



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING OCTOBER 25, 2016
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.
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 11, 2016 Meeting. ([View Minutes](#))
 - d. Authorize The City Manager To Sign The Joint Exercise Of Powers Agreement For Public Agency Coalition Enterprise. ([View Report](#))
 - e. Adopt Resolutions Establishing A Procedure For Industrial Disability Retirement Determinations And Delegation Of Authority. ([View Report](#))
 - I. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman Establishing A Procedure For Industrial Disability Retirement Determinations Of Local Safety Officer Employees Of The Public Employees' Retirement System. ([View Report](#))
 - II. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman Delegating Authority To Determine City Employees' Disability Under Public Employees' Retirement Law. ([View Report](#))
9. Public Hearings
 - a. Second Reading And Adoption Of Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code And Incorporating The California Code Of Regulations Title 24, Part 9, 2016 Edition Of The California Fire Code And Authorizing Staff To Publish A Summary Of Said Ordinance. ([View Report](#))
 - b. Adopt Resolution No. 2016- , A Resolution Declaring The Formation Of A Groundwater Sustainability Agency For The City Of Newman. ([View Report](#))
10. Regular Business
 - a. Report On Newman Chamber Of Commerce Tree Lighting Event At The Downtown Plaza. ([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

October 25 - City Council - 7:00 P.M.

October 26 - 2016 Biggest Loser Weigh-Out - Gustine 12:00 P.M.

October 31 - Halloween

November 8 - Election Day

November 8 - City Council - 7:00 P.M.

November 10 - Recreation Commission - 7:00 P.M.

November 11 - Veteran's Day - City Offices Closed.

November 17 - Planning Commission - 7:00 P.M.

November 22 - City Council - Cancelled.

November 24-25 - Thanksgiving Holiday - City Offices Closed.



AP Check Register October 21, 2016

| Vendor | Fund-Dept-Acct | Amount | Check # | Check date | Description |
|---|----------------|--------------------|---------------------|------------|--|
| Accela, Inc #774375 | 10-14-6310 | \$ 327.33 | 110244 | 10/21/2016 | Web payments on-line/Sept 2016 |
| Accela, Inc #774375 | 60-50-6310 | \$ 327.33 | 110244 | 10/21/2016 | Web payments on-line/Sept 2016 |
| Accela, Inc #774375 | 63-56-6310 | \$ 327.34 | 110244 | 10/21/2016 | Web payments on-line/Sept 2016 |
| | | \$ 982.00 | 110244 Total | | |
| Advanced Building Cleaners, Inc. | 10-33-6200 | \$ 3,634.02 | 110245 | 10/21/2016 | Power sweeping service/Sept 2016 |
| | | \$ 3,634.02 | 110245 Total | | |
| AMERICAN SOCCER COMPANY, | 10-45-6735 | \$ 31.51 | 110246 | 10/21/2016 | 1 soccer jersey |
| | | \$ 31.51 | 110246 Total | | |
| Aramark | 10-03-6200 | \$ 108.23 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| Aramark | 10-07-6200 | \$ 96.80 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| Aramark | 10-21-6200 | \$ 71.00 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| Aramark | 10-22-6200 | \$ 28.13 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| Aramark | 10-44-6200 | \$ 72.15 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| Aramark | 60-50-6200 | \$ 108.23 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| Aramark | 63-56-6200 | \$ 72.16 | 110247 | 10/21/2016 | Uniform cleaning/mat rental/towels/Sept 2016 |
| | | \$ 556.70 | 110247 Total | | |
| AT&T MOBILITY | 10-02-6420 | \$ 33.93 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-03-6420 | \$ 40.72 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-06-6420 | \$ 81.43 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-07-6420 | \$ 22.23 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-14-6420 | \$ 51.51 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-21-6420 | \$ 581.71 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-22-6420 | \$ 58.37 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-33-6420 | \$ 47.51 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-44-6420 | \$ 59.50 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 10-45-6420 | \$ 67.86 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 22-20-6420 | \$ 5.82 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 60-50-6420 | \$ 328.80 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 63-56-6420 | \$ 272.45 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| AT&T MOBILITY | 69-47-6420 | \$ 25.01 | 110248 | 10/21/2016 | Cell phone usage 9-6-16 to 10-5-16 |
| | | \$ 1,676.85 | 110248 Total | | |
| AutoZone | 60-50-6530 | \$ 43.72 | 110249 | 10/21/2016 | Duralast flex wiper blades/air freshners |
| | | \$ 43.72 | 110249 Total | | |
| Bertolotti Newman Disposal | 10-33-6220 | \$ 405.26 | 110250 | 10/21/2016 | 40 yard bin dumping @ corp yard/Sept 2016 |
| Bertolotti Newman Disposal | 69-47-6220 | \$ 200.00 | 110250 | 10/21/2016 | 40 yard bin dumping @ corp yard/Sept 2016 |
| | | \$ 605.26 | 110250 Total | | |
| BJ's Consumers Choice Pest Control, Inc | 10-07-6200 | \$ 2,995.00 | 110251 | 10/21/2016 | Termite pest work at 1404 & 1406 Main Street |
| | | \$ 2,995.00 | 110251 Total | | |



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|--------------------|----------------|-----------------|---------------------|------------|---|
| Bruss Joy | 10-00-5434 | \$ 75.00 | 110252 | 10/21/2016 | Refund of cat adoption fee/Bruss |
| | | \$ 75.00 | 110252 Total | | |
| BURTON'S FIRE, INC | 10-22-6300 | \$ 23.25 | 110253 | 10/21/2016 | Fire hose end |
| | | \$ 23.25 | 110253 Total | | |
| BUSINESS CARD | 10-14-6200 | \$ 26.67 | 110254 | 10/21/2016 | Hughes Net emergency backup |
| BUSINESS CARD | 10-21-6200 | \$ 10.00 | 110254 | 10/21/2016 | ScheduleBase/PD/9-19-16 to 10-19-16 |
| BUSINESS CARD | 10-21-6300 | \$ 189.88 | 110254 | 10/21/2016 | Ammo/PD |
| BUSINESS CARD | 10-21-6530 | \$ 718.32 | 110254 | 10/21/2016 | Replaced transmission and engine mounts/13 Dodge Charger |
| BUSINESS CARD | 10-21-6620 | \$ 196.00 | 110254 | 10/21/2016 | Lollipops/PD |
| BUSINESS CARD | 10-22-6300 | \$ 147.37 | 110254 | 10/21/2016 | Kendra dir tire/tire liners/fire dept |
| BUSINESS CARD | 10-22-6300 | \$ 32.25 | 110254 | 10/21/2016 | 2-Day flat rate envelope mailings/fire dept |
| BUSINESS CARD | 10-22-6300 | \$ 7.15 | 110254 | 10/21/2016 | Document frames/fire dept |
| BUSINESS CARD | 10-22-6690 | \$ 32.94 | 110254 | 10/21/2016 | Gatorade/Nutri bars/granola bars/Fall Festival |
| BUSINESS CARD | 10-22-6690 | \$ 26.36 | 110254 | 10/21/2016 | Meals/Fall Festival |
| BUSINESS CARD | 10-22-6690 | \$ 400.00 | 110254 | 10/21/2016 | Education course fees/Bowen |
| BUSINESS CARD | 10-22-6690 | \$ 147.20 | 110254 | 10/21/2016 | Fire fighter gift cards/incentive program/fire dept |
| BUSINESS CARD | 10-22-6690 | \$ 40.80 | 110254 | 10/21/2016 | Officer meeting/Fire dept |
| BUSINESS CARD | 10-33-6300 | \$ 77.83 | 110254 | 10/21/2016 | Spray paint gun filter |
| BUSINESS CARD | 10-33-6690 | \$ 10.00 | 110254 | 10/21/2016 | Parking for STANCOG |
| BUSINESS CARD | 10-44-6300 | \$ 152.98 | 110254 | 10/21/2016 | 2 Stanislaus steet zip ties/zip tie cutter |
| BUSINESS CARD | 10-45-6300 | \$ 6.46 | 110254 | 10/21/2016 | Calculator/teen center |
| BUSINESS CARD | 10-45-6300 | \$ 256.12 | 110254 | 10/21/2016 | Caldwell office chair/laminating pouches/transparency film |
| BUSINESS CARD | 10-45-6300 | \$ 8.60 | 110254 | 10/21/2016 | Detector pen |
| BUSINESS CARD | 10-45-6300 | \$ 36.27 | 110254 | 10/21/2016 | Cooler/binders |
| BUSINESS CARD | 10-45-6735 | \$ 22.54 | 110254 | 10/21/2016 | Whistles with lanyards/soccer |
| BUSINESS CARD | 10-45-6738 | \$ 278.61 | 110254 | 10/21/2016 | Supplies for soccer snack bar |
| BUSINESS CARD | 10-45-6738 | \$ 9.45 | 110254 | 10/21/2016 | Propane/soccer |
| BUSINESS CARD | 10-45-6739 | \$ 61.37 | 110254 | 10/21/2016 | Supplies for teen center snack bar |
| BUSINESS CARD | 10-45-6739 | \$ 133.87 | 110254 | 10/21/2016 | Supplies for teen center snack bar |
| BUSINESS CARD | 10-45-6739 | \$ 31.29 | 110254 | 10/21/2016 | Supplies for teen center snack bar |
| BUSINESS CARD | 10-45-6739 | \$ 36.16 | 110254 | 10/21/2016 | Supplies for teen center snack bar |
| BUSINESS CARD | 42-36-6690 | \$ 6.85 | 110254 | 10/21/2016 | Breakfast for CASQA seminar |
| BUSINESS CARD | 42-36-6690 | \$ 16.94 | 110254 | 10/21/2016 | Gasoline for CASQA conference |
| BUSINESS CARD | 42-36-6690 | \$ 14.03 | 110254 | 10/21/2016 | Meal for CASQA conference |
| BUSINESS CARD | 42-36-6690 | \$ 40.00 | 110254 | 10/21/2016 | Overnight parking @ Stockton airport for CASQA conference/Kim |
| BUSINESS CARD | 42-36-6690 | \$ 10.00 | 110254 | 10/21/2016 | Overnight parking @ Stockton airport for CASQA conference/Kim |
| BUSINESS CARD | 42-36-6690 | \$ 162.51 | 110254 | 10/21/2016 | Car rental for CASQA conference |
| BUSINESS CARD | 42-36-6690 | \$ 48.00 | 110254 | 10/21/2016 | Parking fees at hotel for CASQA conference |
| BUSINESS CARD | 60-50-6200 | \$ 26.66 | 110254 | 10/21/2016 | Hughes Net emergency backup |



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| BUSINESS CARD | 60-50-6530 | \$ 10.78 | 110254 | 10/21/2016 | Jump cable |
| BUSINESS CARD | 60-50-6530 | \$ 134.16 | 110254 | 10/21/2016 | Front brake pads and rear brake shoes/09 Honda Civic |
| BUSINESS CARD | 63-56-6200 | \$ 26.66 | 110254 | 10/21/2016 | Hughes Net emergency backup |
| BUSINESS CARD | 63-56-6530 | \$ 10.78 | 110254 | 10/21/2016 | Jump cable |
| BUSINESS CARD | 63-56-6530 | \$ 134.16 | 110254 | 10/21/2016 | Front brake pads and rear brake shoes/09 Honda Civic |
| BUSINESS CARD | 63-56-6530 | \$ (0.17) | 110254 | 10/21/2016 | Front brake pads and rear brake shoes/09 Honda Civic |
| | | \$ 3,737.85 | 110254 Total | | |
| CALIF BUILDING STANDARDS | 10-00-2620 | \$ 274.00 | 110255 | 10/21/2016 | SB1473 fees payable/Jul-Sept 2016 |
| CALIF BUILDING STANDARDS | 10-00-5310 | \$ (27.40) | 110255 | 10/21/2016 | SB1473 fees payable retemption/Jul-Sept 2016 |
| | | \$ 246.60 | 110255 Total | | |
| CALIFORNIA CONSULTING, LL | 10-02-6200 | \$ 1,000.00 | 110256 | 10/21/2016 | Grant writing/Lobbying |
| CALIFORNIA CONSULTING, LL | 60-50-6200 | \$ 1,000.00 | 110256 | 10/21/2016 | Grant writing/Lobbying |
| CALIFORNIA CONSULTING, LL | 63-56-6200 | \$ 1,000.00 | 110256 | 10/21/2016 | Grant writing/Lobbying |
| | | \$ 3,000.00 | 110256 Total | | |
| Canon Solutions America, Inc. | 10-14-6200 | \$ 71.06 | 110257 | 10/21/2016 | Copier black & white and color charges/Sept 2016 |
| Canon Solutions America, Inc. | 10-21-6200 | \$ 118.27 | 110257 | 10/21/2016 | Copier black & white and color charges/Sept 2016/PD |
| Canon Solutions America, Inc. | 60-50-6200 | \$ 71.06 | 110257 | 10/21/2016 | Copier black & white and color charges/Sept 2016 |
| Canon Solutions America, Inc. | 60-50-6200 | \$ 28.55 | 110257 | 10/21/2016 | Copier black & white and color charges/Sept 2016 |
| Canon Solutions America, Inc. | 63-56-6200 | \$ 71.07 | 110257 | 10/21/2016 | Copier black & white and color charges/Sept 2016 |
| Canon Solutions America, Inc. | 63-56-6200 | \$ 28.54 | 110257 | 10/21/2016 | Copier black & white and color charges/Sept 2016 |
| | | \$ 388.55 | 110257 Total | | |
| C B MERCHANT SERVICES,INC | 63-56-6637 | \$ 156.67 | 110258 | 10/21/2016 | Bad debt payable |
| | | \$ 156.67 | 110258 Total | | |
| CENTRAL SANITARY SUPPLY | 10-07-6300 | \$ 114.44 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-07-6665 | \$ 57.22 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-21-6300 | \$ 114.43 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-22-6300 | \$ 57.22 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-44-6300 | \$ 57.22 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-44-6660 | \$ 457.75 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-44-6670 | \$ 228.88 | 110259 | 10/21/2016 | |
| CENTRAL SANITARY SUPPLY | 10-46-6300 | \$ 57.22 | 110259 | 10/21/2016 | |
| | | \$ 1,144.38 | 110259 Total | | |
| Chevron & Texaco Business Card Services | 10-07-6500 | \$ 26.31 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| Chevron & Texaco Business Card Services | 10-21-6500 | \$ 2,711.63 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| Chevron & Texaco Business Card Services | 10-22-6500 | \$ 366.62 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| Chevron & Texaco Business Card Services | 10-33-6500 | \$ 108.54 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| Chevron & Texaco Business Card Services | 10-44-6500 | \$ 143.81 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| Chevron & Texaco Business Card Services | 60-50-6500 | \$ 235.39 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| Chevron & Texaco Business Card Services | 63-56-6500 | \$ 1,003.53 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |



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|---|----------------|---------------------|---------------------|------------|--|
| Chevron & Texaco Business Card Services | 69-47-6500 | \$ 63.81 | 110260 | 10/21/2016 | Gas and diesel purchases 9-15-16 to 10-14-16 |
| | | \$ 4,659.64 | 110260 Total | | |
| City National Bank | 60-50-8125 | \$ 3,416.40 | 110261 | 10/21/2016 | Interest payment on Refinancing of 1999 COP for WWTP |
| | | \$ 3,416.40 | 110261 Total | | |
| City of Turlock | 10-15-6200 | \$ 3,000.00 | 110262 | 10/21/2016 | Legal services rendered 7-1-16 to 9-30-16 |
| | | \$ 3,000.00 | 110262 Total | | |
| City of Oakdale | 10-21-6615 | \$ 15,500.00 | 110263 | 10/21/2016 | Dispatch services 8-16-16 to 9-15-16 |
| | | \$ 15,500.00 | 110263 Total | | |
| COMCAST CABLE | 10-21-6420 | \$ 150.74 | 110264 | 10/21/2016 | Internet service 10-6-16 to 11-05-16/PD |
| | | \$ 150.74 | 110264 Total | | |
| CSG Consultants, Inc | 10-22-6300 | \$ 341.95 | 110265 | 10/21/2016 | 2016 Calif code books/Fire code |
| | | \$ 341.95 | 110265 Total | | |
| Dave's Drain Cleaning & Plumbing | 10-44-6200 | \$ 35.00 | 110266 | 10/21/2016 | Backflow testing @ dog park on Marapole |
| | | \$ 35.00 | 110266 Total | | |
| DEPART. OF CONSERVATION | 10-00-2605 | \$ 647.57 | 110267 | 10/21/2016 | Strong Motion Instrumentation fees payable/Jul-Sept 2016 |
| DEPART. OF CONSERVATION | 10-00-5310 | \$ (32.38) | 110267 | 10/21/2016 | Strong Motion Instrumentation fees payable/Jul-Sept 2016 |
| | | \$ 615.19 | 110267 Total | | |
| CASHIER, DEPT OF PESTICIDE REGULATION | 60-50-6635 | \$ 60.00 | 110268 | 10/21/2016 | Renewal Qualified Applicator Certificate/Escatel |
| | | \$ 60.00 | 110268 Total | | |
| Direct Security and Sound, Inc. | 60-50-6200 | \$ 110.00 | 110269 | 10/21/2016 | Replaced bad camera @ WWTP |
| | | \$ 110.00 | 110269 Total | | |
| E&M ELECTRIC, INC. | 10-07-6200 | \$ 351.30 | 110270 | 10/21/2016 | Replaced lights @ teen center |
| E&M ELECTRIC, INC. | 10-07-6200 | \$ 233.04 | 110270 | 10/21/2016 | Troubleshoot and replacement of lamps @ teen center |
| E&M ELECTRIC, INC. | 10-07-6200 | \$ 160.00 | 110270 | 10/21/2016 | Service call @ 938 Fresno St/replaced ballast |
| E&M ELECTRIC, INC. | 10-33-6300 | \$ 123.17 | 110270 | 10/21/2016 | 4 Intermatic e-photo controls for street lights |
| E&M ELECTRIC, INC. | 10-44-6200 | \$ 170.76 | 110270 | 10/21/2016 | Replaced lights @ horse shoe area of Pioneer Park |
| E&M ELECTRIC, INC. | 60-50-6225 | \$ 34.13 | 110270 | 10/21/2016 | Power King battery/lift station |
| E&M ELECTRIC, INC. | 60-50-6225 | \$ 769.71 | 110270 | 10/21/2016 | Pulled and repaired motor from WWTP |
| E&M ELECTRIC, INC. | 60-50-6225 | \$ 520.00 | 110270 | 10/21/2016 | Pump repair and reinstall irrigation pump #1 with crane WWTP |
| E&M ELECTRIC, INC. | 60-50-6225 | \$ 6,827.86 | 110270 | 10/21/2016 | Repaired, cleaned & painted 10hp lift pump irrigation motor WWTP |
| | | \$ 9,189.97 | 110270 Total | | |
| ECONOMIC TIRE SHOP | 10-44-6530 | \$ 270.00 | 110271 | 10/21/2016 | 4 new tires |
| ECONOMIC TIRE SHOP | 69-47-6530 | \$ 270.00 | 110271 | 10/21/2016 | 4 new tires |
| | | \$ 540.00 | 110271 Total | | |
| ENVIRONMENTAL TECHNIQUES | 60-50-6300 | \$ 3,540.00 | 110272 | 10/21/2016 | 60 ProOxidizer for WWTP |
| | | \$ 3,540.00 | 110272 Total | | |
| Failsafe Testing | 10-22-6200 | \$ 338.60 | 110273 | 10/21/2016 | Ground ladder testing on engines 27 and 28 |
| | | \$ 338.60 | 110273 Total | | |
| Fernandez Maria | 10-00-2841 | \$ 80.00 | 110274 | 10/21/2016 | Refund Sherman Park deposit/Fernandez |



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|--------------------------------|----------------|--------------------|---------------------|------------|--|
| | | \$ 80.00 | 110274 Total | | |
| FERGUSON ENTERPRISES, INC 1423 | 63-56-6300 | \$ 3,596.85 | 110275 | 10/21/2016 | Meter couplings/valves/clamps/stanislaus steel straps/corp stops |
| FERGUSON ENTERPRISES, INC 1423 | 63-56-6300 | \$ 575.31 | 110275 | 10/21/2016 | Meter couplings/clamps/safety glasses |
| | | \$ 4,172.16 | 110275 Total | | |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | \$ 31.60 | 110276 | 10/21/2016 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | \$ 4.40 | 110276 | 10/21/2016 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | \$ 3.60 | 110276 | 10/21/2016 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | \$ 52.00 | 110276 | 10/21/2016 | Animal disposal clinic |
| | | \$ 91.60 | 110276 Total | | |
| GEOANALYTICAL LAB, INC. | 60-50-6200 | \$ 355.00 | 110277 | 10/21/2016 | BOD/TSS/Nitrate testing @ WWTP/Sept 2016 |
| GEOANALYTICAL LAB, INC. | 63-56-6200 | \$ 400.00 | 110277 | 10/21/2016 | Weekly bacti testing/Sept 2016 |
| | | \$ 755.00 | 110277 Total | | |
| Golden Valley Awards | 10-01-6300 | \$ 10.11 | 110278 | 10/21/2016 | Name badge/Laroy McDonold |
| | | \$ 10.11 | 110278 Total | | |
| Gouveia Engineering, Inc | 10-31-6200 | \$ 70.88 | 110279 | 10/21/2016 | Public works general engineering/dog park |
| Gouveia Engineering, Inc | 10-31-6200 | \$ 929.25 | 110279 | 10/21/2016 | Lot line adjustment/16-01/August 2016 |
| Gouveia Engineering, Inc | 10-31-6200 | \$ 447.56 | 110279 | 10/21/2016 | CMAQ application engineering/Sept 2016 |
| Gouveia Engineering, Inc | 17-44-7521 | \$ 686.25 | 110279 | 10/21/2016 | Engineering/Skate Plaza/Sept 2016 |
| Gouveia Engineering, Inc | 18-32-7739 | \$ 2,147.50 | 110279 | 10/21/2016 | Hwy 33/Inyo intersention/Sept 2016 |
| Gouveia Engineering, Inc | 18-32-7768 | \$ 255.00 | 110279 | 10/21/2016 | Inyo Canal School intersection/Sept 2016 |
| Gouveia Engineering, Inc | 24-32-7010 | \$ 317.50 | 110279 | 10/21/2016 | CNG sweeper/Sept 2016 |
| Gouveia Engineering, Inc | 24-32-7766 | \$ 160.00 | 110279 | 10/21/2016 | CNG Fast Fill Fueling station/Sept 2016 |
| | | \$ 5,013.94 | 110279 Total | | |
| GRAINGER | 10-07-6300 | \$ 33.33 | 110280 | 10/21/2016 | Vacuum breaker repair kit |
| | | \$ 33.33 | 110280 Total | | |
| Guzman Desiree | 10-00-2841 | \$ 20.00 | 110281 | 10/21/2016 | Pioneer Park deposit refund/Guzman |
| | | \$ 20.00 | 110281 Total | | |
| Hansford Economic Consulting | 60-50-6200 | \$ 475.00 | 110282 | 10/21/2016 | Sewer rate study/Sept 2016 |
| | | \$ 475.00 | 110282 Total | | |
| IEH-JL Analytical | 60-50-6200 | \$ 72.00 | 110283 | 10/21/2016 | Waste water plant influent testing |
| | | \$ 72.00 | 110283 Total | | |
| IMAGE UNIFORMS | 71-21-7105 | \$ 3,357.86 | 110284 | 10/21/2016 | 4 Second Chance body armour/PD |
| | | \$ 3,357.86 | 110284 Total | | |
| INFOSEND, INC | 10-33-6300 | \$ 371.25 | 110285 | 10/21/2016 | Insert fee/street sweeping schedule |
| INFOSEND, INC | 60-50-6200 | \$ 960.64 | 110285 | 10/21/2016 | Utility bill and late notice mailing/Sept 2016 |
| INFOSEND, INC | 63-56-6200 | \$ 960.64 | 110285 | 10/21/2016 | Utility bill and late notice mailing/Sept 2016 |
| | | \$ 2,292.53 | 110285 Total | | |
| J&E Janitorial and Handyman | 10-07-6200 | \$ 200.00 | 110286 | 10/21/2016 | Cleaned bathrooms/cleaned & buffed floors @ city hall |
| | | \$ 200.00 | 110286 Total | | |



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|---------------------------|----------------|--------------------|---------------------|------------|--|
| Jamie's Paint & Body | 10-21-6530 | \$ 280.00 | 110287 | 10/21/2016 | Repair of front door on 2010 Dodge Charger |
| | | \$ 280.00 | 110287 Total | | |
| JOE'S LANDSCAPING & CONCR | 69-47-6200 | \$ 1,113.92 | 110288 | 10/21/2016 | Daily bobcat rental with trailer |
| JOE'S LANDSCAPING & CONCR | 69-47-6200 | \$ 8,040.00 | 110288 | 10/21/2016 | Landscape services for the Lighting and Landscape District |
| | | \$ 9,153.92 | 110288 Total | | |
| Martina Robert | 10-01-6020 | \$ 230.87 | 110289 | 10/21/2016 | To replace lost payroll check #6023 |
| | | \$ 230.87 | 110289 Total | | |
| NEWMAN SMOG AND LUBE | 10-21-6530 | \$ 740.69 | 110290 | 10/21/2016 | Replaced AC assembly on 2012 Nissan |
| NEWMAN SMOG AND LUBE | 10-21-6530 | \$ 64.91 | 110290 | 10/21/2016 | Tire mount & balance 2013 Dodge Charger |
| NEWMAN SMOG AND LUBE | 60-50-6530 | \$ 349.42 | 110290 | 10/21/2016 | Transmission service on 07 pickup |
| | | \$ 1,155.02 | 110290 Total | | |
| NORMAC, INC. | 10-44-6300 | \$ 43.59 | 110291 | 10/21/2016 | 50 Spears 3/4" marlex street ell |
| NORMAC, INC. | 17-44-7521 | \$ 2,390.18 | 110291 | 10/21/2016 | Skate plaza irrigation materials |
| | | \$ 2,433.77 | 110291 Total | | |
| CITY OF PATTERSON | 10-03-6200 | \$ 660.00 | 110292 | 10/21/2016 | Video reimbursement/Sept 2016 |
| | | \$ 660.00 | 110292 Total | | |
| P G & E | 10-07-6410 | \$ 438.41 | 110293 | 10/21/2016 | Gas and electric @ 938 Fresno St 09-07-16 to 10-05-16 |
| P G & E | 10-21-6510 | \$ 31.06 | 110293 | 10/21/2016 | Natural gas pumped @ CNG fueling station |
| P G & E | 10-33-6510 | \$ 93.15 | 110293 | 10/21/2016 | Natural gas pumped @ CNG fueling station |
| P G & E | 10-44-6510 | \$ 62.12 | 110293 | 10/21/2016 | Natural gas pumped @ CNG fueling station |
| P G & E | 60-50-6410 | \$ 438.41 | 110293 | 10/21/2016 | Gas and electric @ 938 Fresno St 09-07-16 to 10-05-16 |
| P G & E | 60-50-6510 | \$ 31.06 | 110293 | 10/21/2016 | Natural gas pumped @ CNG fueling station |
| P G & E | 63-56-6410 | \$ 438.42 | 110293 | 10/21/2016 | Gas and electric @ 938 Fresno St 09-07-16 to 10-05-16 |
| P G & E | 63-56-6510 | \$ 31.06 | 110293 | 10/21/2016 | Natural gas pumped @ CNG fueling station |
| | | \$ 1,563.69 | 110293 Total | | |
| Plasencia Alejandro | 10-22-6690 | \$ 40.00 | 110294 | 10/21/2016 | Firefighter I Certification reimbursement/Plasencia |
| | | \$ 40.00 | 110294 Total | | |
| Ready Refresh by Nestle | 10-14-6300 | \$ 25.88 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 10-21-6300 | \$ 11.72 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 10-45-6300 | \$ 54.17 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 60-50-6300 | \$ 25.88 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 60-50-6300 | \$ 49.55 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 60-50-6300 | \$ 25.87 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 63-56-6300 | \$ 25.89 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| Ready Refresh by Nestle | 63-56-6300 | \$ 49.56 | 110295 | 10/21/2016 | Bottled water delivered/Sept 2016 |
| | | \$ 268.52 | 110295 Total | | |
| SAFE-T-LITE | 69-47-6300 | \$ 97.92 | 110296 | 10/21/2016 | 2)30'X2" eye & eye flat sling |
| | | \$ 97.92 | 110296 Total | | |
| SJVAPCD | 60-50-6675 | \$ 38.00 | 110297 | 10/21/2016 | 16/17 Annual permit to operate gas convault @ WWTP |



AP Check Register October 21, 2016

| Vendor | Fund-Dept-Acct | Amount | Check # | Check date | Description |
|---|----------------|---------------------|---------------------|------------|---|
| | | \$ 38.00 | 110297 Total | | |
| SCM HEARTHSTONE, LLC | 10-00-5825 | \$ (132.51) | 110298 | 10/21/2016 | Storm water fee credits/Jul-Sept 2016 |
| SCM HEARTHSTONE, LLC | 42-00-2104 | \$ 1,930.16 | 110298 | 10/21/2016 | Storm water fee credits/Jul-Sept 2016 |
| SCM HEARTHSTONE, LLC | 42-36-6650 | \$ 101.59 | 110298 | 10/21/2016 | Storm water fee credits/Jul-Sept 2016 |
| SCM HEARTHSTONE, LLC | 64-00-2101 | \$ 587.45 | 110298 | 10/21/2016 | Storm water fee credits/Jul-Sept 2016 |
| SCM HEARTHSTONE, LLC | 64-56-6650 | \$ 30.92 | 110298 | 10/21/2016 | Storm water fee credits/Jul-Sept 2016 |
| | | \$ 2,517.61 | 110298 Total | | |
| Shasta Elevator Company | 10-07-6665 | \$ 750.00 | 110299 | 10/21/2016 | Preventative maintenance on wheel chair lift @ museum |
| | | \$ 750.00 | 110299 Total | | |
| Solar Integrated Fund III | 60-50-6410 | \$ 10,637.34 | 110300 | 10/21/2016 | Solar production period 9-1-16 to 9-30-16 @ WWTP |
| | | \$ 10,637.34 | 110300 Total | | |
| Soundscapes Electric Security & Audio Video | 10-07-6200 | \$ 195.00 | 110301 | 10/21/2016 | 3 months alarm monitoring/Oct-Dec 2016 |
| | | \$ 195.00 | 110301 Total | | |
| GORDON B. FORD | 10-44-6680 | \$ 737.26 | 110302 | 10/21/2016 | Property tax for 2016-2017/W Mariposa |
| GORDON B. FORD | 10-44-6680 | \$ 737.26 | 110302 | 10/21/2016 | Property tax for 2016-2017/648 W Mariposa |
| GORDON B. FORD | 60-50-6680 | \$ 5,829.28 | 110302 | 10/21/2016 | Property tax for 2016-2017/Hills Ferry |
| GORDON B. FORD | 60-50-6680 | \$ 1,327.32 | 110302 | 10/21/2016 | Property tax for 2016-2017/Hills Ferry |
| GORDON B. FORD | 60-50-6680 | \$ 6,509.54 | 110302 | 10/21/2016 | Property tax for 2016-2017/Hills Ferry |
| GORDON B. FORD | 69-47-6680 | \$ 12.74 | 110302 | 10/21/2016 | Property tax for 2016-2017/Sherman Parkway |
| | | \$ 15,153.40 | 110302 Total | | |
| Stanislaus County Auditor-Controller | 10-00-2600 | \$ 86,467.60 | 110303 | 10/21/2016 | County impact fees payable Jul-Sept 2016 |
| Stanislaus County Auditor-Controller | 10-00-5310 | \$ (864.68) | 110303 | 10/21/2016 | County impact fees payable retention/ Jul-Sept 2016 |
| | | \$ 85,602.92 | 110303 Total | | |
| STAPLES ADVANTAGE | 10-14-6300 | \$ 51.93 | 110304 | 10/21/2016 | Colored paper/letter opener |
| STAPLES ADVANTAGE | 10-21-6300 | \$ 11.40 | 110304 | 10/21/2016 | 30 magnetic cards inkjet |
| STAPLES ADVANTAGE | 60-50-6300 | \$ 51.94 | 110304 | 10/21/2016 | Colored paper/letter opener |
| STAPLES ADVANTAGE | 63-56-6300 | \$ 51.94 | 110304 | 10/21/2016 | Colored paper/letter opener |
| | | \$ 167.21 | 110304 Total | | |
| T.H.E. OFFICE CITY | 10-14-6300 | \$ 10.19 | 110305 | 10/21/2016 | receipt books/post-it pop up notes |
| T.H.E. OFFICE CITY | 10-45-6300 | \$ 54.63 | 110305 | 10/21/2016 | receipt books/post-it pop up notes |
| T.H.E. OFFICE CITY | 60-50-6300 | \$ 10.19 | 110305 | 10/21/2016 | receipt books/post-it pop up notes |
| T.H.E. OFFICE CITY | 63-56-6300 | \$ 10.18 | 110305 | 10/21/2016 | receipt books/post-it pop up notes |
| | | \$ 85.19 | 110305 Total | | |
| HAWKINS MITTIE | 63-00-2010 | \$ 26.24 | 110306 | 10/21/2016 | Refund Check |
| | | \$ 26.24 | 110306 Total | | |
| CUMMINGS TERRY & JIM | 63-00-2010 | \$ 7.38 | 110307 | 10/21/2016 | Refund Check |
| | | \$ 7.38 | 110307 Total | | |
| GONZALEZ MARIO CARDENAS & MAIRA P. | 63-00-2010 | \$ 27.85 | 110308 | 10/21/2016 | Refund Check |
| | | \$ 27.85 | 110308 Total | | |



AP Check Register October 21, 2016

| Vendor | Fund-Dept-Acct | Amount | Check # | Check date | Description |
|-------------------------|----------------|----------------------|---------------------|------------|--|
| VILLANUEVA KIMBERLY | 63-00-2010 | \$ 107.06 | 110309 | 10/21/2016 | Refund Check |
| | | \$ 107.06 | 110309 Total | | |
| Valley Tire Sales | 10-21-6530 | \$ 404.39 | 110310 | 10/21/2016 | 4 new tires |
| | | \$ 404.39 | 110310 Total | | |
| Vargas Chris | 60-50-6150 | \$ 200.00 | 110311 | 10/21/2016 | Steel-toe boot reimbursement/Vargas |
| | | \$ 200.00 | 110311 Total | | |
| Warden's | 10-14-6300 | \$ 2.17 | 110312 | 10/21/2016 | Counterfeit pen detector |
| Warden's | 60-50-6300 | \$ 2.17 | 110312 | 10/21/2016 | Counterfeit pen detector |
| Warden's | 63-56-6300 | \$ 2.17 | 110312 | 10/21/2016 | Counterfeit pen detector |
| | | \$ 6.51 | 110312 Total | | |
| MATTOS NEWSPAPERS, INC. | 10-06-6600 | \$ 80.00 | 110313 | 10/21/2016 | Adoption of Ordinance amending Title 4 |
| MATTOS NEWSPAPERS, INC. | 10-14-6300 | \$ 101.21 | 110313 | 10/21/2016 | 1000 applications for utility services |
| MATTOS NEWSPAPERS, INC. | 10-21-6300 | \$ 118.72 | 110313 | 10/21/2016 | 400 Code Violation door hangers |
| MATTOS NEWSPAPERS, INC. | 10-21-6300 | \$ 166.82 | 110313 | 10/21/2016 | 1000 printed envelopes/PD |
| MATTOS NEWSPAPERS, INC. | 60-50-6300 | \$ 101.21 | 110313 | 10/21/2016 | 1000 applications for utility services |
| MATTOS NEWSPAPERS, INC. | 63-56-6300 | \$ 101.20 | 110313 | 10/21/2016 | 1000 applications for utility services |
| | | \$ 669.16 | 110313 Total | | |
| YANCEY LUMBER COMPANY | 10-01-6644 | \$ 13.54 | 110314 | 10/21/2016 | Halogen bulbs |
| YANCEY LUMBER COMPANY | 10-07-6300 | \$ 11.56 | 110314 | 10/21/2016 | Caulk/mold&trim/lumber |
| YANCEY LUMBER COMPANY | 10-21-6307 | \$ 151.74 | 110314 | 10/21/2016 | Dog food/K-9 |
| YANCEY LUMBER COMPANY | 10-21-6308 | \$ 23.61 | 110314 | 10/21/2016 | Kitty litter/cat food |
| YANCEY LUMBER COMPANY | 10-22-6300 | \$ 18.87 | 110314 | 10/21/2016 | Mouse trap/pestchaser |
| YANCEY LUMBER COMPANY | 10-33-6300 | \$ 191.72 | 110314 | 10/21/2016 | Carriage bolts/flat washer/lumber/clamp/marketing roller/paint |
| YANCEY LUMBER COMPANY | 10-44-6300 | \$ 66.61 | 110314 | 10/21/2016 | Elbow/wedge anchor/batteries/cablesaw cutter |
| YANCEY LUMBER COMPANY | 10-45-6735 | \$ 596.94 | 110314 | 10/21/2016 | Spray gun/paint filter/field marking paint/airless spray tip |
| YANCEY LUMBER COMPANY | 63-56-6300 | \$ 226.77 | 110314 | 10/21/2016 | Spray paint/Coupling/elbow/pvc pipe/valve box |
| YANCEY LUMBER COMPANY | 69-47-6300 | \$ 25.46 | 110314 | 10/21/2016 | Lumber/concrete/back support belt |
| | | \$ 1,326.82 | 110314 Total | | |
| | | \$ 211,174.17 | Grand Total | | |



Manual Check Register October 20, 2016

| Vendor No | Vendor | Fund-Dept-Acct | Amount | Check Number | Check Date | Description |
|-----------|-------------------|----------------|-------------|---------------------|------------|--|
| K&T01 | K & T Lights | 68-68-6620 | \$ 1,250.00 | 110230 | 10/13/2016 | 48 LED 5 mm wide angle lens/50 feet/100 LED warm white retro fit |
| | | | \$ 1,250.00 | 110230 Total | | |
| NEW63 | CITY OF NEWMAN-PD | 10-21-6208 | \$ 250.00 | 110233 | 10/19/2016 | Start up cash for animal clinic |
| | | | \$ 250.00 | 110233 Total | | |
| | | | \$ 1,500.00 | Grand Total | | |



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING OCTOBER 11, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Martina 7: 01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Day.
4. **Roll Call - PRESENT:** Graham, Mayor Pro Tem Candea, Day And Mayor Martina.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters** – None.
7. **Items from the Public - Non-Agenda Items.**

RoseLee Hurst, President Of The Women’s Fire Auxiliary, 1447 Q Street, Announced That The Women’s Fire Auxiliary And The Fire Department’s Annual Tri-Tip Dinner Would Be Held On October 22, 2016 And Mentioned That Tickets Were Already Available For Purchase.

Tom Kaps, Newman Library Branch Manager, 1305 Kern Street, , Thanked The Women’s Fire Auxiliary And The Fire Department For The Donated Coloring Books. Kaps Then Reviewed The Library’s October Programs.

Teresa Smith, 1313 Pointer Way, Publicized That The Fifty Plus Club Would Be Hosting A Lunch Boat Cruise In Stockton On October 25th. Smith Noted That The Cruise Would Be Open To The Public And That The Cost Is \$70 Per Person. She Noted That The Cost Included Transportation To And From Stockton, A Two Hour Delta Cruise And A Barbeque Lunch. Smith Noted That They Would Leave The City Plaza At 10:30 AM And Return To Newman At 3:30 PM. She Thanked City Staff For Answering Seniors Questions Regarding The Pool Measure. Smith Asked Why The Pool Was Designed To Be Four Feet Deep On The Shallow End Of The Pool.

City Manager Holland Noted That The Pool Designer Set That Depth To Allow For Free Swim And Competition Uses.

Teresa Smith, 1313 Pointer Way, Mentioned That Some of The Seniors Preferred That The Shallow End Be Three Feet Or Less.

Michael Oliveira, 1045 Lucille Avenue, Asked If The 50 Plus Would Be Allowed To Continue To Use The Louis J. Newman Memorial Center If They Did Not Support Measure “M”. Oliveira Stated That He Thought The City Had Spent \$100,000 Of Public Money To Place The Pool Measure On The Ballot. He Noted That Some Supporters Of The Measure Do Not Live In The City Of Newman. Oliveira Noted That Because Of Toni Butero’s Involvement With Measure “M”, He Thought The West Side Index Was Biased. Oliveira Indicated That Staff, The Council And Some Other People Have Influenced The Election And Crossed The Line In Doing So. He Concluded By Indicating That He Thought The Election Was Rigged And That He Is Only Opposed To Measure “M” Because Of The Cost Of The Pool.

Joanne Lamas, Field Representative For Senator Cannella, Thanked The City On Behalf Of The Senator For Their Support Of The Stanislaus Senior Awareness Day. She Noted That The Senior Awareness Day Was Held On September 21st And That It Was A Great Event.

Laroy McDonald, 224 Northampton Way, Noted That He Supports Measure "M" And That He Had Been Campaigning For Its Passage. McDonald Noted That The Majority Of The People He Has Spoken With Support The Measure. He Noted That The West Side Index Is Very Important To The Community. McDonald Concluded By Stating That He Hoped That People Considered What Is Best For The Community And Its Children.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The September 27, 2016 Meeting.
- d. Adopt Resolution No. 2016-64, A Resolution Of The City Council Of The City Of Newman Accepting The Capital Facilities Fees Annual Report.

ACTION: On A Motion By Candea Seconded By Graham, The Consent Calendar Was Approved By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

9. Public Hearings

- a. Adopt Resolution No. 2016-65, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Martina Opened The Public Hearing At 7:18 P.M.

There Being No Public Comment, Martina Closed The Public Hearing At 7:18 P.M.

ACTION: On Motion By Graham Seconded By Day, Resolution No. 2016-65, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

- b. Second Reading And Adoption Of Ordinance No. 2016-4, An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2016 Edition Of The California Building Standards Code And Authorizing Staff To Publish A Summary Of Said Ordinance.

Mayor Martina Opened The Public Hearing At 7:20 P.M.

Teresa Smith Noted That She Was Concerned About Provisions That Might Limit Repairs.

Chief Building Official Brinkman Stated That This Ordinance Would Not Limit Repairs.

There Being No Further Public Comment, Martina Closed The Public Hearing At 7:21 P.M.

ACTION: Ordinance No. 2016-4, An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2016 Edition Of The California Building Standards Code, Had Its Second Reading By Title Only. On A Motion By Day Seconded By Candea, Said Ordinance Was Adopted And Staff Was Authorized To Prepare And Publish A Summary Of The Ordinance By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

10. Regular Business

- a. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code And Incorporating The California Code Of Regulations Title 24, Part 9, 2016 Edition Of The California Fire Code.

ACTION: On Motion By Graham Seconded By Candea, Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code And Incorporating The California Code Of Regulations Title 24, Part 9, 2016 Edition Of The California Fire Code, Was Introduced By Council Member Graham And Had Its First Reading By Title Only, By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded Everyone That The Biggest Loser Weigh Out Will Be In Gustine On October 26th At Henry Miller Park. DeMartini Mentioned That The County Has A History Of Helping With Cities' Projects Like The Turlock Sports Stadium And The Patterson Pool, And That The County Also Planned To Help Newman With Its Pool Effort. He Clarified That This Sort Of Monetary Assistance For City Projects Is Dependent Upon The Economy.

12. Items From The City Manager And Staff.

City Manager Holland Reminded Everyone That The Citywide Fall Cleanup Was Under Way And Would Continue Through October 15th. Holland Mentioned That There Would Be Upcoming Health Insurance Changes For Employees.

Chief Richardson Mentioned That Friday Night Would Be Homecoming For Orestimba High School And That There Would Be A Corresponding Homecoming Parade On Friday Afternoon.

City Planner Ocasio Provided An Update Regarding The Skate Plaza And Indicated Public Works Department Was In The Process Of Installing The Irrigation System. Ocasio Noted That The Contractor Desired To Be Finished By The End Of The Month. She Mentioned That The Contractor Is Waiting On The Delivery Of The Light Poles But Staff And The Contractor Have Been Working Around That Delay By Completing Other Work.

Chief Bowen Mentioned That He Still Had Five Openings For The Community CPR Class Scheduled To Be Held On October 29th. Bowen Noted That It Was Fire Prevention Week And That The Fire Department Would Be Presenting 800 Local Children With Fire A Prevention Message And Materials In Cooperation With The Women's Fire Auxiliary. He Reminded Everyone To Be Safe As They Start Using Heaters In Their Homes.

Items From City Council Members.

Council Member Graham Thanked Everyone Who Attended And Participated In The City Council Meeting.

Council Member Day Echoed Council Member Graham's Comments And Stated That It Was Nice To Have So Many Faces In The Audience.

Council Member Candea Thanked Everyone For Attending The City Council Meeting.

Mayor Martina Expressed His Support For The Orestimba High School Football Team.

13. Adjournment.

ACTION: On Motion By Candea Seconded By Day And Unanimously Carried, The Meeting Was Adjourned At 7:32 P.M.

REPORT ON PUBLIC AGENCY COALITION ENTERPRISE AGREEMENT

RECOMMENDATION:

It is recommended that the Newman City Council authorize the City Manager to sign the Joint Exercise of Powers Agreement for Public Agency Coalition Enterprise.

BACKGROUND:

For the previous three (3) years, the City has been a participating agency within the San Joaquin Valley Insurance Authority (SJVIA) with respect to health care insurance. Based upon some outstanding issues, a number of cities will be exiting SJVIA at the end of this calendar year. After reviewing the pros and cons of the SJVIA, other available groups, and options for purchasing insurance on the open market, the City has determine the best option for the City and its employees is to leave the SJVIA and enter into the Public Agency Coalition Enterprise (PACE) Joint Powers Authority (JPA).

ANALYSIS:

The City of Newman is considered a Small Group with respect to the acquisition of health care; which limits our options compared to organizations with over 100 employees. After comparing the rates and benefits for the existing programs versus the PACE program and other options through the open marker, staff has determine the best option for our employees would be to leave the SJVIA and join PACE.

Entering the PACE JPA requires the City to make a two-year commitment the program. Rates for the second year would be subject to program wide rate increase for all participating agencies. At the conclusion of the second year, the City would be eligible to exit the JPA would any terminal liability.

FISCAL IMPACT:

Fiscally neutral for the City. However, due to the City's hard cap on health care contributions, it is fiscally positive for many of our employees.

CONCLUSION:

After three (3) years of reasonable rates through the SJVIA, the City believes the time is appropriate to exit the current agreement and enter into the PACE JPA. The decision will result in a more affordable option for City employees for either comparable or better benefits. There, staff recommends the Council authorize the City Manager to enter into the Public Agency Coalition Enterprise Joint Powers Authority and executive the necessary agreements.

ATTACHMENTS:

1. Joint Exercise of Powers Agreement
2. Public Agency Coalition Enterprise By Laws
3. PACE Agreement and Acceptance form (Exhibit B)

Respectfully Submitted,



Michael E. Holland
City Manager

AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT

PUBLIC AGENCY COALITION ENTERPRISE

JOINT POWERS AUTHORITY

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JOINT POWERS AGREEMENT

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EXHIBIT A: BYLAWS

Preamble

- I. Board of Directors
- II. Rules of the Board of Directors
- III. Executive Committee
- IV. Rules of the Executive Committee
- V. Officers
- VI. Finance
- VII. Memorandum of Coverage
- VIII. Accounts and Records
- IX. Risk Management
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JOINT EXERCISE OF POWERS AGREEMENT

PUBLIC AGENCY COALITION ENTERPRISE

This Joint Exercise of Powers Agreement ("Agreement") is entered into pursuant to the provisions of title 1, Division 7, Chapter 5, Article 1 (Sections 6500, et seq.) of the California Government Code, for the purpose of operating an agency to be known as the Public Agency Coalition Enterprise which shall be organized and operated as a California joint powers authority ("JPA").

WITNESSETH:

WHEREAS, it has been determined to be to the mutual benefit and in the best interests of the agencies who have signed this Agreement and those that may later sign onto this Agreement ("Signatories") to join together to establish a JPA to carry out the purposes and powers as later described herein; and

WHEREAS, it has been determined by the Signatories that there is a need to establish and operate a cooperative program for the purchase of insurance, creation and management of pooled self-insurance programs, and/or the implementation of appropriate risk management activities, and other related services and programs for insured and self-insured members ("Program"); and

WHEREAS, it has also been determined that such a Program is of value on an individual and mutual basis; and

WHEREAS, it has also been determined that the establishment of a Program can adequately meet the needs of the of Signatories; and

WHEREAS, Title 1, Division 7, Chapter 5, Article 1, of the California Government Code authorizes joint exercise by two or more public agencies of any power common to them; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL ADVANTAGES TO BE DERIVED THEREFROM, AND IN CONSIDERATION OF THE EXECUTION OF THIS AGREEMENT BY OTHER PUBLIC AGENCIES, each of the Signatories does agree as follows:

1. CREATION OF THE JOINT POWERS AUTHORITY

A JPA, separate and apart from each public agency that is a Signatory, shall be and is hereby created and shall hereafter be designated as the Public Agency Coalition Enterprise ("PACE").

2. PURPOSE AND POWERS

(a) PACE is established for the purpose of administering this Agreement, pursuant to the joint powers provisions of the California Government Code, and for taking all action necessary and appropriate for the establishment, operation and maintenance of the Program and to provide a forum for discussion, study, development and implementation of recommendations relating to the Program.

(b) The powers of PACE are:

(1) To establish a vehicle for the cost effective purchase of employee benefits insurance and/or such other insurance by and for the Members of PACE ("Members"),

(2) To establish such programs of and/or for self-insurance and/or risk pooling arrangements as the Board of Directors of PACE ("Board") shall deem appropriate.

(3) To facilitate the cost-effective purchase of third-party administration (TPA) and other services deemed appropriate by the Board for the Members.

(4) To take such actions and to enter into such contracts as may be necessary for to accomplish the purpose stated in this Section 2(b).

(5) To acquire, hold, and dispose of property, real and personal, all for the purpose of providing the creating and sustaining the Program including, but not limited to, the acquisition of such resources, facilities, equipment and personnel as may be necessary the Program.

(6) To incur debts, liabilities, and obligations necessary to accomplish the purposes of this Agreement.

(7) To receive gifts, contributions, and donations of property, funds, services, and other forms of assistance from persons, firms, corporations, associations, and any governmental agency in furtherance of the Program.

(8) To invest surplus reserve funds as deemed appropriate by the Board and as required by law.

(9) To provide a forum for discussion, study, development, and implementation of recommendations of mutual interest regarding other joint programs.

(10) To sue and be sued in the name of PACE.

(11) To perform such other functions as may be necessary or appropriate to carry out this Agreement, so long as such other functions so performed are not prohibited by any provision of law.

(12) To exercise any power common to the Signatories, provided that the same are in furtherance of the functions and objectives of this Agreement as herein set forth. Pursuant to Section 6509 of the California Government Code, the exercise of the aforesaid powers of PACE shall be subject to the restrictions upon the manner of exercising such powers by a public agency having the same status as a member of a JPA except as otherwise provided in this Agreement.

4. TERM OF THE AGREEMENT

This Agreement shall become effective on August 6, 2014. With respect to organizations that have previously executed a Joint Exercise of Powers Agreement (JPA Agreement) with PACE, this amended and restated Agreement shall expressly supersede the prior JPA Agreement. This Agreement shall continue in effect until lawfully terminated as provided herein and in the Bylaws. In the event of a reorganization of one or more of the Signatories, the successor in interest or successors in interest to the obligations of any such reorganized Signatory may be substituted as a party or as parties to this Agreement.

5. BYLAWS

(a) PACE shall be governed pursuant to bylaws ("Bylaws"), approved and adopted by the Board and by such amendments to the Bylaws as may from time to time be adopted. Upon approval by the Board, a copy of the Bylaws and all subsequent amendments thereto, shall be attached to and incorporated into this Agreement as Exhibit A. PACE shall be operated pursuant to this Agreement and the Bylaws.

(b) Procedures for amending the Bylaws shall be as provided in the Bylaws so long as not inconsistent with this Agreement. Such amendments shall be binding upon all Members of PACE ("Members"). The effective date of any Bylaw amendment will be on the first day of the next month following adoption, unless otherwise stated.

6. DESIGNATION OF PROGRAM MANAGER

It is recognized that for PACE to develop and maintain a financially sound, cost-effective Program and to grow its membership, oversight of the Program must be provided by a party that has a demonstrated record of success in dealing with insurance and self-insurance programs of public agencies and in managing JPA's established for insurance-related purposes. To that end, it is agreed that Keenan & Associates shall be the Program Manager of PACE. Any decision to remove Keenan as the Program Manager shall be carried out in the manner provided in the Bylaws.

7. MEMBERSHIP IN PACE

(a) Each Signatory must be eligible for membership in PACE as defined in the Bylaws, and shall become a Member on the effective date of this Agreement or on the date that the Signatory becomes a party to this Agreement, whichever is later. Each public agency that becomes a Member shall be entitled to the rights and privileges of membership. By signing this Agreement each Signatory agrees to be subject to and bound by all terms and conditions of this Agreement and of the Bylaws.

(b) Upon approval the Executive Committee, any self-insured or fully insured California public agency or California JPA, may become a Member by executing a copy of this Agreement

(c) Each Member shall (i) pay its own insurance premiums for programs of commercial insurance purchased through PACE, (ii) make such contributions as the Board may deem necessary for any pooled self-insurance program established by PACE, (iii) maintain the minimum self-insured retention as may be set by the Board in conjunction with any insurance or self-insurance coverage arranged, established, or provided for by PACE, (iv) perform such other acts as are reasonably required by the Board in conjunction with the Program, and (v) with respect to self-insured Members securing TPA services through PACE, agree to the terms of the TPA services agreement.

7. WITHDRAWAL FROM OR TERMINATION OF MEMBERSHIP

(a) Any Signatory which has completed two complete years as a Member may voluntarily terminate this Agreement as to itself and withdraw from membership in PACE. Such termination and withdrawal of membership shall become effective subject and according to the conditions, manner and means set forth in the Bylaws.

(b) A Member may be involuntarily terminated from PACE as provided the Bylaws. Such removal from membership shall operate to terminate the Agreement as to such party, but shall have no effect on the continued operation of this Agreement with respect to other Signatories.

8. TERMINATION OF PACE

This Agreement and the JPA may be terminated effective at the end of any fiscal year by the affirmative vote of three-fourths (3/4) of the Members of PACE; provided, however, that PACE and this Agreement shall continue to exist for the purpose of disposing of all claims, distribution of assets, and all other functions necessary to conclude the affairs of PACE.

9. DISPOSITION OF PROPERTY AND FUNDS

(a) In the event of the dissolution of PACE, the complete rescission, or other final termination of this Agreement by the Signatories then a party hereto, any property interest remaining in PACE following a discharge of all obligations shall be disposed of as provided for by the Bylaws.

(b) In the event a Signatory terminates its participation in this Agreement and membership in PACE, any property interest of that Signatory remaining in PACE following discharge of its obligations shall be disposed of as provided for by the Bylaws .

(c) The term "obligations," as referred to herein, shall include, but not be limited to, all payments required by law together with any other obligations incurred by PACE or a Signatory, as applicable, pursuant to this Agreement or the Program.

10. AMENDMENTS

This Agreement may be amended at any time in writing by agreement of by three-fourths (3/4) of the-current Signatories. Any such amendment shall be effective upon the date of final execution thereof, unless otherwise provided in the amendment.

11. SEVERABILITY

Should any portion, term, condition, or provision of this Agreement be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or be otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, and provisions shall not be affected thereby.

12. LIABILITY

(a) Pursuant to the provisions of Sections 895, et seq., of the California Government Code, the Signatories are jointly and severally liable upon any liability which is otherwise imposed by law upon any one of the Signatories or upon PACE for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement and the operation of the JPA.

If a Signatory is held liable upon any judgement for damages caused by such an act or omission and makes payments in excess of its pro rata share on such judgment, such Signatory is entitled to contribution from each of the other Signatories that were parties to the Agreement at the time of the

incident or action giving rise to the liability. A Signatory's pro rata share shall be determined in the same manner as for the disposition of property and funds as provided in the Agreement and the Bylaws.

(b) PACE may insure itself, to the extent deemed necessary or appropriate by the Board, against loss, liability, and claims arising out of or connected with this Agreement.

13. ENFORCEMENT

The Board is hereby given authority to enforce this Agreement. In the event suit is brought upon this Agreement by PACE and judgment is recovered against a Signatory, the Signatory shall pay all costs incurred by PACE, including reasonable attorney's fees as fixed by the court.

14. EXECUTION

Those public agencies who are the original Signatories to this Agreement shall be considered the founding Members of PACE. Each public agency that subsequently seeks to join PACE will be required to sign an "Agreement and Acceptance" form in substantially the same form as Exhibit B, the execution of which will cause the public agency to be deemed a Signatory of this Agreement

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their authorized officers thereunto duly authorized as set forth herein below.

SIGNATORIES:

Name of Agency: Town of Danville
Date: Sept. 4, 2014
By: *Rennie M. Furey*
Title: *PACE Board President*

Name of Agency: City of Livingston
Date: Sept. 8 2014
By: *Tom Zamboni*

Name of Agency: Del Mar Union School District

Date: 9-14-14

By: Catherine Birds

Name of Agency: Municipal Services Authority

Date: September 16, 2014

By: *RH Averett* Digitally signed by RH Averett
Date: 2014.09.16 16:42:40 -07'00'

EXHIBIT A

Bylaws of PACE

[To be attached once approved by PACE Board of Directors]

**AMENDED AND RESTATED BYLAWS
PUBLIC AGENCY COALITION ENTERPRISE
JOINT POWERS AUTHORITY**

PREAMBLE

The Public Agency Coalition Enterprise Joint Powers Authority ("PACE" or "JPA") is established for the purpose of the establishment, operation, and maintenance of a joint program for employee benefits coverage, and such other coverages and associated services as the Board may later determine, by its members ("Members"), and to provide a forum for discussion, study, development, and implementation of programs regarding employee benefits, insurance, and self-insurance. PACE shall comply with the provisions of Sections 6503.5 and 53051 of the Government Code requiring the filing of a statement with the Secretary of State.

**ARTICLE I
BOARD OF DIRECTORS**

- A. A Board of Directors ("Board") is hereby established to direct and control PACE. The number of directors shall equal the number of Members. As additional Members are added, the number of directors shall be adjusted accordingly without need to amend these bylaws.
- B. Each Member of PACE shall appoint one of its employees to serve on the Board, and shall notify PACE in writing of the appointment. The Insurance Advisory Committee described in Article VIII ("IAC") shall also appoint one of its members to serve on the Board.
- C. Each Director shall serve an indefinite term which shall end upon the occurrence of any of the following events:
1. Written notice from the appointing Member that it has appointed a replacement for the director;
 2. The director ceases to be an employee of the appointing Member, or the IAC, if service as IAC representative;
 3. The director provides written notice of resignation; or
 4. The director is involuntarily removed from office by a majority vote of the Board.
- Any vacancy on the Board shall be filled by the Member that appointed the Director leaving the vacancy.
- D. The Board shall meet at least annually and at other times as special meetings are called. The date, time, and place for each such regular meeting shall be fixed by resolution of the Board of Directors, which resolution shall be publicly posted prior to the meeting on a public bulletin board to be designated by the Board and filed with each Member. All meetings of the Board of Directors shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act, Sections 54950, et seq., of the California Government Code ("Act"), as from time to time amended, and in accordance with rules adopted by the Board, provided that such rules are not inconsistent with the Act. The Board shall cause minutes of its meetings to be kept, and shall promptly transmit to the Members true and correct copies of the minutes of such meetings.

- E. The Board, by resolution, shall designate a specific location at which it will receive notices, correspondence, and other communications, and shall designate one of its Members as an agent for the purpose of receiving service on behalf of PACE.
- F. Each Director shall have one vote and, unless otherwise provided under these Bylaws, the action of a majority of Directors at any meeting at which a quorum is present shall constitute the action of the Board. A quorum shall consist of a majority of Directors present at any regular or specially called meeting of the Board.
- G. In addition to those standing committees established by the Bylaws, the Board may appoint and dissolve working committees whose function shall be as designated by the Board. Working committees shall not have authority to act on behalf of the Board, but shall present information, offer input, and/or make suggestions and recommendations to the Board. Unless otherwise prohibited by law or these Bylaws, membership in a working committee is not restricted to Directors. Any employee of a Member may serve on a working committee, provided, however, that each working committee shall have at least one (1) member who is a Director. The President shall appoint the chair and all members of each working committee.
- H. No Director shall receive any compensation in exchange for service as a Director, provided, however, that the Directors shall be reimbursed, in accordance with policies to be adopted by the Board, for all legitimate expenses incurred in the performance of their duties.
- I. The JPA may secure insurance coverage for the Board of Directors.

**ARTICLE II
POWERS OF THE BOARD OF DIRECTORS**

- A. The Board may establish rules governing its own conduct and procedure, and have such expressed or implied authority as is not inconsistent with, or contrary to, the laws of the State of California, these Bylaws, or the Joint Powers Agreement (“JPA Agreement.”)
- B. The Board of Directors shall directly or by contract take such action and provide for services required to effectively implement all aspects of this joint program.
- C. Unless otherwise prohibited by law or these Bylaws, the Board may delegate to the Executive Committee the authority to act on Behalf of the Board on any matter that is to be brought before the Board.
- D. The Board shall designate and engage a Program Manager to oversee the day-to-day activities of the JPA.

**ARTICLE III
EXECUTIVE COMMITTEE**

- A. Once the Authority has reached seven (7) Members, the Board may, at its discretion, establish an Executive Committee. The size of the Executive Committee shall be as set by resolution of the Board. The Executive Committee shall be comprised of the PACE Officers and such other Directors as are elected by the Board. Until such time as the Executive Committee is established, the powers and duties of the Executive Committee as designated in these Bylaws shall be the responsibility of the full Board of Directors.
- B. The non-Officer members of the Executive Committee shall be elected by a majority vote of the Directors and shall serve a term ending on December 31 of odd numbered years. In the event of a vacancy on the Executive Committee, the vacancy shall be filled by the majority vote of the Executive Committee. Any individual elected to fill a vacancy shall serve for the remainder of the unexpired term.
- C. The Executive Committee may conduct regular, adjourned regular, special, and adjourned special meetings, provided, however, that it will hold at least two regular meetings each fiscal year. Such meetings may be held concurrent with PACE meetings. The date, time, and place for each such regular meeting shall be fixed by resolution of the Executive Committee, which resolution shall be publicly posted prior to the meeting on a public bulletin board to be designated by the Executive Committee and filed with each Member of PACE.

All meetings of the Executive Committee shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act (Government Code Section 54950, et seq.) ("Brown Act") of the California Government Code, as said Act may be modified by subsequent legislation, and as the same may be augmented by rules of the Executive Committee not inconsistent therewith.

- D. Except as otherwise provided or permitted by law, all meetings of the Executive Committee shall be open and public. The Executive Committee shall cause minutes of its meetings to be kept, and shall promptly transmit to the Members of PACE true and correct copies of the minutes of such meetings.
- E. Each member of the Executive Committee shall have one (1) vote and, unless otherwise provided in these bylaws, the action of a majority at any meeting at which a quorum is present shall constitute the action of the Executive Committee. A quorum shall consist of a majority of Directors present at any regular or specially called meeting of the Executive Committee.
- F. No individual shall receive any compensation in exchange for service on the Executive Committee, provided, however, that the members of the Executive Committee shall be reimbursed, in accordance with policies to be adopted by the Board, for all legitimate expenses incurred in the performance of their duties.

**ARTICLE IV
POWERS OF THE EXECUTIVE COMMITTEE**

- A. The Executive Committee may establish rules governing its own conduct and procedure, and have such expressed or implied PACE as is not inconsistent with or contrary to the laws of the State of California, these Bylaws, the Agreement, or any rule, policy, procedure, action, or directive of the Board. The Executive Committee shall have no power to overrule or invalidate any action validly taken by the Board.
- B. The Executive Committee shall have the duty to act on behalf of the Board in between the meetings of the Board, but only as described in Part C below.
- C. The powers of the Executive Committee include:
 - 1. Appoint and dissolve working committees;
 - 2. Directly or by contract provide for services required to effectively implement all aspects of this joint program;
 - 3. Review, approve and/or terminate any contract to which PACE is a party, except that the JPA's contract with the Program Manager may only be approved or terminated by the full Board;
 - 4. Approve admission of new Members;
 - 5. Approve the health benefits insurance and insurance-related programs to be offered to the Members;
 - 6. Work with the Program Manager, as appropriate, to oversee PACE's insurance programs and day-to-day operations; and
 - 7. Any other power necessary to conduct the business of PACE unless such power is specifically reserved to the Board.

**ARTICLE V
OFFICERS**

- A. The Officers of PACE shall be elected by the Board, and shall be the President, Vice President, and Secretary/Treasurer. Each officer shall serve a term ending on December 31 of even numbered years. Any person elected or appointed as an Officer may be removed at any time, with or without cause, by a majority vote of the Board. Any vacancy in an Officer position shall be filled by the Board.
- B. The President shall be the chief executive officer and shall have general supervision and direction of the business of PACE, shall see that all orders and resolutions of the Board are carried into effect, and shall have other powers and perform such other duties as may be prescribed from time to time by the Board. The President shall also be a Member of all working committees established by the Board or Executive Committee.
- C. The Vice President shall have such powers and perform such duties as may be prescribed from time to time by the Board or the President. In the absence or disability of the President, the Vice President shall be vested with all the powers and authorized to perform all the duties of the President.

- D. The Secretary/Treasurer shall have the following duties:
1. Attend all meetings of PACE and record all votes and the minutes of all meetings;
 2. Give, or cause to be given, notice of all meetings of PACE when notice is required by law or these Bylaws;
 3. Act as the chief financial officer of PACE and assume the following duties described in Sections 6505.1 and 6505.5 of the California Government Code:
 - i. Receive and receipt for all money of PACE and place it in a County Treasury and/or a commercial account as approved by PACE to the credit of PACE;
 - ii. Be responsible for the safekeeping and disbursement of all money of PACE; and
 - iii. Pay, when due, out of money of PACE, all legitimate and verifiable sums payable by PACE.
 4. Verify and report in writing on the first day of July, October, January, and April of each year, or as soon as possible thereafter, to PACE, the amount of money he holds for PACE, the amount of receipts since his last report, and the amount paid out since his last report.
 5. Act as Custodian of PACE property; and
 6. Perform such other duties as may be prescribed from time to time by law or by PACE or the President.

ARTICLE VI MEMBERSHIP

- A. Membership in PACE is open to any commercially insured or self-insured California public agency. Membership shall be deemed to be effective when the prospective Member has:
1. Been approved by the Board or Executive Committee;
 2. Has executed the Agreement; and
 3. Agreed in writing to be bound by these Bylaws.
- B. For purposes of Section A above, “public agency” means any city, state, county, or local government or an agency of city, state, county, or local government, or other public entity or any joint powers authority comprised of any of the foregoing and serving the interests of the public entities detailed in this section.

ARTICLE VII PROGRAM MANAGER

A Program Manager shall oversee the day-to-day operations and administrative functions of PACE. The Program Manager shall also act as PACE’s benefits consultant and insurance broker for the organization. Given its extensive experience as an insurance broker/consultant and in the management of pooled insurance programs and joint powers authorities, Keenan shall serve as PACE’s Program Manager. Keenan shall serve at the pleasure of the Board and may be removed as the Program Manager if such removal is authorized by unanimous consent of all Directors. The compensation of the Program Manager will be set each year by the Board. Members shall comply with any initiatives or programs implemented by the Program Manager on behalf of PACE,

including, but not limited to, the use of the BenefitBridge data platform to facilitate enrollment and the transmission of eligibility data.

ARTICLE VIII INSURANCE ADVISORY COMMITTEE

- A. There shall be created an Insurance Advisory Committee (“IAC”) whose purpose shall be to advise and consult with the Board with respect to the interests and concerns of non-management employees of the Members. Each Member shall designate up to two (2) individuals from the organization to serve on the IAC. Individuals shall serve on the IAC at the pleasure of the appointing Member and any individual so serving may be removed and replaced by the appointing Member at any time for any reason.
- B. The IAC shall appoint two (2) members of the Committee to serve as Directors of the Authority. Except as expressly described in this Article VII, any individual representing the IAC on the Board of Directors shall have the same duties, responsibilities, and conditions of tenure as each other Director.
- C. The IAC shall select one individual to serve as its Chair. The Chair shall preside over all meetings of the IAC.
- D. The IAC shall function only in an advisory capacity and shall have no authority to take any action or make any decision on behalf of the Authority.
- E. All meetings of the IAC will be called, held and conducted in compliance with the provisions of the Brown Act.
- F. The IAC members shall not receive compensation for their service on the Committee. Expenses incurred by an IAC member at the direction or request of the Board shall be eligible for reimbursement only if approved in advance.
- G. The IAC shall meet at least once annually. Additional meetings may be convened upon request of the Chair or any IAC member, or at the request or direction of the Board.

ARTICLE IX WELLNESS INITIATIVES

Each Member shall promote the health and well-being of its employees through participation in the wellness initiatives adopted by PACE. In furtherance of such initiatives, and to support a wellness program among its own employees, each Member shall:

- 1. Create a wellness leadership team representing management and labor, which meets monthly and assists with providing direction for the program design, implementation, and evaluation;
- 2. Establish an employee wellness committee to provide involvement of the workforce in program design and advocacy;

3. Conduct an audit of the wellness environment in the organization, and identify actions to be taken to support a culture of wellness;
4. Conduct an assessment of employee wellness needs, interests, and challenges;
5. Develop a multi-year wellness program blueprint – including mission, goals, and objectives – to provide an action plan for implementing and evaluating the program, and for sustaining the program to achieve a positive return on investment;
6. Create a wellness program branding;
7. Develop a strategy for engaging employees in the program, including an incentives program plan; and
8. Identify metrics for monitoring and evaluating the program’s progress and outcomes.

ARTICLE X FINANCE

- A. PACE shall operate on a fiscal year from January 1st through December 31st.
- B. No less than 120 days before the end of the fiscal year, the Executive Committee shall adopt an operating budget (“Operating Budget”) for the following fiscal year. A copy of the Operating Budget shall be transmitted to each of the Members.
- C. As necessary, an Operating Account shall be established and maintained by the Program Manager for any the monies that may be received by PACE. Funds from the Operating Account shall be used for the payment of the operating expenses of PACE.
- D. Each Member shall be responsible for the payment of its own insurance premiums.
- E. Each Member shall be responsible for a pro rata share of the fees of the Program Manager and such other expenses as may be authorized by the Board. The amount of each Member’s share shall be calculated on a per employee per month basis.

ARTICLE XI INSURANCE COVERAGE AND OTHER SERVICES

- A. The Program Manager shall, upon Board recommendation, solicit and obtain quotes from insurance carriers for presentation to the Board.
- B. The Board shall determine the carrier(s) and insurance options that will be made available to the Members.
- C. Coverage shall renew as of the first day of each fiscal year.

- D. Each commercially insured Member must purchase its benefits insurance coverage through the JPA, unless the selected carrier(s) refuses to offer a quote for such Member, in which case the Member may either elect to continue as a self-insured Member or be terminated from membership in PACE, pursuant to Article XII.
- E. Each member may select from the available commercial insurance coverage options in accordance with the guidelines set up by carrier(s) and/or the JPA. Once its options have been selected, a Member may not change its selected options for a period of 3 years, provided, however, that under extenuating circumstances a Member may request that this requirement be waived. Any Member requesting a waiver must present its request in writing to the Executive Committee explaining the circumstances and the reasons why the waiver should be granted. The Executive Committee shall have the sole authority to determine, in its absolute discretion, whether or not to grant the waiver. The decision of the Executive Committee shall be final.
- F. Each commercially insured Member will be responsible for the timely payment of its insurance premiums. Failure to pay premiums when due is grounds for termination of membership in the JPA.
- G. PACE will make available the third party administration (TPA) services to its self-insured Members. Self-insured TPA services will be provided by the PACE Program Manager. Members will be expected to utilize the services of TPA PACE's Program Manager unless an exception is granted in writing by the Board.
- H. Self-insured Members securing TPA services through PACE will have access to the pricing negotiated by the TPA and the applicable network.
- I. Self-insured Members will be required to accept the terms and conditions of the TPA service agreement entered into by PACE and the Program Manager.
- J. Each self-insured Member will be fully and solely responsible for the payment of its claims and will be responsible for funding a claims payment account for use by the TPA.
- K. Self-insured Members will be billed directly by the TPA for the TPA services and will be solely responsible for payment of the TPA fees.

ARTICLE XII ACCOUNTS AND RECORDS

- A. The Secretary/Treasurer is the designated depository of PACE funds in compliance with California Government Code 6505.5 and 6505.6.
- B. PACE is strictly accountable for all funds received and dispersed by it and, to that end, PACE shall establish and maintain such funds and accounts as may be required by good accounting practice or by any provision of law or any resolution of PACE. Books and records of PACE in the hands of the Secretary/Treasurer shall be open to inspection at all reasonable times by representatives of the Members. As soon as practical after the close of

each fiscal year, PACE shall give, or cause to be given, a complete written report of all financial activities for such fiscal year to each Member.

- C. The Board of Directors shall make, or contract with a Certified Public Accountant to make, an annual audit of the accounts, records, and financial affairs of PACE. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the California Government Code and shall conform to generally accepted auditing standards and accounting principles. When such an audit of accounts and reports is made by a Certified Public Accountant, a report thereof shall be filed as a public record with each of the Members of PACE.

ARTICLE XIII TERMINATION OF MEMBERSHIP

- A. Any Member who has been a member of PACE for at least two (2) years may terminate its membership and its participation in the Joint Powers Agreement by providing notice in the manner prescribed in Section B below. Termination will be effective as of the last day of the then-current fiscal year.
- B. Notice must be given at least 60 days before the end of the fiscal year. Notice must be in writing signed by the chief executive of the Member and submitted with a copy of a resolution of the Member's Board of Trustees authorizing the termination. If a Member submits notice of an intent to terminate, but subsequently decides to remain in PACE, the Member shall not be permitted to submit another termination notice for two years. The Board has the right to impose a termination fee upon any Member who fails to provide notice in the manner required by these Bylaws.
- C. Any Member withdrawing from PACE shall not be eligible to reapply for membership for a period of three (3) years.
- D. The terminating Member will not be eligible to renew any insurance coverage obtained through PACE at the rates available to PACE Members
- E. A Member may be involuntarily terminated from PACE upon a two-thirds (2/3) majority vote of the Executive Committee at any meeting at which a quorum is present.
- F. Grounds for involuntary termination include, but are not limited to, the following:
1. Failure or refusal to abide by the Agreement or Bylaw, and/or any amendment thereto;
 2. Any action which in the opinion of the Board is contrary to best the interests, goals and/or objectives of PACE and its Members.
 3. Failure of a Member to disclose a material fact to PACE or its Program Manager which, in the opinion of the Board, constitutes fraud, misrepresentation or concealment for the purposes of obtaining coverage with PACE.
 4. Failure to qualify for any insurance coverage offered through PACE, if not continuing as a self-insured Member securing TPA services through PACE;
 5. Failure for more than 60 days to pay any of its share of the Program Manager's fees;

6. The cancellation of insurance obtained through PACE for non-payment of premiums, or
7. Failure for more than 60 days to make any payment due for TPA services secured through PACE.

Involuntary termination shall have the effect of eliminating the Member as a signatory to the Agreement and as a Member of PACE. Termination shall be effective upon such other date as the Board may specify, but in no case less than thirty (30) days after notice of involuntary termination is given. In the event that termination occurs before the last day of the fiscal year, any insurance obtained by the terminated Member through PACE shall continue until the first day of the month following the termination date.

ARTICLE XIV DISPOSITION OF PROPERTY AND FUNDS

In the event of the dissolution of PACE, the complete rescission, or other final termination of Joint Powers Agreement by all Members then a party to the Agreement, any property interest remaining in PACE following a discharge of all obligations shall be disposed of pursuant to a plan adopted by the Board of Directors with the objective of returning to each Member a pro rata share of the remaining interest. The pro rata share shall be determined by the length of time each entity has been a Member.

ARTICLE XV INVESTMENT OF FUNDS

- A. PACE shall have the power to invest or cause to be invested, in compliance with Section 6509.5 of the California Government Code, such funds as are not necessary for the immediate operation of PACE as allowed by Section 53601 of the California Government Code.
- B. The level of cash to be retained for the actual operation of PACE shall be determined by the Board.

ARTICLE XVI AMENDMENT

- A. Amendment to these Bylaws may be proposed by any Member of the Board.
- B. Except as otherwise provided in these Bylaws, amendments to these Bylaws must be adopted by a two-thirds (2/3) vote of all Directors. Any amendments duly adopted by the Board shall be binding upon all Members of PACE. Any amendment that would alter the rights of the Members or would fundamentally change the purpose of the JPA as established in the Preamble to these Bylaws, must be approved by the unanimous consent of all Directors. The effective date of any amendment will be on the first day of the next month following adoption, unless otherwise stated.

**ARTICLE XVII
SEVERABILITY**

Should any portion, term, condition, or provision of these Bylaws be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or be otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, and provisions shall not be affected thereby.

**ARTICLE XVIII
EFFECTIVE DATE**

These Bylaws shall become effective immediately upon their adoption by the Board.

Approved: August 16, 2016

EXHIBIT B

**AGREEMENT AND ACCEPTANCE OF
AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT**

WHEREAS, the undersigned public agency (“Agency”) seeks to become a member of the Public Agency Coalition Enterprise (“PACE”);

WHEREAS, the Board of Directors has approved the undersigned’s application for membership in PACE,

NOW ,THEREFORE, in consideration of being granted membership in PACE, the Agency hereby accepts and agrees that, as of the Effective Date noted below, it shall be bound by all terms and conditions of the Amended and Restated Joint Exercise of Powers Agreement attached hereto, as if the Agency had been an original signatory thereto.

BY: _____

Name: _____

Title: _____

Date: _____

**RESOLUTIONS ESTABLISHING A PROCEDURE FOR INDUSTRIAL DISABILITY RETIREMENT
DETERMINATIONS AND DELEGATION OF AUTHORITY**

RECOMMENDATION:

1. Adopt Resolution No. 2016- , a resolution of the City Council of the City of Newman establishing a procedure for industrial disability retirement determinations of local safety officer employees of the Public Employees' Retirement System.
2. Adopt Resolution No. 2016 - , a resolution of the City Council of the City of Newman delegating authority to determine City employees' disability under Public Employees' Retirement Law.

BACKGROUND:

When a full-time employee of the City of Newman files for retirement under a disability, CalPERS requires the above two resolutions to be adopted by the City Council. These resolutions establish both a procedure for determining if a disability exists and delegates authority to the Mayor's office to review the documents related to the claim of disability and make a determination based on the information available.

ANALYSIS:

The first resolution above adopts the procedures under which we operate when an employee has filed for a disability retirement. This only needs to be adopted one time and not each time an employee files for disability retirement. Those procedures basically state that whatever the City Council determines after reviewing the evidence it will report those findings to CalPERS. It also provides procedures on how to proceed should there be a difference of opinion on the results between the City and the employee.

The second resolution delegates authority to the currently seated Mayor to determine whether an employee is disabled under Public Employee Retirement Law. The Mayor will then listen and review all records to make their determination of whether the employee is disabled under the Public Employees' Retirement Law and will then report back to the City Council, under resolution, his/her findings. Then City Council will adopt a resolution separate from the above two stating that they are in accordance.

FISCAL IMPACT:

There is no fiscal impact associated with adopting one or both resolutions.

CONCLUSION:

Staff recommends that the City Council adopt both resolutions.

ATTACHMENTS:

1. Resolution No. 2016- , a resolution establishing a procedure for industrial disability retirement determinations of local safety officer employees of the Public Employees' Retirement System
2. Resolution No. 2016 - , a resolution delegating authority to determine City employees' disability under Public Employees' Retirement Law

Respectfully submitted,



Lewis A. Humphries
Finance Director

REVIEWED/CONCUR



Michael Holland
City Manager

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN ESTABLISHING A
PROCEDURE FOR INDUSTRIAL DISABILITY RETIREMENT DETERMINATIONS OF
LOCAL SAFETY OFFICER EMPLOYEES OF THE PUBLIC EMPLOYEES' RETIREMENT
SYSTEM**

BE IT HEREBY RESOLVED by the City Council of the City of Newman that following the filing of an application for industrial disability retirement by a local Safety Officer under the California Public Employees' Retirement System the following procedures shall be employed:

1. An initial determination will be made by the City upon medical and other available evidence offered by either the applicant or the City to determine whether the applicant is incapacitated from the performance of duty. The determination shall be made within six months of the date of the receipt by the City from CalPERS unless this time requirement is waived in writing by the applicant. Said determination shall be made by (employer or other person such as risk manager, personnel director, etc.) designated by the (City Manager, City Council, Mayor, etc.).
 - a. If it is determined by the city that the applicant is incapacitated, and the incapacity is industrial, the city manager (or appropriate authority) will so certify to CalPERS.
 - b. If it is determined that the applicant is incapacitated but that the cause of incapacity is nonindustrial, the city manager (or appropriate authority) will so certify to CalPERS.
 - c. If it is determined that the applicant is incapacitated, but the applicant contends that the cause of disability is industrial, the applicant may petition the Workers' Compensation Appeals Board (WCAB) for a Finding of Fact determining causation. If the WCAB determines the cause of incapacity to be industrial, or nonindustrial, the City will so certify to CalPERS.
 - d. If the city determines that the applicant is not incapacitated from the performance of duty, it shall notify the applicant and CalPERS of this determination. The city shall notify the applicant by certified mail (return receipt requested) or by personal service of his/her right to appeal their decision and request a hearing within thirty calendar days of the notice.
2. If the applicant requests a hearing, the hearing shall be held in conformity with the Administrative Procedures Act. When an applicant requests a hearing, the city will notify CalPERS. The city will also notify the Office of Administrative Hearings and will request a hearing date and a prehearing conference with an Administrative Law Judge. The applicant will be informed that the hearing will be held at the time and place designated by the Office of Administrative Hearings which shall set a hearing date and prehearing conference.

The hearing shall be conducted before the (city manager, city council, personnel board, other designated fact finder, etc. as designated by ordinance) with the Administrative Law Judge acting as the presiding officer.

An administrative record shall be generated at the hearing pursuant to the Administrative Procedures Act. All testimony shall be recorded by a Certified Shorthand Reporter.

Following the hearing a decision and findings of fact will be made by (same as above, i.e., city manager, city council, personnel board, other designated fact finder, etc.). The decision and findings will be served on the applicant by certified mail and CalPERS will be notified.

OR

The hearing shall be conducted before the Administrative Law Judge alone.

An Administrative record shall be generated at the hearing pursuant to the Administrative Procedures Act. All testimony shall be recorded by a Certified Shorthand Reporter.

Following the hearing the Administrative Law Judge (ALJ) prepares a Proposed Decision. The decision will include a determination of issues, findings and summary of facts. The Proposed Decision will be reviewed by (same as above, i.e. city manager, city council, personnel board, other designated fact finder, etc.). The decision will be adopted by the city as its decision; or the city will reject the decision and make its own decision without hearing additional evidence; or the city will reject the ALJ decision based on additional evidence (additional hearing with ALJ to hear evidence). The decision and findings will be served on the applicant by certified mail and CalPERS will be notified. If applicant is found to be incapacitated the city shall so certify to CalPERS. If applicant is found not to be incapacitated the applicant will be further advised that he or she has thirty calendar days to see judicial review. Such review is by means of filing a Petition for Writ of Mandate, CalPERS will be notified.

If applicant is found to be incapacitated the city shall so certify to CalPERS. If applicant is found not to be incapacitated the applicant will be further advised that he or she has thirty calendar days to seek judicial review. Such review is by means of filing a Petition for Writ of Mandate in the Superior Court of Stanislaus County.

Upon receipt of notice that applicant has filed a Petition for Writ of Mandate in the Superior Court of Stanislaus County, or upon expiration of thirty calendar days where applicant has not filed a Petition of Writ of Mandate, CalPERS will be notified.

Upon receipt of Writ of Mandate in the Superior Court of Stanislaus County CalPERS will be notified.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 25th day of October, 2016 by _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Bob Martina, Mayor

ATTEST:

Mike Maier, City Clerk

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN DELEGATING
AUTHORITY TO DETERMINE CITY EMPLOYEES' DISABILITY UNDER PUBLIC
EMPLOYEES' RETIREMENT LAW**

WHEREAS, the City of Newman is a contracting agency of the California Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, the City of Newman has determined upon legal advice that it may delegate authority under Government Code Section 21173 to make such determinations to the incumbent of the office/position of Mayor;

NOW, THEREFORE, BE IT RESOLVED that the City of Newman delegates and it does hereby delegate to the incumbent of the office/position of Mayor authority to make applications on behalf of the Agency pursuant to Government Code Section 21152 (c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability;

BE IT FURTHER RESOLVED that the City of Newman delegates and it does hereby delegate to the incumbent of the office/position of Mayor authority to make determinations of disability as industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 25th day of October, 2016 by _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Bob Martina, Mayor

ATTEST:

Mike Maier, City Clerk

Honorable Mayor and Members
of the Newman City Council

**REPORT ON ORDINANCE AMENDING TITLE 7 FIRE REGULATIONS OF THE NEWMAN CITY CODE
AND INCORPORATING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9, 2016 EDITION
OF THE CALIFORNIA FIRE CODE**

RECOMMENDATION:

1. Conduct Public Hearing
2. Conduct Second Reading Of Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code And Incorporating The California Code Of Regulations Title 24, Part 9, 2016 Edition Of The California Fire Code
3. Adopt Ordinance and authorize staff to publish a summary of said ordinance

BACKGROUND:

Title 7 of The Newman City Code (NCC), Fire Regulations, was last updated during the release of the 2007 edition of the California Fire Code (CFC). During that time, the regulations primarily amended the NCC to reflect necessary fire code changes. Since the CFC is on three (3) year revision cycles and has not been updated since 2007, Title 7 of the NCC (Fire Regulations) is outdated. On October 11, 2016, the City Council was presented with and subsequently held the first reading and introduction of this Ordinance.

ANALYSIS:

During staff's review of the current NCC Fire Regulations (i.e. Title 7), it was found that many references are out of date or missing, language is hard to follow, and some references are not necessary. As a result of said review and the 2016 Edition Of The California Fire Code, the following amendments are proposed:

- Chapter 07.01.010-Members-Appointments: The fire department organization was updated to include current and industry standardized positions.
- Chapter 07.01.020-Oath of Officer: Language was amended to remove gender specific orientations.
- Chapter 07.01.030-Fire Chief-Powers and Duties: Language was amended to meet current practices established for the fire department.
- Chapter 07.01.040-Obedience to Orders: Language was amended to represent current fire department structure.
- Chapter 07.01.050-Compensation of Department Members: Language was amended to remove gender specific orientations.
- Chapter 07.01.060-Badge of Officer: Language was amended to represent current positions and titles. Added language to allow long time members to purchase badge under discretion of City Manager.
- Chapter 07.01.070-Powers and Duties of Department: Language was amended to represent current department titles and positions. This language includes authority of powers for the ability of Fire Chief to arrest and carry a firearm. Language was amended to remove gender specific orientations.
- Chapter 07.01.080-Violations, Penalty: Language was amended to include infraction and administrative penalty.
- Chapter 07.02.020-Use of Water During Fire: Language was amended to represent current legal limits and penalties.
- Chapter 07.02.030-Codition of Premises, Fire Hazards: Language was amended to represent current fire department positions and titles.
- Chapter 07.03-Storage Regulations: Renamed title to better represent the contents of the chapter.
- Chapter 07.03.020-Storage Quantities Enumerated: Language was added to require approved or listed closed metal cans or tanks. Language was amended to also represent current fire department titles and positions.
- Chapter 07.03.030-Storage Tank Regulations: Language was amended to represent current fire department titles and positions.
- Chapter 07.03.040-Permit Required-Fee: Language was amended to represent current fire department titles and positions.
- Chapter 07.03.060-Enforcement: Language was amended to represent current fire department titles and positions.
- Chapter 07.03.070-Zoning: Chapter was added; moving language from chapter 07.05.030 of the 2007 NCC fire code.

Agenda Item: 9.a.

- Chapter 07.04-Fire Zones: Removed from NCC due to the requirement of fire zones becoming obsolete.
- Chapter 07.05-Fire Code: Re-numbered as Chapter 07.04-Fire Code. Replacing the chapter on Fire Zones.
- Chapter 07.05.010-Adoption: Re-numbered as Chapter 07.04.010-Adoption. Language was amended to represent current fire code adoption including appendices.
- Chapter 07.05.020-Deletions: Re-numbered as Chapter 07.04.020-Deletions. Language was amended to represent current fire code adoption.
- Chapter 07.05.030-Amendments: Re-numbered as Chapter 07.04.030-Amendments. Language was amended to represent current fire code adoption and regulations with considerations for local climatic, topographical or geological conditions. Updated references to CFC sections and standards established throughout the county. Removed language for R Occupancy as the CFC requires fire sprinklers in residential occupancies. Removed language established for existing buildings and structures and adopted CFC-Chapter 11-Construction Requirements for Existing Buildings. Language was amended to represent current City zoning references. Amended Table and Figure to represent CFC requirements.
- Chapter 07.05.040-Violations: Removed from NCC, language is similar and appears in a different chapter; removed to reduce redundancy.

FISCAL IMPACT:

There is no fiscal impact to the City of Newman. However, via adoption of the proposed Ordinance, violations, permits, fees, and penalties for Code requirements will be established.

CONCLUSION:

The California Fire Code is on a three-year revision cycle and the City of Newman has local conditions that require adopting, amending, and deleting sections of the California Fire Code. It is in the best interest of the City to amend the current City Code to update the fire regulations established throughout. Staff has reviewed the California Fire Code to make necessary amendments and revisions to the Newman City Code. It is the recommendation of staff that the Newman City Council hold the Public Hearing, Conduct the Second Reading, adopt the proposed Ordinance and authorize staff to publish a summary of said ordinance.

ATTACHMENTS:

1. Attachment A – Ordinance No. 2016-

Respectfully submitted,



Keith Bowen
Fire Chief

REVIEWED/CONCUR



Michael Holland
City Manager

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING TITLE 7 FIRE REGULATIONS OF THE NEWMAN CITY CODE AND INCORPORATING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9, 2016 EDITION OF THE CALIFORNIA FIRE CODE

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

Section 1.

That Title 7 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 Title 7 shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on October 11, 2016.

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 11th day of October, 2016 by Council Member Graham, and adopted at a regular meeting of said City Council held on the 25th day of October, 2016 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk

ATTACHMENT "A"

**Title 7
FIRE REGULATIONS**

Chapters:

- 7.01 Fire Department**
- 7.02 Fire Regulations**
- 7.03 Explosives Storage Regulations**
- ~~**7.04 Fire Zones**~~
- 7.054 Fire Code**

**Chapter 7.01
FIRE DEPARTMENT**

Sections:

- 7.01.010 Members – Appointments.
- 7.01.020 Oath of office.
- 7.01.030 Fire Chief – Powers and duties.
- 7.01.040 Obedience to orders.
- 7.01.050 Compensation of Department members.
- 7.01.060 Badge of officer.
- 7.01.070 Powers and duties of Department.
- 7.01.080 Violation, penalty.

7.01.010 Members – Appointments.

The Fire Department of the City shall consist of a Fire-Division Chief (*Fire Chief*), ~~a First and Second Assistant Fire Chief, and active firemen~~, and staffing as necessary to perform the duties as assigned; the department will maintain a ratio of firefighter to officers, which will be no more than 5:1; the recognized positions of the fire department shall consist of Fire Chief, Battalion Chief, Captain, Engineer, Firefighter; all of whom shall be appointed by the City Manager or Department Head, if designated, pursuant to the provisions of Chapter 1.06 NCC. (Ord. 2008-1, 2-12-2008; Ord. 77-10, 4-12-1977)

7.01.020 Oath of office.

The Fire Chief, ~~his assistants and all firemen~~, *fire officers, and firefighters* before entering upon the duties of their offices, shall take an oath or affirmation to well and truly perform the duties of the same. (Ord. 2008-1, 2-12-2008; Ord. 151, 11-13-1945)

7.01.030 Fire Chief – Powers and duties.

A. The powers and duties of the Fire Chief shall be as follows:

~~A 1.~~ In all cases of fire ~~the Fire Chief or designee~~ shall have control of all the members of the Fire Department and of all engines and apparatus belonging thereto or connected with the same, and he ~~or she~~ shall adopt such measures as ~~he shall~~ deem necessary for the effectual extinguishment of fires and for the prevention of their spreading.

~~B 2.~~ ~~He~~ *The Fire Chief* shall have the general charge of all the property of the City connected with the Fire Department and shall preserve and keep the same in complete repair and in the best order for immediate use.

~~C 3.~~ ~~He~~ *The Fire Chief* shall submit to the City Manager ~~at the end of each quarter, i.e., on or before the first meeting of the City Council following the close of each calendar quarter, as required, a full-~~

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~~and complete report of the activities of the Fire Department during the quarter. a complete report of the fire departments activities. Said report shall indicate the number, location, and condition of the hydrants; the condition of the fire apparatus and all property of the City in keeping of the Fire Department; and of all fires and with their cause of origin, thereof, if known; and the number and a description of the buildings destroyed, or injured damaged, and the estimated loss of the same; and the names of the firemen firefighters reporting to each fire and/or regularly called drills; and such other information as the City Manager may deem proper. or which the City Manager shall from time to time direct him to include in such report.~~

~~D 4. He~~ *The Fire Chief or delegate shall perform such other duties pertaining to his the office as may from time to time be prescribed by the City Manager.*

~~E 5. Whenever the Fire Chief shall be absent from the City or unable to attend to his the assigned duties, the First Assistant a qualified designee as assigned by the Fire Chief shall perform the duties of the Chief office. and in case of his absence, the Second Assistant shall perform said duties.~~ (Ord. 2008-1, 2-12-2008; Ord. 77-10, 4-12-1977)

7.01.040 Obedience to orders.

It shall be unlawful for any member of the Fire Department to disobey any order or direction given by the Fire Chief or ~~either of the Assistant Chiefs~~ *their designee* at a drill, alarm of fire, or while on duty; ~~and they~~ *Such a member* may be dismissed by the Fire Chief from the Department for infraction of any duty or the rules thereof. (Ord. 2008-1, 2-12-2008; Ord. 151, 11-13-1945)

7.01.050 Compensation of Department members.

The compensation of members of the Fire Department, with the exception of the Fire Chief, shall be an amount recommended by the Fire Chief and approved by the City Council at the time the budget for each fiscal year is approved by the City Council. The Fire Chief shall report to the City Council, at its last meeting in June each year, the amount of compensation due each member of the Department for that particular year, and thereupon warrants shall be drawn for the said amounts in favor of the Secretary of the said Department, who shall immediately distribute to each member the compensation due ~~him~~ *them*. (Ord. 2008-1, 2-12-2008)

7.01.060 Badge of officer.

The City shall supply to the Fire Chief, ~~First Assistant Fire Chief, Second Assistant Fire Chief, Battalion Chiefs, Captains, Engineers, and each fireman~~ *firefighters*, upon assuming ~~his~~ *their* office, a suitable badge, indicative of ~~his~~ *their* membership and rank. Such badges shall remain the property of the City and shall be returned to the City upon ~~the member's retirement or~~ separation from the Department. *The City Manager or designee may consider allowing members that have met predetermined criteria, as set by department policy, to purchase their badge.* (Ord. 2008-1, 2-12-2008; Ord. 77-10, 4-12-1977)

7.01.070 Powers and duties of Department.

A. Engage Aid of Residents. The Fire Chief or any ~~Assistant Chief~~ *Fire Officer*, or the Chief of Police, in case of fire, may command the service of any or all residents of the City to assist in extinguishing the

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same, and it shall be unlawful for any person to refuse to render reasonable assistance in extinguishing a fire when directed to do so by the Fire Chief, ~~an Assistant Chief~~ *Fire Officer*, or Chief of Police.

B. *Police Powers. Pursuant to the provisions of California Penal Code 836.5, the Fire Chief and Fire Officers are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence, which is a violation of NCC or a violation of any other ordinance or statute, which he or she has a duty to enforce. Every fireman firefighter, during the time of any fire, shall have the powers of a policeman police officer, and may, with or without complaint, arrest any disorderly person or any person attempting to steal any property. (Ord. 2008-1, 2-12-2008; Ord. 151, 11-13-1945)*

C. *Authority to carry firearms. Pursuant to the provisions of California Penal Code 830.37, the Fire Chief and such employees as he or she may designate, in writing with consultation from the Police Chief, are authorized to carry weapons when acting in the course and scope of their employment.*

7.01.080 Violation, penalty.

Any person who violates any of the provisions of this ~~chapter~~ *title* shall be deemed guilty of a misdemeanor¹, *infraction, or administrative penalty in the determination of the City Attorney.* (Ord. 2008-1, 2-12-2008; Ord. 77-5, 2-22-1977; Ord. 151, 11-13-1945)

¹ See NCC 1.04.010.

Chapter 7.02 FIRE REGULATIONS

Sections:

- 7.02.010 Storage of combustible materials.
- 7.02.020 Use of water during fire.
- 7.02.030 Condition of premises, fire hazards.

7.02.010 Storage of combustible materials.

It shall be unlawful for any person to place, keep or maintain any stack of unbaled hay or straw or any pile or stack of other inflammable materials without being enclosed in a proper house or barn, within the fire limits of the City as set out under the Building Code of the City¹. (Ord. 2008-1, 2-12-2008; Ord. 270, 1-21-1973; Ord. 69, 8-10-1915)

7.02.020 Use of water during fire.

A. No person shall use or draw water from the mains or pipes of the City waterworks from the time an alarm of fire is given until the fire is extinguished, except for the purpose of extinguishing said fire, or for necessary household purposes. Nor shall any person drive or haul, or cause to be driven or hauled, any automobile, wagon or other vehicle or thing, over or upon any fire hose in use at any fire, or ride, drive or cause any horse or other animal or thing to be ridden or driven or moved over or upon said hose.

B. Any person ~~who violating~~ violates any provision of this section shall be deemed guilty of a ~~misdemeanor~~ *infraction, and shall be punished by a fine not to exceed \$500.00; unless punishable as a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$25.00 \$1000.00,*

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or by imprisonment in the ~~City County~~ jail not exceeding ~~25 days~~ *six (6) months*, or by both such fine and imprisonment. (Ord. 2008-1, 2-12-2008; Ord. 70, 9-28-1915)

7.02.030 Condition of premises, fire hazards.

As a protection against fire, all yards or vacant land on any premises in the City must be kept clean of all trash, rubbish, paper, paper boxes, excelsior or other highly inflammable materials of like character. All of said materials must be either promptly destroyed or removed at once; provided, however, that such a quantity of said materials as can be enclosed in a box or other receptacle and properly covered to the satisfaction of the ~~Chief Engineer~~ *authorized city fire official*, may remain on any premises for such time as the ~~Chief Engineer~~ *authorized city fire official* may permit. (Ord. 2008-1, 2-12-2008; Ord. 50, 11-29-1910)

¹ See NCC 4.01.010.

Chapter 7.03
EXPLOSIVES STORAGE REGULATIONS

Sections:

- 7.03.010 Liquids prohibited by storage temperatures.
- 7.03.020 Storage quantities enumerated.
- 7.03.030 Storage tank regulations.
- 7.03.040 Permit required – Fees.
- 7.03.050 Certain substances prohibited.
- 7.03.060 Enforcement.

7.03.010 Liquids prohibited by storage temperatures.

It shall be unlawful for any person or the agent or manager thereof to keep or store, or permit the keeping or storing, within the City limits any gasoline, benzine, naphtha or distillate, without regard to the degree of heat Fahrenheit or other test at which it will flash or emit an inflammable vapor, or any other product of petroleum or hydrocarbon liquid which will so flash or emit an inflammable vapor at a temperature lower than 110 degrees Fahrenheit, in any building or in any manner, except as hereinafter provided. (Ord. 2008-1, 2-12-2008)

7.03.020 Storage quantities enumerated.

A.4. ~~A~~ *The* quantity not exceeding one gallon of any of the liquids or articles mentioned in NCC 7.03.010 may be kept or stored inside the walls of any building in the City; provided, the same be kept or stored in closed cans, bottles or other vessels; provided, however, that this subsection shall not apply to public or private garages or to engine rooms where the aforesaid articles or liquids are kept or stored in the tanks of automobiles or gas engines; and provided further, that this subsection shall not apply to merchants dealing in said articles or liquids where the same are kept or stored in metal cans or tanks, as hereinafter provided.

1. Retail automobile filling stations, which term shall also include public garages selling gasoline at retail, shall be permitted to have maximum storage facilities for gasoline of 10,000 gallons, at any one location, providing the storage facilities shall comply with the requirements of subsection (A)(3) of this section, and that no single storage tank on said premises shall have a maximum storage capacity of over 6,000 gallons.

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2. In addition to the quantity of the articles or liquids mentioned in NCC 7.03.010, no more than five gallons of any such articles or liquids mentioned in said section shall be kept or stored on any one premises in the City, except as hereinafter provided, and the said additional five gallons or less must be kept or stored in *approved or listed* closed metal cans or tanks, outside the walls of any building.

3. Any of the articles or liquids mentioned in NCC 7.03.010 may be kept or stored in bulk in quantities of not more than 12,000 gallons on any one premises in addition to the quantity thereof mentioned in subsections (A)(1) and (2) of this section, if the same be kept or stored in tanks installed pursuant to rules and regulations as found in the California Fire Code and any Federal, State, County or Municipal Code, ordinance, law or regulation pertaining to storage of such substances.

4. In addition to the quantity of the article or liquid mentioned in NCC 7.03.010, hereinbefore permitted to be kept or stored within the walls of any building by the provisions of subsection (A)(2) of this section, merchants dealing in such articles or liquids may keep or store a quantity thereof, not exceeding 100 gallons, if the same be kept or stored in the original package, to be only disposed of in unbroken packages, said original packages to be kept or stored within the walls of a warehouse, hereinafter in subsection (B) of this section described and provided for, for the keeping or storing of ordinary commercial coal oil or kerosene.

B. The article or liquid known and described ordinarily in commerce as coal oil or kerosene may be kept or stored in metal tanks or in metal cans, properly closed, in quantities of not to exceed 500 gallons, on any one premises in the City, provided the same shall be kept or stored in a warehouse, which shall be properly closed and ventilated, and constructed of brick, stone, concrete or a combination of these materials, or, if the said warehouse is erected at least 30 feet from any other structure, it may be built of corrugated iron; in warehouses constructed of corrugated iron the floor shall be either earth or cement concrete. Said warehouse, of whatever material constructed, shall be provided with doors either of iron or wood covered with iron, and the roof shall be composed of some fire-resisting substance, and the said building shall in every respect be as nearly fireproof as possible, and be constructed to the satisfaction of the ~~Chief Engineer~~ *Fire Chief*, hereinafter mentioned.

~~C.1.~~ In that portion of the City lying west of the west line of N Street or its extension, no more than 15,000 gallons of the article or liquid commonly known as fuel oil shall be kept or stored on any one premises, and the same shall be kept or stored in tanks sunk in the ground, which shall be properly covered and vented so as to prevent ignition of the contents, to the satisfaction of the ~~Chief Engineer~~ *Fire Chief* of the Fire Department.

1. After the effective date of the ordinance codified in this chapter, no new tanks for the aforementioned purposes shall be constructed in that portion of the City abovementioned, except on the written permission of the City Council first had and obtained, which permission shall be signed by the Mayor and countersigned by the City Clerk and the ~~Chief Engineer~~ *Fire Chief*.

2. The article or liquid mentioned in the preceding subsection may be kept or stored in quantities of not more than 50,000 gallons on any one premises in that portion of the City which lies east of the east line of N Street or its extension, but the same must be so kept or stored in tanks sunk in the

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ground, which tanks must be constructed and maintained in a safe condition and to the satisfaction of the ~~Chief Engineer~~ *Fire Chief*. And after the effective date of the ordinance codified in this chapter no new tanks for the aforementioned purpose shall be constructed in that portion of the City, in this subsection mentioned, except on the written permission of the City Council first had and obtained, which permission shall be signed and countersigned as in the preceding subsection provided.

3. When such article of liquid commonly known as fuel oil is used as a fuel in stoves, furnaces or ovens in the City, the same shall be kept or stored and used from a tank not exceeding 200 gallons in capacity. Said tank shall not be placed nearer than 10 feet to any building or structure or any part thereof. The feed pipe from said tank to the burner shall not exceed one-fourth inch in diameter inside, and shall be fitted with an automatic control or shut-off at the burner, and a shut-off at or near the tank. Said tank may be installed either above or below ground in tanks installed pursuant to rules and regulations as found in the California Fire Code and any Federal, State, County or Municipal Code, ordinance, law or regulation pertaining to storage of such substances; providing, however, that no such fuel oil may be kept, stored or used for fuel as herein provided, until after the system, plant, device or apparatus has been inspected by the Fire Chief of the City, and a permit issued therefore by said Fire Chief. (Ord. 2008-1, 2-12-2008; Ord. 87-8, 7-14-1987; Ord. 156, 11-12-1946; Ord. 50, 11-29-1910)

7.03.030 Storage tank regulations.

The storage tank, herein provided for, shall not be covered with earth until the same and its connections have been inspected by the ~~Chief Engineer~~ *Fire Chief*, who shall have the authority to condemn all work under this chapter, including the warehouse provided for herein, from whose order of condemnation the person aggrieved may appeal to the City Council, whose decision shall be final. (Ord. 2008-1, 2-12-2008)

7.03.040 Permit required – Fees.

Upon the completion and inspection of work hereunder, the ~~Chief Engineer~~ *Fire Chief* shall issue a permit allowing the maintenance of the tank or other thing requiring his permission and sign the same and deliver it to the Chief of Police, who shall countersign the said permit and deliver the same to the person for whom it is intended, collecting the sum of \$1.00 as a fee for the same, which shall be paid to the City Treasurer as other moneys of the City are paid ~~by the Chief of Police~~. Upon the delivery of said permit, and not before, the permittee shall be authorized to do or maintain the thing named in said permit. (~~Ord. 2008-1, 2-12-2008~~) (Ord. 2008-1, 2-12-2008, Ord. 87-8, 7-14-1987; Ord. 156, 11-12-1946; Ord. 50, 11-29-1910)

7.03.050 Certain substances prohibited.

No person or agent thereof shall keep, store or maintain dynamite, nitroglycerine or giant powder in any quantity within the City without the permission of the Council first being had and obtained; nor shall any person keep in any one building or place more than 100 pounds of ordinary commercial explosive powder, which said powder shall be kept only in a box which shall have on the outside the word "Powder" in large letters, painted thereon so the same can be easily seen, the said box to be provided with handholds or handles so that the same can be easily removed in case of danger. Nor shall any such person keep any quantity of phosphorus, unless the same be enclosed in glass jars, or metal cans, which must be filled with water and properly closed. (Ord. 2008-1, 2-12-2008)

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7.03.060 Enforcement.

It is made the duty of the ~~Chief Engineer~~ *Fire Chief* to enforce the provisions of this chapter, and for that purpose the *Fire Chief or fire official* shall have authority to enter upon any premises in the City, at any reasonable hour of the day, for the purpose of inspecting the same or any of the structures, tanks and appliances herein mentioned. (Ord. 2008-1, 2-12-2008; Ord. 50, 11-29-1910)

7.03.070 Zoning.

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City of Newman zoned Heavy Industrial. All existing nonconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this title or any chapter of the California Fire Code, and may be continued in use if the Chief grants a permit.

**Chapter 7.04
FIRE ZONES**

Sections:

~~7.04.010 Established and designated.~~

7.04.010 Established and designated.

A. All that portion of the City included in the:

~~C-N District or "Neighborhood Commercial District"~~

~~C-1 District or "Retail Business District"~~

~~C-2 District or "General and Service Commercial District"~~

~~C-8 District or "Highway Commercial District"~~

~~M District or "Industrial District"~~

~~I District or "Controlled Manufacturing District"~~

~~B. As said designations, locations and boundaries are delineated upon the map entitled zoning map for the City is established and declared as Fire Zone 2 of the City. All other lands and premises situated within the corporate limits of the City is established and declared as Fire Zone 3 of the City.~~

~~C. Provided, however, that any uses regularly permitted in the areas designated as Fire Zone 2, which may be permitted in Fire Zone 3, by reason of a regularly issued conditional use permit or variance, shall nevertheless be subject to the rules and regulations of Fire Zone 2. (Ord. 2008-1, 2-12-2008; Ord. 79-1, 12-26-1979)~~

**Chapter 7.05 04
FIRE CODE**

Sections:

~~7.05 4.010 Adoption.~~

~~7.05 4.020 Deletions.~~

~~7.05 4.030 Amendments.~~

~~7.05 4.040 Violation.~~

7.05 4.010 Adoption.

That a certain document, ~~three a copies~~ *copy* of which are on file in the office of the Stanislaus County Fire Prevention Bureau, being marked and designated as the California Fire Code, ~~2007~~ *2016* Edition, including Appendix Chapters ~~4 and~~ *4*, Appendices A, B, *BB*, C, *CC*, D, E, F, G, *I*, K, and ~~H~~ *Division II*

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Administration as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Newman, in the State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Newman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any. (Ord. 2008-1, 2-12-2008)

7.05 4.020 Deletions.

There are deleted from the 2016 California Fire Code the following Sections:

~~Appendix Chapter 1 Sections 105.6.15, 105.6.19 and 105.6.30, related to permits.~~ (Ord. 2008-1, 2-12-2008)

7.05 4.030 Amendments.

The following sections of the California Fire Code, 2007 2016 Edition, are amended to read as follows:

A. Title. Section 101.1 of the 2016 California Fire Code is hereby amended to read as follows:

1. These regulations shall be known as the Fire Code of the City of Newman, hereinafter referred to as "this code."

~~A B. Board of Appeals. Appeals.~~ Section 108.1 of the 2007 2016 California Fire Code, ~~Appendix Chapter 1, Administration,~~ is hereby amended to read as follows:

1. Applicant may appeal the decision of the Chief to the City of Newman within thirty (30) days from the date of the decision being appealed whenever the Chief:

1 a. Disapproves an application for use of alternate materials, methods and/or types of construction,

2 b. Disapproves an application for permit or refuses to grant a permit applied for,

3 c. When it is claimed that the provisions of the code do not apply, or

4 d. That the true intent and meaning of the code have been misconstrued or wrongly interpreted.

~~B C. Compliance with Orders, Notices and Tags. Violations Penalties.~~ Section ~~109.2.2~~ 109.4 of the 2007 2016 California Fire Code, ~~Appendix Chapter 1, Division II, Administration,~~ is hereby amended to read as follows:

1. Criminal Violations. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter title or any chapter of the California Fire Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter code shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the City of Newman Attorney, be charged and prosecuted as an infraction. Any person convicted of a

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misdemeanor under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500.00).

2. Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

C D. Administrative Penalties. In addition to any other remedies set forth in this chapter, administrative penalties may be imposed against any person, as defined in ~~Section 109.3~~ *Section 109.4.1 Abatement of violation* of the California Fire Code, for violating any of the requirements set forth in this ~~chapter~~ *code*.

1. Any administrative penalties assessed shall be as follows:

~~1 a.~~ For violations of ~~this Code~~ *Section 5601.1.3 Fireworks*, possession, sale, use or discharge of dangerous fireworks, the administrative penalty shall be \$500.00 for each specific act found to be in violation of that section.

~~2 b.~~ For all *other* violations of this *title or any chapter of the California Fire Code* ~~chapter,~~ possession, sale, use or discharge of dangerous fireworks, the amount of the administrative penalty shall be \$100.00 for the first violation, \$200.00 for a second violation within any 12-month period and \$500.00 for any subsequent violations within any 12-month period.

D E. Fees.

1. Permit Fee. The Board of the City of Newman may, by resolution adopted from time to time, charge a fee for any permit issued pursuant to the Fire Code.

2. Plan Check Fee. When a plan is required to be submitted, the plan-checking fee shall be paid at the time of submitting plans and specifications for checking.

3. Where plans are incomplete, or changed so as to require an additional plan check, an additional plan-check fee shall be charged at a rate shown in a schedule setting forth fees as adopted from time to time by resolution of the City of Newman.

E F. Water Supplies and Fire Hydrants. ~~Section 508.5.1~~ *507.5.1, Where Required* of the ~~2007~~ *2016* California Fire Code is hereby amended to read as follows:

~~Required Water Supply for fire protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.~~

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1. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (45,720 mm) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

a. Exception: For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3, the distance requirement shall not be more than 500 feet (152,400 mm).

2. Fire hydrants shall be located on the supply side of the fire suppression system check valve.

3. Fire hydrants shall be accessible to the Fire Department apparatus by roads meeting the requirements of Section 503.1 and Appendix D.

F G. Fire Extinguishing Systems, Chapter 9, is amended as follows:

1. Section 903.2.1.1 (A-1 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

2. Section 903.2.1.2 (A-2 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

3. Section 903.2.1.3 (A-3 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

4. Section 903.2.1.4 (A-4 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

5. Section ~~903.2.2~~ 903.2.3 (E Occupancy). Amend as follows:

~~1 a. The building exceeds~~ Throughout all Group E fire areas greater than 5,000 square feet (465 m²) in area.

6. Section ~~903.2.3~~ 903.2.4 (F-1 Occupancy). Amend as follows:

~~1 a. The building exceeds~~ A Group F-1 fire area exceeds 5,000 square feet (465 m²).

7. Section ~~903.2.6~~ 903.2.7 (M Occupancy). Amend as follows:

~~1 a. The building exceeds~~ A Group M fire area exceeds 5,000 square feet (465 m²).

~~8. Section 903.2.7 (R Occupancy). Amend as follows:~~

~~1. The building exceeds 5,000 square feet (465 m²).~~

~~2. All residential structures containing 5 or more dwelling units under a single roof.~~

~~3. For buildings and structures classified as R-3 occupancies, the square footage of the structures shall include garages and all other enclosed spaces under one roof. Garages that share at least one common wall, roof or attic with the dwelling shall be considered under the same roof as the dwelling and shall be provided with automatic fire sprinklers when required by this chapter.~~

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9. Section 903.2.7.1 (R Occupancy). Amend to read as follows:

~~Buildings 30 feet or 3 stories in height. An automatic fire sprinkler system shall be installed throughout buildings with a floor level that is located 30 feet (9.144 m) or more above the lowest level of fire department vehicle access or 3 or more stories in height.~~

10. Section 903.2.7.2 (R Occupancy). Add to read:

~~Cluster homes will be defined as a community of three or more buildings or structures over 120-square feet (11 m²) in area, with a single point of fire truck access, when the access is less than 30 feet (9 m) in width. Constructed of lightweight building materials spaced ten feet or less apart. The construction is Type 5, in which walls, beams, girders, trusses and roofs are made of dimensional lumber. They have narrow travel lanes separating each occupancy.~~

11. Section 903.2.7.3 (R Occupancy). Add to read:

~~Any building on plot sizes less than 5,000 square feet.~~

12 8. Section 903.2.8 903.2.9 (S-1 Occupancy). Amend as follows:

~~4 a. The building A Group S-1 fire area exceeds 5,000 square feet (465 m²).~~

13 9. Section 903.2.8.1 (Repair Garages). Amend as follows:

~~4 a. The building Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeds exceeding 5,000 square feet (465 m²).~~

14 10. Section 903.2.10.4 903.2.11 Specific buildings areas and hazards (B Occupancy). Add to read:

~~a. An automatic fire sprinkler system shall be installed throughout all buildings:~~

~~4 I. The building exceeds 5,000 square feet (465 m²).~~

15. Section 903.2.19 (U Occupancy). Amend as follows:

~~1. The building exceeds 5,000 square feet (465 m²).~~

~~b. EXCEPTION:~~

~~4 I. Non-residential buildings and unoccupied structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A).~~

16. Section 903.2.18 (Existing Buildings and Structures).

~~903.2.18 Existing Buildings and Structures. An approved automatic fire sprinkler system shall be installed in all existing buildings and structures when additions, alterations, or repairs are made within any twelve month period that exceed fifty (50) percent of the total value (current county assessed valuation or valuation determined by a certified real estate appraiser) of an existing building or structure that exceeds five thousand (5,000) square feet (total floor area under roof) or which result in said building or structure exceeding five thousand (5,000) square feet (total floor area under roof).~~

~~EXCEPTION:~~

~~1. Non residential buildings and structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A).~~

~~2. All buildings and structures classified as R-3 or U occupancies.~~

~~3. Each portion of an existing building or structure separated by one or more area separation walls, constructed in accordance with the current adopted edition of the Building Code, when each portion does not exceed five thousand (5,000) square feet.~~

~~4. Existing buildings or structures and their addition(s) are exempt from automatic sprinklers when the cost of the remodel of the existing building(s) or structure(s) is less than fifty (50) percent of the~~

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~~value (current county assessed valuation for improvements) of the buildings or structures, and sprinklers are permitted to be omitted from the addition(s), due to type of construction, use, or other special situations, by the California Fire Code or National Fire Protection Association Standard 13.~~

11. Section 903.2.18 Group U private garages and carports accessory to Group R-3 occupancies, will have added Section 903.2.18.1 to read as follows:

*a. For isolated buildings or groups of buildings meeting the ~~requirements~~ definition of ~~subsection 6 or 7~~ Miscellaneous Group U, in rural area where no water is available from a municipal water system, a fire sprinkler system meeting all of the following criteria shall be considered as an alternative to systems that are in full compliance with *sections 903.3.1.2 - 903.3.1.3* ~~the applicable NFPA Standard.~~*

*1 I. Sprinklers will be designed and installed per ~~the applicable NFPA Standards~~ *section 903.3.1.2 – 903.3.1.3.**

2 II. The required sprinkler demand (not including hose stream allowance) shall be provided by a hydro pneumatic tank for a minimum duration of 15 minutes. The tank may be pressurized by the domestic well pump and may serve both the fire supply and domestic supply for the building. The tank must have a capacity equal to or greater than the calculated sprinkler demand. Calculations shall be provided to determine the actual size of tank required for each project.

3 III. A separate storage tank or other water source acceptable to the chief shall be provided to accommodate sprinkler and hose demand for an additional 30 minutes beyond the storage required in 8(b).

*4 IIII. An approved sprinkler system monitoring alarm as defined in ~~section 4003.3.1~~ *903.4.1* of the ~~Stanislaus County~~ *California* Fire Code shall be provided.*

~~EXCEPTION: Buildings and structures classified as R-3 are exempt from the storage tank requirements of 8(c).~~

*G H. Fire Alarm Systems. Section ~~907.1.5~~ *907.1.3* *Equipment* of the ~~2007~~ *2016* California Fire Code is hereby amended by adding the following:*

1. A certificate from Underwriters Laboratories (UL) shall be required on all commercial fire alarm systems installed after the effective date of this ordinance. UL certification is required to be maintained for commercial fire alarm systems throughout the life of the alarmed building.

*H I. Open Burning, Recreational Fires, and Portable Outdoor Fireplaces. Section ~~307.1~~ *General* of the ~~2007~~ *2016* California Fire Code is hereby amended by adding the following:*

1. Open burning. No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the City of Newman in which agricultural uses are lawful.

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~~I J.~~ Type of Lock or Latch for Premises Where Gold or Bullion is Traded (Note: Building Code). Section ~~4008.1~~ ~~1010.1.9.3~~ of the ~~2007~~ ~~2016~~ California Fire Code is amended to add ~~subsection 10~~ as follows:

~~1. Special Latching Devices.~~ An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not able open from inside without the use of a key or which requires special knowledge or effort so long as all of the following conditions are met during all times that the business is open to the public:

~~1 a.~~ The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;

~~2 b.~~ The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;

~~3 c.~~ Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and

~~4 d.~~ A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that the management electronically controls ingress and egress.

~~J K.~~ False Alarms. Section ~~405.10~~ ~~908.8~~ of the ~~2007~~ ~~2016~~ California Fire Code is hereby ~~amended~~ ~~added~~ to read as follows:

~~1.~~ False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted. The City of Newman may adopt by resolution reasonable fees to recover the costs associated with responses to buildings or structures that have excessive false alarms.

~~K L.~~ Hot Works. Section ~~2604.2.6~~ ~~3504.2.6~~ *Fire Extinguisher* of the ~~2007~~ ~~2016~~ California Fire Code is hereby amended to add the following:

~~When required by the Chief a minimum 2-A: 20B: C rated fire extinguisher shall be mounted to each portable welding cart.~~

~~1. Not less than one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20-B:C rating shall be mounted to each portable welding cart or as required by the Fire Chief.~~

~~L M.~~ Fireworks. See Stanislaus County Code Chapter 9.84, Fireworks.

~~M.~~ Restricted Locations of Flammable and Combustible Liquids in Tanks. Section ~~3404.2.9.5.1~~ of the ~~2007~~ California Fire Code is hereby amended to read as follows:

~~Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with the 2007 California Fire Code. The provisions of this section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Newman.~~

~~N.~~ Operating Heating, Lighting, and Cooking Appliances Prohibited. Section ~~3405.3.3~~ ~~5705.3.3~~ of the ~~2007~~ ~~2016~~ California Fire Code is hereby amended to include the following:

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1. Heating, lighting, and cooking appliances that utilize Class I, Class II, and III Liquids shall not be operated within a building or structure.

a. Exception: Operation in single-family dwellings.

~~O. Location of Bulk Plants for Storage of Flammable and Combustible Liquids. Section 3406.4 of the 2007 California Fire Code is hereby amended to read as follows:~~

~~The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City of Newman zoned Heavy Industrial Zones. All existing noneconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this Code, may be continued in use if the Chief grants a permit.~~

~~P O. Transfer Operations. Section 3406.5.1.1 5706.6.2 Parking of the 2007 2016 California Fire Code is hereby amended by adding to the following:~~

~~1. Parking of tank vehicles shall be in accordance with sections 5706.6.2.1 through 5706.6.2.3. Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Unless otherwise approved, a tank car shall not be allowed to remain on a siding at the point of delivery for more than twenty-four (24) hours while connected for transfer operations.~~

~~Q P. Hazardous Materials Permits. Subsection 3 is added to Section 2701.5 of the 2007 California Fire Code Key Boxes. Section 506.1 Where Required of the 2016 California Fire Code is amended to read as follows:~~

~~Key Box. When required by the Chief, an approved key box, sized to contain emergency information, shall be provided.~~

~~1. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, an approved key box shall be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the Fire Chief.~~

~~R Q. Deposits of Hazardous Materials – Cleanup, Abatement, or Mitigation Required – Liability for Costs. Section 2703.3.1.4 5003.3.1.4 of the 2007 2016 California Fire Code is hereby amended to read as follows:~~

~~1. Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Chief, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law.~~

~~2. For purposes of this section, costs incurred by the City of Newman shall include, but shall not necessarily be limited to, the following: actual labor costs of City of Newman personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City of Newman; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.~~

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§ R. General Safety Precautions. Section 312.2 *Posts* of the ~~2007~~ 2016 California Fire Code is hereby amended to read as follows:

1. Protection from vehicles: Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1 a. Constructed of steel not less than six (6) inches in diameter and concrete filled,

2 b. Spaced not more than four (4) feet between posts on center,

3 c. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter,

4 d. Set with the top of the posts not less than three (3) feet above ground, and

5 e. Located not less than five (5) feet from the tank.

¶ S. Outside Storage and Use of Liquefied Petroleum Gases. Section ~~3804.2~~ 6104.3 *Container Location*, of the ~~2007~~ 2016 California Fire Code is amended *to add* as follows:

1. The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of ~~Stanislaus County~~ *City of Newman* zoning ordinances. The outside storage and use of liquefied petroleum gases is restricted as specified in this section.

1 a. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the ~~Stanislaus County~~ *City of Newman* zoned as Commercial-Light Industrial, Heavy Industrial, and, in addition thereto, to other commercially zoned properties used as automotive service stations. Only qualified persons shall perform dispensing.

2 b. Dispensing of LP-gas for private use is restricted to those zones identified *above* in subsection S:1, and when approved by the Chief, may be permitted in those areas of the ~~Stanislaus County~~ *City of Newman* zoned ~~designated~~ *General* Commercial. Only qualified persons shall perform dispensing.

3 c. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship.

4 d. For temporary use on construction sites, when authorized by the Chief.

5 e. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Chief.

6 f. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Chief.

7 g. For use by Artisans in pursuit of their trade, when authorized by the Chief.

8 h. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the ~~Stanislaus County~~ *City of Newman*, ~~including those zoned Neighborhood~~

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~~Commercial~~, when approved by the Chief and stored in accordance with Section ~~6109 3809~~. ~~Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.~~

9 i. Containers that exceed 2,000 gallons shall comply with procedure FPB 82-01.

U T. Permits and Plans for Liquefied Petroleum Gases. Section ~~3801.2 6101.2~~ of the ~~2007 2016~~ California Fire Code is hereby amended to read as follows:

1. Permits. Permits shall be required as set forth in ~~Appendix Chapter 1, Sections 105.6 and 105.7 sections 105.6 and 105.7.~~

2. *Distributor shall not fill an LP-Gas container for which a permit is required unless the fire code official has issued a permit for installation for that location.*

a. EXCEPTION:

1 I. Containers not exceeding five (5) gallon water capacity, used for "barbecue" cooking, when used and stored outside of buildings.

2 II. Approved containers not exceeding sixteen and four-tenths (16.4) ounces when displayed for sale in mercantile occupancies.

3 III. Factory installed containers for recreational vehicles not exceeding ten (10) gallon water capacity.

4 *IV. Factory installed tanks that are permanently attached to recreational vehicles. Distributors shall not fill an LP-gas container for which a permit is required unless the fire-code official has issued a permit for installation for that location.*

V U. Supervision and Communication System. Section 907.2.1.4 of the ~~2007 2016~~ California Fire Code is hereby added to read as follows:

1. Supervision. Places of assembly shall be under the constant supervision of a competent adult on the premises during the time that the premises are open to the public.

2. Communications. When required by the chief, places of assembly shall be provided with a method for notifying the fire department in the event of an emergency. Such method can consist of a telephone, an alarm system connected to the fire department or other approved agency, or other approved means. Methods of notifying the fire department shall be readily available to the public.

W V. Powered Industrial Truck Operation. Section 309.7 of the ~~2007 2016~~ California Fire Code is hereby ~~added~~ ~~amended~~ to read as follows:

1. Powered Industrial trucks shall be listed and labeled for use in the environment intended and shall be in accordance with nationally recognized standards.

X W. Maintenance of Protected Aboveground Tanks. Section ~~3404.2.7.3.5.4 5704.2.9.11~~ of the ~~2007 2016~~ California Fire Code is hereby added to read as follows:

1. Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings. Damage

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to protected aboveground tanks shall be repaired using material having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

¶ X. Fire Apparatus Access Roads (Appendix D).

1. Appendix D. Table D103.4 is amended as follows:

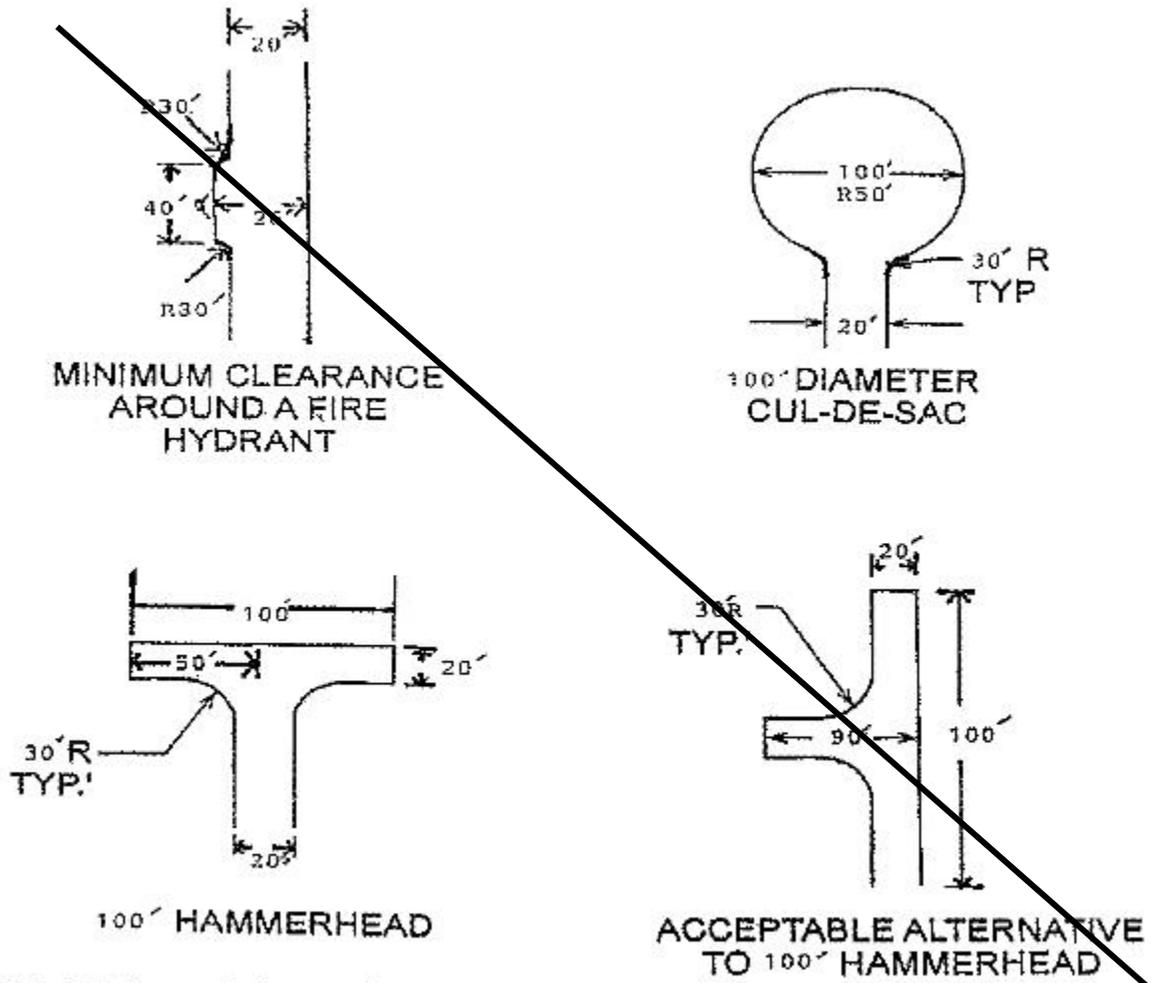
**Requirements for Dead-End Fire Apparatus
Access Roads**

| Length (feet) | Width (feet) | Turnarounds Required |
|--------------------------|-------------------------|--|
| 0 – 150 | 20 | None Required |
| 151 – 500 | 20 | 100 120-foot hammerhead, 60-foot "Y" or 100-foot cul-de-sac <i>in accordance with Figure D103.1</i> |
| 501 – 750 | 26 | 100 120-foot hammerhead, 60-foot "Y" or 100-foot cul-de-sac <i>in accordance with Figure D103.1</i> |
| Over 750 | | Special Approval Required |

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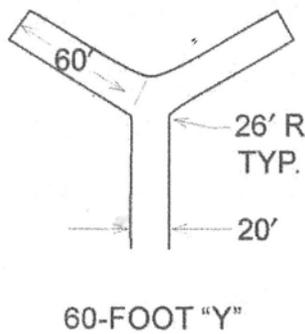
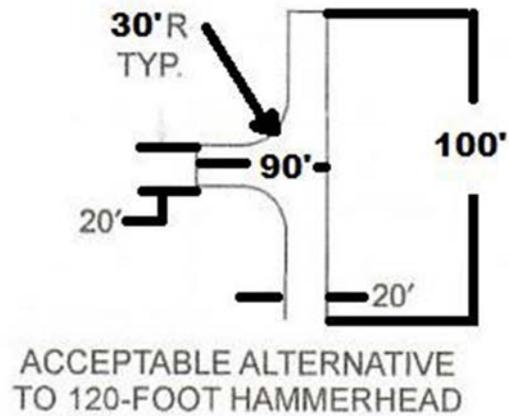
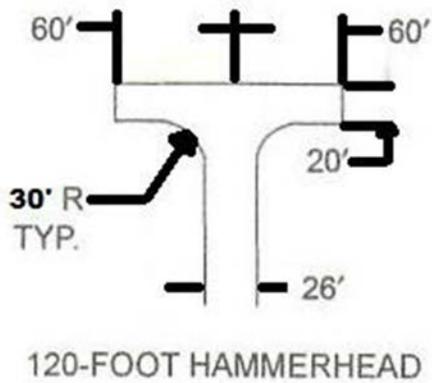
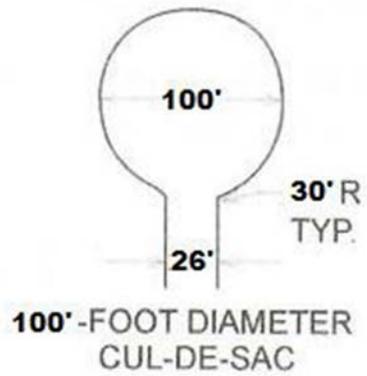
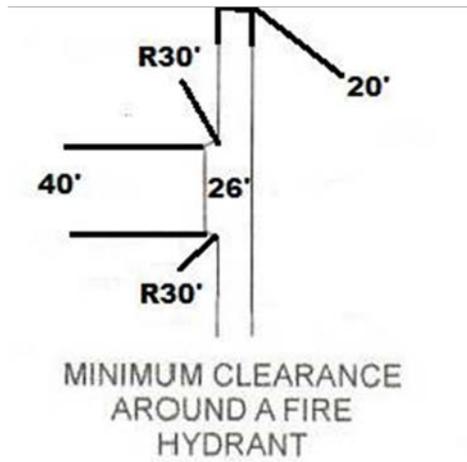
2. Appendix D. Figure D103.1 is amended as follows:

Dead-End Fire Apparatus Access Road Turnaround



Note: Drawing not to scale.

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Note: Drawing not to scale
(Ord. 2008-1, 2-12-2008)

7.05.040 — Violation.

It shall be unlawful for any person to violate any of the provisions of this Code, or violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or violate any of the provisions of a certificate or permit issued thereunder. Said person, for each and every violation and noncompliance respectively, shall be guilty of a misdemeanor, punishable by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (Ord. 2008-1, 2-12-2008; Ord. 84-2, 1-24-1984).

**ADOPT RESOLUTION NO. 2016-, DECLARING THE FORMATION OF A GROUNDWATER
SUSTAINABILITY AGENCY FOR THE CITY OF NEWMAN**

RECOMMENDATION:

It is recommended that the City Council:

1. Hold a Public Hearing, and
2. Adopt Resolution No. 2016- , declaring the formation of a Groundwater Sustainability Agency (GSA) for the City of Newman.

BACKGROUND:

In 2014, the California Legislature passed the Sustainable Groundwater Management Act (SGMA) which establishes a new structure for managing groundwater in California. The main goals of the Act are to achieve sustainable groundwater basins, enhance local management of the groundwater consistent with rights to use or store groundwater and to establish standards for effective and continuous management of groundwater. Implementation of the Act is achieved through the formation of Groundwater Sustainability Agencies (GSAs) and through preparation and implementation of Groundwater Sustainability Plans (GSPs).

Any local public agency or combination of local agencies that have water supply, water management, or land use responsibilities within a groundwater basin can form a GSA. The GSA would be a regulatory body that could set fees, require reporting, regulate how much groundwater is pumped, and monitor wells. The agencies eligible to serve as GSAs in the basins can be cities, water districts and counties. If a GSA is not formed within a county, then the County will take the lead. If the County declines to lead the applicable effort, then the State Water Resources Control Board (SWRCB) will intervene on a temporary basis and develop a plan for the community with regulations for reporting, measuring, extraction limits and fees.

The City of Newman is located within the Delta-Mendota Groundwater Subbasin – Eastern Part as shown in the groundwater basin map (Attachment 2).

ANALYSIS:

The City of Newman is intending to be a GSA for the area within the current City Limits, which is a portion of the Delta-Mendota Groundwater Subbasin, and must notify DWR by June 30, 2017.

The key implementation dates required by SGMA are summarized as follows:

- Jun 30, 2017: Form Local GSA
- Jan 31, 2022: Adopt GSP for high- and medium-priority basins not currently in overdraft
- Jan 31, 2042: Achieve sustainability for all high- and medium-priority groundwater basins

City staff has met several stakeholders including both Stanislaus County and CCID staff, and evaluated the advantages and disadvantages of various GSA options to achieve groundwater sustainability per the future GSP. Future GSP efforts will require collaboration with other users within the Delta-Mendota Groundwater Subbasin – Eastern Part.

Two Options for achieving City compliance with the GSA requirement are summarized as follows:

(1) Forming an Independent GSA

The City will have the autonomy to regulate activities within its own GSA boundary and have control over its own groundwater resources. It means that an independent GSA will allow the City to have land use authority and provide the City with the opportunity to participate with other GSAs in the development of a GSP or to decide to create and implement its own. As such, it is anticipated that the local agencies in the Delta-Mendota Subbasin will work cooperatively together to develop a single GSP (more than likely referenced as the Eastern Delta-Mendota Subbasin group). In this case, a Coordinated Agreement (i.e. Memorandum of Understanding) among GSAs needs to be established to coordinate and utilize the same data and methodologies associated with groundwater elevation data, groundwater extraction data, surface water supply, total water use, change in groundwater storage, etc.

(2) Joining a Large GSA Group

Combining several public agencies within the Delta-Mendota Subbasin to form a large GSA under Activity Agreements is another GSA option for the City. A large GSA will allow for preparation of one GSP to cover multiple agencies within a subbasin. There would be a need to establish a governance committee to convene and make decisions, pursuant to the GSP, that would impose policies on constraints on the City – pumping groundwater for potable water system. It means that the City would not directly control its own groundwater resources.

The City of Newman has managed its groundwater effectively and has an understanding of local geology and groundwater conditions. Forming an independent GSA would not prohibit the City from participating with other GSAs for a regional GSP.

In order to accomplish the City's desire to form an independent GSA, staff recommends holding a public hearing and declaring the City's intent to form its own GSA to comply with SGMA's GSA requirement. After Council's approval of the election to establish the City as an independent GSA, the City will inform DWR of its intent to establish a GSA by filing its own GSA formation notice. The City will first complete an amendment to be excluded from the current GSA filed by the San Joaquin River Exchange Contractors Water Authority that originally included parts of the City (in collaboration with CCID). This step will facilitate formation of an independent GSA for the City.

FISCAL IMPACT:

City staff anticipates a fiscal impact associated with the management of the GSA and the creation and adoption of a GSP. However, these costs are unknown at this time.

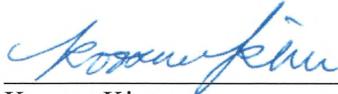
CONCLUSION:

The steps being taken by local agencies to form GSAs are occurring throughout the region. The formation of the GSA is an important step towards a long-term implementation plan (GSP). Staff believes it is important for the City to be an independent GSA so we maintain local control and land use authority. Staff recommends the Council adopt Resolution No. 2016- , declaring the formation of a Groundwater Sustainability Agency (GSA) for the City of Newman.

ATTACHMENTS:

1. Resolution No. 2016-
2. Exhibit A: The City of Newman GSA Map

Respectfully Submitted,



Koosun Kim
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2016-

**DECLARING THE FORMATION OF A GROUNDWATER SUSTAINABILITY AGENCY FOR
THE CITY OF NEWMAN**

WHEREAS, the California legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 ("SGMA"), which authorizes local agencies to manage groundwater in a sustainable fashion; and

WHEREAS, the main goals of the Act are to achieve sustainable groundwater basins, enhance local management of the groundwater consistent with rights to use or store groundwater and to establish standards for effective and continuous management of groundwater; and

WHEREAS, implementation of the Act is achieved through the formation of Groundwater Sustainability Agencies (GSAs) and through preparation and implementation of Groundwater Sustainability Plans (GSPs); and

WHEREAS, in order to exercise the authority granted in SGMA, a local agency or combination of local agencies must decide to become or form a GSA; and

WHEREAS, the City of Newman (City) is a local agency, as SGMA defines that term; and

WHEREAS, the City is located within the Delta-Mendota Subbasin in the California Department of Water Resources' (DWR) groundwater basin system; and

WHEREAS, SGMA requires that a GSA be established for all basins designated by the DWR by June 30, 2017; and

WHEREAS, it is the intent of the City to work cooperatively with other local GSAs, as may be appropriate, to sustainably manage a portion(s) of the Delta-Mendota Groundwater Subbasin that fall outside the City's jurisdiction; and

WHEREAS, Section 10723.2 of SGMA requires that a GSA consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans; and

WHEREAS, Section 10723.8 of the SGMA requires that a local public agency deciding to become or form a GSA shall inform the DWR of its decision and intention to undertake sustainable groundwater management within the agency's jurisdictional boundary; and

WHEREAS, pursuant to Government Code 6066, notice of a public hearing on the City's decision to become a GSA has been published in the local newspaper, Westside Index, as provided by law; and

WHEREAS, on October 25, 2016, the City held a public hearing to consider adoption of this Resolution; and

WHEREAS, the City wishes to exercise the authorities and powers of a GSA granted by SGMA and to begin the process of cooperatively preparing a GSP with other GSAs as appropriate; and

WHEREAS, adoption of this Resolution does not constitute a "project" under California Environmental Quality Act Guidelines Section 15378(b)(5), including organization and administrative activities of government, because there would be no direct or indirect physical change in the environment.

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

1. The City of Newman hereby decides to become a GSA for that Eastern portion of the Delta-Mendota Groundwater Subbasin which underlies the area bound by the Newman City limits as shown in Exhibit A; and
2. The City Council hereby directs staff to request an amendment to the current San Joaquin River Exchange Contractors Water Authority GSA boundary excluding all portions of the City service area if there are any overlapped areas; and
3. The Newman City Council authorizes the City Manager or his designee to, within 30 days of the date of this Resolution, provide notice of the City's decision to become the GSA to the California Department of Water Resources in the manner required by law; and
4. Such notification shall include the boundaries of the areas the City intends to manage, which shall include the lands within the Newman City limits as shown in Exhibit A, a copy of this Resolution, a list of interested parties developed pursuant to Section 10723.2 of SGMA, and an explanation of how their interests will be considered in the development and operation of the GSA and the development and implementation of the GSAs groundwater sustainability plan; and
5. The City Council hereby directs staff to begin discussions with all interested stakeholders and beneficial users within the Delta-Mendota Groundwater Subbasin, resolve GSA boundary overlaps if necessary, and initiate the process of developing a coordinated Groundwater Sustainability Plan in accordance with SGMA.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 25th day of October, 2016 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:

Bob Martina, Mayor

Attest:

Mike Maier, City Clerk

**EXHIBIT A:
GROUNDWATER SUSTAINABILITY AGENCY (GSA) MAP
AND DELTA-MENDOTA GROUNDWATER SUBBASIN**



Legend



City of Newman GSA Boundary

Referenced agency boundaries are based on the best available information and are shown for reference purposes only.

EXHIBIT A: GROUNDWATER SUSTAINABILITY AGENCY (GSA) MAP AND DELTA-MENDOTA GROUNDWATER SUBBASIN



Referenced agency boundaries are based on the best available information and are shown for reference purposes only.

Honorable Mayor and Members
of the Newman City Council

**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 3rd 2016 from 2 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 3rd 2016 from 2 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 apparent conflicts with other potential 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:

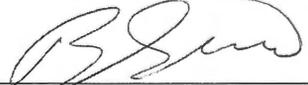
1. Approve the event as indicated, waiving the requested standards.
2. Approve the event with all standards intact.
3. Reject the event in its entirety.

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.