of charges for services of \$2,045,544, which include permit revenues, fees and charges used to fund expenses incurred in providing services and \$668,764 of operating and capital grants and contributions which include gas tax revenues and housing and police grants.

General revenues are not allocable to programs. General revenues are used to pay for the net cost of governmental programs.

Table 3 presents the net (expense) or revenue of each of the City's governmental activities, including interest on long-term debt. Net expense is defined as total program cost less the revenues generated by those specific activities.

Table 3
Governmental Activities

	Net (Expense) Revenue From Services 2013
General government	\$ 1,090,674
Public Safety	(1,393,626)
Public Works	(1,011,854)
Community Development	(887,715)
Culture and Leisure	(47,078)
Interest on Long-Term Debt	(17,117)
Totals	<u>\$ (2,266,716)</u>

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

Business-type Activities

The Statement of Net Assets and Statement of Activities present a summary of the City's Business-type Activities that are composed of the City's enterprise funds.

Table 4
Business-Type Net Assets

	Business-Type 2013	Business-Type 2012
Cash and investments	\$ 7,041,014	\$ 5,929,153
Other assets	511,821	434,601
Capital assets	<u>8,023,464</u>	<u>8,199,452</u>
Total assets	<u>15,576,299</u>	<u>14,563,206</u>
Long-term debt outstanding	1,609,539	1,827,648
Other liabilities	<u>445,858</u>	<u>266,367</u>
Total liabilities	<u>2,055,397</u>	<u>2,094,015</u>
Net assets:		
Invested in capital assets, net of debt	6,413,925	6,371,804
Restricted	0	0
Unrestricted	<u>7,106,977</u>	<u>6,097,387</u>
Total net assets	<u>\$ 13,520,902</u>	<u>\$ 12,469,191</u>

The net assets of business-type activities increased \$1,051,711 in fiscal year 2013.

Table 5
Changes in Business-Type Net Assets

	Net (Expense) Revenue From Services 2013	Net (Expense) Revenue From Services 2012
Water Fund	\$ (116,272)	\$ (129,235)
Sewer Fund	<u>1,123,868</u>	<u>943,247</u>
Totals	<u>\$ 1,007,596</u>	<u>\$ 814,012</u>

Analyses of Major Funds

Governmental Funds

General Fund

General Fund revenues increased \$111,360 this fiscal year. Increases in Property Taxes and Service Charges greatly offset minor decreases in Investments and Licenses and Permits. Actual revenues exceeded budgeted amounts by \$177,661. Revenues from Property Taxes increased \$56,975 as assessed valuations increased due to an increase in real estate values. Sales Tax Revenues were up \$2,710 while Charges for Services were

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

up \$54,134, due to increases in Refuse Collection, Donations, Rents and Concessions and other miscellaneous revenues.

General Fund expenditures were \$3,847,685, an increase of \$380,810 from the prior year. Expenditures were \$60,531 less than budgeted, primarily related to cost reductions associated with Public Works, Public Safety and General Government.

As of June 30, 2013, the General Fund's ending fund balance totaled \$2,944,995. In February of 2009 GASB issued Statement #54 changing the presentation of this fund balance. See the Note I. D.9 to the Basic Financial Statements for detail on the changes and classifications of fund balance. The unassigned portion of General Fund's fund balance is \$2,944,995. This represents the funds available liquid resources.

CDBG Fund

This fund is used to account for grants received to loan out to low income citizens for first time home purchases and/or housing rehabilitation projects. Also included in this fund are grant funds for the Valley Manor Housing project. Those funds were loaned out and are now reflected on our books as a long term loan receivable. Current Receivable from Valley Manor Housing is \$975,000.

Public Facility Improvement Fund

This fund accounts for the improvement of public facilities funded by developer fees. In fiscal year 2013, the fund received \$83,108 in developer fees. Developer fee revenue increased \$37,173 over the prior year.

The fund's fiscal year end fund balance of \$4,214,555 represents developer fees that have not yet been expended on public facility projects and improvements.

Storm Drain Fund

The fees accounted for here are to be used for expansion and improvements to the City's storm drain system. The fund currently shows a negative balance due to the Fee Credit Parks liability. As homes are built these fee credits reduce.

Proprietary Funds

Water Fund

Operating Revenues increased \$49,265 to a total of \$1,041,388 in fiscal year 2013 due to an increase in home occupation and the passing of a water rate increase following a water rate study completed by Stantec Consulting Services. Operating Expenses increased \$42,171 to \$1,133,372. There was a resulting operating loss of \$91,984. The fund's net assets decreased \$109,354, to a new total of \$2,464,646. In April of 2012, the 1982 Water Bonds were refunded with a simple loan. No funds are restricted for debt service. The unrestricted fund balance is \$920,101.

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

Sewer Fund

Net assets of the Sewer Fund increased \$1,161,065 in fiscal year 2013 to a total of \$11,056,256. This increase came from an increase in hay sales and industrial sewer revenues.

As of June 30, 2013, the fund's net assets were \$11,056,256, of which \$4,869,380 was invested in capital assets, net of related debt. No funds are restricted for debt service. The unrestricted fund balance is \$6,186,876.

CAPITAL ASSETS

GASB Statement 34 requires the City to record all its capital assets including infrastructure. Infrastructure includes roads, bridges, signals and similar assets used by the entire population.

In fiscal year 2013, the City reported the cost of all its infrastructure assets and computed the amount of accumulated depreciation for these assets based on their original acquisition dates. At the end of fiscal year 2013 the cost of infrastructure and other capital assets recorded on the City's financial statements was as shown in Table 6 below:

Table 6
Capital Assets at Year-end

	Balance at June 30, 2013	Balance at June 30, 2012
<u>Governmental Activities</u>		
Land	\$ 2,129,254	\$ 2,129,254
Streets and Roads	2,562,543	2,562,543
Buildings	9,232,765	8,737,268
Construction in Progress	123,731	246,573
Equipment	3,071,566	2,997,110
Accumulated depreciation	<u>(4,834,912)</u>	<u>(4,274,961)</u>
Governmental activity capital assets, net	<u>\$ 12,284,947</u>	<u>\$ 12,397,787</u>
<u>Business-type Activities</u>		
Land	\$ 3,456,477	\$ 3,456,477
Construction in Progress	144,433	178,980
Buildings	953,901	798,714
Plant and Equipment	8,340,794	8,340,794
Accumulated depreciation	<u>(4,872,140)</u>	<u>(4,575,513)</u>
Business-type activity capital assets, net	<u>\$ 8,023,465</u>	<u>\$ 8,199,452</u>

Detail on capital assets, current year additions and construction in progress can be found in Note III E.

The City depreciates all its capital assets over their estimated useful lives, as required by GASB Statement 34. The purpose of depreciation is to spread the cost of a capital asset over the years of its useful life so that an allocable portion of the cost of the asset is borne

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

by all users. Additional information on depreciable lives may be found in Note III E to the financial statements.

DEBT ADMINISTRATION

The City issued no new bonded debt in fiscal year 2013. The City made all scheduled repayments of existing debt. Each of the City's debt issues is discussed in detail in Note III G to the financial statements.

As of June 30, 2013, the City's debt comprised:

		<u>Table 7</u> <u>Outstanding Debt</u>	
		<u>June 30, 2013</u>	<u>June 30, 2012</u>
<u>Governmental Activity Debt:</u>			
<u>Certificates of Participation:</u>			
1997 Tax allocation and housing, 5.375%-6.200%, due 8/1/27 (Transferred to Successor Agency after dissolution of RDA on 2/1/12)	\$	0	\$ 0
<u>Other Long Term Obligations:</u>			
City Hall Purchase, 6%, due July 2017 (also Business Type Activity)		216,638	223,087
Note, 5%, due 9/26/12		0	41,349
Agricredit Capital Lease, 4%, due June 2014		2,847	5,694
HP Computer Lease, 5.26%, due January 2016		9,220	0
Accounting Software, 5%, due May 2017 (also Business Type Activity)		<u>24,991</u>	<u>30,512</u>
Total Governmental Activity Debt	\$	<u>253,696</u>	\$ <u>300,642</u>
<u>Business-type Activity Debt:</u>			
<u>Other Long Term Obligations:</u>			
2011 Refunding of Sewer - CoPs, 3.9%, due 5/1/2017		659,200	805,100
2012 Refunding of Water – Bonds 3.375%, due 8/1/2022		467,081	515,350
City Hall Purchase, 6%, due July 2017 (also Governmental Activity)		433,276	446,174
Accounting Software, 5%, due May 2017 (also Governmental Activity)		<u>49,982</u>	<u>61,024</u>
Total Business-type Activity Debt:	\$	<u>1,609,539</u>	\$ <u>1,827,648</u>

City of Newman
MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
For the Fiscal Year Ended June 30, 2013

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This Annual Financial Report is intended to provide citizens, taxpayers, and creditors with a general overview of the City's finances. Questions about this Report should be directed to the City of Newman, at 938 Fresno Street, Newman, CA 95360.

CITY OF NEWMAN
STATEMENTS OF NET ASSETS
JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012

	Primary Government		Totals	
	Governmental Activities	Proprietary Activities	2013	2012
ASSETS				
Cash And Investments	11,046,552	7,041,014	18,087,566	16,535,852
Accounts Receivable	526,841	511,821	1,038,662	996,237
Loans Receivable	4,212,560	0	4,212,560	4,261,216
Capital Assets (Net Of Accumulated Depreciation):				
Land	2,129,254	3,456,477	5,585,731	5,585,731
Construction In Progress	123,731	144,433	268,164	425,553
Buildings And Improvements	7,138,925	806,268	7,945,193	7,608,379
Equipment And Vehicles	932,579	322,045	1,254,624	1,461,054
Infrastructure	1,960,456	3,294,241	5,254,697	5,516,522
Total Assets	<u>28,070,898</u>	<u>15,576,299</u>	<u>43,647,197</u>	<u>42,390,544</u>
LIABILITIES				
Accounts Payable And Other				
Current Liabilities	2,028,510	389,107	2,417,617	1,750,955
Compensated Absences	107,723	56,751	164,474	132,447
Long-Term Liabilities:				
Due Within One Year	19,983	218,109	238,092	274,274
Due In More Than One Year	233,713	1,391,430	1,625,143	1,854,016
Total Liabilities	<u>2,389,929</u>	<u>2,055,397</u>	<u>4,445,326</u>	<u>4,011,692</u>
NET ASSETS				
Invested In Capital Assets				
Net Of Related Debt	12,031,249	6,413,925	18,445,174	18,468,949
Restricted For:				
Capital Projects	5,682,542	0	5,682,542	5,691,029
Community Development Projects	5,081,782	0	5,081,782	5,076,673
Debt Service	0	0	0	36,334
Unrestricted	2,885,396	7,106,977	9,992,373	9,105,867
Total Net Assets	<u>25,680,969</u>	<u>13,520,902</u>	<u>39,201,871</u>	<u>38,378,852</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

Functions/Programs	Expenses
Primary Government:	
Governmental Activities:	
General Government	439,805
Public Safety	2,156,088
Public Works	1,110,811
Community Development	1,172,520
Culture And Leisure	84,683
Interest on Long-Term Debt	17,117
Total Governmental Activities	<u>4,981,024</u>
Business-Type Activities	
Water Services	1,160,338
Sewer Services	1,723,811
Total Business-Type Activities	<u>2,884,149</u>
Total Primary Government	<u><u>7,865,173</u></u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

Program Revenues			Net (Expense) Revenue And Changes In Net Assets			
Fines, Fees And Charges For Services	Operating Grants And Contributions	Capital Grants And Contributions	Primary Government			Total
			Governmental Activities	Proprietary Activities	2013	2012
1,530,479	0	0	1,090,674	0	1,090,674	1,069,424
104,719	266,966	390,777	(1,393,626)	0	(1,393,626)	(1,062,372)
98,957	0	0	(1,011,854)	0	(1,011,854)	(915,150)
273,784	11,021	0	(887,715)	0	(887,715)	(1,011,899)
37,605	0	0	(47,078)	0	(47,078)	(58,820)
0	0	0	(17,117)	0	(17,117)	(83,978)
<u>2,045,544</u>	<u>277,987</u>	<u>390,777</u>	<u>(2,266,716)</u>	<u>0</u>	<u>(2,266,716)</u>	<u>(2,062,795)</u>
1,044,066	0	0	0	(116,272)	(116,272)	(129,235)
<u>2,847,679</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,123,868</u>	<u>1,123,868</u>	<u>943,247</u>
<u>3,891,745</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,007,596</u>	<u>1,007,596</u>	<u>814,012</u>
<u>5,937,289</u>	<u>277,987</u>	<u>390,777</u>	<u>(2,266,716)</u>	<u>1,007,596</u>	<u>(1,259,120)</u>	<u>(1,248,783)</u>
General Revenues:						
Taxes:						
Property Tax			527,223	0	527,223	828,855
Sales Tax			492,828	0	492,828	490,118
Motor Vehicle Tax			534,629	0	534,629	550,517
Franchise Tax			113,439	0	113,439	116,194
Other Taxes			295,664	0	295,664	321,862
Investment Earnings			74,241	44,115	118,356	162,316
Transfers			0	0	0	0
Total General Revenues And Transfers			<u>2,038,024</u>	<u>44,115</u>	<u>2,082,139</u>	<u>2,469,862</u>
Change In Net Assets			(228,692)	1,051,711	823,019	1,221,079
Extraordinary Loss From RDA Disposal			0	0	0	(351,191)
Net Assets - Beginning			<u>25,909,661</u>	<u>12,469,191</u>	<u>38,378,852</u>	<u>37,508,964</u>
Net Assets - Ending			<u>25,680,969</u>	<u>13,520,902</u>	<u>39,201,871</u>	<u>38,378,852</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	<u>General</u>	<u>CDBG</u>
Assets		
Cash And Investments	3,585,443	730,881
Cash with Fiscal Agent	0	0
Accounts Receivable	294,496	15,332
Loans Receivable	0	4,092,400
Prepaid Expenses	0	0
Total Assets	<u>3,879,939</u>	<u>4,838,613</u>
Liabilities		
Accounts Payable	266,966	680
Compensated Absences	0	0
Other Liabilities	667,979	0
Total Liabilities	<u>934,945</u>	<u>680</u>
Fund Balances		
Nonspendable	0	0
Restricted	0	4,837,933
Committed	0	0
Assigned	0	0
Unassigned	2,944,994	0
Total Fund Balances	<u>2,944,994</u>	<u>4,837,933</u>
Total Liabilities And Fund Balances	<u>3,879,939</u>	<u>4,838,613</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

Public Facility Improvement Fund	Storm Drain Fund	Other Funds	Total Governmental Funds	
			2013	2012
4,248,125	205,850	2,276,253	11,046,552	10,606,699
0	0	0	0	0
0	0	217,013	526,841	561,636
0	0	120,160	4,212,560	4,261,216
0	0	0	0	0
<u>4,248,125</u>	<u>205,850</u>	<u>2,613,426</u>	<u>15,785,953</u>	<u>15,429,551</u>
33,570	13,434	168,676	483,326	30,295
0	0	1,095	1,095	976
0	764,791	112,414	1,545,184	1,494,053
<u>33,570</u>	<u>778,225</u>	<u>282,185</u>	<u>2,029,605</u>	<u>1,525,324</u>
0	0	0	0	0
0	0	334,286	5,172,219	5,136,938
4,214,555	0	1,290,697	5,505,252	5,558,114
0	0	843,983	843,983	779,190
0	(572,375)	(137,725)	2,234,894	2,429,985
<u>4,214,555</u>	<u>(572,375)</u>	<u>2,331,241</u>	<u>13,756,348</u>	<u>13,904,227</u>
<u>4,248,125</u>	<u>205,850</u>	<u>2,613,426</u>	<u>15,785,953</u>	<u>15,429,551</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET ASSETS
FOR THE YEAR ENDED JUNE 30, 2013**

Total fund balances - governmental funds 13,756,348

Total net assets reported for governmental activities in the statement of net assets is different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds. Those assets consist of:

Land	2,129,254	
Construction In Progress	123,731	
Infrastructure net of \$602,087 accumulated depreciation	1,960,456	
Buildings and Improvements, net of \$2,093,840 accumulated depreciation	7,138,925	
Equipment and Vehicles, net of \$2,138,987 accumulated depreciation	<u>932,579</u>	
Total capital assets		12,284,945

Long-term liabilities applicable to the City's governmental activities are due and payable in the current period and accordingly are not reported as fund liabilities. All liabilities, both current and long-term, are reported in the statement of net assets.

Notes payable	(253,696)	
Compensated absences	<u>(106,629)</u>	
Total long-term liabilities		<u>(360,325)</u>

Total net assets - governmental activities 25,680,969

**CITY OF NEWMAN
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	<u>General</u>	<u>CDBG</u>
Revenues		
Property Tax	527,223	0
Sales Tax	492,828	0
Other Tax And Franchises	685,944	0
Licenses And Permits	72,561	0
Fines And Forfeitures	86,811	0
Investment Earnings	23,721	1,496
Intergovernmental	51,539	0
Impact Fees	0	0
Service Charges And Miscellaneous	1,504,813	6,119
Total Revenues	<u>3,445,440</u>	<u>7,615</u>
Expenditures		
Current		
General Government	390,896	0
Public Safety	1,993,161	0
Public Works	522,058	0
Community Development	851,531	680
Culture And Leisure	67,745	0
Debt Service		
Principal	4,976	0
Interest & Other Charges	0	0
Capital Outlay	17,318	0
Total Expenditures	<u>3,847,685</u>	<u>680</u>
Excess (Deficiency) Of Revenues Over Expenditures	<u>(402,245)</u>	<u>6,935</u>
Other Financing Sources (Uses)		
Operating Transfers In	397,049	0
Operating Transfers Out	<u>(150,000)</u>	<u>0</u>
Total Other Financing Sources (Uses)	<u>247,049</u>	<u>0</u>
Extraordinary Loss From RDA Disposal	0	0
Net Change In Fund Balances	<u>(155,196)</u>	<u>6,935</u>
Fund Balance - Beginning	<u>3,100,191</u>	<u>4,830,998</u>
Fund Balance- Ending	<u><u>2,944,995</u></u>	<u><u>4,837,933</u></u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

Public Facility Improvement Fund	Storm Drain Fund	Other Funds	Total Governmental Funds	
			2013	2012
0	0	0	527,223	828,855
0	0	0	492,828	490,118
0	0	0	685,944	681,361
0	0	11,419	83,980	85,640
0	0	0	86,811	95,036
28,110	1,314	19,600	74,241	111,015
0	0	875,013	926,552	1,124,991
83,108	2,732	277,910	363,750	263,284
0	53	18	1,511,003	1,453,062
<u>111,218</u>	<u>4,099</u>	<u>1,183,960</u>	<u>4,752,332</u>	<u>5,133,362</u>
0	0	15,003	405,899	366,775
0	0	31,429	2,024,590	1,862,470
145,115	13,434	82,187	762,794	679,759
0	0	261,604	1,113,815	1,176,457
0	0	0	67,745	71,182
20,921	0	35,243	61,140	176,064
13,932	0	3,185	17,117	83,978
25,759	0	404,033	447,110	725,695
<u>205,727</u>	<u>13,434</u>	<u>832,684</u>	<u>4,900,210</u>	<u>5,142,380</u>
(94,509)	(9,335)	351,276	(147,878)	(9,018)
0	0	243,752	640,801	791,296
(64,329)	0	(426,472)	(640,801)	(791,296)
(64,329)	0	(182,720)	0	0
0	0	0	0	(681,500)
(158,838)	(9,335)	168,556	(147,878)	(9,018)
<u>4,373,393</u>	<u>(563,040)</u>	<u>2,162,685</u>	<u>13,904,227</u>	<u>14,594,745</u>
<u>4,214,555</u>	<u>(572,375)</u>	<u>2,331,241</u>	<u>13,756,349</u>	<u>13,904,227</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2013**

Net change in fund balances - total governmental funds (147,878)

The changes in net assets reported for governmental activities in the statement of activities is different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation (\$559,951) exceeded capital outlays (\$447,110) in the current period. (112,841)

HP Lease Non-Capitalized Assets (14,196)

Repayment of the principal of long-term debt consumes the current financial resources of governmental funds. These transactions do not have any affect on net assets. 61,140

The recording of accrued compensated absences does not require the use of current financial resources and, therefore, is not reported as expenditures in governmental funds. The liability is included in the statement of activities. (14,917)

Changes in net assets of governmental activities (228,692)

**CITY OF NEWMAN
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	2013				
	Budgeted Amounts		Actual	Variance With Final Budget Over (Under)	2012 Actual
	Original	Final			
REVENUES					
Property Tax	473,000	454,000	527,223	73,223	470,248
Sales Tax	450,000	470,000	492,828	22,828	490,118
Other Tax And Franchise Fees	692,500	667,500	685,944	18,444	681,361
Licenses And Permits	69,140	69,140	72,561	3,421	74,923
Intergovernmental	43,500	35,000	51,539	16,539	38,518
Fines And Forfeitures	79,200	79,200	86,811	7,611	95,036
Investment Earnings	35,000	28,000	23,721	(4,279)	33,197
Service Charges And Miscellaneous	<u>1,459,639</u>	<u>1,464,939</u>	<u>1,504,813</u>	<u>39,874</u>	<u>1,450,679</u>
Total Revenues	<u>3,301,979</u>	<u>3,267,779</u>	<u>3,445,440</u>	<u>177,661</u>	<u>3,334,080</u>
EXPENDITURES					
General Government	400,980	406,880	390,896	(15,984)	342,060
Public Safety	2,089,734	2,023,284	1,993,161	(30,123)	1,819,003
Public Works	508,003	558,918	522,058	(36,860)	476,482
Community Development	844,287	847,737	851,531	3,794	758,419
Recreation And Leisure	71,997	71,397	67,745	(3,652)	67,682
Debt Service					
Principal	0	0	4,976	4,976	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>17,318</u>	<u>17,318</u>	<u>3,229</u>
Total Expenditures	<u>3,915,001</u>	<u>3,908,216</u>	<u>3,847,685</u>	<u>(60,531)</u>	<u>3,466,875</u>
Excess (Deficiency) Of Revenues Over Expenditures	(613,022)	(640,437)	(402,245)	238,192	(132,795)
OTHER FINANCING SOURCES (USES)					
Transfers In	364,496	373,325	397,049	23,724	396,930
Transfers Out	(200,000)	(200,000)	(150,000)	50,000	(194,331)
Total Other Financing Sources And (Uses)	<u>164,496</u>	<u>173,325</u>	<u>247,049</u>	<u>73,724</u>	<u>202,599</u>
Net Change In Fund Balance	(448,526)	(467,112)	(155,196)	311,916	69,804
Fund Balance - Beginning	<u>3,100,191</u>	<u>3,100,191</u>	<u>3,100,191</u>	<u>0</u>	<u>3,030,387</u>
Fund Balance - Ending	<u>2,651,665</u>	<u>2,633,079</u>	<u>2,944,995</u>	<u>311,916</u>	<u>3,100,191</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	2013		Actual	Variance With Final Budget Over (Under)	2012 Actual
	Budgeted Amounts				
	Original	Final			
General Government					
City Council	65,825	66,325	57,588	(8,737)	34,989
City Manager	128,561	128,561	122,560	(6,001)	118,299
City Clerk	75,493	75,493	64,751	(10,742)	62,052
Finance And Treasurer	131,101	136,501	145,997	9,496	126,720
Total General Government	400,980	406,880	390,896	(15,984)	342,060
Public Safety					
Police	1,950,638	1,912,188	1,900,874	(11,314)	1,727,943
Fire	139,096	111,096	97,263	(13,833)	91,060
Total Public Safety	2,089,734	2,023,284	1,998,137	(25,147)	1,819,003
Public Works					
Government Buildings	69,133	98,048	96,965	(1,083)	63,767
Government Auxiliary	65,828	65,828	54,994	(10,834)	61,136
Street Maintenance	231,139	236,139	228,122	(8,017)	219,381
Parks	141,903	158,903	159,295	392	135,427
Total Public Works	508,003	558,918	539,376	(19,542)	479,711
Community Development					
Planning	77,587	80,037	71,852	(8,185)	62,956
Building Regulation	25,900	25,900	37,325	11,425	26,746
Refuse Disposal	716,250	716,250	721,287	5,037	650,656
Corporation Yard	4,550	5,550	5,276	(274)	5,368
Engineering	20,000	20,000	15,791	(4,209)	12,693
Total Community Development	844,287	847,737	851,531	3,794	758,419
Recreation And Leisure					
Recreation	71,997	71,397	67,745	(3,652)	67,682
Total Culture And Leisure	71,997	71,397	67,745	(3,652)	67,682
Total General Fund	3,915,001	3,908,216	3,847,685	(60,531)	3,466,875

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
CDBG SPECIAL REVENUE FUND
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	2013				
	Budgeted Amounts		Actual	Variance	2012 Actual
	Original	Final		With Final Budget Over (Under)	
REVENUES					
Interest Income	2,000	2,000	1,496	(504)	7,182
Program Income	2,000	2,000	6,119	4,119	2,383
Intergovernmental	<u>480,572</u>	<u>480,572</u>	<u>0</u>	<u>(480,572)</u>	<u>16,519</u>
Total Revenues	<u>484,572</u>	<u>484,572</u>	<u>7,615</u>	<u>(476,957)</u>	<u>26,084</u>
EXPENDITURES					
Supplies And Services	<u>437,000</u>	<u>437,000</u>	<u>680</u>	<u>(436,320)</u>	<u>19,575</u>
Total Expenditures	<u>437,000</u>	<u>437,000</u>	<u>680</u>	<u>(436,320)</u>	<u>19,575</u>
Excess (Deficiency) Of Revenues Over Expenditures	<u>47,572</u>	<u>47,572</u>	<u>6,935</u>	<u>(40,637)</u>	<u>6,509</u>
OTHER FINANCING SOURCES (USES)					
Transfers In	0	0	0	0	0
Transfers Out	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Other Financing Sources And (Uses)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Change In Fund Balance	47,572	47,572	6,935	(40,637)	6,509
Fund Balance - Beginning	<u>4,830,998</u>	<u>4,830,998</u>	<u>4,830,998</u>	<u>0</u>	<u>4,824,489</u>
Fund Balance - Ending	<u>4,878,570</u>	<u>4,878,570</u>	<u>4,837,933</u>	<u>(40,637)</u>	<u>4,830,998</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
PUBLIC FACILITY IMPROVEMENT CAPITAL PROJECTS FUND
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	2013				
	Budgeted Amounts		Actual	Variance With Final Budget Over (Under)	2012 Actual
	Original	Final			
REVENUES					
Interest Income	40,000	40,000	28,110	(11,890)	38,495
Impact Fees	46,739	46,739	83,108	36,369	45,935
Total Revenues	<u>86,739</u>	<u>86,739</u>	<u>111,218</u>	<u>24,479</u>	<u>84,430</u>
EXPENDITURES					
Supplies And Services	265	265	145,115	144,850	21,973
Capital Outlay	50,000	55,000	25,759	(29,241)	191,620
Debt Service					
Principal	20,889	20,889	20,921	32	19,363
Interest & Other Charges	13,964	13,964	13,932	(32)	13,851
Total Expenditures	<u>85,118</u>	<u>90,118</u>	<u>205,727</u>	<u>115,609</u>	<u>246,807</u>
Excess (Deficiency) Of Revenues Over Expenditures	<u>1,621</u>	<u>(3,379)</u>	<u>(94,509)</u>	<u>(91,130)</u>	<u>(162,377)</u>
OTHER FINANCING SOURCES (USES)					
Transfers In	0	0	0	0	0
Transfers Out	(34,410)	(34,410)	(64,329)	(29,919)	0
Total Other Financing Sources And (Uses)	<u>(34,410)</u>	<u>(34,410)</u>	<u>(64,329)</u>	<u>(29,919)</u>	<u>0</u>
Net Change In Fund Balance	<u>(32,789)</u>	<u>(37,789)</u>	<u>(158,838)</u>	<u>(121,049)</u>	<u>(162,377)</u>
Fund Balance - Beginning	<u>4,373,393</u>	<u>4,373,393</u>	<u>4,373,393</u>	<u>0</u>	<u>4,535,770</u>
Fund Balance - Ending	<u>4,340,604</u>	<u>4,335,604</u>	<u>4,214,555</u>	<u>(121,049)</u>	<u>4,373,393</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
STORM DRAIN CAPTIAL PROJECTS FUND
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	2013				
	Budgeted Amounts		Actual	Variance With Final Budget Over (Under)	2012 Actual
	Original	Final			
REVENUES					
Interest Income	1,000	1,000	1,314	314	1,766
Impact Fees	10,188	10,188	2,732	(7,456)	6,810
Service Charges And Miscellaneous	<u>0</u>	<u>0</u>	<u>53</u>	<u>53</u>	<u>0</u>
Total Revenues	<u>11,188</u>	<u>11,188</u>	<u>4,099</u>	<u>(7,089)</u>	<u>8,576</u>
EXPENDITURES					
Supplies And Services	0	15,000	13,434	(1,566)	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Expenditures	<u>0</u>	<u>15,000</u>	<u>13,434</u>	<u>(1,566)</u>	<u>0</u>
Excess (Deficiency) Of Revenues Over Expenditures	<u>11,188</u>	<u>(3,812)</u>	<u>(9,335)</u>	<u>(5,523)</u>	<u>8,576</u>
OTHER FINANCING SOURCES (USES)					
Transfers In	0	0	0	0	0
Transfers Out	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Other Financing Sources And (Uses)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Change In Fund Balance	11,188	(3,812)	(9,335)	(5,523)	8,576
Fund Balance - Beginning	(563,040)	(563,040)	(563,040)	0	(571,616)
Fund Balance - Ending	<u>(551,852)</u>	<u>(566,852)</u>	<u>(572,375)</u>	<u>(5,523)</u>	<u>(563,040)</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
 PROPRIETARY FUNDS
 STATEMENT OF NET ASSETS**

JUNE 30, 2013

WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012

	Business-Type Activities-Enterprise Funds			
	Sewer Fund	Water Fund	Totals	
			2013	2012
Assets				
Cash And Investments	5,971,496	1,069,518	7,041,014	5,929,153
Accounts Receivable	360,392	151,429	511,821	434,601
Fixed Assets	9,358,131	3,393,041	12,751,172	12,595,985
Accumulated Depreciation	(3,659,185)	(1,212,955)	(4,872,140)	(4,575,513)
Work In Progress	71,263	73,169	144,432	178,980
Total Assets	<u>12,102,097</u>	<u>3,474,202</u>	<u>15,576,299</u>	<u>14,563,206</u>
Liabilities				
Accounts Payable	108,020	67,922	175,942	20,742
Customer Deposits	0	112,175	112,175	104,875
Compensated Absences	36,992	19,759	56,751	39,760
Other Liabilities	0	100,990	100,990	100,990
Loan Payable	900,829	241,629	1,142,458	1,312,298
Bond Payable	0	467,081	467,081	515,350
Total Liabilities	<u>1,045,841</u>	<u>1,009,556</u>	<u>2,055,397</u>	<u>2,094,015</u>
Net Assets				
Invested In Capital Assets, Net Of Related Debt	4,869,380	1,544,545	6,413,925	6,371,804
Restricted For Debt Service	0	0	0	0
Unrestricted	<u>6,186,876</u>	<u>920,101</u>	<u>7,106,977</u>	<u>6,097,387</u>
Total Net Assets	<u>11,056,256</u>	<u>2,464,646</u>	<u>13,520,902</u>	<u>12,469,191</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
 PROPRIETARY FUNDS
 STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN NET ASSETS
 FOR THE YEAR ENDED JUNE 30, 2013
 WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	Business-Type Activities-Enterprise Funds			
	Sewer	Water	Totals	
	Fund	Fund	2013	2012
Operating Revenues				
Service Charges	2,476,007	1,041,175	3,517,182	3,365,344
Miscellaneous Revenues	266,937	213	267,150	178,391
Total Operating Revenues	<u>2,742,944</u>	<u>1,041,388</u>	<u>3,784,332</u>	<u>3,543,735</u>
Operating Expenses				
Employee Services	587,043	469,012	1,056,055	974,913
Supplies And Services	917,275	541,092	1,458,367	1,491,988
Depreciation	173,359	123,268	296,627	283,824
Total Operating Expenses	<u>1,677,677</u>	<u>1,133,372</u>	<u>2,811,049</u>	<u>2,750,725</u>
Operating Income (Loss)	<u>1,065,267</u>	<u>(91,984)</u>	<u>973,283</u>	<u>793,010</u>
Nonoperating Revenues (Expenses)				
Investment Earnings	37,197	6,918	44,115	51,301
Connection Fees	0	1,035	1,035	10,455
Development Fees	104,735	1,643	106,378	107,744
Development Contribution	0	0	0	0
Interest Expense	(46,134)	(26,966)	(73,100)	(97,197)
Total Nonoperating Revenues (Expenses)	<u>95,798</u>	<u>(17,370)</u>	<u>78,428</u>	<u>72,303</u>
Income Before Transfers	<u>1,161,065</u>	<u>(109,354)</u>	<u>1,051,711</u>	<u>865,313</u>
Operating Transfer In	0	0	0	0
Operating Transfer Out	0	0	0	0
Total Other Financing Sources (Uses)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Change In Net Assets	1,161,065	(109,354)	1,051,711	865,313
Total Net Assets - Beginning	<u>9,895,191</u>	<u>2,574,000</u>	<u>12,469,191</u>	<u>11,603,878</u>
Total Net Assets - Ending	<u>11,056,256</u>	<u>2,464,646</u>	<u>13,520,902</u>	<u>12,469,191</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF NEWMAN
 PROPRIETARY FUNDS
 STATEMENT OF CASH FLOWS
 FOR THE YEAR ENDED JUNE 30, 2013
 WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	Business-Type Activities-Enterprise Funds			
	Sewer Fund	Water Fund	Totals	
			2013	2012
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts From Customers And Users	2,706,874	1,007,538	3,714,412	3,468,551
Payments To Suppliers	(814,381)	(488,787)	(1,303,167)	(1,699,489)
Payments To Employees	(575,203)	(463,860)	(1,039,063)	(992,395)
Net Cash Provided By Operating Activities	<u>1,317,290</u>	<u>54,891</u>	<u>1,372,181</u>	<u>776,666</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES				
Transfer Ins	0	0	0	0
Transfer Out	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Cash Provided (Used) By Capital And Related Financing Activities	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES				
Connection Fees	0	1,035	1,035	10,455
Development Fees	104,734	1,643	106,377	107,744
Purchase Of Capital Assets	(87,683)	(32,955)	(120,638)	(425,235)
Principal Paid On Capital Debt	(157,870)	(60,239)	(218,109)	(194,564)
Interest Paid On Capital Debt	(46,134)	(26,966)	(73,100)	(97,197)
Net Cash Provided (Used) By Capital And Related Financing Activities	<u>(186,953)</u>	<u>(117,482)</u>	<u>(304,435)</u>	<u>(598,797)</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Interest Received	<u>37,197</u>	<u>6,918</u>	<u>44,115</u>	<u>51,301</u>
Net Cash Provided By Investing Activities	<u>37,197</u>	<u>6,918</u>	<u>44,115</u>	<u>51,301</u>
Net Increase In Cash And Cash Equivalents	1,167,534	(55,673)	1,111,861	229,170
Cash And Equivalents, July 1	<u>4,803,962</u>	<u>1,125,191</u>	<u>5,929,153</u>	<u>5,699,983</u>
Cash And Equivalents, June 30	<u>5,971,496</u>	<u>1,069,518</u>	<u>7,041,014</u>	<u>5,929,153</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

Reconciliation Of Operating Income To Net Cash Provided (Used) By Operating Activities	Business-Type Activities-Enterprise Funds			
	Sewer	Water	Totals	
	Fund	Fund	2013	2012
Operating Income	1,065,267	(91,984)	973,283	793,010
Adjustments To Reconcile Operating Income To Net Cash Provided (Used) By Operating Activities				
Depreciation Expense	173,359	123,268	296,627	283,824
(Increase) Decrease In Accounts Receivable	(36,070)	(41,150)	(77,220)	(87,240)
Increase (Decrease) In Accounts Payable	102,895	52,305	155,200	(207,503)
Compensated Absences	11,839	5,152	16,991	(17,481)
Customer Deposits	0	7,300	7,300	12,056
Net Cash Provided (Used) By Operating Activities	<u>1,317,290</u>	<u>54,891</u>	<u>1,372,181</u>	<u>776,666</u>

SEE ACCOMPANYING NOTES TO BASIC FINANCIAL STATEMENTS

CITY OF NEWMAN
STATEMENT OF FIDUCIARY NET ASSETS
AGENCY FUNDS
JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012

	Successor Agency to the RDA Fund	Successor Agency Housing Fund	Totals	
			2013	2012
Assets				
Cash And Investments	(43,757)	9	(43,748)	(76,386)
Restricted Cash	254,206	0	254,206	261,924
Accounts Receivable	12,013	0	12,013	12,513
Notes Receivable	535,500	300,000	835,500	856,679
Due From Other Funds	<u>0</u>	<u>485,822</u>	<u>485,822</u>	<u>485,822</u>
Total Assets	<u><u>757,962</u></u>	<u><u>785,831</u></u>	<u><u>1,543,793</u></u>	<u><u>1,540,552</u></u>
Liabilities And Fund Balances				
Liabilities				
Accounts Payable	2,194	0	2,194	0
Compensated Absences	9,019	0	9,019	9,609
Loan Payable	240,000	0	240,000	300,000
Due to Bond Paying Agent	0	0	0	0
Due To Other Government	<u>485,822</u>	<u>0</u>	<u>485,822</u>	<u>485,822</u>
Total Liabilities	<u><u>737,035</u></u>	<u><u>0</u></u>	<u><u>737,035</u></u>	<u><u>795,431</u></u>
Fund Balance	<u><u>20,927</u></u>	<u><u>785,831</u></u>	<u><u>806,758</u></u>	<u><u>745,121</u></u>

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The basic financial statements of the City of Newman, California (City) have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP). The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. In June 1999, the GASB unanimously approved Statement No. 34, *Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments*. Certain of the significant changes in the Statement include the following:

- A Management and Discussion and Analysis (MD&A) section providing an analysis of the City’s overall financial position and results of operations.
- Financial statements prepared using the full accrual accounting for all of the City’s activities, except for infrastructure (roads, streets, bridges, etc.)
- A change in the fund financial statements to focus on the major funds.

These and other changes are reflected in the accompanying financial statements (including notes to financial statements). The more significant of the City’s accounting policies are described below:

A. Financial Reporting Entity

The accompanying basic financial statements present the financial activity of the City of Newman (primary government) and its component units, entities for which the government is considered to be financially accountable. Blended component units, although legally separate entities, are, in substance, part of the government’s operations. Discretely presented component units represent other legally separate organizations for which the primary government is financially accountable or for which the nature and significance of their relationship to the primary government are such that exclusion would cause the City’s reporting entity to be misleading or incomplete. The City’s component units are blended; there are no discretely presented component units in the Financial Reporting Entity.

City of Newman

The City (primary government) was incorporated on June 10, 1908 under the general laws of the State of California. The City provides the full range of municipal services as contemplated by statute. Services provided include sewer, water, public safety (police, fire and civil defense), street construction and maintenance, culture-recreation, public improvements, planning and zoning, and general administrative and support services.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

City of Newman (continued)

The City operates under a Council-Manager form of government. The City Council consists of four members elected at large for overlapping four year terms. The Mayor is elected to the City Council for a two year term. The City Council appoints a City Manager and City Attorney.

In addition to sitting as the governing board of the City, the City Council also acts as the Board of Directors of one blended component unit: the Redevelopment Agency of the City of Newman through January 31, 2012. On February 1, 2012 all Redevelopment Agencies (RDA) statewide were dissolved. The City accepted to be the Successor Agency charged with the winding down of operations. The Successor Agency funds are now reported as a fiduciary fund in the City's financial statements.

B. Government-wide and fund financial statements

The government-wide financial statements (i.e., the statement of net assets and the statement of changes in net assets) report information on all of the non-fiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segments are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting and Basis of Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

C. Measurement Focus, Basis of Accounting and Basis of Presentation (continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

Property taxes and taxpayer-assessed tax revenues (e.g., franchise taxes, sales taxes, motor vehicle fees, etc.) net of estimated refunds and uncollectible amounts, and interest associated with the current fiscal period are all considered susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered measurable and available only when cash is received by the City. The City reports the following major governmental funds:

The **General Fund** is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The **CDBG Fund** - To account for federal grants and other monies received and disbursed under the Housing and Community Development Act, to assist low and moderate income groups in obtaining loans to purchase their first home and rehabilitate or revitalize their homes.

The **Public Facility Improvement Fund**- To account for development impact fees collected. These fees are used for infrastructure and capital expenditure resulting from new developments.

The **Storm Drain Fund** - To account for impact fees charged to development to pay for facilities impacted by the development project.

The city reports the following major proprietary funds.

The **Water Fund** accounts for the activities of the City's water service.

The **Sewer Fund** accounts for the activities of the City's sewer service.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in the government-wide financial statements to the extent that those standards do not conflict with or contradict guidance of the GASB. As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

C. Measurement Focus, Basis of Accounting and Basis of Presentation (continued)

Amounts reported as program revenues include 1) charges to customers and applicants, for goods, services or privileges provided, 2) operating grants and contributions and 3) capital grants and contributions. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing goods and services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principle operating revenues of the enterprise and internal service funds are charges for sales and services. Operating expenses for enterprise funds include salaries and employee benefits, maintenance and operation of systems and facilities, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources, as they are needed.

D. Assets, Liabilities, Net Assets or Equity

1. Cash and Investments

In order to maximize the flexibility of its investment program and to aid in cash budgeting, the City pools the cash of all funds, except for monies deposited with fiscal agents in accordance with related bond indentures. The cash and investments balance in each fund represents that fund's equity share of the City's cash and investment pool. As the City places no restrictions on the deposit or withdrawal of a particular fund's equity in the pool, the pool operates like a demand deposit account for the participating funds.

Interest income earned on pooled cash and investments is allocated quarterly. Interest income on restricted cash and investments with fiscal agents is credited directly to the related fund.

In accordance with the State of California Government Code, the City adopts an investment policy annually that, among other things, authorizes types of investments. Authorized investments include:

- Securities of the U.S. government or its agencies
- Certificates of Deposit (or time deposits) placed with commercial banks and/or savings and loan associations
- Bankers Acceptances

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

1. Cash and Investments (continued)

- State Treasurer's Local Agency Investment Fund (LAIF)
- Passbook savings account demand deposits
- Small Business Administration Loans
- Other products which are totally guaranteed and insured by the U.S government.

Investments for the City are reported at fair value. LAIF operates in accordance with appropriate state laws and regulations. The reported value of the pool is the same as the fair value of the pool shares.

For purposes of the statement of cash flows, the city has defined cash and cash equivalents to be change and petty cash funds, equity in the City's cash and investment pool and restricted, non-pooled investment with initial maturities of three months or less.

2. Receivables and Payables

Activity between funds that are representative of lending/borrowing outstanding at the end of the fiscal year are referred to as either "interfund receivables/payables" (i.e. the current portion of interfund loans) or "advances to/from other funds" (i.e. the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds".

Advances between funds, as reported in the fund financial statements, are offset by a fund balance reserve account in applicable governmental funds to indicate that they are not available for appropriation and are not expendable available financial resources.

All trade and tax receivables are shown net of an allowance for uncollectible accounts and estimated refunds due.

3. Property Taxes

Property taxes are levied on the first day of January by the county assessor, and are payable to the county tax collector in two installments.

The first installment is due November 1st, and is delinquent on December 10th, the second installment is due February 1st and is delinquent on April 10th. Taxes become a lien on the property on January 1st, and on the date of transfer of title, and the date of new construction.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

3. Property Taxes (continued)

The minimum property value which is taxed is \$2,000; however, tax bills are prepared for properties valued at less than \$2,000 if there is a special assessment to be collected. Article 13A of the California Constitution states, "The maximum amount of any ad valorem tax on real property shall not exceed one percent (1%) of the full cash value of such property. The one percent tax is to be collected by the counties and apportioned according to law to the districts within the counties."

The City has elected under state law (TEETER) to receive all of the annual property assessments in three installments as follows:

December	55%
April	40%
June	<u>5%</u>
	<u>100%</u>

4. Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

5. Restricted Assets

Certain proceeds of revenue bonds, as well as certain resources set aside for their repayment, are classified as restricted assets on the balance sheet because their use is limited by applicable bond covenants.

6. Capital Assets

Capital assets, which include property, plant, and equipment and infrastructure assets (e.g. roads, bridges, sidewalks, traffic lights and signals, street lights and similar items), are reported in the applicable governmental columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of \$5,000 for property, plant and equipment and \$25,000 for infrastructure. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at their estimated fair value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

6. Capital Assets (continued)

Depreciation is recorded in amounts sufficient to relate the cost of the depreciable assets to operations over their estimated service life using the straight-line method. Assets are depreciated as follows:

Buildings	20-40 years
Improvements	40 years
Machinery and Equipment	3-6 years
Streets and Roads	20 years
Curb, Gutter, Sidewalks, & Median Curbs	20 years
Storm Drains	75 years
Traffic Signals	20 years
Water and Sewer Lines	40 years

7. Compensated Absences

It is the City's policy to permit employees to accumulate earned but unused vacation and sick leave benefits. All vacation and sick leave benefits are accrued as earned by employees. All vacation and sick leave pay is accrued when incurred in the government-wide financial statements. A liability for vacation pay is reported in the governmental and proprietary funds.

8. Long-Term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the statement of net assets.

Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and amortized over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

9. Net Assets and Fund Equity

In the government-wide financial statements, net assets are reported in three categories: net assets invested in capital assets, net of related debt; restricted net assets and unrestricted net assets. Restricted net assets represent net assets restricted by parties outside the City (such as creditors, grantors, contributors, laws and regulations of other governments) and include unspent proceeds of bonds issued to acquire or construct capital assets. The City's other restricted net assets are temporarily restricted (ultimately expendable assets). All other net assets are considered unrestricted.

In the fund financial statements, fund balance is reported in classifications that comprise a hierarchy based on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The classifications of fund balance are Non-spendable, Restricted, Committed, Assigned, and Unassigned. Non-spendable and Restricted fund balances represent the restricted classifications, and Committed, Assigned, and Unassigned represent the unrestricted classifications.

- Non-spendable fund balance includes amounts that cannot be spent because either 1) it is not in a spendable form, such as inventory or prepaid items or 2) legally or contractually required to be maintained intact.
- Restricted fund balance includes amounts that are constrained for specific purposes which are externally (outside the City) imposed by creditors, grantors, contributors, laws and regulations of other governments, or laws through constitutional provisions or enabling legislation.
- Committed fund balance includes amounts that are constrained for specified purpose that are internally imposed by the government through formal action of the highest level of decision making authority and does not lapse at year-end.
- Assigned fund balance represents limitations imposed by management.
- Unassigned fund balance represents the residual net resources in excess of the other classifications. The General Fund is the only fund that can report a positive unassigned fund balance and any governmental fund can report a negative unassigned fund balance.

When both restricted and unrestricted resources are available for specific expenditures, restricted resources are considered spent before unrestricted resources, unless there are legal documents/contracts that prohibit doing this, such as a grant agreement requiring dollar for dollar spending. Within unrestricted resources, committed and assigned are considered spent (if available) before unassigned amounts.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

9. Net Assets and Fund Equity (continued)

	General	CDBG	Public Facility Improv.	Storm Drain	Other Funds	Totals
Fund Balances:						
Nonspendable	0	0	0	0	0	0
Restricted To:						
Capital Projects	0	0	0	0	162,848	162,848
Housing	0	0	0	0	120,160	120,160
Public Safety	0	0	0	0	435	435
Community Development	0	4,837,933	0	0	50,843	4,888,776
Committed To:						
Streets and Highway	0	0	0	0	775,403	775,403
Parks and Recreation	0	0	0	0	423,479	423,479
Housing	0	0	0	0	91,815	91,815
Public Fac Improvements	0	0	4,214,555	0	0	4,214,555
Assigned To						
Streets and Highway	0	0	0	0	127,336	127,336
Transportation	0	0	0	0	0	0
Contingencies	0	0	0	0	203,725	203,725
Other Purposes	0	0	0	0	512,922	512,922
Unassigned	<u>2,944,994</u>	<u>0</u>	<u>0</u>	<u>(572,375)</u>	<u>(137,725)</u>	<u>2,234,894</u>
Total Fund Balances	<u>2,944,994</u>	<u>4,837,933</u>	<u>4,214,555</u>	<u>(572,375)</u>	<u>2,331,241</u>	<u>13,756,348</u>

10. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principals requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

II. STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

A. Budgetary Information

The City Council is required to adopt an annual budget resolution by July 1 of each fiscal year for the general fund, and special revenue, capital projects, debt service, and enterprise funds. These budgets are adopted and presented for reporting purposes on a basis consistent with generally accepted accounting principles.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

A. Budgetary Information (continued)

The appropriated budget is prepared by fund, function, and department. The legal level of budgetary control (i.e., the level at which expenditures may not legally exceed appropriations) is the department level. The council made several supplemental budgetary appropriations throughout the year.

B. Deficit Fund Equity

For the year ended June 30, 2013, the following fund has a deficit fund balance:

Storm Drain Fund	\$572,375
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Storm Drain Fund will be reimbursed by future assessments and fees collected from developers within the development district.

III. DETAILED NOTES ON ALL FUNDS

A. Cash And Investments

Cash and investments as of June 30, 2013 are classified in the accompanying financial statements as follows:

Statement of net assets:

Cash and investments	18,087,566
Successor Agency (Fiduciary Funds)	(43,748)
Total cash and investments	<u>18,043,818</u>

Cash and investments as of June 30, 2013 consist of the following:

Cash on hand	1,000
Deposits with financial institutions	10,883,040
Investments in LAIF	<u>7,159,778</u>
Total cash and investments	<u>18,043,818</u>

Investments Authorized by the City’s Investment Policy

The City’s investment policy authorizes investment in the local government investment pool administered by the State of California (LAIF). The City’s investment policy also authorizes cash to be invested in Certificates of Deposits, Bankers Acceptances, and Passbook Savings Demand Deposits. The City’s investment policy does not contain any specific provisions intended to limit the City’s exposure to interest rate risk, credit risk, and concentration of credit risk.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

A. Cash And Investments (continued)

Disclosures Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. As of year-end, the weighted average maturity of the investments contained in the LAIF investment pool is approximately 9.27 months.

		<u>Maturity Date</u>
State investment pool	<u>7,159,778</u>	9.27 months average maturity
Total	<u>7,159,778</u>	

Disclosures Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. LAIF does not have a rating provided by a nationally recognized statistical rating organization.

Concentration of Credit Risk

The investment policy of the City’s contains no limitations on the amount that can be invested in any one issuer beyond that stipulated by the California Government Code.

Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The California Government Code and the City’s investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits, other than the following provision for deposits: The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure City deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the City’s investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for investments.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

Custodial Credit Risk (continued)

With respect to investments, custodial credit risk generally applies only to direct investments in marketable securities. Custodial credit risk does not apply to a local government's indirect investment in securities through the use of mutual funds or government investment pools (such as LAIF).

From December 31, 2010 through December 31, 2012, all noninterest-bearing transaction accounts are fully insured, regardless of the account balance and the ownership capacity of the funds. This coverage is available to all depositors, including consumers, businesses, and government entities. The unlimited coverage is separate from, and in addition to, the insurance coverage provided for a depositor's other accounts held at an FDIC-insured bank.

Beginning January 1, 2013, funds deposited in a non-interest bearing transaction account no longer will receive unlimited deposit insurance covered by FDIC. All depositor's accounts at an insured depository institution including all non-interest bearing transactions accounts will be insured by the FDIC up to the standard maximum deposit insurance amount (\$250,000) for each deposit insurance ownership category.

Investment in State Investment Pool

The City's is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by the California Government Code under the oversight of the Treasurer of the State of California. The fair value of the City's investment in this pool is reported in the accompanying financial statements at amounts based upon the City's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis.

Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The City deposits deferred compensation plan assets with the California Public Employees Retirement System (PERS). Federal legislation requires that the assets of such plans be held in trust for the exclusive benefit of the plan participants and their beneficiaries. PERS act as the trustees for the plan assets and the City is considered to have limited fiduciary responsibility for the plan assets. As such, the City does not report the deferred compensation plan assets on its financial statements.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

B. Loans Receivable

The City is the recipient of Community Development Block Grant and Home Program Funds. The Funds are provided for housing and business loans to qualified recipients at various below market interest rates ranging from 0 to 4%. The terms of the loans range between fifteen and thirty-eight years. All loans are secured by deeds of trust. The amount outstanding as of June 30, 2013 is \$4,092,400.

C. Accounts Receivable

Receivables at June 30, 2013 for the City's individual major funds and non-major funds in the aggregate, including applicable allowances for uncollectible accounts, are as follows. All receivables are expected to be collected within one year.

	<u>General</u>	<u>CDBG</u>	<u>Non-Major Govern- mental</u>	<u>Total</u>
Governmental Activities:				
Utility Billing	92,821	0	0	92,821
Other	0	15,332	1,680	17,012
Intergovernmental	<u>201,675</u>	<u>0</u>	<u>215,333</u>	<u>417,008</u>
Total	<u>294,496</u>	<u>15,332</u>	<u>217,013</u>	<u>526,841</u>
	<u>Water</u>	<u>Sewer</u>	<u>Total</u>	
Business-Type Activities:				
Utility Billing	150,948	356,891	507,839	
Other	<u>481</u>	<u>3,501</u>	<u>3,982</u>	
Total	<u>151,429</u>	<u>360,392</u>	<u>511,821</u>	

D. Evaluation of Subsequent Events

The City has evaluated subsequent events through September 30, 2013, the date which the financial statements were available to be issued.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

E. Capital Assets

Capital asset activity for the year ended June 30, 2013 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental-type Activities				
Capital assets not being depreciated:				
Land	2,129,254	0	0	2,129,254
Construction in progress	<u>246,573</u>	<u>100,943</u>	<u>(223,785)</u>	<u>123,731</u>
Total capital assets not being depreciated	<u>2,375,827</u>	<u>100,943</u>	<u>(223,785)</u>	<u>2,252,985</u>
Capital assets being depreciated:				
Infrastructure	2,562,543	0	0	2,562,543
Equipment and vehicles	2,997,110	74,456	0	3,071,566
Building and improvements	<u>8,737,268</u>	<u>495,497</u>	<u>0</u>	<u>9,232,765</u>
Total capital assets being depreciated	<u>14,296,921</u>	<u>569,953</u>	<u>0</u>	<u>14,866,874</u>
Less accumulated depreciation for:				
Infrastructure	(525,571)	(76,516)	0	(602,087)
Equipment and vehicles	(1,938,819)	(200,168)	0	(2,138,987)
Building and improvements	<u>(1,810,571)</u>	<u>(283,267)</u>	<u>0</u>	<u>(2,093,838)</u>
Total accumulated depreciation	<u>(4,274,961)</u>	<u>(559,951)</u>	<u>0</u>	<u>(4,834,912)</u>
Net capital assets being depreciated	<u>10,021,960</u>	<u>10,002</u>	<u>0</u>	<u>10,031,962</u>
Total net capital assets - Governmental-type activities	<u>12,397,787</u>	<u>110,945</u>	<u>(223,785)</u>	<u>12,284,947</u>

Depreciation was charged to functions/programs of the primary government as follows:

Government Activities:

General Government	30,972
Public Safety	108,455
Public Works	345,538
Community Development	58,048
Culture And Leisure	<u>16,938</u>
Total Depreciation Expense – Government Activities	<u>559,951</u>

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

E. Capital Assets (continued)

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Business-type Activities				
Capital assets not being depreciated:				
Land	3,456,477	0	0	3,456,477
Construction In Progress	<u>178,980</u>	<u>69,121</u>	<u>(103,668)</u>	<u>144,433</u>
Total capital assets not being depreciated	<u>3,635,457</u>	<u>69,121</u>	<u>(103,668)</u>	<u>3,600,910</u>
Capital assets being depreciated:				
Infrastructure	7,161,776	0	0	7,161,776
Equipment And Vehicles	1,179,018	0	0	1,179,018
Building And Improvements	<u>798,714</u>	<u>155,187</u>	<u>0</u>	<u>953,901</u>
Total capital assets being depreciated	<u>9,139,508</u>	<u>155,187</u>	<u>0</u>	<u>9,294,695</u>
Less accumulated depreciation for:				
Infrastructure	(3,682,226)	(185,309)	0	(3,867,535)
Equipment And Vehicles	(776,255)	(80,718)	0	(856,973)
Building And Improvements	<u>(117,032)</u>	<u>(30,600)</u>	<u>0</u>	<u>(147,632)</u>
Total accumulated depreciation	<u>(4,575,513)</u>	<u>(296,627)</u>	<u>0</u>	<u>(4,872,140)</u>
Net capital assets being depreciated	<u>4,563,995</u>	<u>(141,440)</u>	<u>0</u>	<u>4,422,555</u>
Total net capital assets - Business-type activities	<u>8,199,452</u>	<u>(72,319)</u>	<u>(103,668)</u>	<u>8,023,465</u>

Depreciation was charged to functions/programs of the primary government as follows:

Business- Type Activities:

Water	123,268
Sewer	<u>173,359</u>
Total Depreciation Expense – Business-Type Activities	<u>296,627</u>

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

F. Transfers

Interfund transfers for the year ended June 30, 2013 consisted of the following amounts:

<u>Fund</u>	<u>Transfer In</u>	<u>Transfer Out</u>
General Fund	397,049	150,000
Capital Repair	150,000	0
Federal Grants	70,578	35,183
State Grant	23,174	15,445
Gas Tax	0	228,115
COPS Grant	0	101,057
Public Facility	0	64,329
Local Transportation	0	18,458
County CDBG	0	17,249
Lighting Landscape Dist	0	10,965
Total	<u>640,801</u>	<u>640,801</u>

G. Long-Term Debt

Long-term debt consists of the following:

Governmental-Type Activities:

Fire Truck Purchase

The City purchased a Pierce F in September 2006 from Oshkosh Capital for \$263,822. Repayment will be made in yearly installments of \$43,411 at a 5% rate of interest. The loan matures September 26, 2012. The principal balance was \$0 as of June 30, 2013.

Agricredit Capital Lease

The City leased a Mule UTV in August 2011 from Agricredit LLC for \$5,694. Repayment will be made in two yearly installments of \$2,847 at a 4% rate of interest. The lease balance was \$2,847 as of June 30, 2013.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

G. Long-Term Debt (continued)

Odd Fellows Building

The City purchased the Odd Fellows Building in July 2011 for the new City Hall from the Grand Lodge of California for \$980,000. The purchase price was split three ways with Water, Sewer and General Fund. The amount finance \$686,000 at 6% for five years. The loan matures in July 2017. The General Fund principal balance was \$216,638 as of June 30, 2013.

Year Ending June 30	Principal	Interest	Total
2014	6,847	12,812	19,659
2015	7,269	12,390	19,659
2016	7,717	11,941	19,658
2017	194,805	974	195,779
	<u>216,638</u>	<u>38,117</u>	<u>254,755</u>

Springbrook Accounting Software Purchase

The City purchased Springbrook Accounting Software in May 2011 from Springbrook Software Inc. for \$142,191. The purchase price was split three ways with Water, Sewer and General Fund. Repayment will be made in yearly installments, the first year of \$18,307 at a 0% and the remaining payments at \$21,140 at a 5% rate of interest. The loan matures in May 2017. The General Fund principal balance was \$24,991 as of June 30, 2013.

Year Ending June 30	Principal	Interest	Total
2014	5,797	1,250	7,047
2015	6,087	960	7,047
2016	6,391	655	7,046
2017	6,716	335	7,051
	<u>24,991</u>	<u>3,200</u>	<u>28,191</u>

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

G. Long-Term Debt (continued)

HP Computer Lease

The City leased HP computers in November 2012 from HP Investments for \$14,196. Repayment will be made in three yearly installments at a 5.26% rate of interest. The lease balance was \$9,220 as of June 30, 2013.

Year Ending June 30	Principal	Interest	Total
2014	4,492	485	4,977
2015	<u>4,728</u>	<u>248</u>	<u>4,976</u>
	<u>9,220</u>	<u>733</u>	<u>9,953</u>

Business-Type Activities:

The \$1,050,000 of Water Revenue Bonds of 1982 are due in annual installments of \$9,000 to \$59,000 through 2022 with interest of 5%. This issue is being serviced, principal and interest by the Water Fund. This was refinanced in April 2012 lowering the interest rate to 3.375% for the remainder of the payments. The principal amount unpaid at June 30, 2013 is \$467,081.

Year Ending June 30	Principal	Interest	Total
2014	45,656	14,994	60,650
2015	40,602	13,538	54,140
2016	41,996	12,144	54,140
2017	43,336	10,704	54,040
2018	45,612	9,203	54,815
2019-2023	<u>249,879</u>	<u>21,671</u>	<u>271,550</u>
	<u>467,081</u>	<u>82,254</u>	<u>549,335</u>

Certificates of Participation

The City issued certifications of participation in May 1991 to assist in financing the acquisition, construction, and improvement of their wastewater treatment facilities. The total amount of the issue was \$3,590,000 with interest rates ranging from 4.5% to 6.74%.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

G. Long-Term Debt (continued)

The City refunded these certificates in November 1999. The total amount of the issue was \$3,455,000 with interest rates ranging from 3.6% to 5.3%. This was refinanced in 2011, which paid down the bond payable and set the interest rate at 3.9% for the remainder of the payments. The bonds payable as of June 30, 2013 is \$659,200.

Year Ending June 30	Principal	Interest	Total
2014	156,400	25,709	182,109
2015	161,500	19,609	181,109
2016	166,100	13,311	179,411
2017	175,200	6,833	182,033
	<u>659,200</u>	<u>65,462</u>	<u>724,662</u>

Springbrook Accounting Software Purchase

The City purchased Springbrook Accounting Software in May 2011 from Springbrook Software Inc. for \$142,191. The purchase price was split three ways with Water, Sewer and General Fund. Repayment will be made in yearly installments, the first year of \$18,307 at a 0% and the remaining payments at \$21,140 at a 5% rate of interest. The loan matures in May 2017. The Water and Sewer Fund principal balance is \$49,982 split evenly as of June 30, 2013.

Year Ending June 30	Principal	Interest	Total
2014	11,594	2,500	14,094
2015	12,174	1,920	14,094
2016	12,782	1,310	14,092
2017	13,432	670	14,102
	<u>49,982</u>	<u>6,400</u>	<u>56,382</u>

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

G. Long-Term Debt (continued)

Odd Fellows Building

The City purchased the Odd Fellows Building in July 2011 for the new City Hall from the Grand Lodge of California for \$980,000. The purchase price was split three ways with Water, Sewer and General Fund. The amount finance \$686,000 at 6% for five years. The loan matures in July 2017. The Water and Sewer Fund principal balance is \$433,276 split evenly as of June 30, 2013.

Year Ending June 30	Principal	Interest	Total
2014	13,694	25,642	39,336
2015	14,538	24,780	39,318
2016	15,434	23,882	39,316
2017	389,610	1,948	391,558
	<u>433,276</u>	<u>76,252</u>	<u>509,528</u>

The following is a summary of changes in the City's long-term debt and other long-term liabilities during the year ended June 30, 2013:

	Beginning Balance	Additions	Deductions	Ending Balance	Due Within One Year
Governmental Activities:					
Loans Payable	41,348	0 (	41,348)	0	0
City Hall Purchase	223,087	0 (	6,449)	216,638	6,847
Springbrook Software Note	30,512	0 (	5,521)	24,991	5,797
Agricredit Capital Lease	5,694	0 (	2,847)	2,847	2,847
HP Computer Lease	0	14,196 (	4,976)	9,220	4,492
Long-term liabilities of Governmental Activities:	<u>300,641</u>	<u>14,196</u> (	<u>61,141)</u>	<u>253,696</u>	<u>19,983</u>

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

G. Long-Term Debt (continued)

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Deductions</u>	<u>Ending Balance</u>	<u>Due Within One Year</u>
Business-Type Activities:					
Bonds (Refinanced)	515,350	0 (	48,269)	467,081	45,656
City Hall Purchase	446,174	0 (	12,898)	433,276	13,694
Certificate of Participation (Refinanced)	805,100	0 (	145,900)	659,200	156,400
Springbrook Software Note	<u>61,024</u>	<u>0 (</u>	<u>11,042)</u>	<u>49,982</u>	<u>11,594</u>
Long-term liabilities of Governmental Activities:	<u>1,827,648</u>	<u>0 (</u>	<u>218,109)</u>	<u>1,609,539</u>	<u>227,344</u>

H. Payables And Other Liabilities

Payables at June 30, 2013 for the City's individual major funds and nonmajor funds in the aggregate are as follows:

	<u>General</u>	<u>CDBG</u>	<u>Public Facility</u>	<u>Storm Drain</u>	<u>Non-major Govern- mental</u>	<u>Total</u>
<u>Governmental Activities:</u>						
Vendors	266,966	680	33,570	13,434	168,676	483,326
Developer Deposits	<u>667,979</u>	<u>0</u>	<u>0</u>	<u>764,791</u>	<u>112,414</u>	<u>1,545,184</u>
Total	<u>934,945</u>	<u>680</u>	<u>33,570</u>	<u>778,225</u>	<u>281,090</u>	<u>2,028,510</u>

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
<u>Business-Type Activities:</u>			
Vendors	67,922	108,020	175,942
Customer Deposits	112,175	0	112,175
Developer Deposits	<u>100,990</u>	<u>0</u>	<u>100,990</u>
Total	<u>281,087</u>	<u>108,020</u>	<u>389,107</u>

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

I. Compensated Absences

It is the City’s policy to permit employees to accumulate earned but unused vacation and sick leave benefits. All vacation and sick leave benefits are accrued as earned by employees. All vacation and sick leave pay is accrued when incurred in the government-wide financial statements. A liability for vacation pay is reported in the governmental and proprietary funds. The changes of the compensated absences were as follows:

	Governmental Activities	Business Type Activities	Totals
Beginning Balance	92,687	39,760	132,447
Additions	15,174	16,991	32,165
Deletions	(138)	0	(138)
Ending Balance	<u>107,723</u>	<u>56,751</u>	<u>164,474</u>

IV. OTHER INFORMATION

A. Risk Management

The City of Newman participates with other public entities in a joint exercise of powers agreement, which establishes the Central San Joaquin Valley Risk Management Authority (CSJVRMA). The relationship between the City and CSJVRMA is such that CSJVRMA is not a component unit of the City for financial reporting purposes.

The City is covered for the first \$1,000,000 of each general liability claim and \$250,000 of each workers’ compensation claim through the CSJVRMA. The City has the right to receive dividends or the obligation to pay assessments based on a formula which, among other expenses, charges the City’s account for liability losses under \$10,000 and workers’ compensation losses under \$10,000. The CSJVRMA participates in an excess pool which provides general liability coverage from \$1,000,000 to \$10,000,000. The CSJVRMA participates in an excess pool that provides workers’ compensation coverage from \$250,000 to \$500,000 and purchases excess insurance above the \$500,000 to the statutory limit. The CSJVRMA is a consortium of fifty-four (54) cities in San Joaquin Valley, California. It was established under the provisions of California Government Code Section 6500 et seq. The CSJVRMA is governed by a Board of Directors, which meets 3-4 times per year, consisting of one member appointed by each member city. The day-to-day business is handled by a management group employed by the CSJVRMA.

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

A. Risk Management (continued)

The financial position and results of operations for the CSJVRMA, as of June 30, 2012, are presented below:

Total Assets	<u>70,671,479</u>
Total Liabilities	58,388,460
Total Net Assets	<u>12,283,019</u>
Total Liabilities & Retained Earnings	<u>70,671,019</u>
Total Revenues for Year	30,698,619
Total Expenses for Year	<u>31,914,578</u>
Net Income/Loss for Year	<u>(1,215,959)</u>

At the termination of the joint powers agreement and after all claims have been settled, any excess deficit will be divided among the cities in accordance with its governing documents.

B. Commitments and Contingencies

The City of Newman is a party in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the City's counsel that resolution of these matters will not have a material adverse effect on the financial condition of the City.

C. Employee Retirement Systems and Plans

The City contributes to the California Public Employees' Retirement System (PERS), an agent multiple-employer public employee defined benefit pension plan. PERS provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. PERS acts as a common investment and administrative agent for participating public entities within the State of California. Benefit provisions and all other requirements are established by state statute and city ordinance. Copies of PERS' annual financial report may be obtained from their Executive Office – 400 P Street – Sacramento, CA 95814.

In December 2010, the City of Newman added a second lower cost tier for future employees. Effective January 1, 2013, the Public Employees' Pension Reform Act (PEPRA) implemented new benefit formulas, final compensation period, and new contribution requirements for new employees hired on or after January 1, 2013, who meet the definition of new member as per PEPRA.

Participants on Tier 1 are required to contribute 8% (9% for public-safety employees); participants on Tier 2 are required to contribute 7% (9% for public-safety employees); and participants in Tier 3 are required to contribute 6.25% (11.5% for public safety employees) of

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

C. Employee Retirement Systems and Plans (continued)

their annual covered salary. For employees on Tier 1, the City partially contributes on behalf of the employees (5% for Misc. and 6% for Safety). For employees on Tier 2 and Tier 3, the City makes no required contributions on behalf of the employees. The contribution requirements of plan members and the City are established and may be amended by PERS. The City is required to contribute at an actuarially determined rate. The current rates are 21.776% for Tier 1 and 9.716% for Tier 2 for non-safety employees, and 32.320% for Tier 1 and 20.057% for Tier 2 of police employees, of annual covered payroll.

For June 30, 2013, the City’s annual pension cost was \$452,390 due to excess PERS funds determined as part of the June 30, 2010, actuarial valuation using the entry age normal actuarial cost method. The actuarial assumptions include (a) 7.75% investment rate of return (net of administrative expenses), (b) projected annual salary increases that vary by duration of service, and (c) 3.25% per year cost-of-living adjustments. Both (a) and (b) include an inflation component of 3%. The actuarial value of PERS assets were determined using techniques that smooth the effects of short-term volatility in the market value of investments over a four-year period (smoothed market value). PERS unfunded actuarial accrued liability is being amortized as a level percentage of projected payroll on a closed basis. The remaining amortization period at June 30, 2010, was 19 years for both miscellaneous and safety employees’ plan.

THREE-YEAR TREND INFORMATION FOR PERS

<u>Fiscal Year</u>	<u>Annual Pension Cost (APC)</u>	<u>Percentage of APC Contributed</u>	<u>Net Pension Obligation</u>
06/30/11	\$369,891	100%	0
06/30/12	\$426,442	100%	0
06/30/13	\$452,390	100%	0

D – Successor Agency Trust For Assets of Former Redevelopment Agency

On December 29, 2011, the California Supreme Court upheld Assembly Bill 1X26 (“the Bill”) that provides for the dissolution of all redevelopment agencies in the State of California. This action impacted the reporting entity of the City of Newman that previously had reported a redevelopment agency within the reporting entity of the City as a blended component unit.

The Bill provides that upon dissolution of a redevelopment agency, either the city or another unit of local government will agree to serve as the “successor agency” to hold the assets until they are distributed to other units of state and local government. On January 24, 2012, the City Council elected to become the Successor Agency for the former redevelopment agency in accordance with the Bill as part of City resolution number 2012-10.

**CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013**

D – Successor Agency Trust For Assets of Former Redevelopment Agency (continued)

After enactment of the law, which occurred on June 28, 2011, redevelopment agencies in the State of California cannot enter into new projects, obligations or commitments. Subject to the control of a newly established oversight board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution (including the completion of any unfinished projects that were subject to legally enforceable contractual commitments).

In future fiscal years, successor agencies will only be allocated revenue in the amount that is necessary to pay the estimated annual installment payments on enforceable obligations of the former redevelopment agency until all enforceable obligations of the prior redevelopment agency have been paid in full and all assets have been liquidated.

The Bill directs the State Controller of the State of California to review the propriety of any transfers of assets between redevelopment agencies and other public bodies that occurred after January 1, 2011. If the public body that received such transfers is not contractually committed to a third party for the expenditure or encumbrance of those assets, the State Controller is required to order the available assets to be transferred to the public body designated as the successor agency by the Bill.

Management believes, in consultation with legal counsel, that the obligations of the former redevelopment agency due to the City are valid enforceable obligations payable by the successor agency trust under the requirements of the Bill. The City's position on this issue is not a position of settled law and there is considerable legal uncertainty regarding this issue. It is reasonably possible that a legal determination may be made at a later date by an appropriate judicial authority that would resolve this issue unfavorably to the City.

In accordance with the timeline set forth in the Bill (as modified by the California Supreme Court on December 29, 2011) all redevelopment agencies in the State of California were dissolved and ceased to operate as a legal entity as of February 1, 2012.

Prior to that date, the final seven months of the activity of the redevelopment agency continued to be reported in the governmental funds of the City. After the date of dissolution, the assets and activities of the dissolved redevelopment agency are reported in a fiduciary fund (private-purpose trust fund) in the financial statements of the City.

The transfer of the assets and liabilities of the former redevelopment agency as of February 1, 2012 (effectively the same date as January 31, 2012) from governmental funds of the City to fiduciary funds was reported in the governmental funds as an extraordinary loss (or gain) in the governmental fund financial statements. The receipt of these assets and liabilities as of January 31, 2012 was reported in the private-purpose trust fund as an extraordinary gain (or loss).

CITY OF NEWMAN
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2013

D – Successor Agency Trust For Assets of Former Redevelopment Agency (continued)

Because of the different measurement focus of the governmental funds (*current financial resources measurement focus*) and the measurement focus of the trust funds (*economic resources measurement focus*), the extraordinary loss (gain) recognized in the governmental funds was not the same amount as the extraordinary gain (loss) that was recognized in the fiduciary fund financial statements.

The difference between the extraordinary loss recognized in the fund financial statements and the extraordinary gain recognized in the fiduciary fund financial statements is reconciled as follows:

Total extraordinary loss reported in governmental funds - increase to net assets of the Successor Agency Trust Fund	(681,500)
Capital assets recorded in the government-wide financial statements - increase to net assets of the Successor Agency Trust Fund	(2,044,691)
Long-term debt reported in the government-wide financial statements - decrease to net assets of the Successor Agency Trust Fund	<u>2,375,000</u>
Net decrease to net assets of the Successor Agency Trust Fund as a result of initial transfers (equal to amount of extraordinary gain reported in the government wide-financial statements of the City)	<u>(351,191)</u>

With the passing of AB1484 the State has developed a method whereby the City can receive a “Finding of Completion”. A “Finding of Completion” will allow the City to be reimbursed for its previous debts and expenditures on behalf of the former RDA and current Successor Agency. AB1484 also provides a method whereby assets slated for government use can be transferred to the City after receiving the “Finding of Completion” and having completed a long term asset plan. As of the date of the financial statements, the City received their Finding of Completion and has already filed its “Long Range Property Management Plan” and is awaiting the Department of Finance’s final approval which should be by the fourth quarter of 2013.

**COMBINING FINANCIAL STATEMENTS
NON-MAJOR GOVERNMENTAL FUNDS**

Special Revenue Funds

Program Income Miscellaneous- To account for miscellaneous income.

Park Facility Fee- To account for developer fees related to parks.

State Grants- To account for various grants received from the State of California. Funds are used for community development.

Federal Grants- To account for Federal grants. Historically most of the grants are police related but could include other departments.

Abandon Vehicle Fund- To account for money received by the Police Department for the disposal of abandon vehicles.

Gas Tax- To account for state gas tax revenues collected based on population. The revenues may be expended for street and road repair, maintenance, design, construction and traffic signal design and installation.

Employee Home Loan Fund- To account for funds set aside for City of Newman employees home loan program..

K-9 Fund- To account for donations made to the City for the purpose of the police K-9 Units.

COPS Grant Fund- To account for grant funds for police services.

Asset Forfeiture- To account for money received by the Police Department as a result of Asset Forfeiture. The funds are used to augment the SLENET Task Force which is currently run by the State Department of Justice.

Local Transportation- To account for Local Transportation Funds received from STANCOG as a pass thru of gas and sales tax funds to be used for improvements to transportation related areas.

County CDBG Fund- To account for various repayments received from the Stanislaus County. Refunds are for various public works and community development projects.

Business License Surcharge- To account for revenues generated by a portion of the business licenses collected.

Lighting and Landscaping District- To account for the money received from residences in certain districts who pay an assessment based on the benefit they receive. These funds are used to cover the costs of street lighting and landscape maintenance in their specific zones.

**COMBINING FINANCIAL STATEMENTS
NON-MAJOR GOVERNMENTAL FUNDS**

Special Revenue Funds

Contingency Fund- To account for funds reserved for emergency or contingent needs. These funds are only to be used at the direction of the City Council for emergencies or unplanned needs.

Capital Repair & Replacement- To account for internally derived depreciation expense used to establish a capital reserve fund.

**CITY OF NEWMAN
 COMBINING BALANCE SHEET
 NONMAJOR GOVERNMENTAL FUNDS
 JUNE 30, 2013
 WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	Special Revenue		
	Program Income Misc. Fund	Park Facility Fee Fund	State Grants Fund
Assets			
Cash And Investments	1,620	534,025	(22,451)
Cash with Fiscal Agent	0	0	0
Accounts Receivable	0	0	17,220
Loans Receivable	0	0	0
Due From Other Funds	0	0	0
Total Assets	<u>1,620</u>	<u>534,025</u>	<u>(5,231)</u>
Liabilities And Fund Balances			
Liabilities			
Accounts Payable	0	0	95,339
Compensated Absences	0	0	0
Other Liabilities	0	110,546	0
Due To Other Funds	0	0	0
Total Liabilities	<u>0</u>	<u>110,546</u>	<u>95,339</u>
Fund Balances			
Nonspendable	0	0	0
Restricted	0	0	0
Committed	0	423,479	0
Assigned	1,620	0	0
Unassigned	0	0	(100,570)
Total Fund Balances	<u>1,620</u>	<u>423,479</u>	<u>(100,570)</u>
Total Liabilities And Fund Balances	<u>1,620</u>	<u>534,025</u>	<u>(5,231)</u>

Special Revenue

Abandoned Vehicle Program	Gas Tax Fund	Employee Home Loan Fund	Federal Grants Fund	COPS Grant Fund	Asset Forfeit Fund
21,220	107,790	91,815	162,853	(25,589)	8,751
0	0	0	0	0	0
0	19,546	0	0	26,024	0
0	0	120,160	0	0	0
0	0	0	0	0	0
<u>21,220</u>	<u>127,336</u>	<u>211,975</u>	<u>162,853</u>	<u>435</u>	<u>8,751</u>
548	0	0	5	0	858
83	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
<u>631</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>858</u>
0	0	0	0	0	0
20,589	0	120,160	162,848	435	0
0	0	91,815	0	0	0
0	127,336	0	0	0	7,893
0	0	0	0	0	0
<u>20,589</u>	<u>127,336</u>	<u>211,975</u>	<u>162,848</u>	<u>435</u>	<u>7,893</u>
<u>21,220</u>	<u>127,336</u>	<u>211,975</u>	<u>162,853</u>	<u>435</u>	<u>8,751</u>

**CITY OF NEWMAN
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

Special Revenue

	Local Transportation Fund	County CDBG Consortium Fund	Business License Surcharge Fund
Assets			
Cash And Investments	740,087 (	115,825)	19,981
Cash with Fiscal Agent	0	0	0
Accounts Receivable	45,065	107,478	0
Loans Receivable	0	0	0
Due From Other Funds	0	0	0
Total Assets	<u>785,152 (</u>	<u>8,347)</u>	<u>19,981</u>
Liabilities And Fund Balances			
Liabilities			
Accounts Payable	9,749	28,808	0
Compensated Absences	0	0	0
Other Liabilities	0	0	1,868
Due To Other Funds	0	0	0
Total Liabilities	<u>9,749</u>	<u>28,808</u>	<u>1,868</u>
Fund Balances			
Nonspendable	0	0	0
Restricted	0	0	0
Committed	775,403	0	0
Assigned	0	0	18,113
Unassigned	0 (	37,155)	0
Total Fund Balances	<u>775,403 (</u>	<u>37,155)</u>	<u>18,113</u>
Total Liabilities And Fund Balances	<u>785,152 (</u>	<u>8,347)</u>	<u>19,981</u>

Special Revenue

Lighting Landscape District Fund	Contingency Fund	Capital Repair Replacement Fund	Total Non-Major Special Revenue Funds	
			2013	2012
			47,701	203,725	500,550	2,276,253	1,830,454
0	0	0	0	0
1,680	0	0	217,013	291,324
0	0	0	120,160	154,296
0	0	0	0	0
<u>49,381</u>	<u>203,725</u>	<u>500,550</u>	<u>2,613,426</u>	<u>2,276,074</u>
18,115	0	15,254	168,676	0
1,012	0	0	1,095	976
0	0	0	112,414	112,413
0	0	0	0	0
<u>19,127</u>	<u>0</u>	<u>15,254</u>	<u>282,185</u>	<u>113,389</u>
0	0	0	0	0
30,254	0	0	334,286	305,940
0	0	0	1,290,697	1,184,721
0	203,725	485,296	843,983	779,190
0	0	0	(137,725)	(107,166)
<u>30,254</u>	<u>203,725</u>	<u>485,296</u>	<u>2,331,241</u>	<u>2,162,685</u>
<u>49,381</u>	<u>203,725</u>	<u>500,550</u>	<u>2,613,426</u>	<u>2,276,074</u>

**CITY OF NEWMAN
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
NONMAJOR GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	Special Revenue		
	Program Income Misc. Fund	Park Facility Fee Fund	State Grants Fund
Revenues			
Investment Earnings	10	3,383	0
Intergovernmental	0	0	161,523
Property Taxes	0	0	0
Other Taxes	0	0	0
Impact Fees	0	10,245	0
Licenses And Permits	0	0	0
Service Charges And Miscellaneous	0	0	0
Total Revenues	<u>10</u>	<u>13,628</u>	<u>161,523</u>
Expenditures			
General Government	0	0	0
Public Safety	0	0	0
Public Works	0	0	46,505
Community Development	0	0	0
Culture And Leisure	0	0	0
Debt Service			
Principal	0	0	0
Interest & Other Charges	0	0	0
Capital Outlay	0	0	118,086
Total Expenditures	<u>0</u>	<u>0</u>	<u>164,591</u>
Excess(Deficiency) Of Revenues Over Expenditures	<u>10</u>	<u>13,628</u>	<u>(3,068)</u>
Other Financing Sources (Uses)			
Operating Transfers In	0	0	23,174
Operating Transfers Out	0	0	(15,445)
Total Other Financing Sources (Uses)	<u>0</u>	<u>0</u>	<u>7,729</u>
Extraordinary Gain/(Loss) on RDA Disposal	<u>0</u>	<u>0</u>	<u>0</u>
Net Change In Fund Balances	10	13,628	4,661
Fund Balance - Beginning	<u>1,610</u>	<u>409,851</u>	<u>(105,231)</u>
Fund Balance - Ending	<u><u>1,620</u></u>	<u><u>423,479</u></u>	<u><u>(100,570)</u></u>

Special Revenue

Abandoned Vehicle Program	Gas Tax Fund	Employee Home Loan Fund	Federal Grants Fund	COPS Grant Fund	Asset Forfeit Fund	Local Transportation Fund
133	1,392	4,894	887	140	45	4,631
11,021	257,788	0	100,019	101,057	14,351	114,845
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	18
<u>11,154</u>	<u>259,180</u>	<u>4,894</u>	<u>100,906</u>	<u>101,197</u>	<u>14,396</u>	<u>119,494</u>
0	0	0	0	0	0	0
11,308	0	0	0	0	7,504	0
0	0	0	0	0	0	34,391
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	67,075	0	0	13,327
<u>11,308</u>	<u>0</u>	<u>0</u>	<u>67,075</u>	<u>0</u>	<u>7,504</u>	<u>47,718</u>
(154)	259,180	4,894	33,831	101,197	6,892	71,776
0	0	0	70,578	0	0	0
0	(228,115)	0	(35,183)	(101,057)	0	(18,458)
0	(228,115)	0	35,395	(101,057)	0	(18,458)
<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
(154)	31,065	4,894	69,226	140	6,892	53,318
<u>20,743</u>	<u>96,271</u>	<u>207,081</u>	<u>93,622</u>	<u>295</u>	<u>1,001</u>	<u>722,085</u>
<u>20,589</u>	<u>127,336</u>	<u>211,975</u>	<u>162,848</u>	<u>435</u>	<u>7,893</u>	<u>775,403</u>

**CITY OF NEWMAN
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
NONMAJOR GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2013
WITH COMPARATIVE ACTUAL AMOUNTS FOR JUNE 30, 2012**

	Special Revenue		
	County CDBG Consortium Fund	Business License Surcharge Fund	Lighting Landscape District Fund
Revenues			
Investment Earnings	0	149	167
Intergovernmental	114,409	0	0
Property Taxes	0	0	0
Other Taxes	0	0	0
Impact Fees	0	0	267,665
Licenses And Permits	0	11,419	0
Service Charges And Miscellaneous	0	0	0
Total Revenues	<u>114,409</u>	<u>11,568</u>	<u>267,832</u>
Expenditures			
General Government	0	7,750	0
Public Safety	0	0	0
Public Works	1,291	0	0
Community Development	0	0	261,604
Culture And Leisure	0	0	0
Debt Service			
Principal	0	0	1,794
Interest & Other Charges	0	0	199
Capital Outlay	131,089	0	0
Total Expenditures	<u>132,380</u>	<u>7,750</u>	<u>263,597</u>
Excess(Deficiency) Of Revenues Over Expenditures	<u>(17,971)</u>	<u>3,818</u>	<u>4,235</u>
Other Financing Sources (Uses)			
Operating Transfers In	0	0	0
Operating Transfers Out	<u>(17,249)</u>	<u>0</u>	<u>(10,965)</u>
Total Other Financing Sources (Uses)	<u>(17,249)</u>	<u>0</u>	<u>(10,965)</u>
Extraordinary Gain/(Loss) on RDA Disposal	<u>0</u>	<u>0</u>	<u>0</u>
Net Change In Fund Balances	<u>(35,220)</u>	<u>3,818</u>	<u>(6,730)</u>
Fund Balance - Beginning	<u>(1,935)</u>	<u>14,295</u>	<u>36,984</u>
Fund Balance - Ending	<u><u>(37,155)</u></u>	<u><u>18,113</u></u>	<u><u>30,254</u></u>

Special Revenue

Contingency Fund	Capital Repair Replacement Fund	Total Non-Major Special Revenue Funds	
		2013	2012
1,303	2,466	19,600	30,375
0	0	875,013	1,069,954
0	0	0	358,607
0	0	0	0
0	0	277,910	210,539
0	0	11,419	10,717
0	0	18	0
<u>1,303</u>	<u>2,466</u>	<u>1,183,960</u>	<u>1,680,192</u>
0	7,253	15,003	24,715
0	12,617	31,429	43,467
0	0	82,187	181,304
0	0	261,604	398,463
0	0	0	3,500
0	33,449	35,243	156,701
0	2,986	3,185	70,127
0	74,456	404,033	530,846
<u>0</u>	<u>130,761</u>	<u>832,684</u>	<u>1,409,123</u>
<u>1,303</u>	<u>(128,295)</u>	<u>351,276</u>	<u>271,069</u>
0	150,000	243,752	394,366
<u>0</u>	<u>0</u>	<u>(426,472)</u>	<u>(596,965)</u>
<u>0</u>	<u>150,000</u>	<u>(182,720)</u>	<u>(202,599)</u>
<u>0</u>	<u>0</u>	<u>0</u>	<u>(681,500)</u>
1,303	21,705	168,556	(613,030)
<u>202,422</u>	<u>463,591</u>	<u>2,162,685</u>	<u>2,775,715</u>
<u>203,725</u>	<u>485,296</u>	<u>2,331,241</u>	<u>2,162,685</u>

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

To The City Council
City of Newman
State of California

We have audited the financial statements of the governmental activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Newman, State of California, as of and for the year ended June 30, 2013 which collectively comprise the City of Newman, State of California's basic financial statements and have issued our report thereon dated September 30, 2013. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the City of Newman, State of California's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Newman, State of California's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City of Newman, State of California's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Newman, State of California's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of management, City Council, others within the entity, and federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties

CLENDENIN BIRD & COMPANY, P.C.

CLENDENIN BIRD & COMPANY, P.C.

Modesto, California
September 30, 2013



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Constance Hillas Bird, CPA (Inactive)
Sara Geer, EA

REPORT ON COMPLIANCE WITH LAWS AND REGULATIONS

BASED ON AN EXAMINATION OF GENERAL-PURPOSE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH THE CALIFORNIA TRANSPORTATION DEVELOPMENT ACT

To The City Council
City of Newman
State of California

We have audited the general-purpose financial statements of the City of Newman, State of California for the year ended June 30, 2013, and have issued our report thereon dated September 30, 2013. Our audit was made in accordance with generally accepted auditing standards and the standards for financial and compliance audits contained in the California Administrative Code Section 6664 of the Transportation Development Act and the allocation instructions of the Stanislaus Area Association of Governments, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

The management of the City of Newman is responsible for the City's compliance with laws and regulations. In connection with our audit referred to above, we selected and tested transactions and records to determine the City's compliance with laws and regulations, noncompliance with which could have a material effect on the general-purpose financial statements of the City.

In our opinion the City of Newman Transportation Development Act funds were accounted for in conformance with the applicable laws, rules and regulations of the Transportation Development Act and the allocation instructions of the Stanislaus Council of Governments.

CLENDENIN BIRD & COMPANY, P.C.

CLENDENIN BIRD & COMPANY, P.C.

Modesto, California
September 30, 2013

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.c.**
City Council Meeting
November 12, 2013

REPORT ON APPOINTMENT TO FILL VACANCY ON THE RECREATION COMMISSION

RECOMMENDATION:

Consider appointment of a new Recreation Commissioner.

BACKGROUND:

The City currently has one vacancy on the Recreation Commission. The vacancy was created by Murray Day's recent appointment to the Planning Commission. The term of said vacancy expires in January 2016.

A notice to fill the vacancy was published in the West Side Index on October 17, 2013. The City received one application from Janis Rocha. Ms. Rocha's application is attached for your review.

Potential questions for the candidate will be provided at the Council Meeting should you decide to utilize the interview process. The appointment to Recreation Commission would be effective immediately.

FISCAL IMPACT:

N/A

CONCLUSION:

Staff recommends that the City Council appoint a candidate to fill the vacancy on the Recreation Commission.

ATTACHMENTS:

1. Copy of the candidate's Application for Citizen Service
2. Copy of the letter sent to the candidate apprising him of the interview/appointment process.

Respectfully submitted,



Mike Maier
Deputy City Clerk

REVIEWED/CONCUR:



Michael E. Holland
City Manager



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Janis Rocha

ADDRESS: 739 Gibraltar Lane, Newman

HOME PHONE: 209-604-5316 BUSINESS PHONE: _____

OCCUPATION: Special Education Aide, Waterford Junior High School

EDUCATION: (List highest year completed and all degrees): _____

BA Business Management,

Are there any workday evenings you could not meet? Yes No

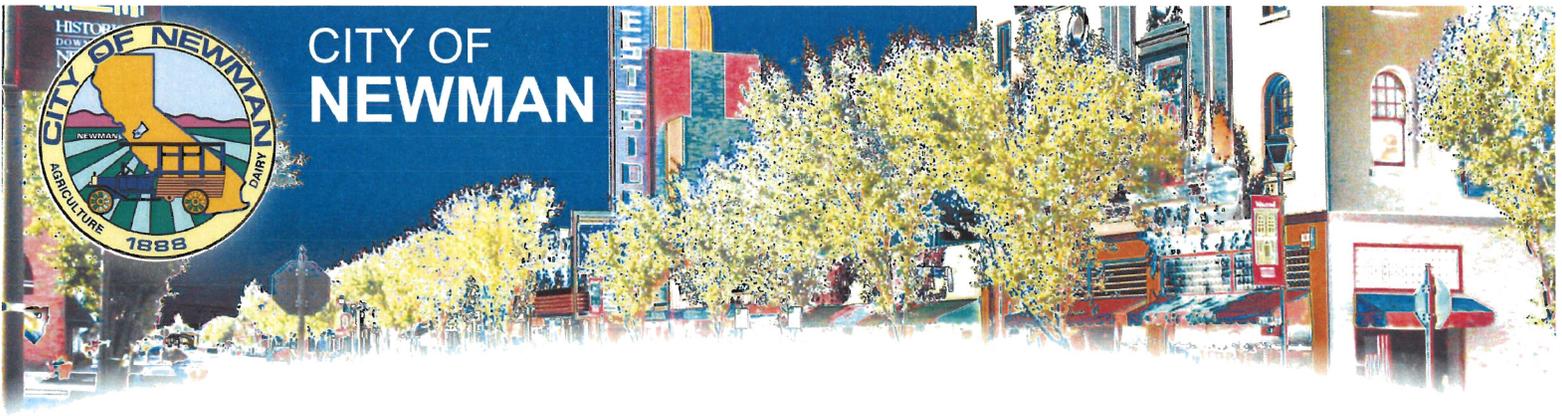
If so please list: _____

Why are you interested in this position? My family recently moved to Newman and I have two children who will utilize the parks and recreation opportunities in Newman. I would like to be a part of the process for recommending improvements and increased recreational opportunities for all Newman children.

What do you consider to be your major qualifications? _____

I have worked directly with students from Kindergarten through eighth grade and understand the importance for healthy and safe parks and recreation programs for our city.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



October 31, 2013

Janis Rocha
739 Gibraltar Lane
Newman, CA 95360

Re: Recreation Commission Interview/Appointment

Dear Janis:

The City has received and processed your Application for Citizen Service; pursuant to the City's policy for filling Commission vacancies, the City Council will briefly interview each candidate at their Regular Meeting on November 12, 2013 at 7:00 p.m. in the Council Chambers, 938 Fresno Street (on the second floor). Following the interviews, the Mayor and Council will appoint and confirm the new commissioner.

Please plan on attending the November 12th meeting. Should you have any questions regarding this process, please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman Recreation Commission.

Sincerely,

A handwritten signature in black ink that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.d.**
City Council Meeting
of November 12, 2013

**REPORT ON NEWMAN CHAMBER OF COMMERCE
TREE LIGHTING EVENT AT THE DOWNTOWN PLAZA**

RECOMMENDATION:

Staff recommends the City Council approve the Newman Chamber of Commerce tree lighting event scheduled at the Downtown Plaza on December 7th 2013 from 3 P.M. to 7 P.M.

BACKGROUND:

The Newman Chamber of Commerce has requested exclusive use of the Downtown Plaza, and the 1300 block of Main Street, on December 7th 2013 from 3 P.M. to 7 P.M. to host the annual tree lighting event. Event organizers have scheduled fire truck rides from 3 P.M. to 4:30 P.M. as well as food and craft booths. There will be a D.J. playing holiday music for the duration of the event and **NO** alcohol will be served or sold. The event date has no conflicts with other advertised community events. The event organizers are seeking council approval for this year's event.

ANALYSIS:

As of the date and time of the preparation of this staff report, the Chamber is the beginning stages of planning this event. Any subsequent changes will be reported out by staff during the presentation of this report.

The Chamber of Commerce has made the following requests:

- ❖ Exclusive use of the Downtown Plaza and the 1300 block of Main Street. Street Closures at Main/Tulare and Main/Fresno.
- ❖ Use of Plaza restroom facilities and electrical power at the location.
- ❖ Waive Standards for Downtown Events in the areas of:
 - Clean-up deposit. Downtown standards require a \$1,000.00 deposit refundable upon satisfactory cleaning of the affected area. The Newman Chamber of Commerce assures staff that they will thoroughly clean up.
 - Business licenses. Downtown standards require all vendors to be licensed for business within the City.
 - Insurance reduction to \$1,000,000.00. Current standards indicated a figure of \$3,000,000.00 naming the City as an additional insured party.
 - Traffic/crowd control device costs. City-owned barricades could be utilized.

All other Standards for Downtown events will apply.

Event organizers have prepared a configuration for the event which has the 1300 block of Main Street closed to vehicular traffic. The east plaza parking lot will be open for public parking and the west parking lot closed to vehicular traffic for vendor booth set-up.

FISCAL IMPACT:

There will be no direct fiscal impact as a result of this event.

CONCLUSION:

Based upon the information contained in this report, the following options are available:

1. Approve the event as indicated, waiving the requested standards.
2. Approve the event with all standards intact.
3. Reject the event in its entirety.

Staff recommends Alternative 1.

ATTACHMENTS:

- 1) Standards for downtown events

Respectfully submitted,



Brett Short
Police Lieutenant

REVIEWED/CONCUR:



Michael Holland
City Manager

STANDARDS FOR DOWNTOWN EVENTS

1. **DAYS:**
One Day Event: Saturday or Sunday preferred.
Two Day Events: Saturday & Sunday or Sunday & Monday may be allowed on holiday weekends.
2. **HOURS:**
Events should be scheduled during daylight hours. Events may not begin prior to 7:00 a.m. or end later than 9:00 p.m. unless approved by the Chief of Police.
3. **STREET USAGE:**
First time event: One block
Anticipated crowd size: 500 or less - one block
500 to 1000 - two blocks
1000 or more - three blocks
4. **INSURANCE:**
Three Million dollar policy naming the City as an additional insured. This must be received by the City three weeks prior to the event.
5. **SECURITY:**
Total cost of security for the event will be the responsibility of the event organizer. One half of the anticipated cost of police services will be deposited with the City Finance Department two weeks prior to the event.

General event: 1 officer per 200 attendees or as deemed necessary by the Chief of Police.

Alcohol/Bands/Dances - 2 officers per 300 attendees or more if required by the Chief of Police.
6. **MUSIC:**
No amplified sound systems before 10 A.M. or after 8 P.M. unless approved by the Chief of Police.
7. **ELECTRICAL:**
If electrical power use is requested, an electrical use fee of \$25.00 will be collected prior to the event date. A diagram of the outlet locations to be used and a plan, consisting of what type of equipment will be used at each outlet location, will be submitted for approval prior to the event date. No more than 20 amps per circuit will be allowed. Extension cords shall be a minimum of 14-3 gauge wire and properly sized for intended

use. The cords shall be protected from abrasions caused by foot traffic and shall be placed so as not to cause a tripping hazard.

8. **EVENT PLAN:**

The applicant is to complete a street closure plan for barricading the downtown streets and provide a site plan for the location of any portable stages, alcohol sales, and other semi-permanent structures. This must be submitted to the Chief of Police or his/her designee 60 days prior to the date of the event. Downtown plaza usage will also require a site plan.

9. **CLEAN UP:**

The event organizer will be responsible for cleaning the streets, sidewalks and other public areas used by the event. A \$1,000.00 deposit will be required. The deposit will be refunded if all city property is cleaned to the satisfaction of the Director of Public Works or his/her designee.

10. **APPROVAL OF AFFECTED BUSINESSES:**

First Time Events: Provide written approval of at least 75 percent of any business affected by the proposed street closure in the blocks involved.

Yearly Events: Provide a flyer making the downtown business community aware of the type of event, date, time and streets to be used.

Notification must be completed at least 45 days prior to the City Council meeting and must be approved by the Chief of Police or his/her designee.

11. **BUSINESS LICENSES:**

All local and out of town vendors/businesses conducting sales of goods or services shall have a business license with the City of Newman prior to participating in the event.

12. **HEALTH PERMITS:**

Food vendors shall obtain a Stanislaus County Health Permit prior to the sale of any food items.

13. **CANOPIES OR OTHER TEMPORARY STRUCTURES:**

All temporary structures including but not limited to stages, platforms and booth structures must be inspected by the City's Building Department on the day of the event. Any direct cost to the City for this service will be the responsibility of the fundraiser/organizer. Any use of canopies must be inspected and approved by a designee of the City on the day of the event. No canopies or temporary structures are to be tethered or anchored, to any tree, structure, or fixture.

14. **BLEACHERS:**

All bleachers must be inspected by the City's Building Department the day of the event. Any direct cost to the City for this service will be the responsibility of the fundraiser/organizer.

15. **ADVERTISING:**

The event organizer shall not advertise or promote the event until the event has been approved by the City Council

16. **ALCOHOL:**

The sale or providing of alcohol shall be done under the following conditions:

- A. That it is the fundraiser/organizers responsibility to make sure vendors obtain an on sale one-day permit from the California Alcohol Beverage Control Board (commonly known as ABC). This must be done and received by the City two weeks prior to the event.
- B. That alcohol is served in paper or plastic cups (no glass cups or bottles).
- C. That no alcohol sold inside any establishment can be consumed in the street closure area or plaza.
- D. That the City Council approves the use of the street closure, or plaza, for a beer garden and that they waive the city ordinance prohibiting consumption of alcohol on public streets.

17. **TRAFFIC/CROWD CONTROL DEVICES:**

The fundraiser/organizer will be responsible for the direct cost of barricades, no parking signs, and any other required devices.

18. **STATEMENT OF FUNDS**

The fundraiser/organizer will provide documentation and/or a list of who has or will financially benefit from the fundraiser for the current event and any previous events. It will also state how much was raised and the amount or percentage that will or has been donated to what community organization(s).

19. **TRASH RECEPTICALS**

The event coordinator shall provide trash receptacles for the event in an amount not less than one per fifty attendees.

20. **PLAZA USAGE**

The standards for downtown events will apply to the downtown plaza where applicable. Additional plaza-specific standards include:

- A. The East parking lot will remain open for event parking.
- B. Any requests to close the West parking lot will be submitted in the event plan.

- C. Any request to open the plaza restrooms for use will be submitted in the event plan and will be subject to a use fee of \$25.00 collected prior to the event date.
- D. No use of any kind in the planters and other vegetation areas of the plaza.
- E. No anchoring to any trees, vegetation, or other stationary plaza structures.
- F. Use of the stage shall be requested in the event plan.

21. **ADMINISTRATIVE OPTION FOR “PLAZA ONLY” USE**

For smaller events that are contained within the plaza, an administrative option can be utilized with the following conditions:

- A. The event is being hosted by a non-profit group for public benefit.
- B. The event is contained within the pedestrian areas of the plaza.
- C. All parking lots remain open and accessible for vehicle parking.
- D. The event is no longer than three hours in duration.

The administrative option for plaza use will require approval from the City Manager, Chief of Police, and Fire Chief. This option is designed to streamline the process for smaller events that meet the above criteria. All other event standards will still apply, but waivers may be decided by the administrative group.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.e.**
City Council Meeting
of November 12, 2013

CONTRACT WITH CITY OF TURLOCK FOR MUNICIPAL LEGAL SERVICES

RECOMMENDATION:

Staff recommends the Council authorize the City Manager to execute an agreement with City of Turlock for Municipal Legal Services.

BACKGROUND:

The City currently contracts with Tom Hallinan to serve as the City's official City Attorney. The City also utilizes different firms for a variety of legal issues the City faces over the course of a year. As the costs for some of the outside legal services has increased, staff began to research other options. One opportunity that surfaced was the possibility of contracting with another City for this service. Since many Stanislaus County cities are facing similar issues, staff reached out to the City of Turlock to gauge their interest. After several meetings, staff from both cities determined it would be worthwhile to enter into a contract for legal services on a trial basis.

ANALYSIS:

Attached is a copy of the proposed contract. The proposed contract is for three (3) years and allows either party to terminate said contract at any time, either with or without cause, upon ten (10) days written notice. This protects both parties should either, or both, determine the relationship is not functioning in the manner they anticipated. Should the contract terminate, the City would receive all work product prepared under this contract. It should be noted, the City is not proposing to replace Mr. Hallinan as the City Attorney. This contract would complement the work he performs. The majority of the work will relate to personnel issues, third party suits/contracts, and agreements with other agencies.

FISCAL IMPACT:

The City will contract with the City of Turlock for a minimum of 10 hours a month at a cost of \$1,000. Each additional hour will be billed at \$150.00 per hour. Outside firms can charge more than double these rates.

CONCLUSION:

After working with staff from the City of Turlock, staff has found an opportunity for the City to receive supplemental legal services at a very reasonable rate. Attached for your review is the proposed contract.

ATTACHMENTS:

1. Copy of the proposed contract.

Respectfully submitted,



Michael E. Holland
City Manager



**AGREEMENT BETWEEN
THE CITY OF TURLOCK
and
THE CITY OF NEWMAN
for
CITY ATTORNEY LEGAL SERVICES**

THIS AGREEMENT FOR CITY ATTORNEY LEGAL SERVICES ("Agreement") is entered into as of November 12, 2013 ("Effective Date") by and between the **CITY OF TURLOCK**, a California Municipal Corporation ("TURLOCK"), and the **CITY OF NEWMAN**, a California Municipal Corporation ("NEWMAN"). TURLOCK and NEWMAN are each a "Party" and together are the "Parties" to this Agreement.

NEWMAN requires the services of legal counsel with specialized expertise in California public agency and municipal law to serve as NEWMAN's City Attorney, TURLOCK, through the staff of its City Attorney's Office, has personnel who are qualified to provide such services, and the Parties are authorized to contract for such services under California Government Code section 54980 and following.

The Parties therefore agree as follows:

1. Scope of Services. TURLOCK shall provide City Attorney legal services to NEWMAN, subject to the direction of NEWMAN's City Council and City Manager, as outlined in the attached ***Exhibit A***.

2. Duties. NEWMAN agrees to provide such information, assistance, cooperation, and access to books, records, and other information, as is necessary for TURLOCK to effectively render its professional services under this Agreement. NEWMAN further agrees to abide by this Agreement and to pay, in a timely manner, TURLOCK's bills for fees, costs, and expenses.

3. Term. The term of this Agreement shall be from the Effective Date until terminated in accordance with the terms of this Agreement, or upon expiration of three (3) years from the Effective Date, whichever occurs first.

4. Consideration. As full consideration for the work to be performed by TURLOCK, NEWMAN shall pay TURLOCK based upon the hourly rates for its attorney(s) assigned to assist NEWMAN to be paid upon submission and approval of invoices. Hourly rates for TURLOCK are attached hereto as **Exhibit B**. NEWMAN shall pay or reimburse TURLOCK for all of TURLOCK's out-of-pocket expenses, including, but not limited to, travel expenses, photocopying, overnight delivery, and messenger services, at the rates shown on **Exhibit B**.

5. Records. TURLOCK shall maintain accounting records and other evidence pertaining to the costs incurred and shall make the records available to authorized representatives of NEWMAN or other governmental agency or district authorized by NEWMAN to inspect such records. These records shall be available at all reasonable times during the Agreement period and for four (4) years from the date of final payment for work performed hereunder.

6. Key Personnel. All of the services required hereunder shall be performed by TURLOCK or under its supervision, and all personnel engaged in the work shall be fully qualified to perform such services. Any change in the key personnel shall be subject to the advanced written approval of NEWMAN. The following are the key personnel for the subject of this Agreement:

Phaedra A. Norton, Turlock City Attorney, who shall serve as the City Attorney for NEWMAN ("Attorney").

7. Authorized Representative. NEWMAN's City Manager or other authorized representative shall represent NEWMAN in all matters pertaining to the services rendered by TURLOCK under this Agreement. All documents and requests for information shall be submitted through this representative and NEWMAN will cooperate with Attorney and TURLOCK in all matters relating to this Agreement in such manner as will result in the performance of such work without delay.

8. Termination.

a. Either party may terminate this Agreement at any time, with or without cause, upon ten (10) calendar days' written notice.

b. NEWMAN may, at any time at its discretion, abandon or suspend any portion of work to be done under the terms of this Agreement.

c. In the event of NEWMAN's abandonment or suspension of TURLOCK's work under this Agreement, or in the event of the termination of this Agreement, TURLOCK shall stop work at the stage directed by NEWMAN and shall deliver to

NEWMAN all reports, plans, and other information developed as of such stage. TURLOCK shall also cancel all orders for goods or services connected with this Agreement which have not been delivered or received.

d. TURLOCK shall accept as full payment for the services rendered and for all work performed and goods and services received at the time of termination, abandonment, or suspension of the work to be performed hereunder and in complete satisfaction of any and all claims against NEWMAN accruing to TURLOCK by reason of the abandonment or suspension of work or termination of this Agreement, payment for actual work performed in a reasonable amount determined by mutual agreement of the Parties.

9. Equal Opportunity Assurance. During the performance of this Agreement, TURLOCK agrees as follows:

a. TURLOCK will not discriminate against any employee or applicant for employment because of race, sex, creed, physical handicap, color, sexual orientation, or national origin. TURLOCK will take affirmative action to ensure that employees are treated equally without regard to race, gender, creed, physical handicap(s), color, sexual orientation, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs and terminations, rates of pay or other forms of compensation; and selection for training, including apprenticeship. TURLOCK agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

b. In the event of TURLOCK's noncompliance with the nondiscrimination clause of this Agreement, this Agreement may be cancelled, terminated, or suspended in whole or in part.

10. Insurance. TURLOCK shall, at its own expense, procure and maintain in full force at all times during the term of this Agreement the following insurance, which shall be provided on an occurrence basis (except for Professional Liability, which may be on a claims-made basis). Proof of insurance shall be provided to NEWMAN upon request.

a. **Commercial General Liability Insurance.** TURLOCK shall maintain limits of no less than Two Million Dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

b. **Automobile Liability Insurance Coverages.** TURLOCK shall procure automobile liability insurance covering all vehicles used in the performance of this Agreement providing a One Million Dollar (\$1,000,000) combined single limit per occur-

rence for bodily injury, personal injury, and property damage which may arise from the activities of TURLOCK in performing this Agreement.

c. Compliance with State Workers' Compensation Requirements.

TURLOCK shall insure itself against liability for Workers' Compensation pursuant to the provisions of California Labor Code Section 3700 *et seq.*

d. Professional Liability Insurance Requirements.

TURLOCK shall maintain professional liability insurance with coverage for negligent acts, errors, or omissions committed by TURLOCK and its agents and employees in the course of work performed for NEWMAN under this Agreement in limits of not less than One Million Dollars (\$1,000,000.00).

11. Indemnification. TURLOCK shall indemnify, defend, and hold harmless NEWMAN against and from any and all claims or suits for damages or injury arising from TURLOCK's performance of this Agreement or from any activity, work, or thing done, permitted, or suffered by TURLOCK in conjunction with the performance of this Agreement, and shall further indemnify, defend, and hold harmless NEWMAN against and from any and all claims or suits arising from any breach or default of any performance of any obligation of TURLOCK hereunder, and against and from all costs, attorney's fees, expenses, and liabilities related to any claim or any action or proceeding brought within the scope of this indemnification.

NEWMAN shall indemnify, defend, and hold harmless TURLOCK against and from any and all claims or suits for damages or injury arising from NEWMAN's performance of this Agreement or from any activity, work, or thing done, permitted, or suffered by NEWMAN in conjunction with the performance of this Agreement, and shall further indemnify, defend, and hold harmless TURLOCK against and from any and all claims or suits arising from any breach or default of any performance of any obligation of NEWMAN hereunder, and against and from all costs, attorney's fees, expenses, and liabilities related to any claim or any action or proceeding brought within the scope of this indemnification.

12. Independent Contractor. TURLOCK is an independent contractor retained by NEWMAN to perform the work described herein. All personnel employed by TURLOCK, including subcontractors and personnel of said subcontractors approved by NEWMAN, are not and shall not be deemed to be employees of NEWMAN. TURLOCK and approved subcontractors shall comply with all State and Federal laws pertaining to employment and compensation of their employees or agents, including the provision of Workers' Compensation. NEWMAN shall not, under any circumstances, be liable to TURLOCK or any person or persons acting for it for any death, injury, or property destruction or damage received or claimed relating to or stemming from the activities undertaken pursuant to this Agreement.

13. Professional Responsibilities – Duty of Loyalty, Ethical Conflicts of Interests. As an attorney licensed to practice law in the State of California, Attorney is governed by specific rules relating to legal representation of clients when actual or potential conflicts of interest exist. (See Rule 3-310 of the Rules of Professional Conduct of the State Bar of California.) More specifically, Paragraph (B) of Rule 3-310 provides:

(B) [An attorney] shall not accept or continue representation of a client without providing written disclosure to the client where:

(1) The [attorney] has a legal, business, financial, professional, or personal relationship with a party or witness in the same matter; or . . .

(3) The [attorney] has or had a legal, business, financial, professional, or personal relationship with another person or entity the [attorney] knows or reasonably should know would be affected substantially by resolution of the matter; or

(4) The [attorney] has or had a legal, business, financial, or professional interest in the subject matter of the representation.

In addition, subdivisions (C)(1) and (C)(2) of Rule 3-310 require Attorney to obtain informed written consent from both TURLOCK and NEWMAN in a matter in which the “interest of the clients *potentially* conflict,” or in a matter in which the “interests of the clients *actually* conflict.” Furthermore, pursuant to Rule 3-310, subdivision (E), Attorney must obtain the informed consent of both clients before representing an entity adverse to either’s interests, “where, by reason of representation” of a client, Attorney has “obtained confidential information material to the employment” of Attorney by that other party.

The strictures against dual representation have been interpreted to include a “duty of loyalty” to the client which in limited circumstances may prohibit the Attorney from accepting or continuing representation of a client which is adverse to another client even in unrelated matters without the informed written consent of each client. In cases of multiple client representation, there is a risk of divided or at least shared attorney-client loyalties. Although Attorney is not currently aware of any actual adverse effects of such divided or shared loyalty, it is possible that issues may arise as to which Attorney’s representation of NEWMAN may be materially limited by Attorney’s representation of TURLOCK, and vice versa. In the event of a dispute between TURLOCK and NEWMAN concerning future matters, the attorney-client privilege generally will not protect communications that have taken place between or among the clients and attorneys in Attorney’s office. Anything TURLOCK or NEWMAN discloses to Attorney may be disclosed to the other party, and vice versa. Additionally, if a dispute or conflict develops

between TURLOCK and NEWMAN, then in the absence of informed written consent from each, either client generally would be able to disqualify Attorney from representing the other client with respect to such conflict or dispute.

As of the Effective Date, TURLOCK and NEWMAN do not believe that Attorney's representation of TURLOCK would involve any actual or current conflict of interest that would interfere with Attorney's ability to serve as NEWMAN's counsel or compromise Attorney's ability to represent NEWMAN's interests. Although the Parties are not aware that there is a current conflict, out of an abundance of caution, Attorney has asked and the Parties, by their signatures to this Agreement, have consented to Attorney's representation of both TURLOCK and NEWMAN.

Due to the fact that the Attorney's office is established by law to provide legal services to TURLOCK officers, agencies and departments, and has in addition undertaken to provide legal services to NEWMAN by reason of this Agreement, the legal interests of TURLOCK generally may *potentially* conflict in a matter with the legal interests of NEWMAN. With full knowledge of Rule 3-310 of the Rules of Professional Conduct of the State Bar of California, by executing this Agreement, NEWMAN AND TURLOCK acknowledge their respective understanding of and waive these potential conflicts of interests and provide their informed written consent to Attorney's simultaneous and separate representation of each Party.

TURLOCK's engagement by NEWMAN under this Agreement is also understood as entailing NEWMAN's consent to representation by the Attorney's office of the Attorney's other present or future clients (including TURLOCK) in "transactions," including litigation, in which Attorney has not been engaged to represent NEWMAN and in which NEWMAN has other counsel, and in which one of Attorney's other clients, such as TURLOCK, would be adverse to NEWMAN in matters unrelated to those that Attorney is handling for NEWMAN. In this regard, NEWMAN is aware of Attorney's past and on-going representation of TURLOCK and TURLOCK's officers, agencies, departments, other boards and bodies, and TURLOCK's affiliated agencies (collectively, "TURLOCK") in matters which are not currently adverse to NEWMAN. The Parties are not aware of any current adversity between TURLOCK and NEWMAN. Given the nature of Attorney's relationship with TURLOCK, however, NEWMAN understands and accepts Attorney's need to preserve its ability to represent TURLOCK on current matters and matters which may arise in the future, including matters adverse to NEWMAN, provided that Attorney would only undertake such representation of TURLOCK under circumstances in which Attorney does not possess confidential information of NEWMAN's relating to the transaction, and TURLOCK would staff such a project with one or more attorneys who are not engaged in NEWMAN's representation. In such circumstances, the attorneys in the two matters would be subject to an ethical wall, screening them from communicating with each other regarding their respective engagements. By execution of this Agreement, it is agreed that NEWMAN and TURLOCK waive any conflicts of interest, consent to Attorney's continued representation of TURLOCK and Attorney's other clients under

those circumstances, and NEWMAN agrees not to assert any such conflict of interest or to seek to disqualify Attorney from representing TURLOCK or Attorney's other clients under those circumstances, notwithstanding any adversity that may develop between NEWMAN and TURLOCK or other of Attorney's clients.

Each Party acknowledges that it has had an opportunity to consult with independent legal counsel about the import of Attorney's proposed representation of both TURLOCK and NEWMAN and the significance and effect of the written consent to such representation and waiver of conflicts embodied in the execution of this Agreement, and has satisfied itself as to those matters before signing this Agreement. Each Party further acknowledges its understanding that it may at any time during the term of this Agreement consult with independent legal counsel about those matters and, in its sole discretion, may withdraw or modify its consent to such representation and waiver of conflicts at any time.

14. Attorney-Client Relationship. It is understood and agreed that a separate attorney-client relationship will exist between the Attorney and NEWMAN as a result of this Agreement. However, the Parties agree that, due to the common legal issues shared by NEWMAN and TURLOCK, the Attorney may in appropriate instances share its opinions and advice and other information of general interest with the either or both clients, and whenever the Attorney does so will preserve the confidentiality of personnel or other information protected by law.

15. Notices. Any notices or other communication required or permitted hereunder or by law to be delivered to, served on, or given to either Party shall be in writing and shall be deemed properly delivered to such Party at the earliest of (i) the date actually received; (ii) three (3) business days after deposit in the United States mail, postage paid, certified or registered, addressed to the respective Party at the address identified below; or (iii) one (1) business day if delivered by a commercial service which guarantees next-business-day delivery. Permitted delivery methods include commercial delivery services, facsimile transmission, electronic mail (email), or certified, registered, or postage prepaid United States mail, when received or refused. Either Party may change its address for purposes of notice by giving written notice of such change of address, which shall become effective 5 business days after giving notice of the change.

Notices to NEWMAN shall be given to: Michael Holland, City Manager
Newman City Hall
938 Fresno Street
P.O. Box 787
Newman, CA 95360
Phone: (209) 862-3725
Fax: (209) 862-3199
E-mail: mholland@cityofnewman.com

Notice to TURLOCK shall be given to: Roy Wasden, City Manager
City of Turlock
156 S. Broadway, Ste. 230
Turlock, CA 95380-5454
Phone: (209) 668-5540
Fax: (209) 668-5529
E-mail: rwasden@turlock.ca.us

16. Assignment. NEWMAN is entering into this Agreement in consideration of the rendition by TURLOCK of the services required herein. TURLOCK shall not assign any of the duties, responsibilities, or obligations of this Agreement to any other firm, company, agency, entity, or individual, except with the express advanced written consent of NEWMAN.

17. Amendment. This Agreement may be amended, modified, or changed by the Parties provided that said amendment, modification, or change is in writing and approved by both Parties.

18. Entire Agreement. This Agreement contains the entire agreement between the Parties related to the provision of City Attorney legal services. No promise, representation, warranty, or covenant not included in the Agreement has been or is relied upon by either Party.

19. Invalidity of Any Provision. If any provision of this Agreement as applied to either Party or to any circumstance is adjudged by a court of competent jurisdiction to be void or unenforceable for any reason, the same will in no way affect (to the maximum extent permissible by law) any other provision of this Agreement, the application of any such provision under circumstances different from those adjudicated by the court, or the validity or enforceability of the Agreement as a whole.

20. Counterparts. The Parties may sign this Agreement, in counterpart such that each document, when all signatures are appended together, will constitute a fully signed original or copy thereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year written above.

CITY OF TURLOCK

CITY OF NEWMAN

By: _____
Roy W. Wasden, City Manager

By: _____
Michael Holland, City Manager

EXHIBIT A

Scope of Services

TURLOCK's City Attorney ("Attorney") shall serve as transactional City Attorney for NEWMAN and render such day-to-day legal advice as is customarily rendered by a transactional City Attorney. The Attorney shall not attend meetings of the NEWMAN City Council, Planning Commission, Community Redevelopment Successor Agency, and other boards and bodies of NEWMAN, and its affiliated agencies. Representation may include drafting and reviewing ordinances, resolutions and NEWMAN agreements, and consulting with or advising NEWMAN staff on legal issues that arise within their areas of operation, and generally advising the NEWMAN City Council and NEWMAN staff concerning the transactional, day-to-day legal affairs of NEWMAN.

Attorney is prepared to, and will, provide representation to NEWMAN in all of its legal affairs, including, but not limited to, municipal law, tort defense, labor representation, criminal prosecution, redevelopment, finance, franchising, contract representation and other matters, except where conflicts exist or where Attorney recommends the use of special counsel. Attorney shall manage and oversee the representation of NEWMAN in initiating and defending all litigation and in the use of special counsel.

Attorney will perform all of these duties as directed by NEWMAN, and Attorney will keep the NEWMAN City Council and the City Manager informed as to the progress and status of all pending matters. Only the NEWMAN City Council or the NEWMAN City Manager can authorize Attorney to perform legal services under this Agreement. Attorney will manage and control the delivery of legal services in a competent, professional, and cost-effective manner. Where appropriate, Attorney may from time to time recommend the use of special counsel and NEWMAN shall engage the use of special counsel when recommended by Attorney. In that event, Attorney shall coordinate the work of special counsel. Notwithstanding the foregoing, Attorney shall not be responsible for any pending litigation matter(s) until Attorney has specifically appeared in the matter as attorneys of record on behalf of NEWMAN.

In addition to regular telephone, mail and other common business communication methods, NEWMAN authorizes Attorney to use facsimile transmissions, cellular telephone calls and unencrypted email, and other computer transmissions in communicating with NEWMAN. Unless otherwise instructed by NEWMAN, any such communications may include confidential information.

EXHIBIT B

Billing Rates

NEWMAN shall compensate TURLOCK for legal services provided within the scope of services as follows:

From the Effective Date through June 30, 2014, NEWMAN shall pay to TURLOCK a flat rate of One Thousand and no/100ths Dollars (\$1,000.00) per month for attorney services. If the work performed by Attorney exceeds ten (10) hours, NEWMAN shall pay TURLOCK an hourly rate of One Hundred Fifty and no/100ths Dollars (\$150.00), including travel time, and mileage at the then-current IRS standard rate.

In addition to paying legal fees, NEWMAN shall reimburse TURLOCK for customary and reasonable costs and expenses incurred by TURLOCK in the course of providing legal services to NEWMAN. Costs will include, but are not limited to, all third Party expenses, duplicating, long distance telephone, postage charges, delivery charges, computerized legal research, facsimile charges, and filing fees. Except as provided above, TURLOCK will charge NEWMAN for travel time at the then-current hourly rates, and for mileage, at the then-current IRS standard rate, to and from NEWMAN's offices and other locations connected with services under this Agreement. TURLOCK shall prorate NEWMAN's travel time charges if the assigned attorney(s) travel for two or more clients on the same trip.

TURLOCK shall render to NEWMAN a statement for flat fees for services and costs incurred every calendar month and for services rendered over ten (10) hours. NEWMAN shall pay TURLOCK's statement within thirty (30) calendar days after issuance of each statement. Each statement shall clearly indicate the basis of the fees, including the working attorney, hours worked, hourly rate (or flat meeting rate) and a brief description of the work performed, and a description of costs charged.

TURLOCK will exercise discretion to use whichever attorneys and staff that it determines best suited to the rendering of legal services to NEWMAN in a competent and economically efficient manner.

Third Party Costs and Expenses: TURLOCK may determine it necessary or appropriate to use one or more outside investigators, consultants, or experts in rendering the legal services required (particularly if a matter goes into litigation). Upon advance approval of NEWMAN's City Manager and proper documentation, NEWMAN shall pay directly or reimburse TURLOCK for directly incurred out-of-pocket disbursements, costs, and expenses of providing said services.



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING NOVEMBER 26, 2013
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

NOVEMBER 26, 2013 MEETING CANCELLED