REGULAR MEETING OF THE MADERA CITY COUNCIL

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Wednesday, September 21, 2022 **Council Chambers**
6:00 p.m. **City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 867 0113 5155#. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL: Mayor Santos Garcia
Mayor Pro Tem Anita Evans, District 4
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Elsa Mejia, District 5
Councilmember Artemio Villegas, District 6

INVOCATION: Pastor Roger Leach, Valley West Christian Center

PLEDGE OF ALLEGIANCE: Boy Scout Troop 116

APPROVAL OF AGENDA:

PUBLIC COMMENT:
The first 15 minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Certificate of Recognition - Ryan McWherter, Madera County Food Bank
2. San Joaquin River Western Reaches Access Activation Plan (WRAAP)

INTRODUCTIONS: None

A. WORKSHOP:

1. $1 Million Request from Madera Community Hospital

Recommendation: Receive information from Madera Community Hospital on its request for $1 million in funding from the City and provide direction, if desired

B. CONSENT CALENDAR:

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

B-1 Minutes – 05/04/22

Recommendation: Approve the City Council Minutes of May 4, 2022 (Report by Alicia Gonzales)

B-2 Informational Report on Register of Audited Demands for August 6, 2022 to August 26, 2022

Recommendation: No Action Required (Report by Kingsley Okereke)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-4 Informational Report on Contract City Attorney Services and Litigation Expenditures

Recommendation: No Action Required (Report by Arnoldo Rodriguez)

B-5 Informational Report on Emergency Repairs for Water Well No. 33

Recommendation: No Action Required (Report by Jamie Hickman)

B-6 Remote City Council Meetings Under Brown Act Requirements (Assembly Bill 361)

Recommendation: Council to decide to Adopt a Resolution Reauthorizing Remote Teleconference Public Meetings by the City Council and All Boards, Commissions, and Standing Committees of the City in Accordance with Assembly Bill 361 for a Period of 30 Days (Report by Arnoldo Rodriguez)

B-7 Acceptance of a Grant Award from the State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP)

Recommendation:

1) Adopt a Resolution Accepting the Grant Award in the amount of $105,000 on behalf of the City and designating the City Manager as the Authorizing Official to act on the City's behalf and execute all necessary documents; and

2) Adopt a Resolution Amending the City's 2022/23 Budget to reflect revenues and Expenditures Related to the Grant (Report by Dino Lawson)

B-8 City's Participation in the Old Timer's Day Parade and Downtown Christmas Parade

Recommendation: Adopt a Resolution Waiving the Fees to Cover the Costs of Police, Public Works, and Parks Services Relating to the Old Timers' Day Parade and Downtown Christmas Parade in the amount of $5,986 (Report by Dino Lawson)

B-9 Master Agreement Between the Madera County Transportation Commission and the City for Fiscal Year 2021/2022 Allocation of the Regional Surface Transportation Program (RSTP) Exchange Funding

Recommendation: Adopt a Resolution Approving the Master Agreement between the Madera County Transportation Commission (MCTC) and the City for the Fiscal Year (FY) 2021/2022 allocation of RSTP Exchange Funding (RSTP) Exchange Funding

B-10 Sidewalk Improvements on Lilly Street and Vineyard Avenue

Recommendation: Approve a Minute Order Approving:

1) Acceptance of the Construction of Sidewalk Improvements Lilly Street – Vineyard Avenue, CDBG Project No. B19MC060053, City Project No. R-85
2) The Recording of Notice of Completion; and
3) The release of retention 35 days after recording of the Notice of Completion (Report by Keith Helmuth)

B-11 2020-21 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlay, City Project No. R-78

Recommendation: Approve a Minute Order Approving:

1) Acceptance of 2020-21 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlay, City Project No. R-78.
2) The Recording of Notice of Completion.
3) The release of retention 35 days after recording of the Notice of Completion (Report by Keith Helmuth)

B-12 Appointment to the Housing Assistance Loan Review Committee

Recommendation: Adopt a Resolution Approving the Appointment of Johanna Torres to the Housing Assistance Loan Review Committee (Report by Kingsley Okereke)

B-13 Agreement with Backowski Law Group to provide Specialized Real Estate Legal Services

Recommendation: Adopt a Resolution Approving use of Backowski Law Group for Specialized Real Estate Legal Services (Report by Kingsley Okereke)

B-14 Empower 457 Deferred Compensation Plan & Trust Regulatory Amendment to comply with the Coronavirus Aid, Relief, and Economic Security Act (CARES)

Recommendation: Adopt a resolution approving the Amendment for CARES Act to the Empower Retirement City of Madera 457 Deferred Compensation Plan & Trust and authorizing the City Manager to execute necessary documents electronically through DocuSign (Report by Wendy Silva)

B-15 Agreement for ResoluteGuard Cyber Risk Management Program

Recommendation: Adopt a resolution approving the ResoluteGuard Services Agreement and authorizing the Director of Human Resources to execute necessary documents electronically through DocuSign (Report by Wendy Silva)

C. PUBLIC HEARINGS:

C-1 Madera Municipal Code (MMC) Ordinance Text Amendment relating to Wireless Facilities on Private Property and a Small Wireless Facilities in the Public Rights-of-Way Policy

Recommendation: Conduct a public hearing and introduce for first reading by title only and waive the full reading of:

1. A Regulatory Ordinance Adding Chapter 9 to Title X of the Madera Municipal Code Relating to Wireless Facilities on Private Property
2. Adoption of City Council Resolution adopting a Small Wireless Facilities Policy in the Public Rights-of-Way
3. Adoption of a Categorical Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act. (Report by Gary Conte)

C-2 Public Hearing regarding the Program Year 2021-2022 Community Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and Financial Summary

Recommendation: Conduct the public hearing, invite public input, and adopt a Resolution approving the 2021-2022 the City's CAPER and financial summary (Report by Kingsley Okereke)

C-3 2020 Urban Water Management Plan Update and Water Shortage Contingency Plan

Recommendation: Conduct a public hearing and adopt Resolutions approving:

1. The Urban Water Management Plan 2020 Update
2. Water Shortage Contingency Plan

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

D-1 Initiation of Proceedings for the Annexation of Vineyard Estates Phase III, Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision into Community Facilities District 2005-1

Recommendation:

That Council adopt Resolutions:

1. Adopting a Boundary Map Showing the Territory Proposed for Annexation to Community Facilities District No. 2005-1; and,
2. Declaring Its Intention To Annex Territory (Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision) to Community Facilities District No. 2005-1 (Public Services), to Authorize the Levy Of Special Taxes Therein, and Setting Public Hearing (Annexation No. 13) (Report by Gary Conte)

D-2 DICK'S Sporting Goods Foundation Grant Award

Recommendation: Adopt a Resolution Approving the DICK'S Sporting Goods Foundation Grant Award Agreement in the amount of $25,000 as part of the Sports Matter Program (Report by Joseph Hebert)

D-3 Madera Metro Transit Plan and Service Design Guidelines

Recommendation: Adopt a Resolution Approving the Final Report of the Madera Metro Transit Plan (MTP) and the City's Transit System Service Design Guidelines (Report by Kingsley Okereke)

D-4 Fare Adjustments for Madera Metro and Dial-A-Ride

Recommendation: Adopt a Resolution Approving a Modified Fare Structure for the Fixed Route Transit System and Limited Dial-A-Ride Transit System and Rescinding Resolution No. 20-58 (Report by Kingsley Okereke)

E. ADMINISTRATIVE REPORTS:

E-1 Request for Direction in Naming of Olive Avenue/Knox Street Park Site

Recommendation: Request for direction regarding the naming of the new park at Olive Avenue and Knox Street (Report by Joseph Hebert)

E-2 Lions Town & Country Park Improvement Projects Update

Recommendation: No Action Required (Report by Joseph Hebert)

E-3 Professional Recruitment Services to Conduct Director of Financial Services Recruitment

Recommendation: Staff recommends Council approve a Minute Order authorizing staff to seek proposals from professional recruiting firms to assist the City in filling the currently vacant Director of Financial Services position (Report by Wendy Silva)

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

G. CLOSED SESSION:

G-1 Conference with Labor Negotiators - Pursuant to Government Code §54957.6

Agency Designated Representatives: Arnoldo Rodriguez and Wendy Silva

Employee Groups: General Bargaining Unit, Madera Police Officers' Association, Mid-Management Employee Group, Law Enforcement Mid Management Group

Unrepresented Employees: Police Chief, City Engineer, Director of Human Resources, Public Works Operations Director, Director of Parks & Community Services, Information Services Manager, Chief Building Official, Director of Community Development, Director of Financial Services, City Clerk, and City Manager

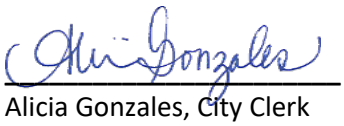
ADJOURNMENT:

UPCOMING MEETING DATES:

- Wednesday, October 5, 2022
- Wednesday, October 19, 2022

- Please silence or turn off cell phones and electronic devices while the meeting is in session.
- Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
- A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at cityclerkinfo@madera.gov .
- The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
- Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
- Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.

I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Regular Meeting of the Madera City Council for September 21, 2022, near the front entrances of City Hall and on the City's website www.madera.gov at 5:00 p.m. p.m. on September 16, 2022.



Alicia Gonzales, City Clerk

Item:	B-1
Minutes for:	05/04/2022
Adopted:	09/21/2022

Minutes of a Regular Meeting of the Madera City Council

May 4, 2022 **Council Chambers**
6:00 p.m. **City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 829 9274 2453. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: Mayor Santos Garcia
Mayor Pro Tem Anita Evans, District 4
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Elsa Mejia, District 5
Councilmember Artemio Villegas, District 6

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, Attorney Shannon Chaffin, City Engineer Keith Helmuth, Interim Finance Director Anthony Forestiere, Fire Division Chief Matt Watson, Grants Administrator Marcela Zuniga, Human Resources Director Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Works Director Dan Foss, Planning Consultant Robert Smith, and Communication Specialist Joseph Carrello.

INVOCATION: Mayor Pro Tem Anita Evans

PLEDGE OF ALLEGIANCE: Councilmember Jose Rodriguez

APPROVAL OF AGENDA:

Late distribution announcement made by City Clerk, Alicia Gonzales. Pursuant to government code section 54957.5, members of the public are advised that less than 72 hours prior to this evening's meeting, Item B-7 was distributed to the Council and posted on the City's website after the agenda packet was posted. Members of the public wishing to view or obtain a copy of this item may do so by visiting the City

of Madera meeting and agenda page located on the City's website. Copies of this item are also available at the podium.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, THE AGENDA WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

PUBLIC COMMENT:
The first 15 minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Public Comment was heard from community members Carmen Velasquez Hernandez and Cynthia Ortegon.

Public Comment was heard from Isaac Lopez, Madera High Activities Director, and students.

No further Public Comment was presented. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Proclamation Recognizing Letter Carrier's Stamp Out Hunger Food Drive Day
2. Proclamation Recognizing May as CASA Awareness Month

INTRODUCTIONS: None

A. WORKSHOP: None

B. CONSENT CALENDAR:
Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, THE CONSENT CALENDAR WAS APPROVED BY A 7/0 VOTE EXCLUDING ITEM B-4. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.
THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

B-1 Minutes – November 17, 2021

Recommendation: Approve the City Council Minutes of November 17, 2021

B-2 Informational Report on Register of Audited Demands for April 9, 2022 to April 22, 2022

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Informational Report on Contract City Attorney Services and Litigation Expenditures

Recommendation: This report is submitted for informational purposes only and there is no action requested from the City Council (Report by Arnoldo Rodriguez)

B-4 Madera Americans with Disabilities Act (ADA) Advisory Council Bylaws

Recommendation: Adopt a resolution amending the Madera ADA Advisory Council Bylaws (Report by Wendy Silva)

Councilmember Gallegos comments were heard.

Councilmember Montes comments were heard.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM B-4 WAS APPROVED BY A 7/0 VOTE EXCLUDING ITEM B-3 AND ITEM B-4 OF SECTION 2 OF THE BYLAWS. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 22-55 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE MADERA AMERICANS WITH DISABILITIES ACT (ADA) ADVISORY COUNCIL BYLAWS

B-5 Porsche Club of America Autocross Events at the Municipal Airport

Recommendation: Adopt a Resolution Approving a Permit for the Use of Designated Areas at the Municipal Airport for use by the Porsche Club of America Autocross at a rate $350 per event during 2022-2023 (Report by Daniel Foss)

RES 22-56 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SPECIAL ACTIVITY PERMIT CERTIFICATE FOR THE USE OF DESIGNATED AREAS OF THE MADERA MUNICIPAL AIRPORT FOR THE 2022-2023 PORSCHE CLUB OF AMERICA AUTOCROSS EVENTS

B-6 Amendment No. 4 to CA Pacific Investments, LLC Lease Agreement

Recommendation: Adopt a Resolution Approving Amendment No. 4 to Lease Agreement between the City and CA Pacific Investments, LLC relating to lease financing (Report by Daniel Foss)

RES 22-57 RESOLUTION APPROVING AMENDMENT NO. 4 TO LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND CA PACIFIC INVESTMENTS, LLC RELATING TO LEASE FINANCING

B-7 Actions Relating to Pecan Square Subdivision (Tract No. 20-S-02): Final Map for Pecan Square Subdivision (Tract No. 20-S-02) and Improvement Agreement

Recommendation: Staff recommends that the Council

1) Adopt Resolution:
   a. Approving the Final Map for the Pecan Square Subdivision; and
   b. Approving Improvement Agreement for the Pecan Square Subdivision (Tract No. 20-S-02); and
   c. Authorizing staff to record the Final Map and Agreement for the Construction of Improvements for the Pecan Square Subdivision (Tract No. 20-S-02); and
   d. Accepting the Dedication of Land for Public Use (Report by Keith Helmuth)

RES 22-58 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE FINAL MAP FOR THE PECAN SQUARE SUBDIVISION (TRACT NO. 20-S-0Z) AND IMPROVEMENT AGREEMENT (AGREEMENT)

B-8 Written request submitted by Madera High School to assist in an educational program titled "Every 15 Minutes"

Recommendation: Adopt a Resolution Waiving the Fees and Costs for necessary permitting and Police and Public Works Services in the amount of $1040 (Report by Dino Lawson)

RES 22-59 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE AND PUBLIC WORK SERVICES RELATING TO MADERA HIGH SCHOOL'S EVERY 15 MINUTES EDUCATIONAL PROGRAM IN THE AMOUNT OF $1,040.00

B-9 Villages at Almond Grove Specific Plan: Specific Plan (SP) No. 2017-01 (Adopting the Villages at Almond Grove Specific Plan); Pre-zone/Rezone (REZ) No. 2017-05; Zoning Ordinance/Madera Municipal Code Amendment (OTA) No. 2022-01; and Annexation (ANX) No. 2022-01

Recommendation:

1) Adopt an Ordinance of the City Council of the City of Madera adopting the proposed Villages at Almond Grove Specific Plan (Specific Plan No. 2017-01) by title only, and waive the second full reading; and

2) Adopt an Ordinance of the City Council of the City of Madera amending Section 10-3.301 of Chapter 3 of Title 10 of the City Municipal Code and adding Sections 10-3.11.601 through Section 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the City Municipal Code to provide for Specific Plan Zones (SP) by title only, and waive the second full reading; and

3) Adopt an Ordinance of the City Council of the City of Madera amending the official City of Madera Zoning Map to rezone approximately 1,883 acres within the Villages at Almond Grove Specific Plan, whose location is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, from Agricultural Rural Exclusive – 40 acres (ARE-40) and Agricultural Rural Exclusive – 20 acres (ARE-20), as well as PD 4500 (Planned Development, one unit per 4,500 square feet of site area) to the Specific Plan (SP) zone district by title only, and waive the second full reading; and

4) Adopt a Resolution initiating annexation of the Villages at Almond Grove Specific Plan area (Annexation No. 22-01) (Report by Gary Conte)

ORD 991 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1,883 ACRES WITHIN THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN, WHOSE LOCATION IS BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST, FROM AGRICULTURAL RURAL EXCLUSIVE - 40 ACRES (ARE-40) AND AGRICULTURAL RURAL EXCLUSIVE - 20 ACRES (ARE-20), AS WELL AS PD 4500 (PLANNED DEVELOPMENT, ONE UNIT PER 4,500 SQUARE FEET OF SITE AREA), TO THE SPECIFIC PLAN (SP) ZONE DISTRICT

ORD 992 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING SECTION 10-3.301 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE AND ADDING SECTIONS 10-3.11.601 THROUGH SECTION 10-3.11.604 OF SUBCHAPTER 11 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE TO PROVIDE FOR SPECIFIC PLAN ZONES (SP)

ORD 993 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (SPECIFIC PLAN NO. 2017-01)

RES 22-60 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA INITIATIATING ANNEXATION OF THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN AREA (ANNEXATION NO. 22-01)

B-10 Appointments to the Planning Commission

Recommendation: Adopt a Resolution Approving the Appointment of Jose Chavez Garcia and Saim Mohammad to the Planning Commission (Report by Gary Conte)

RES 22-61 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE APPOINTMENT OF JOSE CHAVEZ GARCIA AND SAIM MOHAMMAD TO THE CITY OF MADERA PLANNING COMMISSION

B-11 Appointments to the Americans with Disabilities Act (ADA) Advisory Council

Recommendation: Adopt a Resolution Approving the Appointment of DJ Becker and Saim Mohammad to the Americans with Disabilities Act (ADA) Advisory (Report by Wendy Silva)

RES 22-62 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE APPOINTMENT OF DJ BECKER AND SAIM MOHAMMAD TO THE CITY OF MADERA AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL

B-12 Acceptance of Improvements for La Spezia II Subdivision (Tract No. 19-S-01)

Recommendation: Adopt a Resolution

1) Accepting the Improvements for La Spezia II Subdivision (Tract No. 19-S-01); and
2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
3) Authorizing staff to record the Notice of Acceptance of Subdivision Improvements; and
4) Rescinding Resolution 22-51 (Report by Keith Helmuth)

RES 22-63 A RESOLUTION ACCEPTING IMPROVEMENTS FOR LA SPEZIA II SUBDIVISION (TRACT NO. 19-S-01), AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID SUBDIVISION IMPROVEMENTS, AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE, AND RESCINDING RESOLUTION NO. 22-51

B-13 Acceptance of Improvements for La Spezia III Subdivision (Tract No. 19-S-02)

Recommendation: Adopt a Resolution

1) Accepting the Improvements for La Spezia III Subdivision (Tract No. 19-S-02); and
2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
3) Authorizing staff to record the Notice of Acceptance of Subdivision Improvements; and
4) Rescinding Resolution 22-52 (Report by Keith Helmuth)

RES 22-64 A RESOLUTION ACCEPTING IMPROVEMENTS FOR LA SPEZIA III SUBDIVISION (TRACT NO. 19-S-02), AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID SUBDIVISION IMPROVEMENTS, AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE AND RESCINDING RESOLUTION NO. 22-52

B-14 Consideration of a Resolution Approving a Date for Prop 218 Public Hearing for Water, Sewer, Storm Drainage and Solid Waste Rate Increases

Recommendation: Adopt a Resolution Amending the date set in Resolution No. 22-43 for Conducting the Proposition 218 Public Hearing for Proposed Water,

Sewer, Storm Drainage and Solid Waste Rate Increases (Report by Anthony Forestiere)

RES 22-65 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING THE DATE SET IN RESOLUTION NO. 22-43 FOR CONDUCTING THE PROPOSITION 218 PUBLIC HEARING FOR PROPOSED WATER, SEWER, STORM DRAINAGE AND SOLID WASTE RATE INCREASES

B-15 Letter of Support for 2022 Multimodal Project Discretionary Grant (MPDG) Application: Madera High-Speed Rail Station Project

Recommendation: Approve a Minute Order Approving Letter of Support for Grant Application for the 2022 Multimodal Project Discretionary Grant (MPDG) Application: Madera High-Speed Rail Station Project (Report by Arnoldo Rodriguez)

C. PUBLIC HEARINGS:

C-1 Appeal of the Planning Commission approval of the Amond World Cold Storage Warehouse Site Plan Review (SPR 2021-41) and adoption of a Mitigated Negative Declaration (ENV 2021-61)

Recommendation: Hold a public hearing and make the necessary findings, and take the following actions:

1) Adopt a Resolution of the City Council of the City of Madera denying the appeal of, and affirming the decision of, the Planning Commission's approval of Site Plan Review 2021-41 (SPR 2021-41) as conditioned, and mitigated negative declaration (ENV 2021-61), subject to mitigation measures (Amond World Cold Storage Warehouse Project) (Report by Gary Conte)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-1 WAS APPROVED BY A 7/0 VOTE EXCLUDING. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 22-66 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA DENYING THE APPEAL OF, AND AFFIRMING THE DECISION OF, THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW 2021-41 (SPR 2021-41) AS CONDITIONED, AND MITIGATED NEGATIVE DECLARATION (ENV 2021-61), SUBJECT TO MITIGATION MEASURES (AMOND WORLD COLD STORAGE WAREHOUSE PROJECT)

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS: None

E. ADMINISTRATIVE REPORTS:

E-1 Appointment of an Ad-Hoc Committee to Negotiate a Tax Sharing Agreement between the City and the County of Madera

Recommendation: Appoint Councilmembers to serve on the Ad-Hoc Committee (Report by Arnoldo Rodriguez)

A recess was called at 7:26 p.m. The meeting was reconvened at 7:39 p.m.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE MOTION TO APPOINT COUNCILMEMBERS GALLEGOS AND MONTES AS MEMBERS OF THE AD-HOC COMMITTEE WAS APPROVED BY A 5/2 VOTE. NOES: MAYOR GARCIA AND MAYOR PRO TEM EVANS ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 5 - COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS

NO: 2 - MAYOR PRO TEM EVANS
MAYOR GARCIA

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY MAYOR PRO TEM EVANS, THE MOTION FOR THE CITY MANAGER TO CONFER WITH THE COUNTY OF MADERA BOARD OF SUPERVISORS IN GOOD FAITH IF AN ADDITIONAL COMMITTEE MEMBER WOULD BE ACCEPTABLE WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 - COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR PRO TEM EVANS
MAYOR GARCIA

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

Councilwoman Gallegos expressed prayers to a Madera Police Officer who experienced an incident and is undergoing recovery. She also congratulated Lieutenant Foss for raising $50,000 at the O.L.I.V.E Fundraiser.

Councilmember Montes voiced prayers to the MPD Officer in his healing as well. Thanked Lieutenant Foss and commended him for founding the O.L.I.V.E. and the work he has done to advance their mission. He mentioned RAZA event that occurred April 30th in which the City was presented with a plaque.

Mayor Pro Tem Evans mentioned the groundbreaking ceremony for Fire Station 11 in North Fork and thanked Chief Watson for hosting and offered additional thanks to City Manager, Arnoldo Rodriguez, CalFire, North Fork Rancheria of Mono Indians. She also brought to public's attention that Madera Community Hospital offers COVID testing each morning and are also offering COVID vaccinations. She further sent a reminder Juneteenth will be celebrated on June 17th this year as the 19th falls on Father's Day and invited those in attendance to show their support.

Councilwoman Mejia mentioned the City's and County Public Health's collaboration in providing PPE to family childcare providers. She also gave a shout out to the Fire Department for attending Día De Los Ninos on Saturday, April 30th.

Councilmember Villegas mentioned he offered his best wishes to our MPD Officer who was injured. He thanked City Manager, Arnoldo for attending the Fire Station 11 groundbreaking event with him. He reminded the public of Cinco De Mayo and encouraged others to learn the history of this holiday. Councilmember Villegas also wished a "Happy Mother's Day" to all mothers.

Mayor Garcia mentioned Madera Unified School District invited him to throw the first pitch at a softball game to honor Coach Shaubach on her 700th win. Mayor Garcia threw a strike and received a signed softball by the team and the Coach. He commended her on her amazing record.

G. CLOSED SESSION:

G-1 Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Section 54956.9(d)(4): One case

G-2 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation Pursuant to Section 54956.9(d)(2): One case - Madera Police Officer's Association

G-3 Conference with Labor Negotiator Pursuant to Section 54957.6
Agency Designated Representatives: Arnoldo Rodriguez, Wendy Silva, and Anthony Forestiere
Employee Organization: Madera Police Officers' Association

Attorney Shannon Chaffin made the closed session announcement at 7:54 p.m.

Council returned from Closed Session at 8:41 p.m. with all members of the Council present.

Attorney announced there was no reportable action.

ADJOURNMENT: Meeting was adjourned at 8:41 p.m.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN
Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

REPORT TO CITY COUNCIL

Approved by:

Department Director

City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-2

SUBJECT:

Informational Report on Register of Audited Demands

RECOMMENDATION:

Review Register of Audited Demands Report for August 6, 2022 to September 9, 2022.

SUMMARY:

The Register of Audited Demands for the City covering obligations paid during the period of August 6, 2022 to September 9, 2022 is summarized in the following tables. Attachment A contains Warrants while Table 2 is a summary of the wire transfers.

Table 1: *Warrant Distribution Summary*		
Description	*Check #'s*	*Amount*
General Warrants	33755 – 34069	$4,026,984.95

Table 2: *Wire Transfer Summary*		
Description	*Vendor*	*Amount*
Payroll and Taxes	Union Bank	$1,312,661.17
SDI	EDD	$4,976.62
CalPERS Payment	CalPERS	$380,721.66

DISCUSSION:

Warrant requests are processed weekly based on the adopted Fiscal Year 2021/2022 and 2022/2023 budgets and released for payment every Monday. Each demand has been audited and the Finance Director hereby certifies as to their accuracy and that there were sufficient funds for their payment. Per the request of City Council, we have included the departments from which

each of the respective warrants were requested as well as the fund/division description from which they were paid.

FINANCIAL IMPACT:

Demands for payments are made within the constraints of the approved 2021/2022 and 2022/2023 budgets.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

These expenditures were spent considering Strategy 115: Economic Resource Provision: Ensure sufficient economic resources to provide adequate City services and prepare for future growth.

ALTERNATIVES:

Informational only.

ATTACHMENTS:

Register of Audited Demands

CITY OF MADERA

REGISTER OF AUDITED DEMANDS FOR BANK #1 - UNION BANK GENERAL ACCOUNT

September 21, 2022

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
33755	08/08/2022	WATER OPS	SEWER OPS	DAVID HEUMANN	REPLACE SEWER MAIN	$ 16,000.00
33756	08/08/2022	PARKS	SPECIAL EVENTS	J & D MANUFACTURING	PLAQUES - JULY 4TH GOLF PRIZES	$ 281.45
33757	08/08/2022	FIRE	MEAS K - FIRE	ALLSTAR FIRE EQUIPMENT	FIRE - PPE	$ 17,303.76
33758	08/08/2022	CENTRAL ADMINISTRATI	CITY ATTORNEY	MONTOY LAW CORPORATION	CITY ATTORNEY CONTRACTED LEGAL SERVICES	$ 34,450.95
33759	08/08/2022	GRANTS	TRANS - FIXED	MV TRANSPORTATION, INC.	06/22 TRANSIT OPERATOR	$ 80,001.41
33759	08/08/2022	GRANTS	TRANS - DAR	MV TRANSPORTATION, INC.	06/22 TRANSIT OPERATOR	$ 48,523.88
33760	08/08/2022	INFORMATION SERVICES	FLEET ACQUISITION	GOVCONNECTION, INC.	PD - PATROL CARS GETAC TABLET	$ 963.93
33761	08/08/2022	FINANCE	CENTRAL ADMIN	THE PUN GROUP	PROFESSIONAL AUDITING SERVICES FY 21/22	$ 15,000.00
33762	08/08/2022	PW ADMIN	STREETS	INDEPENDENCE ENVIRONMENTAL SERVICES, LLC	AIRPORT - RECYCLE OIL	$ 43,585.00
33763	08/08/2022	PW ADMIN	STREETS	LITE ON THE LAND, INC	RIVER CLEAN UP	$ 16,260.00
33764	08/08/2022	WATER QUALITY CONTR	WATER QUALITY	DELLAVALLE LABORATORY,INC.	WEEKLY SAMPLING	$ 1,110.00
33764	08/08/2022	WATER QUALITY CONTR	WATER QUALITY	DELLAVALLE LABORATORY,INC.	MONTHLY SAMPLING	$ 462.00
33765	08/08/2022	FINANCE	AIRPORT OPS	AT&T	07/22 CALNET 3 SVS 9391026409	$ 24.81
33765	08/08/2022	FINANCE	CENTRAL ADMIN	AT&T	07/22 CALNET 3 SVS 9391026406	$ 22.72
33765	08/08/2022	FINANCE	FINANCE	AT&T	07/22 CALNET 3 SVS 9391026406	$ 22.72
33765	08/08/2022	FINANCE	HR/RISK MGT	AT&T	07/22 CALNET 3 SVS 9391026400	$ 24.38
33765	08/08/2022	FINANCE	PARKS	AT&T	07/22 CALNET 3 SVS 9391026412	$ 169.02
33765	08/08/2022	FINANCE	PARKS ADMIN	AT&T	07/22 CALNET 3 SVS 9391031580	$ 266.90
33765	08/08/2022	FINANCE	SEWER OPS	AT&T	07/22 CALNET 3 SVS 9391026410	$ 47.08
33765	08/08/2022	FINANCE	SR CITIZEN COMM	AT&T	07/22 CALNET 3 SVS 9391026415	$ 62.05
33765	08/08/2022	FINANCE	WWTP	AT&T	07/22 CALNET 3 SVS 9391026405	$ 25.28
33765	08/08/2022	FINANCE	WWTP	AT&T	07/22 CALNET 3 SVS 9391026417	$ 32.77
33765	08/08/2022	FINANCE	PD OPS	AT&T	07/22 CALNET 3 SVS 9391026414	$ 345.48
33766	08/08/2022	FINANCE	FIRE	BANK OF NEW YORK MELLON	LEASE REVENUE BONDS SERIES 2019 FIRE STATION	$ 1,500.00
33767	08/08/2022	FACILITIES	FIRE	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE - FIRE #7	$ 430.47
33767	08/08/2022	FACILITIES	FIRE	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE - FIRE #8	$ 194.54
33767	08/08/2022	FACILITIES	WWTP	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE - WWTP	$ 765.26
33768	08/08/2022	FINANCE	CODE ENF	STATE CONTROLLER'S OFFICE	2021 OFFSETS PROGRAM	$ 8.99
33769	08/08/2022	UB - WATER	DRAINAGE	DATAPROSE, LLC	PROPOSITION NOTICES	$ 15,543.73
33769	08/08/2022	UB - WATER	UB - GARBAGE	DATAPROSE, LLC	PROPOSITION NOTICES	$ 5,533.55
33769	08/08/2022	UB - WATER	UB - GARBAGE	DATAPROSE, LLC	POSTAGE	$ 5.70
33769	08/08/2022	UB - WATER	UB - GARBAGE	DATAPROSE, LLC	06/22 BILLING	$ 2,267.96
33769	08/08/2022	UB - WATER	UB - GARBAGE	DATAPROSE, LLC	07/22 BILLING	$ 2,285.22
33769	08/08/2022	UB - WATER	UB - GARBAGE	DATAPROSE, LLC	08/22 NEWSLETTER	$ 295.79

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
33769	08/08/2022	UB - WATER	UB - SEWER	DATAPROSE, LLC	PROPOSITION NOTICES	$ 5,533.55
33769	08/08/2022	UB - WATER	UB - SEWER	DATAPROSE, LLC	POSTAGE	$ 5.71
33769	08/08/2022	UB - WATER	UB - SEWER	DATAPROSE, LLC	06/22 BILLING	$ 2,267.97
33769	08/08/2022	UB - WATER	UB - SEWER	DATAPROSE, LLC	07/22 BILLING	$ 2,285.23
33769	08/08/2022	UB - WATER	UB - SEWER	DATAPROSE, LLC	08/22 NEWSLETTER	$ 295.79
33769	08/08/2022	UB - WATER	UB - WATER	DATAPROSE, LLC	PROPOSITION NOTICES	$ 5,533.53
33769	08/08/2022	UB - WATER	UB - WATER	DATAPROSE, LLC	POSTAGE	$ 11.41
33769	08/08/2022	UB - WATER	UB - WATER	DATAPROSE, LLC	06/22 BILLING	$ 4,535.95
33769	08/08/2022	UB - WATER	UB - WATER	DATAPROSE, LLC	07/22 BILLING	$ 4,570.46
33769	08/08/2022	UB - WATER	UB - WATER	DATAPROSE, LLC	08/22 NEWSLETTER	$ 591.59
33769	08/08/2022	UB - WATER	SEWER FUND	DATAPROSE, LLC	CAWB SEWER CREDIT NOTIFICATION	$ 857.48
33770	08/08/2022	PARKS	COMM & REC	DIAMOND COMMUNICATIONS	UPDATED SECURITY CODES - PAC	$ 30.00
33770	08/08/2022	PARKS	COMM & REC	DIAMOND COMMUNICATIONS	FIRE ALARM SYSTEM - PAC	$ 1,153.18
33770	08/08/2022	PARKS ADMINISTRATION	COMM & REC	DIAMOND COMMUNICATIONS	FIRE ALARM SYSTEM - PAC	$ 4,192.00
33771	08/08/2022	INFORMATION SERVICES	COMPUTER MAINT	ESRI	ESRI SOFTWARE RENEWAL	$ 11,897.26
33772	08/08/2022	ENGINEERING	ENGINEERING	FEDERAL EXPRESS	EXPRESS SHIPPING	$ 26.26
33773	08/08/2022	BUILDING	BUILDING	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION SVS 07/16/22-07/31/22	$ 18,900.00
33774	08/08/2022	FINANCE	AIRPORT OPS	CITY OF MADERA	LMD ASSESSMENTS	$ 299.01
33774	08/08/2022	FINANCE	WATER CONSERV	CITY OF MADERA	MULCH REBATE - 9921687	$ 49.50
33774	08/08/2022	FINANCE	WATER CONSERV	CITY OF MADERA	TOILET REPLACEMENT REBATE - 9912184	$ 100.00
33774	08/08/2022	FINANCE	WATER CONSERV	CITY OF MADERA	TOILET REPLACEMENT REBATE - 6169003	$ 198.00
33774	08/08/2022	FINANCE	WATER CONSERV	CITY OF MADERA	SMART IRR CONTROLLER REBATE - 9926465	$ 144.48
33774	08/08/2022	FINANCE	PRIOR BONDS PROJ	CITY OF MADERA	LMD ASSESSMENTS	$ 695.52
33774	08/08/2022	FINANCE	ECONOMIC DEVELOP	CITY OF MADERA	LMD ASSESSMENTS	$ 2,522.60
33775	08/08/2022	FINANCE	PD OPS	MADERA COUNTY TREASURER	06/22 COUNTY'S PORTION OF PARKING PENALTIES PAID	$ 680.50
33776	08/08/2022	HR/RISK MGT	HR/RISK MGT	MADERA TRIBUNE	RECRUITMENT AD - MAINTENANCE TECH	$ 72.20
33777	08/08/2022	PARKS	AQUATICS PROGRM	MAMMOTH OXYGEN	CO2 FOR POOL	$ 111.60
33778	08/08/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 8126770647-1	$ 461.57
33778	08/08/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3819620697-3	$ 113.26
33778	08/08/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 96.42
33778	08/08/2022	FINANCE	CENTRAL ADMIN	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 1,714.61
33778	08/08/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 1,107.17
33778	08/08/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	07/22 SERVICE 8307681856-2	$ 833.89
33778	08/08/2022	FINANCE	DRAINAGE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 984.80
33778	08/08/2022	FINANCE	ENGINEERING	PACIFIC GAS & ELECTRIC	07/22 SERVICE 2000655655-7	$ 2,591.44
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3352588453-3	$ 137.48
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3499945233-6	$ 100.59

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 4318089701-9	$ 16.39
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 7949615676-5	$ 15.60
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 28,130.97
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 5237156686-1	$ 37.09
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 8178280304-3	$ 100.88
33778	08/08/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3642526071-2	$ 46.11
33778	08/08/2022	FINANCE	FIRE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 2173157566-4	$ 2,440.82
33778	08/08/2022	FINANCE	FIRE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ (393.64)
33778	08/08/2022	FINANCE	INTERMODAL BLDG	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 1,173.18
33778	08/08/2022	FINANCE	PARKING DIST OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 164.30
33778	08/08/2022	FINANCE	PARKS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 11,838.92
33778	08/08/2022	FINANCE	SEWER OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 2,625.58
33778	08/08/2022	FINANCE	SOLID WASTE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 288.29
33778	08/08/2022	FINANCE	SR CITIZEN COMM	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 49.53
33778	08/08/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9651992016-7	$ 137.12
33778	08/08/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 172,510.61
33778	08/08/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9172110863-6	$ 25,679.26
33778	08/08/2022	FINANCE	WWTP	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 116.76
33778	08/08/2022	FINANCE	ZONE 34B	PACIFIC GAS & ELECTRIC	06/22 SERVICE 0443905948-8	$ 10.60
33778	08/08/2022	FINANCE	ZONE 24	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 11.26
33778	08/08/2022	FINANCE	ZONE 31A	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 31.04
33778	08/08/2022	FINANCE	ZONE 20B	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 22.03
33778	08/08/2022	FINANCE	ZONE 27B	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 11.29
33778	08/08/2022	FINANCE	ZONE 2	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 55.09
33778	08/08/2022	FINANCE	ZONE 3	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 41.75
33778	08/08/2022	FINANCE	ZONE 31B	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 31.04
33778	08/08/2022	FINANCE	ZONE 4	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 11.61
33778	08/08/2022	FINANCE	ZONE 6A	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 67.88
33778	08/08/2022	FINANCE	ZONE 29C	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 11.52
33778	08/08/2022	FINANCE	ZONE 8	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 70.07
33778	08/08/2022	FINANCE	ZONE 16	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 23.60
33778	08/08/2022	FINANCE	ZONE 13	PACIFIC GAS & ELECTRIC	07/22 SERVICE 3533032414-	$ 139.16
33779	08/08/2022	FINANCE	FINANCE	PHOENIX GROUP INFO SYS	06/22 CITATIONS	$ 302.78
33780	08/08/2022	ENGINEERING	ENGINEERING	REAL PROPERTY ANALYSTS	APPRAISAL SERVICES - 13366 & 13288 RD 21 1/2	$ 2,200.00
33781	08/08/2022	SEWER OPS	WATER OPS	SILVA AUTO GROUP	REPLACE BROKEN MIRROR	$ 954.99
33782	08/08/2022	GRANTS	TRANSIT CENTER	TECH. MASTER PEST MANAGEMENT	SQUIRREL CONTROL - TRANSIT	$ 150.00
33783	08/08/2022	PARKS	COMM & REC	TK ELEVATOR CORPORATION	YC ELEVATOR MAINTENANCE	$ 294.84

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
33784	08/08/2022	INFORMATION SERVICES	COMPUTER MAINT	TYLER TECHNOLOGIES INC.	TYLER FORMS	$ 150.00
33785	08/08/2022	PARKS	PARKS	VILLA GARDENING SERVICE INC	06/22 LAWN SERVICE - ACCORNERO	$ 330.00
33785	08/08/2022	PARKS	PARKS	VILLA GARDENING SERVICE INC	07/22 LAWN SERVICE - ACCORNERO	$ 330.00
33786	08/08/2022	FINANCE	GENERAL TRUST	OVERPAYMENTS	ASSET FORFEITURE 6861-20 A/F (MPD 20M-06934)	$ 2,050.80
33788	08/08/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 900.00
33789	08/08/2022	FINANCE	WATER FUND	OTP- REBATES	METER 15 DEPOSIT REFUND	$ 1,700.00
33790	08/08/2022	FINANCE	WATER FUND	AR REFUNDS	METER 33 DEPOSIT REFUND	$ 1,700.00
33791	08/08/2022	FINANCE	WATER FUND	AR REFUNDS	METER 4 DEPOSIT REFUND	$ 1,700.00
33792	08/08/2022	FINANCE	WATER FUND	AR REFUNDS	METER 32 DEPOSIT REFUND	$ 1,700.00
33793	08/08/2022	PARKS	AQUATICS PROGRM	OTP- PARKS REFUNDS	PARK CANCELLATION REFUND - POOL	$ 240.00
33793	08/08/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK CANCELLATION REFUND - POOL	$ 100.00
33794	08/08/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PAVILION	$ 50.00
33795	08/08/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - ROTARY PAVILION	$ 50.00
33796	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 808 JAMES	$ 68.65
33797	08/08/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9906037-506196	$ 24.62
33797	08/08/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9906037-506196	$ 23.78
33797	08/08/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9906037-506196	$ 44.39
33798	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1121 NEBRASKA	$ 256.90
33799	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1213 MERCED	$ 176.23
33800	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1955 IVORY	$ 212.51
33801	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 805 CLAREMONT	$ 115.06
33802	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2121 W CLEVELAND	$ 206.49
33803	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1304 LACRETA	$ 51.02
33804	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1346 TOLEDO	$ 200.13
33805	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1615 CAMINO	$ 106.36
33806	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1005 E 6TH	$ 262.78
33807	08/08/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9906266-506256	$ 31.07
33807	08/08/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9906266-506256	$ 24.54
33807	08/08/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9906266-506256	$ 45.82
33808	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 617 CHESTNUT	$ 120.08
33809	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 185 ROBERTS	$ 449.93
33810	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1763 EISENHOWER	$ 150.33
33811	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1713 ADANAC	$ 113.39
33812	08/08/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1000 E CLEVELAND	$ 223.65
33813	08/15/2022	ENGINEERING	ENGINEERING	ACRO SERVICE CORPORATION	TEMP SERVICES - ENGINEERING	$ 16,320.00
33814	08/15/2022	ENGINEERING	AFFORD HOUSING	COLIBRI ECOLOGICAL CONSULTING, LLC	NESTING BIRD SURVEY	$ 496.25
33815	08/15/2022	FINANCE	PAYROLL TRUST	COURT ORDERED DEBT COLLECTIONS	COURT ORDERED DEBT COLLECTION	$ 35.48

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33816	08/15/2022	FINANCE	PAYROLL TRUST	CA DEPARTMENT OF CHILD SUPPORT	CHILD SUPPORT DEDUCTIONS	$ 1,035.19
33817	08/15/2022	ENGINEERING	WATER CAPITAL	CAROLLO ENGINEERS, INC	PROFESSIONAL ENGINEERING DESIGN SERVICES	$ 3,239.38
33818	08/15/2022	PD OPERATIONS	PD OPS	RAUL R. HERRERA JR.	POLYGRAPHS	$ 1,800.00
33819	08/15/2022	PD OPERATIONS	PD OPS	LEATHAM FAMILY, LLC	BADGE ORDER	$ 160.73
33820	08/15/2022	PD OPERATIONS	PD OPS	TIM J LAW	EMPLOYMENT BACKGROUND	$ 1,400.00
33821	08/15/2022	GRANTS	TRANS - FIXED	MV TRANSPORTATION, INC.	07/22 TRANSIT OPERATOR	$ 94,648.66
33821	08/15/2022	GRANTS	TRANS - DAR	MV TRANSPORTATION, INC.	07/22 TRANSIT OPERATOR	$ 47,569.02
33822	08/15/2022	FINANCE	AIRPORT OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 45.76
33822	08/15/2022	FINANCE	AIRPORT OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 72.60
33822	08/15/2022	FINANCE	ANIMAL CONTROL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 343.57
33822	08/15/2022	FINANCE	ANIMAL CONTROL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 382.07
33822	08/15/2022	FINANCE	BUILDING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 136.46
33822	08/15/2022	FINANCE	BUILDING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 174.91
33822	08/15/2022	FINANCE	CODE ENF	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 386.45
33822	08/15/2022	FINANCE	CODE ENF	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 171.35
33822	08/15/2022	FINANCE	DRAINAGE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 603.69
33822	08/15/2022	FINANCE	DRAINAGE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 151.78
33822	08/15/2022	FINANCE	ENGINEERING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 173.89
33822	08/15/2022	FINANCE	ENGINEERING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 264.89
33822	08/15/2022	FINANCE	FACILITIES MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 525.59
33822	08/15/2022	FINANCE	FACILITIES MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 152.76
33822	08/15/2022	FINANCE	FLEET MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 224.64
33822	08/15/2022	FINANCE	FLEET MOTOR POOL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 81.01
33822	08/15/2022	FINANCE	FLEET MOTOR POOL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 20.16
33822	08/15/2022	FINANCE	GRAFFITI ABATE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 642.89
33822	08/15/2022	FINANCE	GRAFFITI ABATE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 642.05
33822	08/15/2022	FINANCE	PARKS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 3,772.14
33822	08/15/2022	FINANCE	PARKS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 2,832.50
33822	08/15/2022	FINANCE	STREETS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 1,619.37
33822	08/15/2022	FINANCE	STREETS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 1,824.24
33822	08/15/2022	FINANCE	SEWER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 1,249.89
33822	08/15/2022	FINANCE	SEWER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 916.91
33822	08/15/2022	FINANCE	STREET CLEANING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 1,936.64
33822	08/15/2022	FINANCE	STREET CLEANING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 1,907.20
33822	08/15/2022	FINANCE	TRANS - FIXED	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 2,928.38
33822	08/15/2022	FINANCE	TRANS - FIXED	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 3,446.23
33822	08/15/2022	FINANCE	TRANS - DAR	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 2,664.40

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33822	08/15/2022	FINANCE	TRANS - DAR	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 3,135.57
33822	08/15/2022	FINANCE	WATER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 2,153.16
33822	08/15/2022	FINANCE	WATER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 2,077.76
33822	08/15/2022	FINANCE	WATER QUALITY	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 390.43
33822	08/15/2022	FINANCE	WATER QUALITY	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 397.03
33822	08/15/2022	FINANCE	WWTP	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 158.20
33822	08/15/2022	FINANCE	PD OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/01/22-07/15/22	$ 7,829.90
33822	08/15/2022	FINANCE	PD OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 07/16/22-07/31/22	$ 8,288.26
33822	08/15/2022	FIRE	FIRE	VAN DE POL ENTERPRISES, INC.	FUEL CDF - 06/16/22-06/30/22	$ 866.82
33822	08/15/2022	FIRE	FIRE	VAN DE POL ENTERPRISES, INC.	FUEL CDF - 07/01/22-07/15/22	$ 744.91
33822	08/15/2022	FIRE	FIRE	VAN DE POL ENTERPRISES, INC.	FUEL CDF 07/16/22-07/31/22	$ 586.18
33822	08/15/2022	FIRE	MEAS K - FIRE	VAN DE POL ENTERPRISES, INC.	FUEL CDF - BULK DIESEL	$ 4,144.94
33823	08/15/2022	HR/RISK MGT	HR/RISK MGT	SIJ HOLDINGS LLC	RECRUITMENT ADS	$ 3,394.80
33824	08/15/2022	PD OPERATIONS	PARKS	O&E TRANSPORTATION LLC	RIVER CLEAN UP	$ 19,575.00
33825	08/15/2022	FACILITIES	COMM & REC	MESA ENERGY SYSTEMS, INC	HVAC MAINTENANCE - JWYC	$ 598.00
33825	08/15/2022	FACILITIES	FIRE	MESA ENERGY SYSTEMS, INC	HVAC MAINTENANCE - FIRE #58	$ 2,277.87
33826	08/15/2022	FLEET MAINTENANCE	FLEET MAINT	PETER RAMIREZ	ACCIDENT REPAIRS #1523	$ 2,710.62
33827	08/15/2022	CITY CLERK'S OFFICE	CITY CLERK	BEST BEST & KRIEGER LLP	REDISTRICTING CONSULTANT SERVICES	$ 50,000.00
33828	08/15/2022	FINANCE	AIRPORT OPS	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 37.02
33828	08/15/2022	FINANCE	CENTRAL ADMIN	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 56.00
33828	08/15/2022	FINANCE	COMM & REC	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 325.50
33828	08/15/2022	FINANCE	ENGINEERING	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 39.00
33828	08/15/2022	FINANCE	FACILITIES MAINT	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 183.30
33828	08/15/2022	FINANCE	FLEET MAINT	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 283.26
33828	08/15/2022	FINANCE	PARKS	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 260.16
33828	08/15/2022	FINANCE	STREETS	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 409.76
33828	08/15/2022	FINANCE	SEWER OPS	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 116.82
33828	08/15/2022	FINANCE	UB - WATER	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 18.00
33828	08/15/2022	FINANCE	WATER OPS	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 219.40
33828	08/15/2022	FINANCE	WATER QUALITY	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 86.72
33828	08/15/2022	FINANCE	WWTP	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 287.45
33828	08/15/2022	FINANCE	PD OPS	PRUDENTIAL OVERALL SUPPLY	07/22 UNIFORM SERVICES	$ 52.50
33829	08/15/2022	FACILITIES	INTERMODAL BLDG	TS MATTHEWS CONSTRUCTION, INC.	BUILDING REPAIR - TRANSIT	$ 2,485.00
33830	08/15/2022	FINANCE	AQUATICS PROGRM	AT&T	07/22 CALNET 3 SVS 9391026397	$ 22.89
33830	08/15/2022	FINANCE	BUILDING	AT&T	07/22 CALNET 3 SVS 9391031559	$ 20.05
33830	08/15/2022	FINANCE	BUILDING	AT&T	07/22 CALNET 3 SVS 9391031577	$ 26.51
33830	08/15/2022	FINANCE	BUILDING	AT&T	07/22 CALNET 3 SVS 9391026390	$ 62.61

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33830	08/15/2022	FINANCE	BUILDING	AT&T	07/22 CALNET 3 SVS 9391026407	$ 24.70
33830	08/15/2022	FINANCE	CITY ATTORNEY	AT&T	07/22 CALNET 3 SVS 9391031559	$ 6.68
33830	08/15/2022	FINANCE	CITY ATTORNEY	AT&T	07/22 CALNET 3 SVS 9391031577	$ 7.56
33830	08/15/2022	FINANCE	CITY ATTORNEY	AT&T	07/22 CALNET 3 SVS 9391026390	$ 17.85
33830	08/15/2022	FINANCE	CITY ATTORNEY	AT&T	07/22 CALNET 3 SVS 9391026388	$ 48.84
33830	08/15/2022	FINANCE	CITY CLERK	AT&T	07/22 CALNET 3 SVS 9391031559	$ 5.01
33830	08/15/2022	FINANCE	CITY CLERK	AT&T	07/22 CALNET 3 SVS 9391031577	$ 7.56
33830	08/15/2022	FINANCE	CITY CLERK	AT&T	07/22 CALNET 3 SVS 9391026390	$ 17.85
33830	08/15/2022	FINANCE	CODE ENF	AT&T	07/22 CALNET 3 SVS 9391026413	$ 24.41
33830	08/15/2022	FINANCE	COMM & REC	AT&T	07/22 CALNET 3 SVS 9391026391	$ 283.41
33830	08/15/2022	FINANCE	COMPUTER MAINT	AT&T	07/22 CALNET 3 SVS 9391031559	$ 5.01
33830	08/15/2022	FINANCE	COMPUTER MAINT	AT&T	07/22 CALNET 3 SVS 9391031577	$ 15.15
33830	08/15/2022	FINANCE	COMPUTER MAINT	AT&T	07/22 CALNET 3 SVS 9391026390	$ 35.77
33830	08/15/2022	FINANCE	ENGINEERING	AT&T	07/22 CALNET 3 SVS 9391031559	$ 38.43
33830	08/15/2022	FINANCE	ENGINEERING	AT&T	07/22 CALNET 3 SVS 9391031577	$ 53.03
33830	08/15/2022	FINANCE	ENGINEERING	AT&T	07/22 CALNET 3 SVS 9391026390	$ 125.21
33830	08/15/2022	FINANCE	FACILITIES MAINT	AT&T	07/22 CALNET 3 SVS 9391031564	$ 14.74
33830	08/15/2022	FINANCE	FACILITIES MAINT	AT&T	07/22 CALNET 3 SVS 9391026394	$ 25.73
33830	08/15/2022	FINANCE	FINANCE	AT&T	07/22 CALNET 3 SVS 9391031559	$ 25.06
33830	08/15/2022	FINANCE	FINANCE	AT&T	07/22 CALNET 3 SVS 9391031577	$ 41.66
33830	08/15/2022	FINANCE	FINANCE	AT&T	07/22 CALNET 3 SVS 9391026390	$ 98.37
33830	08/15/2022	FINANCE	FIRE	AT&T	07/22 CALNET 3 SVS 9391026402	$ 24.70
33830	08/15/2022	FINANCE	FLEET MAINT	AT&T	07/22 CALNET 3 SVS 9391031564	$ 9.82
33830	08/15/2022	FINANCE	FLEET MAINT	AT&T	07/22 CALNET 3 SVS 9391026394	$ 17.18
33830	08/15/2022	FINANCE	GRANT OVERSIGHT	AT&T	07/22 CALNET 3 SVS 9391031559	$ 11.70
33830	08/15/2022	FINANCE	GRANT OVERSIGHT	AT&T	07/22 CALNET 3 SVS 9391031577	$ 15.15
33830	08/15/2022	FINANCE	GRANT OVERSIGHT	AT&T	07/22 CALNET 3 SVS 9391026390	$ 35.77
33830	08/15/2022	FINANCE	HR/RISK MGT	AT&T	07/22 CALNET 3 SVS 9391031559	$ 6.68
33830	08/15/2022	FINANCE	HR/RISK MGT	AT&T	07/22 CALNET 3 SVS 9391031577	$ 11.34
33830	08/15/2022	FINANCE	HR/RISK MGT	AT&T	07/22 CALNET 3 SVS 9391026390	$ 26.78
33830	08/15/2022	FINANCE	PLANNING	AT&T	07/22 CALNET 3 SVS 9391031559	$ 11.70
33830	08/15/2022	FINANCE	PLANNING	AT&T	07/22 CALNET 3 SVS 9391031577	$ 18.93
33830	08/15/2022	FINANCE	PLANNING	AT&T	07/22 CALNET 3 SVS 9391026390	$ 44.69
33830	08/15/2022	FINANCE	STREETS	AT&T	07/22 CALNET 3 SVS 9391031564	$ 24.58
33830	08/15/2022	FINANCE	STREETS	AT&T	07/22 CALNET 3 SVS 9391026394	$ 42.92
33830	08/15/2022	FINANCE	SEWER OPS	AT&T	07/22 CALNET 3 SVS 9391031564	$ 17.19
33830	08/15/2022	FINANCE	SEWER OPS	AT&T	07/22 CALNET 3 SVS 9391026394	$ 30.02

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33830	08/15/2022	FINANCE	SOLID WASTE	AT&T	07/22 CALNET 3 SVS 9391031564	$ 19.69
33830	08/15/2022	FINANCE	SOLID WASTE	AT&T	07/22 CALNET 3 SVS 9391026394	$ 34.32
33830	08/15/2022	FINANCE	SR CITIZEN COMM	AT&T	07/22 CALNET 3 SVS 9391026395	$ 24.56
33830	08/15/2022	FINANCE	SR CITIZEN COMM	AT&T	07/22 CALNET 3 SVS 9391026389	$ 24.56
33830	08/15/2022	FINANCE	UB - GARBAGE	AT&T	07/22 CALNET 3 SVS 9391031559	$ 6.69
33830	08/15/2022	FINANCE	UB - GARBAGE	AT&T	07/22 CALNET 3 SVS 9391031564	$ 4.91
33830	08/15/2022	FINANCE	UB - GARBAGE	AT&T	07/22 CALNET 3 SVS 9391031577	$ 12.30
33830	08/15/2022	FINANCE	UB - GARBAGE	AT&T	07/22 CALNET 3 SVS 9391026390	$ 29.07
33830	08/15/2022	FINANCE	UB - GARBAGE	AT&T	07/22 CALNET 3 SVS 9391026394	$ 8.58
33830	08/15/2022	FINANCE	UB - SEWER	AT&T	07/22 CALNET 3 SVS 9391031559	$ 6.68
33830	08/15/2022	FINANCE	UB - SEWER	AT&T	07/22 CALNET 3 SVS 9391031564	$ 4.91
33830	08/15/2022	FINANCE	UB - SEWER	AT&T	07/22 CALNET 3 SVS 9391031577	$ 12.30
33830	08/15/2022	FINANCE	UB - SEWER	AT&T	07/22 CALNET 3 SVS 9391026390	$ 29.06
33830	08/15/2022	FINANCE	UB - SEWER	AT&T	07/22 CALNET 3 SVS 9391026394	$ 8.58
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391031559	$ 13.37
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391031564	$ 9.84
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391031577	$ 24.66
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391026390	$ 58.23
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391026394	$ 17.18
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391026392	$ 50.14
33830	08/15/2022	FINANCE	UB - WATER	AT&T	07/22 CALNET 3 SVS 9391026393	$ 75.57
33830	08/15/2022	FINANCE	WATER OPS	AT&T	07/22 CALNET 3 SVS 9391031564	$ 22.10
33830	08/15/2022	FINANCE	WATER OPS	AT&T	07/22 CALNET 3 SVS 9391026394	$ 38.60
33830	08/15/2022	FINANCE	WATER QUALITY	AT&T	07/22 CALNET 3 SVS 9391031564	$ 9.82
33830	08/15/2022	FINANCE	WATER QUALITY	AT&T	07/22 CALNET 3 SVS 9391026394	$ 17.18
33830	08/15/2022	FINANCE	WWTP	AT&T	07/22 CALNET 3 SVS 9391031564	$ 14.74
33830	08/15/2022	FINANCE	WWTP	AT&T	07/22 CALNET 3 SVS 9391026394	$ 25.73
33830	08/15/2022	FINANCE	CITY MANAGER	AT&T	07/22 CALNET 3 SVS 9391031559	$ 10.02
33830	08/15/2022	FINANCE	CITY MANAGER	AT&T	07/22 CALNET 3 SVS 9391031577	$ 7.56
33830	08/15/2022	FINANCE	CITY MANAGER	AT&T	07/22 CALNET 3 SVS 9391026390	$ 17.85
33830	08/15/2022	FINANCE	PURCHASING	AT&T	07/22 CALNET 3 SVS 9391031564	$ 14.74
33830	08/15/2022	FINANCE	PURCHASING	AT&T	07/22 CALNET 3 SVS 9391026394	$ 25.73
33830	08/15/2022	FINANCE	PAYROLL CLEARING	AT&T	07/22 CALNET 3 SVS 9391026413	$ 24.40
33830	08/15/2022	FINANCE	PD OPS	AT&T	07/22 CALNET 3 SVS 9391031579	$ 252.03
33830	08/15/2022	FINANCE	PD OPS	AT&T	07/22 CALNET 3 SVS 9391026411	$ 168.33
33830	08/15/2022	FINANCE	PD OPS	AT&T	07/22 CALNET 3 SVS 9391031561	$ 167.08
33830	08/15/2022	PD OPERATIONS	PD OPS	AT&T	06/22 FIRSTNET SVS 9391064552	$ 307.40

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33830	08/15/2022	PD OPERATIONS	PD OPS	AT&T	07/22 CALNET 3 SVS 9391064552	$ 307.40
33831	08/15/2022	ENGINEERING	ENGINEERING	AMERICAN BUSINESS MACHINES	PLOTTER COPIER SERVICE	$ 931.00
33832	08/15/2022	FACILITIES	FACILITIES MAINT	CA DEPARTMENT OF TRANSPORTATION	SHARED COST - SIGNALS 04/22-06/22	$ 5,660.74
33833	08/15/2022	PD OPERATIONS	SUPP LAW ENF	CALIFORNIA FORENSIC INSTITUTE	PRE-EMPLOYMENT EXAM	$ 450.00
33834	08/15/2022	PW ADMIN	WATER OPS	CWEA	CERTIFICATION RENEWAL - G1, BROOKS	$ 95.00
33835	08/15/2022	FINANCE	PAYROLL TRUST	COLONIAL LIFE & ACCIDENT INSURANCE CO	EE LIFE INSURANCE	$ 777.80
33836	08/15/2022	FINANCE	BUILDING	COMCAST	CITY INTERNET CONNECTION 07/22	$ 63.73
33836	08/15/2022	FINANCE	CITY ATTORNEY	COMCAST	CITY INTERNET CONNECTION 07/22	$ 18.86
33836	08/15/2022	FINANCE	CITY CLERK	COMCAST	CITY INTERNET CONNECTION 07/22	$ 18.92
33836	08/15/2022	FINANCE	CODE ENF	COMCAST	CITY INTERNET CONNECTION 07/22	$ 135.45
33836	08/15/2022	FINANCE	COMM & REC	COMCAST	CITY INTERNET CONNECTION 07/22	$ 90.62
33836	08/15/2022	FINANCE	COMPUTER MAINT	COMCAST	CITY INTERNET CONNECTION 07/22	$ 36.86
33836	08/15/2022	FINANCE	ENGINEERING	COMCAST	CITY INTERNET CONNECTION 07/22	$ 126.49
33836	08/15/2022	FINANCE	FACILITIES MAINT	COMCAST	CITY INTERNET CONNECTION 07/22	$ 27.87
33836	08/15/2022	FINANCE	FINANCE	COMCAST	CITY INTERNET CONNECTION 07/22	$ 99.59
33836	08/15/2022	FINANCE	FLEET MAINT	COMCAST	CITY INTERNET CONNECTION 07/22	$ 18.92
33836	08/15/2022	FINANCE	GRANT OVERSIGHT	COMCAST	CITY INTERNET CONNECTION 07/22	$ 36.86
33836	08/15/2022	FINANCE	HR/RISK MGT	COMCAST	CITY INTERNET CONNECTION 07/22	$ 36.86
33836	08/15/2022	FINANCE	PARKS	COMCAST	CITY INTERNET CONNECTION 07/22	$ 45.79
33836	08/15/2022	FINANCE	PARKS ADMIN	COMCAST	CITY INTERNET CONNECTION 07/22	$ 36.83
33836	08/15/2022	FINANCE	PLANNING	COMCAST	CITY INTERNET CONNECTION 07/22	$ 45.48
33836	08/15/2022	FINANCE	STREETS	COMCAST	CITY INTERNET CONNECTION 07/22	$ 45.80
33836	08/15/2022	FINANCE	RECREATION	COMCAST	CITY INTERNET CONNECTION 07/22	$ 54.77
33836	08/15/2022	FINANCE	SEWER OPS	COMCAST	CITY INTERNET CONNECTION 07/22	$ 32.34
33836	08/15/2022	FINANCE	SOLID WASTE	COMCAST	CITY INTERNET CONNECTION 07/22	$ 36.83
33836	08/15/2022	FINANCE	SR CITIZEN COMM	COMCAST	CITY INTERNET CONNECTION 07/22	$ 36.83
33836	08/15/2022	FINANCE	UB - GARBAGE	COMCAST	CITY INTERNET CONNECTION 07/22	$ 30.11
33836	08/15/2022	FINANCE	UB - SEWER	COMCAST	CITY INTERNET CONNECTION 07/22	$ 30.11
33836	08/15/2022	FINANCE	UB - WATER	COMCAST	CITY INTERNET CONNECTION 07/22	$ 59.25
33836	08/15/2022	FINANCE	WATER OPS	COMCAST	CITY INTERNET CONNECTION 07/22	$ 41.31
33836	08/15/2022	FINANCE	WATER QUALITY	COMCAST	CITY INTERNET CONNECTION 07/22	$ 18.92
33836	08/15/2022	FINANCE	WWTP	COMCAST	CITY INTERNET CONNECTION 07/22	$ 27.87
33836	08/15/2022	FINANCE	CITY MANAGER	COMCAST	CITY INTERNET CONNECTION 07/22	$ 18.86
33836	08/15/2022	FINANCE	PURCHASING	COMCAST	CITY INTERNET CONNECTION 07/22	$ 27.87
33837	08/15/2022	HR/RISK MGT	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	$ 214.00
33838	08/15/2022	FIRE	MEAS K - FIRE	DIAMOND COMMUNICATIONS	FIRE ALARM MONITORING - FIRE #58	$ 35.00
33838	08/15/2022	SEWER OPS	SEWER OPS	DIAMOND COMMUNICATIONS	TELEPHONE ANSWERING SERVICE 08/22	$ 115.00

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
33839	08/15/2022	PD OPERATIONS	PD OPS	FRESNO CITY COLLEGE	REG FEE - BACKGROUND INVESTIGATION COURSE	$ 113.00
33840	08/15/2022	PD OPERATIONS	PD OPS	FRESNO POLICE DEPARTMENT	POLICE ACADEMY CLASS	$ 144.00
33841	08/15/2022	GRANTS	INTERMODAL BLDG	GUARDIAN WESTERN SWEEPING INC.	05/22 POWER SWEEPING	$ 344.50
33841	08/15/2022	GRANTS	INTERMODAL BLDG	GUARDIAN WESTERN SWEEPING INC.	06/22 POWER SWEEPING	$ 358.28
33841	08/15/2022	GRANTS	PARKING DIST OPS	GUARDIAN WESTERN SWEEPING INC.	05/22 POWER SWEEPING	$ 344.50
33841	08/15/2022	GRANTS	PARKING DIST OPS	GUARDIAN WESTERN SWEEPING INC.	06/22 POWER SWEEPING	$ 358.28
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	06/22 UTILITY SERVICE - 3040431	$ 74.82
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	06/22 UTILITY SERVICE - 3040441	$ 102.53
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	06/22 UTILITY SERVICE - 3040421	$ 62.22
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	07/22 UTILITY SERVICE - 3040441-500276	$ 214.59
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	07/22 UTILITY SERVICE - 3040421-500276	$ 64.33
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	08/22 UTILITY SERVICE - 3040441-500276	$ 277.07
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	08/22 UTILITY SERVICE - 3040431-500276	$ 87.76
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	08/22 UTILITY SERVICE - 3040421-500276	$ 51.03
33842	08/15/2022	GRANTS	INTERMODAL BLDG	CITY OF MADERA	07/22 UTILITY SERVICE - 3040431-500276	$ 79.03
33843	08/15/2022	PARKS	PARKS ADMIN	MADERA TRIBUNE	RFP- MONUMENTS ROTARY & CENTENNIAL	$ 352.00
33844	08/15/2022	PD OPERATIONS	PD OPS	MADERA UNIFORM & ACCESSORIES	UNIFORM ACCESSORIES	$ 304.94
33845	08/15/2022	FLEET ACQUISITION	FLEET ACQUISITION	MOTOROLA SOLUTIONS INC.	RADIO UPGRADES - PD	$ 21,539.29
33846	08/15/2022	ENGINEERING	ENGINEERING	RICOH USA, INC.	COPIER MAINTENANCE	$ 6.03
33847	08/15/2022	FINANCE	PAYROLL TRUST	STATE OF CALIFORNIA	FRANCHISE TAX DEDUCTIONS	$ 200.00
33848	08/15/2022	PD OPERATIONS	PD OPS	TRANSUNION RISK & ALTERNATIVE DATA SOL.	DATABASE ACCESS 07/22	$ 194.00
33849	08/15/2022	FINANCE	PAYROLL TRUST	VANTAGEPOINT TRANSFER AGENTS-457	EE DEFERRED COMP CONTRIBUTIONS	$ 27,357.08
33850	08/15/2022	PARKS	AQUATICS PROGRM	WECO WELDING, PAINT, SUPPLIES & EQUIP	CO2 FOR POOLCO2 FOR POOL	$ 1,142.67
33851	08/15/2022	ENGINEERING	MEAS T -LTP ADA	ACQUISITION	RIGHT OF AWAY AQUISITION PER RES 22-74	$ 1,248.00
33852	08/15/2022	ENGINEERING	MEAS T -LTP ADA	ACQUISITION	RIGHT OF AWAY AQUISITION PER RES 22-74	$ 876.00
33853	08/15/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 2,000.00
33854	08/15/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 2,229.00
33855	08/15/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 2,000.00
33856	08/15/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 3,000.00
33857	08/15/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PAVILION	$ 50.00
33857	08/15/2022	PARKS	PARKS	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PAVILION	$ 115.00
33858	08/15/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - ROTARY PAVILION	$ 50.00
33859	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 731 SAN ANDREA	$ 225.68
33860	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1025 BARNETT 1-4	$ 311.23
33861	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1025 BARNETT 17-20	$ 327.49
33862	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1025 BARNETT 25-28	$ 315.49
33863	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1025 BARNETT 41-44	$ 314.41

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
33864	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 220 GROVE	$ 246.32
33865	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1014 PINEWOOD	$ 28.55
33866	08/15/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9920854-552365	$ 36.70
33866	08/15/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9920854-552365	$ 27.61
33866	08/15/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9920854-552365	$ 51.55
33866	08/15/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9920854-552365	$ 1.86
33867	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2055 W CLEVELAND	$ 189.94
33868	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2263 W CLEVELAND	$ 745.61
33869	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2091 W CLEVELAND	$ 252.79
33870	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2201 W CLEVELAND	$ 48.68
33871	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2001 W CLEVELAND	$ 206.32
33872	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1996 MADISON	$ 23.88
33873	08/15/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9912782-507887	$ 30.58
33873	08/15/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9912782-507887	$ 23.01
33873	08/15/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9912782-507887	$ 42.96
33873	08/15/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9912782-507887	$ 1.29
33874	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REUND 1105 DAVIS	$ 51.57
33875	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 286 DOUBLE TREE	$ 51.22
33876	08/15/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2657 KIMBERLY	$ 45.92
33877	08/22/2022	ENGINEERING	ENGINEERING	ACRO SERVICE CORPORATION	TEMP SERVICES - ENGINEERING	$ 4,110.00
33878	08/22/2022	PW ADMIN	AIRPORT OPS	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 276.16
33878	08/22/2022	PW ADMIN	CENTRAL ADMIN	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 3,224.32
33878	08/22/2022	PW ADMIN	COMM & REC	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 5,626.09
33878	08/22/2022	PW ADMIN	ENGINEERING	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 2,444.56
33878	08/22/2022	PW ADMIN	FINANCE	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 217.25
33878	08/22/2022	PW ADMIN	INTERMODAL BLDG	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 513.12
33878	08/22/2022	PW ADMIN	SEWER OPS	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 672.81
33878	08/22/2022	PW ADMIN	SOLID WASTE	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 672.82
33878	08/22/2022	PW ADMIN	UB - GARBAGE	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 217.26
33878	08/22/2022	PW ADMIN	UB - SEWER	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 217.26
33878	08/22/2022	PW ADMIN	UB - WATER	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 434.49
33878	08/22/2022	PW ADMIN	WATER QUALITY	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 206.73
33878	08/22/2022	PW ADMIN	WWTP	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 805.05
33878	08/22/2022	PW ADMIN	TRANSIT CENTER	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 1,627.13
33878	08/22/2022	PW ADMIN	PD OPS	SERVICEMASTER BY J&C BROWN	08/22 JANITORIAL SERVICES	$ 4,265.58
33879	08/22/2022	PD OPERATIONS	PD OPS	DIEBERTS CREATIVE COPY INC	BUSINESS CARDS - VARIOUS	$ 265.21
33880	08/22/2022	CITY CLERK'S OFFICE	CITY CLERK	SEABURY COPLAND & ANDERSON INSURANCE	BOND - CITY CLERK	$ 255.00

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33881	08/22/2022	PD OPERATIONS	PD OPS	TIM J LAW	EMPLOYMENT BACKGROUND	$ 1,400.00
33882	08/22/2022	PD OPERATIONS	PD OPS	PACIFIC STORAGE COMPANY	SHREDDING SERVICES	$ 254.00
33883	08/22/2022	PD OPERATIONS	PD OPS	TRILOGY MEDWASTE WEST LLC	STOP FEE - NO WASTE	$ 62.50
33884	08/22/2022	CITY CLERK'S OFFICE	CITY CLERK	GENERAL LOGISTICS SYSTEMS US INC	OVERNIGHT MAIL	$ 7.93
33884	08/22/2022	CITY CLERK'S OFFICE	PURCHASING	GENERAL LOGISTICS SYSTEMS US INC	OVERNIGHT MAIL	$ 7.93
33885	08/22/2022	INFORMATION SERVICES	JAG GRANTS	ERGOTECH CONTROLS INC	WIRELESS ROUTERS - PD	$ 4,948.82
33886	08/22/2022	FINANCE	GENERAL TRUST	CA ENVIRONMENTAL PROTECTION AGENCY	MPD ASSET FORFEITURE - VARIOUS	$ 143.60
33887	08/22/2022	PD OPERATIONS	PD OPS	CINTAS CORPORATION	MEDICAL SUPPLIES	$ 115.18
33888	08/22/2022	PARKS ADMINISTRATION	PARKS	SIGNS OF SUCCESS, INC.	MEMORIAL PLAQUES	$ 9,476.74
33889	08/22/2022	WATER QUALITY CONTR	WATER QUALITY	DELLAVALLE LABORATORY,INC.	WEEKLY SAMPLING	$ 1,140.00
33889	08/22/2022	WATER QUALITY CONTR	WATER QUALITY	DELLAVALLE LABORATORY,INC.	QUARTERLY SAMPLING	$ 291.00
33890	08/22/2022	PD OPERATIONS	PD OPS	AT&T	07/22 CALNET 3 SVS 9391031566	$ 167.08
33890	08/22/2022	PD OPERATIONS	PD OPS	AT&T	07/22 CALNET 3 SVS 9391031578	$ 177.09
33891	08/22/2022	FINANCE	BUILDING	AT&T	07/22 FIRSTNET SVS 287302656036	$ 140.64
33891	08/22/2022	FINANCE	CITY CLERK	AT&T	07/22 FIRSTNET SVS 287302656036	$ 88.44
33891	08/22/2022	FINANCE	CITY COUNCIL	AT&T	07/22 FIRSTNET SVS 287302656036	$ 281.68
33891	08/22/2022	FINANCE	CODE ENF	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	COMPUTER MAINT	AT&T	07/22 FIRSTNET SVS 287302656036	$ 379.29
33891	08/22/2022	FINANCE	ENGINEERING	AT&T	07/22 FIRSTNET SVS 287302656036	$ 197.00
33891	08/22/2022	FINANCE	FACILITIES MAINT	AT&T	07/22 FIRSTNET SVS 287302656036	$ 693.48
33891	08/22/2022	FINANCE	FINANCE	AT&T	07/22 FIRSTNET SVS 287302656036	$ 500.61
33891	08/22/2022	FINANCE	FLEET MAINT	AT&T	07/22 FIRSTNET SVS 287302656036	$ 44.22
33891	08/22/2022	FINANCE	GRANT OVERSIGHT	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	HR/RISK MGT	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	PARKS	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	STREETS	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	UB - GARBAGE	AT&T	07/22 FIRSTNET SVS 287302656036	$ 11.05
33891	08/22/2022	FINANCE	UB - SEWER	AT&T	07/22 FIRSTNET SVS 287302656036	$ 11.06
33891	08/22/2022	FINANCE	UB - WATER	AT&T	07/22 FIRSTNET SVS 287302656036	$ 22.11
33891	08/22/2022	FINANCE	WWTP	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	MEAS K - PD	AT&T	07/22 FIRSTNET SVS 287302656036	$ 89.49
33891	08/22/2022	FINANCE	CITY MANAGER	AT&T	07/22 FIRSTNET SVS 287302656036	$ 49.25
33891	08/22/2022	FINANCE	PD OPS	AT&T	07/22 FIRSTNET SVS 287300735068	$ 40.24
33891	08/22/2022	FINANCE	PD OPS	AT&T	07/22 FIRSTNET SVS 287302965625	$ 5,138.45
33892	08/22/2022	ENGINEERING	CDBG PUB IMPR	BSK ASSOCIATES	PROFESSIONAL ENGINEERING SERVICES	$ 4,982.17
33893	08/22/2022	FINANCE	GENERAL FUND	DIVISION OF THE STATE ARCHITECT	SB DSA 796 QTR 4 FY 21/22	$ 59.60
33894	08/22/2022	FINANCE	BUILDING	DEPARTMENT OF CONSERVATION	4TH QTR 21/22 SMIP FEE REPORTING	$ (65.85)

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33894	08/22/2022	FINANCE	GENERAL FUND	DEPARTMENT OF CONSERVATION	4TH QTR 21/22 SMIP FEE REPORTING	$ 1,317.15
33895	08/22/2022	FINANCE	PD OPS	COMCAST	08/22 SVS 8155500320092096	$ 156.02
33896	08/22/2022	HR/RISK MGT	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	$ 118.00
33896	08/22/2022	HR/RISK MGT	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL & DOT RECERTIFICATION	$ 428.00
33896	08/22/2022	HR/RISK MGT	STREETS	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL & DOT RECERTIFICATION	$ 69.00
33897	08/22/2022	FIRE	FIRE	DEPARTMENT OF FORESTRY AND FIRE	4TH QTR ACTUAL BILLING FOR CITY CONTRACT FY 21/22	$ 1,233,464.50
33898	08/22/2022	PW ADMIN	FACILITIES MAINT	DIR- ELECTRICIAN CERTIFICATION FUND	RENEWAL ELECTRICIAN CERT - MEDINA	$ 100.00
33899	08/22/2022	FACILITIES	FACILITIES MAINT	DIAMOND COMMUNICATIONS	ALARM JUNCTION BOX - PW	$ 154.50
33900	08/22/2022	STREETS	STREETS	ENNIS TRAFFIC SAFETY SOLUTIONS	WATERBORNE TRAFFIC PAINT	$ 24,935.41
33901	08/22/2022	BUILDING	BUILDING	FIRE SAFETY SOLUTIONS, LLC	FIRE PROTECTION SVS 08/04/22-08/15/22	$ 17,940.00
33902	08/22/2022	FINANCE	WATER CONSERV	CITY OF MADERA	MULCH REBATE - 4686071	$ 175.00
33902	08/22/2022	FINANCE	WATER CONSERV	CITY OF MADERA	DRIP IRRIGATION REBATE - 4686071	$ 150.00
33903	08/22/2022	FINANCE	GENERAL TRUST	MADERA COUNTY	STATE GENERAL FUND 97010 ACCT 206144	$ 3,446.40
33904	08/22/2022	FINANCE	GENERAL TRUST	MADERA COUNTY DISTRICT ATTORNEY	ASSET FORFEITURE	$ 152.00
33905	08/22/2022	FINANCE	GENERAL TRUST	MADERA COUNTY DISTRICT ATTORNEY	ASSET FORFEITURE	$ 1,436.00
33906	08/22/2022	FINANCE	MADERA DWNTOWN	MADERA DOWNTOWN ASSOC.	FY 21/22 4TH QTR ASSESSMENTS	$ 4,719.01
33907	08/22/2022	FINANCE	GENERAL TRUST	MADERA POLICE DEPARTMENT	ASSET FORFEITURE	$ 7,939.89
33908	08/22/2022	FINANCE	GENERAL TRUST	MADERA POLICE DEPARTMENT	ASSET FORFEITURE	$ 1,400.10
33909	08/22/2022	PW ADMIN	WATER OPS	MADERA PUMPS, INC.	WELL #17 MAINTENANCE	$ 5,515.00
33910	08/22/2022	HR/RISK MGT	HR/RISK MGT	MADERA TRIBUNE	REQUEST FOR BID - MEDICAL SERVICES	$ 107.25
33910	08/22/2022	PLANNING	PLANNING	MADERA TRIBUNE	PUBLIC NOTICE - PC 10 DAY NOTICE	$ 318.50
33910	08/22/2022	PLANNING	PLANNING	MADERA TRIBUNE	PUBLIC NOTICE - 10 DAY NOTICE	$ 286.00
33911	08/22/2022	PD OPERATIONS	MEAS K - PD	MOTOROLA SOLUTIONS INC.	RADIO UPGRADES - PD	$ 638.26
33912	08/22/2022	PD OPERATIONS	PD OPS	OCCU-MED, LTD.	EXAM SERVICES	$ 1,800.00
33913	08/22/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 8.65
33913	08/22/2022	FINANCE	AQUATICS PROGRM	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 1,286.47
33913	08/22/2022	FINANCE	CENTRAL ADMIN	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 59.45
33913	08/22/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 290.56
33913	08/22/2022	FINANCE	DRAINAGE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 326.57
33913	08/22/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 1598348280-1	$ 56.44
33913	08/22/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 5225647713-5	$ 14.78
33913	08/22/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9787342989-4	$ 125.01
33913	08/22/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 5207933925-6	$ 63.58
33913	08/22/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 1,211.77
33913	08/22/2022	FINANCE	FIRE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 72.51
33913	08/22/2022	FINANCE	PARKING DIST OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 159.95
33913	08/22/2022	FINANCE	PARKS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 8675479583-8	$ 45.58

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33913	08/22/2022	FINANCE	PARKS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 1,864.00
33913	08/22/2022	FINANCE	RECREATION	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 34.64
33913	08/22/2022	FINANCE	SEWER OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 32.80
33913	08/22/2022	FINANCE	SOLID WASTE	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 11.98
33913	08/22/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 56,812.45
33913	08/22/2022	FINANCE	ZONE 24	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 60.16
33913	08/22/2022	FINANCE	ZONE 26	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 9.86
33913	08/22/2022	FINANCE	ZONE 31A	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 19.97
33913	08/22/2022	FINANCE	ZONE 43A	PACIFIC GAS & ELECTRIC	07/22 SERVICE 6948316261-1	$ 14.56
33913	08/22/2022	FINANCE	PD OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 9920095153-3	$ 5,249.23
33913	08/22/2022	FINANCE	PD OPS	PACIFIC GAS & ELECTRIC	07/22 SERVICE 1715785853-5	$ 1,549.71
33914	08/22/2022	PD OPERATIONS	GENERAL TRUST	PECK'S PRINTERY	FREE STANDING BACKDROP - PD	$ 811.88
33915	08/22/2022	PLANNING	PLANNING	QUAD-KNOPF ENGINEERING	PROFESSIONAL PLANNING SERVICES	$ 5,728.50
33916	08/22/2022	WWTP	WWTP	SPARKLETTS	LAB & DRINKING WATER	$ 261.29
33917	08/22/2022	PARKS	PARKS	SITE ONE LANDSCAPE SUPPLY LLC	PARKS MAINTENANCE	$ 193.31
33918	08/22/2022	ENGINEERING	AFFORD HOUSING	TECHNICON ENGINEERING SVCS., INC.	LAB TESTING - R-94	$ 1,940.50
33919	08/22/2022	PW ADMIN	AIRPORT OPS	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 35.00
33919	08/22/2022	PW ADMIN	CENTRAL ADMIN	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 45.00
33919	08/22/2022	PW ADMIN	COMM & REC	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 435.00
33919	08/22/2022	PW ADMIN	ENGINEERING	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 60.00
33919	08/22/2022	PW ADMIN	FIRE	TECH. MASTER PEST MANAGEMENT	SQUIRREL CONTROL - FIRE #57	$ 35.00
33919	08/22/2022	PW ADMIN	FIRE	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 70.00
33919	08/22/2022	PW ADMIN	INTERMODAL BLDG	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 75.00
33919	08/22/2022	PW ADMIN	SEWER OPS	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 25.00
33919	08/22/2022	PW ADMIN	SOLID WASTE	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 25.00
33919	08/22/2022	PW ADMIN	WATER OPS	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 25.00
33919	08/22/2022	PW ADMIN	WWTP	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 45.00
33919	08/22/2022	PW ADMIN	PD OPS	TECH. MASTER PEST MANAGEMENT	08/22 PEST CONTROL SERVICES	$ 40.00
33920	08/22/2022	FINANCE	GENERAL TRUST	OVERPAYMENTS	ASSET FORFEITURE - MPD 20M-03679	$ 5,186.29
33921	08/22/2022	FINANCE	GENERAL TRUST	OVERPAYMENTS	ASSET FORFEITURE - MPD 20M-03679	$ 5,186.29
33922	08/22/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 1,524.00
33923	08/22/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PAVILION	$ 50.00
33924	08/22/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925130-553342	$ 31.60
33924	08/22/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925130-553342	$ 173.78
33924	08/22/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925130-553342	$ 44.39
33924	08/22/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925130-553342	$ 1.90
33925	08/22/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9919160-509952	$ 41.77

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33925	08/22/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9919160-509952	$ 49.72
33926	08/22/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9924869-513283	$ 11.12
33926	08/22/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9924869-513283	$ 170.57
33926	08/22/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9924869-513283	$ 32.94
33927	08/22/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925317-552298	$ 23.95
33927	08/22/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925317-552298	$ 173.78
33927	08/22/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925317-552298	$ 44.39
33928	08/22/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9903160-505685	$ 14.63
33928	08/22/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9903160-505685	$ 80.18
33928	08/22/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9903160-505685	$ 40.10
33929	08/23/2022	FINANCE	FINANCE	CIARA ROUSEY	BANK FEE REFUND	$ 25.00
33930	08/29/2022	PD OPERATIONS	PD OPS	KER'S GAS & LUBE, INC.	07/22 PD CAR WASHES07/22 PD CAR WASHES	$ 385.00
33931	08/29/2022	PARKS	SPECIAL EVENTS	RINCON, NICKI	REIMBURSEMENT - MADERA EATS	$ 119.00
33932	08/29/2022	ENGINEERING	ENGINEERING	ACRO SERVICE CORPORATION	TEMP SERVICES - ENGINEERING	$ 4,560.00
33933	08/29/2022	WWTP	WWTP	FUENTES CONCRETE INC	CONCRETE PAD	$ 3,950.00
33934	08/29/2022	FINANCE	CENTRAL ADMIN	DIEBERTS CREATIVE COPY INC	FINAL BUDGET PACKETS	$ 690.84
33935	08/29/2022	FACILITIES	COMM & REC	PRESTIGE CUSTOM GLASS	REPLACE GLASS	$ 1,531.15
33935	08/29/2022	FACILITIES	INTERMODAL BLDG	PRESTIGE CUSTOM GLASS	REPLACE GLASS	$ 1,586.16
33936	08/29/2022	CITY ADMIN	FINANCE	MV CHENG & ASSOCIATES, INC.	CONSULTING SERVICES: INTERIM FINANCE DIRECTOR	$ 23,600.00
33937	08/29/2022	FINANCE	CITY MANAGER	HINDERLITER, DE LLAMAS AND ASSOCIATES	1ST QTR 22/23 CONTRACT/AUDIT SALES TAX	$ 24,433.88
33938	08/29/2022	WWTP	WWTP	VAN DE POL ENTERPRISES, INC.	FUEL WWTP - BULK PROPANE	$ 2,122.93
33939	08/29/2022	GRANTS	CALTRANS - TRANSIT	WSP USA INC.	MADERA TRANSIT PLAN CONSULTANT	$ 6,847.52
33940	08/29/2022	PD OPERATIONS	CODE ENF	VIDEGAIN, ALICIA	PER DIEM - WOMEN LEADERS IN LAW ENFORCEMENT	$ 277.50
33941	08/29/2022	PD OPERATIONS	PD OPS	LOPEZ AMARICO	TOWING SERVICES	$ 250.00
33942	08/29/2022	PD OPERATIONS	CODE ENF	KAYLA CLARK	PER DIEM - WOMEN LEADERS IN LAW ENFORCEMENT	$ 277.50
33943	08/29/2022	CITY ADMIN	CITY MANAGER	DAVID C AUSTIN	CONSULTING SERVICES - HEARING OFFICER	$ 1,855.00
33944	08/29/2022	PLANNING	PLANNING	GARY CONTE	PER DIEM - REIMBURSEMENT	$ 604.85
33945	08/29/2022	WWTP	WWTP	DELLAVALLE LABORATORY,INC.	PERMIT COMPLIANCE LAB	$ 4,282.00
33945	08/29/2022	WATER QUALITY CONTR	WATER QUALITY	DELLAVALLE LABORATORY,INC.	MONTHLY SAMPLING	$ 429.00
33945	08/29/2022	WATER QUALITY CONTR	WATER QUALITY	DELLAVALLE LABORATORY,INC.	QUARTERLY SAMPLING	$ 1,056.00
33945	08/29/2022	WATER QUALITY CONTR	WWTP	DELLAVALLE LABORATORY,INC.	PERMIT COMPLIANCE LAB	$ 920.00
33946	08/29/2022	FINANCE	AIRPORT OPS	AT&T	07/22 SERVICE 831-000-6408-576	$ 592.74
33946	08/29/2022	FINANCE	BUILDING	AT&T	07/22 SERVICE 831-000-6408-576	$ 120.62
33946	08/29/2022	FINANCE	CITY ATTORNEY	AT&T	07/22 SERVICE 831-000-6408-576	$ 39.29
33946	08/29/2022	FINANCE	CITY CLERK	AT&T	07/22 SERVICE 831-000-6408-576	$ 33.08
33946	08/29/2022	FINANCE	CODE ENF	AT&T	07/22 SERVICE 831-000-6408-576	$ 660.97
33946	08/29/2022	FINANCE	COMM & REC	AT&T	07/22 SERVICE 831-000-6408-576	$ 1,846.45

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33946	08/29/2022	FINANCE	COMPUTER MAINT	AT&T	07/22 SERVICE 831-000-6408-576	$ 124.75
33946	08/29/2022	FINANCE	ENGINEERING	AT&T	07/22 SERVICE 831-000-6408-576	$ 277.07
33946	08/29/2022	FINANCE	FINANCE	AT&T	07/22 SERVICE 831-000-6408-576	$ 94.42
33946	08/29/2022	FINANCE	FIRE	AT&T	07/22 SERVICE 831-000-6408-576	$ 1,186.17
33946	08/29/2022	FINANCE	GRANT OVERSIGHT	AT&T	07/22 SERVICE 831-000-6408-576	$ 115.79
33946	08/29/2022	FINANCE	HR/RISK MGT	AT&T	07/22 SERVICE 831-000-6408-576	$ 78.57
33946	08/29/2022	FINANCE	PLANNING	AT&T	07/22 SERVICE 831-000-6408-576	$ 101.32
33946	08/29/2022	FINANCE	UB - GARBAGE	AT&T	07/22 SERVICE 831-000-6408-576	$ 230.20
33946	08/29/2022	FINANCE	UB - SEWER	AT&T	07/22 SERVICE 831-000-6408-576	$ 230.20
33946	08/29/2022	FINANCE	UB - WATER	AT&T	07/22 SERVICE 831-000-6408-576	$ 460.41
33946	08/29/2022	FINANCE	CITY MANAGER	AT&T	07/22 SERVICE 831-000-6408-576	$ 39.29
33946	08/29/2022	FINANCE	PD OPS	AT&T	07/22 SERVICE 831-000-6408-576	$ 660.97
33947	08/29/2022	FINANCE	COMM & REC	AT&T	07/22 CALNET 3 SVS 9391026396	$ 261.25
33947	08/29/2022	FINANCE	MEAS K - FIRE	AT&T	08/22 CALNET 3 SVS 9391068734	$ 52.77
33947	08/29/2022	FINANCE	SR CITIZEN COMM	AT&T	07/22 CALNET 3 SVS 9391026398	$ 25.92
33947	08/29/2022	FINANCE	SR CITIZEN COMM	AT&T	07/22 CALNET 3 SVS 9391026403	$ 28.87
33947	08/29/2022	FINANCE	PD OPS	AT&T	07/22 CALNET 3 SVS 9391026401	$ 25.92
33947	08/29/2022	FINANCE	PD OPS	AT&T	07/22 CALNET 3 SVS 9391059143	$ 1,085.52
33948	08/29/2022	PD OPERATIONS	CODE ENF	ALVA, LORI	PER DIEM - WOMEN LEADERS IN LAW ENFORCEMENT	$ 277.50
33949	08/29/2022	WWTP	WWTP	BSK ASSOCIATES	PERMIT COMPLIANCE LAB	$ 973.50
33950	08/29/2022	FINANCE	AIRPORT OPS	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 36.80
33950	08/29/2022	FINANCE	BUILDING	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 90.75
33950	08/29/2022	FINANCE	CITY CLERK	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 41.95
33950	08/29/2022	FINANCE	CODE ENF	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 270.61
33950	08/29/2022	FINANCE	ENGINEERING	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 81.19
33950	08/29/2022	FINANCE	FINANCE	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 414.60
33950	08/29/2022	FINANCE	HR/RISK MGT	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 78.75
33950	08/29/2022	FINANCE	PARKS ADMIN	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 293.36
33950	08/29/2022	FINANCE	PLANNING	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 113.66
33950	08/29/2022	FINANCE	SEWER OPS	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 41.14
33950	08/29/2022	FINANCE	SOLID WASTE	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 41.14
33950	08/29/2022	FINANCE	TRANS - FIXED	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 41.95
33950	08/29/2022	FINANCE	TRANS - DAR	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 41.95
33950	08/29/2022	FINANCE	WATER OPS	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 41.14
33950	08/29/2022	FINANCE	WATER QUALITY	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 32.47
33950	08/29/2022	FINANCE	WWTP	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 36.80
33950	08/29/2022	FINANCE	PD OPS	CANON FINANCIAL SERVICES	COPIER LEASE 08/22	$ 262.79

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33950	08/29/2022	PURCHASING	PD OPS	CANON FINANCIAL SERVICES	MPD COPIER 08/22	$ 200.26
33951	08/29/2022	FLEET MAINTENANCE	FLEET MAINT	COOK'S COMMUNICATIONS	PD UP-FIT PARTS UNITS #6027 - #6029	$ 9,067.02
33952	08/29/2022	FLEET MAINTENANCE	PD OPS	J'S COMMUNICATIONS	RADIO REPAIR - 6008	$ 747.00
33953	08/29/2022	HR/RISK MGT	INS/RISK MGT	LIEBERT CASSIDY WHITMORE	LEGAL FEES	$ 97.50
33954	08/29/2022	CITY CLERK'S OFFICE	CITY COUNCIL	MADERA CHAMBER OF COMMERCE	LIFETIME ACHIEVEMENT AWARD DINNER	$ 300.00
33955	08/29/2022	HR/RISK MGT	PD OPS	MADERA TRIBUNE	RECRUITMENT AD - PUBLIC SAFETY DISPATCHER	$ 57.00
33955	08/29/2022	HR/RISK MGT	PD OPS	MADERA TRIBUNE	RECRUITMENT AD - PERMIT TECH	$ 76.00
33955	08/29/2022	HR/RISK MGT	PD OPS	MADERA TRIBUNE	RECRUITMENT AD - SENIOR ENGINEER	$ 79.80
33955	08/29/2022	PLANNING	PLANNING	MADERA TRIBUNE	PUBLIC HEARING NOTICE	$ 910.00
33956	08/29/2022	PD OPERATIONS	SUPP LAW ENF	MADERA UNIFORM & ACCESSORIES	UNIFORM ACCESSORIES	$ 1,680.74
33957	08/29/2022	PD OPERATIONS	PD OPS	PECK'S PRINTERY	MISC STAMPS - PD	$ 107.17
33958	08/29/2022	FINANCE	GENERAL FUND	US BANK CORPORATE PAYMENT SYSTEMS	SERVICES FOR PERIOD 03/22-05/22	$ 875.00
33959	08/29/2022	GRANTS	TRANSIT CENTER	VILLA GARDENING SERVICE INC	07/22 LAWN SERVICE - TRANSIT	$ 500.00
33960	08/29/2022	FINANCE	AIRPORT OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 65.54
33960	08/29/2022	FINANCE	BUILDING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 64.57
33960	08/29/2022	FINANCE	CITY COUNCIL	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 76.02
33960	08/29/2022	FINANCE	ENGINEERING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 51.05
33960	08/29/2022	FINANCE	FACILITIES MAINT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 51.05
33960	08/29/2022	FINANCE	FIRE	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 152.04
33960	08/29/2022	FINANCE	FLEET MAINT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 0.48
33960	08/29/2022	FINANCE	HR/RISK MGT	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 38.01
33960	08/29/2022	FINANCE	PARKS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 2.27
33960	08/29/2022	FINANCE	PLANNING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 102.10
33960	08/29/2022	FINANCE	STREETS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 13.21
33960	08/29/2022	FINANCE	SEWER OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 10.27
33960	08/29/2022	FINANCE	STREET CLEANING	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 0.48
33960	08/29/2022	FINANCE	UB - WATER	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 2.94
33960	08/29/2022	FINANCE	WATER OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 143.93
33960	08/29/2022	FINANCE	WATER QUALITY	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 38.01
33960	08/29/2022	FINANCE	WWTP	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 110.91
33960	08/29/2022	FINANCE	MEAS K - PD	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 40.88
33960	08/29/2022	FINANCE	CITY MANAGER	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 45.88
33960	08/29/2022	FINANCE	PD OPS	VERIZON WIRELESS	CITY CELL PHONE CHARGES 07/11/22-08/10/22	$ 534.19
33961	08/29/2022	PARKS ADMINISTRATION	PARKS	WEST COAST ARBORISTS, INC.	TREE TRIMMING	$ 4,000.00
33962	08/29/2022	FINANCE	AIRPORT OPS	AR REFUNDS	METER 53 DEPOSIT REFUND	$ 150.00
33963	08/29/2022	FINANCE	WATER FUND	AR REFUNDS	METER 39 DEPOSIT REFUND	$ 1,700.00
33964	08/29/2022	FINANCE	WATER FUND	AR REFUNDS	METER 6 DEPOSIT REFUND	$ 1,700.00

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33964	08/29/2022	FINANCE	WATER UTILITY	AR REFUNDS	METER 6 DEPOSIT REFUND	$ (124.28)
33965	08/29/2022	FINANCE	WATER FUND	AR REFUNDS	METER 2 DEPOSIT REFUND	$ 1,700.00
33966	08/29/2022	FINANCE	WATER FUND	AR REFUNDS	METER 21 DEPOSIT REFUND	$ 1,700.00
33967	08/29/2022	FINANCE	WATER FUND	AR REFUNDS	METER 36 DEPOSIT REFUND	$ 1,700.00
33968	08/29/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 153.50
33968	08/29/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
33969	08/29/2022	BUILDING	BUILDING	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 107.22
33969	08/29/2022	BUILDING	GENERAL FUND	BLDING/PLAN REFNDS	JOB CANCELLED, REIMBURSE FEES	$ 1.50
33970	08/29/2022	PARKS	SPORTS PROGRAMS	OTP- PARKS REFUNDS	PARK REFUND - T-BALL REFUND	$ 60.00
33971	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - MSR BALLFIELD 1 & 2	$ 50.00
33972	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PICNIC AREA 1	$ 50.00
33973	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - ROTARY SHELTER 2	$ 50.00
33974	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PAVILION	$ 50.00
33975	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - POOL	$ 100.00
33976	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC AMPHITHEATER	$ 100.00
33977	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - LTC PAVILION	$ 50.00
33978	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - MSR PAVILION	$ 50.00
33979	08/29/2022	PARKS	SPORTS PROGRAMS	OTP- PARKS REFUNDS	PARK REFUND - T-BALL REFUND	$ 120.00
33980	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - POOL	$ 100.00
33981	08/29/2022	PARKS	GENERAL TRUST	OTP- PARKS REFUNDS	PARK DEPOSIT REFUND - MSR SOCCER FIELD 1	$ 50.00
33982	08/29/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 605 EL MONTE	$ 167.58
33983	08/29/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 7824006-501862	$ 34.66
33983	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 7824006-501862	$ 134.77
33983	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 7824006-501862	$ 48.69
33983	08/29/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 7824006-501862	$ 1.13
33984	08/29/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925120-513485	$ 12.85
33984	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925120-513485	$ 56.81
33984	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9925120-513485	$ 24.34
33985	08/29/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923870-552161	$ 20.39
33985	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923870-552161	$ 65.77
33985	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923870-552161	$ 28.64
33985	08/29/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923870-552161	$ 1.26
33986	08/29/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1436 GRAPE	$ 143.55
33987	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 10000113-550711	$ 47.73
33987	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 10000113-550711	$ 4.15
33988	08/29/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9922563-511732	$ 20.39
33988	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9922563-511732	$ 172.11

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33988	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9922563-511732	$ 28.64
33988	08/29/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9922563-511732	$ 1.31
33989	08/29/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9916583-508983	$ 13.23
33989	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9916583-508983	$ 15.34
33989	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9916583-508983	$ 28.64
33990	08/29/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 1254 MAJESTIC	$ 171.12
33991	08/29/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923034-512009	$ 13.13
33991	08/29/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923034-512009	$ 169.21
33991	08/29/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9923034-512009	$ 24.34
33992	08/29/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB 1382 COLOMBARD	$ 42.75
33993	08/29/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 409 N C	$ 27.77
33994	08/29/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 2813 WILLOW	$ 32.85
33995	08/30/2022	CITY CLERK'S OFFICE	CITY COUNCIL	RODRIGUEZ, JOSE	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 275.38
33996	08/30/2022	CITY CLERK'S OFFICE	CITY COUNCIL	GARCIA, SANTOS	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 275.38
33997	08/30/2022	CITY CLERK'S OFFICE	CITY COUNCIL	EVANS, ANITA	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 275.38
33998	08/30/2022	CITY CLERK'S OFFICE	CITY COUNCIL	VILLEGAS, ARTEMIO	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 275.38
33999	08/30/2022	CITY CLERK'S OFFICE	CITY COUNCIL	MEJIA, ELSA	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 163.93
34001	08/30/2022	CITY CLERK'S OFFICE	CITY COUNCIL	MONTES, STEVEN	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 241.00
34002	09/01/2022	PD OPERATIONS	CODE ENF	ARNOLD, JOSIAH	PER DIEM - FRESNO/MADERA CHIEF'S WORKSHOP	$ 277.50
34003	09/01/2022	PD OPERATIONS	CODE ENF	CHIARAMONTE, GIACHINO	PER DIEM - FRESNO/MADERA CHIEF'S WORKSHOP	$ 277.50
34004	09/01/2022	CITY ADMIN	CODE ENF	LAWSON, DINO	PER DIEM - FRESNO/MADERA CHIEF'S WORKSHOP	$ 277.50
34005	09/01/2022	PD OPERATIONS	CODE ENF	TRUKKI, MARK	PER DIEM - FRESNO/MADERA CHIEF'S WORKSHOP	$ 277.50
34006	09/02/2022	CITY CLERK'S OFFICE	CITY COUNCIL	FOLEY-GALLEGOS, CECE	2022 LOCC ANNUAL CONFERENCE/EXPO	$ 241.00
34007	09/06/2022	ENGINEERING	ENGINEERING	ACRO SERVICE CORPORATION	TEMP SERVICES - ENGINEERING	$ 3,060.00
34007	09/06/2022	PLANNING	PLANNING	ACRO SERVICE CORPORATION	TEMP SERVICES - PLANNING	$ 3,197.80
34008	09/06/2022	PARKS ADMINISTRATION	PARKS	DAVID J. BOYLE	MEMORIAL MONUMENTS	$ 3,500.00
34009	09/06/2022	PD OPERATIONS	PD OPS	RAUL R. HERRERA JR.	POLYGRAPHS	$ 2,800.00
34010	09/06/2022	PD OPERATIONS	PD OPS	DIEBERTS CREATIVE COPY INC	BUSINESS CARDS - VARIOUS	$ 75.78
34011	09/06/2022	PD OPERATIONS	PD OPS	TIM J LAW	EMPLOYMENT BACKGROUND	$ 1,700.00
34012	09/06/2022	ENGINEERING	ENGINEERING	RMA GEOSCIENCE, INC.	FRESNO RIVER CLEAN UP	$ 720.00
34013	09/06/2022	PD OPERATIONS	PD OPS	CRISCOM PUBLIC RELATIONS, INC.	GRANT RESEARCH & WRITING SERVICES 09/22	$ 4,000.00
34014	09/06/2022	CITY CLERK'S OFFICE	CITY CLERK	GENERAL LOGISTICS SYSTEMS US INC	OVERNIGHT MAIL - CITY ATTORNEY	$ 7.88
34015	09/06/2022	PARKS	PARKING DIST OPS	ELITE MAINTENANCE AND TREE SERVICE	08/22 DOWNTOWN MAINTENANCE GROUP 1	$ 455.00
34015	09/06/2022	PARKS	PARKS	ELITE MAINTENANCE AND TREE SERVICE	08/22 NON-MEDIAN MAINTENANCE GROUP 2	$ 5,070.00
34015	09/06/2022	PARKS	MEDIAN LANDS	ELITE MAINTENANCE AND TREE SERVICE	08/22 MEDIAN MAINTENANCE GROUP 3	$ 11,215.00
34016	09/06/2022	FINANCE	AIRPORT OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 76.55
34016	09/06/2022	FINANCE	ANIMAL CONTROL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 468.32

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34016	09/06/2022	FINANCE	BUILDING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 139.23
34016	09/06/2022	FINANCE	CODE ENF	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 256.27
34016	09/06/2022	FINANCE	DRAINAGE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 573.30
34016	09/06/2022	FINANCE	ENGINEERING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 386.47
34016	09/06/2022	FINANCE	FACILITIES MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 662.02
34016	09/06/2022	FINANCE	FLEET MAINT	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 86.29
34016	09/06/2022	FINANCE	FLEET MOTOR POOL	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 97.53
34016	09/06/2022	FINANCE	GRAFFITI ABATE	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 545.84
34016	09/06/2022	FINANCE	PARKS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 3,270.27
34016	09/06/2022	FINANCE	STREETS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 2,382.23
34016	09/06/2022	FINANCE	SEWER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 1,086.87
34016	09/06/2022	FINANCE	STREET CLEANING	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 2,605.49
34016	09/06/2022	FINANCE	TRANS - FIXED	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 3,031.72
34016	09/06/2022	FINANCE	TRANS - DAR	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 2,758.43
34016	09/06/2022	FINANCE	WATER OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 1,522.55
34016	09/06/2022	FINANCE	WATER QUALITY	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 601.51
34016	09/06/2022	FINANCE	WWTP	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 157.52
34016	09/06/2022	FINANCE	PD OPS	VAN DE POL ENTERPRISES, INC.	FUEL FOR CITY VEHICLES 08/01/22-08/15/22	$ 7,883.36
34017	09/06/2022	CITY CLERK'S OFFICE	CITY COUNCIL	MADERA OLD TIMERS PARADE	PARADE ENTRY FEE - 2022	$ 100.00
34018	09/06/2022	CITY ADMIN	CITY COUNCIL	GONZALES, ALICIA	PER DIEM - CITY CLERK TTC TRAINING SERIES #300	$ 552.00
34019	09/06/2022	PD OPERATIONS	PARKS	O&E TRANSPORTATION LLC	RIVER CLEAN UP	$ 21,450.00
34020	09/06/2022	FINANCE	SEWER OPS	AT&T	08/22 CALNET 3 SVS 9391031570	$ 211.65
34020	09/06/2022	FINANCE	PD OPS	AT&T	08/22 CALNET 3 SVS 9391020514	$ 167.08
34020	09/06/2022	PD OPERATIONS	PD OPS	AT&T	08/22 CALNET 3 SVS 9391064552	$ 307.40
34021	09/06/2022	HR/RISK MGT	HR/RISK MGT	CA DEPARTMENT OF JUSTICE	PRE-EMPLOYMENT LIVESCAN APPS	$ 303.00
34021	09/06/2022	PD OPERATIONS	PD OPS	CA DEPARTMENT OF JUSTICE	MISCELLANEOUS SERVICES 07/22	$ 633.00
34022	09/06/2022	PW ADMIN	COMM & REC	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE - PCS YOUTH SERVICES	$ 271.50
34022	09/06/2022	PW ADMIN	COMM & REC	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE - JWYC PARKS	$ 968.04
34022	09/06/2022	PW ADMIN	ENGINEERING	CALIFORNIA CLIMATE CONTROL, INC.	HVAC MAINTENANCE - ENG	$ 345.86
34023	09/06/2022	FINANCE	COMPUTER MAINT	COMCAST	08/22 SVS 8155500320322006	$ 92.88
34024	09/06/2022	HR/RISK MGT	HR/RISK MGT	CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	$ 450.00
34025	09/06/2022	ENGINEERING	ENGINEERING	DIAMOND COMMUNICATIONS	FIRE ALARM MONITORING - ENG	$ 180.00
34025	09/06/2022	FIRE	MEAS K - FIRE	DIAMOND COMMUNICATIONS	FIRE ALARM MONITORING - FIRE #58	$ 35.00
34025	09/06/2022	GRANTS	TRANSIT CENTER	DIAMOND COMMUNICATIONS	FIRE ALARM MONITORING - TRANSIT	$ 80.00
34025	09/06/2022	PARKS	COMM & REC	DIAMOND COMMUNICATIONS	FIRE ALARM MONITORING - PAC	$ 36.00
34025	09/06/2022	PARKS	COMM & REC	DIAMOND COMMUNICATIONS	ALARM MONITORING - FBSC	$ 213.00
34026	09/06/2022	ENGINEERING	ENGINEERING	FEDERAL EXPRESS	EXPRESS SHIPPING	$ 25.61

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34027	09/06/2022	FINANCE	WATER CONSERV	CITY OF MADERA	TOILET REPLACEMENT REBATE - 9912184	$ 100.00
34027	09/06/2022	FINANCE	WATER CONSERV	CITY OF MADERA	TOILET REPLACEMENT REBATE - 9921758	$ 200.00
34028	09/06/2022	PD OPERATIONS	ANIMAL CONTROL	MADERA COUNTY	ANIMAL SERVICES FY 22/23 3 OF 12	$ 13,781.25
34029	09/06/2022	ENGINEERING	ENGINEERING	MADERA TRIBUNE	PUBLIC NOTICE - VINEYARD ESTATES	$ 286.00
34030	09/06/2022	PD OPERATIONS	PD OPS	MADERA UNIFORM & ACCESSORIES	UNIFORM ACCESSORIES	$ 485.45
34031	09/06/2022	PARKS	AQUATICS PROGRM	MAMMOTH OXYGEN	CO2 FOR POOL	$ 111.60
34032	09/06/2022	PD OPERATIONS	MEAS K - PD	MOTOROLA SOLUTIONS INC.	RADIO UPGRADES - PD	$ 17,785.84
34033	09/06/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	08/22 SERVICE 8126770647-1	$ 423.15
34033	09/06/2022	FINANCE	AIRPORT OPS	PACIFIC GAS & ELECTRIC	08/22 SERVICE 3819620697-3	$ 112.49
34033	09/06/2022	FINANCE	COMM & REC	PACIFIC GAS & ELECTRIC	08/22 SERVICE 8307681856-2	$ 849.65
34033	09/06/2022	FINANCE	ENGINEERING	PACIFIC GAS & ELECTRIC	08/22 SERVICE 2000655655-7	$ 2,671.51
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 6690755760-8	$ 90.35
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 1619119913-8	$ 81.08
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 3499945233-6	$ 93.94
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 7949615676-5	$ 17.74
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 3642526071-2	$ 53.42
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 3352588453-3	$ 130.80
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 8178280304-3	$ 115.50
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 4318089701-9	$ 17.46
34033	09/06/2022	FINANCE	FACILITIES MAINT	PACIFIC GAS & ELECTRIC	08/22 SERVICE 5237156686-1	$ 37.43
34033	09/06/2022	FINANCE	FIRE	PACIFIC GAS & ELECTRIC	08/22 SERVICE 2173157566-4	$ 2,242.04
34033	09/06/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	08/22 SERVICE 917211083-6	$ 23,306.92
34033	09/06/2022	FINANCE	WATER OPS	PACIFIC GAS & ELECTRIC	08/22 SERVICE 9651992016-7	$ 157.91
34033	09/06/2022	FINANCE	WWTP	PACIFIC GAS & ELECTRIC	08/22 SERVICE 1902328695-8	$ 26.28
34034	09/06/2022	PD OPERATIONS	PD OPS	PECK'S PRINTERY	EXCHANGE FORMS	$ 410.27
34035	09/06/2022	ENGINEERING	CDBG PUB IMPR	PROVOST & PRITCHARD CONSULTING	PROFESSIONAL ENGINEERING SERVICES	$ 155.00
34035	09/06/2022	ENGINEERING	LTF - STREETS	PROVOST & PRITCHARD CONSULTING	PROFESSIONAL ENGINEERING SERVICES	$ 20,806.50
34036	09/06/2022	PARKS	COMM & REC	TK ELEVATOR CORPORATION	YC ELEVATOR MAINTENANCE	$ 294.84
34037	09/06/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 1,500.00
34038	09/06/2022	PW ADMIN	WATER CONSERV	OTP- REBATES	TURF REPLACEMENT REBATE	$ 1,647.00
34039	09/06/2022	FINANCE	GENERAL FUND	AR REFUNDS	ID 8336 BILL #87 REFUND OVERPAYMENT	$ 95.00
34040	09/06/2022	UB - WATER	WATER FUND	AR REFUNDS	UB 9924220 181 SOLANO	$ 98.90
34041	09/06/2022	FINANCE	SEWER FUND	AR REFUNDS	ID 5041 BILL #1233 REFUND OVERPAYMENT	$ 213.59
34042	09/06/2022	FINANCE	SEWER FUND	AR REFUNDS	ID 5041 BILL #1348 REFUND OVERPAYMENT	$ 40.00
34043	09/06/2022	FINANCE	SEWER FUND	AR REFUNDS	ID 5049 BILL #4641 REFUND OVERPAYMENT	$ 16.25
34044	09/06/2022	UB - WATER	WATER FUND	AR REFUNDS	UB TERM REFUND 10000111	$ 68.15
34045	09/06/2022	UB - WATER	WATER FUND	AR REFUNDS	UB TERM REFUND 9914696	$ 110.39

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34046	09/06/2022	FINANCE	GENERAL FUND	AR REFUNDS	ID 7131 BILL #4450 REFUND OVERPAYMENT	$ 11.00
34047	09/06/2022	FINANCE	AIRPORT OPS	AR REFUNDS	ID 58481 BILL 5017410 REFUND OVERPAYMENT	$ 75.00
34048	09/06/2022	FINANCE	TRANSIT CENTER	AR REFUNDS	ID 4240 BILL #5016107 REFUND OVERPAYMENT	$ 152.00
34049	09/06/2022	FINANCE	GENERAL FUND	AR REFUNDS	ID 80096 BILL #197 REFUND OVERPAYMENT	$ 100.00
34050	09/06/2022	FINANCE	SEWER FUND	AR REFUNDS	ID 5034 BILL #1449 REFUND OVERPAYMENT	$ 111.24
34051	09/06/2022	FINANCE	SEWER FUND	AR REFUNDS	ID 5034 BILL #1578 REFUND OVERPAYMENT	$ 52.00
34052	09/06/2022	FINANCE	WATER FUND	AR REFUNDS	ID 6300 BILL #1010 REFUND OVERPAYMENT	$ 55.39
34053	09/06/2022	FINANCE	WATER FUND	AR REFUNDS	ID 6038 BILL #3797 REFUND OVERPAYMENT	$ 114.28
34054	09/06/2022	FINANCE	GENERAL FUND	AR REFUNDS	ID 7137 BILL #75 REFUND OVERPAYMENT	$ 25.00
34055	09/06/2022	FINANCE	GENERAL FUND	AR REFUNDS	ID 91010 BILL 5017202 REFUND OVERPAYMENT	$ 79.89
34056	09/06/2022	FINANCE	WATER FUND	AR REFUNDS	AR #1162 BILL #3989 REFUND OVERPAYMENT	$ 34.28
34057	09/06/2022	FINANCE	AIRPORT OPS	AR REFUNDS	ID 58454 BILL 5012910 REFUND OVERPAYMENT	$ 50.00
34058	09/06/2022	FINANCE	WATER FUND	OTP- UB REFUNDS	TRANSFER UB CREDIT MAIS TO MUNIS - 9915919-50876	$ 159.41
34059	09/06/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 9925770	$ 154.69
34060	09/06/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9920701-508771	$ 35.12
34061	09/06/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 9922893	$ 57.29
34062	09/06/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 8715341	$ 133.38
34063	09/06/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 9925645	$ 129.50
34064	09/06/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9907168-506464	$ 23.99
34064	09/06/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9907168-506464	$ 24.29
34064	09/06/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9907168-506464	$ 44.18
34064	09/06/2022	FINANCE	DRAINAGE OPS	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9907168-506464	$ 0.54
34065	09/06/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 9895966	$ 316.83
34066	09/06/2022	UB - WATER	WATER FUND	OTP- UB REFUNDS	UB TERM REFUND 9911518	$ 11.52
34067	09/06/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 8879285-502353	$ 15.62
34067	09/06/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 8879285-502353	$ 19.59
34067	09/06/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 8879285-502353	$ 35.63
34068	09/06/2022	FINANCE	SOLID WASTE	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9917730-4779	$ 10.93
34068	09/06/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9917730-4779	$ 14.11
34068	09/06/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 9917730-4779	$ 25.65
34069	09/06/2022	FINANCE	WATER UTILITY	OTP- UB REFUNDS	REFUND CLOSED ACCT - 4105004-501423	$ 4.70
34069	09/06/2022	FINANCE	SEWER FUND	OTP- UB REFUNDS	REFUND CLOSED ACCT - 4105004-501423	$ 5.48
112	08/12/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 08/01/2022	$ 1,910.18
113	08/12/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	SECTION 125 PLAN YEAR FEE	$ 350.00
114	08/12/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 08/09/2022	$ 106.31
115	08/12/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	$ 8,903.06
116	08/12/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	$ 3,756.82

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
117	08/17/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 08/16/2022	$ 24.98
118	08/17/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 08/15/2022	$ 405.74
119	08/17/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 07/26/2022	$ 398.89
120	08/25/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	$ 28.36
121	08/26/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 08/24/2022	$ 310.66
122	08/26/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	$ 8,866.71
123	08/26/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	$ 2,869.26
124	08/31/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 07/18/2022	$ 82.16
125	08/31/2022	FINANCE	AIRPORT OPS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 33.37
125	08/31/2022	FINANCE	AQUATICS PROGRAMS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,135.07
125	08/31/2022	FINANCE	Building	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 100.66
125	08/31/2022	FINANCE	CENTRAL ADMIN	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 100.00
125	08/31/2022	FINANCE	CITY CLERK	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,500.00
125	08/31/2022	FINANCE	CITY COUNCIL	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 170.21
125	08/31/2022	FINANCE	CODE ENF	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 312.23
125	08/31/2022	FINANCE	COMM & REC	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,167.46
125	08/31/2022	FINANCE	COMMUNITY PROMO	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 818.98
125	08/31/2022	FINANCE	COMPUTER MAINT	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 74.88
125	08/31/2022	FINANCE	ENGINEERING	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 149.76
125	08/31/2022	FINANCE	FACILITIES MAINT	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,676.42
125	08/31/2022	FINANCE	FINANCE	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 25.93
125	08/31/2022	FINANCE	FIRE	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 4,351.61
125	08/31/2022	FINANCE	FLEET MAINT	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 5,101.33
125	08/31/2022	FINANCE	GENERAL TRUST	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 5,084.69
125	08/31/2022	FINANCE	GENERAL TRUST	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 938.72
125	08/31/2022	FINANCE	GRAFFITI ABATE	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 765.94
125	08/31/2022	FINANCE	HR/RISK MGT	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 7,027.34
125	08/31/2022	FINANCE	INTERMODAL BLDG	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 453.06
125	08/31/2022	FINANCE	LMD SERVICES	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 746.73
125	08/31/2022	FINANCE	MEAS K - FIRE	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 2,932.79
125	08/31/2022	FINANCE	PARKS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 8,149.39
125	08/31/2022	FINANCE	PARKS ADMIN	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 67.52
125	08/31/2022	FINANCE	PLANNING	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 2,193.15
125	08/31/2022	FINANCE	STREETS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 2,616.15
125	08/31/2022	FINANCE	RECREATION	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 688.17
125	08/31/2022	FINANCE	SEWER OPS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,063.10
125	08/31/2022	FINANCE	SPORTS PROGRAMS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 673.27
125	08/31/2022	FINANCE	SR CITIZEN	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 632.70

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
125	08/31/2022	FINANCE	SUPP LAW ENF	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 509.17
125	08/31/2022	FINANCE	TRANS - FIXED	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,747.81
125	08/31/2022	FINANCE	TRANS - DAR	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 6,314.77
125	08/31/2022	FINANCE	WATER OPS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 3,864.84
125	08/31/2022	FINANCE	WATER QUALITY	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 559.58
125	08/31/2022	FINANCE	WWTP	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 2,819.44
125	08/31/2022	FINANCE	PURCHASING	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 67.53
125	08/31/2022	FINANCE	SPECIAL EVENTS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 2,018.42
125	08/31/2022	FINANCE	PD OPS	US BANK CORPORATE PAYMENT SYSTEMS	07/22 CALCARD CHARGES FY 22/23	$ 1,569.79
126	08/31/2022	FINANCE	AIRPORT OPS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 167.29
126	08/31/2022	FINANCE	AQUATICS PROGRAMS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 1,578.15
126	08/31/2022	FINANCE	BUILDING	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 218.00
126	08/31/2022	FINANCE	CITY CLERK	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ (9.99)
126	08/31/2022	FINANCE	CODE ENF	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 76.31
126	08/31/2022	FINANCE	COMM & REC	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 1,681.23
126	08/31/2022	FINANCE	COMPUTER MAINT	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,306.13
126	08/31/2022	FINANCE	DRAINAGE	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 934.05
126	08/31/2022	FINANCE	ENGINEERING	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 1,086.65
126	08/31/2022	FINANCE	FACILITIES MAINT	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,521.14
126	08/31/2022	FINANCE	FINANCE	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 325.24
126	08/31/2022	FINANCE	FIRE	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,564.77
126	08/31/2022	FINANCE	FLEET MAINT	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,754.96
126	08/31/2022	FINANCE	GENERAL TRUST	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,640.93
126	08/31/2022	FINANCE	GRAFFITI ABATE	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 791.02
126	08/31/2022	FINANCE	INS/RISK MGT	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 220.00
126	08/31/2022	FINANCE	INTERMODAL BLDG	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 179.49
126	08/31/2022	FINANCE	LMD SERVICES	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 1,967.42
126	08/31/2022	FINANCE	MEAS K - FIRE	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 64.40
126	08/31/2022	FINANCE	PARKS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 5,659.28
126	08/31/2022	FINANCE	PARKS ADMIN	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 119.99
126	08/31/2022	FINANCE	PLANNING	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 77.68
126	08/31/2022	FINANCE	STREETS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 7,234.86
126	08/31/2022	FINANCE	RECREATION	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 1,072.74
126	08/31/2022	FINANCE	SEWER OPS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,954.33
126	08/31/2022	FINANCE	SPORTS PROGRAMS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 49.73
126	08/31/2022	FINANCE	SR CITIZEN	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 239.11
126	08/31/2022	FINANCE	SUPP LAW ENF	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 272.85
126	08/31/2022	FINANCE	TRANS - FIXED	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,302.02

CHECK	PAY DATE	DEPARTMENT	PAID FROM ORG	ISSUED TO	DESCRIPTION	AMOUNT
126	08/31/2022	FINANCE	TRANS - DAR	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 885.37
126	08/31/2022	FINANCE	UB - GARBAGE	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 28.22
126	08/31/2022	FINANCE	UB - SEWER	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 28.22
126	08/31/2022	FINANCE	UB - WATER	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 56.44
126	08/31/2022	FINANCE	WATER OPS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 2,242.79
126	08/31/2022	FINANCE	WATER QUALITY	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 535.80
126	08/31/2022	FINANCE	WWTP	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 3,564.17
126	08/31/2022	FINANCE	MEAS K - PD	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 3,495.08
126	08/31/2022	FINANCE	DUI ENFORCEMENT	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 50.00
126	08/31/2022	FINANCE	SPECIAL EVENTS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 523.97
126	08/31/2022	FINANCE	PD OPS	US BANK CORPORATE PAYMENT SYSTEMS	06/22 CALCARD CHARGES FY 21/22	$ 1,919.95
127	08/31/2022	HR	CITY CLERK	EMPLOYEE BENEFIT SPECIALISTS, INC.	SEPTEMBER BENEFIT PREMIUMS	$ 848.00
127	08/31/2022	HR	PAYROLL TRUST	EMPLOYEE BENEFIT SPECIALISTS, INC.	SEPTEMBER BENEFIT PREMIUMS	$ 348,834.20
127	08/31/2022	HR	PD OPS	EMPLOYEE BENEFIT SPECIALISTS, INC.	SEPTEMBER BENEFIT PREMIUMS	$ 848.00
128	08/31/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 08/26/2022	$ 243.34
129	09/01/2022	FINANCE	CFD DEBT - 2006 BONDS	BANK OF NEW YORK MELLON	CFD 2006-1 SPECIAL TAX BONDS SERIES 2018	$ 130,047.70
129	09/01/2022	FINANCE	WATER DEBT SERVICE	BANK OF NEW YORK MELLON	2015 WATER REV REF BOND PMT	$ 28,952.50
129	09/01/2022	FINANCE	WATER DEBT SERVICE	WATER DEBT SERVICE	2019 WATER REV REF BOND SEP 1 PMT	$ 320,929.60
129	09/01/2022	FINANCE	WWTP BOND ADMIN	BANK OF NEW YORK MELLON	2015 WASTEWATER REV REF BOND PMT	$ 234,434.18
130	09/08/2022	FINANCE	PAYROLL TRUST	NAVIA BENEFIT SOLUTIONS INC	FSA SECTION 125 DISBURSEMENT 09/07/2022	$ 480.80
131	09/09/2022	FINANCE	PAYROLL TRUST	N.P.C.-ORCHARD TRUST COMPANY	EE DEFERRED COMP CONTRIBUTIONS	$ 8,618.83

BANK #1 - UNION BANK GENERAL ACCOUNT TOTAL **$ 4,026,984.95**

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-3

SUBJECT:

Informational Report on Personnel Activity

RECOMMENDATION:

This report is submitted for informational purposes only and there is no action requested from the City Council (Council)

SUMMARY:

The purpose of this report is to provide the Council a monthly informational update on employment matters, including new hires, transfers, and terminations.

DISCUSSION:

The Civil Service Commission met September 6, 2022, and approved eligibility lists for the following classifications:

- Public Safety Dispatcher
- Police Officer Trainee
- Police Officer I
- Police Officer II
- Permit Technician
- Maintenance Technician

The following employees began employment with the City since our last report.

Table 1: New Hires and Re-hires

Name	*Position*	*Department*	*Status**	*Effective Date*
Alvaro Sanchez Franco	Police Officer Trainee	Police Department	FT	8/13/22

Table 1: New Hires and Re-Hires, continued				
Name	*Position*	*Department*	*Status**	*Effective Date*
Marcus Crouch	Police Officer Trainee	Police Department	FT	8/13/22
Marco Solis	Public Works Maintenance Worker I	Public Works – Streets	PT	8/15/22
Robert Smith	Senior Planner	Planning Department	FT	8/15/22
Guadalupe Cervantes Laurean	Intern	Engineering Department	PT	8/22/22
Ernesto Solis	Public Works Maintenance Worker I	Public Works – Streets	PT	8/29/22
Liliana Camacho	Administrative Assistant	Finance Department – Grants	FT	8/29/22
Edward Vallejo	Water System Worker II	Public Works – Water	FT	8/30/22
Sergio Martinez Orozco	Administrative Analyst I	Public Works	FT	9/12/22
David Fernandez	Park Aide	Parks & Community Services	PT	9/13/22
Robert Salas	Park Aide	Parks & Community Services	PT	9/14/22

*Status: PT = Part Time, FT = Full Time

The following promotions, transfers, or assignment changes occurred since our last report.

Table 2: Promotions, Transfers, or Assignment Changes			
Name	*Old Position*	*New Position*	*Effective Date*
Vanessa Obregon	Program Leader I	Program Leader II	5/24/22
Jayvion Warren	Program Leader I	Program Leader II	8/22/22
Jerron Romias	Police Officer I	Police Officer II	8/23/22
Brandon McDonald	Custodian	Custodian & Sports Official	8/31/22
Alicia Videgain	Police Sergeant	Police Lieutenant	9/10/22
Ryan Vasquez	Police Corporal	Police Sergeant	9/10/22

Table 2: Promotions, Transfers, or Assignment Changes, continued			
Name	*Old Position*	*New Position*	*Effective Date*
Shawn Fadley	Police Officer II	Police Corporal	9/10/22

The following employees separated from employment since our last report.

Table 3: Separations				
Name	*Position*	*Department*	*Status**	*Effective Date*
Angelina Solis	Program Leader II	Parks & Community Services	PT	2/27/22
Zachary Ramos	Park Aide	Parks & Community Services	PT	3/12/22
Miguel Calderon	Park Aide	Parks & Community Services	PT	6/18/22
Deanna Manriquez	Park Aide	Parks & Community Services	PT	7/3/22
Aliyah Martinez	Program Leader I	Parks & Community Services	PT	7/19/22
Vicki Crow	Financial Services Manager	Finance Department	PT	8/3/22
Patricia Carreon	Parking Enforcement Officer	Police Department	PT	8/18/22
Anayely Rodriguez	Park Aide	Parks & Community Services	PT	8/24/22
Brian Esteves	Police Lieutenant	Police Department	FT	8/26/22
Joel Kellom	Police Officer II	Police Department	FT	8/26/22
Robert Mahoney	Police Officer II	Police Department	FT	8/26/22
Jamie Holt	Office Assistant I	Parks & Community Services	PT	9/3/22
Guadalupe Silva	Public Safety Dispatcher	Police Department	FT	9/6/22

*Status: PT = Part Time, FT = Full Time

FINANCIAL IMPACT:

Funding for positions and employees to fill those positions is contemplated annually by the Council in the budget process. During the course of any given fiscal year, individual employees

filling specific positions may change due to a number of various circumstances. All hiring and termination decisions are subject to the approval of the City Manager.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

This report is for informational purposes only.

ATTACHMENTS:

None

REPORT TO CITY COUNCIL

Approved by:

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-4

SUBJECT:

Informational Report on Contract City Attorney Services and Litigation Expenditures

RECOMMENDATION:

This report is submitted for informational purposes only and there is no action requested from the City Council (Council)

SUMMARY:

The purpose of this report is to provide the Council an informational monthly update on expenditures for contract City Attorney services, as well as specialized legal representation in various matters of litigation.

DISCUSSION:

The following information summarizes billings paid for services performed by the City's in-house City Attorney. This report captures July 2022 invoices received, as well as the Fiscal Year (FY) 2022/23 tracking of invoices received, through a FY 2022/23 Year-to-Date (YTD) column.

If there is additional information Council desires to see in future iterations of this report, please advise and staff will make the requested changes.

Firm: Montoy Law Corporation (City Attorney Services and Litigation)

Billing Period: July 2022

Matter	*Charges*	
	July 2022	FY 2022/23 (YTD)
City Attorney Services		
General Legal Review/Advice	$235.00	$235.00
City Clerk	$141.00	$141.00

Attendance at Council Meetings & Advice on Same	$1,645.00	$1,645.00
City Council Requests for Information/Research	$0.00	$0.00
City Manager	$117.50	$117.50
Review and Advice on Agreements	$2,867.00	$2,867.00
Public Records Act Matters	$0.00	$0.00
Real Estate Transactions	$0.00	$0.00
Planning	$7,919.50	$7,919.50
Finance	$1,833.00	$1,833.00
Successor Agency	$0.00	$0.00
Public Works/Engineering	$1,974.00	$1,974
Grand Jury	$0.00	$0.00
Personnel/Payroll	$0.00	$0.00
Municipal Code Enforcement	$94.00	$94.00
Police Department - General	$0.00	$0.00
Ordinances	$844.00	$844.00
Discounted Hours	-$(23.50)	-$(23.50)
Total City Attorney Services	$17,646.50	$17,646.50
Litigation Services		
Total Litigation Services	$8,835	$8,835
Total City Attorney and Litigation Services	**$26,481.50**	**$26,481.50**

FINANCIAL IMPACT:

For FY 2022/23, expenditures for invoices total $26,481.50. This represents expenditures for specific City Attorney services, as well as specialized legal representation in various matters of litigation. A summary of invoices received to date are summarized per the following table.

Legal Invoices FY 2020/21 YTD	
City Attorney Services	
Montoy Law Corporation	$17,646.50
Litigation Services	
Montoy Law Corporation	$8,835.00
Total City Attorney and Litigation Services YTD	**$26,481.50**

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

This report is for informational purposes only.

ATTACHMENTS:

None

REPORT TO CITY COUNCIL

Approved by:

Jamie Hickman, Interim Public Works Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-5

SUBJECT:

Informational report on Emergency Repairs for Water Well No. 33

RECOMMENDATION:

This report is submitted for informational purposes only and there is no action requested from the City Council (Council)

SUMMARY:

On the afternoon Monday, August 29, 2022, during a routine inspection, City staff noticed a concerning sound emitting from Water Well No. 33. To properly diagnose the situation, staff contacted Madera Pumps and was informed that:

- The pump bowl assembly needed to be replaced
- The well casing and sleeves that connect the pipe needed replacing, and
- The well casing requires a thorough cleaning

DISCUSSION:

Water Well No. 33 is located on the southernmost portion of the City near San Bruno and Lime Avenues, commonly referred to as New Parkwood. The well was constructed in 2006 as part of the subdivision and recent data indicates that it supplies approximately 1,000 gallons of water per minute. In comparison to other City wells, this well produces an average amount of water.

It is worth noting that in the preceding several weeks, staff received inquiries relating to lower-than-average water pressure in the area generally served by the well. While low pressure may be caused by a litany of variables, two issues are of the gravest concerns:

- In the event of a fire, low water pressure may not provide the adequate water to suppress the fire creating an increased potential for property damage and loss of life.

- Low pressure in the water system *can* create a pathway for contamination to enter the water system, increasing the potential for a waterborne disease outbreak.

Given the situation, staff authorized an emergency repair that exceeded the City Manager's spending ceiling, unless necessary to mitigate an immediate threat. Given the situation, staff believed that situation required immediate attention and proceeded. In addition, it is worth noting that while the well is being repaired, the area continues to be served by adequate water pressure for fire suppression and potable water, although pressure may be lower than accustomed to. Said water is being provided by other City wells.

Barring any unforeseen circumstances, repairs are expected to be completed by the first week of October.

FINANCIAL IMPACT:

It is estimated that the cost to make the necessary repairs will be approximately $91,000, unless additional damage is identified during the repairs. Once complete, staff will prepare a report to Council addressing the total costs along with any requests for budgetary amendments needed to cover the repair costs within that account. Funds are available in the Water Enterprise account.

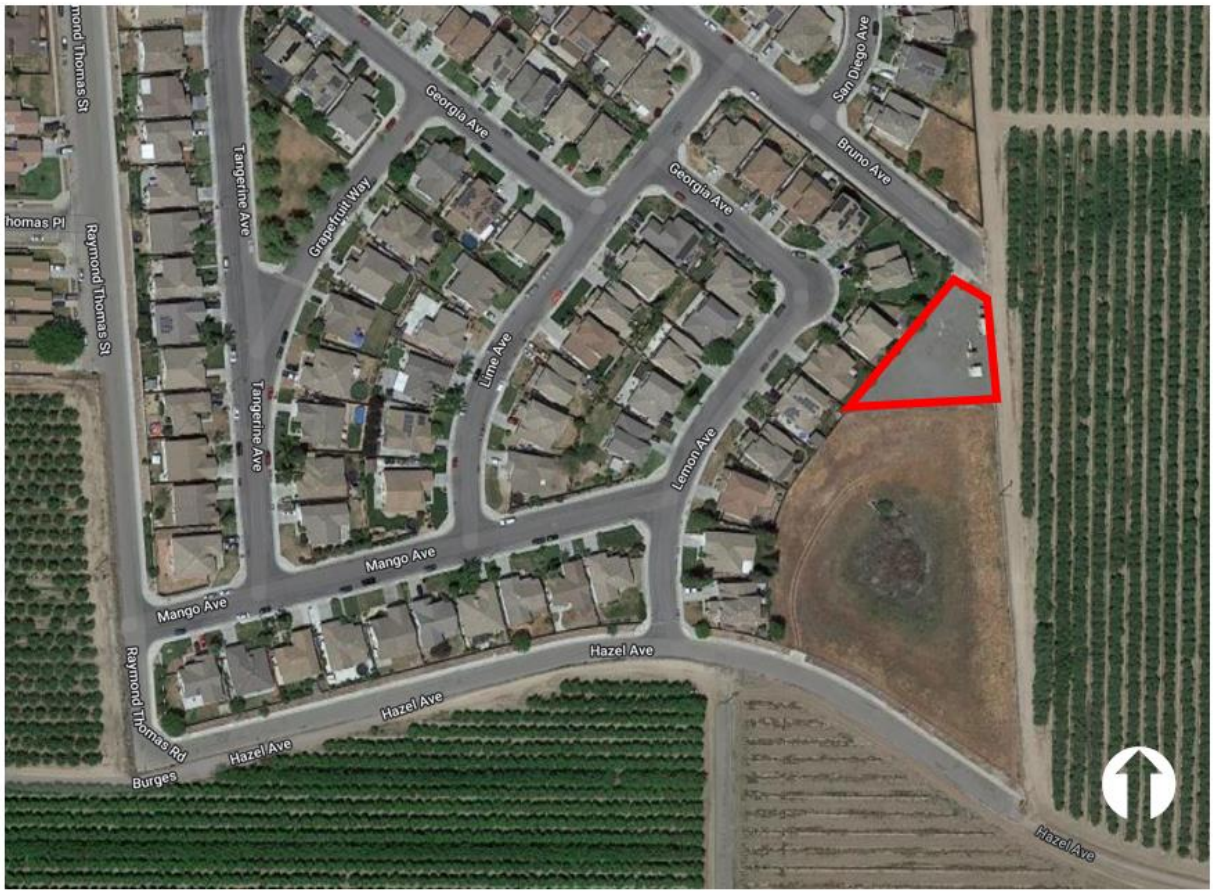
ALTERNATIVES:

This report is for informational purposes only.

ATTACHMENT:

1. Map of water well location

Attachment 1: Well location



REPORT TO CITY COUNCIL

Approved by:

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-6

SUBJECT:

Remote City Council Meetings Under Brown Act Requirements (Assembly Bill 361)

RECOMMENDATION:

Council to decide to adopt a Resolution Reauthorizing Remote Teleconference Public Meetings by the City Council and All Boards, Commissions, and Standing Committees of the City in Accordance with Assembly Bill 361 for a Period of 30 Days

SUMMARY:

On January 19, 2022, the Council elected to return to remote meetings as permitted under AB 361. Approval of the resolution allows for the remote meeting procedures that the City had been using throughout the COVID-19 pandemic, subject to certain requirements that must be considered as part of the determination (by resolution) to adopt remote meeting protocols.

DISCUSSION:

The City may meet via remote teleconferencing if it adopts a resolution, that makes specific findings in support of conducting remote meetings. The City may extend the authorization in additional 30 day increments for the duration of the declared emergency, or until the Council decides to return to in-person meetings, or otherwise continues to comply with the regular remote meeting requirements of the Brown Act.

Table 1 identifies the differences between standard Brown Act remote teleconferencing and AB 361 teleconferencing. It is noted the City must still provide advance notice of public meetings and must continue to post meeting agendas consistent with the provisions of the Brown Act.

Table 1: *Comparison of Public Meeting requirements (Brown Act vs. AB 361)*	
Brown Act Requirement	*Requirement Under AB 361*
If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.	▪ Agendas not required to be posted **at all teleconference locations.** ▪ Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.
If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.	▪ Agendas are not required to identify each teleconference location in the meeting notice/agenda. ▪ Local agencies are not required to make each teleconference location accessible to the public.
If the legislative body of a local agency elects to use teleconferencing during the teleconferenced meeting, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.	▪ No requirement to have a quorum of board members participate from within the territorial bounds of the local agency's jurisdiction.
If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.	▪ In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment. ▪ The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. ▪ The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly. ▪ In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the

Table 1: *Comparison of Public Meeting requirements (Brown Act vs. AB 361)*	
Brown Act Requirement	*Requirement Under AB 361*
	event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. ▪ Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed.

ATTACHMENTS:

1. Resolution Regarding Remote Teleconference Meetings

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA REAUTHORIZING REMOTE TELECONFERENCE MEETINGS BY THE CITY COUNCIL AND ALL BOARDS, COMMISSIONS, AND STANDING COMMITTEES OF THE CITY IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR A PERIOD OF THIRTY DAYS

WHEREAS, COVID-19 (also known as the "Coronavirus Disease") is a respiratory disease that has spread across the globe, with thousands of confirmed cases in California, including the City of Madera; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by COVID-19, and the President of the United States issued a Proclamation Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, in response to COVID-19, the Governor of the State of California issued a Proclamation of a State of Emergency in response to COVID-19 on March 4, 2020; and

WHEREAS, the City Council of the City of Madera adopted a proclamation of a local emergency related to the COVID-19 virus on March 16, 2020; and

WHEREAS, the City of Madera ("City") is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the City Council and Boards, Commissions, and Standing Committees (hereafter collectively referred to as "legislative bodies;" and

WHEREAS, all meetings of the City Council and legislative bodies are open and public as required by the Ralph M. Brown Act, Government Code sections 54950 – 54963, so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, Government Section 54953 (b) (3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;

2. Each teleconference location is accessible to the public;

3. Members of the public must be able to address the body at each teleconference location;

4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and

5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction; and 54953(e) *et seq.*, allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

WHEREAS, the initial required condition is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the City, caused by conditions as described in Government Code section 8558; and

WHEREAS, the Governor's Proclamation of a State of Emergency includes area within the jurisdictional boundaries of the City; and

WHEREAS, Government Code Section 54953(e)(3)(A-B) added by AB 361 provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when City Council has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's Boards, Commissions, and Standing Committees to meet safely in person; and

2. The State of California and the County of Madera continue to recommend measures to promote social distancing.

WHEREAS, Government Code Section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

WHEREAS, such conditions now exist in the City in that (i) State and Local officials recommend social distancing measures and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths and meeting in person would present imminent risk to health or safety of attendees; and

WHEREAS, the City Council affirms that it will allow for observation and participation by Council Members as well as Board, Commission, and Standing Committee Members and the

public via Zoom in an effort to protect the constitutional and statutory rights of all attendees; and

WHEREAS, Government Code Section 54953 (e)(3) requires that the City Council review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council finds that the state of emergency conditions related to COVID- 19 as set forth in the Governor's and City's Proclamations of Emergency and are on-going.

Section 3. The City Council further finds that state and county official recommend social distancing conditions causing imminent risk to attendees as described above exist.

Section 4. The City Council hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor and the City in the City and affirms, authorizes, and proclaims the existence of a local emergency throughout the City.

Section 5. The City Council finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the City Council and the members of the City's Boards, Commissions, and standing committees to meet safely in person and such fact creates an imminent health risk to such members.

Section 6. The City Council hereby authorizes the City Council and all of the Boards, Commissions, and Standing Committees of City to conduct their meetings without compliance with Government Code section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code section 54953(e) *et seq*.

Section 7. The City Manager and City Clerk are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code section 54953(e) *et seq.*, and other applicable provisions of the Brown Act, for all City Council meetings, and all Boards, Commissions, and standing committee meetings of the City.

Section 8. This Resolution shall take effect immediately upon its adoption and shall be effective until either (i) October 21, 2022 or (ii) such time as the City Council adopts a Subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and all City legislative bodies may continue to meet remotely, without

compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*

* * *

REPORT TO CITY COUNCIL

Approved by:

Dino Lawson, Chief of Police

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-7

SUBJECT:

Acceptance of a grant award from the State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP)

RECOMMENDATION:

Adopt Resolutions:

1. Accepting the grant award in the amount of $105,000 on behalf of the City and designating the City Manager as the Authorizing Official to act on the City's behalf and execute all necessary documents.
2. Amending the City's 2022/23 Budget to reflect revenues and expenditures related to the grant.

SUMMARY:

The State of California Office of Traffic Safety (OTS) sponsors several grant programs to improve the safety of the state's streets and highways. The City applied for assistance to address these issues in our community and has received official confirmation that our application was approved. Specifically, the OTS has awarded the Madera Police Department (MPD) $105,000 to provide funding to our successful anti-driving under the influence (DUI) program.

DISCUSSION:

The STEP focuses on a comprehensive approach to enforce and encourage compliance with seat belt use, impaired driving, speed limit, and other traffic laws. Education and enforcement are two very important components of collision reduction. The acceptance of the STEP grant will allow the MPD to bolster its enforcement and education efforts in all problem areas previously mentioned.

The grant award for $105,000 will allow the MPD to perform overtime operations related to DUI checkpoints and saturation patrols, as well as traffic enforcement operations linked to distracted driving and primary collision factors. These comprehensive programs have a long-lasting impact in reducing both fatal and injury collisions. The grant will also fund expenses related to training personnel to better identify persons under the influence.

The City has previously been awarded an OTS grant and has successfully managed the award activities. Last year, Council accepted the STEP grant in the amount of $95,000. The expansion in funding from the previous grant year is due to increased enforcement efforts to combat DUI and traffic enforcement. Staff urges Council to accept the STEP grant in the amount of $105,000 and approve the budget amendment to use these funds for the approved activities.

FINANCIAL IMPACT:

Acceptance of the STEP award will provide $105,000 in funding to support our community's law enforcement services. It will assist in offsetting the Police Department's expenditures for the enforcement of persons driving under the influence and enforcement operations focusing on primary collision factors. Exhibit A represents a line-item breakdown of expected revenues to be expensed by the department for activities within the parameters of the grant.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

- Strategy 115: "Ensure sufficient economic resources to provide adequate City services and prepare for future growth"
- Strategy 115.3 "…seek and retain grants…"

ALTERNATIVES:

Council may decline the grant funds or may request additional information.

ATTACHMENTS:

1. Resolution accepting the grant award and designating the City Manager as the Authorizing Official to execute all necessary documents
2. Resolution amending the City of Madera FY 2022/23 Budget
    A. Line-item breakdown of proposed budget amendments to the Police Department Budget
3. Grant agreement from the Office of Traffic Safety

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING GRANT AWARD FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE AMOUNT OF $105,000 AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZING OFFICIAL TO ACCEPT THE GRANT AWARD

WHEREAS, the City of Madera Police Department is responsible for the safety of the citizens of the community; and

WHEREAS, the Madera Police Department spends considerable resources in its efforts to provide frontline law enforcement services to the community; and

WHEREAS, the City Council of the City of Madera supports the efforts of the Madera Police Department to secure resources by the most efficient means possible; and

WHEREAS, the State of California Office of Traffic Safety has allocated $105,000 through the Selective Traffic Enforcement Program to the City of Madera Police Department; and

WHEREAS, the grant funds will be used to support traffic enforcement operations to mitigate impaired driving and primary collision factors.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, and orders as follows:

1. The foregoing recitals are true and correct.
2. The grant award of $105,000 from the State of California Office of Traffic Safety is accepted.
3. The City Manager, is designated as the Authorizing Official to accept the grant on the City's behalf and execute all related necessary documents related to the grant.
4. This resolution is effective immediately upon adoption.

* * * * * * * *

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2022/2023 BUDGET

WHEREAS, the City Council has authorized the City Manager to accept a grant award in the amount of $105,000 from the State of California Office of Traffic Safety Selective Traffic Enforcement Program; and

WHEREAS, the amendments to the City of Madera Fiscal Year 2022/2023 Budget, listed in Exhibit A, attached hereto, are necessary to account for receipt of the grant funds and related expenditures.

NOW THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds and order as follows:

1. The above recitals are true and correct.
2. The appropriations for the items listed in Exhibit A, attached hereto, are approved.
3. The City Clerk is authorized and directed to forward a copy of the resolution to the Director of Financial Services, who is authorized to take such action as necessary to implement the terms of this resolution
4. The resolution is effective immediately upon adoption.

****

EXHIBIT A

CITY OF MADERA

Budget Appropriation: Res.#22-xx; 9/21/22

2022-2023 Budget Adjustment

FUND	ORG CODE	OBJECT CODE	DESCRIPTION	(+)	(-)
OTS DUI Enforcement					
4790	47900000	4458	DUI Enf & Awareness Grant		105,000.00
4790	47900000	5100	Salaries/Overtime	87,754.75	
4790	47900000	5304	Workers Comp	10,164.53	
4790	47900000	5305	Medicare ER	1,440.72	
4790	47900000	6530	Conf,Training & Education	3,000.00	
4790	47900000	6518	Other Supplies	2,640.00	
				105,000.00	**105,000.00**

1. GRANT TITLE
Selective Traffic Enforcement Program (STEP)

2. NAME OF AGENCY
Madera

3. Grant Period
From: 10/01/2022
To: 09/30/2023

4. AGENCY UNIT TO ADMINISTER GRANT
Madera Police Department

5. GRANT DESCRIPTION
Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving alcohol and other primary crash factors. The funded strategies may include impaired driving enforcement, enforcement operations focusing on primary crash factors, distracted driving, night-time seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.

6. Federal Funds Allocated Under This Agreement Shall Not Exceed: $105,000.00

7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:

- Schedule A – Problem Statement, Goals and Objectives and Method of Procedure
- Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)
- Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)
- Exhibit A – Certifications and Assurances
- Exhibit B* – OTS Grant Program Manual
- Exhibit C – Grant Electronic Management System (GEMS) Access

*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.

These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.

We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

8. Approval Signatures

A. GRANT DIRECTOR
NAME: Felix Gonzalez
TITLE: Sergeant
EMAIL: fgonzalez@madera.gov
PHONE: (559) 675-4251
ADDRESS: 330 South C Street
Madera, CA 93638

(Signature) *(Date)*

B. AUTHORIZING OFFICIAL
NAME: Arnoldo Rodriguez
TITLE: City Manager
EMAIL: arodriguez@madera.gov
PHONE: (559) 661-5402
ADDRESS: 205 W Fourth Street
Madera, CA 93637

(Signature) *(Date)*

C. FISCAL OFFICIAL
NAME: Anthony Forestiere
TITLE: Financial Services Manager
EMAIL: aforestiere1@madera.gov
PHONE: (559) 661-5443
ADDRESS: 205 W Fourth Street
Madera, CA 93637

(Signature) *(Date)*

D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY
NAME: Barbara Rooney
TITLE: Director
EMAIL: barbara.rooney@ots.ca.gov
PHONE: (916) 509-3030
ADDRESS: 2208 Kausen Drive, Suite 300
Elk Grove, CA 95758

(Signature) *(Date)*

E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY	9. SAM INFORMATION
NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	SAM #: GM14DSJ51PR1 REGISTERED ADDRESS: 205 W. 4th Street, Madera, CA 93637 CITY: Madera ZIP+4: 93637-3527

10. PROJECTED EXPENDITURES

FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				AGREEMENT TOTAL		**$105,000.00**

I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.

OTS ACCOUNTING OFFICER'S SIGNATURE	DATE SIGNED

AMOUNT ENCUMBERED BY THIS DOCUMENT
$105,000.00

PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT
$ 0.00

TOTAL AMOUNT ENCUMBERED TO DATE
$105,000.00

1. PROBLEM STATEMENT

The City of Madera is a small community which is located along the SR 99 corridor. With a population of approximately 65,500 people, during the week, that population number can swell to upwards of 80,000 given traffic driving through the city. With the increased number of the populous, the number of distracted driving, excessive speed, and impaired driving crashes increase and affect the quality of life within the community. Given the swell in traffic and increased population, including commercial growth, the number of crashes and fatalities/injuries fluctuates each year. Resources have been utilized to target "Hot Spot" crash areas when call volume permits such action.

The number of crashes went down in 2020 compared to 2019, however the decrease was likely due to less traffic on the roads due to the COVID lockdowns and stay at home orders. Since those COVID orders have been lifted, the number of crashes increased in 2021 by 18%, and by over 5% from 2019.

The total number of reported crashes in the City of Madera was 961, which went up significantly from the previous year's 812 crashes. Of those 961, 214 were due to speeding, which is 22% of the total crashes. Again, that is a significant increase from 2020, in which the number of crashes due to speeding was less than 18%. Over ninety percent of the crashes occur in Madera during the daylight hours.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of bicyclists killed in traffic crashes.
6. Reduce the number of bicyclists injured in traffic crashes.
7. Reduce the number of persons killed in alcohol-involved crashes.
8. Reduce the number of persons injured in alcohol-involved crashes.
9. Reduce the number of persons killed in drug-involved crashes.
10. Reduce the number of persons injured in drug-involved crashes.
11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
13. Reduce the number of motorcyclists killed in traffic crashes.
14. Reduce the number of motorcyclists injured in traffic crashes.
15. Reduce hit & run fatal crashes.
16. Reduce hit & run injury crashes.
17. Reduce nighttime (2100 - 0259 hours) fatal crashes.
18. Reduce nighttime (2100 - 0259 hours) injury crashes.

B. Objectives:	Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate and report data (as required) in the following campaigns; Quarter 1: National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization; Quarter 3: National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization; Quarter 4: NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	10

3. Develop (by December 31) and/or maintain a "DUI BOLO" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated DUI BOLOs should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	5
5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	6
6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.	2
7. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	12
8. Conduct DUI Saturation Patrol operation(s).	13
9. Conduct Traffic Enforcement operation(s), including but not limited to, primary crash factor violations.	6
10. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	3
11. Conduct Nighttime (1800-0559) Click It or Ticket enforcement operation(s).	1
12. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle crashes resulting from violations made by pedestrians, bicyclists, and drivers.	5
13. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	2
14. Conduct collaborative DUI Enforcement operations.	2
15. Conduct specialized enforcement operations focusing specifically on street racing and sideshow activities.	2

3. METHOD OF PROCEDURE

A. <u>Phase 1 – Program Preparation</u> (1st Quarter of Grant Year)

- The department will develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- All training needed to implement the program should be conducted this quarter.
- All grant related purchases needed to implement the program should be made this quarter.
- In order to develop/maintain the "DUI BOLOs," research will be conducted to identify the "worst of the worst" repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver's name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. DUI BOLOs should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high crash locations.

- <u>Media Requirements</u>Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS coordinator and OTS PIO.

B. <u>Phase 2 – Program Operations</u> (Throughout Grant Year)

- The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your Coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at pio@ots.ca.gov for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety

event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.

- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

1. Prepare and submit invoice claims (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)

- Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
- Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
- Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the "Final Evaluation" section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant's accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL-23	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	$75,000.00
402PT-23	20.600	State and Community Highway Safety	$30,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
Straight Time				$0.00
Overtime				
DUI/DL Checkpoints	164AL-23	$2,880.00	12	$34,560.00
DUI Saturation Patrols	164AL-23	$2,520.00	13	$32,760.00
Collaborative DUI Enforcement	164AL-23	$2,520.00	2	$5,040.00
Traffic Enforcement	402PT-23	$1,620.00	6	$9,720.00
Distracted Driving	402PT-23	$1,440.00	3	$4,320.00
Night-time Click It Or Ticket	402PT-23	$1,440.00	1	$1,440.00
Pedestrian and Bicycle Enforcement	402PT-23	$1,440.00	5	$7,200.00
Traffic Safety Education	402PT-23	$720.00	2	$1,440.00
Street Racing and Sideshow Enforcement Operations	402PT-23	$1,440.00	2	$2,880.00
Category Sub-Total				$99,360.00
B. TRAVEL EXPENSES				
In State Travel	402PT-23	$3,000.00	1	$3,000.00
				$0.00
Category Sub-Total				$3,000.00
C. CONTRACTUAL SERVICES				
				$0.00
Category Sub-Total				$0.00
D. EQUIPMENT				
				$0.00
Category Sub-Total				$0.00
E. OTHER DIRECT COSTS				
DUI Checkpoint Supplies	164AL-23	$2,640.00	1	$2,640.00
Category Sub-Total				$2,640.00
F. INDIRECT COSTS				
				$0.00
Category Sub-Total				$0.00
GRANT TOTAL				**$105,000.00**

BUDGET NARRATIVE

PERSONNEL COSTS

DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Collaborative DUI Enforcement - Overtime for grant funded Collaborative DUI Enforcement operations conducted by appropriate department personnel

Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Night-time Click It Or Ticket - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Traffic Safety Education - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.

Street Racing and Sideshow Enforcement Operations - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

TRAVEL EXPENSES

In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include the OTS Traffic Safety Law Enforcement Forum. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

CONTRACTUAL SERVICES

-

EQUIPMENT

-

OTHER DIRECT COSTS

DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS Device/Calibration Supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed. Each item must have a unit cost of less than $5,000 (including tax and shipping).

INDIRECT COSTS

-

STATEMENTS/DISCLAIMERS

There will be no program income generated from this grant.

Nothing in this “agreement” shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

NONDISCRIMINATION

(**applies to all subrecipients as well as States)**

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.,* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies** Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.),* **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.),* as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.),* (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The Subgrantee-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non- Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:
    - "During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

        a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
        b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 2l and herein;
        c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
        d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
        e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
b. Establishing a drug-free awareness program to inform employees about:
    1. The dangers of drug abuse in the workplace;
    2. The grantee's policy of maintaining a drug-free workplace;
    3. Any available drug counseling, rehabilitation, and employee assistance programs;
    4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
    5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
    1. Abide by the terms of the statement;
    2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an

employee or otherwise receiving actual notice of such conviction;

e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
    1. Taking appropriate personnel action against such an employee, up to and including termination;
    2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to all subrecipients as well as States)
The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to all subrecipients as well as States)
Certification for Contracts, Grants, Loans, and Cooperative Agreements

The signed certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

RESTRICTION ON STATE LOBBYING
(applies to all subrecipients as well as States)
None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to all subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www.sam.gov/).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment

rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www.sam.gov/).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to all subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to all subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

REPORT TO CITY COUNCIL

Approved by:

Dino Lawson, Chief of Police

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-8

SUBJECT:

City's Participation in the Old Timers' Day Parade and Downtown Christmas Parade

RECOMMENDATION:

Adopt a Resolution Waiving the Fees to Cover the Costs of Police, Public Works, and Parks Services Relating to the Old Timers' Day Parade and Downtown Christmas Parade in the Amount of $5,986

SUMMARY:

The Madera Downtown Association (MDA) and Sunrise Rotary Club 587 (Rotary) will be sponsoring the annual Old Timers' Day Parade on Saturday, September 24, 2022, from 10 am to 12 pm. Additionally, the MDA and Madera Evening Lions (Lions Club) will be sponsoring the annual Downtown Christmas Parade on Thursday, December 1, 2022. Historically, the City Council (Council) has recognized both functions as community events and has covered the costs associated with traffic control and clean-up.

DISCUSSION:

The Rotary and the Lions Club have formally requested the City waive all fees associated with Police, Public Works, and Park's services relating to the parades. Services include:

- Monitoring alternative traffic patterns to ensure safety
- Crowd control
- Returning the event area to appropriate standards of cleanliness

Each Department is equipped with personnel prepared to provide these services at the direction of Council.

The MDA, Rotary, and Lions Club will be required to obtain the required encroachment permits for the use of City streets as part of the parade routes. As is City policy, insurance binders (Special Events Insurance) to transfer liability and property damage claims from the City to parade sponsors are to be provided.

FINANCIAL IMPACT:

The cost of providing City is projected per the following:

- Police Department: traffic and crowd control is estimated at $3,186 to cover overtime and straight time for seven officers
- Public Works: $1,272 for both events
- Parks: $1,528 for both events

It is noted that these figures represent the utilization of Police personnel who will already be on duty during the time of the event apart from two police officers who will be brought in on overtime. The total amount being petitioned for Council relief is $5,986. It is noted that the City may experience additional expenses, such as entry fees to partake in the parade but those are not contemplated in the figures noted above.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 317: "Develop and encourage festival, gatherings, and events…"
Strategy 313: "Provide year-round programs fostering community pride…"

ALTERNATIVES:

Council may elect to deny both requests to waive fees or may request additional information regarding either event.

ATTACHMENTS:

1. Resolution Waiving the Fees to Cover the Costs of Police, Public Works, and Parks Services Relating to the Old Timers' Day Parade and Downtown Christmas Parade
2. Request Letter Authored by the Madera Downtown Association and Madera Sunrise Rotary Club 587.
3. Request Letter Authored by the Madera Downtown Association and Madera Evening Lions.

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE, PUBLIC WORKS, AND PARK FEES RELATING TO THE OLD TIMERS PARADE AND THE DOWNTOWN CHRISTMAS PARADE FOR MADERA DOWNTOWN ASSOCIATION, MADERA SUNRISE ROTARY CLUB 587, AND MADERA EVENING LIONS IN THE AMOUNT OF $5,986.00

WHEREAS, on September 21, 2022, the City Council of the City of Madera considered a request by Madera Downtown Association, Madera Sunrise Rotary Club 587, and Madera Evening Lions to waive the fees to cover costs relating to the Old Timers Parade and the Downtown Christmas Parade; and

WHEREAS, the Madera Downtown Association, Madera Sunrise Rotary Club 587, and Madera Evening Lions has planned and organized these annual community events providing citizens of Madera and neighboring areas a place to celebrate; and

WHEREAS, the City fees for Police, Public Works, and Park fees are $5,986; and

WHEREAS, the City Council finds it is in the best interest of the City to approve the waiver of fees; and

WHEREAS, this request provides a public benefit to the community.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, determines and orders as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.

2. The Council finds that the waiver of fees as set forth in this resolution serves a public purpose and is in the best interest and welfare of the City and its residents.

3. The City Council does hereby waive the City fees requested by Madera Downtown Association, Madera Sunrise Rotary Club 587, and Madera Evening Lions in the amount of $5,986 associated with the Old Timers Parade and the Downtown Christmas Parade.

4. This resolution is effective immediately upon adoption.

* * * * * * * *

Madera Old Timers' Day Parade
120 N. E St.
Madera, CA 93638

559-474-9901
559agent@gmail.com

MADERA OLD TIMERS' DAY PARADE

Presented by Madera Downtown Association & Madera Sunrise Rotary

08/08/2022

Chief Lawson, Mr. Mayor, and Councilmember's,

On behalf of the Madera Downtown Association and Madera Sunrise Rotary Club 587, we respectfully request waiving the costs associated with the Police Department's services for the Old Timers Day Parade (OTDP), as the City of Madera has graciously done for countless years past. The year marks the parades 91st year, and will take place on Saturday September 24th, 2022 and will begin at 10:00am.

Since 1931 the OTDP has taken place for countless years in Downtown Madera. The OTDP typically features 50-70 various entries from stagecoach's, firetrucks, bands, and several youth groups. Attendance is usually in the neighborhood of 5,000 and concludes with the Booths in the Park Event (located in Courthouse Park) hosted by the Madera Young Professionals. The parade spans from Flume St. down to G St. along Yosemite Ave. and is distinguished as the hallmark of parades in Madera County.

Historically, the parade has been operated without requests for funding. The Madera Downtown Association (which is funded by the business & property owners in Downtown Madera) has covered all operational costs and donates nto the non-profit organization who organizes and conducts the parade. With the increased costs to conduct the parade, the Old Timer's Day Parade accounts for nearly half of the Madera Downtown Association's annual budget. This will impact other various initiatives the Madera Downtown Association offers such as crow abatement, the Annual Christmas Parade, seasonal lighting, and several other Downtown Madera projects.

We thank you for your consideration in helping continue one of Madera's longest lasting legacy's.

Nick Salinas – Parade Chair
Board Member - Madera Downtown Association

August 15, 2022

Madera Evening Lions
1625 Howard Rd. 210
Madera, CA. 93637

City of Madera
205 W. 4th St.
Madera, CA. 93637

City Clerk

On behalf of the Madera Downtown Association, the Madera Evening Lions Club is requesting council approval on waiving of the cost of police and public works services in conjunction with the 2022 Downtown Madera Christmas Parade to be held on Thursday, December, 1st, 2022.

Respectfully submitted

Karla Gran

Karla Gran, Chairperson
Downtown Madera Christmas Parade
559-706-0862
grankarla50@gmail.com

REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, City Engineer

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-9

SUBJECT:

Master Agreement Between the Madera County Transportation Commission and the City for Fiscal Year 2021/2022 Allocation of the Regional Surface Transportation Program (RSTP) Exchange Funding

RECOMMENDATION:

Adopt a Resolution Approving the Master Agreement between the Madera County Transportation Commission (MCTC) and the City for the Fiscal Year (FY) 2021/2022 allocation of RSTP Exchange Funding (RSTP) Exchange Funding

SUMMARY:

The MCTC, designated as the Regional Transportation Planning Agency (RTPA), is permitted under Section 182.6 of the Streets and Highways Code (S&HC) to exchange the annual apportionment of RSTP funds for non-Federal funds. The RSTP exchange funds for Madera County are processed through an agreement between MCTC and Caltrans, and then apportioned to the County and two cities for use on eligible transportation projects.

DISCUSSION:

The MCTC informs the County of Madera, City of Madera, and City of Chowchilla about available RSTP exchange funds. The MCTC also provides the amount apportioned for each of the three local agencies, and the prescribed application form.

The MCTC requires the local agencies to execute a standard Master Agreement to be submitted together with the Application for Planned Expenditures Form. The City is entitled to receive $933,957 of RSTP exchange funds, this is the same allocation that was granted in FY 2020/21.

Projects eligible to be funded with RSTP exchange funds include construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvements on the City's Collector and Arterial streets, construction and inspection of Bridges, certain transit projects and a few other projects as defined in Sections 133(b) and (c) of Title 23 of the United States Code and Article XIX of the California State Constitution.

It is recommended that the FY 2021/22 allocation of RSTP funds be programmed for the following projects consistent with the FY 2022/23 Capital Improvement Program (CIP) and the RSTP agreement as outlined in exhibit A:

- R-10 Olive Ave Widening Project- Gateway Drive to Knox Street
- TS-35 Traffic Signal at Lake Street & Sherwood Way

FINANCIAL IMPACT:

There will not be an impact to the City's General Fund to process the agreement and submit the application to MCTC. Furthermore, use of these funds does not require a match of any kind from other funding sources.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 126 - This project supports this strategy by providing clean, attractive streets that are safe and aesthetically pleasing. The requested action is for improvement of infrastructure and is not in conflict with any of the other actions of goals contained in the plan.

ALTERNATIVES:

1. Council may elect to not approve the Master Agreement. This would result in the City not receiving RSTP funds.
2. Council may choose to assign RSTP funds to other projects, this would result in a need to revise the CIP and budgets in MUNIS associated with the identified projects in the application and result in underfunding the projects.

ATTACHMENTS:

1. Resolution
   Exhibit A – RSTP Agreement
2. RSTP Application

Attachment 1

Resolution

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION (MCTC) AND THE CITY OF MADERA FOR THE FISCAL YEAR 2021/2022 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) EXCHANGE FUNDING

WHEREAS, the City of Madera is entitled to receive $933,957 of RSTP exchange funds; and

WHEREAS, the RSTP Program exchange funds can be used for projects as defined in Sections 133(b) and (c) of Title 23 of the United States Code (USC); and

WHEREAS, the MCTC also operating as the Regional Transportation Planning Agency (RTPA) requires that a Master Agreement between the City and MCTC be executed and submitted together with the application; and

WHEREAS, the MCTC has prepared a standard Master Agreement with conditions acceptable to the City of Madera, a copy of which is attached hereto as Exhibit A and referred to for full particulars.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, determines and orders as follows:

1. The above recitals are true and correct.

2. The Master Agreement between the MCTC and the City of Madera for the Fiscal Year 2021/2022 Allocation Of Regional Surface Transportation Program (RSTP) Exchange Funding ("Master Agreement") as described above and attached hereto as Exhibit A and incorporated by reference is necessary for the City of Madera to receive RSTP exchange funds.

3. The Master Agreement is hereby approved.

4. The City Engineer is authorized to submit the executed Master Agreement together with the Application for Planned Expenditures to MCTC and any amendments thereto.

5. This resolution is effective immediately upon adoption.

* * * * * * * *

Exhibit A

Agreement

MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MADERA FOR THE FISCAL YEAR 2021/22 ALLOCATION OF RSTP EXCHANGE FUNDING

This Master Agreement for the Fiscal Year 2021/2022 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding ("Master Agreement") is made on _____, 2022, by and between the CITY OF MADERA, a public body, hereinafter referred to as "Recipient," and the MADERA COUNTY TRANSPORTATION COMMISSION, hereinafter referred to as "MCTC."

WHEREAS, the MCTC is the state-designated Regional Transportation Planning Agency for Madera County; and

WHEREAS, as authorized by section 182.6(g) of the Streets and Highways Code, the MCTC has entered into a separate agreement with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual Regional Surface Transportation Program (RSTP) apportionment to Caltrans in exchange for state funds for specified fiscal year(s); and

WHEREAS, the MCTC is authorized to use these exchanged funds (hereinafter RSTP Exchange Funds) to assist local agencies to promote projects which otherwise qualify for RSTP funds; and

WHEREAS, it is contemplated by MCTC and the Recipient that the amount of funding and the projects designated in Exhibit A may change from time to time as set forth below; and

WHEREAS, the MCTC has requested the Madera County Auditor-Controller to establish a separate fund for the Federal Apportionment Exchange Program and such a separate fund has been established.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

A. The MCTC agrees to allocate RSTP Exchange Funds paid by Caltrans under the Federal Apportionment Exchange Program only for projects as authorized under sections 133(b) and 133 (c) of Title 23, United States Code and Article XIX of the California State Constitution.

B. The Recipient agrees to use RSTP Exchange Funds only for the RSTP Exchange eligible project(s) described in Exhibit A.

C. The Recipient agrees to reimburse funds back to MCTC if it is determined that RSTP Exchange Funds were used for ineligible projects.

1. ADMINISTRATIVE POLICIES

A. The projects described in Exhibit A, and the amounts allocated therefore, may be amended from time to time without changing the rest of this Master Agreement.

B. The Recipient agrees to submit a RSTP Monitoring report to MCTC every 6 months describing the progress towards completion for all projects listed in Exhibit A.

C. The Recipient agrees to mention MCTC's role in funding the project in any press releases or media events held by the Recipient to promote a funded project.

D. The MCTC agrees to reimburse the Recipient within 30 days of receipt of an accurately completed claim form from the Recipient. The Recipient shall be reimbursed for actual incurred costs that are supported with documentation.

E. The Recipient agrees to cause the completion of the project(s) within three years from the date funds were approved, as recorded in Exhibit A. Failure to complete the project(s) in a timely basis shall allow MCTC to refuse reimbursement and to reprogram such funds for other purposes.

2. COST PRINCIPLES

A. Recipient agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.

B. Recipient agrees to require its contractors and subcontractors to:

(a) use Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., to determine the allowability of individual project cost items; and

(b) comply with Federal administrative procedures in accordance with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.

3. THIRD PARTY CONTRACTING

A. Recipient shall not award a construction contract over $10,000 or other contracts over $25,000 on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of Caltrans. This provision shall not apply to professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e), and (f).

B. Recipient agrees that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors and only if consistent with Paragraph 6, below.

C. In addition to the above, the audit requirements of third party contractor/ consultants with Recipient shall be consistent with Local Assistance Procedures Manual as published by Caltrans.

4. ACCOUNTING SYSTEM

Recipient, its contractors and subcontractors, shall establish and maintain an accounting system and records that properly accumulate and segregate expenditures by line item. The accounting system of Recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment claims.

5. RIGHT TO AUDIT

For the purpose of verifying that funds paid hereunder are properly accounted for and proceeds are expended in accordance with the terms of this agreement, the Recipient, its contractors and subcontractors each agrees to grant Caltrans and/or the MCTC auditors access to the Recipient's books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including but not limited to, the costs of administering those various contracts. All documents shall be made available for inspection by authorized Caltrans or MCTC agents at any time during project development and for a four-year period from date of completion of project or one year after the audit is completed or waived by Caltrans, whichever is later.

6. TRAVEL AND SUBSISTENCE

Payments to contractors and subcontractors for travel and subsistence expenses of Recipient forces and/or its contractors or subcontractors, claimed for reimbursement or applied as local match credit, shall not exceed rates authorized to be paid exempt non- represented State employees under current State of California Department of Human Resources (CalHR) rules. If the rates invoiced are in excess of those authorized CalHR rates, then Recipient is responsible for the cost difference and any overpayments shall be reimbursed to the MCTC on demand.

7. PROJECT COMPLETION

Recipient agrees to provide to the MCTC a short report summarizing total project costs and milestones, including before and after photos of the project, for each project within sixty (60) days of completion.

8. GOVERNING LAWS

This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Madera shall be the proper venue for any dispute arising hereunder.

9. CONFLICT OF INTEREST

Recipient warrants that it presently has no interest and shall not acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with its full and complete performance of all services under this Agreement.

10. CONSTRUCTION OF AGREEMENT

The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

11. WAIVER

Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.

12. SUCCESSORS AND ASSIGNS

This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.

13. TIME IS OF THE ESSENCE

The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.

14. EXECUTION OF AGREEMENT

Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original,

but all of which together shall constitute one and the same agreement.

15. ENTIRE AGREEMENT
    This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

16. TERMINATION DATE
    This Agreement shall remain in effect for a period of three (3) years from the date of this Agreement.

17. AMENDMENTS
    Any changes to Exhibit A of the Agreement requested by the Recipient shall be implemented by a written amendment to Agreement and approved by both parties.

/ / /

IN WITNESS WHEREOF, MCTC and the City of Madera execute this Agreement as follows:

MADERA COUNTY TRANSPORTATION COMMISSION

Patricia Taylor Executive Director	Date

CITY OF MADERA

Santos Garcia Mayor	Date

Approved as to Form:

Hilda Cantú Montoy City Attorney	Date

Attachment 2

RSTP Exchange Funding Application

MADERA COUNTY TRANSPORTATION COMMISSION

Application for RSTP Exchange Funds

Fiscal Year Cycle:	2021-22
Application Number:	1
Applicant Agency:	City of Madera
Project Manager:	Ellen Bitter

PLANNED EXPENDITURES

PROJECT NAME	PROJECT DESCRIPTION (including streets and roads)	CATEGORY OF ELIGIBILITY	ESTIMATED AMOUNT
R-000010	Widen roadway to full arterial street standards, including improvements to UPRR crossing. Traffic signals at Olive and Roosevelt, and Olive and Knox	Category 1, 4 & 12	$883,957.00
TS-00035	Design and construction of traffic signal at the intersection of Lake Street & Sherwood Way	Category 6	$50,000.00
		TOTAL	$933,957

Submitted By:

Signature of Authorized Representative

Keith Helmuth, City Engineer 09/01/2022

Title and Date

Reviewed By:

Signature of MCTC Representative

REPORT TO CITY COUNCIL

Council Meeting of: September 21, 2022

Agenda Number: B-10

Keith Helmuth, Department Director

Arnoldo Rodriguez, City Manager

SUBJECT:

Sidewalk Improvements on Lilly Street and Vineyard Avenue

RECOMMENDATION:

Adopt a Minute Order Approving:

1. Acceptance of the Construction of Sidewalk Improvements Lilly Street – Vineyard Avenue, CDBG Project No. B19MC060053, City Project No. R-85.
2. The Recording of Notice of Completion.
3. The release of retention 35 days after recording of the Notice of Completion.

SUMMARY:

At its February 2, 2022 meeting, the City Council (Council) awarded a contract to Witbro, Inc. dba Seal Rite Paving and Grading for the Project in the amount of $183,092. The Contractor has completed the project in accordance with the plans and specifications and as modified by approved change orders.

BACKGROUND:

A final project inspection was conducted by City staff pursuant to the construction drawings. All parties agree that the project can be recommended for acceptance by the Council and a "Notice of Completion" recorded. The work in general consisted of installation of sidewalk, ADA curb ramps, and City Standard drive approaches in the area bounded by Lilly Street and Vineyard Avenue. A map of said improvements is provided in Attachment 1.

It is noted that two Change Orders were processed. The change orders consisted of lump sum, time and material costs, and final balancing change order that consist of adding extra lineal foot of retaining concrete curb and extra square footage of concrete sidewalk, driveway approach and alley approach.

The final progress payment, less the retention amount of five percent, has been processed. See Table 1 for a summary of contract costs.

Table 1: *Project Summary*		
Original Contract Amount	*Total Change Orders*	*Total Construction Contract Cost*
$183,092.00	$18,273.04	$201,365.04

The total cost of the Change Orders increased the cost of the project approximately 10 percent, wherein a contingency of up to 15 percent of the original contract amount was included. The construction project was completed within the adjusted contract time and available budget.

FINANCIAL IMPACT:

There is no fiscal impact to the City's General Fund given that funding for the project was from Community Development Block Grant (CDBG) Program funding and Measure T Funds. These funds were included in the City's CIP Budget FY 2021/22.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 101.6: Ensure infrastructure can sustain population growth in the development of the General Plan.

Strategy 121 - Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.

ALTERNATIVES:

As an alternative, the Council may elect to reject the Notice of Completion of the Project. Rejection of the Notice of Completion will result in staff's inability to release retention funds and to close the Project.

ATTACHMENTS:

1. Location Map
2. Notice of Completion
3. Photographs

ATTACHMENT 1

Location Map

LOCATION MAP

SIDEWALK IMPROVEMENTS - LILLY STREET & VINEYARD AVENUE

ATTACHMENT 2

Notice of Completion

Recording Requested by:
City of Madera

And When Recorded, Mail to:
City of Madera – City Clerk
205 W. 4th Street
Madera, CA 93637

_____ Space above this line for Recorder's Use _____
Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code – No Document Tax Due $ -0-

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is **City of Madera**.
3. The full address of the undersigned is **205 W. 4th Street, Madera, CA 93637**.
4. The nature of the title of the undersigned is: In fee **Public Improvements**
   (If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase" or "lessee".)
5. The full name and full addresses of all persons, if any, who hold title with the undersigned as joint tenant or as tenants in common are:

Name	Address
N/A	

6. A work of improvement on the property hereinafter described was completed on **06/21/2021**
7. The name of the original contractor, if any, for such work of improvement was:
   (If no contractor for work of improvements as a whole, insert "none".)
   Witbro , Inc., dba Seal Rite Paving and Grading
8. The full name(s) and address(es) of the transferor(s) of the undersigned is(are):

Name	Address
N/A	

9. The property on which said work of improvement was completed is in the City of **Madera**, County of **Madera**, State of California, and is described as follows:
   Sidewalk Improvements Lilly Street - Vineyard Avenue, CDBG Project No. B19MC060053,
   City Project No. R-85
10. The street address of said property is **Madera City Limits**
    (If no street address has been officially assigned, insert "none".)

(Signature of Owner named in Paragraph 2)

Dated

Keith Brent Helmuth, P.E.
City Engineer

State of California
County of Madera

Keith Brent Helmuth, being duly sworn says: He is the City Engineer of the City of Madera, the corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that he makes this verification on behalf of said corporation; that he has read said notice and knows the contents thereof, and that the facts herein stated are true.

(Signature of Officer)

_____
Keith Brent Helmuth, P.E.
City Engineer

The notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.

State of California
County of Madera

Subscribed and sworn to (or affirmed) before me on the _____ day of _____, 2021 by Keith Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

_____ (Seal)
Alicia Gonzales
City Clerk

ATTACHMENT 3

Photographs

Figure 1 – Before New Sidewalk Improvement along Vineyard Avenue

Figure 2 – After New Sidewalk Improvement along Vineyard Avenue

Figure 3 – Before New Sidewalk Improvement along Vineyard Avenue

Figure 4 – After New Sidewalk Improvement along Vineyard Avenue

Figure 5 – Before New Sidewalk Improvement along Lilly Street

Figure 6 – After New Sidewalk Improvement along Lilly Street

Figure 7 – Before New Sidewalk Improvement along Lilly Street

Figure 8 – After New Sidewalk Improvement along Lilly Street

REPORT TO CITY COUNCIL

Council Meeting of: September 21, 2022
Agenda Number: B-11

Keith Helmuth, Department Director

Arnoldo Rodriguez, City Manager

SUBJECT:

2020-21 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlay, City Project No. R-78

RECOMMENDATION:

Adopt a Minute Order Approving:

1. Acceptance of the Construction of 2020-21 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlay, City Project No. R-78.
2. The Recording of Notice of Completion.
3. The release of retention 35 days after recording of the Notice of Completion.

SUMMARY:

At its August 18th, 2021 meeting, the City Council (Council) awarded a contract to Emmett's Excavation Inc. for the Project in the amount of $1,364,258. The Contractor has completed the project in accordance with the plans and specifications and as modified by approved change orders.

BACKGROUND:

A final project inspection was conducted by City Staff pursuant to the construction drawings. All parties agree that the project can be recommended for acceptance by the Council and a "Notice of Completion" recorded. The work in general consisted of grinding asphalt concrete, removal of severely deteriorated sections of asphalt pavement, installation of pavement reinforcing fabric, paving with new asphalt concrete overlay, application of cape and chip seal, Type II and III micro surfacing, reclamite, crackfilling, installation of new ADA curb ramps, adjustment of existing manholes/utility covers to final grade, and replacing traffic striping/markings. The project includes seventeen different locations as shown on the location map provided in Attachment 1.

Three Change Orders were processed. The change orders consisted of:

- Costs associated with grading for a drainage swale adjacent to the Adell Street Improvements.
- Pavement improvements on Austin Avenue, from Adell Street to 150 feet north of Clark Street which were not originally contemplated and added as the project evolved. This segment of Austin Avenue was slated for the next citywide paving project. Since funding was available within this project budget and the intersection of Austin Avenue with Adell Street after it was improved was less than ideal, staff requested a cost from the contractor to complete Austin Avenue under the current project unit prices.
- The final balancing change order involved additives or deductive items based on the total work performed versus the total quantity included in the bid item.

The final progress payment, less the retention amount of five percent, has been processed. See Table 1 for a summary of contract costs.

Table 1: *Project Summary*

Original Contract Amount	*Total Change Orders*	*Total Construction Contract Cost*
$1,364,258.00	$61,653.88	$1,425,911.88

The total cost of the Change Orders increased the cost of the project approximately 4.51 percent, wherein a contingency of up to 10 percent of the original contract amount was included. The construction project was completed within the adjusted contract time and available budget.

FINANCIAL IMPACT:

There is no fiscal impact to the City's General Fund given that funding for the project was primarily from the RMRA Program and Measure T Funds. These funds were included in the City's CIP Budget FY 2021/22.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 101.6: Ensure infrastructure can sustain population growth in the development of the General Plan.

Strategy 121 - Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.

ALTERNATIVES:

As an alternative, the Council may elect to reject the Notice of Completion of the Project. Rejection of the Notice of Completion will result in staff's inability to release retention funds and close the Project.

ATTACHMENTS:

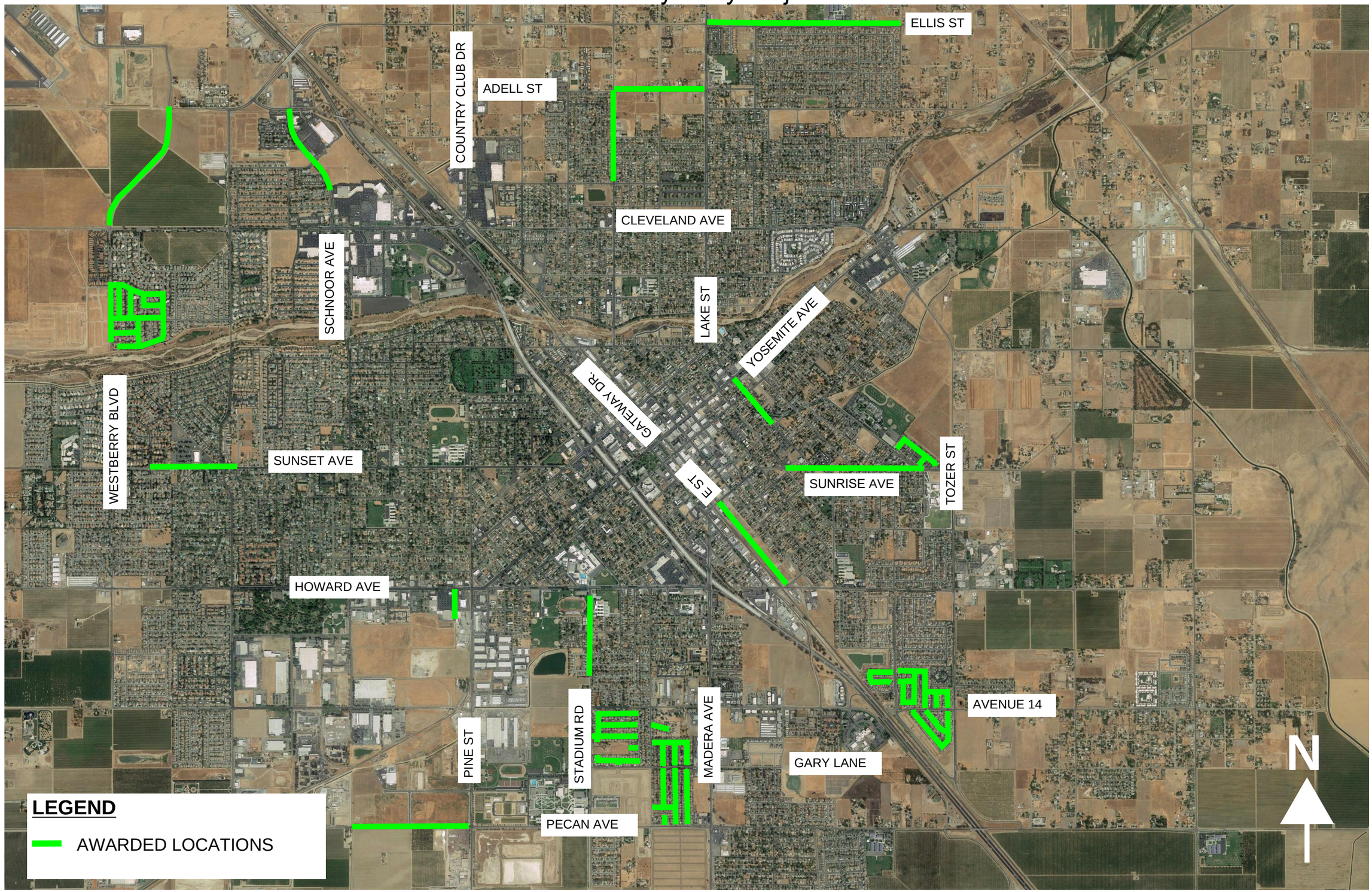
1. Location Map
2. Notice of Completion
3. Photographs of the project

ATTACHMENT 1

Location Map

LOCATION MAP

Seals and Overlay - City Project R-78



ATTACHMENT 2

Notice of Completion

Recording Requested by:
City of Madera

And When Recorded, Mail to:
City of Madera – City Clerk
205 W. 4th Street
Madera, CA 93637

_____ Space above this line for Recorder's Use _____
Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code – No Document Tax Due $ -0-

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is **City of Madera**.
3. The full address of the undersigned is **205 W. 4th Street, Madera, CA 93637**.
4. The nature of the title of the undersigned is: In fee **Public Improvements**
   (If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase" or "lessee".)
5. The full name and full addresses of all persons, if any, who hold title with the undersigned as joint tenant or as tenants in common are:

Name	Address
N/A	

6. A work of improvement on the property hereinafter described was completed on **05/30/2022**
7. The name of the original contractor, if any, for such work of improvement was:
   (If no contractor for work of improvements as a whole, insert "none".)
   EMMETT'S EXCAVATION, INC.
8. The full name(s) and address(es) of the transferor(s) of the undersigned is(are):

Name	Address
N/A	

9. The property on which said work of improvement was completed is in the City of **Madera**, County of **Madera**, State of California, and is described as follows:
   2020-21 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlay,
   City Project No. R-78
10. The street address of said property is **Madera City Limits**
    (If no street address has been officially assigned, insert "none".)

(Signature of Owner named in Paragraph 2)

Dated

Keith Brent Helmuth, P.E.
City Engineer

State of California
County of Madera

Keith Brent Helmuth, being duly sworn says: He is the City Engineer of the City of Madera, the corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that he makes this verification on behalf of said corporation; that he has read said notice and knows the contents thereof, and that the facts herein stated are true.

(Signature of Officer)

_____
Keith Brent Helmuth, P.E.
City Engineer

The notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.

State of California
County of Madera

Subscribed and sworn to (or affirmed) before me on the _____ day of _____, 2021 by Keith Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

_____ (Seal)
Alicia Gonzales
City Clerk

ATTACHMENT 3

Photographs of the project

Figure 1 – New Pedestrian Travel Path and Asphalt Overlay on Adell Street

Figure 2 – New Asphalt Overlay on Adell Street

Figure 3 – Cape Seal Treatment on Stadium Road

Figure 4 – Cape Seal Treatment on Sunrise Avenue

Figure 5 – Micro-Surfacing Type III on Schnoor Avenue

Figure 6 – New Overlay on Austin Avenue

REPORT TO CITY COUNCIL

Approved by:

Kingsley Okereke, Interim Finance Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-12

SUBJECT:

Appointment to the Housing Assistance Loan Review Committee (LRC)

RECOMMENDATION:

Adopt a Resolution approving Johanna Torres to the Housing Assistance Loan Review Committee

SUMMARY:

The City's Housing Assistance Loan Review Committee (LRC) was established during the November 15, 2000 Special Joint Meeting of the City Council and the Housing Authority. Housing Assistance programs require loan applications to be reviewed and approved by the LRC. The function of the LRC is to review each first-time home buyer and owner-occupied rehabilitation loan application. Unlike most City Boards, Commissions and/or Committees which are comprised of 7 members, the the LRC consists of 5 members. Per the Municipal Code:

> *"…a numerical rotation system based on district numbers will be utilized and the Mayor will seek a nomination to fill such vacancy from a Council Member who has not yet made or waived their opportunity to nominate a person to serve on the particular board, committee, or commission. In other words, if the last nomination was from the Council Member for District 3, the Mayor will seek a nomination from the Council Member for District 4."*

Councilwoman Mejia has nominated Johanna Torres to serve on the LRC. The Mayor has considered the nomination. The requested action is a resolution of the Council to approve the appointment of Johanna Torres to the LRC.

DISCUSSION:

The LRC was formed to serve in an advisory capacity to the Council and staff on all loan application for first time homebuyers or owner-occupied rehabilitation requests. Their duties include the following:

- Reviewing first time homebuyer down payment assistance and owner-occupied rehabilitation loan applications for compliance with Federal, State, and local regulations; and
- Reviewing and recommending applications for assistance to City staff from the first-time homebuyer program and owner-occupied rehabilitation program.

LRC members are noted below in Table 1, with the individual considered for approval of appointment indicated in bold text.

Table 1: *LRC Membership*

Member	*Date Appointed*	*City Council District*
Elvin Martin	03/01/06	At- Large Appointment
John Molina	03/01/06	
Muhammad Latif	02/20/19	
Matilda Villafan	02/20/19	
Johanna Torres		

Per the Municipal Code, the Mayor may seek a nomination from a Council Member who has not yet made or who has waived their opportunity to nominate a person to serve on a committee. At this time, the Mayor has considered the nomination of Johanna Torres by Councilwoman Mejia and is seeking approval from the City Council of her appointment to the LRC.

FINANCIAL IMPACT:

There is no anticipated financial impact as members are not compensated for their service.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Being awarded these available funds supports the Vision Madera 2025 Plan as follows:

- Strategy 316
  - Encourage and honor volunteer efforts in the community.

ALTERNATIVES:

Council may direct staff to solicit additional volunteer applications for commission, board, and committee service.

ATTACHMENTS:

1. Volunteer application for Johanna Torres
2. Resolution

RECEIVED
OFFICE OF THE CITY CLERK

AUG 22 2022

BY

CITY OF MADERA
COMMISSION, BOARD, AND COMMITTEE

APPLICATION

I hereby request that I be considered as a nominee for the following City of Madera Commission, Board, or Committee:

PLEASE CHECK ONE OR MORE:

____ ADA Advisory Council	____ Airport Advisory Commission
____ Beautification Committee	____ Civil Service Commission
____ CDBG Block Grant Commission	X Loan Review Committee
____ Planning Commission	____ Transit Advisory Board
____ Other: _____	

Please type or print in ink.

Torres	Johanna	D
LAST NAME	FIRST NAME	M.I.
[redacted]	Madera, California, 93638	[redacted]
HOME ADDRESS	CITY, STATE, ZIP	HOME PHONE
" "	" "	[redacted]
MAILING ADDRESS	CITY, STATE ZIP	E-MAIL ADDRESS
California Rural Legal Assistance, Inc.	Community Worker	[redacted]
EMPLOYER	JOB TITLE	BUSINESS PHONE

Length of residence in the City of Madera:	Have you ever been convicted of a felony?
33 Years 7 Months	Yes _____ No X

Educational background:

Bachelor's Degree in Business Administration from Fresno Pacific University

Please list any organizations of which you are a member and any offices you have held in those organizations:

The National Association for the Advancement of Colored People (NAACP) - Madera Chapter Member

Please list any appointed public boards or commissions on which you have served, dates of service, and any chairmanship or office held:

Madera County Elections Department Language Accessibility Committee Member

City of Madera Airport Advisory Committee Commission Chair

I am interested in serving for the following reasons:

I was raised in Madera. I have had the honor of serving our community through my professional career, which has led me to be of service on my own time. I would like to continue to serve at a more profound manner.

References (optional):

07/30/2022
Date

Johanna Torres
Signature

Please return completed application to:

CITY OF MADERA
OFFICE OF THE CITY CLERK
205 West 4th Street, Madera, CA 93637
cityclerkinfo@madera.gov
(559) 661-5405

RESOLUTION NO. 22-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING JOHANA TORRES TO THE HOUSING ASSISTANCE LOAN REVIEW COMMITTEE

WHEREAS, the City administers a variety of Federal, State, and Local funding sources through the City to provide First-Time Home Buyer and Owner-Occupied Rehabilitation assistance; and

WHEREAS, the City utilizes advisory committees comprised of community volunteers to review each first-time homebuyer and owner-occupied rehabilitation loan an/or grant application; and

WHEREAS, the Loan Review Committee (LRC) was formed to improve and expedite the process of approving loans and/or grants under programs offered by the City; and

WHEREAS, the LRC operates under a set of guidelines known as Duties and Rules of Procedure; and

WHEREAS, Councilwoman Mejia has nominated Johanna Torres to be considered for appointment to the LRC; and

WHEREAS, the LRC is comprised of five citizens nominated by members of the City Council and appointed by the Mayor, subject to confirmation by the Council as a whole; and

WHEREAS, Mayor Garcia has considered the above-named nominated individual and has appointed Johanna Torres; and

WHEREAS, Johanna Torres has expressed her desire to serve on the LRC.

NOW THEREFORE, the City council of the City of Madera hereby finds, orders and resolves as follows:

1. The above recitals are true and correct and are incorporated herein by reference.

2. The City Council approves the appointment of Johanna Torres to the LRC.

3. This resolution is effective immediately upon adoption.

REPORT TO CITY COUNCIL

Approved by:

Kingsley Okereke, Interim Finance Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-13

SUBJECT:

Agreement Backowski Law Group to provide specialized Real Estate legal services

RECOMMENDATION:

Approve a Resolution approving agreement with Backowski Law Group for Real Estate Legal Services and authorizing necessary budget adjustments.

SUMMARY:

On September 24, 2014, the City was awarded a CalHome grant to be utilized for funding Manufactured Housing Owner Occupied Rehabilitation (MHOOR) Loans. Payment of these loans was deferred for 30 years or until the Owner no longer occupied the home. Borrowers are the registered owner(s) on the Certificates of Title, with the City listed with a legal interest on each assisted housing unit. Recently, the City was advised that two of the assisted homes are vacant due to the deaths of the property owners and at risk of vandalism. The Borrower's failure to occupy the property puts the loan in default and per the state grant guidelines, legal action needs to be initiated to secure loan payoff or proceed with foreclosure.

After consultation with the City Attorney, staff is recommending that the City retain an attorney with subject matter expertise in this particular field of law. After conducting additional research, staff determined that Backowski Law Group (BLG) has such expertise and previously assisted the City in similar situation several years ago. While BLG will serve as the City's primary contact, any sale of property would be scheduled for consideration before Council, while proceeds would be returned to the affordable housing program to assist eligible residents seeking housing rehabilitation assistance.

In short, approval of this item would allow the City to contract with BLG for use on a case-by-case basis to handle real estate matters including title issues, reconveyances, subordinations, lease defaults, foreclosures and other various transactional real estate matters as referred by the City

Attorney. This contract would be for a period of two years unless terminated sooner by either party.

DISCUSSION:

The City's Affordable Housing Loan program allows for repayment to be deferred until loan maturity conditional upon loan compliance with the loan terms. In addition to promissory notes and regulatory agreements, loan recipients provide the City (as lender) a security interest for their property. The security interest secures payment of the Borrower's indebtedness if the loan is not repaid. Loan requirements include payment of property taxes, property insurance with the City named as a loss payee, and that borrowers remain the sole owners and occupants of the property. If the loan is in default, City staff will alert borrowers of the loan default and what is required to bring the loan back into compliance.

Upon the death of a borrower, the loan goes into default and the unpaid principal balance, unpaid accrued interest, and any other amounts due under the terms of the loan become due and payable immediately. In the case of the manufactured housing loan program, the City can dispose of the home and apply the proceeds of disposition, including provision for reasonable attorney's fees and legal expenses incurred. Funds received through repayment of Affordable Housing Loans are used to assist other eligible residents.

FINANCIAL IMPACT:

BLG's expense charges are fixed at $295 per hour for attorneys and $125 for paralegal support. Due to the uncertainty involved in legal matters any estimates of anticipated fees and/or costs are only an approximation of potential fees and/or costs. Funds generated from the sale of the defaulted properties will be used to pay any associated lien enforcement costs (including legal fees, title fees, recording fees, real estate sales fees, unpaid space rental and utility charges) with no impact to the General Fund. Other use of the Real Estate legal services will be reviewed by the City Attorney on a case-by-case basis.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The Affordable Housing program has the potential to advance the Vision Plan's objectives.

- Strategy 101.8: Promote and encourage development and redevelopment of low and moderate cost housing.
- Strategy 135: Ensure adequate supply of affordable, accessible and barrier free housing city-wide.

ALTERNATIVES:

As an alternative, the Council may elect to:

- Not authorize the request to use Backowski Law Group

- Request that staff prepare a Request for Proposal (RFP) to solicit bids from qualified firms; however, any delay *may* result in increased risk of unit vandalism and continued accrual of park rent and utility fees
- Request that the City Attorney serve as the City's lead

ATTACHMENTS:

1. Attachment A - Resolution Approving Use of Backowski Law Group for Real Estate Legal Services
    - Exhibit A Legal Services Agreement and
    - Exhibit B Budget Adjustments

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A LEGAL SERVICES AGREEMENT WITH BACKOWSKI LAW GROUP, PC TO PERFORM REAL ESTATE LEGAL SERVICES AND AUTHORIZING NECESSARY BUDGET ADJUSTMENTS

WHEREAS, the City of Madera's Affordable Housing Program requires specialized professional legal services for foreclosures, title issues, reconveyances, subordinations and other real estate matters; and

WHEREAS, the City of Madera (City) desires to contract for provision of specialized real estate legal services; and

WHEREAS, Backowski Law Group has the legal competence and expertise to provide specialized professional legal services required.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, determines, resolves and orders as follows:

1. The above recitals are true and correct.

2. The Legal Services Agreement with Backowski Law Group, PC, which is attached as Exhibit A and referred to for particulars is approved.

3. The budget adjustments as shown in Exhibit B are hereby approved and the Finance Director is authorized to take any steps necessary to effectuate the budget adjustments.

4. This resolution is effective immediately upon adoption.

***

LEGAL SERVICES AGREEMENT

This Legal Services Agreement ("Agreement") is entered into by and between Backowski Law Group, PC ("Firm") and the City of Madera ("City").

RECITALS

A. WHEREAS, City desires to contract for professional legal services in the capacity of Special Counsel; and

B. WHEREAS, Firm has the legal competence and expertise to provide professional legal services as Special Counsel; and

C. WHEREAS, City desires to retain Firm's services.

D. NOW, THEREFORE, the City and Firm agree as follows:

AGREEMENT

1. Nature of Services. The legal services to be provided by Firm include the handling of two pending foreclosures and, on a case-by-case basis, the handling of real estate matters including title issues, reconveyances, subordinations, lease defaults, and other various transactional real estate matters. Although most of the legal services to be provided to City will be performed by Matthew Backowski, some of the legal services may be delegated to other attorneys and/or paralegals. City acknowledges that it is retaining Backowski Law Group, PC, and any delegation of legal services shall not affect the attorneys' fees to be paid by City under this Agreement. Unless City specifically requests Firm to provide additional legal services in writing and Firm so agrees, or if Firm actually performs legal services orally requested by City, City and Firm agrees that Firm shall have no obligation whatsoever to provide any additional legal services to City.

2. Responsibilities & Cooperation. Firm's responsibilities to the City are to perform the legal services contemplated in this Agreement to the best of its abilities, consistent with ethical standards applicable to attorneys, and to maintain the confidentiality of all confidential information received from the City. Firm's responsibilities to the City do not include advancing costs (e.g., filing fees, court reporter fees, etc.), although Firm may do so on occasion for mutual convenience. City's responsibilities are to repay all costs incurred on the City's behalf, to pay all bills on a timely basis, to be available to Firm, to provide all material information relating to the legal matters being handled by Firm, to personally assist Firm as requested or required, and to make all business judgments.

Firm's goal is to provide legal services to City on the most cost-efficient basis possible. To meet this goal, cooperation between Firm and City is necessary. City shall appear on reasonable notice at any and all depositions and court appearances. City shall comply with all

reasonable requests of Firm in connection with Firm's legal representation of City. City agrees to be truthful with Firm, to cooperate, to keep Firm informed of any information or development that may come to City's attention, to abide by this Agreement, and to keep Firm advised of City's address, telephone number, and whereabouts.

3. Retainer. Firm shall not require an initial retainer.

4. Rates and Charges. The Schedule of Fees and Charges is attached as **Exhibit A** to this Agreement which is incorporated by reference. The value of Firm's services is based primarily upon time records kept by attorneys and legal assistants. We will charge you for the time we spend on telephone calls relating to your matter, including telephone calls with you, opposing counsel, or court personnel. The legal personnel assigned to your matter may confer among themselves and with their assistants about the matter as required. When they do confer, each person will charge for his or her time. Likewise, if it is necessary for more than one of our legal personnel to attend a meeting, court hearing, or other proceeding, each will charge for the time spent. We will charge for waiting time in court and elsewhere, if applicable. City's bill is based upon the actual time worked and will be billed in units of tenths of an hour. A minimum charge of two-tenths of an hour is made as to any item of service, including telephone calls and correspondence. A minimum of one hour is charged for court appearances.

All hourly rates are subject to change from time to time with at least 60 days' notice to City. The Firm's rate structure is usually reviewed annually, at which time rates are generally increased to reflect a fair fee for the experience gained by each attorney and legal assistant or paralegal during the preceding year and to keep pace with the rate of inflation. In addition to our fees for legal services, our firm also charges separately for certain costs and expense disbursements, including, without limitation, the following: filing fees; service of process fees; postage; long distance telephone, fax, messenger, courier, and other communication costs; document reproduction; document retrieval; computer research costs; mileage and other travel costs; and other costs and expenses incurred on behalf of City. Disbursement billings may be forwarded to you for direct payment for costs incurred, regardless of when such costs occur compared to our firm's regular billing cycles.

5. Fees Not Guaranteed or Contingent. Due to the uncertainty involved in legal matters, any estimates of anticipated fees and/or costs, whether provided for budgeting purposes or otherwise, are only an approximation of potential fees and/or costs. Under no circumstances shall any such estimates represent the maximum or minimum fees and/or costs to be incurred by City. Instead, Firm's actual fees will be determined in accordance with the policies described in this Agreement.

Since Firm's legal fees are based on the time devoted to a matter, such fees are not contingent on the legal or financial outcome of a matter or project. While we take pride in the quality of our legal work and we make every effort to see that you are satisfied with our services, your obligation to pay is not conditioned upon the results obtained from our services. Additionally, given the nature of the proceedings at hand, we are not in any way guaranteeing any results in this matter.

6. Billing. Firm's billing statements ordinarily will be rendered to City on a monthly basis, and Firm's normal billing cycle runs from the first day of the month to the last day of the month.

On some occasions, however, a bill may cover more or less than one month. Billing statements are due and payable immediately upon receipt. Statements are not paid within 30 days of the statement will be assessed a finance charge on the unpaid balance at the legal rate. You should feel free to contact us with any billing questions or comments you may have, and we will be happy to answer your inquiries. Additionally, we make every effort to include disbursements in the statement for the month in which the disbursements are incurred. However, some disbursements, such as telephone, courier, and research charges, as well as various other costs, are not timely available to us and may appear after the month in which they are incurred. In such instances, such costs are included on the statement for the following month.

7. Court-Awarded Attorneys' Fees. In any instance in which attorneys' fees are recovered, whether court-awarded or otherwise, the attorneys' fees awarded and actually recovered will be applied against the actual fees billed or the contingent fee in a contingent fee case. In no event will the court award of attorneys' fees and costs be accepted in lieu of fees actually due in accordance with this Agreement. If the fees and costs due per the terms of this Agreement are greater than the amount of fees and costs awarded or recovered, City will remain obligated to pay the balance of said fees and costs to Firm. In addition, the recovery or award of fees and costs shall not affect the fact that said fees and costs are due immediately upon City's receipt of Firm's billing invoice.

8. Term of Agreement. The term of this Agreement shall be for a period of two (2) years unless sooner terminated as provided in paragraph 9 below.

9. Termination of Services. City has the right to terminate Firm at any time by giving written notice. In such event, City will still be required to pay any outstanding fees and charges. Similarly, Firm may withdraw from representing City. In any situation where "good cause" must be shown prior to Firm's withdrawal from representing City, "good cause" includes breach of the terms of this Agreement (including failure to pay all billing statements when due or failure to promptly pay an advance or retainer we may later require), City's refusal to cooperate with Firm or to follow Firm's advice on a material matter, any other fact or circumstance that would render Firm's continuing representation unlawful or unethical (including a conflict of interest), or any other reason Firm determines renders it unfeasible or impermissible for Firm to continue representation of City. In the event Firm makes a determination to withdraw, Firm will send City written notice of said determination. The withdrawal will be effective as of the date of the notice unless Firm has commenced litigation on City's behalf. If litigation has commenced and Firm has already appeared on City's behalf, City agrees to cooperate by signing a substitution of attorney form. In such case, withdrawal will be effective on the date the substitution of attorney becomes effective with the court. When Firm's services conclude for whatever reason, all unpaid charges shall become immediately due and payable. After Firm's services conclude, Firm will, upon City's request, deliver City's file and return any of City's funds or property in Firm's possession.

10. Conflicts of Interest. Rule 1.7 of the Rules of Professional Conduct of the State Bar of California requires Firm to inform City in writing of the relevant circumstances and of the actual and reasonably foreseeable adverse consequences to City with respect to certain conflicts of interest. City is further informed that the rules require in the case of multiple representations on the same or related matters, the Firm shall be required to obtain the informed written consent of such parties. Unless otherwise agreed, it is specifically understood that Firm represents only City and not any of the agents, employees, or other representatives of City.

City hereby acknowledges that Firm has explained the reason for the informed consent specified below, if any, and City hereby provides such consent as required. The result could be that Firm's representation of City's interests might be jeopardized or Firm may be placed in the position of pursuing or not pursuing City's interests as zealously or aggressively as would otherwise be the case.

Firm is unaware of any potential conflicts of interest as of the date of this letter. However, please be advised that Firm regularly represents various lenders, both private and institutional, as well as developers and other land owners. As a result of these continuing client relationships, Firm may encounter potential and/or actual conflicts of interest between you and one or more of our other clients, which may include, without limitation, situations in which more than one client has made a loan to the same or related borrower or has a security interest in the same collateral, as well as situations in which more than one developer is being represented in connection with development in the same or competing markets. In no event shall Firm represent both you and another client whose interests are adverse to yours in the same matter without first obtaining your express written consent to same.

Except as disclosed above, Firm is not aware of any relationship with any other party interested in the subject matter or the services Firm has agreed to provide to City under this Agreement or of any separate matter in which City may have an interest adverse to that of any other client of Firm. Further, Firm is not aware that the representation of City or the other parties whom Firm has represented in the past would presently involve any actual conflicts of interest. City should be aware, however, that should an actual conflict arise, it could preclude Firm's further representation of City's interests and may require Firm to immediately withdraw as counsel.

11. Document Retention Policy. It is our firm's policy to retain City files for five (5) years following the last date of activity (the "File Retention Period"), after which we may destroy the inactive files. If you do not want us to destroy your inactive file(s) at the end of the File Retention Period, you may request us to send the inactive file(s) to you instead. Any such request must be in writing and delivered to us within the applicable File Retention Period. Any and all costs associated with sending inactive file(s) to you will be charged to City.

12. Indemnification and Insurance. Firm shall indemnify, defend, and hold harmless the City, its officers, employees, agents and volunteers ("City indemnitees"), from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation ("claims"), arising out of the Firm's performance of its obligations under this Agreement or out of the operations conducted by Firm, except for such loss or damage arising from the sole negligence or willful misconduct of the City. In the event the City indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from Firm's performance of this agreement, the Firm shall provide a defense to the City indemnitees, or at the City's option, reimburse the City indemnitees their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims. Firm shall provide and maintain the insurance coverage described in **Exhibit B** to this Agreement attached hereto and incorporated by reference.

13. Governing Agreement. Unless a different agreement in writing is made between us, this Agreement will govern all additional or future services we perform for you. In addition, this Agreement will control any services performed by Firm prior to the time you sign this letter.

14. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Firm and of the City.

BACKOWSKI LAW GROUP, PC

Matthew Backowski

Date: 9-15, 2022

CITY

Santos Garcia, Mayor

Date: _____, 2022

APPROVED AS TO FORM:
MONTOY LAW CORPORATION

Hilda Cantú Montoy, City Attorney

ATTEST:

Alicia Gonzales, City Clerk

EXHIBIT A

BACKOWSKI LAW GROUP, PC
SCHEDULE OF FEES AND CHARGES

Purpose. This Schedule is to explain to City how Firm's time and expense charges are fixed and recorded, what is included, and how these charges are billed.

Fixing Time Charges. City will be billed for the services according to the following procedures:

General Procedures. All time charges reflect the time actually spent except as noted in this paragraph. Time is charged in units of tenths of an hour. A minimum time charge of two-tenths of an hour is made as to any item of service, including telephone consultations. Outgoing correspondence is charged at a minimum of two-tenths of an hour. A minimum of one hour is charged for court appearances.

Hourly Rates. The hourly rate of the attorneys and the hourly rate of legal assistants are set forth below. These rates may be changed and periodically adjusted upon thirty days' prior written notice to the City. The rates used will always be those in effect at the time services were rendered.

Matthew G. Backowski	$295.00 per hour
Stephanie T. Kokka	$295.00 per hour
Paralegal Support	$125.00 per hour

NOTE: THESE RATES ARE SUBJECT TO PERIODIC ADJUSTMENT.

Legal Assistants. In order to render services more economically and efficiently, some work of this law firm is delegated to legal assistants. In all cases, an attorney shall supervise the delegated work and have full professional responsibility for the work product.

Fixing Other Charges. In addition to charges for services, Firm statements include charges for other costs incurred in providing the legal services contemplated herein. Some of these items represent disbursements to third parties; some include an allocation of associated overhead costs.

Travel Expenses. The expense of travel outside the City of Fresno is charged at the IRS rate for travel by automobile, and the actual cost for travel by other means such as, but not limited to, plane, taxi and rental car. Hotel, meals, parking and other travel expenses are charged at actual cost.

Other Expenses and Cash Advances. All cash advanced by the Firm for expenses such as, but not limited to, recording fees, title reports, investigations, depositions, witness fees, filing fees and court costs, and legal research, will be charged at cost. When Firm foresees substantial costs, we may ask City to pay certain of them directly or to fund them in advance.

Firms. It may sometimes be necessary to retain Firms or experts to aid Firm in representing City. Said Firm shall not be retained without City's consent. Any such Firm will ordinarily be retained directly by City, although for convenience the Firm may bill Firm for payment by City. Firm shall not guarantee payment for consulting services provided for City's benefit.

EXHIBIT B

INSURANCE REQUIREMENTS FOR FIRMS

Without limiting Firm's indemnification of City, and prior to commencement of Work, Firm shall obtain, provide, and continuously maintain at its own expense during the term of the Agreement, and shall require any and all Subcontractors of every Tier to obtain and maintain, policies of insurance of the type and amounts described below and in form satisfactory to the City.

Minimum Scope and Limits of Insurance
Firm shall maintain limits no less than:

- $1,000,000 **General Liability** (including operations, products and completed operations) per occurrence, $2,000,000 general aggregate, for bodily injury, personal injury and property damage, including without limitation, blanket contractual liability. Coverage shall be at least as broad as Insurance Services Office (ISO) Commercial General Liability coverage form CG 00 01. General liability policies shall be endorsed using ISO form CG 20 10 that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- $1,000,000 **Automobile Liability** combined single limit per accident for bodily injury or property damage at least as broad as ISO Form CA 00 01 for all activities of Firm arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles. Automobile Liability policies shall be endorsed to provide that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- **Worker's Compensation** as required by the State of California and $1,000,000 **Employer's Liability** per accident for bodily injury or disease. Firm shall submit to the City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of the City, it's officers, agents, employees, and volunteers.
- $1,000,000 **Professional Liability (Errors & Omissions)** per claim and in the aggregate. Firm shall maintain professional liability insurance that insures against professional errors and omission that may be made in performing the Services to be rendered in connection with this Agreement. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Firm agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this Agreement. The cost of such insurance shall be included in Firm's bid.

Maintenance of Coverage
Firm shall procure and maintain, for the duration of the contract, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Work hereunder by Firm, its agents, representatives, employees, subcontractors as specified in this Agreement.

Proof of Insurance
Firm shall provide to the City certificates of insurance and endorsements, as required, as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by the City

prior to commencement of performance. Current evidence of insurance shall be kept on file with the City at all times during the term of this Agreement. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

Acceptable Insurers
All insurance policies shall be issued by an insurance company currently authorized by the Insurance commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and a Financial Size Category Class VII (or larger), in accordance with the latest edition of Best's Key Rating Guide.

Waiver of Subrogation
All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against the City, its elected or appointed officers, agents, officials, employees, and volunteers, or shall specifically allow Firm, or others providing insurance evidence in compliance with these specifications, to waive their right of recovery prior to a loss. Firm hereby waives its own right of recovery against the City and shall require similar written express waivers and insurance clauses from each of its subcontractors.

Enforcement of Contract Provisions (non estoppel)
Firm acknowledges and agrees that any actual or alleged failure on the part of the City to inform Firm of non-compliance with any requirement imposes no additional obligations on the City, nor does it waive any rights hereunder.

Specifications not Limiting
Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If Firm maintains higher limits than the minimums required above, the entity shall be entitled to coverage at the higher limits maintained by Firm.

Notice of Cancellation
Firm agrees to oblige its insurance agent or broker and insurers to provide to the City with thirty (30) calendar days' notice of cancellation (except for nonpayment for which ten (10) calendar days' notice is required) or nonrenewal of coverage for each required coverage.

Self-insured Retentions
Any self-insured retentions must be declared to and approved by the City. The City reserves the right to require that self-insured retentions be eliminated, lowered or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by the City's Risk Manager.

Timely Notice of Claims
Firm shall give the City prompt and timely notice of claims made or suits instituted that arise out of or result from Firm's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

Additional Insurance

Firm shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgement may be necessary for its proper protection and prosecution of the Work.

Exhibit AA

City of Madera

Budget Adjustment- HOME Contracted Services

Budget Transfer		
Fund	Account Number	Description
4380	43800000-4355	Transfer In
1021	10211300-8200	Transfer Out
Expenditure Account		
4380	43800000-6440	Contracted Services

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-14

SUBJECT:

Empower 457 Deferred Compensation Plan & Trust Regulatory Amendment to comply with the Coronavirus Aid, Relief, and Economic Security Act (CARES)

RECOMMENDATION:

Adopt a resolution approving the Amendment for CARES Act to the Empower Retirement City of Madera 457 Deferred Compensation Plan & Trust and authorizing the City Manager to execute necessary documents electronically through DocuSign

SUMMARY:

In April 2020, the City modified its 457 Deferred Compensation Plan & Trust (457 Plan) provisions to allow employees the option of taking personal loans from their individual accounts. The 457 Plan loan option was implemented as part of the City's COVID-19 Emergency Policies 1 and 2, a comprehensive package of employee benefit options to assist City employees with increased expenses caused by the growing COVID-19 emergency, including potential unemployment of spouses or close family, unexpected leaves of absence or illness, and unexpected merchandise price fluctuations. Subsequent to the City's implementation of the loan option, the later adopted CARES Act included specific provisions recognizing 457 Plan loan benefits and enhancing the existing legislation regarding 457 Plan loan programs. At this time, the City is required to adopt a regulatory amendment to our plan document recognizing these CARES Act provisions and their application to our 457 Plan.

DISCUSSION:

The City offers a 457 Plan for employees to participate in to provide supplementary retirement income. The 457 Plan allows for pre-tax contributions that are taxed upon withdrawal. 457 Plans are governed by the Internal Revenue Service (IRS). The IRS allows for three types of disbursements for 457 Plans:

1. Withdrawal any time after separation from service, with no age limitations
2. Emergency withdrawal while employed for such things as imminent foreclosure or eviction due to non-payment, catastrophic loss not covered by insurance, or unexpected medical costs not covered by insurance. These withdrawals are not repaid.
3. Loans to an individual from their own account. These loans must be repaid. The employee borrows money from their own personal 457 account and must repay the loan with interest.

Prior to the changes implemented in response to the COVID-19 global health pandemic, the City's plan did not have the loan option. In an effort to assist employees with increased expenses caused by the emergency, including potential unemployment of spouses or close family, unexpected leaves of absence or illness, and unexpected merchandise price fluctuations, it was determined to be imperative to move quickly to begin implementation of the loan program and add this benefit as an option for City employees. Under the provisions at that time, employees were allowed only one outstanding loan at any given time.

Upon adoption of the CARES Act by the Federal government, the loan program terms under 457 plans and other applicable retirement savings mechanisms were expanded to include additional provisions allowing for specific COVID-related loans in addition to standard loans. The CARES Act allowed for the following temporary provisions for COVID-specific loans:

- Increased maximum amount of loan
- Extended repayment and maturity dates

In addition to the modified 457 Plan loan regulations, the CARES Act also temporarily waived the required minimum distribution rules.

The City must execute a 457 Plan Amendment prior to December 31, 2022, recognizing the provisions of the CARES Act that apply to our plan. The 457 Plan administrator utilizes DocuSign for electronic execution of documents and the requested action also authorizes the City Manager to execute related documents electronically through DocuSign for this Amendment.

FINANCIAL IMPACT:

The 457 Plan loan program is managed by the plan provider. Employees are borrowing their own money and responsible for their own repayments. Repayments will be processed through payroll deductions, however they are processed very similar to existing plan contributions, so there is no quantifiable burden created. Additionally, any loan default becomes a taxable event for the individual defaulting and there is no risk to the City for the defaulted loan.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council could direct staff to review additional benefit provisions related to the 457 Plan.

ATTACHMENTS:

1. Resolution
   Exhibit A. Amendment for CARES Act to the Empower Retirement City of Madera 457 Deferred Compensation Plan & Trust

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE EMPOWER RETIREMENT CITY OF MADERA DEFERRED COMPENSATION PLAN & TRUST AMENDMENT FOR CARES ACT

WHEREAS, the City of Madera has established a 457 Deferred Compensation Plan & Trust (457 Plan) through Empower Retirement; and

WHEREAS, as a benefit to employees, the City previously implemented a loan program for the 457 Plan; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was passed by the Federal Government and modified certain regulations related to 457 Plan loan programs; and

WHEREAS, the City must adopt a 457 Plan Amendment to recognize these CARES Act provisions prior to December 31, 2022.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, and orders as follows:

1. The above recitals are true and correct.

2. The City Council approves the Empower Retirement City of Madera Deferred Compensation Plan & Trust Amendment for Cares Act, attached as Exhibit A and incorporated herein.

3. The City Manager is authorized to execute the 457 Plan Amendment and any related documents through DocuSign using electronic signature.

4. This resolution is effective immediately upon adoption.

* *

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AMENDMENT FOR CARES ACT

ARTICLE 1
PREAMBLE; DEFINITIONS

1.1 **Adoption of Amendment**. The Employer adopts this Amendment to implement provisions of the Act which affect the Plan. All references to the Plan include the Plan's loan program, policy, or procedure to the extent applicable.

1.2 **Superseding of inconsistent provisions**. This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.

1.3 **Construction.** Except as otherwise provided in this Amendment, any Article or Section reference in this Amendment refers only to this Amendment and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment and does not relate to the Plan article, section, or other numbering designations.

1.4 **Effect of restatement of Plan.** If the Employer restates the Plan then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these provisions).

1.5 **Definitions.** Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment. The following definitions apply specifically to this Amendment:

A. The "**Act**" is the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act. This Amendment shall be interpreted and applied to comply with the Act.

B. A "**Qualified Individual**" means any individual who meets one or more of the criteria described in paragraphs (1), (2), (3), or (4). Participants, alternate payees and beneficiaries of deceased participants can be treated as Qualified Individuals. The Plan Administrator may rely on an individual's certification that the individual satisfies a condition to be a Qualified Individual unless the Plan Administrator has actual knowledge to the contrary. In applying the criteria, "COVID-19" means either the virus SARS–CoV–2 or coronavirus disease 2019; "an approved test" means a test approved by the Centers for Disease Control and Prevention (including a test authorized under the Federal Food, Drug, and Cosmetic Act); and a "member of the individual's household" means someone who shares the individual's principal residence. The criteria are as follows:

(1) The individual was diagnosed with COVID-19 by an approved test;

(2) The individual's spouse or dependent (as defined in Code §152) was diagnosed with COVID-19 by an approved test;

(3) The individual has experienced adverse financial consequences because: (a) the individual or the individual's spouse, or a member of the individual's household was quarantined, furloughed or laid off, or had work hours reduced due to COVID-19; (b) the individual, the individual's spouse, or a member of the individual's household was unable to work due to lack of childcare due to COVID-19; (c) A business owned or operated by the individual, the individual's spouse, or a member of the individual's household closed or reduced hours due to COVID-19; or (d) the individual, the individual's spouse, or a member of the individual's household had a reduction in pay (or self-employment income) due to COVID-19 or had a job offer rescinded or start date for a job delayed due to COVID-19; or

(4) The individual satisfies any other criteria determined by the Treasury or the IRS.

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ARTICLE 2
IDENTIFYING INFORMATION; EMPLOYER ELECTIONS

2.1 **Reserved.**

2.2 Employer identifying information.

A. Name of Employer: City of Madera

B. Name of Plan: City of Madera 457 Deferred Compensation Plan & Trust

C. Type of Plan (*check one; optional*)
(1) [ ] 401(k) Plan
(2) [ ] Profit-Sharing Plan (other than a 401(k) plan)
(3) [ ] Money Purchase Pension Plan
(4) [ ] Defined Benefit Plan (including a cash balance plan)
(5) [ ] 403(b) Plan
(6) [ ] 457(b) Plan sponsored by a governmental employer

2.3 **Relief for Qualified Individuals.** Will the Plan provide any or all of the following relief for Qualified Individuals: (1) Coronavirus-Related Distributions described in Article 3, (2) increased loan limits described in Section 4.2, (3) the loan repayment extension described in Section 4.3. *(Select one of (a), (b), or (c). If (c) is selected, then select one or more of (d), (e), and/or (f))*

(a) [ ] No. The Plan will not provide any of these relief provisions.

(b) [ ] Yes. The Plan will provide all of these relief provisions. The limitations on distributions described in Sections 2.3(d)(1) – (4) and the limitations on loans in Section 2.3(e)(1) – (3) and 2.3(f)(1)—(3) do not apply.

(c) [X] Some. The Plan will provide those relief provisions selected in (d), (e), or (f) below.

(d) [X] The Coronavirus-Related Distribution provisions described in Article 3 (*If (d) is selected, the Employer may optionally select one or more of (1), (2), (3), or (4).)*

(1) [ ] Coronavirus-Related Distributions are not available from an account in which the Participant is not 100% vested.

(2) [ ] Coronavirus-Related Distributions may be made only from the following accounts: _____.

(3) [ ] The maximum amount of Coronavirus-Related Distributions from the Plan to a Qualified Individual will not exceed: $_____. *(Enter amount less than $100,000.)*

(4) [X] The following additional provisions apply to Coronavirus-Related Distributions: The provisions of Article 3 of this Amendment apply only to the extent a Coronavirus-Related Distribution has been made to a Qualified Individual. To the extent the Plan does not operationally apply the rules of Article 3 of this Amendment, it does not apply to the Plan. The Plan Administrator shall document through administrative procedures or otherwise the manner in which the Plan operationally applied the rules under Article 3 of this Amendment. *(Enter limitations or restrictions which are nondiscriminatory and not subject to Employer discretion.)*

(e) [X] The increased loan limit described in Section 4.2 (*If (e) is selected, the Employer may optionally select one or more of (1), (2), or (3).)*

(1) [ ] The maximum dollar amount of loans pursuant to Section 4.2 will not exceed: $_____. *(Enter amount less than $100,000.)*

(2) [ ] The maximum percentage of the present value of the nonforfeitable accrued benefit that may be loaned pursuant to Section 4.2 will not exceed: _____%. *(Enter percentage less than 100%.)*

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(3) [X] The following additional provisions apply to the increased loan limit: The following additional provisions apply to the increased loan limits described in Section 4.2 of this Amendment apply only to the extent a loan has been made to a Qualified Individual in excess of the limits otherwise available under the Plan. To the extent the Plan does not operationally apply the increased loan limits described in Section 4.2 of this Amendment, it does not apply to the Plan. The Plan Administrator shall document through administrative procedures or otherwise the manner in which the Plan operationally applied the increased loan limits described in Section 4.2 of this Amendment. *(Enter limitations or restrictions which are nondiscriminatory.)*

(f) [X] The loan repayment extension described in Section 4.3 *(If (f) is selected, the Employer may optionally select one or more of (1), (2), or (3).)*

(1) [ ] The Suspension Period will begin _____ *(Enter date not before March 27, 2020)* and end _____. *(Enter date not later than December 31, 2020.)*

(2) [ ] The Extension Period will be _____ . *(Enter period, up to one year, the due date of the loan will be extended, such as "six months.")*

(3) [X] The following additional provisions apply to the loan repayment extension: The loan repayment extension described in Section 4.3 of this Amendment applies only to the extent the due date to repay a loan has been extended for a Qualified Individual. To the extent the Plan does not operationally extend the due date for loan repayment as described in Section 4.3 of this Amendment, it does not apply to the Plan. The Plan Administrator shall document through administrative procedures or otherwise the manner in which the Plan operationally extended the due date for loan repayment as described in Section 4.3 of this Amendment. *(Enter limitations or restrictions which are nondiscriminatory.)*

2.4 **RMD waivers for 2020.** Unless the Employer elects otherwise below, the provisions of Section 5.2 apply and a Participant or Beneficiary who would have been required to receive a 2020 RMD or Extended 2020 RMD will receive the distribution unless the Participant or Beneficiary chooses not to receive the distribution.

(a) [ ] No RMDs without request. The provisions of Section 5.2 apply and a Participant or Beneficiary who would have been required to receive a 2020 RMD or Extended 2020 RMD **will not** receive the distribution unless the Participant or Beneficiary chooses to receive the distribution.

(b) [X] Split. The provisions of Section 5.2 apply. A Participant or Beneficiary who would have been required to receive a **2020 RMD will not** receive the distribution unless the Participant or Beneficiary chooses to receive the distribution. A Participant or Beneficiary who would have been required to receive an **Extended 2020 RMD will receive** the distribution unless the Participant or Beneficiary chooses not to receive the distribution.

(c) [ ] No change to RMDs. Payment of RMDs or Extended 2020 RMDs will be governed by the terms of the Plan without regard to this Amendment (i.e., no election is available to Participants or Beneficiaries).

(d) [ ] Describe: _____.

For purposes of Section 5.3, the Plan will also treat the following as eligible rollover distributions in 2020: (*Choose one or none of (e), (f), (g), or (h):* If no election is made, then a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code §401(a)(9)(I)):

(e) [X] 2020 RMDs.

(f) [ ] 2020 RMDs and Extended 2020 RMDs.

(g) [ ] 2020 RMDs but only if paid with an additional amount that is an eligible rollover distribution without regard to Code §401(a)(9)(I).

(h) [ ] Describe: _____.

The provisions of Article 5, and the elections in this Section 2.4, will be effective on the date specified in Section 2.5. unless a different date is entered here: _____ *(Optional. Enter a date between March 27, 2020 and December 31, 2020. RMD distributions before the selected effective date should have followed plan terms in effect before this Amendment.)*

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2.5 **Effective Date.** This Amendment is effective March 27, 2020, or as soon as practical thereafter, or, if later, the following date: _____. *(Optional. Enter a date not later than December 31, 2020.)*

ARTICLE 3
CORONAVIRUS-RELATED DISTRIBUTIONS

3.1 **Application.** This Article 3 will apply if Section 2.3(b) or Section 2.3(d) is selected.

3.2 **Coronavirus-Related Distribution(s)**. Subject to the provisions described in Section 2.3(d)(4), if any, a Qualified Individual may take one or more Coronavirus-Related Distributions. The accounts from which the amount may be distributed shall be limited if selected in Sections 2.3(d)(1) and (2). However, if the Plan is a Defined Benefit Plan, and the Qualified Individual has not separated from service, the Qualified Individual may not take a Coronavirus-Related Distribution prior to attaining the earlier of Normal Retirement Age or age 59½. The provisions of this Section will apply notwithstanding any limitation in the Plan on partial distributions or any otherwise applicable plan or administrative limits on the number of allowable distributions.

3.3 **Repayment of distribution**. If the Plan permits a Participant to make rollover contributions, then a such a Participant who received a Coronavirus-Related Distribution (from this Plan and/or another eligible retirement plan as defined in Code §402(c)(8)(B)), at any time during the 3-year period beginning on the day after receipt of the distribution, may make one or more contributions to the Plan, as rollover contributions, in an aggregate amount not to exceed the amount of such distribution.

3.4 **Definition of Coronavirus-Related Distribution**. A "Coronavirus-Related Distribution" means a distribution to a Qualified Individual during the period beginning January 1, 2020 and ending December 30, 2020. The total amount of Coronavirus-Related Distributions to a Qualified Individual pursuant to this Amendment from all plans maintained by the Employer, or any related employer described in Code §414(b), (c), (m), or (o), shall not exceed $100,000, (or such lesser amount specified in Section 2.3(d)(3)). The Coronavirus-Related Distributions from the Plan to a Qualified Individual will not exceed the amount of the individual's vested account balance or the present value of the individual's vested accrued benefit.

ARTICLE 4
PARTICIPANT LOAN RELIEF

4.1 **Application.** This Article 4 will apply only if the Plan permits participant loans. Section 4.2 will apply if Section 2.3(b) or Section 2.3(e) is selected. Section 4.3 will apply if Section 2.3(b) or Section 2.3(f) is selected.

4.2 **Increased loan limit**. Notwithstanding the loan limitation that otherwise would apply, the Plan will determine the loan limit under Code §72(p)(2)(A) for a loan to a Qualified Individual, made during the period beginning March 27, 2020 and ending September 22, 2020, by substituting "$100,000" (or such lesser amount specified in Section 2.3(e)(1)) for "$50,000," and by substituting "100% (or such lesser percentage specified in Section 2.3(e)(2)) of the present value of the nonforfeitable accrued benefit of the employee under the Plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the Plan" (or its equivalent). The provisions described in Section 2.3(e)(3), if any, will apply in connection with loans to Qualified Individuals.

4.3 **Extension of certain repayments**. If a Qualified Individual has an outstanding loan from the Plan on or after March 27, 2020, then: (1) if the date for any repayment of such loan occurs during the Suspension Period, the due date is extended for the Extension Period; (2) the due date of the loan will be extended by the Extension Period; (3) the Plan will adjust any subsequent repayments to reflect the extension of the due date and any interest accrued during the Suspension Period; and (4) the Plan will disregard the Extension

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Period in determining the 5-year period and the loan term under Code §72(p)(2)(B) or (C). The provisions described in Section 2.3(f)(3), if any, will apply in connection with the suspension and extension described in this Section. The Suspension Period, unless otherwise specified in Section 2.3(f)(1), will begin March 27, 2020 and end December 31, 2020. The Extension Period, unless otherwise specified in Section 2.3(f)(2) will be one year. The provisions of this Section 4.3 will be applied in accordance with Section 5.B. of Notice 2020-50, or any subsequent applicable guidance, and the adjustment described in (3) may reflect the "safe harbor" described therein.

ARTICLE 5
WAIVER OF 2020 REQUIRED MINIMUM DISTRIBUTIONS (RMDs)

5.1 **Application.** This Article 5 will apply only to defined contribution plans, including 401(k) Plans, Profit-Sharing Plans, Money Purchase Pension Plans, 403(b) Plans, and 457(b) Plans sponsored by governmental employers. The definitions in Section 5.4 will apply in interpreting Section 2.4.

5.2 **Waiver; default provision.** This Section 5.2 will apply unless Section 2.4(c) is selected or to the extent 2.4(d) overrides it. Notwithstanding the provisions of the Plan relating to RMDs, whether a Participant or Beneficiary who would have been required to receive 2020 RMDs, and who would have satisfied that requirement by receiving distributions that are (1) equal to the 2020 RMDs, or (2) Extended 2020 RMDs will receive those distributions is determined in accordance with the option chosen in Section 2.4. Notwithstanding the option chosen in Section 2.4, a Participant or Beneficiary will be given an opportunity to make an election as to whether or not to receive those distributions. If the Plan permits a Beneficiary of a deceased Participant to make the election to use the 5-year rule or the life expectancy rule, the deadline to make the election may be extended to reflect the adoption of Code §401(a)(9)(I).

5.3 **Direct rollovers.** Notwithstanding the provisions of the Plan relating to required minimum distributions under Code §401(a)(9), and solely for purposes of applying the direct rollover provisions of the Plan, certain additional distributions in 2020, as elected by the Employer in Section 2.4, will be treated as eligible rollover distributions. If no election is made by the Employer in Section 2.4, then a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code §401(a)(9)(I).

5.4 **Definitions. "RMDs"** means required minimum distributions described in Code §401(a)(9). **"2020 RMDs"** means required minimum distributions the Plan would have been required to distribute in 2020 (or permitted to pay in 2021 for the 2020 calendar year for a Participant with a required beginning date of April 1, 2021) but for the enactment of Code §401(a)(9)(I). **"Extended 2020 RMDs"** means one or more payments in a series of substantially equal distributions (that include the 2020 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated Beneficiary, or for a period of at least 10 years.

5.5 **Installment payments.** A Participant or Beneficiary receiving payment of 2020 RMDs or 2020 Extended RMDs pursuant to this Article 5 may receive them in any method (including installments or partial distributions) which would have been permitted under the terms of the Plan if the amounts would have been RMDs but for the enactment of Code §401(a)(9)(I).

* * * * * *

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This Amendment has been executed this _____ day of _____, _____.

Name of Plan: City of Madera 457 Deferred Compensation Plan & Trust

Name of Employer: City of Madera

By: _____
EMPLOYER

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REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: B-15

SUBJECT:

Agreement for ResoluteGuard Cyber Risk Management Program

RECOMMENDATION:

Adopt a resolution approving the ResoluteGuard Services Agreement and authorizing the Director of Human Resources to execute necessary documents electronically through DocuSign

SUMMARY:

The City of Madera participates in the Central San Joaquin Valley Risk Management Authority (CSJVRMA), a joint powers authority providing risk pooling and financing as well as loss control services to its fifty-four (54) member cities. As part of the CSJVRMA program offerings, the City has the opportunity to participate in a new program being offered to member cities in response to changes in the cyber insurance industry necessitated by an increase in cyber-attacks. Specifically, CSJVRMA has contracted with ResoluteGuard to provide a Cyber Risk Management Program to assist member cities like Madera to evaluate their executive governance, administrative, and technical activities required to support best practices and incident response plan solutions that protect against cyber incidents that could expose the City to both financial risk and disruption of services.

DISCUSSION:

Through its membership in the CSJVRMA, the City participates in several risk management programs, including workers' compensation, liability, property, and vehicle pooled and purchased insurance programs. As part of the property program, the City also participates in cyber liability insurance coverage. The cyber liability insurance industry has seen a significant increase in cyber-attacks resulting in financial consequences, business disruption, and data breaches. In response, the cyber liability insurance industry is placing stricter standards on businesses desiring cyber liability insurance to ensure they are following best practices. In an

effort to assist its member cities with their cyber risk management needs, CSJVRMA has entered into an agreement with ResoluteGuard to provide a Cyber Risk Management Program to participating members. The program will assist the City in evaluating all aspects of its information systems security, including executive governance, administration, and technical activities.

ResoluteGuard has an overarching agreement with CSJVRMA for the program, and member cities desiring to participate in the Cyber Risk Management Program must execute an individual agreement to participate. The requested action is the approve the City's participation in the program by approving the ResoluteGuard Services Agreement. Additionally, the vendor utilizes DocuSign for electronic document management and the requested action will authorize the City's CSJVRMA Board Representative, Director of Human Resources Wendy Silva, to execute the applicable documents.

FINANCIAL IMPACT:

The ResoluteGuard Risk Management Program participation fee is based on the number of applicable devices, which will be confirmed upon execution of the Services Agreement and initial scan of the City's system. It is estimated that the City's year one fee will be $5,650 and subsequent years will be $4,400. Funds were included in the adopted Fiscal Year 2022-23 budget for participation in this program.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council could direct staff to seek alternate cyber risk management programs outside the offerings of the CSJVRMA.

ATTACHMENTS:

1. Resolution
    - Exhibit A. ResoluteGuard Payment Agreement with CSJVRMA
    - Exhibit B. ResoluteGuard Services Agreement

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE RESOLUTEGUARD SERVICES AGREEMENT

WHEREAS, the City of Madera participates in several risk management programs through the Central San Joaquin Risk Management Authority (CSJVRMA), including cyber liability insurance and risk management; and

WHEREAS, the CSJVRMA has entered into a Payment Agreement with ResoluteGuard to provide CSJVRMA member cities with Cyber Risk Management Program benefits, attached as Exhibit A and incorporated herein; and

WHEREAS, the City must execute a Services Agreement to participate in the Cyber Risk Management Program with ResoluteGuard.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, and orders as follows:

1. The above recitals are true and correct.

2. The City Council approves the ResoluteGuard Services Agreement, attached as Exhibit B and incorporated herein.

3. The Director of Human Resources as the CSJVRMA Board Representative is authorized to execute the Services Agreement and any related documents through DocuSign using electronic signature.

4. This resolution is effective immediately upon adoption.

* *

RESOLUTEGUARD PAYMENT AGREEMENT

This Payment Agreement (this "**Agreement**"), dated as of September 1, 2022 (the "**Effective Date**"), is entered into by and between **RESOLUTEGUARD LLC**, a New Jersey limited liability company, with offices located at 417 Crescent Parkway, Sea Girt, New Jersey 08750 ("**Service Provider**"), and Central San Joaquin Valley Risk Management Authority ("**RMA**"), a California Joint Powers Authority established and operating pursuant to California Government Code section 6500, et seq.

WHEREAS, RMA is a joint powers authority established pursuant to the California Government Code whose membership constitutes multiple cities, located within the California San Joaquin Valley. RMA provides multiple liability coverages, claims services, and safety programs for the member cities.

WHEREAS, Service Provider is in the Business of providing Cyber Risk Management Program Services to local government agencies.

WHEREAS, RMA wishes to provide its members with the option to obtain Cyber Risk Management Services in conjunction with the liability and property coverages it provides to members.

WHEREAS, Service Provider has agreed to provide Cyber Risk Management Services to members of RMA and is qualified and has all necessary licenses under Federal and State law to conduct its business and provide its services in the state of California.

The parties agree as follows:

1. Services. RMA is a network of municipal governments (collectively the "**Members**"). As a benefit with respect to Members' membership with RMA, RMA has requested, and Service Provider has agreed, to provide certain services to all Members who choose to subscribe to Service Provider's "Cybersecurity Risk Management Program" (the "**Services**"), as further set forth in the Service Agreements by and between Service Provider and subscribing Members as further described on **Schedule A** (the "**Member Schedule**"), which is incorporated as if set forth fully herein. Any RMA member who opts for services provided by Service Provider will enter into separate contracts with Service Providers. RMA shall, by way of this Payment Agreement, provide payments to Service Provider on behalf of RMA member cities who decide to enter into contracts with Service Provider.

2. Fees and Payment. Throughout the term of this Agreement, RMA shall be obligated to pay to ResoluteGuard, LLC as outlined in Exhibit B, the fees charged by Service Provider for services provided to the Members of RMA.

3. Confidentiality; No Control. RMA agrees and understands that unless Member gives written direction and permission to discuss all or a portion of the Services with RMA, Service Provider will not disclose any information deemed "Confidential Information" of Members under the Service Agreements. RMA has no rights in the Services and/or its delivery to Member. Nothing in this Agreement shall give RMA the right to instruct, supervise, control, or direct the details and manner of the completion of the Services. Service Provider is an independent contractor of Members and in no event will Service Provider be considered an agent or employee of Members or RMA or any of its subsidiaries or affiliates for any purpose.

4. Term. This Agreement shall commence as of the Effective Date and will remain in full force and effect while any Service Agreement with a member city remains outstanding, or unless terminated pursuant to the provisions below. In the event of termination, Service Provider shall continue to provide services to any member city who has in place an existing contract which has been fully executed and funded under this Agreement.

5. Termination for Breach or Cause. Either party may terminate this Agreement for cause, effective upon 30 days written notice to the other party (the "**Defaulting Party**"), if the Defaulting Party: (a) materially breaches this Agreement, and such breach is incapable of cure, or with respect to a material breach capable of cure, the Defaulting Party does not cure such breach within 30 days after receipt of written notice of such breach; (b) becomes insolvent or admits its inability to pay its debts generally as they become due; (c) becomes subject, voluntarily or involuntarily, to any proceeding under any domestic or foreign bankruptcy or insolvency law, which is not fully stayed within seven business days or is not dismissed or vacated within 45 days after filing; (d) is dissolved or liquidated or takes any corporate action for such purpose; (e) makes a general assignment for the benefit of creditors; or (f) has a receiver, trustee, custodian, or similar agent appointed by order of any court of competent jurisdiction to take charge of or sell any material portion of its property or business. Notwithstanding anything to the contrary in this section, Service Provider may terminate this Agreement before the expiration date of the Term on written notice if RMA fails to pay the Fees when due hereunder any agreement by and between RMA and Service Provider.

6. Termination Without Cause. Either party may terminate this Agreement for any reason at any time, without penalty, by giving the other party sixty (60) days advance written notice. Any fees paid in advance will be returned on a pro rata basis, except for the first year of a Members Service Agreement where it will be prorated less an initial $1,250 activation fee. The activation fee shall apply to year one only.

7. Duty of Cooperation. Each of the parties hereto shall use commercially reasonable efforts to, from time to time at the request and sole expense of the other party, furnish the other party such further information or assurances, execute and deliver such additional documents, instruments, and conveyances, and take such other actions and do such other things, as may be reasonably necessary or appropriate to carry out the provisions of this Agreement and give effect to the transactions contemplated hereby. Each party shall deliver all communications in writing either in person, by certified or registered mail, return receipt requested and postage prepaid, by facsimile or email (with confirmation of transmission), or by recognized overnight courier service, and addressed to the other party at the addresses set forth below.

8. Insurance:

i. Commercial General Liability

a. Service Provider shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars ($2,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Service Provider's general liability policies shall be primary and shall not seek contribution from RMA's coverage and be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to

provide that RMA and its officers, officials, employees, and agents shall be additional insureds under such policies.

b. Any failure to comply with reporting provisions of the policies by Service Provider shall not affect coverage provided to RMA.

c. Coverage shall state that Service Provider's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

d. Coverage shall contain a waiver of subrogation in favor of RMA.

ii. Business Automobile Liability

a. Service Provider shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01 (or equivalent) with a limit of no less than one million dollars ($1,000,000) per accident.

iii. Workers' Compensation and Employers' Liability

a. Service Provider shall maintain Workers' Compensation Insurance and Employer's Liability Insurance with limits of at least one million dollars ($1,000,000). Service Provider shall submit to RMA, along with the certificate of insurance, a waiver of subrogation endorsement in favor of RMA, its officers, agents, employees, and volunteers.

iv. Technology Professional Liability (Errors and Omissions)

a. Insurance appropriate to the Consultant's profession, with limits not less than **$2,000,000** per occurrence or claim, **$2,000,000** aggregate. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Consultant in this agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

v. All Coverages

a. Each insurance policy required by the agreement shall be endorsed to state that coverage shall not be suspended, voided, cancelled, or reduced in limits except after thirty (30) days' prior written notice has been given to RMA, except that ten (10) days' prior written notice shall apply in the event of cancellation for nonpayment of premium.

b. All self-insurance, self-insured retentions, and deductibles must be declared and approved by RMA.

c. Evidence of Insurance - Prior to commencement of work, Service Provider shall furnish RMA with certificates, additional insured endorsements, and waivers of subrogation evidencing compliance with the insurance requirements above. Service Provider must agree to provide complete, certified copies of all required insurance policies if requested by RMA.

d. Acceptability of Insurers - Insurance shall be placed with insurers admitted in the State of California and with an AM Best rating of A- VII or higher.

9. Indemnification: To the fullest extent permitted by law, Service Provider shall hold harmless, defend at its own expense, and indemnify RMA and its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages, or expenses arising from RMA's sole negligence or willful acts. This obligation is independent of, and shall not in any way be limited by, the minimum Insurance obligations contained in this agreement. These obligations shall survive the completion or termination of this agreement.

10. Choice of Law. This Agreement and all matters arising out of or relating to this Agreement, including tort and statutory claims are governed by, and construed in accordance with the laws of California, without giving effect to any conflict of the laws provisions thereof that would result in the application of the laws of a different jurisdiction.

11. Entire Agreement. This Agreement and any attached exhibits or schedules constitute the entire Agreement of the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous written or oral understandings, agreements, representations, and warranties with respect to such subject matter.

12. Severability. The invalidity, illegality, or unenforceability of any provision herein does not affect any other provision herein or the validity, legality, or enforceability of such provision in any other jurisdiction.

13. Amendment. The parties may not amend this Agreement except by written instrument signed by the parties.

14. Waiver. No waiver of any right, remedy, power, or privilege under this Agreement ("**Right(s)**") is effective unless contained in a writing signed by the party charged with such waiver. No failure to exercise, or delay in exercising, any Right operates as a waiver thereof. No single or partial exercise of any Right precludes any other or further exercise thereof or the exercise of any other Right. The Rights under this Agreement are cumulative and are in addition to any other rights and remedies available at law or in equity or otherwise.

15. Assignment. Neither party may directly or indirectly assign, transfer, or delegate any of or all of its rights or obligations under this Agreement, voluntarily or involuntarily, including by change of control or merger (whether or not such party is the surviving entity) by operation of law, or any other manner, without the prior written consent of the other party. Any purported assignment or delegation in violation of this Section shall be null and void. This Agreement is binding upon and inures to the benefit of the parties and their respective successors and permitted assigns. Except for

the parties, their successors, and permitted assigns, there are no third-party beneficiaries under this Agreement (including Members).

16. Miscellaneous. Any provision that, in order to give proper effect to its intent, should survive the expiration or termination of this Agreement, will survive such expiration or termination for the period specified therein, or if nothing is specified for a period of 12 months after such expiration or termination. This Agreement may be executed in counterparts.

17. Dispute Resolution. Any proceedings to enforce the terms of this Agreement shall be commenced solely in the Superior Court for the State of California, or, if the court lacks jurisdiction over the subject matter, in the United States District Court for the Eastern District of California.

18. Notice. Any notices to be provided by any party to this Agreement shall be made in writing, signed by an authorized signatory, and shall be deemed given upon receipt if personally delivered, sent by overnight mail by USPS or commercial service with confirmed delivery, or sent by certified mail (return receipt requested) addressed as follows:

To: RESOLUTEGUARD LLC
Jeff Schobel
Chief Executive Officer
417 Crescent Parkway
Sea Girt, NJ 08750

To: CSJVRMA
Jeanette Workman
Administrator
1750 Creekside Oaks Dr., Ste 200
Sacramento, CA 95833

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date by their respective officers thereunto duly authorized.

RESOLUTEGUARD LLC

By Jeff Schobel

Name: Jeffrey Schobel

Title: CEO

Central San Joaquin Valley Risk Management Authority

By Jeanette Workman

Name: Jeanette Workman

Title: Administrator

SCHEDULE A

Subscribing Members will receive the following:

DESCRIPTION OF SERVICES

Comprehensive Internal/External Assessment and Improvement

Based on NIST-CSF Controls
Web Meeting to Outline Onboarding and Setup for assessment software installation
-Analyze submitted insurance renewal questionnaire
-Discuss assessment information requirements
-Screenshare with Technical staff to implement scanning software
-Share best practices for optimal scanning results

Cyber-insurance Action Plan (CAP) and Assessments Results

Web Meeting to review CAP and Assessment Results
Provides fact-based recommendations and responses to Insurance Questionnaire
Step by Step Action Plans prioritized by risk of loss occurrence
-User Assignment
-Help/Support Documentation
-Align Policy and Solution Activities

Review Assessment Reports

Prioritize Network Action Plan by risk of potential loss occurrence
Network Management Plan
-User-Friendly Detailed Remedial Actions
Consolidated Risk Report
-Network Security Summary
-Create Inventory Management Summary
-Establish Network Documentation
Review Excel Export
-Server Aging Report
-Workstation Aging Report
-Includes: Discovery Tasks, User Information, Disc Capacity, and more

Policies and Procedures

Per insurance and NIST Requirements
Prioritize Policy Action Plan for Documenting Best Practices
-Support for modifying policy templates
-Align Policy creation and Solution Activities

Each Subsequent 90 Day Comprehensive Internal/External Assessment

Cyber-insurance Action Plan (CAP) and Assessment Results

Web Meeting to review CAP and Assessment Results
Step by Step Action Plans re-prioritized by risk of loss occurrence
-User Assignment
-Help/Support Documentation
-Re-align Policy and Solution Activities

Review Assessment Reports

Re-prioritize Network Action Plan by risk of potential loss occurrence
-Review Change and Progress Reports
Network Management Plan
-User-Friendly Detailed Remedial Actions
-Change and Progress
Consolidated Risk Report
-Network Security Summary
-Updated Inventory Management Summary
-Updated Network Documentation
-Change and Progress
Review Excel Export
-Server Aging Report
-Workstation Aging Report
-Includes: Discovery Tasks, User Information, Disc Capacity & more
-Change and Progress

Policies and Procedures

Per insurance and NIST-CSF Requirements
Re-prioritize Policy Action Plan for Documenting Best Practices
-Support for modifying policy templates
-Align Policy Creation and Solution Activities

NIST CSF Compliance

Continue to Fill out additional questionnaires to achieve full NIST-CSF Compliance
-Complete Inventory worksheet
-Complete User Access worksheet
-Complete External Port Use worksheet
-Complete NIST Category Worksheets-Identify; Protect; Detect; Respond; Recover

SCHEDULE B

Service Provider shall provide the services to each member city who elects to enter into a Service Agreement based on the following terms and upon the fee for each member as set forth herein.

As of the effective date of this Agreement, Service Provider shall bill RMA a fee based on the Members who entered into a Services Agreement and monthly thereafter for any new Members who enter into mid-year Services Agreement. RMA will pay the costs set forth pursuant to the pricing schedule (the "Price Schedule") adjusted for each Member who decides to obtain services related to the Program based on actual number of member devices to be determined on the first screening of each contract term conducted by Service Provider. Fees for Members entering mid-year contracts for the first year, shall be $1,250 for activation, with the remaining amount to be prorated based on a July 1 to June 30 fiscal year.

For all subsequent years, Service Provider shall bill RMA no later than July 1st for Members who have entered into a Services Agreement and monthly thereafter plus an initial year $1,250 activation fee for any new Members who enter into mid-year first year Services Agreements, with the remaining amount to be prorated based on a July 1 to June 30 fiscal year.

RMA shall pay within 45 days unless a conflict is identified in writing. Invoices should be emailed to jeanette.workman@sedgwick.com and katie.obrien@sedgwick.com.

RMA will be exclusively responsible for the payment of any and all fees due under or in connection with this Agreement, and Service Provider will not bill individual Members.

These fees are based upon the number of devices which are estimated based on employees of each member city, as designated below. The fee schedule will be updated based on the actual number of Member devices to be determined on the first screening of each contract term conducted by Service Provider. These calculations reflect fees on the following number of devices:

# of Devices	2022/23	2023/24
1 - 250	$4,500	$3,250
251 - 500	$5,650	$4,400
501 - 750	$6,800	$5,550
751 - 1000	$7,950	$6,700
1000 - 2150	$9,100	$7,800

	MEMBER CITY:	ESTIMATED # DEVICES BASED ON EMPLOYEE CENSUS FROM 2022/23 BUDGET	RESOLUTEGUARD FEE PER MEMBER 2022/23	RESOLUTEGUARD FEE PER MEMBER 2023/24
1	ANGELS	46	**4,500**	**3,250**
2	ARVIN	61	**4,500**	**3,250**
3	ATWATER	94	**4,500**	**3,250**
4	AVENAL	56	**4,500**	**3,250**
5	CERES	195	**4,500**	**3,250**
6	CHOWCHILLA	111	**4,500**	**3,250**
7	CLOVIS	1133	**9,100**	**7.850**
8	CORCORAN	72	**4,500**	**3,250**
9	DELANO	213	**4,500**	**3,250**
10	DINUBA	146	**4,500**	**3,250**
11	DOS PALOS	40	**4,500**	**3,250**
12	ESCALON	60	**4,500**	**3,250**
13	EXETER	49	**4,500**	**3,250**
14	FARMERSVILLE	57	**4,500**	**3,250**
15	FIREBAUGH	64	**4,500**	**3,250**
16	FOWLER	42	**4,500**	**3,250**
17	GUSTINE	60	**4,500**	**3,250**
18	HUGHSON	23	**4,500**	**3,250**
19	HURON	30	**4,500**	**3,250**
20	KERMAN	111	**4,500**	**3,250**
21	KINGSBURG	126	**4,500**	**3,250**
22	LATHROP	99	**4,500**	**3,250**
23	LEMOORE	173	**4,500**	**3,250**
24	LINDSAY	57	**4,500**	**3,250**
25	LIVINGSTON	74	**4,500**	**3,250**
26	LOS BANOS	221	**4,500**	**3,250**
27	MADERA	275	**5,650**	**4,400**
28	MARICOPA	11	**4,500**	**3,250**
29	MCFARLAND	60	**4,500**	**3,250**
30	MENDOTA	51	**4,500**	**3,250**
31	MERCED	573	**6,800**	**5.550**
32	NEWMAN	105	**4,500**	**3.250**
33	OAKDALE	118	**4,500**	**3.250**
34	ORANGE COVE	53	**4,500**	**3,250**
35	PARLIER	71	**4,500**	**3,250**
36	PATTERSON	268	**5,650**	**4,400**
37	PORTERVILLE	342	**5,650**	**4,400**
38	REEDLEY	258	**5,650**	**4,400**

39	RIPON	131	**4,500**	**3,250**
40	RIVERBANK	68	**4,500**	**3,250**
41	SAN JOAQUIN	15	**4,500**	**3,250**
42	SANGER	158	**4,500**	**3,250**
43	SELMA	146	**4,500**	**3,250**
44	SHAFTER	145	**4,500**	**3,250**
45	SONORA	67	**4,500**	**3,250**
46	SUTTER CREEK	26	**4,500**	**3,250**
47	TAFT	53	**4,500**	**3,250**
48	TEHACHAPI	89	**4,500**	**3,250**
49	TRACY	524	**6,800**	**5,550**
50	TULARE	437	**5,650**	**4,400**
51	TURLOCK	553	**6,800**	**5,550**
52	WASCO	64	**4,500**	**3,250**
53	WATERFORD	24	**4,500**	**3,250**
54	WOODLAKE	31	**4,500**	**3,250**
	TOTAL	8129	**$260,250**	

RESOLUTEGUARD SERVICES AGREEMENT

This Services Agreement (this "**Agreement**"), dated as of _____, 2022 (the "**Effective Date**"), is entered into by and between **RESOLUTEGUARD LLC**, a New Jersey limited liability company, with offices located at 417 Crescent Parkway, Sea Girt, New Jersey 08750 ("**Service Provider**"), and the City of _____ ("**Member**"), who is a Member of CSJVRMA as described below.

1. Services. Central San Joaquin Valley Risk Management Association ("**RMA**") is a Joint Powers Authority organized under California law and has within its membership California cities to whom it provides multiple liability coverages, property coverages, claim services, and public entity safety programs. Service Provider is in the business of providing cyber risk management services to local government agencies. Service Provider shall provide certain services relating to Service Provider's "Cybersecurity Risk Management Program" (the "**Services**") to Member as set forth in **Exhibit A,** which is attached hereto and incorporated as if set forth fully herein.

2. Fees and Expenses. For the Services to be performed hereunder, RMA shall pay to Service Provider, on behalf of the Member the fixed fee for member city as set forth in that certain Payment Agreement by and between Service Provider and RMA dated September 1, 2022(the "**Payment Agreement**") (collectively, the "**Fees**"), a copy of which is attached and incorporated herein. RMA will invoice members their respective fee plus a 5% administration charge.

3. Member's Obligations. Member represents and warrants to Service as follows:

3.1 Member will cooperate with Service Provider in all matters relating to the Services and appoint a Member employee to serve as the primary contact with respect to this Agreement and who will have the authority to act on behalf of Member with respect to matters pertaining to this Agreement (the "**Member Contract Manager**"). Service Provider will be entitled to rely upon directions and guidance from the Member Contract Manager until Service Provider is affirmatively made aware of a change of status of the Member Contract Manager;

3.2 Member shall ensure that Service Provider has such access to Member's equipment and networks (collectively, the "**Environment**") as may reasonably be requested by Service Provider for the purposes of performing the Services. Without limiting the generality of the foregoing, Member hereby grants to Service Provider the right to monitor, diagnose, communicate with, retrieve information from, and otherwise access the Member's Environment to enable Service Provider to provide the Services. Member acknowledges that Service Provider may be required to install one or more software agents into Member's Environment through which such access may be enabled;

3.3 Member shall respond promptly to any Service Provider request to provide direction, information, approvals, authorizations, or decisions that are reasonably necessary for Service Provider to perform Services in accordance with the requirements of this Agreement. It being understood that if Service Provider's performance of its obligations under this Agreement is prevented or delayed by any act or omission of Member, its agents, subcontractors, consultants, or employees, Service Provider shall not be deemed in breach of its obligations under this Agreement or otherwise liable for any costs, charges, or losses sustained or incurred by Member, in each case, to the extent arising directly or indirectly from such prevention or delay;

3.4 Member shall comply fully with all reasonable specifications, rules, regulations, and policies governing the Services provided to Member by Service Provider. Such rules, regulations and policies shall be subject to change from time to time but only upon written agreement between Member and Service Provider;

3.5 Member, and not Service Provider, is responsible for Member's own compliance with all applicable laws, including all confidentiality and security requirements, including, but not limited to such requirements of the FERPA, HIPAA, and the USA Patriot Act. The Services are intended, and will be used, to assist Member in making progress toward full regulatory compliance with any law, rule, regulation, or requirement that may be applicable to Member's business or operations. The Services may aid Member's efforts to fulfill regulatory compliance; however, the Services are not (and should not be used as) as a compliance solution;

3.6 Service Provider may provide Member with specific advice and directions related to the Services ("**Advice**"). Member is strongly advised to follow Advice which, depending on the situation, may require Member to make additional purchases or investments in its Environment at its sole cost. Member acknowledges and agrees that Service Provider is not responsible for any problems or issues (such as downtime or security-related issues) caused by Member's failure to promptly follow Advice. If, in Service Provider's discretion, Member's failure to follow Advice renders part or all of the Services economically or technically unreasonable to provide, then Service Provider may terminate all or a portion of the Services;

4. Intellectual Property. All intellectual property rights, including copyrights, patents, patent disclosures and inventions (whether patentable or not), trademarks, service marks, trade secrets, know-how, and other confidential information, trade dress, trade names, logos, corporate names and domain names, together with all of the goodwill associated therewith, derivative works and all other rights (collectively, "**Intellectual Property Rights**") in and to all documents, work product and other materials that are delivered to Member under this Agreement or prepared by or on behalf of Service Provider in the course of performing the Services (collectively, the "**Deliverables**") except for any Confidential Information of Member or Member-provided materials shall, as between Member and Service Provider, be owned exclusively by Service Provider. Service Provider hereby grants Member a license (or if applicable, a sublicense) to use all Intellectual Property Rights in the Deliverables free of additional charge (other than the Fees) and on a non-exclusive, worldwide, non-transferable, non-sublicensable, fully paid-up, royalty-free and perpetual basis, solely to the extent necessary to enable Member to make reasonable use of the Deliverables and the Services.

5. Confidentiality. From time to time during the Term of this Agreement, either party (as the "**Disclosing Party**") may disclose or make available to the other party (as the "**Receiving Party**"), non-public, proprietary, and confidential information of Disclosing Party that, if disclosed in writing or other tangible form is clearly labeled as "confidential," or if disclosed orally, is identified as confidential when disclosed and within 10 days thereafter, is summarized in writing and confirmed as confidential ("**Confidential Information**"); provided, however, that Confidential Information does not include any information that: (a) is or becomes generally available to the public other than as a result of Receiving Party's breach of this Section 5; (b) is or becomes available to the Receiving Party on a non-confidential basis from a third-party source, provided that such third party is not and was not prohibited from disclosing such Confidential Information; (c) was in Receiving Party's possession prior to Disclosing Party's disclosure hereunder; or (d) was or is independently developed by Receiving Party without using any Confidential Information. The Receiving Party shall: (x) protect and safeguard the confidentiality of the Disclosing Party's Confidential

Information with at least the same degree of care as the Receiving Party would protect its own Confidential Information, but in no event with less than a commercially reasonable degree of care; (y) not use the Disclosing Party's Confidential Information, or permit it to be accessed or used, for any purpose other than to exercise its rights or perform its obligations under this Agreement; and (z) not disclose any such Confidential Information to any person or entity, except to the Receiving Party's Group who need to know the Confidential Information to assist the Receiving Party, or act on its behalf, to exercise its rights or perform its obligations under this Agreement. If the Receiving Party is required by applicable law or legal process to disclose any Confidential Information, it shall, prior to making such disclosure, use commercially reasonable efforts to notify Disclosing Party of such requirements to afford Disclosing Party the opportunity to seek, at Disclosing Party's sole cost and expense, a protective order or other remedy. For purposes of this Section 5 only, Receiving Party's Group shall mean the Receiving Party's affiliates and its or their employees, officers, directors, shareholders, partners, members, managers, agents, independent contractors, service providers, sublicensees, subcontractors, attorneys, accountants, and financial advisors.

Provided however, this Section 5 shall not prohibit or otherwise prevent Service Provider from extracting, compiling, synthesizing, and analyzing data provided by Member to Service Provider in connection with the delivery of the Services to the extent such data or information does not identify or is otherwise attributable to Member and/or the RMA's operations, systems, networks, or any person.

6. Term. This Agreement shall commence as of the Effective Date and, unless sooner terminated as provided in this Agreement, shall remain in full force and effect through the next June 30after which the term shall automatically renew for additional 12-month periods unless a party provides written notice to the other party no later than the May 31st prior to the expiration of the then current Term of that party's intention to not renew this Agreement. In the event of termination, under any provision of this Agreement, Service Provider shall provide any services required to be performed under the Agreement which have been funded by the RMA pursuant to the Payment Agreement.

7. Termination. Either party may terminate this Agreement, effective upon written notice to the other party (the "**Defaulting Party**"), if the Defaulting Party: (a) materially breaches this Agreement, and such breach is incapable of cure, or with respect to a material breach capable of cure, the Defaulting Party does not cure such breach within 30 days after receipt of written notice of such breach; (b) becomes insolvent or admits its inability to pay its debts generally as they become due; (c) becomes subject, voluntarily or involuntarily, to any proceeding under any domestic or foreign bankruptcy or insolvency law, which is not fully stayed within seven business days or is not dismissed or vacated within 45 days after filing; (d) is dissolved or liquidated or takes any corporate action for such purpose; (e) makes a general assignment for the benefit of creditors; or (f) has a receiver, trustee, custodian, or similar agent appointed by order of any court of competent jurisdiction to take charge of or sell any material portion of its property or business. Notwithstanding anything to the contrary in this section, Service Provider may terminate this Agreement before the expiration date of the Term on written notice if RMA fails to pay any amount when due under the Payment Agreement.

8. Termination Without Cause. Either party may terminate this Agreement for any reason at any time, without penalty, by giving the other party sixty (60) days advance written notice.

9. Independent Contractor. The details of the method and manner for performance of the Services by Service Provider shall be under its own control, Member being interested only in the

results thereof. The Service Provider shall be solely responsible for supervising, controlling, and directing the details and manner of the completion of the Services. Nothing in this Agreement shall give Member (or RMA) the right to instruct, supervise, control, or direct the details and manner of the completion of the Services. Service Provider is for all purposes hereunder an independent contractor and in no event will Service Provider be considered an agent or employee of Member or RMA or any of their subsidiaries or affiliates for any purpose.

10. Limited Warranty. Service Provider warrants that it shall perform the Services, which includes the delivery of a vulnerability assessment to Member, in a timely, workmanlike, and professional manner in accordance with generally recognized industry standards for similar services. SERVICE PROVIDER (a) MAKES NO WARRANTIES EXCEPT FOR THAT SET OUT ABOVE; AND (b) DISCLAIMS ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Without limiting the generality of the foregoing, Service Provider makes no representations or warranties with respect to any third party software or Deliverables provided to Member with respect to the Services, nor does Service Provider provide to Member any representations, warranties, assurances or promises that Member's operations during or following the delivery of the Services will meet any or all regulatory compliance requirements (or other requirements of applicable laws). Service Provider's sole and exclusive liability and Member's sole and exclusive remedy for breach of the limited warranty set out in this Section shall be reperformance of the affected Services. If Service Provider cannot reperform the Services in compliance with the warranty set forth above within a reasonable time (but no more than 30 days) after Member's written notice of such breach, Member may, at its option, terminate the Agreement by serving written notice of termination in accordance with Section 7. Service Provider shall not have any obligation to refund to Member or RMA any portion of the fees previously paid by RMA as of the date of termination corresponding to the defective Services.

11. Limitation of Liability. IN NO EVENT SHALL SERVICE PROVIDER BE LIABLE TO MEMBER OR TO ANY THIRD PARTY (INCLUDING ANY MEMBER) FOR ANY LOSS OF USE, REVENUE, OR PROFIT OR LOSS OF DATA OR DIMINUTION IN VALUE, OR FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES WHETHER ARISING OUT OF BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), OR OTHERWISE, REGARDLESS OF WHETHER SUCH DAMAGE WAS FORESEEABLE AND WHETHER OR NOT SERVICE PROVIDER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND NOTWITHSTANDING THE FAILURE OF ANY AGREED OR OTHER REMEDY OF ITS ESSENTIAL PURPOSE. SERVICE PROVIDER'S SOLE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHETHER ARISING OUT OF OR RELATED TO BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), OR OTHERWISE, SHALL BE AS SET FORTH IN SECTION 10 ABOVE.

12. Insurance:

i. Commercial General Liability

a. Service Provider shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars ($2,000,000) per occurrence, four million dollars ($4,000,000) aggregate for bodily injury, personal injury, and property damage,

including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Service Provider's general liability policies shall be primary and shall not seek contribution from Member's coverage and be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to provide that Member and its officers, officials, employees, and agents shall be additional insureds under such policies.

b. Any failure to comply with reporting provisions of the policies by Service Provider shall not affect coverage provided to Member.

c. Coverage shall state that Service Provider's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

d. Coverage shall contain a waiver of subrogation in favor of Member.

ii. Business Automobile Liability

a. Service Provider shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01 (or equivalent) with a limit of no less than one million dollars ($1,000,000) per accident.

iii. Workers' Compensation and Employers' Liability

a. Service Provider shall maintain Workers' Compensation Insurance and Employer's Liability Insurance with limits of at least one million dollars ($1,000,000). Service Provider shall submit to Member, along with the certificate of insurance, a waiver of subrogation endorsement in favor of Member, its officers, agents, employees, and volunteers.

iv. Technology Professional Liability

a. (Errors and Omissions) Insurance appropriate to the Consultant's profession, with limits not less than **$2,000,000** per occurrence or claim, **$2,000,000** aggregate. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Consultant in this agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

v. All Coverages

a. Each insurance policy required by the agreement shall be endorsed to state that coverage shall not be suspended, voided, cancelled, or reduced in limits except after thirty (30) days' prior written notice has been given to Member, except that ten

(10) days' prior written notice shall apply in the event of cancellation for nonpayment of premium.

b. All self-insurance, self-insured retentions, and deductibles must be declared and approved by Member.

c. Evidence of Insurance - Prior to commencement of work, Service Provider shall furnish Member with certificates, additional insured endorsements, and waivers of subrogation evidencing compliance with the insurance requirements above. Service Provider must agree to provide complete, certified copies of all required insurance policies if requested by Member.

d. Acceptability of Insurers - Insurance shall be placed with insurers admitted in the State of California and with an AM Best rating of A- VII or higher.

13. Indemnification: To the fullest extent permitted by law, Service Provider shall hold harmless, defend at its own expense, and indemnify Member and its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages, or expenses arising from Member's sole negligence or willful acts. This obligation is independent of, and shall not in any way be limited by, the minimum Insurance obligations contained in this agreement. These obligations shall survive the completion or termination of this agreement.

14. Choice of Law. This Agreement and all matters arising out of or relating to this Agreement, including tort and statutory claims are governed by, and construed in accordance with the laws of California, without giving effect to any conflict of the laws provisions thereof that would result in the application of the laws of a different jurisdiction.

15. Entire Agreement. This Agreement and any attached exhibits or schedules constitute the entire Agreement of the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous written or oral understandings, agreements, representations, and warranties with respect to such subject matter.

16. Severability. The invalidity, illegality, or unenforceability of any provision herein does not affect any other provision herein or the validity, legality, or enforceability of such provision in any other jurisdiction.

17. Amendment. The parties may not amend this Agreement except by written instrument signed by the parties.

18. Waiver. No waiver of any right, remedy, power, or privilege under this Agreement ("**Right(s)**") is effective unless contained in a writing signed by the party charged with such waiver. No failure to exercise, or delay in exercising, any Right operates as a waiver thereof. No single or partial exercise of any Right precludes any other or further exercise thereof or the exercise of any other Right. The Rights under this Agreement are cumulative and are in addition to any other rights and remedies available at law or in equity or otherwise.

19. Assignment. Neither party may directly or indirectly assign, transfer, or delegate any of or all of its rights or obligations under this Agreement, voluntarily or involuntarily, including by change of control, merger (whether or not such party is the surviving entity), operation of law, or any other manner, without the prior written consent of the other party. Any purported assignment or delegation in violation of this Section shall be null and void. This Agreement is binding upon and inures to the benefit of the parties and their respective successors and permitted assigns. Except for the parties, their successors, and permitted assigns, there are no third-party beneficiaries under this Agreement (including Members).

20. Miscellaneous. Any provision that, in order to give proper effect to its intent, should survive the expiration or termination of this Agreement, will survive such expiration or termination for the period specified therein, or if nothing is specified for a period of 12 months after such expiration or termination. This Agreement may be executed in counterparts.

21. Dispute Resolution. Any proceedings to enforce the terms of this Agreement shall be commenced solely in the Superior Court for the State of California in the County within which the Member is located, or, if the court lacks jurisdiction over the subject matter, in the United States District Court for the Eastern District of California.

22. Force Majeure. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement (except for any obligations of RMA to make payments to Service Provider under the Payment Agreement), when and to the extent such failure or delay is caused by or results from acts beyond the impacted party's ("**Impacted Party**") reasonable control, including, without limitation, the following force majeure events ("**Force Majeure Event(s)**"): (a) acts of God; (b) flood, fire, earthquake, or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (d) government order, law, or actions; (e) embargoes or blockades in effect on or after the date of this Agreement; (f) national or regional emergency; (g) strikes, labor stoppages or slowdowns, or other industrial disturbances; (h) shortage of adequate power or transportation facilities; and (i) other similar events beyond the reasonable control of the Impacted Party. The Impacted Party shall give notice within 10 days of the Force Majeure Event to the other party, stating the period of time the occurrence is expected to continue. The Impacted Party shall use diligent efforts to end the failure or delay and ensure the effects of such Force Majeure Event are minimized. The Impacted Party shall resume the performance of its obligations as soon as reasonably practicable after the removal of the cause. In the event that the Impacted Party's failure or delay remains uncured for a period of ten (10) consecutive days following written notice given by it under this Section, either party may thereafter terminate this Agreement upon 10 days' written notice.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date by their respective officers thereunto duly authorized.

RESOLUTEGUARD LLC

By_____

Name: Jeffrey Schobel

Title: CEO

[CSJVRMA Member]

By_____

Name:

Title:

EXHIBIT A

DESCRIPTION OF SERVICES

Comprehensive Internal/External Assessment and Improvement

Based on NIST-CSF Controls
Web Meeting to Outline Onboarding and Setup for assessment software installation
-Analyze submitted insurance renewal questionnaire
-Discuss assessment information requirements
-Screenshare with Technical staff to implement scanning software
-Share best practices for optimal scanning results

Member will oversee and schedule scan activation time, be automatically notified of any disruptions during the scan, and will be automatically notified when scan is complete.

Cyber-insurance Action Plan (CAP) and Assessments Results

Web Meeting to review CAP and Assessment Results
Provides fact-based recommendations and responses to Insurance Questionnaire
Step by Step Action Plans prioritized by risk of loss occurrence
-User Assignment
-Help/Support Documentation
-Align Policy and Solution Activities

Review Assessment Reports

Prioritize Network Action Plan by risk of potential loss occurrence
Network Management Plan
-User-Friendly Detailed Remedial Actions
Consolidated Risk Report
-Network Security Summary
-Create Inventory Management Summary
-Establish Network Documentation
Review Excel Export
-Server Aging Report
-Workstation Aging Report
-Includes: Discovery Tasks, User Information, Disc Capacity, and more

Policies and Procedures

Per insurance and NIST Requirements
Prioritize Policy Action Plan for Documenting Best Practices
-Support for modifying policy templates
-Align Policy creation and Solution Activities

Each Subsequent 90 Day Comprehensive Internal/External Assessment

Cyber-insurance Action Plan (CAP) and Assessment Results

Web Meeting to review CAP and Assessment Results
Step by Step Action Plans re-prioritized by risk of loss occurrence
-User Assignment
-Help/Support Documentation
-Re-align Policy and Solution Activities

Review Assessment Reports
Re-prioritize Network Action Plan by risk of potential loss occurrence
-Review Change and Progress Reports
Network Management Plan
-User-Friendly Detailed Remedial Actions
-Change and Progress
Consolidated Risk Report
-Network Security Summary
-Updated Inventory Management Summary
-Updated Network Documentation
-Change and Progress
Review Excel Export
-Server Aging Report
-Workstation Aging Report
-Includes: Discovery Tasks, User Information, Disc Capacity & more
-Change and Progress

Policies and Procedures

Per insurance and NIST-CSF Requirements
Re-prioritize Policy Action Plan for Documenting Best Practices
-Support for modifying policy templates
-Align Policy Creation and Solution Activities

NIST CSF Compliance

Continue to Fill out additional questionnaires to achieve full NIST-CSF Compliance
-Complete Inventory worksheet
-Complete User Access worksheet
-Complete External Port Use worksheet
-Complete NIST Category worksheets-Identify; Protect; Detect; Respond; Recover

REPORT TO THE CITY COUNCIL

Approved by:

Gary Conte, Planning Manager

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: C-1

SUBJECT:

Madera Municipal Code (MMC) Ordinance Text Amendment relating to Wireless Facilities on Private Property and a Small Wireless Facilities in the Public Rights-of-Way Policy

RECOMMENDATION:

Conduct a public hearing and introduce for first reading by title only and waive the full reading of:

1. A Regulatory Ordinance Adding Chapter 9 to Title X of the Madera Municipal Code Relating to Wireless Facilities on Private Property
2. Adoption of City Council Resolution adopting a Small Wireless Facilities Policy in the Public Rights-of-Way
3. Adoption of a Categorical Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act.

BACKGROUND:

At its July 26, 2022 meeting the City's Planning Commission (Commission) voted unanimously by a 6-0 (1 absent) vote to:

- Recommend OTA 2020-02 to Council;
- Adopted Resolution No. 1930 to recommend the Ordinance and that the Council also adopt a Small Wireless Facilities policy in the Public Rights-of-Way; and
- That the Council adopt a Categorical Exemption pursuant to Section 15061(3)(b) the General Rule Exemption of the California Environmental Quality Act.

Table 1: *Project Overview*	
Project:	OTA No. 2020-02
Location:	Citywide
Project Area:	Citywide
Zoning District:	The project potentially affects all zoning districts in the City

SUMMARY:

Since the 1990s the advent of wireless communications has exploded and has created a steady stream of locational issues for both wireless companies and municipal governments. The wireless companies are constantly seeking to better service coverage and seeking to upgrade technology. This results in a constant stream of land use entitlement issues for the City. Currently wireless projects are reviewed under Chapter 3 Section 10-03.419 of the Madera Municipal Code (MMC) which has not been amended in many years and new and/or amended regulations are needed to be consistent with Federal and State telecommunications law. In 2021, the City retained Telecom Law Firm PC to develop regulations that would be consistent with Federal and State Law and assist with its large volume of wireless projects.

The City has a high level of wireless project applications and is trying to regulate them with an outdated ordinance. Staff, in conjunction with the Telecom Law Firm PC, have drafted Ordinance and Public Rights-of-Way Policy that will make Madera's Wireless Facilities standards consistent with the most recent Federal and State Case Law and provide more defensible regulations to staff to regulate Wireless Facilities (refer to Attachments 2 and 3, respectively).

Federal and State Case Law

On September 26, 2018, the Federal Communications Commission (FCC) adopted new rules (Small Cell Order) that preempted certain zoning and land-use regulations over "small wireless facilities" (or small cells) as defined by the FCC. These rules, which became fully effective on April 15, 2019, are part of larger rulemaking that aims to reinterpret provisions in the Federal Telecommunications Act of 1996, related to actual and effective prohibitions on wireless and other telecommunications infrastructure deployments. The Small Cell Order implements industry demands for the purpose of accelerating the deployment of small wireless facilities, and to remove alleged barriers posed by local fees and zoning requirements.

In October 2018, coalitions of local governments and municipal organizations from across the country filed challenges against the Small Cell Order. These petitions for judicial review have been consolidated in the Ninth Circuit Court of Appeals, but the rules remain in effect unless the Ninth Circuit vacates all or certain portions of the Small Cell Order.

The following is an overview of the applicable state and federal limits of the City's authority to regulate wireless facilities, followed by a more thorough explanation of each:

1. The Federal Telecommunications Act of 1996

2. The FCC Small Cell Order
3. Applicable California Law
4. Current Wireless Regulatory Codes in Madera

1. THE FEDERAL TELECOMMUNICATIONS ACT OF 1996

In 1996, Congress adopted the Federal Telecommunications Act to, among other things, preserve state and local government land use authority, while encouraging and facilitating the deployment of small wireless service facilities. Local governments retain all traditional zoning authority, except that local regulations cannot:

A. Prohibit or effectively prohibit personal wireless services;
B. Unreasonably discriminate among functionally equivalent services; or
C. Regulate based on environmental impacts from radiofrequency (RF) emissions.

In addition, local decisions must be made within a reasonable time, and any denial requires a written decision based on substantial evidence in the written record.

More recently, in 2009, the FCC defined a "presumptively reasonable" time for application review as 90 days for collocations and 150 days for non-collocations, after which time the applicant may seek expedited judicial review. The FCC recently adopted new rules with respect to small wireless facilities that dramatically shorten the applicable time limits, called "shot clocks," and impose new limitations on local regulations:

- 60 days for collocations and
- 90 days for non-collocations.

2. THE FCC SMALL CELL ORDER

On September 26, 2018, the FCC adopted the Small Cell Order, which further limits local government authority to regulate small wireless facilities as defined by the FCC. The rules require the City review applications for small cells faster and in a manner consistent with the FCC's national standard for an effective prohibition of personal wireless services.

As a general rule, a local regulation constitutes an effective prohibition if it materially inhibits or limits the ability of a competitor or potential competitor to compete in a fair and balanced legal and regulatory environment. In the context of aesthetic regulations, the FCC further provides that a local small-cell regulation causes an effective prohibition, unless the regulation is:

A. Reasonable;
B. No more burdensome than regulations imposed on other infrastructure deployments;
C. Objective; and
D. Published in advance.

Reasonable regulations are those that are technically feasible and reasonably directing to avoid or remedy the "intangible public harm" (as described by the FCC) of unsightly or out-of-character deployments. Although the FCC declared the minimum spacing or undergrounding requirements would potentially violate the new criteria, it provided little guidance as to the scope of specific local regulations that would likely be considered to be preempted. The regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly owned and operated utility poles, but can prescribe reasonable standards for their placement and design.

The FCC also imposed limits on local fees for permit applications and small cell attachments on municipal owned infrastructure. The Small Cell Order requires all local fees to be a reasonable approximation of the City's objectively reasonable costs, and such fees are charged to similarly situated competitors in similar situations. The FCC established presumptively reasonable "safe harbor" fee amounts that would be safe from challenge. For one-time permit fees, the amount is equal to $100 per site for attachments to existing structures and $1,000 per site for attachments to new structures. For annual recurring license fees for small cell attachments to City-owned poles, the FCC provides a presumptively reasonable fee of $270. A city that charges more than safe harbor amounts would have the burden of justifying that its fee is cost-based under the standard described above.

The 60 and 90 day time limits for small wireless facilities require local governments to do more in less time than previously allowed prior to the Small Cell Order. The time limits now expressly encompass all siting authorizations necessary for the deployment, including the pole licensing process, all permits required for the applicant to construct the facility, and any administrative appeals. Failing to act within the applicable time limits establishes a presumption that the City intended to effectively prohibit the provision of services, the remedy for which would be an injunction to issue shovel-ready permits.

3. APPLICABLE CALIFORNIA LAW

With respect to the public right-of-way, California law grants telephone corporations registered with the California Public Utilities Commission (CPUC) a limited right to use public roads in a manner that does not inconvenience the public use of the right-of-way. This right to use the public right-of-way is subject to local governments reasonable time, place and manner regulations. Both federal and state courts hold that California preserves local authority to regulate against both physical obstructions and aesthetic impacts. Although state law generally preserves local aesthetic authority, municipalities must reconcile their authority within the limitations of the Small Cell Order.

4. CURRENT WIRELESS REGULATORY CODES IN MADERA

Current wireless projects are regulated under Chapter 3 Section 10-3-419 of the MMC. This Section is no longer responsive to the above-mentioned regulations and are proposed to be replaced with the staff recommended actions.

PROPOSED AMENDMENTS:

Changes to the MMC and adoption of a policy by resolution are proposed. The proposed changes consist of adding the following chapter and policy:

- Title X, Chapter 9 (Wireless Facilities)
- Small Wireless Facilities in Public Rights-of-Way Policy

The following provides a summary of the proposed amendments.

1. Regulatory Ordinance (Chapter 9 of Title X)

The proposed ordinance will regulate wireless facilities on private property. The ordinance outlines and codifies the process for obtaining a permit to locate and operate a wireless facility. While the ordinance provides exhaustive details, a summary is as follows:

Preferred locations

All applicants must to the extent technically feasible and potentially available, propose new facilities in a preferred location. No alternative sites analysis is required for new stealth facilities proposed in a preferred location. For all other new facilities, the approval authority shall consider whether any more preferred locations would be technically feasible or potentially available. The following locations are all "preferred" and ordered from most preferred to least preferred:

A) Industrial zones;

B) Commercial zones;

C) Other non-residential zones;

D) Public Facilities zone when not directly adjacent to residentially zoned parcels;

Discouraged Locations

Applicants shall not propose to install wireless facilities in a discouraged location unless no alternative site in a preferred location would be technically feasible. If all preferred locations are technically infeasible, the applicant shall use the least-discouraged location. The following locations are discouraged and ordered from most discouraged to least discouraged:

A) Historic resource zones and/or properties;

B) Residential zones;

C) Public Facilities Zones adjacent to residential zones.

2. Small Wireless Facilities in the Public Rights-of-Way

As previously discussed, federal and state case law has necessitated the need for a small wireless facilities public rights-of-way policy. The reason for the policy is that Federal and state wireless

case law updates are so frequent it makes sense to have a policy that can be updated more easily than an ordinance.

Like the ordinance a key part of the right-of-way policy is the locational standards as follows:

Location Standards

(A) Locations – to assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, this section describes preferred and discouraged locations for small wireless facilities in the public rights-of-way.

(1) **Preferred Locations**: The city requires small wireless facilities in the public rights-of-way to be installed at locations, ordered from most preferred to least preferred, as follows:

(a) Industrial zones along any road classification (arterial, collector, local/branch collector, local street);

(b) Commercial zones along any road classification (arterial, collector, local/branch collector, local street);

(c) Other non-residential zones along arterials or collectors;

(d) Other non-residential zones along local/branch collector or local streets;

(e) Public Facilities zone not directly adjacent to any residential zones;

(2) **Discouraged Locations:** Applicants shall not propose to install small wireless facilities in a discouraged location unless no alternative site in a preferred location would be technically feasible. If all preferred locations are technically infeasible , the applicant shall use the least discouraged location. The following locations are discouraged and ordered from most discouraged to least discouraged:

(a) Any location within 100 feet of a historically designated property or resource;

(b) Residential zones on local streets;

(c) Residential zones along local/branch collectors;

(d) Residential zones along collectors;

(e) Residential zones along arterials;

(f) Public Facilities zone located directly adjacent to residential zones;

Placements

(A) be placed as close as possible to alignment with the property line that's divides two parcels abutting the public rights-of-way;

(B) not be placed directly in front of any ground-level door;

(C) not be directly placed in any first or multi-story window;

(D) not be placed within any clear zone at any intersections;

(E) not be placed in any location that obstructs view lines for traveling vehicles bicycles and pedestrians

(F) not be placed in any location that obstructs views of any traffic signs or signals;

(G) not be placed in any location that obstructs illumination patterns for existing streetlights;

(H) For new non-replacement structures, be placed at least 50 feet from any streetlight utility pole or other similar support structure.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Staff performed a preliminary environmental assessment and determined that the project is exempt pursuant to Section 15061(b)(3) the General Rule of Exception of the California Environmental Quality Act (CEQA). Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

FINANCIAL IMPACT:

Cost associated with the telecommunications ordinance includes the following:

- Contract with Telecom Law Firm, PC totaling $42,700
- Various staff time and City Attorney fees

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

While not specifically addressed, the requested action is consistent with the Vision Madera 2025 Plan; Effective Government Strategy 115 – Ensure sufficient economic resources provide adequate City services and prepare for future growth.

ALTERNATIVES:

The Council may direct staff to return with additional information.

ATTACHMENTS:

1. City Council Ordinance
2. City Resolution Adopting Small Wireless Facilities in the Public Rights-of-Way Policy
   Exhibit A: City Council Policy on Small Wireless Facilities in the Public Rights-of-Way
3. Planning Commission Resolution No. 1930
   Exhibit A: Draft Ordinance of City Council
   Exhibit B: Draft Rights of Way Policy

ATTACHMENT 1
ORDINANCE OF THE CITY COUNCIL OF THE MADERA
ADDING CHAPTER 9 TO TITLE X OF THE MADERA MUNICIPAL CODE
RELATING TO WIRELESS FACILITIES

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADDING CHAPTER 9 TO TITLE X OF THE MADERA MUNICIPAL CODE RELATING TO WIRELESS FACILITIES

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code Section 37100 and other applicable law, the City Council of the City of Madera ("City Council") may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B), preserves local government zoning authority as it relates to location and siting of wireless communication facilities, but limits local regulations in three key ways: (1) a local ordinance may not unreasonably discriminate among providers of functionally equivalent services; (2) a local ordinance may not prohibit or effectively prohibit service; and (3) a local ordinance may not regulate based on environmental impacts from radio frequency emissions; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 253 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis; and

WHEREAS, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way; and

WHEREAS, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities; and

WHEREAS, the City Council finds this ordinance will, to the extent permitted by federal and California state law, protect and promote public health, safety, and welfare, and also balance the benefits that flow from robust, advanced wireless services within the City's local values, which includes without limitation the aesthetic character of the City, its neighborhoods, and community; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider this ordinance on July 26, 2022, at which time all interested parties had the opportunity to be heard, and after said public hearing, the Planning Commission adopted Resolution No. 1930, recommending that the City Council adopt this ordinance; and

WHEREAS, on August 17, 2022, the City Council held a duly noticed public hearing to consider the adoption of this ordinance.

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

SECTION 1. CHAPTER 9 is added to Title X of the Madera Municipal Code to read as follows:

CHAPTER 9: WIRELESS FACILITIES

10-9.01 Purpose and Intent.
10-9.02 Definitions.
10-9.03 Applicability.
10-9.04 Required Permits and Approvals.
10-9.05 Administrative Orders and Regulations.
10-9.06 Permit Applications.
10-9.07 Public Notice.
10-9.08 Approvals, Denials, and Appeals.
10-9.09 Location Standards.
10-9.10 Design Standards.
10-9.11 Standard Conditions of Approval.
10-9.12 Amortization.
10-9.13 Exceptions.
10-9.14 Peer and Independent Consultant Review.
10-9.15 Violations.

Section 10-9.01 PURPOSE AND INTENT.

(A) The city of Madera (the "city") intends this chapter to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this chapter are intended to, and should be applied to, consistent with federal and state law, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community. This chapter is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interest is maintained on a case-by-case basis; (2) protecting the city's visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure; (3) protecting and preserving the city's environmental resources; and (4) promoting access to high-quality, advanced wireless services for the city's residents, businesses and visitors.

(B) This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the city may not deny under federal or California state law; (6) impose any

unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the city to preempt any applicable federal or California law.

Section 10-9.02 DEFINITIONS.

All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

(A) "**AMATEUR STATION**" means the same as defined by the FCC in 47 C.F.R. § 97.3, which defines the term as "a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications." This term includes amateur radio antennas and related facilities used for amateur radio services.

(B) "**APPROVAL AUTHORITY**" means the city official or body responsible for application review and vested with authority to approve or deny such applications. The approval authority for a conditional use permit shall be the Planning Commission. The approval authority for a site plan review shall be the Director.

(C) "**CPUC**" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

(D) "**DIRECTOR**" means the Community Development Director of the city of Madera or the Director's designee.

(E) "**ELIGIBLE FACILITIES REQUEST**" means the same as defined in 47 U.S.C. § 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. § 1.6100(b)(3).

(F) "**FCC**" means the Federal Communications Commission, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.

(G) "**HISTORIC RESOURCE**" means any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places, the California Register of Historical Resources or any "historic resource" as listed in Table HC-A of the General Plan. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

(H) "**OTARD**" means any "over-the-air reception device" subject to 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.

(I) "**PERSONAL WIRELESS SERVICE FACILITIES**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii), which defines the term as facilities that provide personal wireless services.

(J) "**PERSONAL WIRELESS SERVICES**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), which

defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

(K) "**PLANNING COMMISSION**" means the Planning Commission of the city of Madera as established by the Madera Municipal Code.

(L) "**RF**" means radio frequency.

(M) "**SECTION 6409**" means Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).

(N) "**SHOT CLOCK**" means the presumptively reasonable time defined by the FCC in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.

(O) "**SNALL WIRELESS FACILITY**" means the same as defined by the FCC in 47 C.F.R. § 1.6002(l).

(P) "**STEALTH**" means concealment techniques that make a wireless facility look like something other than a wireless facility. Stealth concealment techniques include, without limitation: (1) transmission equipment placed completely within existing or replacement architectural features such that the installation causes no visible change in the underlying support structure and (2) new architectural features that mimic or blend with the underlying or surrounding structures in style, proportion and construction quality.

(Q) "**WIRELESS FACILITY**" means a personal wireless service facility.

Section 10-9.03 APPLICABILITY.

(A) *General.* This chapter applies to all requests for the city's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities on private property (whether owned by a private party or public entity) within the city's territorial and jurisdictional boundaries, unless expressly exempted pursuant to this section.

(B) *Wireless Facilities on City Property.* This chapter applies to permit applications for wireless facilities on property or structures owned or controlled by the city; provided, however, that this chapter does not govern whether or under what terms and conditions the city would lease, license or otherwise allow a wireless facility on such property or structures.

(C) *Small Wireless Facilities.* Notwithstanding anything in this chapter to the contrary, all small wireless facilities are subject to a permit as specified in a City Council policy, which may be adopted, amended and/or repealed by a resolution of the City Council. All small wireless facilities shall comply with the City Council's policy. If the City Council policy is repealed and not replaced, an application for a small wireless facility shall be processed pursuant to this chapter.

(D) *Eligible Facilities Requests***.** Notwithstanding anything in this chapter to the contrary, all eligible facilities requests and other applications submitted for approval pursuant to Section 6409 are subject to a City Council policy, which may be adopted, amended and/or repealed by a resolution

of the City Council. All eligible facilities requests and other applications submitted for approval pursuant to Section 6409 shall comply with the City Council's policy. If the City Council policy is repealed and not replaced, all eligible facilities requests and other applications submitted for approval pursuant to Section 6409 shall be processed pursuant to this chapter.

(E) *Other Exemptions.* Notwithstanding anything in this chapter to the contrary, this chapter shall not be applicable to the following:

(1) Wireless facilities operated by the city for public purposes;

(2) Wireless facilities installed completely indoors or within venues and used to extend personal wireless services into a business or the subscriber's private residence, such as a femto cell or indoor distributed antenna system;

(3) OTARD antennas;

(4) Antennas and related transmission equipment used in connection with a duly authorized amateur station; or

(5) Wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D.

Section 10-9.04 REQUIRED PERMITS AND APPROVALS.

(A) *Site Plan Review.* A site plan review, subject to the Director's prior review and approval, is required for all wireless facilities that are located in preferred locations as described in § 10-9.09 and compliant with all applicable design standards in § 10-9.10.

(B) *Conditional Use Permit.* A conditional use permit, subject to the Planning Commission's prior review and approval, is required for all wireless facilities on private property that are located in discouraged locations as described in § 10-9.09, and do not qualify for site plan review, or require an exception under § 10-9.13.

(C) *Other Permits and Regulatory Approvals.* In addition to any permit or approval required under this chapter, the applicant must obtain all other permits and regulatory approvals (such as compliance with the California Environmental Quality Act or Madera County Airport Land Use Commission requirements) as may be required by any other federal, state or local government agencies, which includes without limitation any other permits and/or approvals issued by other city departments or divisions. Any permit or approval granted under this chapter or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the permit requirement under § 10-9.03(E) does not exempt the same wireless facilities from any other permits or approvals required, which includes without limitation any ministerial permits from the city.

Section 10-9.05 ADMINISTRATIVE ORDERS AND REGULATIONS.

In addition to the requirements in this chapter, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and/or convenience. All wireless facilities must conform to all applicable orders and regulations issued by the Director, unless the Director, in the Director's discretion, grants a prior written waiver to deviate, in whole or in part, any such order or regulation. The Director shall develop and publish guidelines to implement the waivers authorized by this section.

Section 10-9.06 PERMIT APPLICATIONS.

(A) *Application Required.* The approval authority shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities except upon a complete and duly filed application consistent with this section and any other written rules or requirements the city or the Director may establish from time to time in any publicly stated format.

(B) *Application Fee.* The applicant shall submit the applicable permit application fee adopted by City Council resolution. If no permit application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.

(C) *Application Content.* All applications for a permit must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this chapter. All such requirements must be in written form and publicly stated to provide applicants with prior notice. Notwithstanding anything in this chapter to the contrary, all applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.

(D) *Application Submittal.* Unless the Director establishes an alternative submittal procedure pursuant to § 10-9.05, all applications must be submitted to the city at a pre-scheduled appointment with the department. Applicants may generally submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The department shall use reasonable efforts to provide the applicant with an appointment within five working days after the department receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.

(E) *Optional Pre-Submittal Conference.* The city shall provide prospective applicants with the opportunity to schedule and attend a pre-submittal conference with city staff. The city encourages pre-submittal conferences for all proposed projects that require a conditional use permit. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless facility, such as compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The city shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services rendered in the pre-submittal conference.

(F) *Optional Community Meetings.* The city encourages, but does not require, applicants to schedule, notice, arrange, and attend a voluntary pre-submittal community meeting with all interested members of the public for applications that require a conditional use permit. This voluntary community meeting does not cause the shot clock to begin and is intended to give applicants the opportunity to hear from members of the public regarding the proposed deployment. Applicants should schedule any voluntary community meetings at times and in locations that are conducive to maximizing public participation. Applicants are encouraged (but not required) to bring any draft applications, plans, maps, presentations or other materials to facilitate the public's understanding of the applicant's proposal. Applicants are also encouraged (but not required) to maintain minutes or a comment log of the community meeting. The City seeks to encourage dialogue that may allow applicants to address areas of concern. Community meetings may be conducted before or after submittal.

(G) *Applications Deemed Withdrawn.* To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the department within 90 calendar days after the department deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

Section 10-9.07 PUBLIC NOTICE.

(A) *Public Hearing Notice.* Notice of public hearing shall be given in accordance with § 10-3.1306 of this chapter for any conditional use permit application.

(B) *Decision Notices.* Within five calendar days after the approval authority acts on an application governed under this chapter or before the shot clock expires (whichever occurs first), the Director shall send a written notice to the applicant. If the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the denial.

All decision notices shall include instructions for how and when to file an appeal.

Section 10-9.08 APPROVALS, DENIALS AND APPEALS.

(A) *Required Findings.* The approval authority may approve wireless facility applications only when the approval authority makes all the following findings:

(1) the proposed wireless facility is in a preferred location; or the proposed wireless facility is in a discouraged location and the applicant has demonstrated through a meaningful comparative analysis that no more preferred location or support structure would be technically feasible and potentially available;

(2) the proposed wireless facility complies with all applicable development standards in this chapter and any other applicable findings required for the approval, such as § 10-3.1307(B) of this chapter (conditional use permits) or § 10-3.4.0106 of this chapter (site plan review);

(3) the applicant has provided a signed statement that indicates its willingness to allow other carriers and site operators to collocate transmission equipment with the proposed wireless facility whenever technically feasible and aesthetically desirable in accordance with applicable provisions in this chapter; and

(4) the applicant has demonstrated that the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population.

(B) *Conditional Approvals; Denials without Prejudice.* Subject to any applicable federal or state laws, nothing in this chapter is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application governed under this chapter as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, the Madera Municipal Code, or this chapter.

(C) *Appeals.* Within 10 days after the approval authority approves or denies any application under this chapter, any interested person may file an appeal in accordance with the provisions in § 10-3.1309 of this chapter for use permits or §§ 10-3.4.0116 and 10-3.4.0117 of this chapter for site plan review; provided, however, that (1) the notice provisions in this chapter shall control over those in § 10-3.1309 of this chapter and (2) appeals from an approval shall not be permitted when based solely on the environmental effects from RF emissions that are compliant with applicable FCC regulations and guidelines.

Section 10-9.09 LOCATION STANDARDS.

(A) *Locations.* To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, this subsection describes preferred and discouraged locations for wireless facilities.

(1) *Preferred Locations.* All applicants must, to the extent technically feasible and potentially available, propose new facilities in a preferred location. No alternative sites analysis is required for new stealth facilities proposed in any preferred location. For all other new facilities, the approval authority shall consider whether any more preferred location would be technically feasible or potentially available. The following locations are all "preferred" and ordered from most preferred to least preferred:

(a) industrial zones;

(b) commercial zones;

(c) other non-residential zones;

(d) Public Facilities zone when not directly adjacent to residentially zoned parcels.

(2) *Discouraged Locations.* Applicants shall not propose to install wireless facilities in a discouraged location unless no alternative site in a preferred location would be technically feasible. If all preferred locations are technically infeasible, the applicant shall use the least-discouraged location. The following locations are discouraged, and ordered from most discouraged to least discouraged:

(a) historic resource zones and properties;

(b) Public Facilities zone when directly adjacent to residentially zoned parcels;

(c) residential zones.

(B) *Support Structures.* To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, and to mitigate the impact of wireless infrastructure deployment, the city requires wireless facilities to be installed on support structures, ordered from most preferred to least preferred, as follows:

(1) existing structures with existing wireless facilities;

(2) existing rooftops;

(3) existing building façades, signs, water tank/towers, field lights, or other non-tower structures;

(4) new freestanding structures outside the public rights-of-way.

To the extent that a proposed support structure is not included in this list, the Director may, in the Director's discretion, determine the level of preference for such structure consistent with the goals and purpose of this subsection.

Section 10-9.10 DESIGN STANDARDS.

(A) *Concealment.* All wireless facilities must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

(B) *Overall Height.* All wireless facilities must be compliant with maximum overall height limits applicable to structures on the underlying parcel; provided, however, that a stealth wireless facility may exceed the applicable height limit by not more than 10 feet.

(C) *Setbacks.* All wireless facilities must be compliant with all setback requirements applicable to structures on the underlying parcel.

(D) *Fall Zone.* All freestanding towers outside the public rights-of-way must be setback from habitable structures approved for residential occupancy by a distance equal to the tower height. The approval authority may waive the setback requirement for freestanding towers that meet Class 3 structural standards for critical infrastructure as defined in the most current revision of the ANSI/TIA-222 Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures.

(E) *Noise.* All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in the Madera Municipal Code. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

(F) *Landscaping.* All wireless facilities proposed to be placed in a landscaped area must include landscape features (which may include, without limitation, trees, shrubs and ground cover) and a landscape maintenance plan. The approval authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this section. All plants proposed or required must be native and/or drought resistant.

(G) *Security Measures.* To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall concealment, and the approval authority may condition approval on additional concealment elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape features. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures.

(H) *Secondary Power Sources.* The approval authority may approve secondary or backup power sources and/or generators on a case-by-case basis. The approval authority shall not approve any permanent diesel generators or other similarly noisy or noxious generators in or within 200 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

(I) *Lights.* Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from

public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

(J) *Signage; Decals; Advertisements.* All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage, decals or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.

(K) *Future Expansion.* To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and other expansions that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance. The approval authority may waive the requirements in this subsection when the approval authority determines future expansions at a proposed wireless facility would be aesthetically undesirable.

(L) *Utilities.* All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. To the extent feasible, undergrounded cables and wires must transition directly into the pole base without any external doghouse. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

(M) *Parking; Access.* Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use.

(N) *Compliance with Laws.* All wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, City of Madera General Plan and any applicable specific plan, the Madera Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

(O) *Towers and Freestanding Wireless Facilities.* In addition to all other design requirements in this section, the following provisions shall be applied to an application for a tower or other freestanding wireless facility:

(1) *Tower-Mounted Equipment.* All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must

mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors subject to the approval authority's prior approval.

(2) *Ground-Mounted Equipment.* All ground-mounted equipment must either be concealed underground, or concealed within an existing or new structure, or other enclosure(s) subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.

(3) *Monopines.* In addition to all other design requirements in this section, the following provisions shall be applied to an application for a monopine:

(a) *Shape and Branching.* Monopines shall be gradually tapered from bottom to top to resemble the natural conical pine-tree shape, with shorter branches at the top and wider branches at the bottom. All monopines shall include a "crown" or "topper" installed above the monopole to create a natural point at the top. Branches shall begin at no greater than 15 feet above ground level and maintain at least 3.5 branches per vertical foot when averaged between the bottom-most branch and the highest point on the monopole (excluding any "crown" or "topper" installed above the monopole).

(b) *Overall Height.* To maintain a natural appearance, a monopine may not exceed more than 10 feet above the average height of mature natural trees within the vicinity. If the applicant plants new natural trees around the proposed monopine, the approval authority shall consider the future mature height of such trees when evaluating compliance with this standard.

(c) *Bark Cladding.* The entire tower above any fence line shall be fitted with faux-pine bark cladding, painted or colored with browns or other appropriate earth tones to mimic natural pine bark.

(d) *Equipment Concealment.* All antennas, accessory equipment, cross arms, hardware, cables and other attachments to the monopine must be painted or colored with flat greens, browns or other appropriate earth tones to blend into the faux pine branches. All antennas, remote radio units, tower-mounted amplifiers and other similar equipment larger than one cubic foot shall be fitted with a faux-pine "sock" with faux-pine needles. No tower-mounted equipment shall be permitted to protrude beyond the branch canopy such that it would materially alter the tapered pine shape.

(e) *Material Selection and Approval.* All materials and finishes used to conceal the monopine shall be subject to prior approval by the department. Applicants shall use only high-quality materials to conceal the wireless facility. The applicant shall use color-extruded plastics for elements such as the faux-pine needles and faux-bark cladding to prolong the like-new appearance and reduce fading caused by exposure to the sun and other weather conditions.

(P) *Building-Mounted Wireless Facilities.* In addition to all other design requirements in this section, the following provisions shall be applied to an application for a wireless facility installed on a building rooftop or facade:

(1) *Architectural Integration.* All applicants should, to the extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

(2) *Rooftop Wireless Facilities.* All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

(3) *Facade-Mounted Wireless Facilities.* When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this subsection. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. Except in industrial districts, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

(Q) *Administrative Design Guidelines.* The Director may develop, and from time to time amend, design guidelines consistent with the generally applicable design regulations to clarify the aesthetic and public safety goals and standards in this chapter for city staff, applicants and the public. The design guidelines shall provide more detailed standards to implement the general principals articulated in this chapter and may include specific standards for particular wireless facilities or site locations but shall not unreasonably discriminate between functionally equivalent service providers. The design guidelines, and any subsequent amendments, shall not be effective unless approved by a resolution adopted by the City Council. If a conflict arises between the development standards specified in this chapter and the design guidelines, the development standards shall control.

Section 10-9.11 STANDARD CONDITIONS OF APPROVAL.

(A) *Standard Conditions.* Except as may be authorized in subsection (B), all wireless facilities approved under this chapter or deemed approved by the operation of law shall be automatically subject to the conditions in this subsection (A) and these conditions shall be deemed to be incorporated by reference to any permit approved or deemed approved by law.

(1) *Permit Term; Approval Applies to Land.* This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the city to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. This permit shall run with the land and shall be valid for the term specified in these conditions of approval. No change in ownership of the wireless facility, the site, or the subject property shall affect the permit term. This permit may not be transferred to another site or property.

(2) *Permit Renewal.* The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the subject wireless facility complies with all the conditions of approval associated with this permit and all applicable provisions in this chapter that exist at the time the decision to renew or not renew is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this chapter or other applicable law. Upon renewal, this permit will automatically expire 10 years and one day from its issuance.

(3) *Approved Plans.* Any final construction plans shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the "Approved Plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, shall be subject to the Director's prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the Approved Plans, the Director may refer the request to the approval authority if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.

(4) *CPUC GO-159A Certification.* Within 15 business days after the city issues this permit, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.

(5) *Build-Out Period.* This permit will automatically expire 12 months from the approval date (the "Build-Out Period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the wireless facility and/or its use. The permittee may request in writing, and the city may grant in writing, one six-month extension if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for such extension. If the Build-Out Period and any extension finally expire, this permit shall be automatically void but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.

(6) *Post-Installation Certification.* Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved under this chapter or deemed-approved by law, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.

(7) *Site Maintenance.* The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this permit. At all times, the permittee shall keep the site area free from all litter and debris. The permittee shall regularly inspect the wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism on the wireless facility within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

(8) *Compliance with Laws.* The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to a building permit). The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. No failure or omission by the city to timely notice, prompt or enforce compliance with any applicable provision in the Madera Municipal Code, this chapter, any permit, any permit condition or any applicable Laws, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with same.

(9) *Adverse Impacts on Other Properties.* The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittees or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site and/or wireless facility. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Madera Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city or other state or federal government agency or official with authority to declare an emergency within the city. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from the wireless facility or related equipment violates applicable provisions in the Madera Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, the Madera Municipal Code or other applicable laws, may require the permittee to commission a noise

study by a qualified professional to evaluate the wireless facility's compliance.

(10) *Inspections; Emergencies.* The permittee expressly acknowledges and agrees that, upon reasonable prior notice to the permittee, the city's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the wireless facility and related equipment and/or improvements to ensure compliance with this permit and all associated conditions. Notwithstanding the prior sentence, the city's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the city's officers, officials, staff or other designees while any such inspection or emergency access occurs.

(11) *Contact Information.* At all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (C) a toll-free telephone number to the wireless facility's network operations center where a live person with power-down control over the wireless facility is available 24 hours-per-day, seven days-per-week. Within 10 business days after a written request by the city, the permittee shall furnish the Director with an updated form that includes all the most-current information described in this condition.

(12) *Indemnification.* The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, City Council and the city's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the city's approval of this permit, and (B) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

(13) *Removal Bond.* Before the city issues any permits required to commence construction in connection with this permit, the permittee shall post a bond issued by a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or similar infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.

(14) *Permit Revocation.* Notwithstanding any revocation procedures in Title X, any permit granted under this chapter or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). A permit granted under this chapter or deemed approved by the operation of law may be revoked only by the City Council after a duly notice public hearing. Before any public hearing to revoke a permit granted under this chapter or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the city may pursue, the city may initiate revocation proceedings for failure to correct such violation(s). The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

(15) *Record Retention.* Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, this permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, "Records"). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may

keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the city's regular files will control over any conflicts between such city-controlled copies or Records and the permittee's electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any Records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

(16) *Abandoned Facilities.* The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous 12-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Madera Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the city shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the city in connection with such removal and/or restoration activities and shall reimburse the city for all such costs 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs.

(17) *Landscaping.* The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the city. The permittee shall be responsible to maintain any replacement landscape features for a three-year period after such landscaping has been installed. Notwithstanding anything in this condition to the contrary, the Director may agree in a written agreement signed by the permittee to accept an annual in-lieu fee to perform the maintenance work on the permittee's behalf.

(18) *Cost Reimbursement.* The permittee acknowledges and agrees that (A) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the city to incur costs and expenses; (B) the permittee shall be responsible to reimburse the city for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (C) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the city for all such costs 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the city shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the city by the permittee.

(19) *Successors and Assigns.* The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the city and permittee and their respective successors and assigns.

(20) *Truthful and Accurate Statements***.** The permittee acknowledges that the city's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the city in connection with the permit or the wireless facility, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

(21) *City's Standing Reserved.* The city's grant or grant by operation of law of a permit pursuant to this chapter does not waive, and shall not be construed to waive, any standing by the city to challenge any (A) FCC rules or regulations that interpret the Telecommunications Act and/or Section 6409 of the Spectrum Act or (B) any permit issued pursuant to this chapter.

(22) *Severable Conditions.* If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (B) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.

(B) *Modified Conditions.* The City Council authorizes the Director to modify, add or remove conditions to any permit as the Director deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in subsection (A) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with this chapter, generally applicable health and safety requirements and/or any other applicable laws.

Section 10-9.12 AMORITIZATION.

Any nonconforming wireless facilities in existence at the time this chapter becomes effective must be brought into conformance with this chapter in accordance with the amortization schedule in this chapter. As used in this section, the "fair market value" will be the construction costs listed on the building permit or application for the subject wireless facility and the "minimum years" allowed will be measured from the date on which this chapter becomes effective.

Fair Market Value on Effective Date	**Minimum Years Allowed**
less than $50,000	5
$50,000 to $500,000	10

greater than $500,000……..15

The Director may grant a written extension to a date certain when the wireless facility owner shows (1) a good faith effort to cure non-conformance; (2) the application of this section would violate applicable laws; or (3) extreme economic hardship would result from strict compliance with the amortization schedule. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this section.

Nothing in this section is intended to limit any permit term to less than 10 years for any permit granted on or after January 1, 2007. In the event that the amortization required in this section would reduce the permit term to less than 10 years for any permit granted on or after January 1, 2007, then the minimum years allowed will be automatically extended by the difference between 10 years and the number of years since the city granted such permit. Nothing in this section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

Section 10-9.13 EXCEPTIONS.

(A) *Preface.* The provisions in this section establish a procedure by which the city may grant an exception to the standards in this chapter but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in subsection (B) in addition to the findings required under § 10-9.08. Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.

(B) *Findings for an Exception.* The approval authority may grant an exception to any provision or requirement in this chapter only if the approval authority finds that:

(1) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or

(2) a provision in this chapter, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law.

(C) *Scope of Exception.* If the approval authority finds that an exception should be granted, the exception shall be narrowly tailored so that the exception deviates from this chapter to least extent necessary for compliance with federal or state law.

(D) *Burden of Proof.* The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

Section 10-9.14 PEER AND INDIVIDUAL CONSULTANT REVIEW.

(A) *Authorization.* The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation: (1) permit application completeness and/or accuracy; (2) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (3) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (4) whether and to what extent a proposed project will comply with applicable laws; (5) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the city's discretion to review; and (6) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with city staff and/or the applicant.

(B) *Cost Reimbursement.* Subject to applicable laws, the applicant shall be responsible for the reasonable costs actually incurred by the city in connection with a consultant's review, which may include, without limitation, costs incurred by the consultant to attend and participate in any meetings or hearings related to the application. Within a reasonable time after notice from the Director, the applicant shall deposit funds in an amount equal to the estimated costs for the consultant's services, as determined by the Director. The funds shall be applied to the consultant's invoices as such invoices are approved by the Director. If the deposit exceeds the total costs for the consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection. If the reasonable costs for the consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The city shall not issue any building permit or other construction permit to any applicant with any unpaid invoices.

Section 10-9.15 VIOLATIONS.

Any use or condition caused or permitted to exist in violation of any provision of this chapter shall be and hereby is declared a public nuisance and may be subject to administrative citations as set forth in Title I, Chapter 9 of the Municipal Code, abatement pursuant to §§ 10-3.1601 *et seq.* of this chapter, California Code of Civil Procedure § 731, or any other remedy available to the city.

Section 10-9.16 CONFLICTING PROVISIONS.

To the extent, that any provisions in the Madera Municipal Code Section 10.3.419 are inconsistent with this chapter, this chapter shall prevail.

SECTION 2. *Severability.* If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this ordinance or Madera Municipal Code Title X, Chapter 9, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have

passed this ordinance and Madera Municipal Code Title X, Chapter 9, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 3. *CEQA.* If this ordinance qualifies as a "project" subject to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This ordinance adds regulations related to wireless facilities in a manner that complies with federal regulations. This ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireless facility or change to an existing wireless facility would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this ordinance is exempt from CEQA under the general rule.

SECTION 4. *Effective Date.* This ordinance shall become effective thirty days after its adoption.

SECTION 5. *Publication.* The City Clerk is authorized to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation in the City of Madera, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

* * * * *

ATTACHMENT 2

RESOLUTION OF THE CITY COUNCIL OF THE MADERA
ADOPTING SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY POLICY

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING A POLICY ON SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code Section 37100 and other applicable law, the City Council of the City of Madera ("City Council") may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B), preserves local government zoning authority as it relates to location and siting of wireless communication facilities, but limits local regulations in three key ways: (1) a local ordinance may not unreasonably discriminate among providers of functionally equivalent services; (2) a local ordinance may not prohibit or effectively prohibit service; and (3) a local ordinance may not regulate based on environmental impacts from radio frequency emissions; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 253 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis; and

WHEREAS, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way; and

WHEREAS, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities; and

WHEREAS, on September 27, 2018, the FCC adopted a *Declaratory Ruling and Third Report and Order*, FCC 18-133 (the "Small Cell Order"), in connection with two informal rulemaking proceedings entitled *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84. The Small Cell Order set forth limitations on state and local government regulation of small cell wireless facilities that are placed on vertical infrastructure such as utility poles and street light standards located in the public rights-of-way. The Small Cell order: (1) limited the level of local permitting and discretion; (2) established "shot clock" rules (e.g., time limits and deadlines) for processing action on local permits; and (3) limited the fees that can be charged for the facilities. The Small Cell Order further established that any aesthetic regulations and fees required for processing small wireless facilities be published in advance; and

WHEREAS, on _____, the City Council adopted Ordinance No. _____ adding Chapter 9 to Title X of the Madera Municipal Code relating to wireless facilities; and

WHEREAS, Ordinance No. _____ provides that all small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(*l*), proposed in the public rights-of-way are subject to a City Council policy adopted pursuant to a City Council resolution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA DOES RESOLVE AS FOLLOWS:

SECTION 1. Findings. The City Council finds that: (a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; (b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Resolution; (c) the provisions in this Resolution are consistent with the General Plan, Municipal Code and applicable federal and state law; and (d) this Resolution will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 2. Policy Adopted. The City Council hereby adopts the City Council Policy on Small Wireless Facilities in the Public Rights-of-Way attached hereto and incorporated herein by this reference at **Exhibit A** (the "Policy").

SECTION 3. Severability. If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this Resolution or Policy, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Resolution and Policy, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 4. CEQA. If this Resolution qualifies as a "project" subject to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This Resolution adopts the Policy in a manner that complies with federal regulations. This Resolution does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireless facility or change to an existing wireless facility would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Resolution is exempt from CEQA under the general rule.

SECTION 5. Effective Date. This Resolution shall not become effective unless and until Ordinance No. _____ becomes effective.

SECTION 6. Publication. The City Clerk is hereby directed to cause this Resolution or summary of this Resolution to be posted and/or published in the manner required by applicable law.

Attachments:

Exhibit A – City Council Policy on Small Wireless Facilities in the Public Rights-of-Way

* * * * *

EXHIBIT A

City Council Policy on Small Wireless Facilities in the Public Rights-of-Way

CITY OF MADERA	POLICY NO.
	Adopted:

Small Wireless Facilities in the Public Rights-of-Way

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1. PURPOSE AND INTENT

(a) The City of Madera (the "City") intends this policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community. This policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the city's visual character from potential adverse impacts and/or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the city's environmental resources; (4) protecting and preserving the city's public rights-of-way and municipal infrastructure located within the city's public rights-of-way; and (5) promoting access to high-quality, advanced wireless services for the city's residents, businesses and visitors.

(b) This policy is intended to establish clear procedures for application intake and completeness review. The City Council finds that chronically incomplete applications significantly contribute to unreasonable delay and create barriers to infrastructure deployment. Chronically incomplete applications unfairly prejudice other applicants who may be prepared to submit complete applications for infrastructure in the same or substantially the same location. Chronically incomplete applications also unfairly prejudice the city's ability to act on such applications within the "presumptively reasonable" timeframes established by the FCC. The provisions in this policy afford applicants and city staff opportunities for direct, real-time communication about completeness issues to mitigate incomplete applications prior to submittal. The provisions in this policy also encourage applicants to timely respond to incomplete notices.

(c) This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the city may not deny under federal or California state law; (6) impose any unreasonable, discriminatory or

anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the city to preempt any applicable federal or California law.

2. DEFINITIONS

All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

(a) "**Accessory Equipment**" means equipment other than antennas used in connection with a small wireless facility. The term includes "transmission equipment" as defined by the FCC in 47 C.F.R. § 1.6100(b)(8).

(b) "**Amateur Station**" means the same as defined by the FCC in 47 C.F.R. § 97.3, which defines the term as "a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications." This term includes amateur radio antennas and related facilities used for amateur radio services.

(c) "**Antenna**" means same as defined by the FCC in 47 C.F.R. § 1.6002(b).

(d) "**Approval Authority**" means the city official or body responsible for application review and vested with authority to approve or deny such applications.

(e) "**Arterial**" means a street which provides the principle network for traffic flow in the community, connecting areas of major activity to each other and to state highways and important County roads. Arterials will generally include up to four lanes (two in each direction), although total widths of six lanes may be appropriate in some locations. To reduce traffic interruptions and improve safety, direct access via driveways is generally not permitted. The term "arterial" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3. For purposes of this policy, the streets in the Madera Loop and state highways over which the city exercises jurisdiction qualify as arterials.

(f) "**City Engineer**" means the city of Madera City Engineer or the City Engineer's designee.

(g) "**Collector**" means a street which provides access and movement between residential, commercial, and industrial areas. The primary function of collector streets is to collect and distribute traffic between local streets and the arterial roadway system. Collectors will generally include up to four lanes (two in each direction). To reduce traffic interruptions and improve safety, direct access via driveways is generally not permitted. The term "collector" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3.

(h) "**Collocation**" means the same as defined by the FCC in 47 C.F.R. § 1.6002(g).

(i) "**CPUC**" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

(j) "**Decorative Pole**" means any pole that includes decorative or ornamental features, design elements and/or materials for aesthetic purposes.

(k) "**Director**" means the Community Development Director of the city of Madera or the Director's designee.

(l) "**Eligible Facilities Request**" means the same as defined in 47 U.S.C. § 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. § 1.6100(b)(3).

(m) "**FCC**" means the "Federal Communications Commission", as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.

(n) "**Historic Resource**" means any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places, the California Register of Historical Resources or any "historic resource" as listed in Table HC-A of the General Plan. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

(o) "**Local/Branch Collector**" means a single lane street which collects traffic from local streets and feed into the collector and arterial system. Design speeds are lower than for Collector roadways (potentially through the use of meanders, roundabouts, narrower road sections, etc.). To reduce traffic interruptions and improve safety, direct access via driveways is generally not permitted. The term "local/branch collector" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3.

(p) "**Local Street**" means a roadway which provides access to individual homes and businesses. Local streets have one lane in each direction. Local streets are shown on the Circulation Map for informational purposes only; the General Plan does not define the desired alignments of local streets. The term "local street" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3.

(q) "**Non-Pole Concealment Structure**" means a structure within the public rights-of-way, other than a pole, that can be adapted (either in its current form or through a replacement) to conceal antennas and/or accessory equipment for small wireless facilities. Examples may include, without limitation, monuments, kiosks, bus shelters and other street furniture.

(r) "**OTARD**" means any "over-the-air reception device" subject to 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.

(s) "**Personal Wireless Service Facilities**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii).

(t) "**Personal Wireless Services**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(i).

(u) "**Prohibited Support Structure**" means any support structure on which the city prohibits the deployment of wireless facilities, except when authorized as a pre-approved design pursuant to this policy. Prohibited support structures include decorative poles; traffic signal poles, cabinets or related structures; new, nonreplacement wood poles; and any utility pole scheduled for removal within 18 months from the time the Director acts on the application for such pole.

(v) "**Public Right-of-Way**" or "**Public Rights-of-Way**" means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or dedicated to or open to the use by the general public for road or highway purposes.

(w) "**RF**" means radio frequency.

(x) "**Section 6409**" means Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).

(y) "**Shot Clock**" means the presumptively reasonable time defined by the FCC in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.

(z) "**Small Wireless Facility**" means same as defined by the FCC in 47 C.F.R. § 1.6002(*l*).

3. APPLICABILITY

(a) **General.** This policy applies to all requests for the city's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy small wireless facilities within the public rights-of-way within the city's territorial and jurisdictional boundaries, unless expressly exempted pursuant to this section 3.

(b) **Small Wireless Facilities on City Property.** This policy applies to permit applications, submitted to the city in its regulatory capacity, for small wireless facilities on property or structures owned or controlled by the city; provided, however, that this policy does not govern whether or under what terms and conditions the city, in its proprietary capacity as the property or structure owner, would lease, license or otherwise allow a small wireless facility on such property or structures.

(c) **Eligible Facilities Requests.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to eligible facilities requests and/or other applications submitted for approval pursuant to Section 6409.

(d) **Other Exemptions.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to the following:

(1) wireless facilities operated by the city for public purposes;

(2) small wireless facilities installed completely indoors or within venues and used to extend personal wireless services into a business or subscriber's private residence, such as a femto cell or indoor DAS;

(3) OTARD antennas;

(4) antennas and related transmission equipment used in connection with a duly authorized amateur station; or

(5) wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D.

4. REQUIRED PERMITS AND APPROVALS

(a) **Site Plan Review.** All small wireless facilities shall require a site plan review subject to the Director's prior review and approval.

(b) **Other Permits and Regulatory Approvals.** In addition to a site plan review, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or other approvals issued by other city departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid site plan approval issued by the city for the proposed small wireless facility. Any application for any ministerial permit(s) submitted without such site plan approval may be denied without prejudice. Any site plan approval granted under this policy shall remain subject to all lawful conditions and/or legal requirements associated with

such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the site plan review requirement under section 3(d) does not exempt the same wireless facilities from any other permits or approvals required, which includes without limitation any ministerial permits from the city.

5. ADMINISTRATIVE ORDERS AND REGULATIONS

In addition to the requirements in this policy, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and convenience. All small wireless facilities must conform to all applicable orders and regulations issued by the Director, unless the Director, in the Director's discretion, grants a prior written waiver to deviate, in whole or in part, any such order or regulation. Waivers by the Director shall be considered and approved or denied on a competitively neutral and nondiscriminatory basis. The Director shall develop and publish guidelines to implement the waivers authorized by this section.

6. PERMIT APPLICATIONS

(a) **Application Required.** The Director shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy small wireless facilities except upon a complete and duly filed application consistent with this section and any other written rules or requirements the city or the Director may establish from time to time in any publicly-stated format.

(b) **Application Fee.** The applicant shall submit the applicable permit application fee adopted by City Council resolution. Batched applications must include the permit application fee for each small wireless facility in the batch. If no permit application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the city for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.

(c) **Application Content.** All applications for a permit must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All such requirements must be in written form and publicly stated to provide applicants with prior notice. Notwithstanding anything in this policy to the contrary, all applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.

(d) **Application Submittal.** Unless the Director establishes an alternative submittal procedure pursuant to section 5, all applications must be submitted to the city during at a pre-scheduled appointment. Applicants may submit one application per small wireless facility up to a maximum of five separate applications for small wireless facilities together as a batched application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The city shall use reasonable efforts to provide the applicant with an appointment within five working days after the city receives a written request. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.

(e) **Optional Pre-Submittal Conference.** The city shall provide prospective applicants with the opportunity to schedule and attend a pre-submittal conference with city staff. The city encourages pre-submittal conferences for all applications. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing small wireless facility, such as compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The city shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services rendered in the pre-submittal conference.

(f) **Optional Community Meetings.** The city encourages, but does not require, applicants to schedule, notice, arrange, and attend a voluntary pre-submittal community meeting with all interested members of the public. This voluntary community meeting does not cause the shot clock to begin and is intended to give applicants the opportunity to hear from members of the public regarding the proposed deployment. Applicants should schedule any voluntary community meetings at times and in locations that are conducive to maximizing public participation. Applicants are encouraged (but not required) to bring any draft applications, plans, maps, presentations or other materials to facilitate the public's understanding of the applicant's proposal. Applicants are also encouraged (but not required) to maintain minutes or a comment log of the community meeting. The city seeks to encourage dialogue that may allow applicants to address areas of concern and may lessen the likelihood of appeals of the Director's decision to the City Manager by any interested person or entity. Community meetings may be conducted before or after submittal.

(g) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city within 90 calendar days after the city deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

7. PUBLIC NOTICE

Within five calendar days after the Director acts on an application governed under this policy or before the shot clock expires (whichever occurs first), the Director shall send a written notice to the applicant and any interested person that requests notice of the decision. If the Director denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the denial. All decision notices shall include instructions for how and when to file an appeal.

8. APPROVALS; DENIALS; APPEALS

(a) **Initial Administrative Decision.** The Director shall approve, conditionally approve or deny a complete and duly filed permit application without a public hearing. To allow interested persons with a meaningful opportunity to appeal the Director's decision, the Director shall act within 29 shot clock days from a duly filed application.

(b) **Required Findings for Approval.** The Director (or the City Manager on appeal) may approve or conditionally approve an application for a site plan review only when it makes all the following findings:

(1) the proposed project qualifies as a "small wireless facility" as defined by the FCC;

(2) the proposed project complies with the location standards in section 9;

(3) the proposed project complies with the design standards in section 10;

(4) the proposed project meets the required findings for site plan review under Madera Municipal Code § 10-3.4.0106;

(5) the applicant has shown that it can obtain any wireline communications and electrical service connections necessary to operate the small wireless facility and the project plans show the proposed route for all such connections between their source and the small wireless facility;

(6) the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and

(7) all public notices required for the application have been given.

(c) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or state laws, nothing in this policy is intended to limit the Director's ability to conditionally approve or deny without prejudice any application governed under this policy as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, the Madera Municipal Code and/or this policy.

(d) **Appeals.** Any interested person may appeal the Director's decision to the City Manager. The appeal must be filed with the City Clerk within seven calendar days from the date of the Director's decision. The appeal must contain a short and plain statement about the basis for the appeal, which may be supplemented after the notice period has expired but before the appeal hearing. Appeals from an approval shall not be permitted when based on reasons otherwise compliant under this policy, including appeals based on duly adopted preapproved designs or the environmental effects from RF emissions that are compliant with applicable FCC regulations and guidelines. The City Manager shall hear appeals *de novo* and issue the applicant and any person entitled to notice a written decision within five calendar days after the appeal hearing. If the City Manager denies the application on appeal (whether by affirmation or reversal), the written notice shall contain the reasons for the decision. The City Manager's decision shall be final and not subject to any further appeals.

9. LOCATION STANDARDS

(a) **Locations.** To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, this section describes preferred and discouraged locations for small wireless facilities in the public rights-of-way.

(1) **Preferred Locations.** The city requires small wireless facilities in the public rights-of-way to be installed at locations, ordered from most preferred to least preferred, as follows:

(A) industrial zones along any road classification (arterial, collector, local/branch collector, local street);

(B) commercial zones along any road classification (arterial, collector, local/branch collector, local street);

(C) other non-residential zones along arterials or collectors;

(D) other non-residential zones along local/branch collector or local streets;

(E) Public Facilities zone not directly adjacent to any residential zones.

(2) **Discouraged Locations.** Applicants shall not propose to install small wireless facilities in a discouraged location unless no alternative site in a preferred location would be technically feasible. If all preferred locations are technically infeasible, the applicant shall use the least-discouraged location. The following locations are discouraged, and ordered from most discouraged to least discouraged:

(A) any location within 100 feet of a historically designated property or resource.

(B) any location within 100 feet of a residential zone or within 100 feet of a residence;

(C) residential zones along local streets;

(D) residential zones along local/branch collectors;

(E) residential zones along collectors;

(F) residential zones along arterials;

(G) Public Facilities zone located directly adjacent to residential zones.

(3) **Additional Location Standards.** In addition to all other standards in this section 9, small wireless facilities and all associated antennas, accessory equipment or improvements shall:

(A) be placed as close as possible to alignment with the property line that divides two parcels abutting the public rights-of-way;

(B) not be placed directly in front of any ground-level door;

(C) not be placed directly in front of any first- or multi -story window;

(D) not be placed within any clear zone at any intersections;

(E) not be placed in any location that obstructs view lines for traveling vehicles, bicycles and pedestrian;

(F) not be placed in any location that obstructs views of any traffic signs or signals;

(G) not be placed in any location that obstructs illumination patterns for existing streetlights;

(H) for new, non-replacement support structures, be placed at least 50 feet from any streetlight, utility pole or other similar support structure.

(b) **Support Structures.** To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, and to mitigate unnecessary obstructions in the public rights-of-way, this section 9(b) describes preferred and prohibited support structures.

(1) **Support Structure Preferences.** The city requires small wireless facilities in the public rights-of-way to be installed on support structures, ordered from most preferred to least preferred, as follows:

(A) existing or replacement non-pole concealment structures, such as monuments, kiosks, bus shelters and other street furniture;

(B) existing or replacement streetlights;

(C) existing or replacement utility poles;

(D) new, non-replacement streetlights;

(E) new, non-replacement non-pole concealment structures.

(2) **Prohibited Support Structures.** Small wireless facilities shall not be installed on the following support structures:

(A) traffic signals;

(B) decorative poles;

(C) temporary or non-replacement wood poles.

(c) **Replacement Pole Locations.** All replacement poles must be: (1) located as close to the removed pole's location as possible; (2) aligned with the other existing poles along the public rights-of-way; and (3) compliant with all applicable standards and specifications issued by the Director, which may include, without limitation, requirements related to aesthetics, materials and safety.

(d) **Encroachments Over Private Property.** No small wireless facility, or any antenna, accessory equipment or other improvements associated with a small wireless facility, may extend onto or over any private or public property outside the public rights-of-way without the property owner's prior written consent.

10. DESIGN STANDARDS

(a) **General Design Standards.** The standards in this section 10(a) shall be applicable to all small wireless facilities in the public rights-of-way:

(1) **Concealment.** All small wireless facilities must be stealth to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

(2) **Overall Height.** No small wireless facility may extend more than six feet above the support structure, plus any minimum separation between the antenna and other pole attachments required by applicable health and safety regulations.

(3) **Finishes.** All exterior surfaces shall be painted, colored and/or wrapped in flat, nonreflective hues that match the underlying support structure or blend with the surrounding environment. All surfaces shall be treated with graffiti-resistant sealant. All finishes shall be subject to the approval authority's prior approval.

(4) **Noise.** All small wireless facilities must be compliant with all applicable noise regulations. Equipment likely to create noise, such as cooling fans, are strongly discouraged except when placed in an underground vault. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

(5) **Trees and Landscaped Plants.** Small wireless facilities shall not cause ground disturbance within any tree drip line. Small wireless facilities may not displace any existing tree or landscape features. All small wireless facilities proposed to be placed in a landscaped area in the public rights-of-way must include landscape features (which may include, without limitation, shrubs and ground cover) and a landscape maintenance plan. The approval authority may require additional landscape features for small wireless facilities proposed to be placed in a landscaped area in the public rights-of-way to screen the small wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this policy. All plants proposed or required must be native and/or drought-resistant and be consistent with any landscaping requirements for the underlying zone.

(6) **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as locks, removable climbing pegs and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall concealment, and the approval authority may condition approval on additional concealment elements to mitigate any aesthetic impacts, which may include, without limitation,

additional landscape features. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures. Cabinets and equipment shrouds must be kept secured to prevent unauthorized access. Alarm systems shall not include any audible sirens or other sounds.

(7) **Secondary Power Sources.** The approval authority may approve secondary or backup power sources on a case-by-case basis. The approval authority shall not approve any permanent diesel generators within the public rights-of-way or at any other location or within 200 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

(8) **Lights.** All new or replacement street lights and street light fixtures must be aimed and shielded so that their illumination effects are directed downwards and confined within the public rights-of-way in a manner consistent with any other standards and specifications as identified or required by the approval authority. Small wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC or other applicable federal or state governmental regulations. All antennas, accessory equipment and other improvements with indicator, status or other lights must be installed in locations and within enclosures that eliminate illumination impacts visible from publicly accessible areas. Any light beacons or lightning arresters shall be included in the overall height calculation.

(9) **Signage; Decals; Advertisements.** All small wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage, decals or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.

(10) **Parking.** Small wireless facilities and any associated accessory equipment or other improvements shall not reduce any street parking spaces within the public rights-of-way.

(11) **Fire Safety.** All small wireless facilities shall include (1) a power shut off immediately accessible to fire service personnel, through a Knox box or similar rapid-access system approved by the fire safety authority, upon arrival at the scene of a fire and/or anticipated power surge due to power being turned off or on for any reason; (2) surge protection devices capable of mitigating a direct or partial direct lightning discharge; (3) surge protection devices capable of mitigating significant electrical disturbances that may enter the small wireless facility via conductive cables; (4) at least one-hour fire resistant interior surfaces to be used in the composition of all structures; and (5) monitored automatic fire

notification and suppression systems for all small wireless facilities as approved by the applicable fire safety authority.

(12) **Compliance with Laws.** All small wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, general plan and any applicable specific plan, the Madera Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

(b) **Antennas.** In addition to all generally applicable design standards in section 10(a), this Section 10(b) sets out specific preferences and standards for antennas.

(1) **Placement.** Antennas should be placed above the pole, unless the approval authority finds that an alternative placement results in an aesthetically superior design based on site-specific circumstances.

(2) **Stealth/Concealment.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware must be installed within a unified shroud or “radome” to the extent technically feasible. Antenna shrouds must be visually consistent with the underlying pole’s design, color and scale. Antenna shrouds placed above a pole must taper down to the point where the shroud and pole connect to conceal the cables below the antennas and create a smooth transition into the pole. All antenna mounting posts shall be trimmed so that the post does not extend above the antenna. For antennas approved to be affixed to the side of the pole within a shroud, all cables must be concealed within the shroud and extension arm to create a smooth transition into the pole, to the maximum extent feasible, or back into the external conduit on the pole, if any.

(3) **Volume.** Any individual antenna (including its concealment) shall not exceed three cubic feet in volume. The cumulative limit for all antenna (including their concealment) on a single small wireless facility shall not exceed: (A) three cubic feet for small wireless facilities within 250 feet from a residential dwelling; or (B) six cubic feet for small wireless facilities in all other locations.

(c) **Accessory Equipment.** In addition to all generally applicable design standards in Section 10(a), this Section 10(c) sets out specific preferences and standards for accessory equipment.

(1) **Placement Preferences.** This subsection describes the city’s general preferences for accessory equipment placement and configuration on or around the pole. Applicants shall propose small wireless facilities in compliance with these preferences to the maximum extent feasible. The approval authority may approve a lesser-preferred configuration for the accessory equipment

when the applicant demonstrates that more-preferred configurations are technically infeasible, or the approval authority finds that a lesser-preferred configuration is more consistent with existing poles and the surrounding environment. The city generally prefers accessory equipment to be placed, ordered from most preferred to least preferred, as follows:

(A) within an environmentally controlled underground equipment vault;

(B) within an architecturally integrated enclosure at the base of the pole;

(C) within a shroud mounted above ground level on the pole;

(D) within a separate surface-mounted equipment cabinet.

(2) **Volume.** The cumulative limit for all accessory equipment (including their concealment) on a single small wireless facility shall not exceed: (A) 10 cubic feet for small wireless facilities within 250 feet from a residential dwelling; or (B) 17 cubic feet for small wireless facilities in all other locations. These limits shall not be applicable to undergrounded accessory equipment.

(3) **Undergrounded Equipment.** Consistent with CPUC and local policies, the city strongly prefers undergrounded accessory equipment whenever possible because it mitigates unnecessary physical obstructions and aesthetic harm caused by unsightly infrastructure in the public rights-of-way. This section 10(c)(3) sets out specific preferences and standards for undergrounded accessory equipment.

(A) **When Required.** Accessory equipment (other than any electric meter (where permitted) and an emergency disconnect switch) shall be placed underground when proposed in any (i) underground utility district; (ii) any area where all existing utilities are substantially undergrounded; or (iii) any location where the approval authority finds substantial evidence that the additional above-ground accessory equipment would incommode the public's uses in the public rights-of-way.

(B) **Equipment Vaults.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the city's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover and properly secured to prevent unauthorized access. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Vault lids may contain manufacturer and site operator information but shall not exhibit commercial advertisements.

(4) **Base-Mounted Accessory Equipment.** This section 10(c)(4) sets out specific preferences and standards for base-mounted accessory equipment.

(A) **Concealment.** Base-mounted accessory equipment enclosures must be architecturally integrated with the pole and surrounding environment. For poles that already include a larger or decorative base, the base-mounted accessory equipment enclosure should mimic the existing design and/or decorative features. Base-mounted accessory equipment enclosures should include a tapered or decorative transition between the enclosure and the pole, unless (i) the proposed facility is a pre-approved design that does not include such a transition or (ii) the approval authority finds that such a transition would be less aesthetically desirable considering the pole and surrounding environment.

(B) **Maximum Dimensions.** Any base-mounted accessory equipment enclosure integrated into the pole shall not exceed the following dimensions: (i) 48 inches in height, measured from grade level to the highest point on the enclosure, but excluding any decorative design elements that transition the wider base into the narrower pole; and (ii) 26 inches in length or width on any rectangular enclosure or 28 inches in diameter for any round, hexagonal, octagonal or similarly shaped enclosure.

(C) **Graffiti and Litter Prevention.** Base-mounted accessory equipment enclosures must be coated with anti-graffiti finishes. To prevent litter and other objects placed on such equipment, base-mounted accessory equipment enclosures should not have any flat horizontal surfaces greater than 1.5 square inches.

(5) **Pole-Mounted Accessory Equipment.** This section 10(c)(5) sets out specific preferences and standards for pole-mounted accessory equipment.

(A) **Concealment.** Applicants should propose to place any pole-mounted accessory equipment in the least conspicuous position under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. Unless placed behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment should be oriented away from prominent views. In general, the proper orientation will likely be toward the street to reduce the overall profile when viewed from the nearest abutting properties. If orientation toward the street is not feasible, then the proper orientation will most likely be away from oncoming traffic. If more than one orientation would be technically feasible, the Director may select the most appropriate orientation.

(B) **Minimum Ground Clearance.** The lowest point on any pole-mounted accessory equipment shall be at least 8 feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than 8 feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.

(C) **Horizontal Extensions.** Pole-mounted accessory equipment should be as close to flush with the pole as technically feasible and shall not extend over any roadway for vehicular travel or any abutting private property. If applicable laws preclude flush-mounted accessory equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet “flaps” or “wings”).

(6) **Surface-Mounted Equipment Cabinets.** This section 10(c)(6) sets out specific preferences and standards for surface-mounted accessory equipment.

(A) **Concealment.** Concealment for surface-mounted equipment cabinets will be assessed on a site-specific basis and consider the location and existing uses and aesthetic elements in the vicinity. In general, the city prefers surface-mounted accessory equipment to be concealed as follows: (i) within a landscaped parkway, median or similar location, behind or among new/existing landscape features and painted or wrapped in flat natural colors to blend with the landscape features; (ii) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as, for example, mailboxes, benches, trash cans and information kiosks; and (iii) if neither landscaping concealment or street furniture is available, accessory equipment should be completely shrouded or placed in a cabinet substantially similar in appearance to existing surface-mounted accessory equipment cabinets in the vicinity.

(B) **Public Safety.** To promote and protect public health and safety and prevent potential hazards hidden behind large equipment cabinets, individual surface-mounted accessory equipment cabinet may not exceed four feet in height or four feet in width. Surface-mounted accessory equipment enclosures must be coated with anti-graffiti finishes. To prevent litter and other objects placed on such equipment, surface-mounted accessory equipment enclosures should not have any flat horizontal surfaces greater than 1.5 square inches.

(d) **Utilities.** The provisions in this section 10(d) are applicable to all utilities and other related improvements that serve small wireless facilities.

(1) **Overhead Lines.** The approval authority shall not approve any new overhead utility lines in underground utility districts. In areas with existing overhead lines, new communication lines shall be “overlashed” with existing communication lines to the extent feasible, but service conduits shall be placed underground. No new overhead utility service drops shall be permitted to traverse any roadway used for vehicular transit.

(2) **Vertical Cable Risers.** All cables, wires and other connectors must be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility poles, applicants shall route them through external conduits or shrouds that have been finished to match the underlying pole. The applicant shall minimize the number and size of external conduits to the extent technically feasible.

(3) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds

(4) **Electric Meters.** Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a separate meter pedestal per city standards. If the proposed project involves a surface-mounted equipment cabinet, an electric meter may be integrated with the cabinet, but the approval authority shall not approve a separate surface-mounted electric meter pedestal. In no case shall permittee be permitted to use electricity/power provided by a city-owned streetlight or city-owned circuit without separate written authorization from the city.

(5) **Existing Underground Conduits.** To reduce unnecessary wear and tear on the public rights-of-way, applicants are encouraged to use existing conduits whenever available and technically feasible. Access to any conduit owned by the city shall be subject to a separate written agreement and the Director’s prior written approval, which the Director may withhold or condition as the Director deems necessary or appropriate to protect the city’s infrastructure, prevent interference with the city’s municipal functions and public health and safety.

(e) **Historic Resources.** This policy shall not be construed or applied to limit the city’s authority to enforce other laws or regulations intended to protect or preserve historic resources. Any small wireless facility that adversely impacts any historic resource shall not be approved without an exception pursuant to section 13.

11. PRE-APPROVED DESIGNS

(a) **Preface.** To expedite the review process and encourage collaborative designs among applicants and the city, the City Council authorizes the Director to designate one or more pre-approved designs for small wireless facilities. This section sets out the process to establish or repeal a pre-approved design and the expedited review procedures and findings applicable to these applications.

(b) **Adoption.** The Director, in the Director's discretion, may establish a pre-approved design when the Director finds that a proposed pre-approved design would be (i) in substantial conformance with the applicable design requirements in section 10 and (ii) architecturally compatible with the areas in which the pre-approved design would be available. The Director shall post a public notice at City Hall and on the city's website. The notice must generally describe the pre-approved design, include a photograph or photo simulation, specify whether the pre-approved design would be limited or restricted in any areas. The pre-approved design shall become effective 15 days from the notice required in this section. A decision by the Director not to adopt a proposed pre-approved design or the Director's failure to act on a request for a proposed pre-approved design is not appealable.

(c) **Repeal.** The Director may repeal any pre-approved design by notice posted at City Hall and on the city's website. The repeal shall be immediately effective. The Director's repeal, refusal to repeal or failure to act on a request to repeal a pre-approved design is not appealable.

(d) **Nondiscrimination.** An established pre-approved design may be used by any applicant, whether the applicant originally initiated the pre-approval process or not. The Director's decision to adopt a pre-approved design expresses no preference or requirement that applicants use the specific vendor or manufacturer that fabricated the design depicted in the pre-approved plans. Any other vendor or manufacturer that fabricates a small wireless facility to the standards and specifications in the pre-approved design with like materials, finishes and overall quality shall be acceptable as a pre-approved design.

(e) **Modified Findings for Approval.** For any complete site plan review application using a pre-approved design, the approval authority shall presume that the proposed project complies with the findings required under sections 8(b)(1) and 8(b)(3). No such presumption shall be applicable to the required findings under sections 8(b)(2), 8(b)(4) and 8(b)(5).

12. STANDARD CONDITIONS OF APPROVAL

(a) **Standard Conditions.** Except as may be modified in section 12(b), all small wireless facilities approved under this policy shall be automatically subject to the conditions in this section 12(a) and these conditions shall be deemed to be

incorporated by reference to any site plan approval, whether approved by the city or deemed approved by law.

(1) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the city to establish a shorter term for public safety reasons or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this small wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

(2) **Permit Renewal.** The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the subject small wireless facility complies with all the conditions of approval associated with this permit and all applicable provisions in the Madera Municipal Code and this policy that exists at the time the decision to renew or not renew is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with the Madera Municipal Code, this policy or other applicable law. Upon renewal, this permit will automatically expire 10 years and one day from its issuance.

(3) **Approved Plans.** Any final construction plans shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the “Approved Plans”). The permittee must construct, install and operate the small wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the small wireless facility, shall be subject to the Director’s prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the Approved Plans, the Director may refer the request to the approval authority if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.

(4) **CPUC GO-159A Certification.** Within 15 business days after the city issues this permit, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.

(5) **Build-Out Period.** This permit will automatically expire 12 months from the approval date (the “Build-Out Period”) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the

approved small wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the small wireless facility and/or its use. The permittee may request in writing, and the city may grant in writing, one six-month extension if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for such extension. If the Build-Out Period and any extension finally expire, this permit shall be automatically void but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.

(6) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved under this policy or deemed-approved by law, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.

(7) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this permit. At all times, the permittee shall keep the site area free from all litter and debris. The permittee shall regularly inspect the small wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism on the small wireless facility within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

(8) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. No failure or omission by the city to timely notice, prompt or enforce compliance with any applicable provision in the Madera Municipal Code, this policy any permit, any permit condition or any

applicable Laws, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with same.

(9) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site and/or small wireless facility. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Madera Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city or other state or federal government agency or official with authority to declare an emergency within the city. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from the small wireless facility or related equipment violates applicable provisions in the Madera Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, the Madera Municipal Code or other applicable laws, may require the permittee to commission a noise study by a qualified professional to evaluate the small wireless facility's compliance.

(10) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that, upon reasonable prior notice to the permittee, the city's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the small wireless facility and related equipment and/or improvements to ensure compliance with this permit and all associated conditions. Notwithstanding the prior sentence, the city's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the city's officers, officials, staff or other designees while any such inspection or emergency access occurs.

(11) **Contact Information.** At all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the small wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator,

equipment owner and site manager; and (C) a toll-free telephone number to the small wireless facility's network operations center where a live person with power-down control over the small wireless facility is available 24 hours-per-day, seven days-per-week. Within 10 business days after a written request by the city, the permittee shall furnish the Director with an updated form that includes all the most-current information described in this condition.

(12) **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the city, City Council and the city's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the city's approval of this permit, and (B) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the small wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

(13) **Removal Bond.** Before the city issues any permits required to commence construction in connection with this permit, the permittee shall post a bond issued by a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or similar infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the small wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing

or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject small wireless facility in accordance with this condition.

(14) **Permit Revocation.** Any permit granted under this policy or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the small wireless facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the small wireless facility and any associated conditions with such permit(s). A permit granted under this policy or deemed approved by the operation of law may be revoked only by the City Council after a duly notice public hearing. Before any public hearing to revoke a permit granted under this policy or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the small wireless facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the city may pursue, the city may initiate revocation proceedings for failure to correct such violation(s). The City Council may revoke a permit when it finds substantial evidence in the written record to show that the small wireless facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the small wireless facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

(15) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, this permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “Records”). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the city’s regular files will control over any conflicts between such city-controlled copies or Records and the permittee’s electronic

copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any Records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

(16) **Abandoned Facilities.** The small wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous 12-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Madera Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the city shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the city in connection with such removal and/or restoration activities and shall reimburse the city for all such costs 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs.

(17) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the city. The permittee shall be responsible to maintain any replacement landscape features for a three-year period after such landscaping has been installed. Notwithstanding anything in this condition to the contrary, the Director may agree in a written agreement signed by the permittee to accept an annual in-lieu fee to perform the maintenance work on the permittee's behalf.

(18) **Cost Reimbursement.** The permittee acknowledges and agrees that (A) the permittee's request for authorization to construct, install and/or operate the small wireless facility will cause the city to incur costs and expenses; (B) the permittee shall be responsible to reimburse the city for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the small wireless facility; (C) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the city for all such costs

30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the city shall have the right to withhold any permits or other approvals in connection with the small wireless facility until and unless any outstanding costs have been reimbursed to the city by the permittee.

(19) **Future Undergrounding Programs.** Notwithstanding any term remaining on this permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must also underground its equipment, except the antennas and any approved electric meter or related electric-service equipment required by the electric service provider to remain above ground, at approximately the same time. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition; provided, however, that the Director may approve an alternative concealment plan for such equipment that complies with the city's then current design regulations. Small wireless facilities installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the city's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.

(20) **Electric Meter Upgrades.** If the small wireless facility includes a separate or ground-mounted electric meter pedestal and the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

(21) **Rearrangement and Relocation.** The permittee acknowledges that the city, in its sole discretion and at any time, may: (A) change any street grade, width or location; (B) add, remove or otherwise change any improvements in, on, under or along any street owned by the city or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (C) perform any other work deemed necessary, useful or desirable by the city (collectively, "City Work"). The city reserves the rights to do any and all City Work without any admission on its part that the city would not have such rights without the express reservation in this permit. If the City Engineer determines that any City Work will require the permittee's small

wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the City Engineer's notice, the city may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The city may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the City Engineer determines that City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the city for all costs and expenses in connection with such work within 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs.

(22) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the city and permittee and their respective successors and assigns.

(23) **Truthful and Accurate Statements.** The permittee acknowledges that the city's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the city in connection with this permit or the small wireless facility approved under the this permit, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

(24) **City's Standing Reserved.** The city's grant or grant by operation of law of a permit pursuant to this policy does not waive, and shall not be construed to waive, any standing by the city to challenge any (A) FCC rules or regulations that interpret the Telecommunications Act and/or Section 6409 of the Spectrum Act or (B) any permit issued pursuant to this policy.

(25) **Severable Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (B) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.

(b) **Modified Conditions.** The City Council authorizes the Director to modify, add or remove conditions to any site plan approval as the Director deems necessary or

appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in section 12(a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with the Madera Municipal Code, this policy, generally applicable health and safety requirements and/or any other applicable laws.

13. EXCEPTIONS

(a) **Preface.** The provisions in this section establish a procedure by which the city may grant an exception to the standards in this policy but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in section 13(b) in addition to the findings required under section 8(b). Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance does not create a presumption or expectation that an exception will be granted in any other instance.

(b) **Findings for an Exception.** The approval authority may grant an exception to any provision or requirement in this policy only if the approval authority finds that:

(1) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or

(2) a provision in this policy, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law.

(c) **Scope of Exception.** If the approval authority finds that an exception should be granted, the exception shall be narrowly tailored so that the exception deviates from this policy to least extent necessary for compliance with federal or state law.

(d) **Burden of Proof.** The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

14. PEER REVIEW AND INDEPENDENT CONSULTANTS

(a) **Authorization.** The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include, without limitation: (1) permit application completeness and/or accuracy; (2) pre-construction planned compliance with

applicable regulations for human exposure to RF emissions; (3) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (4) whether and to what extent a proposed project will comply with applicable laws; (5) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the city's discretion to review; and (6) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written report, testify at public meetings, hearings and/or appeals and attend meetings with city staff and/or the applicant.

(b) **Cost Reimbursement.** Subject to applicable laws, the applicant shall be responsible for the reasonable costs actually incurred by the city in connection with a consultant's review, which may include, without limitation, costs incurred by the consultant to attend and participate in any meetings or hearings related to the application. Within a reasonable time after notice from the Director, the applicant shall deposit funds in an amount equal to the estimated costs for the consultant's services, as determined by the Director. The funds shall be applied to the consultant's invoices as such invoices are approved by the Director. If the deposit exceeds the total costs for the consultant's services, the Director shall promptly return any unused funds to the applicant after the small wireless facility has been installed and passes a final inspection. If the reasonable costs for the consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The city shall not issue any building permit or encroachment permit to any applicant with any unpaid invoices.

15. VIOLATIONS

Any use or condition caused or permitted to exist in violation of any provision of this policy shall be and hereby is declared a public nuisance and may be subject to administrative citations as set forth in Madera Municipal Code Title I, Chapter 9, abatement pursuant to Madera Municipal Code §§ 10-3.1601 *et seq.*, California Code of Civil Procedure section 731, or any other remedy available to the city.

APPENDIX A – FEDERAL STATUTES

This Appendix contains relevant federal statutes cited or referred to in the city's policy for informational and reference purposes only. These authorities are current as of the date on which the city adopted the policy. However, the reader should be cautioned that these authorities may be amended or superseded from time-to-time and those amended or superseded versions will control over the reproduced text in this Appendix.

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47 U.S.C. § 253 — Removal of barriers to entry.

(A) In General

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(B) State Regulatory Authority

Nothing in this section shall affect the ability of a State to impose on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(C) State and Local Government Authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(D) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b), the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

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47 U.S.C. § 332(c)(7) — Preservation of local zoning authority.

(A) General Authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) Definitions

For purposes of this paragraph--

(i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term “personal wireless service facilities” means facilities for the provision of personal wireless services; and

(iii) the term “unlicensed wireless service” means the offering of telecommunications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct-to-home satellite services (as defined in section 303(v) of this title).

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47 U.S.C. § 1455(a) — Wireless facilities deployment.

(A) Facility modifications

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request

For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves--

(A) collocation of new transmission equipment.

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) Applicability of environmental laws

Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

APPENDIX B – FCC REGULATIONS

This Appendix contains relevant FCC regulations cited or referred to in the city's policy for informational and reference purposes only. These authorities are current as of the date on which the city adopted the policy. However, the reader should be cautioned that these authorities may be amended or superseded from time-to-time and those amended or superseded versions will control over the reproduced text in this Appendix.

Some additional background on how the FCC organizes its regulations may help the reader check for subsequent changes to these rules. The FCC's codified regulations appear in the Code of Federal Regulations (abbreviated as "C.F.R."). The C.F.R. is organized in titles. The FCC's codified regulations appear in Title 47– Telecommunication, and are further organized in chapters, subchapters, parts and subparts. All the provisions reproduced below appear in Part 1, and most appear in Subpart U to Part 1.

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47 C.F.R. § 97.3 — Definitions.

(A) The definitions of terms used in part 97 are:

(1) Amateur operator. A person named in an amateur operator/primary license station grant on the [Universal Licensing System] consolidated licensee database to be the control operator of an amateur station.

(2) Amateur radio services. The amateur service, the amateur-satellite service and the radio amateur civil emergency service.

(3) Amateur-satellite service. A radiocommunication service using stations on Earth satellites for the same purpose as those of the amateur service.

(4) Amateur service. A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

(5) Amateur station. A station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications.

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47 C.F.R. § 1.4000 — Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

(A)(1) [This FCC regulation defines an "OTARD" antenna as follows]:

(i) An antenna that is:

(A) Used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, and

(B) One meter or less in diameter or is located in Alaska.

(ii) An antenna that is:

(A) Used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite, and

(B) That is one meter or less in diameter or diagonal measurement.

(iii) An antenna that is used to receive television broadcast signals; or

(iv) A mast supporting an antenna described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section;

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47 C.F.R. § 1.6002 — Definitions.

Terms not specifically defined in this section or elsewhere in this subpart have the meanings defined in this part and the Communications Act of 1934, 47 U.S.C. 151 *et seq.* Terms used in this subpart have the following meanings:

(A) Action or to act on a siting application means a siting authority's grant of a siting application or issuance of a written decision denying a siting application.

(B) Antenna, consistent with § 1.1320(d), means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the

term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this chapter.

(C) Antenna equipment, consistent with § 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

(D) Antenna facility means an antenna and associated antenna equipment.

(E) Applicant means a person or entity that submits a siting application and the agents, employees, and contractors of such person or entity.

(F) Authorization means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

(G) Collocation, consistent with § 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, appendix B of this part, section I.B, means—

(1) Mounting or installing an antenna facility on a pre-existing structure; and/or

(2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

(3) The definition of “collocation” in § 1.6100(b)(2) applies to the term as used in that section.

(H) Deployment means placement, construction, or modification of a personal wireless service facility.

(I) Facility or personal wireless service facility means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

(J) Siting application or application means a written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.

(K) Siting authority means a State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.

(L) Small wireless facilities are facilities that meet each of the following conditions:

(1) The facilities—

(i) Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or

(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in § 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under part 17 of this chapter;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

(M) Structure means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

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47 C.F.R. § 1.6003 — Reasonable periods of time to act on siting applications.

(A) Timely action required. A siting authority that fails to act on a siting application on or before the shot clock date for the application, as defined in paragraph (e) of this section, is presumed not to have acted within a reasonable period of time.

(B) Shot clock period. The shot clock period for a siting application is the sum of—

(1) The number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (c) of this section; plus

(2) The number of days of the tolling period, if any, pursuant to paragraph (d) of this section.

(C) Presumptively reasonable periods of time—

(1) Review periods for individual applications. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth in paragraphs (c)(1)(i) through (iv) of this section:

(2) Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.

(ii) Review of an application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.

(iii) Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.

(iv) Review of an application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.

(2) Batching.

(i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (c)(1)(i) or (iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.

(ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (c)(1)(i) of this section and deployments that fall within paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.

(iii) Siting authorities may not refuse to accept applications under paragraphs (c)(2)(i) and (ii) of this section.

(D) Tolling period. Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth in paragraphs (d)(1) through (3) of this section.

(1) For an initial application to deploy Small Wireless Facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the

missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.

(2) For all other initial applications, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;

(iii) But only if the notice pursuant to paragraph (d)(2)(i) of this section is effectuated on or before the 30th day after the date when the application was submitted; or

(3) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority's original request under paragraph (d)(1) or (2) of this section; until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;

(iii) But only if the notice pursuant to paragraph (d)(3)(i) of this section is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority's request under paragraph (d)(1) or (2) of this section.

(E) Shot clock date. The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (b) of this section and including any pre-application period asserted by the siting authority; provided, that if the date calculated in this manner is a "holiday" as defined in § 1.4(e)(1) or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The

term “business day” means any day as defined in § 1.4(e)(2) and any day that is not a legal holiday as defined by the State or local jurisdiction.

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47 C.F.R. § 1.6100 — Wireless Facility Modifications.[1]

(A) [Reserved by 83 FR 51886]

(B) Definitions. Terms used in this section have the following meanings.

(1) Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

[1] In 2018, the FCC reorganized its regulations and recodified Section 1.40001 as Section 1.6100. *See In re Accelerating Wireless Broadband*, Erratum, 33 FCC Rcd. 9088 at ¶ 2 (Nov. 29, 2018). However, the FCC did not correct all internal cross references and so some provisions in Section 1.6100 still refer to the old subsections within Section 1.40001. This reproduction corrects those typographical errors with the correct cross references, denoted by bracketed text. All other provisions remain consistent with the published FCC regulation.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(4) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.

(7) Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.[6100](b)(7)(i) through (iv).

(8) Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(C) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) Tolling of the timeframe for review. The 60–day period begins to run when the application is filed and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing

information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) Failure to act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) Remedies. Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

APPENDIX C – STATE STATUTES

This Appendix contains relevant California statutes cited or referred to in the city's policy for informational and reference purposes only. These authorities are current as of the date on which the city adopted the policy. However, the reader should be cautioned that these authorities may be amended or superseded from time-to-time and those amended or superseded versions will control over the reproduced text in this Appendix.

California Public Utilities Code § 7901

Telegraph or telephone corporations may construct lines of telegraph or telephone lines[2] along and upon any public road or highway, along or across any of the waters or lands within this State, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

California Public Utilities Code § 7901.1

(a) It is the intent of the Legislature, consistent with Section 7901, that municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.

(b) The control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.

(c) Nothing in this section shall add to or subtract from any existing authority with respect to the imposition of fees by municipalities.

[2] "Telephone line" includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires. CAL. PUB. UTILS. CODE § 233.

ATTACHMENT 3

PLANNING COMMISSION RESOLUTION NO. 1930

RESOLUTION NO. 1930

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE ADDING CHAPTER 9 TO TITLE X OF THE MADERA MUNICIPAL CODE RELATING TO WIRELESS FACILITIES

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code Section 37100 and other applicable law, the City Council of the City of Madera ("City Council") may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B), preserves local government zoning authority as it relates to location and siting of wireless communication facilities, but limits local regulations in three key ways: (1) a local ordinance may not unreasonably discriminate among providers of functionally equivalent services; (2) a local ordinance may not prohibit or effectively prohibit service; and (3) a local ordinance may not regulate based on environmental impacts from radio frequency emissions; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 253 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis; and

WHEREAS, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way; and

WHEREAS, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities; and

WHEREAS, the Planning Commission desires to recommend that the City Council adopt an ordinance adding Chapter 9 to Title X relating to wireless facilities and find the ordinance is exempt from CEQA under CEQA Guidelines § 15061(b)(3) and will, to the extent permitted by federal and California state law, protect and promote public health, safety, and welfare, and also balance the benefits that flow from robust, advanced wireless services within the City's local values, which includes without limitation the aesthetic character of the City, its neighborhoods, and community; and

WHEREAS, on July 26, 2022, the Planning Commission held a duly noticed public hearing, evaluated the information in the record, and considered testimony at the public hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MADERA DOES RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds that: (a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; and (b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and

other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Resolution.

SECTION 2. Recommendation to Adopt the Ordinance. The Planning Commission recommends that the City Council (a) find that the provisions in the ordinance adding Chapter 9 to Title X relating to wireless facilities, as provided in **Exhibit A** to this Resolution (the "Ordinance"), are consistent with the General Plan, Municipal Code and applicable federal and state law; (b) find that the Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare; and (c) adopt the Ordinance.

SECTION 3. CEQA Recommendation. The Planning Commission recommends that the City Council find that if the Ordinance qualifies as a "project" subject to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, then pursuant to CEQA Guidelines § 15061(b)(3) there is no possibility that the project will have a significant impact on the physical environment. The Ordinance would adopt local regulations for wireless facilities in a manner that complies with federal regulations. The Ordinance would not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireless facility or change to an existing wireless facility would be subject to additional environmental review on a case-by-case basis. Accordingly, the Planning Commission recommends that the City Council find that the Ordinance is exempt from CEQA under the general rule.

SECTION 4. Effective Date. This Resolution shall become effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 26th day of July 2022, by the following vote:

AYES: Robert Gran, Jr., Rohi Zacharia, Khubaib Sheikh, Balwinder Singh, Saim Mohammad and Jose Eduardo Chavez

NOES: None.

ABSTENTIONS: None.

ABSENT: Ramon Lopez-Maciel

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, Planning Manager

Exhibit "A" – Draft Ordinance of City Council
Exhibit "B" – Draft Right of Way Policy

EXHIBIT "A"

An Ordinance of the City Council of the City of Madera Adding Chapter 9 to Title X of the Madera Municipal Code Relating to Wireless Facilities

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADDING CHAPTER 9 TO TITLE X OF THE MADERA MUNICIPAL CODE RELATING TO WIRELESS FACILITIES

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code Section 37100 and other applicable law, the City Council of the City of Madera ("City Council") may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B), preserves local government zoning authority as it relates to location and siting of wireless communication facilities, but limits local regulations in three key ways: (1) a local ordinance may not unreasonably discriminate among providers of functionally equivalent services; (2) a local ordinance may not prohibit or effectively prohibit service; and (3) a local ordinance may not regulate based on environmental impacts from radio frequency emissions; and

WHEREAS, the federal Telecommunications Act of 1996, 47 U.S.C. § 253 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis; and

WHEREAS, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way; and

WHEREAS, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities; and

WHEREAS, the City Council finds this ordinance will, to the extent permitted by federal and California state law, protect and promote public health, safety, and welfare, and also balance the benefits that flow from robust, advanced wireless services within the City's local values, which includes without limitation the aesthetic character of the City, its neighborhoods, and community; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider this ordinance on July 26, 2022, at which time all interested parties had the opportunity to be heard, and after said public hearing, the Planning Commission adopted Resolution No. 1930, recommending that the City Council adopt this ordinance; and

WHEREAS, on August 17, 2022, the City Council held a duly noticed public hearing to consider the adoption of this ordinance.

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

SECTION 1. CHAPTER 9 is added to Title X of the Madera Municipal Code to read as follows:

CHAPTER 9: WIRELESS FACILITIES

10-9.01 Purpose and Intent.
10-9.02 Definitions.
10-9.03 Applicability.
10-9.04 Required Permits and Approvals.
10-9.05 Administrative Orders and Regulations.
10-9.06 Permit Applications.
10-9.07 Public Notice.
10-9.08 Approvals, Denials, and Appeals.
10-9.09 Location Standards.
10-9.10 Design Standards.
10-9.11 Standard Conditions of Approval.
10-9.12 Amortization.
10-9.13 Exceptions.
10-9.14 Peer and Independent Consultant Review.
10-9.15 Violations.

Section 10-9.01 PURPOSE AND INTENT.

(A) The city of Madera (the "city") intends this chapter to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this chapter are intended to, and should be applied to, consistent with federal and state law, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community. This chapter is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interest is maintained on a case-by-case basis; (2) protecting the city's visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure; (3) protecting and preserving the city's environmental resources; and (4) promoting access to high-quality, advanced wireless services for the city's residents, businesses and visitors.

(B) This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the city may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the city to preempt any applicable federal or California law.

Section 10-9.02 DEFINITIONS.

All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

(A) "**AMATEUR STATION**" means the same as defined by the FCC in 47 C.F.R. § 97.3, which defines the term as "a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications." This term includes amateur radio antennas and related facilities used for amateur radio services.

(B) "**APPROVAL AUTHORITY**" means the city official or body responsible for application review and vested with authority to approve or deny such applications. The approval authority for a conditional use permit shall be the Planning Commission. The approval authority for a site plan review shall be the Director.

(C) "**CPUC**" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

(D) "**DIRECTOR**" means the Community Development Director of the city of Madera or the Director's designee.

(E) "**ELIGIBLE FACILITIES REQUEST**" means the same as defined in 47 U.S.C. § 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. § 1.6100(b)(3).

(F) "**FCC**" means the Federal Communications Commission, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.

(G) "**HISTORIC RESOURCE**" means any prehistoric or historic district, site, building, structure

or object included in, or eligible for inclusion in, the National Register of Historic Places, the California Register of Historical Resources or any "historic resource" as listed in Table HC-A of the General Plan. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

(H) "**OTARD**" means any "over-the-air reception device" subject to 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.

(I) "**PERSONAL WIRELESS SERVICE FACILITIES**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii), which defines the term as facilities that provide personal wireless services.

(J) "**PERSONAL WIRELESS SERVICES**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

(K) "**PLANNING COMMISSION**" means the Planning Commission of the city of Madera as established by the Madera Municipal Code.

(L) "**RF**" means radio frequency.

(M) "**SECTION 6409**" means Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).

(N) "**SHOT CLOCK**" means the presumptively reasonable time defined by the FCC in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.

(O) "**SNALL WIRELESS FACILITY**" means the same as defined by the FCC in 47 C.F.R. § 1.6002(l).

(P) "**STEALTH**" means concealment techniques that make a wireless facility look like something other than a wireless facility. Stealth concealment techniques include, without limitation: (1) transmission equipment placed completely within existing or replacement architectural features such that the installation causes no visible change in the underlying support structure and (2) new architectural features that mimic or blend with the underlying or surrounding structures in style, proportion and construction quality.

(Q) "**WIRELESS FACILITY**" means a personal wireless service facility.

Section 10-9.03 APPLICABILITY.

(A) *General.* This chapter applies to all requests for the city's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy

wireless facilities on private property (whether owned by a private party or public entity) within the city's territorial and jurisdictional boundaries, unless expressly exempted pursuant to this section.

(B) *Wireless Facilities on City Property.* This chapter applies to permit applications for wireless facilities on property or structures owned or controlled by the city; provided, however, that this chapter does not govern whether or under what terms and conditions the city would lease, license or otherwise allow a wireless facility on such property or structures.

(C) *Small Wireless Facilities.* Notwithstanding anything in this chapter to the contrary, all small wireless facilities are subject to a permit as specified in a City Council policy, which may be adopted, amended and/or repealed by a resolution of the City Council. All small wireless facilities shall comply with the City Council's policy. If the City Council policy is repealed and not replaced, an application for a small wireless facility shall be processed pursuant to this chapter.

(D) *Eligible Facilities Requests.* Notwithstanding anything in this chapter to the contrary, all eligible facilities requests and other applications submitted for approval pursuant to Section 6409 are subject to a City Council policy, which may be adopted, amended and/or repealed by a resolution of the City Council. All eligible facilities requests and other applications submitted for approval pursuant to Section 6409 shall comply with the City Council's policy. If the City Council policy is repealed and not replaced, all eligible facilities requests and other applications submitted for approval pursuant to Section 6409 shall be processed pursuant to this chapter.

(E) *Other Exemptions.* Notwithstanding anything in this chapter to the contrary, this chapter shall not be applicable to the following:

(1) Wireless facilities operated by the city for public purposes;

(2) Wireless facilities installed completely indoors or within venues and used to extend personal wireless services into a business or the subscriber's private residence, such as a femto cell or indoor distributed antenna system;

(3) OTARD antennas;

(4) Antennas and related transmission equipment used in connection with a duly authorized amateur station; or

(5) Wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D.

Section 10-9.04 REQUIRED PERMITS AND APPROVALS.

(A) *Site Plan Review.* A site plan review, subject to the Director's prior review and approval, is required for all wireless facilities that are located in preferred locations as described in § 10-9.09 and compliant with all applicable design standards in § 10-9.10.

(B) *Conditional Use Permit.* A conditional use permit, subject to the Planning Commission's prior review and approval, is required for all wireless facilities on private property that are located in discouraged locations as described in § 10-9.09, and do not qualify for site plan review, or require an exception under § 10-9.13.

(C) *Other Permits and Regulatory Approvals.* In addition to any permit or approval required under this chapter, the applicant must obtain all other permits and regulatory approvals (such as compliance with the California Environmental Quality Act or Madera County Airport Land Use Commission requirements) as may be required by any other federal, state or local government agencies, which includes without limitation any other permits and/or approvals issued by other city departments or divisions. Any permit or approval granted under this chapter or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the permit requirement under § 10-9.03(E) does not exempt the same wireless facilities from any other permits or approvals required, which includes without limitation any ministerial permits from the city.

Section 10-9.05 ADMINISTRATIVE ORDERS AND REGULATIONS.

In addition to the requirements in this chapter, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and/or convenience. All wireless facilities must conform to all applicable orders and regulations issued by the Director, unless the Director, in the Director's discretion, grants a prior written waiver to deviate, in whole or in part, any such order or regulation. The Director shall develop and publish guidelines to implement the waivers authorized by this section.

Section 10-9.06 PERMIT APPLICATIONS.

(A) *Application Required.* The approval authority shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities except upon a complete and duly filed application consistent with this section and any other written rules or requirements the city or the Director may establish from time to time in any publicly stated format.

(B) *Application Fee.* The applicant shall submit the applicable permit application fee adopted by City Council resolution. If no permit application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant

will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.

(C) *Application Content.* All applications for a permit must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this chapter. All such requirements must be in written form and publicly stated to provide applicants with prior notice. Notwithstanding anything in this chapter to the contrary, all applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.

(D) *Application Submittal.* Unless the Director establishes an alternative submittal procedure pursuant to § 10-9.05, all applications must be submitted to the city at a pre-scheduled appointment with the department. Applicants may generally submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The department shall use reasonable efforts to provide the applicant with an appointment within five working days after the department receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.

(E) *Optional Pre-Submittal Conference.* The city shall provide prospective applicants with the opportunity to schedule and attend a pre-submittal conference with city staff. The city encourages pre-submittal conferences for all proposed projects that require a conditional use permit. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless facility, such as compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The city shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services

rendered in the pre-submittal conference.

(F) *Optional Community Meetings.* The city encourages, but does not require, applicants to schedule, notice, arrange, and attend a voluntary pre-submittal community meeting with all interested members of the public for applications that require a conditional use permit. This voluntary community meeting does not cause the shot clock to begin and is intended to give applicants the opportunity to hear from members of the public regarding the proposed deployment. Applicants should schedule any voluntary community meetings at times and in locations that are conducive to maximizing public participation. Applicants are encouraged (but not required) to bring any draft applications, plans, maps, presentations or other materials to facilitate the public's understanding of the applicant's proposal. Applicants are also encouraged (but not required) to maintain minutes or a comment log of the community meeting. The City seeks to encourage dialogue that may allow applicants to address areas of concern. Community meetings may be conducted before or after submittal.

(G) *Applications Deemed Withdrawn.* To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the department within 90 calendar days after the department deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

Section 10-9.07 PUBLIC NOTICE.

(A) *Public Hearing Notice.* Notice of public hearing shall be given in accordance with § 10-3.1306 of this chapter for any conditional use permit application.

(B) *Decision Notices.* Within five calendar days after the approval authority acts on an application governed under this chapter or before the shot clock expires (whichever occurs first), the Director shall send a written notice to the applicant. If the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the denial. All decision notices shall include instructions for how and when to file an appeal.

Section 10-9.08 APPROVALS, DENIALS AND APPEALS.

(A) *Required Findings.* The approval authority may approve wireless facility applications only when the approval authority makes all the following findings:

(1) the proposed wireless facility is in a preferred location; or the proposed wireless

facility is in a discouraged location and the applicant has demonstrated through a meaningful comparative analysis that no more preferred location or support structure would be technically feasible and potentially available;

(2) the proposed wireless facility complies with all applicable development standards in this chapter and any other applicable findings required for the approval, such as § 10-3.1307(B) of this chapter (conditional use permits) or § 10-3.4.0106 of this chapter (site plan review);

(3) the applicant has provided a signed statement that indicates its willingness to allow other carriers and site operators to collocate transmission equipment with the proposed wireless facility whenever technically feasible and aesthetically desirable in accordance with applicable provisions in this chapter; and

(4) the applicant has demonstrated that the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population.

(B) *Conditional Approvals; Denials without Prejudice.* Subject to any applicable federal or state laws, nothing in this chapter is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application governed under this chapter as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, the Madera Municipal Code, or this chapter.

(C) *Appeals.* Within 10 days after the approval authority approves or denies any application under this chapter, any interested person may file an appeal in accordance with the provisions in § 10-3.1309 of this chapter for use permits or §§ 10-3.4.0116 and 10-3.4.0117 of this chapter for site plan review; provided, however, that (1) the notice provisions in this chapter shall control over those in § 10-3.1309 of this chapter and (2) appeals from an approval shall not be permitted when based solely on the environmental effects from RF emissions that are compliant with applicable FCC regulations and guidelines.

Section 10-9.09 LOCATION STANDARDS.

(A) *Locations.* To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, this subsection describes preferred and discouraged locations for wireless facilities.

(1) *Preferred Locations.* All applicants must, to the extent technically feasible and potentially available, propose new facilities in a preferred location. No alternative sites

analysis is required for new stealth facilities proposed in any preferred location. For all other new facilities, the approval authority shall consider whether any more preferred location would be technically feasible or potentially available. The following locations are all "preferred" and ordered from most preferred to least preferred:

(a) industrial zones;

(b) commercial zones;

(c) other non-residential zones;

(d) Public Facilities zone when not directly adjacent to residentially zoned parcels.

(2) *Discouraged Locations.* Applicants shall not propose to install wireless facilities in a discouraged location unless no alternative site in a preferred location would be technically feasible. If all preferred locations are technically infeasible, the applicant shall use the least-discouraged location. The following locations are discouraged, and ordered from most discouraged to least discouraged:

(a) historic resource zones and properties;

(b) Public Facilities zone when directly adjacent to residentially zoned parcels;

(c) residential zones.

(B) *Support Structures.* To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, and to mitigate the impact of wireless infrastructure deployment, the city requires wireless facilities to be installed on support structures, ordered from most preferred to least preferred, as follows:

(1) existing structures with existing wireless facilities;

(2) existing rooftops;

(3) existing building façades, signs, water tank/towers, field lights, or other non-tower structures;

(4) new freestanding structures outside the public rights-of-way.

To the extent that a proposed support structure is not included in this list, the Director may, in the Director's discretion, determine the level of preference for such structure consistent with the goals and purpose of this subsection.

Section 10-9.10 DESIGN STANDARDS.

(A) *Concealment.* All wireless facilities must be concealed to the maximum extent feasible

with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

(B) *Overall Height.* All wireless facilities must be compliant with maximum overall height limits applicable to structures on the underlying parcel; provided, however, that a stealth wireless facility may exceed the applicable height limit by not more than 10 feet.

(C) *Setbacks.* All wireless facilities must be compliant with all setback requirements applicable to structures on the underlying parcel.

(D) *Fall Zone.* All freestanding towers outside the public rights-of-way must be setback from habitable structures approved for residential occupancy by a distance equal to the tower height. The approval authority may waive the setback requirement for freestanding towers that meet Class 3 structural standards for critical infrastructure as defined in the most current revision of the ANSI/TIA-222 Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures.

(E) *Noise.* All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in the Madera Municipal Code. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

(F) *Landscaping.* All wireless facilities proposed to be placed in a landscaped area must include landscape features (which may include, without limitation, trees, shrubs and ground cover) and a landscape maintenance plan. The approval authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this section. All plants proposed or required must be native and/or drought resistant.

(G) *Security Measures.* To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall concealment, and the approval authority may condition approval on additional concealment elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape features. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures.

(H) *Secondary Power Sources.* The approval authority may approve secondary or backup power sources and/or generators on a case-by-case basis. The approval authority shall not approve any permanent diesel generators or other similarly noisy or noxious generators in or within 200 feet from any residence; provided, however, the approval authority may

approve sockets or other connections used for temporary backup generators.

(I) *Lights.* Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

(J) *Signage; Decals; Advertisements.* All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage, decals or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.

(K) *Future Expansion.* To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and other expansions that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance. The approval authority may waive the requirements in this subsection when the approval authority determines future expansions at a proposed wireless facility would be aesthetically undesirable.

(L) *Utilities.* All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. To the extent feasible, undergrounded cables and wires must transition directly into the pole base without any external doghouse. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

(M) *Parking; Access.* Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use.

(N) *Compliance with Laws.* All wireless facilities must be designed and sited in compliance

with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, City of Madera General Plan and any applicable specific plan, the Madera Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

(O) *Towers and Freestanding Wireless Facilities.* In addition to all other design requirements in this section, the following provisions shall be applied to an application for a tower or other freestanding wireless facility:

(1) *Tower-Mounted Equipment.* All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors subject to the approval authority's prior approval.

(2) *Ground-Mounted Equipment.* All ground-mounted equipment must either be concealed underground, or concealed within an existing or new structure, or other enclosure(s) subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.

(3) *Monopines.* In addition to all other design requirements in this section, the following provisions shall be applied to an application for a monopine:

(a) *Shape and Branching.* Monopines shall be gradually tapered from bottom to top to resemble the natural conical pine-tree shape, with shorter branches at the top and wider branches at the bottom. All monopines shall include a "crown" or "topper" installed above the monopole to create a natural point at the top. Branches shall begin at no greater than 15 feet above ground level and maintain at least 3.5 branches per vertical foot when averaged between the bottom-most branch and the highest point on the monopole (excluding any "crown" or "topper" installed above the monopole).

(b) *Overall Height.* To maintain a natural appearance, a monopine may not exceed more than 10 feet above the average height of mature natural trees within the vicinity. If the applicant plants new natural trees around the proposed monopine, the approval authority shall consider the future mature height of such trees when evaluating compliance with this standard.

(c) *Bark Cladding.* The entire tower above any fence line shall be fitted with faux-pine

bark cladding, painted or colored with browns or other appropriate earth tones to mimic natural pine bark.

(d) *Equipment Concealment.* All antennas, accessory equipment, cross arms, hardware, cables and other attachments to the monopine must be painted or colored with flat greens, browns or other appropriate earth tones to blend into the faux pine branches. All antennas, remote radio units, tower-mounted amplifiers and other similar equipment larger than one cubic foot shall be fitted with a faux-pine "sock" with faux-pine needles. No tower-mounted equipment shall be permitted to protrude beyond the branch canopy such that it would materially alter the tapered pine shape.

(e) *Material Selection and Approval.* All materials and finishes used to conceal the monopine shall be subject to prior approval by the department. Applicants shall use only high-quality materials to conceal the wireless facility. The applicant shall use color-extruded plastics for elements such as the faux-pine needles and faux-bark cladding to prolong the like-new appearance and reduce fading caused by exposure to the sun and other weather conditions.

(P) *Building-Mounted Wireless Facilities.* In addition to all other design requirements in this section, the following provisions shall be applied to an application for a wireless facility installed on a building rooftop or facade:

(1) *Architectural Integration.* All applicants should, to the extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

(2) *Rooftop Wireless Facilities.* All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

(3) *Facade-Mounted Wireless Facilities.* When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority

may approve facade-mounted equipment in accordance with this subsection. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. Except in industrial districts, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

(Q) *Administrative Design Guidelines.* The Director may develop, and from time to time amend, design guidelines consistent with the generally applicable design regulations to clarify the aesthetic and public safety goals and standards in this chapter for city staff, applicants and the public. The design guidelines shall provide more detailed standards to implement the general principals articulated in this chapter and may include specific standards for particular wireless facilities or site locations but shall not unreasonably discriminate between functionally equivalent service providers. The design guidelines, and any subsequent amendments, shall not be effective unless approved by a resolution adopted by the City Council. If a conflict arises between the development standards specified in this chapter and the design guidelines, the development standards shall control.

Section 10-9.11 STANDARD CONDITIONS OF APPROVAL.

(A) *Standard Conditions.* Except as may be authorized in subsection (B), all wireless facilities approved under this chapter or deemed approved by the operation of law shall be automatically subject to the conditions in this subsection (A) and these conditions shall be deemed to be incorporated by reference to any permit approved or deemed approved by law.

(1) *Permit Term; Approval Applies to Land.* This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the city to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. This permit shall run with the land and shall be valid for the term specified in these conditions of approval. No change in ownership of the wireless facility, the site, or the subject property shall affect the permit term. This permit may not be transferred to another site or property.

(2) *Permit Renewal.* The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the subject wireless

facility complies with all the conditions of approval associated with this permit and all applicable provisions in this chapter that exist at the time the decision to renew or not renew is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this chapter or other applicable law. Upon renewal, this permit will automatically expire 10 years and one day from its issuance.

(3) *Approved Plans.* Any final construction plans shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the "Approved Plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, shall be subject to the Director's prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the Approved Plans, the Director may refer the request to the approval authority if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.

(4) *CPUC GO-159A Certification.* Within 15 business days after the city issues this permit, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.

(5) *Build-Out Period.* This permit will automatically expire 12 months from the approval date (the "Build-Out Period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the wireless facility and/or its use. The permittee may request in writing, and the city may grant in writing, one six-month extension if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for such extension. If the Build-Out Period and any extension finally expire, this permit shall be automatically void but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.

(6) *Post-Installation Certification.* Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved under this chapter or deemed-approved by law, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.

(7) *Site Maintenance.* The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this permit. At all times, the permittee shall keep the site area free from all litter and debris. The permittee shall regularly inspect the wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism on the wireless facility within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

(8) *Compliance with Laws.* The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to a building permit). The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. No failure or omission by the city to timely notice, prompt or enforce compliance with any applicable provision in the Madera Municipal Code, this chapter, any permit, any permit condition or any applicable Laws, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with same.

(9) *Adverse Impacts on Other Properties.* The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittees or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site and/or wireless facility. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Madera Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city or other state or federal government agency or official with authority to declare an emergency within the city. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from the wireless facility or related equipment violates applicable provisions in the Madera Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, the Madera Municipal Code or other applicable laws, may require the permittee to commission a noise study by a qualified professional to

evaluate the wireless facility's compliance.

(10) *Inspections; Emergencies.* The permittee expressly acknowledges and agrees that, upon reasonable prior notice to the permittee, the city's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the wireless facility and related equipment and/or improvements to ensure compliance with this permit and all associated conditions. Notwithstanding the prior sentence, the city's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the city's officers, officials, staff or other designees while any such inspection or emergency access occurs.

(11) *Contact Information.* At all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (C) a toll-free telephone number to the wireless facility's network operations center where a live person with power-down control over the wireless facility is available 24 hours-per-day, seven days-per-week. Within 10 business days after a written request by the city, the permittee shall furnish the Director with an updated form that includes all the most-current information described in this condition.

(12) *Indemnification.* The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, City Council and the city's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the city's approval of this permit, and (B) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the

property owner and/or permittee (as applicable) shall promptly reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

(13) *Removal Bond.* Before the city issues any permits required to commence construction in connection with this permit, the permittee shall post a bond issued by a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or similar infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.

(14) *Permit Revocation.* Notwithstanding any revocation procedures in Title X, any permit granted under this chapter or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). A permit granted under this chapter or deemed approved by the operation of law may be revoked only by the City Council after a duly notice public hearing. Before any public hearing to revoke a permit granted under this chapter or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the city may pursue, the city may initiate revocation proceedings for failure to correct such violation(s). The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after

the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

(15) *Record Retention.* Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, this permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, "Records"). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the city's regular files will control over any conflicts between such city-controlled copies or Records and the permittee's electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any Records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

(16) *Abandoned Facilities.* The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous 12-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Madera Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the city shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the city in connection with such removal and/or restoration activities and shall reimburse the city for all such costs 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs.

(17) *Landscaping.* The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist

to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the city. The permittee shall be responsible to maintain any replacement landscape features for a three-year period after such landscaping has been installed. Notwithstanding anything in this condition to the contrary, the Director may agree in a written agreement signed by the permittee to accept an annual in-lieu fee to perform the maintenance work on the permittee's behalf.

(18) *Cost Reimbursement.* The permittee acknowledges and agrees that (A) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the city to incur costs and expenses; (B) the permittee shall be responsible to reimburse the city for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (C) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the city for all such costs 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the city shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the city by the permittee.

(19) *Successors and Assigns.* The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the city and permittee and their respective successors and assigns.

(20) *Truthful and Accurate Statements.* The permittee acknowledges that the city's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the city in connection with the permit or the wireless facility, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

(21) *City's Standing Reserved.* The city's grant or grant by operation of law of a permit pursuant to this chapter does not waive, and shall not be construed to waive, any standing by the city to challenge any (A) FCC rules or regulations that interpret the Telecommunications Act and/or Section 6409 of the Spectrum Act or (B) any permit issued pursuant to this chapter.

(22) *Severable Conditions.* If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with

competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (B) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.

(B) *Modified Conditions.* The City Council authorizes the Director to modify, add or remove conditions to any permit as the Director deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in subsection (A) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with this chapter, generally applicable health and safety requirements and/or any other applicable laws.

Section 10-9.12 AMORITIZATION.

Any nonconforming wireless facilities in existence at the time this chapter becomes effective must be brought into conformance with this chapter in accordance with the amortization schedule in this chapter. As used in this section, the "fair market value" will be the construction costs listed on the building permit or application for the subject wireless facility and the "minimum years" allowed will be measured from the date on which this chapter becomes effective.

Fair Market Value on Effective Date	**Minimum Years Allowed**
less than $50,000	5
$50,000 to $500,000	10
greater than $500,000	15

The Director may grant a written extension to a date certain when the wireless facility owner shows (1) a good faith effort to cure non-conformance; (2) the application of this section would violate applicable laws; or (3) extreme economic hardship would result from strict compliance with the amortization schedule. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this section.

Nothing in this section is intended to limit any permit term to less than 10 years for any permit granted on or after January 1, 2007. In the event that the amortization required in this section would reduce the permit term to less than 10 years for any permit granted on or after January 1,

2007, then the minimum years allowed will be automatically extended by the difference between 10 years and the number of years since the city granted such permit. Nothing in this section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

Section 10-9.13 EXCEPTIONS.

(A) *Preface.* The provisions in this section establish a procedure by which the city may grant an exception to the standards in this chapter but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in subsection (B) in addition to the findings required under § 10-9.08. Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.

(B) *Findings for an Exception.* The approval authority may grant an exception to any provision or requirement in this chapter only if the approval authority finds that:

(1) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or

(2) a provision in this chapter, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law.

(C) *Scope of Exception.* If the approval authority finds that an exception should be granted, the exception shall be narrowly tailored so that the exception deviates from this chapter to least extent necessary for compliance with federal or state law.

(D) *Burden of Proof.* The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

Section 10-9.14 PEER AND INDIVIDUAL CONSULTANT REVIEW.

(A) *Authorization.* The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation: (1) permit application completeness and/or accuracy; (2) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (3) post-construction actual compliance with applicable regulations for human exposure to RF

emissions; (4) whether and to what extent a proposed project will comply with applicable laws; (5) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the city's discretion to review; and (6) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with city staff and/or the applicant.

(B) *Cost Reimbursement.* Subject to applicable laws, the applicant shall be responsible for the reasonable costs actually incurred by the city in connection with a consultant's review, which may include, without limitation, costs incurred by the consultant to attend and participate in any meetings or hearings related to the application. Within a reasonable time after notice from the Director, the applicant shall deposit funds in an amount equal to the estimated costs for the consultant's services, as determined by the Director. The funds shall be applied to the consultant's invoices as such invoices are approved by the Director. If the deposit exceeds the total costs for the consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection. If the reasonable costs for the consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The city shall not issue any building permit or other construction permit to any applicant with any unpaid invoices.

Section 10-9.15 VIOLATIONS.

Any use or condition caused or permitted to exist in violation of any provision of this chapter shall be and hereby is declared a public nuisance and may be subject to administrative citations as set forth in Title I, Chapter 9 of the Municipal Code, abatement pursuant to §§ 10-3.1601 *et seq.* of this chapter, California Code of Civil Procedure § 731, or any other remedy available to the city.

Section 10-9.16 CONFLICTING PROVISIONS.

To the extent, that any provisions in the Madera Municipal Code Section 10.3.419 are inconsistent with this chapter, this chapter shall prevail.

SECTION 2. *Severability.* If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this ordinance or Madera Municipal Code Title X, Chapter 9, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this ordinance and Madera Municipal Code Title X, Chapter 9, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 3. *CEQA.* If this ordinance qualifies as a "project" subject to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This ordinance adds regulations related to wireless facilities in a manner that complies with federal regulations. This ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireless facility or change to an existing wireless facility would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this ordinance is exempt from CEQA under the general rule.

SECTION 4. *Effective Date.* This ordinance shall become effective thirty days after its adoption.

SECTION 5. *Publication.* The City Clerk is authorized to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation in the City of Madera, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

* * * * *

Passed and adopted by the City Council of the City of Madera this 17th day of August 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____

Santos Garcia, Mayor

Attest:

_____

Alicia Gonzalez, City Clerk

Exhibit "B"
Draft Right of Way Policy

CITY OF MADERA	POLICY NO.
	Adopted:
Small Wireless Facilities in the Public Rights-of-Way	

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1. PURPOSE AND INTENT

(a) The City of Madera (the "City") intends this policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community. This policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the city's visual character from potential adverse impacts and/or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the city's environmental resources; (4) protecting and preserving the city's public rights-of-way and municipal infrastructure located within the city's public rights-of-way; and (5) promoting access to high-quality, advanced wireless services for the city's residents, businesses and visitors.

(b) This policy is intended to establish clear procedures for application intake and completeness review. The City Council finds that chronically incomplete applications significantly contribute to unreasonable delay and create barriers to infrastructure deployment. Chronically incomplete applications unfairly prejudice other applicants who may be prepared to submit complete applications for infrastructure in the same or substantially the same location. Chronically incomplete applications also unfairly prejudice the city's ability to act on such applications within the "presumptively reasonable" timeframes established by the FCC. The provisions in this policy afford applicants and city staff opportunities for direct, real-time communication about completeness issues to mitigate incomplete applications prior to submittal. The provisions in this policy also encourage applicants to timely respond to incomplete notices.

(c) This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the city may not deny under federal or California state law; (6) impose any unreasonable, discriminatory or

anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the city to preempt any applicable federal or California law.

2. DEFINITIONS

All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

(a) "**Accessory Equipment**" means equipment other than antennas used in connection with a small wireless facility. The term includes "transmission equipment" as defined by the FCC in 47 C.F.R. § 1.6100(b)(8).

(b) "**Amateur Station**" means the same as defined by the FCC in 47 C.F.R. § 97.3, which defines the term as "a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications." This term includes amateur radio antennas and related facilities used for amateur radio services.

(c) "**Antenna**" means same as defined by the FCC in 47 C.F.R. § 1.6002(b).

(d) "**Approval Authority**" means the city official or body responsible for application review and vested with authority to approve or deny such applications.

(e) "**Arterial**" means a street which provides the principle network for traffic flow in the community, connecting areas of major activity to each other and to state highways and important County roads. Arterials will generally include up to four lanes (two in each direction), although total widths of six lanes may be appropriate in some locations. To reduce traffic interruptions and improve safety, direct access via driveways is generally not permitted. The term "arterial" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3. For purposes of this policy, the streets in the Madera Loop and state highways over which the city exercises jurisdiction qualify as arterials.

(f) "**City Engineer**" means the city of Madera City Engineer or the City Engineer's designee.

(g) "**Collector**" means a street which provides access and movement between residential, commercial, and industrial areas. The primary function of collector streets is to collect and distribute traffic between local streets and the arterial roadway system. Collectors will generally include up to four lanes (two in each direction). To reduce traffic interruptions and improve safety, direct access via driveways is generally not permitted. The term "collector" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3.

(h) "**Collocation**" means the same as defined by the FCC in 47 C.F.R. § 1.6002(g).

(i) "**CPUC**" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

(j) "**Decorative Pole**" means any pole that includes decorative or ornamental features, design elements and/or materials for aesthetic purposes.

(k) "**Director**" means the Community Development Director of the city of Madera or the Director's designee.

(l) "**Eligible Facilities Request**" means the same as defined in 47 U.S.C. § 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. § 1.6100(b)(3).

(m) "**FCC**" means the "Federal Communications Commission", as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.

(n) "**Historic Resource**" means any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places, the California Register of Historical Resources or any "historic resource" as listed in Table HC-A of the General Plan. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

(o) "**Local/Branch Collector**" means a single lane street which collects traffic from local streets and feed into the collector and arterial system. Design speeds are lower than for Collector roadways (potentially through the use of meanders, roundabouts, narrower road sections, etc.). To reduce traffic interruptions and improve safety, direct access via driveways is generally not permitted. The term "local/branch collector" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3.

(p) "**Local Street**" means a roadway which provides access to individual homes and businesses. Local streets have one lane in each direction. Local streets are shown on the Circulation Map for informational purposes only; the General Plan does not define the desired alignments of local streets. The term "local street" as used in this policy is defined in the Circulation and Infrastructure Element of the General Plan at Policy CI-3.

(q) "**Non-Pole Concealment Structure**" means a structure within the public rights-of-way, other than a pole, that can be adapted (either in its current form or through a replacement) to conceal antennas and/or accessory equipment for small wireless facilities. Examples may include, without limitation, monuments, kiosks, bus shelters and other street furniture.

(r) "**OTARD**" means any "over-the-air reception device" subject to 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.

(s) "**Personal Wireless Service Facilities**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii).

(t) "**Personal Wireless Services**" mean the same as defined in 47 U.S.C. § 332(c)(7)(C)(i).

(u) "**Prohibited Support Structure**" means any support structure on which the city prohibits the deployment of wireless facilities, except when authorized as a pre-approved design pursuant to this policy. Prohibited support structures include decorative poles; traffic signal poles, cabinets or related structures; new, nonreplacement wood poles; and any utility pole scheduled for removal within 18 months from the time the Director acts on the application for such pole.

(v) "**Public Right-of-Way**" or "**Public Rights-of-Way**" means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or dedicated to or open to the use by the general public for road or highway purposes.

(w) "**RF**" means radio frequency.

(x) "**Section 6409**" means Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).

(y) "**Shot Clock**" means the presumptively reasonable time defined by the FCC in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.

(z) "**Small Wireless Facility**" means same as defined by the FCC in 47 C.F.R. § 1.6002(*l*).

3. APPLICABILITY

(a) **General.** This policy applies to all requests for the city's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy small wireless facilities within the public rights-of-way within the city's territorial and jurisdictional boundaries, unless expressly exempted pursuant to this section 3.

(b) **Small Wireless Facilities on City Property.** This policy applies to permit applications, submitted to the city in its regulatory capacity, for small wireless facilities on property or structures owned or controlled by the city; provided, however, that this policy does not govern whether or under what terms and conditions the city, in its proprietary capacity as the property or structure owner, would lease, license or otherwise allow a small wireless facility on such property or structures.

(c) **Eligible Facilities Requests.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to eligible facilities requests and/or other applications submitted for approval pursuant to Section 6409.

(d) **Other Exemptions.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to the following:

(1) wireless facilities operated by the city for public purposes;

(2) small wireless facilities installed completely indoors or within venues and used to extend personal wireless services into a business or subscriber's private residence, such as a femto cell or indoor DAS;

(3) OTARD antennas;

(4) antennas and related transmission equipment used in connection with a duly authorized amateur station; or

(5) wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D.

4. REQUIRED PERMITS AND APPROVALS

(a) **Site Plan Review.** All small wireless facilities shall require a site plan review subject to the Director's prior review and approval.

(b) **Other Permits and Regulatory Approvals.** In addition to a site plan review, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or other approvals issued by other city departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid site plan approval issued by the city for the proposed small wireless facility. Any application for any ministerial permit(s) submitted without such site plan approval may be denied without prejudice. Any site plan approval granted under this policy shall remain subject to all lawful conditions and/or legal requirements associated with

such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the site plan review requirement under section 3(d) does not exempt the same wireless facilities from any other permits or approvals required, which includes without limitation any ministerial permits from the city.

5. ADMINISTRATIVE ORDERS AND REGULATIONS

In addition to the requirements in this policy, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and convenience. All small wireless facilities must conform to all applicable orders and regulations issued by the Director, unless the Director, in the Director's discretion, grants a prior written waiver to deviate, in whole or in part, any such order or regulation. Waivers by the Director shall be considered and approved or denied on a competitively neutral and nondiscriminatory basis. The Director shall develop and publish guidelines to implement the waivers authorized by this section.

6. PERMIT APPLICATIONS

(a) **Application Required.** The Director shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy small wireless facilities except upon a complete and duly filed application consistent with this section and any other written rules or requirements the city or the Director may establish from time to time in any publicly-stated format.

(b) **Application Fee.** The applicant shall submit the applicable permit application fee adopted by City Council resolution. Batched applications must include the permit application fee for each small wireless facility in the batch. If no permit application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the city for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.

(c) **Application Content.** All applications for a permit must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All such requirements must be in written form and publicly stated to provide applicants with prior notice. Notwithstanding anything in this policy to the contrary, all applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.

(d) **Application Submittal.** Unless the Director establishes an alternative submittal procedure pursuant to section 5, all applications must be submitted to the city during at a pre-scheduled appointment. Applicants may submit one application per small wireless facility up to a maximum of five separate applications for small wireless facilities together as a batched application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The city shall use reasonable efforts to provide the applicant with an appointment within five working days after the city receives a written request. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.

(e) **Optional Pre-Submittal Conference.** The city shall provide prospective applicants with the opportunity to schedule and attend a pre-submittal conference with city staff. The city encourages pre-submittal conferences for all applications. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing small wireless facility, such as compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The city shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services rendered in the pre-submittal conference.

(f) **Optional Community Meetings.** The city encourages, but does not require, applicants to schedule, notice, arrange, and attend a voluntary pre-submittal community meeting with all interested members of the public. This voluntary community meeting does not cause the shot clock to begin and is intended to give applicants the opportunity to hear from members of the public regarding the proposed deployment. Applicants should schedule any voluntary community meetings at times and in locations that are conducive to maximizing public participation. Applicants are encouraged (but not required) to bring any draft applications, plans, maps, presentations or other materials to facilitate the public's understanding of the applicant's proposal. Applicants are also encouraged (but not required) to maintain minutes or a comment log of the community meeting. The city seeks to encourage dialogue that may allow applicants to address areas of concern and may lessen the likelihood of appeals of the Director's decision to the City Manager by any interested person or entity. Community meetings may be conducted before or after submittal.

(g) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city within 90 calendar days after the city deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

7. PUBLIC NOTICE

Within five calendar days after the Director acts on an application governed under this policy or before the shot clock expires (whichever occurs first), the Director shall send a written notice to the applicant and any interested person that requests notice of the decision. If the Director denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the denial. All decision notices shall include instructions for how and when to file an appeal.

8. APPROVALS; DENIALS; APPEALS

(a) **Initial Administrative Decision.** The Director shall approve, conditionally approve or deny a complete and duly filed permit application without a public hearing. To allow interested persons with a meaningful opportunity to appeal the Director's decision, the Director shall act within 29 shot clock days from a duly filed application.

(b) **Required Findings for Approval.** The Director (or the City Manager on appeal) may approve or conditionally approve an application for a site plan review only when it makes all the following findings:

(1) the proposed project qualifies as a "small wireless facility" as defined by the FCC;

(2) the proposed project complies with the location standards in section 9;

(3) the proposed project complies with the design standards in section 10;

(4) the proposed project meets the required findings for site plan review under Madera Municipal Code § 10-3.4.0106;

(5) the applicant has shown that it can obtain any wireline communications and electrical service connections necessary to operate the small wireless facility and the project plans show the proposed route for all such connections between their source and the small wireless facility;

(6) the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and

(7) all public notices required for the application have been given.

(c) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or state laws, nothing in this policy is intended to limit the Director's ability to conditionally approve or deny without prejudice any application governed under this policy as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, the Madera Municipal Code and/or this policy.

(d) **Appeals.** Any interested person may appeal the Director's decision to the City Manager. The appeal must be filed with the City Clerk within seven calendar days from the date of the Director's decision. The appeal must contain a short and plain statement about the basis for the appeal, which may be supplemented after the notice period has expired but before the appeal hearing. Appeals from an approval shall not be permitted when based on reasons otherwise compliant under this policy, including appeals based on duly adopted preapproved designs or the environmental effects from RF emissions that are compliant with applicable FCC regulations and guidelines. The City Manager shall hear appeals *de novo* and issue the applicant and any person entitled to notice a written decision within five calendar days after the appeal hearing. If the City Manager denies the application on appeal (whether by affirmation or reversal), the written notice shall contain the reasons for the decision. The City Manager's decision shall be final and not subject to any further appeals.

9. LOCATION STANDARDS

(a) **Locations.** To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, this section describes preferred and discouraged locations for small wireless facilities in the public rights-of-way.

(1) **Preferred Locations.** The city requires small wireless facilities in the public rights-of-way to be installed at locations, ordered from most preferred to least preferred, as follows:

(A) industrial zones along any road classification (arterial, collector, local/branch collector, local street);

(B) commercial zones along any road classification (arterial, collector, local/branch collector, local street);

(C) other non-residential zones along arterials or collectors;

(D) other non-residential zones along local/branch collector or local streets;

(E) Public Facilities zone not directly adjacent to any residential zones.

(2) **Discouraged Locations.** Applicants shall not propose to install small wireless facilities in a discouraged location unless no alternative site in a preferred location would be technically feasible. If all preferred locations are technically infeasible, the applicant shall use the least-discouraged location. The following locations are discouraged, and ordered from most discouraged to least discouraged:

(A) any location within 100 feet of a historically designated property or resource.

(B) any location within 100 feet of a residential zone or within 100 feet of a residence;

(C) residential zones along local streets;

(D) residential zones along local/branch collectors;

(E) residential zones along collectors;

(F) residential zones along arterials;

(G) Public Facilities zone located directly adjacent to residential zones.

(3) **Additional Location Standards.** In addition to all other standards in this section 9, small wireless facilities and all associated antennas, accessory equipment or improvements shall:

(A) be placed as close as possible to alignment with the property line that divides two parcels abutting the public rights-of-way;

(B) not be placed directly in front of any ground-level door;

(C) not be placed directly in front of any first- or multi -story window;

(D) not be placed within any clear zone at any intersections;

(E) not be placed in any location that obstructs view lines for traveling vehicles, bicycles and pedestrian;

(F) not be placed in any location that obstructs views of any traffic signs or signals;

(G) not be placed in any location that obstructs illumination patterns for existing streetlights;

(H) for new, non-replacement support structures, be placed at least 50 feet from any streetlight, utility pole or other similar support structure.

(b) **Support Structures.** To assist applicants, staff and the approval authority understand and respond to the community's aesthetic preferences and values, and to mitigate unnecessary obstructions in the public rights-of-way, this section 9(b) describes preferred and prohibited support structures.

(1) **Support Structure Preferences.** The city requires small wireless facilities in the public rights-of-way to be installed on support structures, ordered from most preferred to least preferred, as follows:

(A) existing or replacement non-pole concealment structures, such as monuments, kiosks, bus shelters and other street furniture;

(B) existing or replacement streetlights;

(C) existing or replacement utility poles;

(D) new, non-replacement streetlights;

(E) new, non-replacement non-pole concealment structures.

(2) **Prohibited Support Structures.** Small wireless facilities shall not be installed on the following support structures:

(A) traffic signals;

(B) decorative poles;

(C) temporary or non-replacement wood poles.

(c) **Replacement Pole Locations.** All replacement poles must be: (1) located as close to the removed pole's location as possible; (2) aligned with the other existing poles along the public rights-of-way; and (3) compliant with all applicable standards and specifications issued by the Director, which may include, without limitation, requirements related to aesthetics, materials and safety.

(d) **Encroachments Over Private Property.** No small wireless facility, or any antenna, accessory equipment or other improvements associated with a small wireless facility, may extend onto or over any private or public property outside the public rights-of-way without the property owner's prior written consent.

10. DESIGN STANDARDS

(a) **General Design Standards.** The standards in this section 10(a) shall be applicable to all small wireless facilities in the public rights-of-way:

(1) **Concealment.** All small wireless facilities must be stealth to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

(2) **Overall Height.** No small wireless facility may extend more than six feet above the support structure, plus any minimum separation between the antenna and other pole attachments required by applicable health and safety regulations.

(3) **Finishes.** All exterior surfaces shall be painted, colored and/or wrapped in flat, nonreflective hues that match the underlying support structure or blend with the surrounding environment. All surfaces shall be treated with graffiti-resistant sealant. All finishes shall be subject to the approval authority's prior approval.

(4) **Noise.** All small wireless facilities must be compliant with all applicable noise regulations. Equipment likely to create noise, such as cooling fans, are strongly discouraged except when placed in an underground vault. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

(5) **Trees and Landscaped Plants.** Small wireless facilities shall not cause ground disturbance within any tree drip line. Small wireless facilities may not displace any existing tree or landscape features. All small wireless facilities proposed to be placed in a landscaped area in the public rights-of-way must include landscape features (which may include, without limitation, shrubs and ground cover) and a landscape maintenance plan. The approval authority may require additional landscape features for small wireless facilities proposed to be placed in a landscaped area in the public rights-of-way to screen the small wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this policy. All plants proposed or required must be native and/or drought-resistant and be consistent with any landscaping requirements for the underlying zone.

(6) **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as locks, removable climbing pegs and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall concealment, and the approval authority may condition approval on additional concealment elements to mitigate any aesthetic impacts, which may include, without limitation,

additional landscape features. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures. Cabinets and equipment shrouds must be kept secured to prevent unauthorized access. Alarm systems shall not include any audible sirens or other sounds.

(7) **Secondary Power Sources.** The approval authority may approve secondary or backup power sources on a case-by-case basis. The approval authority shall not approve any permanent diesel generators within the public rights-of-way or at any other location or within 200 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

(8) **Lights.** All new or replacement street lights and street light fixtures must be aimed and shielded so that their illumination effects are directed downwards and confined within the public rights-of-way in a manner consistent with any other standards and specifications as identified or required by the approval authority. Small wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC or other applicable federal or state governmental regulations. All antennas, accessory equipment and other improvements with indicator, status or other lights must be installed in locations and within enclosures that eliminate illumination impacts visible from publicly accessible areas. Any light beacons or lightning arresters shall be included in the overall height calculation.

(9) **Signage; Decals; Advertisements.** All small wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage, decals or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.

(10) **Parking.** Small wireless facilities and any associated accessory equipment or other improvements shall not reduce any street parking spaces within the public rights-of-way.

(11) **Fire Safety.** All small wireless facilities shall include (1) a power shut off immediately accessible to fire service personnel, through a Knox box or similar rapid-access system approved by the fire safety authority, upon arrival at the scene of a fire and/or anticipated power surge due to power being turned off or on for any reason; (2) surge protection devices capable of mitigating a direct or partial direct lightning discharge; (3) surge protection devices capable of mitigating significant electrical disturbances that may enter the small wireless facility via conductive cables; (4) at least one-hour fire resistant interior surfaces to be used in the composition of all structures; and (5) monitored automatic fire

notification and suppression systems for all small wireless facilities as approved by the applicable fire safety authority.

(12) **Compliance with Laws.** All small wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, general plan and any applicable specific plan, the Madera Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

(b) **Antennas.** In addition to all generally applicable design standards in section 10(a), this Section 10(b) sets out specific preferences and standards for antennas.

(1) **Placement.** Antennas should be placed above the pole, unless the approval authority finds that an alternative placement results in an aesthetically superior design based on site-specific circumstances.

(2) **Stealth/Concealment.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware must be installed within a unified shroud or "radome" to the extent technically feasible. Antenna shrouds must be visually consistent with the underlying pole's design, color and scale. Antenna shrouds placed above a pole must taper down to the point where the shroud and pole connect to conceal the cables below the antennas and create a smooth transition into the pole. All antenna mounting posts shall be trimmed so that the post does not extend above the antenna. For antennas approved to be affixed to the side of the pole within a shroud, all cables must be concealed within the shroud and extension arm to create a smooth transition into the pole, to the maximum extent feasible, or back into the external conduit on the pole, if any.

(3) **Volume.** Any individual antenna (including its concealment) shall not exceed three cubic feet in volume. The cumulative limit for all antenna (including their concealment) on a single small wireless facility shall not exceed: (A) three cubic feet for small wireless facilities within 250 feet from a residential dwelling; or (B) six cubic feet for small wireless facilities in all other locations.

(c) **Accessory Equipment.** In addition to all generally applicable design standards in Section 10(a), this Section 10(c) sets out specific preferences and standards for accessory equipment.

(1) **Placement Preferences.** This subsection describes the city's general preferences for accessory equipment placement and configuration on or around the pole. Applicants shall propose small wireless facilities in compliance with these preferences to the maximum extent feasible. The approval authority may approve a lesser-preferred configuration for the accessory equipment

when the applicant demonstrates that more-preferred configurations are technically infeasible, or the approval authority finds that a lesser-preferred configuration is more consistent with existing poles and the surrounding environment. The city generally prefers accessory equipment to be placed, ordered from most preferred to least preferred, as follows:

(A) within an environmentally controlled underground equipment vault;

(B) within an architecturally integrated enclosure at the base of the pole;

(C) within a shroud mounted above ground level on the pole;

(D) within a separate surface-mounted equipment cabinet.

(2) **Volume.** The cumulative limit for all accessory equipment (including their concealment) on a single small wireless facility shall not exceed: (A) 10 cubic feet for small wireless facilities within 250 feet from a residential dwelling; or (B) 17 cubic feet for small wireless facilities in all other locations. These limits shall not be applicable to undergrounded accessory equipment.

(3) **Undergrounded Equipment.** Consistent with CPUC and local policies, the city strongly prefers undergrounded accessory equipment whenever possible because it mitigates unnecessary physical obstructions and aesthetic harm caused by unsightly infrastructure in the public rights-of-way. This section 10(c)(3) sets out specific preferences and standards for undergrounded accessory equipment.

(A) **When Required.** Accessory equipment (other than any electric meter (where permitted) and an emergency disconnect switch) shall be placed underground when proposed in any (i) underground utility district; (ii) any area where all existing utilities are substantially undergrounded; or (iii) any location where the approval authority finds substantial evidence that the additional above-ground accessory equipment would incommode the public's uses in the public rights-of-way.

(B) **Equipment Vaults.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the city's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover and properly secured to prevent unauthorized access. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Vault lids may contain manufacturer and site operator information but shall not exhibit commercial advertisements.

(4) **Base-Mounted Accessory Equipment.** This section 10(c)(4) sets out specific preferences and standards for base-mounted accessory equipment.

(A) **Concealment.** Base-mounted accessory equipment enclosures must be architecturally integrated with the pole and surrounding environment. For poles that already include a larger or decorative base, the base-mounted accessory equipment enclosure should mimic the existing design and/or decorative features. Base-mounted accessory equipment enclosures should include a tapered or decorative transition between the enclosure and the pole, unless (i) the proposed facility is a pre-approved design that does not include such a transition or (ii) the approval authority finds that such a transition would be less aesthetically desirable considering the pole and surrounding environment.

(B) **Maximum Dimensions.** Any base-mounted accessory equipment enclosure integrated into the pole shall not exceed the following dimensions: (i) 48 inches in height, measured from grade level to the highest point on the enclosure, but excluding any decorative design elements that transition the wider base into the narrower pole; and (ii) 26 inches in length or width on any rectangular enclosure or 28 inches in diameter for any round, hexagonal, octagonal or similarly shaped enclosure.

(C) **Graffiti and Litter Prevention.** Base-mounted accessory equipment enclosures must be coated with anti-graffiti finishes. To prevent litter and other objects placed on such equipment, base-mounted accessory equipment enclosures should not have any flat horizontal surfaces greater than 1.5 square inches.

(5) **Pole-Mounted Accessory Equipment.** This section 10(c)(5) sets out specific preferences and standards for pole-mounted accessory equipment.

(A) **Concealment.** Applicants should propose to place any pole-mounted accessory equipment in the least conspicuous position under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. Unless placed behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment should be oriented away from prominent views. In general, the proper orientation will likely be toward the street to reduce the overall profile when viewed from the nearest abutting properties. If orientation toward the street is not feasible, then the proper orientation will most likely be away from oncoming traffic. If more than one orientation would be technically feasible, the Director may select the most appropriate orientation.

(B) **Minimum Ground Clearance.** The lowest point on any pole-mounted accessory equipment shall be at least 8 feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than 8 feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.

(C) **Horizontal Extensions.** Pole-mounted accessory equipment should be as close to flush with the pole as technically feasible and shall not extend over any roadway for vehicular travel or any abutting private property. If applicable laws preclude flush-mounted accessory equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet "flaps" or "wings").

(6) **Surface-Mounted Equipment Cabinets.** This section 10(c)(6) sets out specific preferences and standards for surface-mounted accessory equipment.

(A) **Concealment.** Concealment for surface-mounted equipment cabinets will be assessed on a site-specific basis and consider the location and existing uses and aesthetic elements in the vicinity. In general, the city prefers surface-mounted accessory equipment to be concealed as follows: (i) within a landscaped parkway, median or similar location, behind or among new/existing landscape features and painted or wrapped in flat natural colors to blend with the landscape features; (ii) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as, for example, mailboxes, benches, trash cans and information kiosks; and (iii) if neither landscaping concealment or street furniture is available, accessory equipment should be completely shrouded or placed in a cabinet substantially similar in appearance to existing surface-mounted accessory equipment cabinets in the vicinity.

(B) **Public Safety.** To promote and protect public health and safety and prevent potential hazards hidden behind large equipment cabinets, individual surface-mounted accessory equipment cabinet may not exceed four feet in height or four feet in width. Surface-mounted accessory equipment enclosures must be coated with anti-graffiti finishes. To prevent litter and other objects placed on such equipment, surface-mounted accessory equipment enclosures should not have any flat horizontal surfaces greater than 1.5 square inches.

(d) **Utilities.** The provisions in this section 10(d) are applicable to all utilities and other related improvements that serve small wireless facilities.

(1) **Overhead Lines.** The approval authority shall not approve any new overhead utility lines in underground utility districts. In areas with existing overhead lines, new communication lines shall be "overlashed" with existing communication lines to the extent feasible, but service conduits shall be placed underground. No new overhead utility service drops shall be permitted to traverse any roadway used for vehicular transit.

(2) **Vertical Cable Risers.** All cables, wires and other connectors must be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility poles, applicants shall route them through external conduits or shrouds that have been finished to match the underlying pole. The applicant shall minimize the number and size of external conduits to the extent technically feasible.

(3) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds

(4) **Electric Meters.** Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a separate meter pedestal per city standards. If the proposed project involves a surface-mounted equipment cabinet, an electric meter may be integrated with the cabinet, but the approval authority shall not approve a separate surface-mounted electric meter pedestal. In no case shall permittee be permitted to use electricity/power provided by a city-owned streetlight or city-owned circuit without separate written authorization from the city.

(5) **Existing Underground Conduits.** To reduce unnecessary wear and tear on the public rights-of-way, applicants are encouraged to use existing conduits whenever available and technically feasible. Access to any conduit owned by the city shall be subject to a separate written agreement and the Director's prior written approval, which the Director may withhold or condition as the Director deems necessary or appropriate to protect the city's infrastructure, prevent interference with the city's municipal functions and public health and safety.

(e) **Historic Resources.** This policy shall not be construed or applied to limit the city's authority to enforce other laws or regulations intended to protect or preserve historic resources. Any small wireless facility that adversely impacts any historic resource shall not be approved without an exception pursuant to section 13.

11. PRE-APPROVED DESIGNS

(a) **Preface.** To expedite the review process and encourage collaborative designs among applicants and the city, the City Council authorizes the Director to designate one or more pre-approved designs for small wireless facilities. This section sets out the process to establish or repeal a pre-approved design and the expedited review procedures and findings applicable to these applications.

(b) **Adoption.** The Director, in the Director's discretion, may establish a pre-approved design when the Director finds that a proposed pre-approved design would be (i) in substantial conformance with the applicable design requirements in section 10 and (ii) architecturally compatible with the areas in which the pre-approved design would be available. The Director shall post a public notice at City Hall and on the city's website. The notice must generally describe the pre-approved design, include a photograph or photo simulation, specify whether the pre-approved design would be limited or restricted in any areas. The pre-approved design shall become effective 15 days from the notice required in this section. A decision by the Director not to adopt a proposed pre-approved design or the Director's failure to act on a request for a proposed pre-approved design is not appealable.

(c) **Repeal.** The Director may repeal any pre-approved design by notice posted at City Hall and on the city's website. The repeal shall be immediately effective. The Director's repeal, refusal to repeal or failure to act on a request to repeal a pre-approved design is not appealable.

(d) **Nondiscrimination.** An established pre-approved design may be used by any applicant, whether the applicant originally initiated the pre-approval process or not. The Director's decision to adopt a pre-approved design expresses no preference or requirement that applicants use the specific vendor or manufacturer that fabricated the design depicted in the pre-approved plans. Any other vendor or manufacturer that fabricates a small wireless facility to the standards and specifications in the pre-approved design with like materials, finishes and overall quality shall be acceptable as a pre-approved design.

(e) **Modified Findings for Approval.** For any complete site plan review application using a pre-approved design, the approval authority shall presume that the proposed project complies with the findings required under sections 8(b)(1) and 8(b)(3). No such presumption shall be applicable to the required findings under sections 8(b)(2), 8(b)(4) and 8(b)(5).

12. STANDARD CONDITIONS OF APPROVAL

(a) **Standard Conditions.** Except as may be modified in section 12(b), all small wireless facilities approved under this policy shall be automatically subject to the conditions in this section 12(a) and these conditions shall be deemed to be

incorporated by reference to any site plan approval, whether approved by the city or deemed approved by law.

(1) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the city to establish a shorter term for public safety reasons or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this small wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

(2) **Permit Renewal.** The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the subject small wireless facility complies with all the conditions of approval associated with this permit and all applicable provisions in the Madera Municipal Code and this policy that exists at the time the decision to renew or not renew is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with the Madera Municipal Code, this policy or other applicable law. Upon renewal, this permit will automatically expire 10 years and one day from its issuance.

(3) **Approved Plans.** Any final construction plans shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the "Approved Plans"). The permittee must construct, install and operate the small wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the small wireless facility, shall be subject to the Director's prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the Approved Plans, the Director may refer the request to the approval authority if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.

(4) **CPUC GO-159A Certification.** Within 15 business days after the city issues this permit, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.

(5) **Build-Out Period.** This permit will automatically expire 12 months from the approval date (the "Build-Out Period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the

approved small wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the small wireless facility and/or its use. The permittee may request in writing, and the city may grant in writing, one six-month extension if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for such extension. If the Build-Out Period and any extension finally expire, this permit shall be automatically void but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.

(6) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved under this policy or deemed-approved by law, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.

(7) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this permit. At all times, the permittee shall keep the site area free from all litter and debris. The permittee shall regularly inspect the small wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism on the small wireless facility within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

(8) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. No failure or omission by the city to timely notice, prompt or enforce compliance with any applicable provision in the Madera Municipal Code, this policy any permit, any permit condition or any

applicable Laws, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with same.

(9) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site and/or small wireless facility. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Madera Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city or other state or federal government agency or official with authority to declare an emergency within the city. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from the small wireless facility or related equipment violates applicable provisions in the Madera Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, the Madera Municipal Code or other applicable laws, may require the permittee to commission a noise study by a qualified professional to evaluate the small wireless facility's compliance.

(10) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that, upon reasonable prior notice to the permittee, the city's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the small wireless facility and related equipment and/or improvements to ensure compliance with this permit and all associated conditions. Notwithstanding the prior sentence, the city's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the city's officers, officials, staff or other designees while any such inspection or emergency access occurs.

(11) **Contact Information.** At all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the small wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator,

equipment owner and site manager; and (C) a toll-free telephone number to the small wireless facility's network operations center where a live person with power-down control over the small wireless facility is available 24 hours-per-day, seven days-per-week. Within 10 business days after a written request by the city, the permittee shall furnish the Director with an updated form that includes all the most-current information described in this condition.

(12) **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the city, City Council and the city's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the city's approval of this permit, and (B) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the small wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

(13) **Removal Bond.** Before the city issues any permits required to commence construction in connection with this permit, the permittee shall post a bond issued by a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or similar infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the small wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing

or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject small wireless facility in accordance with this condition.

(14) **Permit Revocation.** Any permit granted under this policy or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the small wireless facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the small wireless facility and any associated conditions with such permit(s). A permit granted under this policy or deemed approved by the operation of law may be revoked only by the City Council after a duly notice public hearing. Before any public hearing to revoke a permit granted under this policy or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the small wireless facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the city may pursue, the city may initiate revocation proceedings for failure to correct such violation(s). The City Council may revoke a permit when it finds substantial evidence in the written record to show that the small wireless facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the small wireless facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

(15) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, this permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, "Records"). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the city's regular files will control over any conflicts between such city-controlled copies or Records and the permittee's electronic

copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any Records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

(16) **Abandoned Facilities.** The small wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous 12-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Madera Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the city shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the city in connection with such removal and/or restoration activities and shall reimburse the city for all such costs 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs.

(17) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the city. The permittee shall be responsible to maintain any replacement landscape features for a three-year period after such landscaping has been installed. Notwithstanding anything in this condition to the contrary, the Director may agree in a written agreement signed by the permittee to accept an annual in-lieu fee to perform the maintenance work on the permittee's behalf.

(18) **Cost Reimbursement.** The permittee acknowledges and agrees that (A) the permittee's request for authorization to construct, install and/or operate the small wireless facility will cause the city to incur costs and expenses; (B) the permittee shall be responsible to reimburse the city for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the small wireless facility; (C) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the city for all such costs

30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the city shall have the right to withhold any permits or other approvals in connection with the small wireless facility until and unless any outstanding costs have been reimbursed to the city by the permittee.

(19) **Future Undergrounding Programs.** Notwithstanding any term remaining on this permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must also underground its equipment, except the antennas and any approved electric meter or related electric-service equipment required by the electric service provider to remain above ground, at approximately the same time. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition; provided, however, that the Director may approve an alternative concealment plan for such equipment that complies with the city's then current design regulations. Small wireless facilities installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the city's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.

(20) **Electric Meter Upgrades.** If the small wireless facility includes a separate or ground-mounted electric meter pedestal and the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

(21) **Rearrangement and Relocation.** The permittee acknowledges that the city, in its sole discretion and at any time, may: (A) change any street grade, width or location; (B) add, remove or otherwise change any improvements in, on, under or along any street owned by the city or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (C) perform any other work deemed necessary, useful or desirable by the city (collectively, "City Work"). The city reserves the rights to do any and all City Work without any admission on its part that the city would not have such rights without the express reservation in this permit. If the City Engineer determines that any City Work will require the permittee's small

wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the City Engineer's notice, the city may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The city may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the City Engineer determines that City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the city for all costs and expenses in connection with such work within 30 calendar days after a written demand for reimbursement and reasonable documentation to support such costs.

(22) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the city and permittee and their respective successors and assigns.

(23) **Truthful and Accurate Statements.** The permittee acknowledges that the city's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the city in connection with this permit or the small wireless facility approved under the this permit, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

(24) **City's Standing Reserved.** The city's grant or grant by operation of law of a permit pursuant to this policy does not waive, and shall not be construed to waive, any standing by the city to challenge any (A) FCC rules or regulations that interpret the Telecommunications Act and/or Section 6409 of the Spectrum Act or (B) any permit issued pursuant to this policy.

(25) **Severable Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (B) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.

(b) **Modified Conditions.** The City Council authorizes the Director to modify, add or remove conditions to any site plan approval as the Director deems necessary or

appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in section 12(a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with the Madera Municipal Code, this policy, generally applicable health and safety requirements and/or any other applicable laws.

13. EXCEPTIONS

(a) **Preface.** The provisions in this section establish a procedure by which the city may grant an exception to the standards in this policy but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in section 13(b) in addition to the findings required under section 8(b). Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance does not create a presumption or expectation that an exception will be granted in any other instance.

(b) **Findings for an Exception.** The approval authority may grant an exception to any provision or requirement in this policy only if the approval authority finds that:

(1) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or

(2) a provision in this policy, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law.

(c) **Scope of Exception.** If the approval authority finds that an exception should be granted, the exception shall be narrowly tailored so that the exception deviates from this policy to least extent necessary for compliance with federal or state law.

(d) **Burden of Proof.** The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

14. PEER REVIEW AND INDEPENDENT CONSULTANTS

(a) **Authorization.** The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include, without limitation: (1) permit application completeness and/or accuracy; (2) pre-construction planned compliance with

applicable regulations for human exposure to RF emissions; (3) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (4) whether and to what extent a proposed project will comply with applicable laws; (5) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the city's discretion to review; and (6) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written report, testify at public meetings, hearings and/or appeals and attend meetings with city staff and/or the applicant.

(b) **Cost Reimbursement.** Subject to applicable laws, the applicant shall be responsible for the reasonable costs actually incurred by the city in connection with a consultant's review, which may include, without limitation, costs incurred by the consultant to attend and participate in any meetings or hearings related to the application. Within a reasonable time after notice from the Director, the applicant shall deposit funds in an amount equal to the estimated costs for the consultant's services, as determined by the Director. The funds shall be applied to the consultant's invoices as such invoices are approved by the Director. If the deposit exceeds the total costs for the consultant's services, the Director shall promptly return any unused funds to the applicant after the small wireless facility has been installed and passes a final inspection. If the reasonable costs for the consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The city shall not issue any building permit or encroachment permit to any applicant with any unpaid invoices.

15. VIOLATIONS

Any use or condition caused or permitted to exist in violation of any provision of this policy shall be and hereby is declared a public nuisance and may be subject to administrative citations as set forth in Madera Municipal Code Title I, Chapter 9, abatement pursuant to Madera Municipal Code §§ 10-3.1601 *et seq.*, California Code of Civil Procedure section 731, or any other remedy available to the city.

APPENDIX A – FEDERAL STATUTES

This Appendix contains relevant federal statutes cited or referred to in the city's policy for informational and reference purposes only. These authorities are current as of the date on which the city adopted the policy. However, the reader should be cautioned that these authorities may be amended or superseded from time-to-time and those amended or superseded versions will control over the reproduced text in this Appendix.

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47 U.S.C. § 253 — Removal of barriers to entry.

(A) In General

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(B) State Regulatory Authority

Nothing in this section shall affect the ability of a State to impose on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(C) State and Local Government Authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(D) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b), the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

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47 U.S.C. § 332(c)(7) — Preservation of local zoning authority.

(A) General Authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) Definitions

For purposes of this paragraph--

(i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services; and

(iii) the term "unlicensed wireless service" means the offering of telecommunications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct-to-home satellite services (as defined in section 303(v) of this title).

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47 U.S.C. § 1455(a) — Wireless facilities deployment.

(A) Facility modifications

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request

For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves--

(A) collocation of new transmission equipment.

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) Applicability of environmental laws

Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

APPENDIX B – FCC REGULATIONS

This Appendix contains relevant FCC regulations cited or referred to in the city's policy for informational and reference purposes only. These authorities are current as of the date on which the city adopted the policy. However, the reader should be cautioned that these authorities may be amended or superseded from time-to-time and those amended or superseded versions will control over the reproduced text in this Appendix.

Some additional background on how the FCC organizes its regulations may help the reader check for subsequent changes to these rules. The FCC's codified regulations appear in the Code of Federal Regulations (abbreviated as "C.F.R."). The C.F.R. is organized in titles. The FCC's codified regulations appear in Title 47– Telecommunication, and are further organized in chapters, subchapters, parts and subparts. All the provisions reproduced below appear in Part 1, and most appear in Subpart U to Part 1.

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47 C.F.R. § 97.3 — Definitions.

(A) The definitions of terms used in part 97 are:

(1) Amateur operator. A person named in an amateur operator/primary license station grant on the [Universal Licensing System] consolidated licensee database to be the control operator of an amateur station.

(2) Amateur radio services. The amateur service, the amateur-satellite service and the radio amateur civil emergency service.

(3) Amateur-satellite service. A radiocommunication service using stations on Earth satellites for the same purpose as those of the amateur service.

(4) Amateur service. A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

(5) Amateur station. A station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications.

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47 C.F.R. § 1.4000 — Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

(A)(1) [This FCC regulation defines an "OTARD" antenna as follows]:

(i) An antenna that is:

(A) Used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, and

(B) One meter or less in diameter or is located in Alaska.

(ii) An antenna that is:

(A) Used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite, and

(B) That is one meter or less in diameter or diagonal measurement.

(iii) An antenna that is used to receive television broadcast signals; or

(iv) A mast supporting an antenna described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section;

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47 C.F.R. § 1.6002 — Definitions.

Terms not specifically defined in this section or elsewhere in this subpart have the meanings defined in this part and the Communications Act of 1934, 47 U.S.C. 151 *et seq.* Terms used in this subpart have the following meanings:

(A) Action or to act on a siting application means a siting authority's grant of a siting application or issuance of a written decision denying a siting application.

(B) Antenna, consistent with § 1.1320(d), means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the

term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this chapter.

(C) Antenna equipment, consistent with § 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

(D) Antenna facility means an antenna and associated antenna equipment.

(E) Applicant means a person or entity that submits a siting application and the agents, employees, and contractors of such person or entity.

(F) Authorization means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

(G) Collocation, consistent with § 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, appendix B of this part, section I.B, means—

(1) Mounting or installing an antenna facility on a pre-existing structure; and/or

(2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

(3) The definition of "collocation" in § 1.6100(b)(2) applies to the term as used in that section.

(H) Deployment means placement, construction, or modification of a personal wireless service facility.

(I) Facility or personal wireless service facility means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

(J) Siting application or application means a written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.

(K) Siting authority means a State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.

(L) Small wireless facilities are facilities that meet each of the following conditions:

(1) The facilities—

(i) Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or

(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in § 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under part 17 of this chapter;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

(M) Structure means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

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47 C.F.R. § 1.6003 — Reasonable periods of time to act on siting applications.

(A) Timely action required. A siting authority that fails to act on a siting application on or before the shot clock date for the application, as defined in paragraph (e) of this section, is presumed not to have acted within a reasonable period of time.

(B) Shot clock period. The shot clock period for a siting application is the sum of—

(1) The number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (c) of this section; plus

(2) The number of days of the tolling period, if any, pursuant to paragraph (d) of this section.

(C) Presumptively reasonable periods of time—

(1) Review periods for individual applications. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth in paragraphs (c)(1)(i) through (iv) of this section:

(2) Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.

(ii) Review of an application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.

(iii) Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.

(iv) Review of an application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.

(2) Batching.

(i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (c)(1)(i) or (iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.

(ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (c)(1)(i) of this section and deployments that fall within paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.

(iii) Siting authorities may not refuse to accept applications under paragraphs (c)(2)(i) and (ii) of this section.

(D) Tolling period. Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth in paragraphs (d)(1) through (3) of this section.

(1) For an initial application to deploy Small Wireless Facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the

missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.

(2) For all other initial applications, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;

(iii) But only if the notice pursuant to paragraph (d)(2)(i) of this section is effectuated on or before the 30th day after the date when the application was submitted; or

(3) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority's original request under paragraph (d)(1) or (2) of this section; until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;

(iii) But only if the notice pursuant to paragraph (d)(3)(i) of this section is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority's request under paragraph (d)(1) or (2) of this section.

(E) Shot clock date. The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (b) of this section and including any pre-application period asserted by the siting authority; provided, that if the date calculated in this manner is a "holiday" as defined in § 1.4(e)(1) or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The

term "business day" means any day as defined in § 1.4(e)(2) and any day that is not a legal holiday as defined by the State or local jurisdiction.

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47 C.F.R. § 1.6100 — Wireless Facility Modifications.[1]

(A) [Reserved by 83 FR 51886]

(B) Definitions. Terms used in this section have the following meanings.

(1) Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

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[1] In 2018, the FCC reorganized its regulations and recodified Section 1.40001 as Section 1.6100. *See In re Accelerating Wireless Broadband*, Erratum, 33 FCC Rcd. 9088 at ¶ 2 (Nov. 29, 2018). However, the FCC did not correct all internal cross references and so some provisions in Section 1.6100 still refer to the old subsections within Section 1.40001. This reproduction corrects those typographical errors with the correct cross references, denoted by bracketed text. All other provisions remain consistent with the published FCC regulation.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(4) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.

(7) Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.[6100](b)(7)(i) through (iv).

(8) Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(C) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) Tolling of the timeframe for review. The 60–day period begins to run when the application is filed and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing

information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) Failure to act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) Remedies. Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

APPENDIX C – STATE STATUTES

This Appendix contains relevant California statutes cited or referred to in the city's policy for informational and reference purposes only. These authorities are current as of the date on which the city adopted the policy. However, the reader should be cautioned that these authorities may be amended or superseded from time-to-time and those amended or superseded versions will control over the reproduced text in this Appendix.

California Public Utilities Code § 7901

Telegraph or telephone corporations may construct lines of telegraph or telephone lines[2] along and upon any public road or highway, along or across any of the waters or lands within this State, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

California Public Utilities Code § 7901.1

(a) It is the intent of the Legislature, consistent with Section 7901, that municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.

(b) The control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.

(c) Nothing in this section shall add to or subtract from any existing authority with respect to the imposition of fees by municipalities.

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[2] "Telephone line" includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires. CAL. PUB. UTILS. CODE § 233.

REPORT TO CITY COUNCIL

Approved by:

Kingsley Okereke, Interim Finance Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: C-2

SUBJECT:

Public hearing regarding the Program Year 2021-2022 Community Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and financial summary

RECOMMENDATION:

Conduct the public hearing, invite public input, and adopt a Resolution approving the 2021-2022 the City's CAPER and financial summary

SUMMARY:

The CAPER outlines the progress made using CDBG and CDBG-Cares Act Program (CV) funds during Program Year 2021/22 (July 1, 2021 to June 30, 2022). The report reflects the City's progress towards achieving the goals identified in the Annual Action Plan. The City will meet HUD requirements regarding preparation and adoption of the CAPER including public noticing and the opportunity to receive public comment. Staff recommends approval of the CAPER to meet the City's program obligations for continued receipt and use of CDBG funds.

DISCUSSION:

The City is a CDBG entitlement jurisdiction which receives an annual funding allocation. HUD requires entitlement communities receiving CDBG funds to annually review and publicly report on the progress made in carrying out the Annual Action Plan. In addition, HUD regulations require an opportunity for the public to comment on the CAPER. Staff published a public hearing notice in the Madera Tribune on September 7, 2022 and also placed it on the City's website. Notices contained details about the date, time, and location for the public hearing and directions on submission of citizen comments. All comments may be received beginning September 7, 2022 through September 22nd. No comments were received as of the writing of this staff report.

The CAPER reflects the City's continued progress in expending its CDBG funds in a timely manner and in meeting the program's primary objectives. The City received $949,042 for its 2020/21 CDBG allocation. At the start of the 2021 program year, the City had a total CDBG balance of $1,693,249 which is the accumulated balance of the current grant funds awarded and funds in the process of being expended from previous program years. There are instances where a program or activity does not expend all awarded funds within the program year and work on these projects is ongoing, resulting in carry-over of funds. These funds can be expended after the program year awarded, which is why the 2021/22 CAPER expenditures are higher than the program year allocation. Table 1 defines the accumulated balance for the 2021/22 program year.

Table 1: *CDBG Fund Balance per Program Year*	
CDBG FY 2021/22 Allocation	$949,042
2016/2017 Remaining Allocation	$15,966
2018/2019 Remaining Allocation	$6,821
2019/2020 Remaining Allocation	$346,078
2020/2021 Remaining Allocation	$296,114
Program Income Adjustment*	$79,228
Beginning FY 2021/22 Balance	**$1,693,249**
*HUD report PR 56 (Attachment A) identifies a grantees line of credit. The adjusted line of credit amount considers potential program income and/or revolving loan funds anticipated for the program year.	

Despite the accrued CDBG balance at the beginning of the program year, the City successfully met HUD's Timeliness requirement. During PY 2021/22, the City expended $1,455,515.27 of CDBG funds through June 30, 2022. Please refer to HUD report PR26 (Attachment B) for a detailed breakdown of expended funds. While not all expenditures were drawn down during the program year, agencies continue making progress in completing projects that were funded in the 2021 Action Plan and it is expected the remainder of the funding should be expended before June 30, 2023.

The following provides a summary of activities and accomplishments of programs and projects funded during the 2021/22 program year.

BIGS STEM Program

Big Brothers Big Sisters provided one-to-one mentoring to 37 at-risk youth. The program assisted youth through empowerment, encouragement, and enrichment. Additionally, youth were provided social emotional support across numerous ways including financial literacy and STEM opportunities.

Madera Coalition for Community Justice Street Art Program

The Street Art program served 87 youth, successfully exceeded its goal of serving 75 youth. The Street Art Project engaged five local schools in participating in community paint events. Youth

participated in a Paint Party in celebration of Black History. Local artists participated in the event and taught youth how to use spray paint and other sketching/painting styles.

Madera Rescue Mission

The Madera Rescue Mission provided homeless services to 119 individuals. The Mission also provided 102 beds (38 for women and 64 for men) and served over 36,000 meals in program year 2021-2022. The Mission currently has 12 participants in their 9–12 month recovery program. Through respite care, six clients were referred to Madera Community Hospital and in partnership with the Camarena Health Mobile Unit, 25 people received medical assistance. Case management was offered to more than 65 clients, and of these, six successfully found permanent housing and eight obtained full-time employment.

O.L.I.V.E. Safe House

OLIVE successfully provided individualized care to victims of human trafficking. They exceeded their goal to serve 13 individuals and served a total of 30 throughout the program year. In December 2021, OLIVE received the "Non-Profit of the Year" award from California Senator Anna Caballero. OLIVE remains focused on providing individual case-managed care including counseling, education/job assistance, drug rehabilitation, and financial literacy and training.

Pequenos Empresarios

The Pequenos Empresarios program exceeded their target goal of assisting 140 clients. During the 2021-2022 program year a total of 178 clients were served. Both children and parent(s) successfully completed the program. Participants attended workshops focused on leadership and values, environmental awareness, business life and finance, manners, and nutrition. Children who participated demonstrated improved academic achievements, social skills, and communication skills.

Madera Coalition for Community Justice Rental Assistance Program (MRAP)

MRAP served 392 Madera residents with rental assistance who faced hardships and were in danger of eviction or utility shutoff. These clients were also offered additional services such as financial assistance, food, legal counsel, and financial counseling. A total of 788 Madera residents were screened for services. Of these, 32 households received rental assistance, 61 received utility assistance, and 63 received assistance with past due electric/gas charges thus preventing utility shut off. Ineligible applicants received a warm hand-off to partnering agencies to assist them with their needs.

CAPMC Rapid Rehousing Program

The Rapid Rehousing program successfully provided wrap around services to 54 local residents. The Homeless Engagement for Living Program (HELP) serves as a one-stop shop for homeless individuals. A total of 279 individuals came in contact with staff from CAPMC through outreach. Of these, one (1) entered a drug rehabilitation program, 67 received referrals to Behavioral Health Services with 7 linking to care. Staff referred 14 individuals to Madera County Workforce

and of those 3 gained employment. A total of 44 homeless individuals were assisted with obtaining a social security card and 10 with a birth certificate.

Habitat for Humanity Exterior Paint Project

This program revitalized homes by providing exterior painting for six homeowners. This program aimed to transform housing stock while renewing the first layer of protection against the elements. The exterior paint program served as both a revitalization and owner-occupied stabilization program. Substantial repairs to the homes that eliminated health & environmental hazards were performed prior to the painting. Once the home was painted, it provided an immediate visual impact to the neighborhood.

CAPMC Continuum of Care (CoC) Program

The CAPMC CoC program addressed community challenges created by homelessness, coordinated case management, intake, and referrals with the local and regional collaboration of homeless service providers, input and accessed data to the Homeless Management Information System and represented Madera in the Fresno/Madera Continuum of Care.

In addition, in the 2020/21 Program Year the City received $938,981 of additional funding from the CARES Act used to assist eligible residents, businesses and programs impacted by COVID-19. Below is a summary of some of the accomplishments from the CDBG-CV funded activities in 2021/22. Please refer to HUD report PR-26 (Attachment C) for a detailed expenditure report of CDBG-CV funds.

CDBG-CV Subrecipient Accomplishments:

- Madera Downtown Association provided emergency business relief to eight (8) eligible businesses.
- Madera County Economic Development Commission provided emergency business relief to 12 businesses.
- Madera Community Action Partnership provided rental and rapid re-housing assistance to 63 households impacted by COVID-19.
- Madera Coalition for Community Justice provided eviction and utility shutoff prevention assistance to 919 households impacted by COVID-19.

FINANCIAL IMPACT:

Approval of the CAPER will not have a direct financial impact on the General Fund, but will satisfy HUD requirements to maintain the City's eligibility for future CDBG funding.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The HUD CDBG program and the activities funded in the 2021/22 program year support the Vision Madera 2025 Plan as follows:

- *Strategy 136:*
    - Transitional Housing: Promote transitional housing to ensure the homeless have safe shelter.
- *Strategy 407:*
    - Promote and expand existing services, supportive services, case management, and self-sufficiency for Madera residents to maintain independent lifestyles.
- *Strategy 337:*
    - Develop programs for Maderans of all ages with an emphasis on youth and senior activities.
- *Strategy 215:*
    - Ensure educational and occupational opportunities are available for all Maderans.

ALTERNATIVES:

As an alternative, the Council may:

- Request additional information from staff prior to taking action.
- Request that staff modify and/or amend the draft CAPER prior to action.
- Direct staff to not submit the CAPER to HUD.

ATTACHMENTS:

1. Attachment A: HUD Report PR-56
2. Attachment B: HUD Report PR-26 CDBG Expenditure Report
3. Attachment C: HUD Report PR-26 CDBG-CV Expenditure Report
4. Resolution
5. CAPER

Attachment A

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Integrated Disbursement and Information System

DATE: 04-14-22
TIME: 11:33
PAGE: 1

Current CDBG Timeliness Report
Grantee : MADERA, CA

PGM YEAR	PGM YEAR START DATE	TIMELINESS TEST DATE	CDBG GRANT AMT	--- LETTER OF CREDIT BALANCE --- UNADJUSTED	ADJUSTED FOR PI	DRAW RATIO UNADJ	ADJ	MINIMUM DISBURSEMENT TO MEET TEST UNADJUSTED	ADJUSTED
2020	07-01-20	05-02-21	911,586.00	1,773,329.54	1,845,990.06	1.95	2.03		
2021	07-01-21	05-02-22	949,042.00	1,595,126.39	1,693,249.11	1.68	1.78	171,563	269,686

NOTE: If ****** appears in place of ratio, then ratio cannot be calculated because either the grantee's current year grant has not been obligated in LOCCS or the current program year start and end dates have not been entered in IDIS.

PART I: SUMMARY OF CDBG RESOURCES	
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	0.00
02 ENTITLEMENT GRANT	949,042.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	11,149.10
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	960,191.10
PART II: SUMMARY OF CDBG EXPENDITURES	
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	1,108,068.79
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	1,108,068.79
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	347,446.48
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	1,455,515.27
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	(495,324.17)
PART III: LOWMOD BENEFIT THIS REPORTING PERIOD	
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	590,117.80
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	590,117.80
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	53.26%
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS	
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS	
27 DISBURSED IN IDIS FOR PUBLIC SERVICES	156,718.07
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	156,718.07
32 ENTITLEMENT GRANT	949,042.00
33 PRIOR YEAR PROGRAM INCOME	52,527.96
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	1,001,569.96
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	15.65%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	347,446.48
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	347,446.48
42 ENTITLEMENT GRANT	949,042.00
43 CURRENT YEAR PROGRAM INCOME	11,149.10
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	960,191.10
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	36.19%

LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17

Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18

Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	4	288	6514017	Homeless Services	03C	LMC	$25,306.39
2020	4	288	6528743	Homeless Services	03C	LMC	$4,693.61
2021	12	308	6619377	Rapid Rehousing	03C	LMC	$524.01
					03C	Matrix Code	$30,524.01
2016	7	241	6514017	Centennial Park Rehabilitation and Lighting Project	03F	LMA	$80,236.68
2016	7	241	6534957	Centennial Park Rehabilitation and Lighting Project	03F	LMA	$16,350.58
2016	7	241	6560767	Centennial Park Rehabilitation and Lighting Project	03F	LMA	$63,794.64
2016	7	241	6621275	Centennial Park Rehabilitation and Lighting Project	03F	LMA	$15,966.89
2018	9	265	6514017	Parks ADA Improvements Phase II	03F	LMC	$13,719.72
					03F	Matrix Code	$190,068.51
2018	11	266	6514017	HAWK Pedestrian Signal	03K	LMA	$71,705.70
2018	11	266	6621279	HAWK Pedestrian Signal	03K	LMA	$6,821.44
					03K	Matrix Code	$78,527.14
2019	4	277	6534957	Sidewalks Improvements Near MLK Middle School	03L	LMC	$36,680.03
2019	4	277	6621279	Sidewalks Improvements Near MLK Middle School	03L	LMC	$15,096.58
2019	4	277	6626043	Sidewalks Improvements Near MLK Middle School	03L	LMC	$51,838.39
2020	12	297	6626044	Lily and Vineyard street improvements	03L	LMC	$19,051.92
					03L	Matrix Code	$122,666.92
2021	6	312	6619905	Homeless Services Program	03T	LMC	$12,203.36
					03T	Matrix Code	$12,203.36
2020	13	298	6528743	Flashing stop signs lake and adell	03Z	LMC	$7,643.57
2020	13	298	6564222	Flashing stop signs lake and adell	03Z	LMC	$2,084.03
2020	13	298	6564223	Flashing stop signs lake and adell	03Z	LMC	$1,660.00
2020	13	298	6621279	Flashing stop signs lake and adell	03Z	LMC	$225.55
					03Z	Matrix Code	$11,613.15
2020	3	287	6514017	Senior Services	05A	LMC	$5,100.73
2020	3	287	6528743	Senior Services	05A	LMC	$32,508.27
					05A	Matrix Code	$37,609.00
2020	7	291	6514017	Youth Services	05D	LMC	$4,373.52
2020	7	291	6528743	Youth Services	05D	LMC	$5,626.48
2020	8	292	6514017	Youth Leadership Program	05D	LMC	$23,432.28
2020	8	292	6528743	Youth Leadership Program	05D	LMC	$10,417.72
2021	3	289	6514017	BIGS Program	05D	LMC	$7,025.32
2021	3	289	6528743	BIGS Program	05D	LMC	$2,974.68
2021	3	305	6619270	BIGS Program	05D	LMC	$1,677.98
2021	5	299	6619265	MMCJ Youth Street Art	05D	LMC	$700.00
2021	8	301	6619615	Pequenos Empresarios 21-22	05D	LMC	$5,000.00
					05D	Matrix Code	$61,227.98
2021	7	300	6619687	OLIVE Safe House	05G	LMC	$22,151.31
					05G	Matrix Code	$22,151.31
2021	9	303	6619363	MCCJ Rental Assistance	05S	LMCSV	$5,342.20
					05S	Matrix Code	$5,342.20
2021	4	307	6619357	Building Better Parents	05X	LMC	$2,884.22
					05X	Matrix Code	$2,884.22
2020	6	290	6514017	Parental Education	05Z	LMC	$12,480.59
2020	6	290	6528743	Parental Education	05Z	LMC	$2,819.41
					05Z	Matrix Code	$15,300.00
Total							$590,117.80

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	**Activity to prevent, prepare for, and respond to Coronavirus**	Activity Name	**Grant Number**	**Fund Type**	Matrix Code	National Objective	**Drawn Amount**
2021	6	312	6619905	No	Homeless Services Program	B21MC060053	EN	03T	LMC	$12,203.36
								03T	Matrix Code	$12,203.36
2020	3	287	6514017	No	Senior Services	B20MC060053	EN	05A	LMC	$5,100.73
2020	3	287	6528743	No	Senior Services	B20MC060053	EN	05A	LMC	$32,508.27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount
								05A	Matrix Code	$37,609.00
2020	7	291	6514017	No	Youth Services	B20MC060053	EN	05D	LMC	$4,373.52
2020	7	291	6528743	No	Youth Services	B20MC060053	EN	05D	LMC	$5,626.48
2020	8	292	6514017	No	Youth Leadership Program	B20MC060053	EN	05D	LMC	$23,432.28
2020	8	292	6528743	No	Youth Leadership Program	B20MC060053	EN	05D	LMC	$10,417.72
2021	3	289	6514017	No	BIGS Program	B20MC060053	EN	05D	LMC	$7,025.32
2021	3	289	6528743	No	BIGS Program	B20MC060053	EN	05D	LMC	$2,974.68
2021	3	305	6619270	No	BIGS Program	B21MC060053	EN	05D	LMC	$1,677.98
2021	5	299	6619265	No	MMCJ Youth Street Art	B21MC060053	EN	05D	LMC	$700.00
2021	8	301	6619615	No	Pequenos Empresarios 21-22	B21MC060053	EN	05D	LMC	$5,000.00
								05D	Matrix Code	$61,227.98
2021	7	300	6619687	No	OLIVE Safe House	B21MC060053	EN	05G	LMC	$22,151.31
								05G	Matrix Code	$22,151.31
2021	9	303	6619363	No	MCCJ Rental Assistance	B21MC060053	EN	05S	LMCSV	$5,342.20
								05S	Matrix Code	$5,342.20
2021	4	307	6619357	No	Building Better Parents	B21MC060053	EN	05X	LMC	$2,884.22
								05X	Matrix Code	$2,884.22
2020	6	290	6514017	No	Parental Education	B20MC060053	EN	05Z	LMC	$12,480.59
2020	6	290	6528743	No	Parental Education	B20MC060053	EN	05Z	LMC	$2,819.41
								05Z	Matrix Code	$15,300.00
				No	Activity to prevent, prepare for, and respond to Coronavirus					$156,718.07
Total										$156,718.07

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	1	286	6514017	Administration	21A		$162,206.00
2020	2	296	6514017	CAPMC Continuum of Care	21A		$4,280.91
2020	2	296	6528743	CAPMC Continuum of Care	21A		$10,334.37
2021	1	310	6619719	City Admin 21-22	21A		$169,808.00
2021	2	309	6619389	Fresno Madera Continuum of Care	21A		$817.20
					21A	Matrix Code	$347,446.48
Total							$347,446.48

PART I: SUMMARY OF CDBG-CV RESOURCES	
01 CDBG-CV GRANT	938,981.00
02 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
03 FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
04 TOTAL AVAILABLE (SUM, LINES 01-03)	938,981.00
PART II: SUMMARY OF CDBG-CV EXPENDITURES	
05 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	401,662.15
06 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	50,000.00
07 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
08 TOTAL EXPENDITURES (SUM, LINES 05 - 07)	451,662.15
09 UNEXPENDED BALANCE (LINE 04 - LINE8)	487,318.85
PART III: LOWMOD BENEFIT FOR THE CDBG-CV GRANT	
10 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
11 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
12 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	401,662.15
13 TOTAL LOW/MOD CREDIT (SUM, LINES 10 - 12)	401,662.15
14 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 05)	401,662.15
15 PERCENT LOW/MOD CREDIT (LINE 13/LINE 14)	100.00%
PART IV: PUBLIC SERVICE (PS) CALCULATIONS	
16 DISBURSED IN IDIS FOR PUBLIC SERVICES	257,571.60
17 CDBG-CV GRANT	938,981.00
18 PERCENT OF FUNDS DISBURSED FOR PS ACTIVITIES (LINE 16/LINE 17)	27.43%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
19 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	50,000.00
20 CDBG-CV GRANT	938,981.00
21 PERCENT OF FUNDS DISBURSED FOR PA ACTIVITIES (LINE 19/LINE 20)	5.32%

LINE 10 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 10

Report returned no data.

LINE 11 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 11

Report returned no data.

LINE 12 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 12

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	16	281	6477353	Eviction & Utility Shutoff Prevention	05Q	LMC	$49,883.72
			6496138	Eviction & Utility Shutoff Prevention	05Q	LMC	$38,536.37
			6650280	Eviction & Utility Shutoff Prevention	05Q	LMC	$108,812.04
	17	284	6496138	Micro Enterprise Grant Program	18C	LMC	$75,000.00
			6528743	Micro Enterprise Grant Program	18C	LMC	$20,000.00
			6650237	Micro Enterprise Grant Program	18C	LMC	$10,000.00
	18	282	6496138	Eviction Prevention	05Q	LMC	$52,274.76
			6650290	Eviction Prevention	05Q	LMC	$8,064.71
	19	283	6496138	Micro Enterprise Grant	18C	LMC	$29,090.55
			6528743	Micro Enterprise Grant	18C	LMC	$5,000.00
			6650260	Micro Enterprise Grant	18C	LMC	$5,000.00
Total							**$401,662.15**

LINE 16 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 16

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	16	281	6477353	Eviction & Utility Shutoff Prevention	05Q	LMC	$49,883.72
			6496138	Eviction & Utility Shutoff Prevention	05Q	LMC	$38,536.37
			6650280	Eviction & Utility Shutoff Prevention	05Q	LMC	$108,812.04
	18	282	6496138	Eviction Prevention	05Q	LMC	$52,274.76
			6650290	Eviction Prevention	05Q	LMC	$8,064.71
Total							**$257,571.60**

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	15	285	6619760	Administration	21A		$50,000.00
Total							**$50,000.00**

RESOLUTION NO. 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT AND FINANCIAL SUMMARY

WHEREAS, the Consolidated Annual Performance and Evaluation Report (CAPER) reflects City of Madera's performance of its 2021-2022 CDBG Action Plan; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement communities receiving CDBG funds to annually review and publicly report on the progress made in carrying out its Annual Action Plan; and

WHEREAS, HUD requires submission of the CAPER within 90 days after the program year end on June 30, 2022; and

WHEREAS, as required by HUD regulations, citizen participation was encouraged by publishing notice of the public comment period and hearing, inviting the public to provide input; and

WHEREAS, published notices contained details about the date, time and location for the public hearing and advised that citizens' comments may be submitted in person or in writing until 5:00 pm on September 22, 2022; and

WHEREAS, at its regular City Council Meeting of September 21, 2022, the City Council held a public hearing to consider the CAPER; and

WHEREAS, staff recommends approval of the CAPER to ensure compliance with HUD requirements and to ensure that City's continued receipt and use of CDBG funding is not jeopardized.

NOW THEREFORE, the City council of the City of Madera hereby finds, orders and resolves as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The City Council approves the 2021-2022 U.S. Department of Housing and Urban Development City of Madera Consolidated Annual Performance and Evaluation Report and Financial Summary Report, a copy of which is attached as Attachment A to this resolution and incorporated by reference.
3. This resolution is effective immediately upon adoption.

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The 2021-2022 Program Year was the second of five years within the City of Madera's current Consolidated Plan (2020-2024) and accounts for projects and activities undertaken between July 1, 2021 and June 30, 2022. The 2021 Consolidated Annual Performance and Evaluation Report (CAPER) describes the City's progress toward achieving the strategic goals identified in the Consolidated Plan and 2021 Action Plan, and present outcomes of the projects and activities undertaken with Community Development Block Grant (CDBG) and CDBG Coronavirus Aid, Relief, and Economic Security Act (CARES Act / CDBG-CV) funds available to the City of Madera.

Major initiatives and highlights proposed and executed throughout the program year are as follows:

Subrecipient Accomplishments:

1. BIGS STEM Program -

   Big Brothers Big Sisters provided one-to-one mentoring to 37 at-risk youth. The program assisted youth through empowerment, encouragement, and enrichment. Additionally, youth were provided social emotional support across numerous ways including financial literacy and STEM opportunities.

2. Madera Coalition for Community Justice Street Art Program -

   The Street Art program served 87 youth, successfully exceeded its goal of serving 75 youth. The Street Art Project engaged five local schools in participating in community paint events. Youth participated in a Paint Party in celebration of Black History. Local artists participated in the event and taught youth how to use spray paint and other sketching/painting styles.

3. Madera Rescue Mission -

   The Madera Rescue Mission provided homeless services to 119 unduplicated persons. The Mission also provided 102 beds (38 for

women and 64 for men) and served over 36,000 meals in program year 2021-2022. The Mission currently has 12 participants in their 9-12 month recovery program. Through respite care six clients were referred to Madera Community Hospital and in partnership with the Camarena Health Mobile Unit, 25 people received medical assistance. Case management was offered to more than 65 clients, of these six successfully found permanent housing and eight obtained full-time employment.

4. O.L.I.V.E. Safe House –

   OLIVE successfully provided individualized care to victims of human trafficking. They exceeded their goal to serve 13 individuals and served a total of 30 throughout the program year. In December 2021, OLIVE received the "Non-Profit of the Year" award from California Senator Anna Caballero. OLIVE remains focused on providing individual case-managed care including counseling, education/job assistance, drug rehabilitation, and financial literacy and training.

5. Pequenos Empresarios –

   The Pequenos Empresarios program exceeded their target goal of assisting 140 clients. During the 2021-2022 program year a total of 178 clients were served. Both children and parent(s) successfully completed the program. Participants attended workshops focused on leadership and values, environmental awareness, business life and finance, manners, and nutrition. Children who participated demonstrated improved academic achievements, social skills, and communication skills.

6. Madera Coalition for Community Justice Rental Assistance Program (MRAP) –

   MRAP served 392 Madera residents with rental assistance who have faced hardships and were in danger of eviction or utility shutoff. These clients were also offered additional services such as financial assistance, food, legal counsel, and financial counseling. A total of 788 Madera residents were screened for services. Of these, 32 households received rental assistance, 61 received utility assistance, and 63 received assistance with past due electric/gas charges thus preventing utility shut off. Ineligible applicants received a warm hand-off to partnering agencies to assist them with their needs.

7. CAPMC Rapid Rehousing Program

   The Rapid Rehousing program successfully provided wrap around services to 54 local residents. The Homeless Engagement for Living

Program (HELP) serves as a one-stop shop for homeless individuals. A total of 279 individuals came in contact with staff from CAPMC through outreach. Of these, one (1) entered a drug rehabilitation program, 67 received referrals to Behavioral Health Services with 7 linking to care. Staff referred 14 individuals to Madera County Workforce and of those 3 gained employment. A total of 44 homeless individuals were assisted with obtaining a social security card and 10 with a birth certificate.

8. Habitat for Humanity Exterior Paint Project –

   This program revitalized homes by providing exterior painting for six (6) homeowners. This program aimed to transform housing stock while renewing the first layer of protection against the elements. The exterior paint program served as both a revitalization and owner-occupied stabilization program. Substantial repairs to the homes that eliminated health & environmental hazards were performed prior the painting. Once the home was painted, it provided an immediate visual impact to the neighborhood.

9. CAPMC Continuum of Care (CoC) Program –

   The CAPMC CoC program addressed community challenges created by homelessness, coordinated case management, intake, and referrals with the local and regional collaboration of homeless service providers, input and accessed data to the Homeless Management Information System and represented Madera in the Fresno/Madera Continuum of Care.

CDBG-CV Subrecipient Accomplishments:

1. Madera Downtown Association in providing emergency business relief to eight (8) eligible businesses.

2. Madera County Economic Development Commission provided emergency business relief to 12 businesses.

3. Madera Community Action Partnership provided rental and rapid re-housing assistance to 63 households impacted by COVID-19.

4. Madera Coalition for Community Justice provided eviction and utility shutoff prevention assistance to 919 households impacted by COVID-19.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Access to Affordable Housing	Affordable Housing	CDBG: $477,027	Increased Access to Affordable Housing – Rental Rehabilitation, Rapid Rehousing and Victim Housing	Households/ Housing Unit	333	60	60%	138	60	43%
Prevent and Reduce Homelessness	Homeless	CDBG: $37,856	Emergency Shelter, Transitional Housing Beds added; Homeless Prevention Assistance	Persons Assisted	1500	2247	0.00%	2035	2119	104%
Enhance Quality of Infrastructure	Non-Housing Community Development	CDBG: $500,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	0	0.00%	5000	0	0.00%

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Improve Access to Services	Non-Homeless Special Needs	CDBG: $127,500	Public Service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	840	875	104%	1500	773	52%
Administration	Administration	CDBG: $169,808								

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

CARES Act Goals & Accomplishments

Goal	Category	Source/Amount	Indicator	Unit of Measure	Expected-Program Year	Actual – Program Year	Percent Complete
Enhance Economic Well Being	Non-Housing Community Development	CDBG-CV: $211,000	Public Service activities other than Low/Moderate Income Housing Benefit	Businesses Assisted	20	20	100%
Prevent and Reduce Homelessness	Homeless	CDBG-CV: $122,322	Housing Assistance / Rapid Rehousing	Persons Assisted	129	63	49%
Other Public Services	Non-Housing Community Development	CDBG-CV: $280,321	Public service activities other than Low/Moderate Income Housing Benefit	Households Assisted	1050	919	88%

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Each of the goals listed in the above charts are indicative of the programs the City assisted to address the specific objectives identified in the Annual Action Plan. In terms of the City's use of funds towards the highest need area (housing and homelessness), the City continued diligent efforts in filling these local gaps. A portion of the City's CDBG Administration allocation funded the Community Action Partnership of Madera County (CAPMC) local and regional homeless services coordination and participation in the Fresno Madera Continuum of Care (FMCoC). In 2022, 4,216 homeless persons were counted in the region served by the FMCoC. This represents a 13% increase, from the 2020 count, of 575 homeless individual. During the 2021-2022 Program year, 919 households and 20 businesses received assistance for rental, utility, payroll or other operating expenses due to the COVID crisis. The Madera Rescue Mission was able to provide homeless prevention and other services to 119

unduplicated individuals. Habitat for Humanity helped to revitalize neighborhoods by painting six low/mod residences.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	901
Black or African American	37
Asian	6
American Indian or American Native	3
Native Hawaiian or Other Pacific Islander	
Total	**959**
Hispanic	775
Not Hispanic	184

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Twelve persons assisted identified with race/ethnicity not reflected on the table above. Three identified as more than one race/ethnicity and nine identified as other.

Hispanics are the largest Ethnicity served with CDBG funds. However, the programs also serve residents of other races and ethnicities. CDBG and all other federal and state funds committed to activities within the City of Madera include a directive to serve low and moderate income persons and households within the community. The City will continue to assess outreach, intake and delivery of projects/activities to reach and accommodate the targeted population. Over 10% of participants (182) report their Ethnicity as Not Hispanic/Other.

According to the 2020 US Census American Community Survey, Hispanics make up 78.3% of the City of Madera's population, 2013-2017 American Community Survey Demographic and Housing Estimates, Madera's Hispanic/Latino (of any race) make up 78.8 % of the population, with whites at 14.3% and Black or African American at 4.2%. The racial and ethnic composition of the persons assisted with CDBG funds reflects the ACS Survey estimates.

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CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,312,192	880,843
Other	public – state		
CDBG-CV	public - federal	938,981	369,638

Table 3 - Resources Made Available

Narrative

The expended amount is lower than the awarded amount as the City also utilized funds from previous program years. In addition, the expenditures are higher than reflected above, as there are additional drawdowns that occurred after the program year closed.

The City was awarded $938,981 in CDBG-CV funds and expended $369,638. The activities funded with CDBG-CV funds are ongoing. If there are any unused funds at the completion of an activity, the City will reallocate the funds to other activities.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
City of Madera City Limits	100	100	

Table 4 – Identify the geographic distribution and location of investments

Narrative

All funds were spent within CDBG eligible Census Tracts. Projects funded with previous years' allocations are underway and expected to be completed on or before June 30, 2023.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Many of the subreceipients have additional resources to leverage with their CDBG funding award. Resources made available to carry out CDBG-funded subrecipient activities include sources from the Fresno/Madera Area Agency on Aging, Local Workforce Innovation and Opportunity Act, CalWORKs, Department of Rehabilitation, Local Transporation Funds and Development Impact Fees. In addition, some subreceipients receive donations and utilize in-kind volunteers.

The development of the Downtown Madera Veterans and Family Housing (DMVFH) project was completed in March 2022, creating 48 affordable housing units for extremely-low to low-income households earning between 30 and 60 percent of Area Median Income. The DMVFH will be located at the intersections of C and 5th Streets, on two publicly owned sites. The project includes seven supportive housing units for homeless persons, improvements to sidewalks, bicycles routes and connections to transit between the project site and key destinations in Madera. it includes two, three-story buildings with a diverse unit mix of 18 studios, 10 one-bedroom, 12 two-bedroom and 8 three-bedroom apartments.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**0**	**0**

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	91
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	8	0
Number of households supported through Acquisition of Existing Units	35	0
Total	**43**	91

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Due to COVID-19 and staffing shortages, the City of Madera was not able to meet its annual goals identified in its Action Plan but does intend to meet its five-year Consolidated Plan goals. Additionally, the City and subrecipients were not able to undertake rehabilitation projects on existing units. Activities shifted to exterior repair needs, where Habitat for Humanity was able to assist six eligible households with exterior painting. Also in this program year, the City was also able to partner with Habitat for Humanity to provide gap financing for four first time homebuyers.

Discuss how these outcomes will impact future annual action plans.

The City anticipates that interest in the Affordable Housing Programs will increase in the next two-three years. In the last 12 months, the housing market has caused the Homebuyer Assistance Programs to be less competitive with the increased participation from outside investors with all cash offers driving costs up, and eliminating escrow periods. The City will continue to seek partnerships with affordable housing developers to provide the affordable housing units needed.

The Community Action Partnership of Madera County obtained an Emergency Solutions Grant. They will help with Outreach, Homeless Preention, Rapid Rehousing and Emergency Shelter in the form of hotel payments for those who might not be eligible to go to the Madera Rescue Mission. The City is very much committed to working with the County and local non-profits and service providers to access funds available through SB 850: the Homeless Emergency Aid Program (HEAP) and California Emergency Solutions and Housing (CESH). The 2020 Point-in-Time count identified 390 sheltered and unsheltered homeless people in Madera County. Thousands of dollars have and will be spent on law enforcement, code enforcement, outreach and the constant cleanup efforts of the riverbed.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income		2
Low-income		1
Moderate-income		1
Total		**4**

Table 7 – Number of Households Served

Narrative Information

The City will continue to promote and administer affordable housing programs providing down payment assistance and owner-occupied rehabilitation assistance to eligible residents.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City participates on the Madera Homeless Coalition. This coalition consists of representatives from the Department of Social Services, local faith-based organizations, Madera Food Bank, Madera Rescue Mission, the Madera County Sherriff's Department and the Madera Police Department. The Community Action Partnership of Madera County leads the Coalition and represents the region on the Fresno Madera Continuum of Care (FMCoC). The FMCoC coordinates an active multi-disciplinary team. Efforts to meet specific objectives for reducing and ending homelessness are evaluated thereby resulting in the direction taken to reach out to homeless persons.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City is an active member of the FMCoC who is the organization responsible for the Fresno & Madera Regional 10-Year Plan to end Homelessness. Additionally, the City works in close partnership with the Madera Rescue Mission which provides a vital service to individuals and families that find themselves without a home. The mission provides meals, lodging and many other services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Mainstream resources were provided by the Madera County Department of Social Services through CalFresh, CalWorks, Medi-Cal, General Relief and other programs. In addition, Madera residents have access to facilities in adjacent larger cities and counties that have community care facilities and supportive housing beds for people with health-related needs.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The partnerships developed between the FMCoC members and other agencies allow service providers to coordinate efforts to assist those experiencing homelessness make the transition to permanent housing and remain permanently housed as quickly as possible.

Operated by the Madera Rescue Mission, MAP (Multi-Agency Access Program) is an integrated intake process that connects individuals facing homelessness and connects them with housing. In addition, MAP connects those homeless facing challenges with behavioral health, substance abuse, physical health and/or mental health to the appropriate social services.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City and the Housing Authority of the City of Madera (HACM) receive Federal funding for the HACM's Section 8, Farm Worker Housing and Pomona Ranch Migrant Housing Center. The two agencies receiving annual allocations of Federal housing funds. The annual allocations for both are insufficient to address the extent of households paying more than half of their income for rent or living in substandard housing and for providing additional public housing. A portion of the HACM's budget is allocated to maintenance thereby addressing health and safety needs of their public housing units.

The recently completed Downtown Madera Veterans and Family Housing (DMVFH) project is a 48-unit affordable housing development for extremely-low to low-income households earning between 30 and 60 percent of Area Median Income. DMVFH is located at the intersections of C and 5th Streets, on two publicly owned sites. The project includes seven units as supportive improvements to sidewalks, bicycles routes and connections to transit between the project site and key destinations in Madera. it includes two, three-story buildings with a diverse unit mix of 18 studios, 10 one-bedroom, 12 two-bedroom and 8 three-bedroom apartments.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

All Public Housing families are invited to participate in beccoming a Resident Advisory Board (RAB) member. The members take on an important role in the policy, procedures and program implementations. RAB members make recommendationis regarding the development of the Agency Plan or any significant amendments or modification to the Agency Annual or Five-Year Plans. All Public Housing participants are invited and encouraged to participate in the Family Self Sufficiency (FSS) program. This program encourages families to become homeowners.

Families in the FSS and Resident Oppportunities and Self-Sufficiency programs are given information on training and employment opportunities and other community resources. At the time that a family moves in to a Public Housing unit, a survey is given to them to see what kinds of supportive services is needed for them.

Actions taken to provide assistance to troubled PHAs

Not Applicable. HACM is not designated as a "troubled."

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Madera meets the California Department of Housing and Community Development objectives and strategies as follows:

Access to Opportunity
Outreach and Engagement: Engaged in campaign or other approach to combat NIMBYism--Housing Element and Zoning Ordinance support a variety of housing supply.

Ensure language access (e.g., translation, interpretation and multi-lingual staff) in needed languages in materials and at meetings)--Bilingual (English and Spanish) public meeting and hearing announcements are published, posted and availability of translation is verbally announced during the public hearings. posted. Bilingual staff is available during each public meeting.

Support strategies to facilitate leadership development (improving capacity to engage in local decision-making)--Citizens' Police Academy facilitate leadership development. Non-profits awarded funds for youth and parent engagement activities. Citizens' Leadership Academy facilitates citizens learning and understanding of local government operations through a cohort of Department heads.

Recruit residents from neighborhoods to serve or participate in boards, committees and other local government bodies--The City Council is elected by district and the Mayor is elected at-large. Each Council Member appoints persons from their district to boards, committees and other local government bodies. Provides training for staff, elected officials and appointees on issues of disparity, structural racism and inequality--Included as part of HUD's Affirmatively Furthering Fair Housing Plan.

Meetings are conducted at suitable times, accessible to people with disabilities and public transit with interpretation and translation services--Meetings are held in the evenings in locations accessible to persons with disabilities and interpretation/translation services provided.

Actively seek a variety of funding opportunities such as rehabilitation, parks, transit and active transportation--Staff actively seeks funding sources to rehab homes and develop parks, expand transit and provide pedestrian and bicycle transportation.

Develop a proactive code enforcement program that targets rehabilitation needs, results in repairs and mitigates potential costs, displacement and relocation impacts on residents--A rental housing inspection program was approved by an Ordinance. Both single-family and multi-family rental housing is inspected.

Seek funding to prioritize basic infrastructure improvements while mitigating displacement and

increased costs to vulnerable populations (e.g., seniors, persons with disabilities and farmworkers)--Staff actively seeks funds to improve infrastructure in disadvantaged areas of the City. No displacement or increased costs are associated with these improvements.

Target acquisition and rehabilitation of vacant and blighted properties--Staff actively seeks funds for infill development. Council adopted three incentive programs to assist businesses and non-profits operating downtown by waiving engineering, planning and building fees for remodeling and ADA improvements.

Affirmatively market or take other actions to promote use of housing choice vouchers in high opportunity areas--The HACM promotes the use of housing choice vouchers citywide.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

In Program Year 2021/2022, the City funded programs and activities to address underserved needs as follows:

• CAPMC to coordinate local and regional efforts to address homelessness through the FMCoC.

• Madera Coalition for Community Justice Youth Leadership Program to provide youth leadership skills by carrying out community service projects and receiving resources for scholarships and loans to continue their higher education.

• Doors of Hope Pregnancy Resource Center provide counseling, anger management and co-parenting classes.

• Pequenos Empresarios provided early childhood education in healthy eating, manners, finance and care for the planet.

• Habitat for Humanity providing exterior home painting to revitalize residences.

• Madera Coalition for Community Justice provided rental assistance to eligible households to prevent eviction.

• Initiated sidewalk ADA improvements in several low/moderate income neighborhoods.

• Assisted Big Brothers Big Sisters in supporting thirty-seven, one-to-one mentoring relationships.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

All City capital improvement projects follow lead-based paint safety regulations and policies.

The City and sub recipients provide lead-based paint testing as required by funding sources for residential rehabilitation and acquisition

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City provided assistance to at-risk youth and their families. Advice, social activities, leadership strategies and multiple resources were provided to these individuals and families to help them achieve more stable and healthy lives.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City's CDBG-funded programs are administered by the City's Grants Department. This Department works collaboratively with other City Departments such as Planning, Community Development, Engeering, Finance, Building, Public Works and Parks. City staff attends the Madera Homeless Coalition and the Fresno/Madera Continuum of Care meetings. Participation in these committees help the City CDBG program and Grants Department stay current and aware of the most pressing community needs, as well as, allows networking/problem solving with local/regional social service providers and to bring in additional resources to meet these needs.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City continues to participate in the Madera Homeless Coalition and the Fresno/Madera Continuum of Care meetings. The City collaborated with the HACM on the Affordable Housing and Sustainable Communities (AHSC) grant.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Continue to comply with antidiscrimination requirements, including all applicable Federal regulations as demonstrated in the City’s application for Community Development Block Grant, HOME, and other Federal funds, implement policies and programs identified in its Housing Element and implement Zoning Ordinance amendments necessary to further fair housing and implement the recommended actions in the City of Madera ADA Self-Evaluation and Transition Plan to modify its policies, practices, and procedures to avoid discrimination against people with disabilities.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

City staff is available to offer assistance and answer questions of sub-recipients, and is in contact with each sub-recipient quarterly regarding quarterly reports, invoices and other matters. Staff works with departments issuing CDBG-funded RFPs to ensure minority business and Section 3 outreach and compliance is included. City staff coordinates with the CAPMC and the HACM to comprehensively plan and prioritize specific objectives for reducing and ending homelessness.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Pursuant to HUD public noticing requirements, the CAPER was made available for public review and comment for a two-week period. Public notice of the comment period was published in the Madera Tribune, on the City website and on social media. Notices were also provided to the HACM and the Madera County Library.

The draft CAPER was available on the City's website at www.madera.gov. Copies were also available at City Hall in the Grants Office. A copy of the public notice is included in the Appendix.

The Public Notice contained the start and end dates for the public comment period and Grants Staff contact information for comment submission. The public is invited to submit comments directly to staff during the comment period or provide comments at the public hearing.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Community outreach efforts with citizens were meaningful and informed when developing the Action Plan. City staff expanded outreach and community engagement. Resident's input was prioritized in the development of the Action Plan. The goal was to determine what residents considered to be the most pressing needs that CDBG funds should support.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

Attachment

Cover Page

Financial Summary

Signed Resolution

Proof of Publication

REPORT TO CITY COUNCIL

Approved by:

Jamie Hickman

Jamie Hickman, Interim Public Works Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: C-3

SUBJECT:

Urban Water Management Plan 2020 Update and Water Shortage Contingency Plan

RECOMMENDATION:

Conduct a public hearing and adopt Resolutions approving:

1. The Urban Water Management Plan 2020 Update
2. Water Shortage Contingency Plan

SUMMARY:

Every five years, the City is required to update its Urban Water Management Plan (UWMP). The plan was last updated in 2017. In order to comply with State guidelines, the City retained industry leader Provost & Pritchard Consulting Group (P&P) to assist in the preparation of the UWMP and the Water Shortage Contingency Plan (WSCP) which is an appendix to the UWMP but is considered a separate plan from the UWMP. Council may recall that the City issued an Request for Proposal to assist in the preparation of the UWMP and received four proposals. Council approved a contract with P&P at its June 2, 2021 meeting.

In is also noted that the City is the only municipal water purveyor within the City and provides service to approximately 65,500 residents and provides a connection to Parkwood that can be used in emergency situations.

The State's Water Code requires urban water suppliers within the state to prepare and adopt an UWMP for submission to the California Department of Water Resources (DWR). The UWMPs must satisfy the requirements of the Urban Water Management Planning Act (UWMPA) of 1983 including amendments thereto and other applicable regulations. The UWMPA only requires the UWMP be prepared for urban water suppliers that service 3,000 or more connections or supply more than 3,000 acre-feet (AF) of water annually.

It is further worth noting that while the City water supply has historically been consistent, due in large part to the reliability of the groundwater aquifer, as SGMA (Sustainable Groundwater Management Act) is further implemented, it is possible that there will be further restrictions on groundwater pumping especially in critical dry and multiple dry years

PURPOSE OF THE URBAN WATER MANAGEMENT PLAN

The purpose of the UWMP is to maintain efficient use of urban water supplies, continue to promote conservation programs and policies, ensure that sufficient water supplies are available for future beneficial use, and provide a mechanism for response during water drought conditions. This report, which was prepared in compliance with the California Water Code, as set forth in the 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers (UWMP Guidebook) established by the DWR (DWR, 2021), constitutes the City of Madera's (City) 2020 UWMP.

URBAN WATER MANAGEMENT PLAN (UWMP) OVERVIEW

The UWMP discusses the water system, system supplies and demands, compliance with legislation requiring reduced demands by 20 percent. The UWMP spans the years from 2020 through 2040 and serves as an update to the UWMP adopted in 2017 for the 2015 – 2035 timeframe.

The City's service area covers all users within the City limits. Three unincorporated areas are found to the north, south and east of the City, respectively, including Madera Acres, Parkwood, and Parksdale.

The City provides water supplies to the customer base through multiple groundwater wells located throughout the City; the system uses groundwater as its sole water supply source. In the past, the City has purchased small quantities of surface water from Madera Irrigation District for use as groundwater recharge in basins around the service area. Based on recent water audits, the City has not purchased or imported water since at least 2017.

The State set a goal for all cities to reduce their water use by 20 percent and to achieve this goal by the year 2020. To reach this goal, the City needed to limit water use to 196 gallons per day for each person. In 2020, the City met this goal with a per person use of 119 gallons per day and will continue water conservation programs to keep meeting this goal in the future.

The City has water conservation programs that can be implemented in the event of drought or other water supply issues. The City is also prepared to respond to a water supply interruption from an emergency. These measures are documented in the Water Shortage Contingency Plan, which is included in this document as an appendix, but is a separate plan from this UWMP. The City will typically not experience water shortages unless there is a catastrophic interruption of supply.

WATER SHORTAGE CONTINGENCY PLAN (WSCP)

The UWMPA requires that the UWMP include an urban water shortage contingency analysis that addresses levels of action to be undertaken by the urban water supplier in response to water supply shortages, including a more than 50 percent reduction in water supply in severe drought conditions and an outline of specific water supply conditions which are applicable to each stage. In addition to the stages of action, the City is required to develop mandatory prohibitions against specific water use during shortages and consumption reduction methods in the most restrictive stages. The WSCP outlines necessary steps, the various water shortage stages, response actions should a shortage arise, communication protocols, and compliance and enforcement.

FINANCIAL IMPACT:

The City retained P&P on June 2, 2021 for approximately $53k to assist in the preparation of the UWMP and WSCP. The preparation of both plans was contemplated in the water rates and will be paid for from the Water Enterprise Fund.

ALTERNATIVES:

Potential Council alternatives include:

- Request that the item be continued to a date and time certain to allow additional time to consider the plans
- Request that additional analysis be prepared
- Request that additional action items be included in the plans.

ATTACHMENTS:

1. Resolution adopting the UWMP
    a. Urban Water Management Plan
2. Resolution adopting the WSCP
    a. Water Shortage Contingency Plan

Resolution for the Urban Water Management Plan

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE CITY'S URBAN WATER MANAGEMENT PLAN 2020 UPDATE

WHEREAS, the California Water Code Sections 10620 et seq. require the adoption an Urban Water Management Plan (UWMP); and

WHEREAS, the California Water Code requires urban water suppliers within the State to prepare and adopt Urban Water Management Plans (UWMPs) for submission to the California Department of Water Resources (DWR); and

WHEREAS, the UWMPs, which must be filed every five years, must satisfy the requirements of the Urban Water Management Planning Act (UWMPA) of 1983 including amendments that have been made to the Act and other applicable regulations; and

WHEREAS, the City last updated its UWMP in 2017; and

WHEREAS, on March 17, 2021, the City issued a Request for Proposal (RFP) to prepare an UWMP and four proposals were received; and

WHEREAS, on June 2, 2021, the City Council approved a contract with Provost & Pritchard Consulting Group for the preparation of the UWMP; and

WHEREAS, the City, in compliance with said legislation, drafted the UWMP and circulated it for public review and held a duly noticed public hearing; and

WHEREAS, the Water Shortage Contingency Plan is an appendix to the UWMP but is considered a separate plan from the UWMP; and

WHEREAS, the public hearing was held before the City Council on September 21, 2022.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, determines and orders as follows:

1. The above recitals are true and correct.

2. The Urban Water Management Plan, a copy of which is on file in the office of the City Clerk, attached hereto and incorporated by reference, is hereby adopted.

3. The Director of Public Works is hereby authorized and directed to file the UWMP with the California Department of Water Resources.

4. This Resolution is effective immediately upon adoption.

* * * * * * * *

City of Madera

Urban Water Management Plan 2020 Update

September 2022

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Abbreviations

AB ..... State Assembly Bill
AF ..... acre-feet
AWWA ..... American Water Works Association
California Water Service ..... Cal Water
CIMIS ..... California Irrigation Management Information System
CMGSA ..... City of Madera Groundwater Sustainability Agency
CVP ..... Central Valley Project
CWC ..... California Water Code
DMM ..... Demand Management Measures
DOF ..... Department of Finance
DRA ..... Drought Risk Assessment
DWR ..... Department of Water Resources
ENSO ..... El Niño Southern Oscillation
ETo ..... evapotranspiration
GAC ..... granular activated carbon
GMP ..... Groundwater Management Plan
gpcd ..... gallons per capita per day
gpd ..... gallons per day
GSP ..... Groundwater Sustainability Plan
kWh ..... kilowatt hours
MG ..... million gallons
mg/L ..... milligrams per liter
MCL ..... Maximum Contaminant Level
MGD ..... million gallons per day
MID ..... Madera Irrigation District
MWELO ..... Model Water Efficient Landscape Ordinance
RUWMP ..... Regional Urban Water Management Plan
SB ..... State Senate Bill
SBx7-7 ..... Water Conservation Act of 2009
SGMA ..... Sustainable Groundwater Management Act of 2014

TCP ..... 1,2,3 Trichloropropane
TDS ..... Total Dissolved Solids
UDB ..... Urban Development Boundary
UWMP ..... Urban Water Management Plan
UWMP Guidebook ..... 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers
UWMPA ..... Urban Water Management Plan Act
WSCP ..... Water Shortage Contingency Plan
WSMP ..... City of Madera Water System Master Plan
WUE ..... Water Use Efficiency
WWTF ..... Wastewater Treatment Facility

Lay Description

Legal Requirements:

CWC §10630.5 *Each plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan.*

The City of Madera has prepared this 2020 Urban Water Management Plan (UWMP), encompassing its entire service area. The UWMP discusses the water system, system supplies and demands, compliance with legislation requiring reduced demands by 20 percent. The UWMP spans the years from 2020 through 2040 and serves as an update to the UWMP adopted in 2017 for the 2015 – 2035 timeframe.

The City's service area covers all users within the City limits. Three unincorporated areas are found to the north, south and east of the City, respectively, including Madera Acres, Parkwood, and Parksdale. None of these areas receive City water; however, portions of Parkwood are on the City sewer system. The combined service area includes an estimated population of 65,526 in 2020 with a projection to 81,552 individuals by 2040 (assumed 1.1 percent annual growth rate).

The City provides water supplies to the customer base through multiple groundwater wells located throughout the City; the system uses groundwater as its sole water supply source. In the past, the City has purchased small quantities of surface water from Madera Irrigation District for use as groundwater recharge in basins around the service area. Based on recent water audits, the City has not purchased or imported water since at least 2017.

The State of California set a goal for all cities to reduce their water use by 20% and to achieve this goal by the year 2020. To reach this goal, the City needed to limit water use to 196 gallons per day for each person. In 2020, the City met this goal with a per person use of 119 gallons per day and will continue water conservation programs to keep meeting this goal in the future.

The City has water conservation programs that can be implemented in the event of drought or other water supply issues. The City is also prepared to respond to a water supply interruption from an emergency. These measures are documented in the Water Shortage Contingency Plan, which is included in this document as an appendix, but is a separate plan from this UWMP. The City will typically not experience water shortages unless there is a catastrophic interruption of supply.

Executive Summary

The California Water Code requires urban water suppliers within the state to prepare and adopt Urban Water Management Plans (UWMPs) for submission to the California Department of Water Resources (DWR). The UWMPs, which must be filed every five years, must satisfy the requirements of the Urban Water Management Planning Act (UWMPA) of 1983 including amendments that have been made to the Act and other applicable regulations. The UWMPA requires urban water suppliers servicing 3,000 or more connections or supplying more than 3,000 acre-feet (AF) of water annually to prepare an UWMP.

The purpose of the UWMP is to maintain efficient use of urban water supplies, continue to promote conservation programs and policies, ensure that sufficient water supplies are available for future beneficial use, and provide a mechanism for response during water drought conditions. This report, which was prepared in compliance with the California Water Code, as set forth in the 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers (UWMP Guidebook) established by the DWR (DWR, 2021), constitutes the City of Madera's (City) 2020 UWMP.

The UWMP is organized into ten Sections, including: Section 1 – Introduction and Overview; Section 2 – Plan Preparation; Section 3 – System Description; Section 4 – System Demands; Section 5 – SB X-7 Baselines, Targets, and Compliance; Section 6 – System Supplies; Section 7 – Water Service Reliability; Section 8 – Water Shortage Contingency Planning; Section 9 – Demand Management Measures; and Section 10 – Plan Adoption, Submittal, and Implementation.

System Description

The City is the only municipal water purveyor within the City limits and provides service to 65,526 City residents. The graphic to the right shows the anticipated growth within the service area, including a 1.1% growth rate for the City.

The existing land uses within the city limits include 5,362 acres of residential, 1,392 acres of commercial and office space, 1,003 acres of industrial, 1,127 acres of Open Space and Resource Conservation, and 1,472 acres of Public facilities.

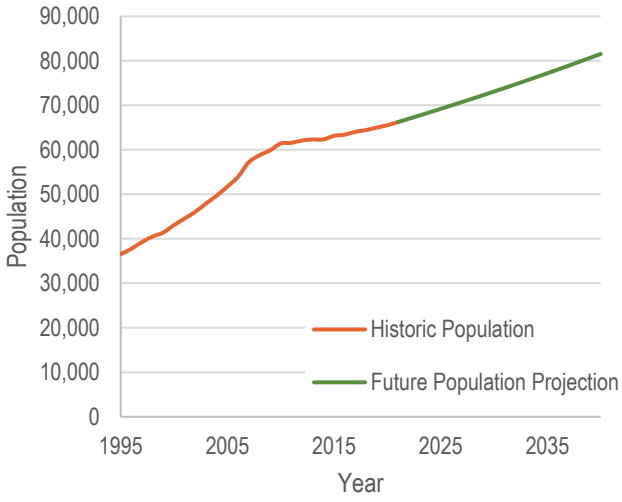

Figure ES-1: Historic and Projected Population

System Demands

The City provides water through five customer classes, including single-family, multi-family, commercial/institutional, industrial, and landscape. The total water delivered in the past twenty years has decreased, while the service population has increased by more than 50 percent, indicating the per capita demands have decreased over the same period, as seen in **Table ES-1**.

Table ES-1: Historic Water Production

Year	Total Annual Water Production	Population	Per Capita Consumption
2000	11,834	43,089	245
2001	11,210	44,565	225
2002	11,868	46,066	230
2003	12,473	47,939	232
2004	12,886	49,691	232
2005	12,818	51,735	221
2006	13,299	53,928	220
2007	13,725	57,181	214
2008	13,763	58,767	209
2009	13,114	59,868	196
2010	11,742	61,416	171
2011	11,395	61,574	165
2012	11,742	62,096	169
2013	11,327	62,330	162
2014	10,635	62,342	152
2015	9,313	63,147	132
2016	9,203	63,407	130
2017	9,088	64,052	127
2018	8,393	64,436	116
2019	8,361	65,008	115
2020	8,754	65,526	119

Notes:
Water Production units: acre-feet (AF)
Per Capita Consumption units: gallons per capita per day (gpcd)

The total demands for 2020 and the projected demands for the next twenty years can be seen in **Table ES-2**.

Table ES-2: Current and Projected Water Use

Use Type	Current Water Use 2020 (AF)	Projected Water Use (AF)			
		2025	2030	2035	2040
Single Family	5,214	8,450	8,145	8,603	9,087
Multi-Family	1,553	2,517	2,426	2,563	2,707
Commercial/Institutional	1,282	2,225	2,350	2,482	2,622
Industrial	80	138	146	154	163
Landscape	550	955	1,008	1,065	1,125
Other	0	0	0	0	0
Water Loss	75	585	618	653	689
Total	**8,754**	**14,870**	**14,694**	**15,520**	**16,392**

The projected water use is based on a blend of the 2020 Water Use target of 196 gallons per capita per day (gpcd) and a reduced residential target of 183 and 167 gpcd for years 2025 and 2030 and beyond, respectively. This reduced target reflects the anticipated indoor residential water use standards discussed in Assembly Bill 1668 and Senate Bill 606.

SB X7-7 Compliance

The City's 2020 per capita water use goal was set in the 2015 UWMP as 196 gpcd. As discussed in the 2020 UWMP Guidebook, the City does not meet any criteria which would necessitate updating the target; therefore, 196 gpcd remains the 2020 water use target. With a water use of 119 gpcd, the City has met the target and achieved SB X7-7 compliance. As shown in the following figure, the City's per capita water use remains well below the 196 gpcd target.

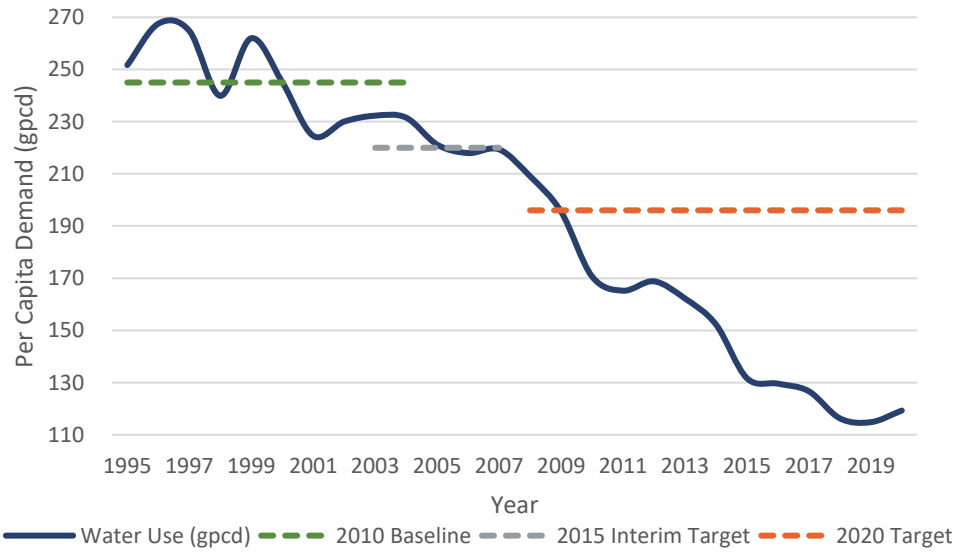

Figure ES-2: SB X7-7 Compliance

System Supplies

The City's groundwater supplies are extracted from the Madera Subbasin, an unadjudicated basin underlying the area. While the basin does not have legal limitations on groundwater pumping, the City is a participant in the City of Madera Groundwater Sustainability Agency (CMGSA) and a party to the Madera Subbasin Joint Groundwater Sustainability Plan (MJGSP)[1]. The CMGSA is working cooperatively with the six (6) other GSAs in the Madera Subbasin to manage the groundwater aquifer and reach sustainability by 2040. As part of those efforts, the agencies have agreed to manage groundwater extraction in a way that does not cause undesirable results in the aquifer.

Historically, the City's water supply has been 100 percent from groundwater. In the past, the City has purchased small quantities of surface water from Madera Irrigation District for recharge purposes, not use within the drinking water system.

Water Supply Reliability

A comparison of the City's supplies and projected demands is used to evaluate the water supply reliability. The supply shown in the following tables is entirely groundwater and does not represent the total supply available in the aquifer but rather the supply utilized by the City to meet its customers' demands.

The City water supply has historically been very consistent, due in large part to the reliability of the groundwater aquifer, and it is anticipated this will continue into the future. However, as SGMA is further implemented, it is possible that there will be further restrictions on groundwater pumping especially in critical dry and multiple dry years.

This comparison is completed for "normal" years when no drought conditions are present.

Table ES-3: Normal Year Supply and Demand Comparison

Condition	2025	2030	2035	2040
Supply Totals	14,870	14,694	15,520	16,392
Demand Totals	14,870	14,694	15,520	16,392
Difference	**0**	**0**	**0**	**0**

Units: AF

The single dry water year will be largely unaffected by dry weather conditions, due to the City's reliance on groundwater. This projection does not take into account possible state-wide mandates for conservation beyond that required by SBx7-7, groundwater pumping restrictions that may arise from SGMA, or any possible future adjudication of the basin.

[1] The MJGSP was prepared by four (4) of the seven (7) GSAs within the subbasin, including the CMGSA.

Table ES-4: Single-Dry Year Supply and Demand Comparison (DWR Submittal Table 7-3)

Condition	2025	2030	2035	2040
Supply Totals	14,870	14,694	15,520	16,392
Demand Totals	14,870	14,694	15,520	16,392
Difference	**0**	**0**	**0**	**0**

Units: AF

It is anticipated State-wide conservation mandates would be required during a prolonged drought; however, the magnitude of those mandates is unknown, and supplies would be available from the aquifer to meet the demands, even if demands were reduced based on mandated conservation requirements.

Table ES-5: Multiple-Dry Year Supply and Demand Comparison (DWR Submittal Table 7-4)

Condition		2025	2030	2035	2040
First Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Second Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Third Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Fourth Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Fifth Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**

Units: AF

As the final portion of Section 7, the City prepared a Drought Risk Assessment, evaluating the preparedness of the City to contend with a drought immediately within the next five years. Using the 2012-2016 drought as a model, the supplies were assumed to be reduced and conservation measures implemented to meet the reduction in usable supplies.

Table ES-6: Five-Year Drought Risk Assessment

Year	Without WSCP Actions			Planned WSCP Actions			
	Total Water Use	Total Supplies	Surplus/Shortfall w/o WSCP Action	Supply augmentation benefit	Use reduction savings benefit	Revised Surplus/ (shortfall)	Resulting % Use Reduction from WSCP action
2021	9,977	9,977	(594)	0	1,037	1,037	10%
2022	11,201	11,201	(338)	0	2,240	2,240	20%
2023	12,424	12,424	(822)	0	2,485	2,485	20%
2024	13,647	13,647	(1,670)	0	3,412	3,412	25%
2025	14,870	14,870	(1,667)	0	4,461	4,461	30%
Units: AF							

Demand Management Measures

The final substantive component of the UWMP addresses the City's efforts to implement Demand Management Measures (DMM), including water waste prevention, implementing water metering programs, conservation pricing, public education, assessing and managing system losses, and other measures. The City implements all recommended DMMs and continues to monitor their effectiveness and evaluate introduction of new measures in the "other" category. Implementation of the DMMs helps the City respond to water conservation needs.

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1 Introduction

1.1 Background and Purpose

The California Water Code requires urban water suppliers within the state to prepare and adopt Urban Water Management Plans (UWMPs) for submission to the California Department of Water Resources (DWR). The UWMPs, which must be filed every five years, must satisfy the requirements of the Urban Water Management Planning Act (UWMPA) of 1983 including amendments that have been made to the Act and other applicable regulations. The UWMPA requires urban water suppliers servicing 3,000 or more connections or supplying more than 3,000 acre-feet (AF) of water annually, to prepare an UWMP.

The purpose of the UWMP is to maintain efficient use of urban water supplies, continue to promote conservation programs and policies, ensure that sufficient water supplies are available for future beneficial use, and provide a mechanism for response during water drought conditions. This report, which was prepared in compliance with the California Water Code, and as set forth in the 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers (DWR, 2021) established by the DWR (UWMP Guidebook), constitutes the City of Madera (City) 2020 UWMP.

This 2020 UWMP was prepared in compliance with the UWMPA and the Water Conservation Bill of 2009 (Senate Bill [SB] x7-7) by Provost & Pritchard Consulting Group (P&P) and the City. Contact information for the City and P&P is included at the beginning of this document.

1.2 Previous Urban Water Management Plan

The City previously prepared an UWMP in 2015, which was approved and adopted by the City Council on April 5, 2017. Following adoption, the 2015 UWMP was submitted to and approved by DWR.

This 2020 UWMP serves as an update to the 2015 UWMP and complies with all new UWMP requirements and regulations.

1.3 Urban Water Management Planning and the California Water Code

This section summarizes the California Water Code (CWC) sections that are applicable to UWMPs.

1.3.1 Urban Water Management Planning Act of 1983

In 1983, State Assembly Bill (AB) 797 modified the California Water Code Division 6, by creating the Urban Water Management Plan Act (UWMPA). Several amendments to the original UWMPA, which were introduced since 1983, have increased the data requirements and planning elements to be included in UWMPs.

Initial amendments to the UWMPA required that total projected water use be compared to water supply sources over the next 20 years, in 5-year increments. Recent DWR guidelines also suggest

projecting through a 25-year planning horizon to maintain a 20-year timeframe until the next UWMP update has been completed. This is merely a guideline and not a requirement of the UWMPA. Therefore, the use of a 25-year planning horizon as opposed to a 20-year planning horizon is left up to the discretion of the agency. The City has opted to use a 20-year planning horizon for the purposes of this UWMP.

Other amendments require that UWMPs include provisions for recycled water use, demand management measures, and a water shortage contingency plan. The UWMPA requires inclusion of a water shortage contingency plan, which meets the specifications, set forth therein. Recycled water was added into the reporting requirements for water usage and figures prominently in the requirements for evaluation of alternative water supplies when future projections predict the need for additional water supplies. Each urban water purveyor must coordinate the preparation of the water shortage contingency plan with other urban water purveyors in the area, to the extent practicable. Each water supplier must also describe their water demand management measures that are being implemented or scheduled for implementation.

In addition to the UWMPA and its amendments, there are several other regulations that are related to the content of the UWMP. In summary, the key relevant regulations are:

- ***Assembly Bill (AB) 1668 (Friedman, 2018), and Senate Bill (SB) 606 (Hertzberg, 2018)****: These two bills amended existing law to provide expanded and new authorities and requirements to enable permanent changes and actions for those purposes, improving the state's water future for generations to come. SB 606 and AB 1668 provides complementary authorities and requirements that affect water conservation and drought planning for urban water suppliers, agricultural water suppliers, and small water suppliers and rural communities.*
- ***AB 1465 (Hill, 2009):*** *Requires water suppliers to describe opportunities related to recycled water use and stormwater recapture to offset potable water use.*
- ***AB 1420 (Laird, 2007):*** *Requires implementation of demand management measures (DMMs)/best management practices (BMPs) and meeting the 20x2020 targets to qualify for water management grants or loans.*
- ***SB 1087 (Florez, 2005):*** *Requires water suppliers to report single-family residential (SFR) and multifamily residential (MFR) projected water use for lower income areas separately.*
- ***Amendment SB 318 (Alpert, 2004):*** *Requires the UWMP to describe the opportunities for development of desalinated water, including but not limited to, ocean water, brackish water, and groundwater, as long-term supply.*
- ***AB 105 (Wiggins, 2004):*** *Requires urban water suppliers to submit their UWMPs to the California State Library.*
- ***Amendments SB 610 (Costa, 2001), and AB 901 (Daucher, 2001):*** *Effective beginning January 1, 2002, require counties and cities to consider information relating to the availability of water to supply new large developments by mandating the preparation of further water supply planning (Daucher) and Water Supply Assessments (Costa).*

1.3.2 Water Conservation Act of 2009 (SBx7-7)

This bill requires the State to achieve a 20-percent reduction in per capita water use by 2020 (State of California, 2010). Retail water suppliers are required to comply with the water conservation requirements in SBx7-7 in order to be eligible for State water grants or loans. Each retail water agency shall establish water use targets and track progress towards decreasing daily per capita water use.

1.3.3 Applicable Changes to the Water Code since 2015 UWMP

The applicable changes to the CWC since the completion of the City's 2015 UWMP are summarized in **Table 1-1**.

Table 1-1: Applicable Changes to the Water Code Since 2015

Topic	CWC Section	Legislative Bill	Summary
Water Shortage Contingency Plan	10620(d)(2) 10632 *10640(b)*	SB 606	*Requires each urban water supplier to prepare a water shortage contingency plan. A water shortage contingency plan must include six levels, including 10, 20, 30, 40, 50 and greater than 50 percent supply shortages. The water shortage contingency plan must be provided to the supplier's customers within 30 days of adoption.*
Submittal Date	*10621(f)*	SB 606	*Requires each urban water supplier to submit its 2020 plan to the Department of Water Resources by July 1, 2021.*
UWMP Contents	*10630.5*	*SB 606*	*Requires each plan include a simple lay description of its water supply availability, projected needs, and reliability.*
UWMP Contents	*10631(a)*	*SB 606*	Requires each plan to include the following new or revised items discussing: • Current and projected land uses within the service area; • Supply availability during normal and single dry years, and a five-year drought; • Conjunctive use, if applicable, and how new supplies will be developed; and • The current groundwater sustainability plan for the groundwater basin if groundwater is a source supply.
Energy Usage Reporting	*16031.2(a)*	*SB 606*	*Changes requirements for reporting energy usage for extracting and delivering water from optional to required.*

Topic	CWC Section	Legislative Bill	Summary
Seismic Risk Assessment and Mitigation Plan	*10632.5*	*SB 664*	*Requires urban water suppliers to provide a seismic risk assessment and mitigation plan as part of their UWMP update or approved equal plan.*
Drought Risk Assessment	*10635.5(b)*	*SB 606*	*Requires urban water suppliers to provide a drought risk assessment as part of information considered in developing the demand management measures and water supply projects.*
Plan Availability	*10645*	*SB 606*	*Requires urban water suppliers to make the UWMP and water shortage contingency plan available to the public for review within 30 days of filing the plan(s) with the State.*

1.4 Water Management Planning Efforts

The City is committed to provide a reliable and high-quality water supply to its customers. In order to ensure that the City will be able to continue to reliably serve the residents of Madera in the future, the City has conducted/participated in several important planning efforts that relate to water supply planning and are related to the UWMP. Some of the most critical water planning efforts are summarized below:

- ***City of Madera General Plan:*** *The City prepared and updated their General Plan in 2009 which served as a roadmap for improving the City by the year 2025 (Madera & PMC, 2009). This plan focuses on different elements of land use, circulation, housing, conservation, open space, noise and safety. One of the goals identified in this report was to ensure continued water supply to meet City water demands through innovative reclamation, conservation, and education on water use.*
- ***Water Master Plan Update:*** *In 2014, Akel Engineering prepared the City of Madera Water System Master Plan (WSMP) (Akel Engineering Group, Inc., 2014). The Master Plan included the following:*
    - *Summary of the City's existing domestic water system facilities*
    - *Documentation of planning growth assumptions and known future developments*
    - *Projections of future domestic water demands*
    - *Evaluation of the domestic water facilities needed to meet existing and projected demand requirements and fire flows*
    - *Evaluation of the existing groundwater conditions*
    - *Recommendations for a Capital Improvement Program (CIP) including an opinion of probable cost*

The 2014 WSMP used a different methodology for estimating current and future per capita demands than the 2010 UWMP and stated that demand estimates superseded those in the 2010 UWMP. This report uses data from the 2014 WSMP, as well as recent data from the City and California Department of Finance. As a result, the per capita demand analysis in this UWMP supersedes the analysis in the WSMP.

The WSMP includes a proposed $148 million CIP through the year 2050. The CIP is mentioned in this UWMP and will be the blueprint for future water system improvements in the City of Madera. The WSMP estimated future population growth of 3.5% annually, but this estimate has been revised down to 2% herein, so the proposed CIP may be implemented at a slower pace than presented in the CIP.

The WSMP and UWMP overlap in several areas, and some of the information in this UWMP was obtained from the WSMP.

- ***Regional Water Management Plan:*** *The City of Madera is a member of the Regional Water Management Group (RWMG). An updated Integrated Regional Water Management Plan (IRWMP) was prepared in December 2014 by the RWMG (Provost & Pritchard Consulting Group, 2015). The plan identifies priority water resources projects and programs.*
- ***Groundwater Sustainability Plan:*** *The City of Madera Groundwater Sustainability Agency (CMGSA) along with three other Groundwater Sustainability Agencies (GSAs) prepared the Madera Subbasin Joint Groundwater Sustainability Plan (MJGSP). The MJGSP was prepared in response to the Sustainable Groundwater Management Act of 2014, which is codified in California Water Code Section 10720 et seq. The legislation created a statutory framework for groundwater management in California that can be sustained during the planning and implementation horizon without causing undesirable results. SGMA requires governments and water agencies of critically over drafted basins to reach sustainability by 2040.*

1.5 UWMP Organization

This report is organized according to the recommended format provided in the DWR's 2020 UWMP Guidebook. The UWMP contains ten sections, followed by appendices that provide supporting documentation for the information presented in the report. The sections are outlined below:

- ***Lay Description/Executive Summary:*** *This section includes a lay description of the fundamental determinations of the UWMP regarding water service reliability, challenges ahead, and strategies for managing reliability risks.*
- ***Section 1 – Introduction:*** *This section provides background information for the 2020 UWMP and explains why the plan is needed.*
- ***Section 2 – Plan Preparation:*** *This section includes information on the development of the UWMP and efforts in coordination and outreach.*
- ***Section 3 – System Description:*** *This section describes the service area, population, and climate affecting the supplier's water management planning. This section also presents an overview of the City's water distribution system.*

- ***Section 4 – System Demands:*** *This section describes and quantifies the current and projected water uses within the City's service area. This section will also address climate change as it relates to system water use.*
- ***Section 5 – SBx7-7 Baselines, Targets, and Compliance:*** *This section describes the methods for calculating baseline and target consumption. It also includes a description of the City's efforts to meet the 2020 water use target.*
- ***Section 6 – System Supplies:*** *This section describes the current and projected sources of water available to the City. A description of potential recycled water use, supply availability and associated energy use is also included in this section. This section also addresses climate change as it relates to system supplies.*
- ***Section 7 – Water Supply Reliability:*** *This section describes the reliability of the City's current supply and evaluates the reliability 20 years out, including normal, single-dry years, and multiple dry years. This section also provides a five-year reliability analysis and drought risk assessment and addresses climate change as it relates to water supply reliability.*
- ***Section 8 – Water Shortage Contingency Planning:*** *This section references the City's staged plan for dealing with water shortages, including a catastrophic supply interruption.*
- ***Section 9 – Demand Management Measures:*** *This section describes the City's efforts to promote conservation, reduce water demand, and describes the City's demand management measures.*
- ***Section 10 – Plan Adoption, Submittal, and Implementation:*** *This section describes the steps taken to adopt and submit the City's UWMP and make it publicly available. This section will also describe the City's plan to implement the UWMP.*

2 Plan Preparation

This section presents information on the development of the 2020 UWMP and efforts in coordination and outreach.

2.1 Basis for Preparing a Plan

Legal Requirements:

CWC §10617 *"Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.*

CWC §10620(b) *Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.*

CWC §10621(a) *Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero, except as provided in subdivision (d).*

CWC §10621 (d) *Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.*

CWC §10644(a)(2) *The plan, or amendments to the plan, submitted to the department … shall include any standardized forms, tables, or displays specified by the department.*

CWC §10608.52(a) *The department, in consultation with the board, the California Bay-Delta Authority or its successor agency, the State Department of Public Health, and the Public Utilities Commission, shall develop a single standardized water use reporting form to meet the water use information needs of each agency, including the needs of urban water suppliers that elect to determine and report progress toward achieving targets on a regional basis as provided in subdivision (a) of Section 10608.28.*

CWC §10608.52 (b) *At a minimum, the form shall be developed to accommodate information sufficient to assess an urban water supplier's compliance with conservation targets pursuant to Section 10608.24… The form shall accommodate reporting by urban water suppliers on an individual or regional basis as provided in subdivision (a) of Section 10608.28.*

California Health and Safety Code §116275(h) *"Public Water System" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.*

The CWC defines an urban water supplier as "a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes". **Table 2-1** documents the number of municipal connections and the volume of water supplied in 2020. The City is considered an urban retail water supplier.

Table 2-1: Public Water System (Submittal Table 2-1)

Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020 (AF)
2010002	Madera, City of	13,913	8,755

Notes:

Municipal connections include all connections, metered or unmetered, including construction, recycled, and emergency water service connections.

Volume of Water Supplied includes all water into the system, without correction for losses.

2.2 Individual Planning and Compliance

Water agencies are given the option to develop UWMPs individually or collectively as a regional group. While efforts to prepare the UWMP were coordinated with appropriate agencies, this UWMP was developed for the City service area only, and the City is not participating in a Regional UWMP (RUWMP) as shown in **Table 2-2**.

Table 2-2: Plan Identification (Submittal Table 2-2)

Select Only One	Type of Plan	Name of RUWMP or Regional Alliance (if applicable)
☑	Individual UWMP	
	☐ Water Supplier is also a member of a RUWMP	N/A
	☐ Water Supplier is also a member of a Regional Alliance	N/A
☐	Regional Urban Water Management Plan (RUWMP)	N/A

2.3 Fiscal or Calendar Year and Units of Measure

Legal Requirements:

CWC §1608.20(a)(1) *Urban retail water suppliers…may determine the targets on a fiscal year or calendar year basis.*

The City is reporting on a calendar year basis and therefore the 2020 data includes the months of January to December 2020. Additionally, the data presented in this UWMP is presented in the units of acre-feet (AF). **Table 2-3** indicates the City's type of reporting year, and the units of measure for reporting water volumes throughout the 2020 UWMP.

Table 2-3: Agency Identification (Submittal Table 2-3)

Type of Plan	
☐	Supplier is a wholesaler
☑	Supplier is a retailer
Fiscal or Calendar Year (select one)	
☑	UWMP Tables are in Calendar Years
☐	UWMP Tables are in Fiscal Years
Units of Measure used in UWMP	
Unit	AF

2.4 Coordination and Outreach

The UWMPA requires that the UWMP identify the water agency's coordination with appropriate nearby agencies.

Legal Requirements:

CWC §10631(j) *An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).*

CWC §10620(d)(2) *Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.*

CWC §10642 *Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area.*

CWC §10621(b) *Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.*

The City's 2020 UWMP is intended to address those aspects of the UWMPA, which are under the control of the City, specifically water supply and water use. While preparing the 2020 UWMP, the City coordinated its efforts with relevant agencies to ensure that the data and issues are presented accurately.

2.4.1 Wholesale and Retail Coordination

The City does not receive wholesale water, nor does it plan to in the future (**Table 2-4**).

Table 2-4: Water Supplier Information Exchange (Submittal Table 2-4)

The retail supplier has informed the following wholesale supplier(s) of projected water use in accordance with CWC §10631
Wholesale Water Supplier Name
N/A

2.4.2 Coordination with Other Agencies and the Community

The City solicited participation from other agencies and organizations for the preparation of the 2020 UWMP. **Table 2-5** summarizes how the UWMP preparation was coordinated.

Table 2-5: Coordination with Appropriate Agencies

Coordinating Agencies	Sent a Notice of Intention to Adopt	Participated in Developing the Plan	Sent a Copy of the Draft Plan	Commented on the Draft	Attended Public Meetings	Contacted for Assistance
County of Madera	☒	☐	☒	☐	☐	☐
Madera Irrigation District	☒	☐	☒	☐	☐	☐

2.4.3 Notice to Cities and Counties

The City provided formal written notification to the County of Madera and Madera Irrigation District (MID) that the City's UWMP was being updated. In accordance with the UWMPA, this notification was provided at least 60 days prior to the public hearing of the plan. Electronic copies of the final UWMP will be provided to these agencies no later than 30 days after its submission to the DWR. Appendix A contains copies of the outreach documents.

3 System Description

The UWMPA requires that the UWMP include a description of the water purveyor's service area and various aspects of the area served including climate, population, and other demographic factors.

3.1 General Description

Legal Requirements:

> ***CWC § 10631(a)*** *[A plan shall be adopted in accordance with this chapter that shall do all of the following:] Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.*

The City of Madera (City), incorporated in 1907, is located along Highway 99 near the middle of the San Joaquin Valley in Central California. The City covers 15.8 square miles or about 10,100 acres, as shown in **Figure 3-1**.

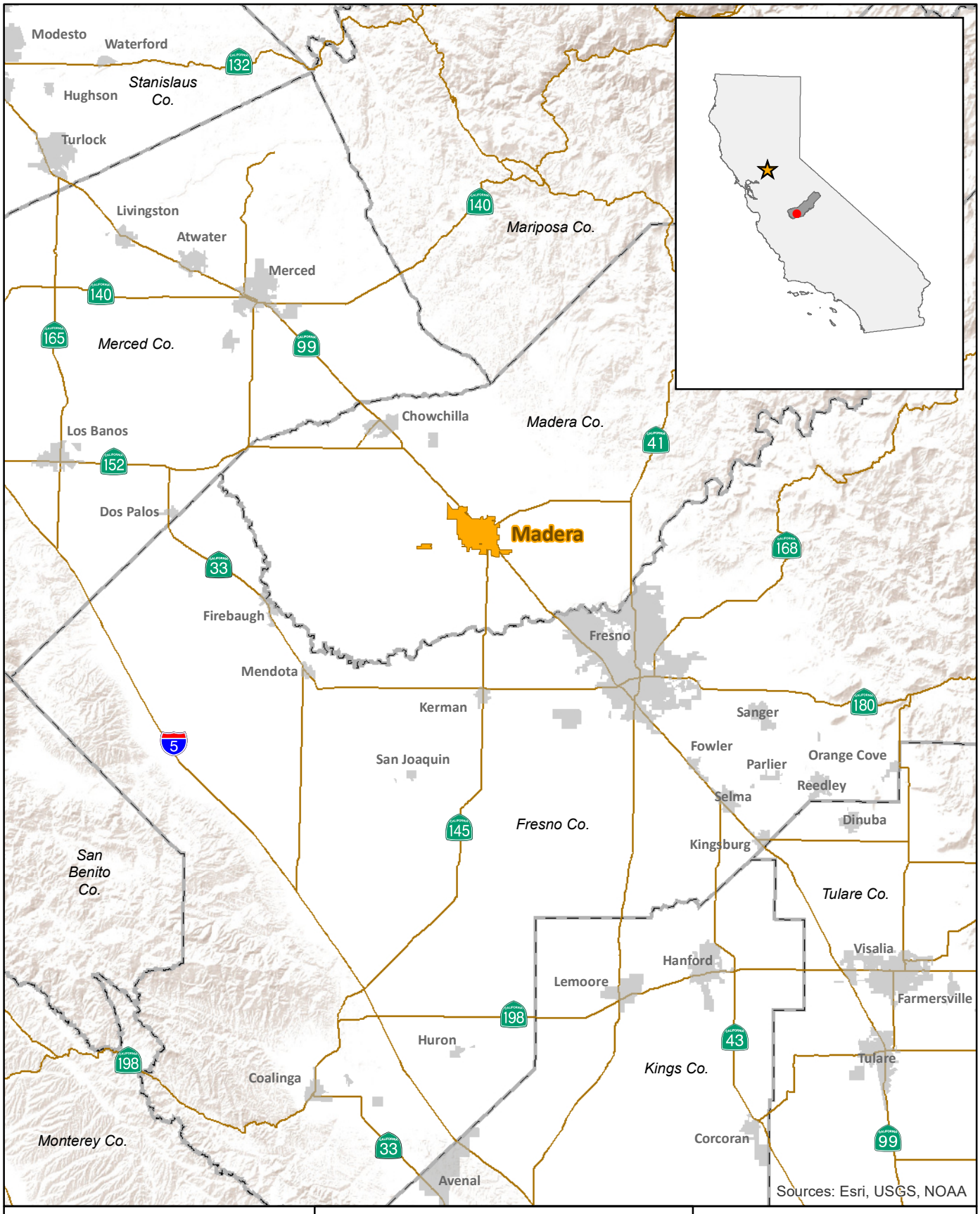
The City of Madera is the largest city in Madera County and serves as the County seat. The City was laid out in 1876 at the end of a lumber flume, which delivered timber from the Sierra Nevada Mountains to sawmills near the railroads. The City utilizes a Council and Administrator form of government. Six City Council members and a separately elected Mayor address the legislative needs of the City. The City Administrator is appointed by the City Council to administer the overall city organization. Madera is a full-service city, operating its own water and wastewater systems, and hosts a full range of community-based programs and services. Strategic planning in the City is driven by Vision Madera 2025, a community-based visioning program completed in 2006, and by the City's Comprehensive General Plan.

The City lies within the San Joaquin Valley and consists of mostly flat topography. The foothills of the Sierra Nevada Mountains begin about 15 miles east of the City. The foothills of the Coastal Mountain Range are about 45 miles west of the City. As shown in **Figure 3-1**, the Fresno River flows through the City from the east. The river is dry for much of the year since the flow is dependent on water releases from upstream water impoundments.

3.2 Service Area Boundary

The City provides water supply to all users within the City limits, as shown on **Figure 3-2.** Three unincorporated areas are found to the north, south and east of the City, respectively, including Madera Acres, Parkwood, and Parksdale. None of these areas receive City water; however, portions of Parkwood are on the City sewer system.

The island of City of Madera property west of the main portion of the City and outside of the City's sphere of influence, as shown on **Figure 3-2**, is the City's wastewater treatment facility.



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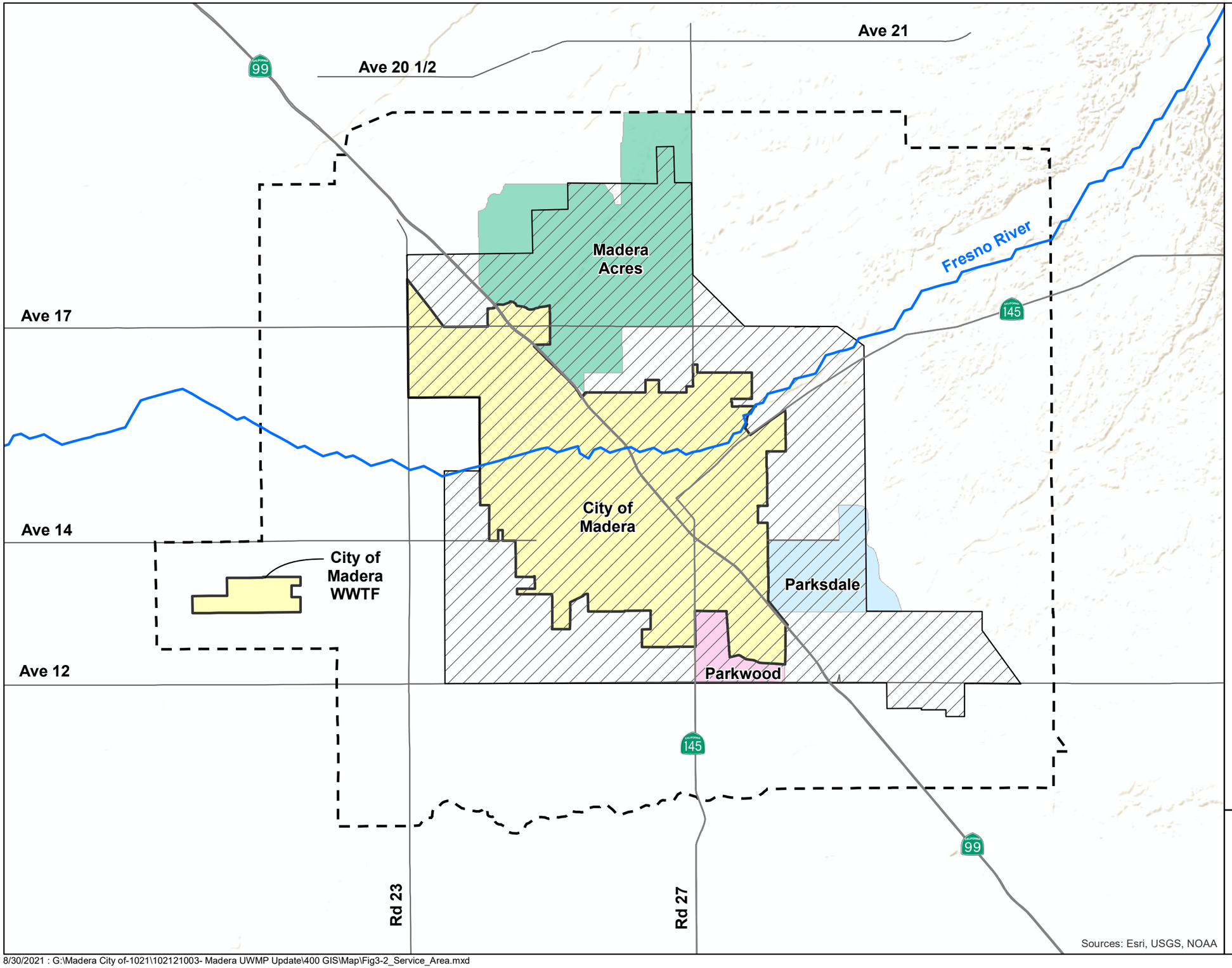


Legend

- Fresno River
- General Plan Boundary
- City of Madera / Service Area Approx. 10,107 acres
- City of Madera Sphere of Influence

Figure 3-2
Service Area

City of Madera
2020 Urban Water Management Plan

EST. 1968
PROVOST& PRITCHARD
CONSULTING GROUP
An Employee Owned Company

N
0 0.5 1
Miles

8/30/2021 : G:\Madera City of-1021\102121003- Madera UWMP Update\400 GIS\Map\Fig3-2_Service_Area.mxd

3.3 Service Area Climate

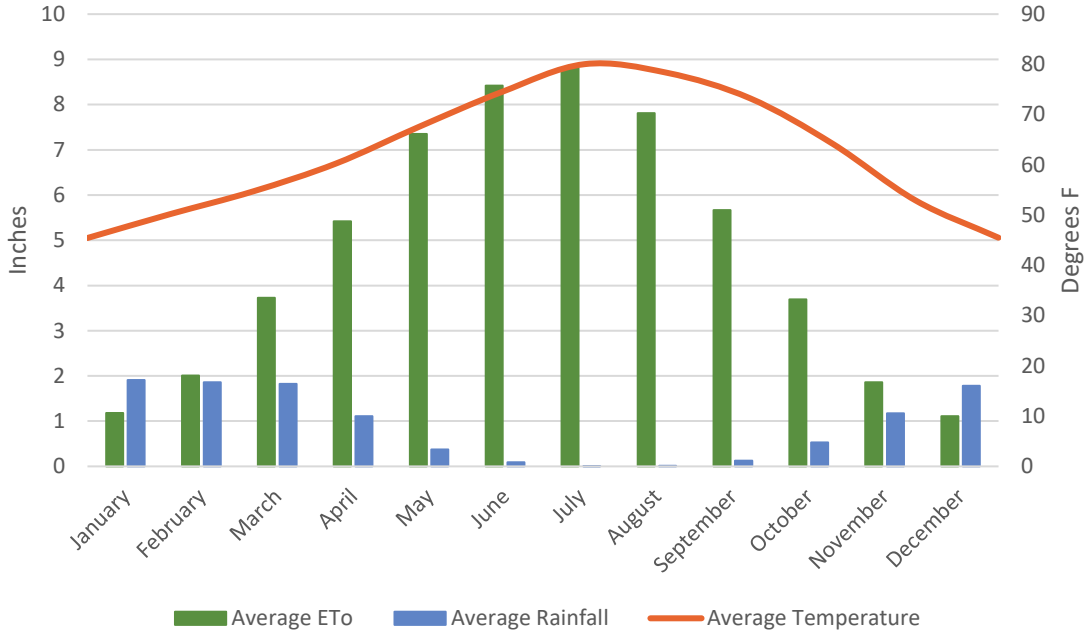
The City's climate is generally dry with mild winters and hot summers. Historically, the warmest month is July, with average temperatures reaching more than 98-degrees Fahrenheit. Winds are generally from the northwest, following the layout of the San Joaquin Valley. The standard monthly average evapotranspiration (ETo) rates, rainfall, and temperature are summarized in **Table 3-2**.

Table 3-1: Climate Statistics

Month	Average ETo [1] (inches)	Average Rainfall [2] (inches)	Temperature [2] (degrees F)		
			Average Minimum	Average Maximum	Average
January	1.18	1.91	36	55	45
February	2.01	1.86	39	61	50
March	3.73	1.82	42	67	55
April	5.42	1.11	46	75	60
May	7.35	0.37	51	84	68
June	8.42	0.09	57	92	74
July	8.81	0.01	62	98	80
August	7.81	0.01	60	96	78
September	5.67	0.13	56	91	73
October	3.69	0.53	48	80	64
November	1.86	1.17	40	66	53
December	1.11	1.78	36	55	46
Total/Average	**57.06**	**10.80**	**48**	**77**	**62**

Notes:
[1] (CIMIS, 2021); Fresno State – San Joaquin Valley Station 80.
[2] (Center, 2021); Station 045233 – Madera, CA; Period of reporting – 1928 to 2020

Figure 3-3: Climograph



3.3.1 Climate Change

DWR guidelines require urban water suppliers to consider the potential effects related to climate change as in the UWMP as it relates to water demands, water supply, and water supply reliability. These topics are addressed in Sections 4, 6, and 7 of the UWMP, respectively.

California has a Mediterranean climate, which is not expected to change with climate change projections in the future. The climate consists of cool, wet winters and hot, dry summers typically.

According to climate scientists, increases in global greenhouse gas levels are changing climate patterns around the world and, it is speculated, may begin to change at an accelerated pace from what has occurred in the past. An accelerated rate of change could potentially result in impacts to the local climate of the City in the form of higher temperatures, increased droughts and floods, decreased snowpack amounts, and durations and other extreme variations in weather patterns. As the UWMP projects through 2040, these changes could potentially manifest themselves over that period, and could potentially affect the availability and volume of water resources.

In the past, the amount of rainfall has been consistent, with periods of drought and periods of excess precipitation spaced relatively far apart. With climate change, the rainfall levels could begin to vary more from year to year, incurring droughts followed by excesses with less time between them. Typically, climate change predicts a decrease in average rainfall for the area, while temperatures are expected to increase. However, increased temperatures could intensify the El Nino Southern Oscillation (ENSO) cycle, possibly resulting in very abundant precipitation in wet years and drought level in dry years.

3.4 Service Area Population and Demographics

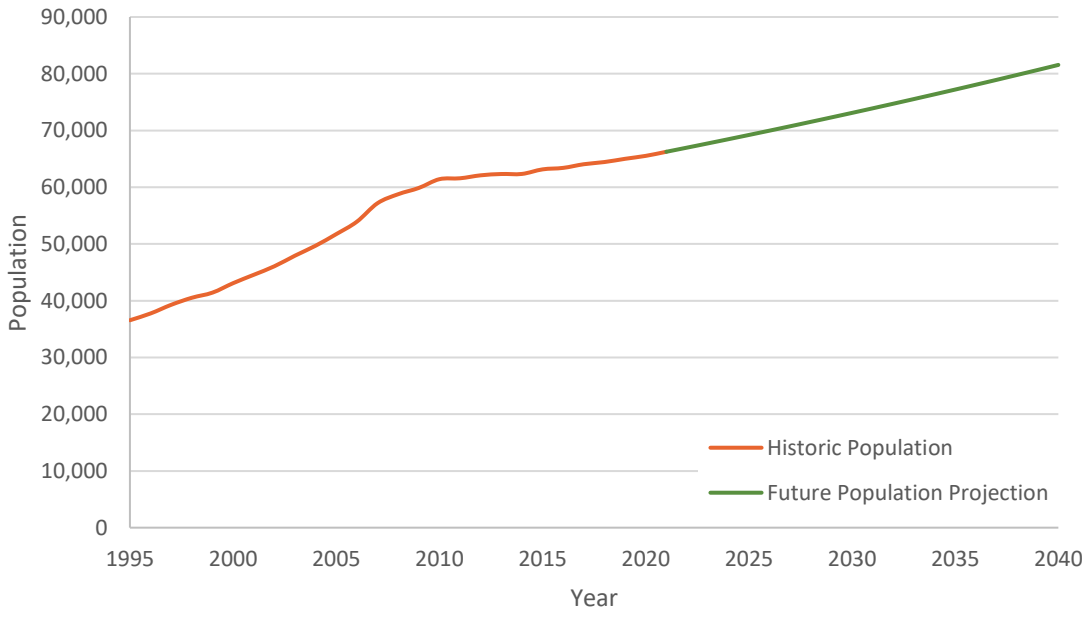
Population data for the City of Madera was obtained from the California Department of Finance (DOF) (DOF, 2021), which reports census data in years it is collected, as well as population estimates in years between censuses. DOF population estimates were also used in the 2010 and 2015 UWMPs. DOF population estimates from 2010 to 2015 have been revised since the 2015 UWMP, so revised numbers are presented in this UWMP. **Table 3-2** summarizes actual population growth for several periods as well as assumed growth rates from several reports.

Table 3-2: Population – Current and Projected (Submittal Table 3-1)

Service Area Population [1]	Years [2]				
	2020	2025	2030	2035	2040
City of Madera	65,526	69,210	73,101	77,211	81,552

Notes:
[1] Service area population is defined as the population served by the distribution system.
[2] Assumes 1.1% growth rate

Figure 3-4: Historical and Projected Population



3.5 Land Uses within Service Area

Land use in the City in 2015 is shown in the table below. According to the City's 2014 Groundwater Management Plan (Provost & Pritchard Consulting Group, 2014), the City had 1,100 acres of cropped land within the City limits. This cropping is generally just outside of urban areas.

Table 3-3: Land Uses

Land Use Category	City Limit Acreages	Percentage of Total
Commercial	1,257	11.9
Industrial	1,003	9.5
Very Low-Density Residential	54	0.5
Low-Density Residential	4,094	38.9
Medium-Density Residential	856	8.1
High-Density Residential	352	3.3
Neighborhood Mixed Use	4	0.0
Village Reserve	2	0.0
Office	135	1.3
Public and Semi-Public	1,472	14.0
Open Space	737	7.0
Resource Conservation	390	3.7
Freeway 99 R/W & Undesignated	180	1.7
Total	**10,536**	**100%**

Source: City of Madera, Department of Community Development

4 System Demands

This section describes and quantifies the current and projected water demands within the City's service area.

4.1 Non-Potable versus Potable Use

This section addresses demands that are met by non-potable and potable water sources. Recycled water is not available to the City. Recycled water and the potential for future use of recycled water is described in **Section 6**.

4.2 Past, Current, and Projected Water Use by Sector

Legal Requirements:

CWC § 10631(d)

(1) For an urban retail water supplier, quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, based upon information developed pursuant to subdivision (a), identifying the uses among water use sectors, including, but not necessarily limited to, all of the following…

(2). The water use projections shall be in the same five-year increments described in subdivision (a).

(4)(A) Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following: (i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections. (ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

The UWMPA requires that the UWMP identify the quantity of water supplied to the City's customers including a breakdown by user classification.

The City utilizes several water use sectors identified in the CWC and tracks water use within those sectors separately. Historic water use and projected water use is presented in those sectors.

4.2.1 Water Use Sectors Listed in Water Code

Legal Requirements:

CWC § 10631(d)

(1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(J) Distribution system water loss.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

The City's water customers are divided into six categories that include single-family and multifamily residential, commercial/institutional, industrial, landscape irrigation, and other. Since the 2015 UWMP, the number of new water costumers has remained relatively flat but has shown on average an increase of approximately 1 percent annually. Much of the usage is attributed to single family residents, which currently accounts for about 59 percent of the City's total potable water demand. The City also tracks distribution systems losses via the water auditing process annually.

4.2.2 Past Water Use

The City maintains records of past water use, as shown in **Table 4-1** below. Recent water usages are at 20 year lows, and per capita water consumption in 2019 was at a historic low of 115 gallons per capita per day (gpcd). This decrease in demand can be attributed to statewide and local conservation measures enacted because of state mandates due to extreme drought conditions within California. **Table 4-1** shows the historical water production from 2000 to 2020. **Table 4-1** only accounts for total potable water.

Table 4-1: Past Water Production (2000 – 2020)

Year	Annual Potable Water Production			Population	
	Total Annual (AF)	Total Annual (MG) [1]	Daily Average (MGD) [2]	Population [3]	Per Capita Consumption (gpcd)
2000	11,834	3,856	10.6	43,089	245
2001	11,210	3,653	10.0	44,565	225
2002	11,868	3,867	10.6	46,066	230
2003	12,473	4,064	11.1	47,939	232
2004	12,886	4,199	11.5	49,691	232
2005	12,818	4,177	11.4	51,735	221
2006	13,299	4,333	11.9	53,928	220
2007	13,725	4,472	12.3	57,181	214
2008	13,763	4,485	12.3	58,767	209
2009	13,114	4,273	11.7	59,868	196
2010	11,742	3,826	10.5	61,416	171
2011	11,395	3,713	10.2	61,574	165
2012	11,742	3,826	10.5	62,096	169
2013	11,327	3,691	10.1	62,330	162
2014	10,635	3,465	9.5	62,342	152
2015	9,313	3,035	8.3	63,147	132
2016	9,203	2,999	8.2	63,407	130
2017	9,088	2,961	8.1	64,052	127
2018	8,393	2,735	7.5	64,436	116
2019	8,361	2,724	7.5	65,008	115
2020	8,754	2,853	7.8	65,526	119

Notes:
[1] Public Water System Statistics
[2] MGD = million gallons per day
[3] California Department of Finance Population Estimate

4.2.3 Distribution System Losses

Legal Requirements:

CWC § 10631

For an urban retail water supplier, quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a),and projected water use, based upon information developed pursuant to subdivision (a), identifying the uses among water use sectors, including, but not necessarily limited to, all of the following…

(J) Distribution system water loss….

CWC §10631(d)(3)

(A) The distribution system water loss shall be quantified for each of the five years preceding the plan update, in accordance with rules adopted pursuant to Section 10608.34.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.

(C) In the plan due July 1, 2021, and in each update thereafter, data shall be included to show whether the urban retail water supplier met the distribution loss standards enacted by the board pursuant to Section 10608.34.

California Senate Bill No. 1420 ("SB 1420") requires water utilities that submit UWMPs to conduct annual system water loss audits in accordance with American Water works Association (AWWA) standards. Agencies are required to submit their audits every five years as part to the UWMP.

AWWA quantifies water loss as the difference between the quantity of water supplied and the quantity of water delivered to authorized customers. Water loss is further defined under two categories, apparent losses, and real losses. Apparent losses are due to unauthorized consumption, inaccurate metering, and systematic data handling errors. These losses can be considered non-physical losses associated with inaccurate recording. Real losses are the physical loss of water due to leaks within the distribution system.

Table 4-2 summarizes the findings of the City's water loss audit for the last five years. The detailed water loss audit reports are available in **Appendix B**.

Table 4-2: Last Five Years of Water Loss Audit Reporting (Submittal Table 4-4)

Reporting Period Start Dates	Total Volume of Water Loss (AF)	Percent of total Water Supplied (%)	Complies with CWC §10608.34
January 2016[1]	--	--	No
January 2017	1,257	13.8%	Yes
January 2018	340	4.1%	Yes
January 2019	305	3.6%	Yes
January 2020[2]	75	0.9%	N/A

Notes:

[1] City of Madera has not completed a water loss audit for 2016.

[2] The 2020 City of Madera Water Loss Audit has not been prepared as of the date of this report. Total loss volume shown is estimated using the average of the prior 2 years loss percentage.

4.2.4 Current Water Use

Table 4-3 summarizes the City's current water use by customer class type. Losses shown below are estimated using the average loss percentage from the most recent two years of water loss audits.

Table 4-3: Demands for Potable and Non-Potable Water – Actual (Submittal Table 4-1)

Use Type	Additional Description	Level of Treatment When Delivered	Volume (AF)
Single-Family Residential	Includes residential landscape	Drinking Water	5,214
Multifamily Residential	Includes residential landscape	Drinking Water	1,553
Commercial/Institutional	Includes schools	Drinking Water	1,282
Industrial		Drinking Water	80
Landscape		Drinking Water	550
Other		Drinking Water	0
Losses	Accounts for real and apparent losses	Drinking Water	75
		Total	**8,754**
Notes: [1]			

Figure 4-1 provides a graphical representation of the information presented in **Table 4-4**; however, groundwater recharge is not shown on the figure, as it is not a direct use of potable water supplies.

Figure 4-1: 2020 Water Use by Sector

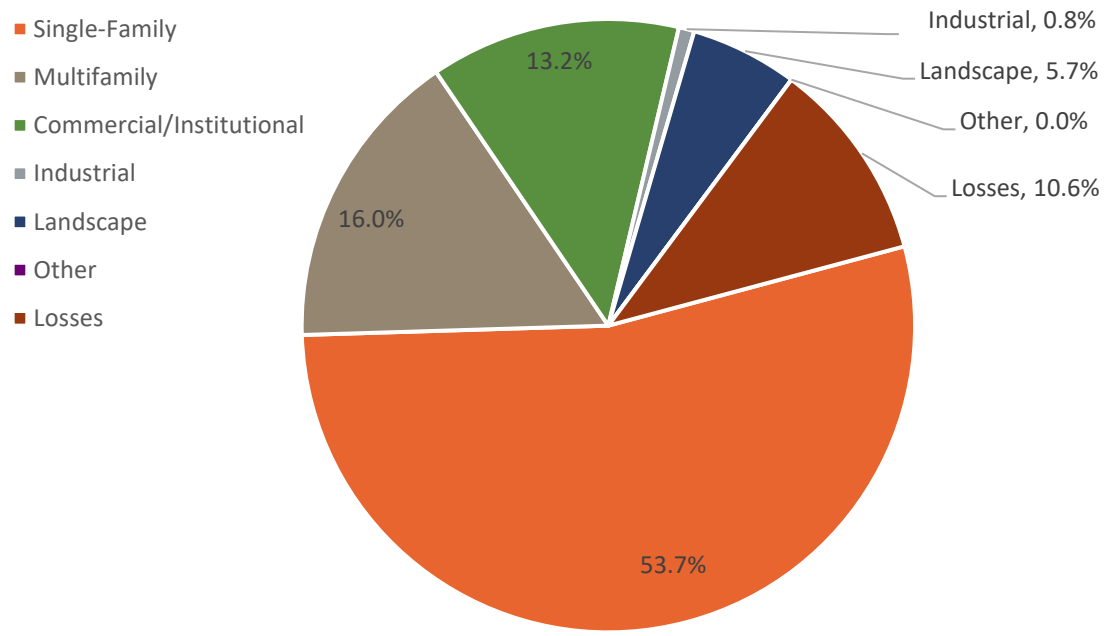
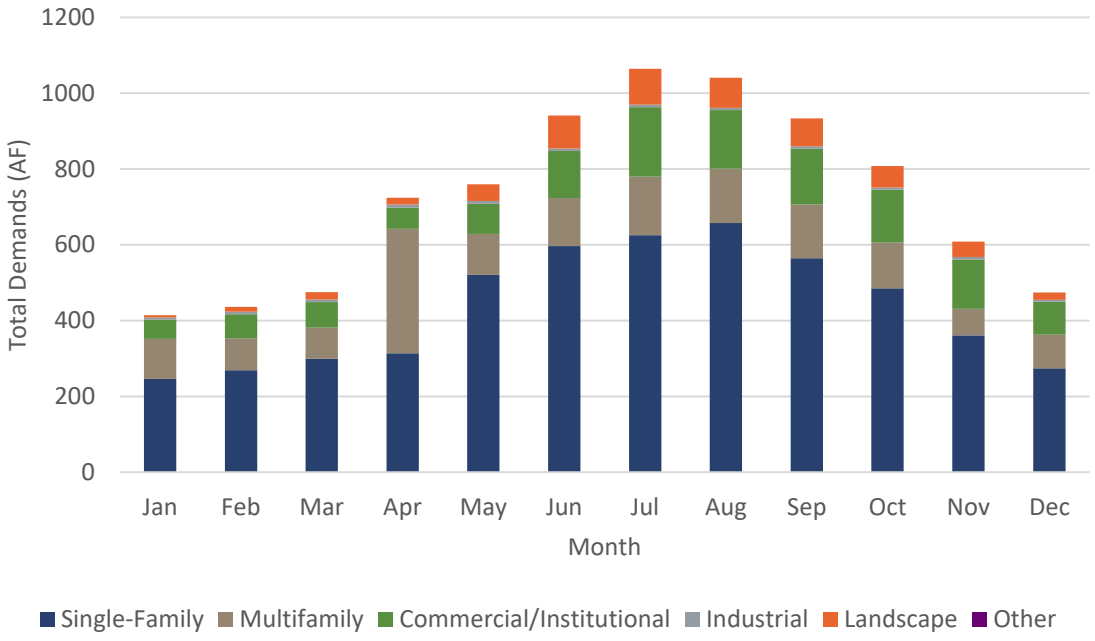


Figure 4-2: 2020 Water Demands by Month



4.2.5 Projected Water Use

Legal Requirements:

CWC §10635 (a)

Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the long-term total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

CWC §10631

(h) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available…

CWC §10631(d)(4)

(A) Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:

(i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.

(ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

This section is based on a normal water year and normal water use, without additional restrictions put in place. Section 7 discusses, in detail, water demand and supply characteristics associated with single-dry and multiple-dry years, including a Drought Risk Assessment.

Table 4-4 represent the total sum of projected water demands for potable and raw use within the service area from 2025 to 2040 for normal years. These demands represent the City's total water demand in the future. Section 6 further discusses the current and projected use of recycled water

Table 4-4: Use for Potable and Non-Potable Water – Projected (Submittal Table 4-2)

Use Type	Additional Description	Projected Water Use (AF) [1]			
		2025	2030	2035	2040
Single-Family	Includes residential landscaping	8,450	8,145	8,603	9,087
Multifamily	Includes residential landscaping	2,517	2,426	2,563	2,707
Commercial/Institutional	Includes schools	2,225	2,350	2,482	2,622
Industrial		138	146	154	163
Landscape		955	1,008	1,065	1,125
Other		0	0	0	0
Losses [2]		585	618	653	689
	Total	**14,870**	**14,694**	**15,520**	**16,392**

Notes:
[1] Projected water use is based on the 2020 Water Use Target of 196 gpcd for non-residential uses and 183 gpcd in 2025 and 167 gcpd in 2030 for residential uses, as discussed below, and using the population projections discussed in Section 3.
[2] Water loss is estimated based on the average water loss documented for 2018 and 2019.

Table 4-5 represents the total sum of projected water demands for potable and raw water use within the service area. These demands represent the City's total water demand in the future. Section 6 further discusses the current and projected use of recycled water.

Table 4-5: Total Water Use (Potable and Non-Potable) (Submittal Table 4-3)

Demand Use	2020	2025	2030	2035	2040
Potable Water, Raw, Other Non-Potable	8,754	14,870	14,694	15,520	16,392
Recycled Water	0	0	0	0	0
Total Water Demands	**8,754**	**14,870**	**14,694**	**15,520**	**16,392**

4.2.5.1 Water Savings Estimate

Demands in Table 4-5 are based on the 2020 Water Use Target (196 gpcd) for all uses except single-family and multifamily. In those instances, the Water Use Target has been reduced to 183 gpcd in 2025 and 167 gpcd in 2030 and beyond. The purpose of this reduction is to address the efficient indoor residential water use standards discussed in AB 1668 and SB 606 of 55 gpcd until January 2025 and 50 gpcd until January 2030. Additional water savings, such as mandated conservation measures, have not been included in the projections to allow for the City to plan in a conservative manner.

Water savings from codes, standards, ordinances, or transportation and land use plans are also known as "passive savings." These various factors generally decrease the water use for new and future customers, compared to historical customers. These codes and ordinances may include implementation

of the Model Water Efficient Landscape Ordinance (MWELO), the California Energy Commission Title 20 appliances standards for toilets, urinals, faucets, and showerheads, or the CALGreen Building Code.

As shown in **Table 4-4**, passive savings have not been specifically incorporated in projected water demands. Instead, future water demands are projected based on population and the City's target per capita water use, as documented in Section 5, and discussed above. However, the City does expect that passive savings, such as continued implementation of the City's Water Efficient Landscape Ordinance, Title 20 appliance standards for toilets, urinals, faucets, and showerheads, and CALGreen Building Code requirement, will help the City continue to meet its target per capita water demand in the future.

4.2.6 Characteristic Five-Year Water Use

CWC §10635(b) *Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following…*

(3) A comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period. [Emphasis added]

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

As part of the Drought Risk Assessment prepared in Section 7, the following five-year water use (see **Table 4-6**), between 2020 and 2025, can be utilized as a representative five-year normal period.

Table 4-6: Five-Year Projected Water Use

Year	Five-Year Projected Water Use		
	Projected Potable Water Use (AF)	Projected Non-Potable Water Use (AF)	Total Projected Water Use (AF)
2021	9,977	0	9,977
2022	11,201	0	11,201
2023	12,424	0	12,424
2024	13,647	0	13,647
2025	14,870	0	14,870

4.3 Water Use for Low Income Households

Legal Requirements:

CWC § 10631

(a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier. California Health and Safety Code 50079.5

(a) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families… In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually.

As described above, the UWMP is required to account for low-income household water demands. Low-income households are defined as families with an income less than 80-percent of the area median income, adjusted for family size.

To calculate low-income water demands, the current and projected water use of single-family and multi-family residential households were used in conjunction with the estimated percent of low-income households planned within the service area. It is understood that the Regional Housing Needs Allocation identified approximately 39 percent of the housing within the City will be within the extremely low, very low, and low income categories between 2014-2023 (City of Madera, 2015). For the determination of projected low-income housing, it is assumed that 39-percent will remain consistent throughout 2040.

To determine water demands for low-income housing, the water demands in Table 4.3 for single-family and multifamily units were multiplied by the percentage of low-income households. Water demands associated with low-income residential water users through year 2040 are presented in **Table 4-7**.

Table 4-7: Low Income Water Demands

Low Income Water Demands	Water Use (AF)				
	2020	2025	2030	2035	2040
Single- and Multifamily Residential	2,639	4,277	4,123	4,355	4,599
Total (AF)	**2,639**	**4,277**	**4,123**	**4,355**	**4,599**

As shown in **Table 4-8**, lower income demand projections presented in **Table 4-7** are included in the total water use projections provided in **Table 4-4**.

Table 4-8: Inclusion of Water Use in Projections (Submittal Table 4.5)

Scenario	Response
Are Future Water Savings Included in Projections?	Yes
If "Yes" to above, state the section or page number where citations of the codes, ordinances, etc. utilized in demand projections are found.	Section 4.2
Are Lower Income Residential Demands Included in Projections?	Yes

4.4 Climate Change Related to System Demands

Legal Requirements:

CWC §10630

It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied, while accounting for impacts from climate change.

CWC §10635(b)

Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following…

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

As climate change becomes more noticeable and quantifiable, the City's response will include reducing demands to match possible reduction of water supplies. The potential impacts of climate change on the City's supply could include such items as more prolonged droughts, shifts in water supply patterns, and potential flooding.

Reduction of the per capita demands in the system can help respond to climate change in two ways. Reduced water demands equate to less energy use through reduced groundwater pumping and/or movement of water supplies through the system. Further reduction of per capita water demands, at this point of the City's master planning efforts, may be challenging to achieve, as the City has implemented many conservation methodologies (discussed in further detail in Section 9); however, one strategy the City may choose would be to initiate the use of recycled water to use their water supplies more efficiently (this use has not been planned for in this UWMP but may be included in the future).

Additionally, it is anticipated climate change will impact landscape water demands most significantly; however, as the City will maintain the per capita goal, overall water demands are not anticipated to increase. Mitigating possible increased water demands for landscape may require less landscaping, increased use of drought tolerant plantings, or more efficient irrigation strategies. The City employs an approved plants list inclusive of mostly drought tolerant plantings for landscaping on all new construction projects and is considering modification to turf allowances within the City. These measures will help to respond to water demand variations as a result of climate change.

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5 SBx7-7 Baselines, Targets, and Compliance

This section describes the baseline (base daily per capita) water use, the 2015 and 2020 water use targets, and the 2020 actual water use.

The UWMPA requires that the UWMP identify a baseline water demand, urban water use target, and interim urban water use target for the City.

Legal Requirements:

> ***CWC § 10608.20***
>
> *(e) An urban retail water supplier shall include in its urban water management plan. . . due in 2010 the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.*

The base daily per capita use was the first step in determining the City's urban water use target. The historical per capita use set the "baseline" on which the urban water use target was determined. The City established an Interim 2015 water use target and a subsequent 2020 urban water use target to judge compliance with the 2020 use reductions set forth in the Water Conservation Bill of 2009.

5.1 SBx7-7 Forms and Summary Tables

The City will use previously calculated values from the baseline target in 2015 to determine compliance with the SBx7-7. The following subsections present the SBx7-7 Verification forms according to the 2020 UWMP Guidebook requirements.

5.1.1 SBx7-7 Verification Form

The 2015 UWMP include a complete SBx7-7 Verification Form and is referenced in **Appendix C**. For this reason, and as recommended in the 2020 UWMP Guidebook, a New Verification Form has not been prepared with the 2020 UWMP.

5.1.2 SBx7-7 2020 Compliance

The City's 2020 per capita water use goal that was set in the 2015 UWMP is 196 gpcd. The City has met this goal with a water use average of 119 for the year 2020 and achieved SBx7-7 compliance.

5.1.3 DWR Submittal Tables

In addition to reporting compliance on the SBx7-7 Compliance Form, the City is also required to report compliance on the DWR Submittal Tables, 5-1 and 5-2, shown below.

Table 5-1: Baselines and Targets Summary (Submittal Table 5-1)

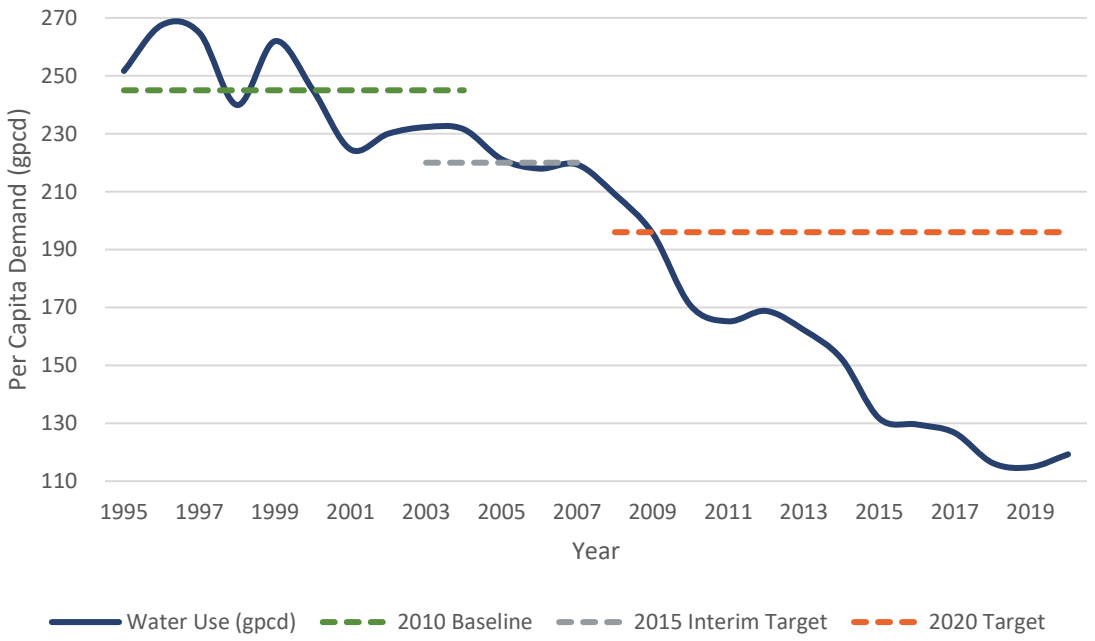
Baseline Period	Start Year	End Year	Average Baseline GPCD	Confirmed 2020 Target
10-15 Year	1995	2004	245	196
5 Year	2003	2007	220	

Table 5-2: 2020 Compliance (Submittal Table 5-2)

Actual 2020 GPCD	2020 Total Adjustments	Adjusted 2020 GPCD	2020 Confirmed Target GPCD	Did Supplier Achieve Targeted Reduction for 2020
119	0	119	196	Yes

Figure 5-1 is a graphical representation of the City Per Capita Water Use since 2010, when the baselines and targets were initially required. This figure highlights the City's success in consistently decreasing its Per Capita Water Use.

Figure 5-1: Historical Per Capita Water Use



5.2 Baseline and Target Calculations for 2020 UWMPs

The City revised its calculations in the 2020 UWMPs based on population changes in the area. The 2020 UWMP Guidebook indicates criteria to determine if the Supplier should or should not consider recalculation of its baselines and targets. Those criteria are discussed in the following subsections. As

indicated below, the City does not meet a criterion to recalculate its baselines and targets and meets the criterion to utilize those calculated in the 2015 UWMP.

Supplier Submitted 2015 UWMP, No Change to Service Area

The City did prepare and submit the 2015 UWMP, along with the SBx7-7 Verification Form, both of which were accepted by DWR. The City has also not had a change to its service area, as noted in the Guidebook. The Guidebook clarifies "change to its service area" as follows:

> "…changes to the service area based solely on new construction do not require recalculation of the baselines and targets. For purposes of this section, changes to the service area refers to mergers and annexations…"

Based on this definition, the City has not had a change to its service area. The City has prepared the 2020 Compliance Form, see **Appendix D** and the 2015 Verification Form, see **Appendix C**, for review and reference.

Supplier Did Not Submit 2015 UWMP

This criterion does not apply to the City; the 2015 UWMP was submitted and accepted.

Supplier Newly Subject to UWMP Requirements

This criterion does not apply to the City.

Distribution Area Expansion

Stated in the 2020 UWMP Guidebook, "If the Suppliers service area expanded by way of a merger or annexation, the Supplier must provide baseline and targets to include the new area." While there were annexations within the City, all were the result of new construction and, as discussed in above, new construction does not qualify the City to recalculate its baselines and targets.

Distribution Area Contraction

This criterion does not apply to the City.

Large Partial Customers Become Whole Customers

This criterion does not apply to the City.

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6 System Supplies

The Urban Water Management Planning Act (UWMPA) requires that the Urban Water Management Plan (UWMP) include a description of the agency's existing and future water supply sources for the next 20 years. The description of water supplies must include detailed information on the groundwater basin such as water rights, determination if the basin is in overdraft, adjudication decree, and other information from the groundwater management plan.

6.1 Water Supply Analysis Overview

Legal Requirements:

> ***CWC §10631(b)*** *Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier [in five-year increments to 20 years or as far as data is available] providing supporting and related information, including all of the following:*
>
> *(1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.*
>
> *(2) When multiple sources of water supply are identified, a description of the management of each supply in correlation with the other identified supplies.*
>
> *(3) For any planned sources of water supply, a description of the measures that are being undertaken to acquire and develop those water supplies.*

The City is entirely reliant on groundwater sources for their water supply; it is not anticipated this will change in the near future with regards to water supply for potable consumption. The following sections quantify each supply, including future planned supplies over five-year increments through 2040. These supply sources will be quantified for the normal year, single-dry year, and a five-year period of multiple dry years.

The City's groundwater supplies are extracted from the Madera Subbasin, an unadjudicated basin underlying the area. While the basin does not have legal limitations on groundwater pumping, the City is a participant in the City of Madera Groundwater Sustainability Agency (CMGSA) and a party to the Madera Subbasin Joint Groundwater Sustainability Plan (MJGSP)[2]. The CMGSA is working cooperatively with the six (6) other GSAs in the Madera Subbasin to manage the groundwater aquifer and reach sustainability by 2040. As part of those efforts, the agencies have agreed to manage groundwater extraction in a way that does not cause undesirable results in the aquifer.

6.2 Water Supply Characterization

The following subsections provide water supply availability quantification and narrative required under the CWC.

[2] The MJGSP was prepared by four (4) of the seven (7) GSAs within the subbasin, including the CMGSA.

6.2.1 Purchased or Imported Water

Historically, the City water supply has been almost 100 percent from groundwater. In the past, the City has purchased small quantities of surface water from Madera Irrigation District for use as groundwater recharge in basins around the service area. Based on recent water audits, the City has not purchased or imported water since at least 2017. For the purposes of this UWMP, it is assumed that the City does not purchase or import water.

6.2.2 Groundwater

Legal Requirements:

CWC §10631(b)(4) *If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information:*

(A) The current version of any groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720), any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management for basins underlying the urban water supplier's service area.

(B) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For a basin that has not been adjudicated, information as to whether the department has identified the basin as a high- or medium-priority basin in the most current official departmental bulletin that characterizes the condition of

the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to coordinate with groundwater sustainability agencies or groundwater management agencies listed in subdivision (c) of Section 10723 to maintain or achieve sustainable groundwater conditions in accordance with a groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720).

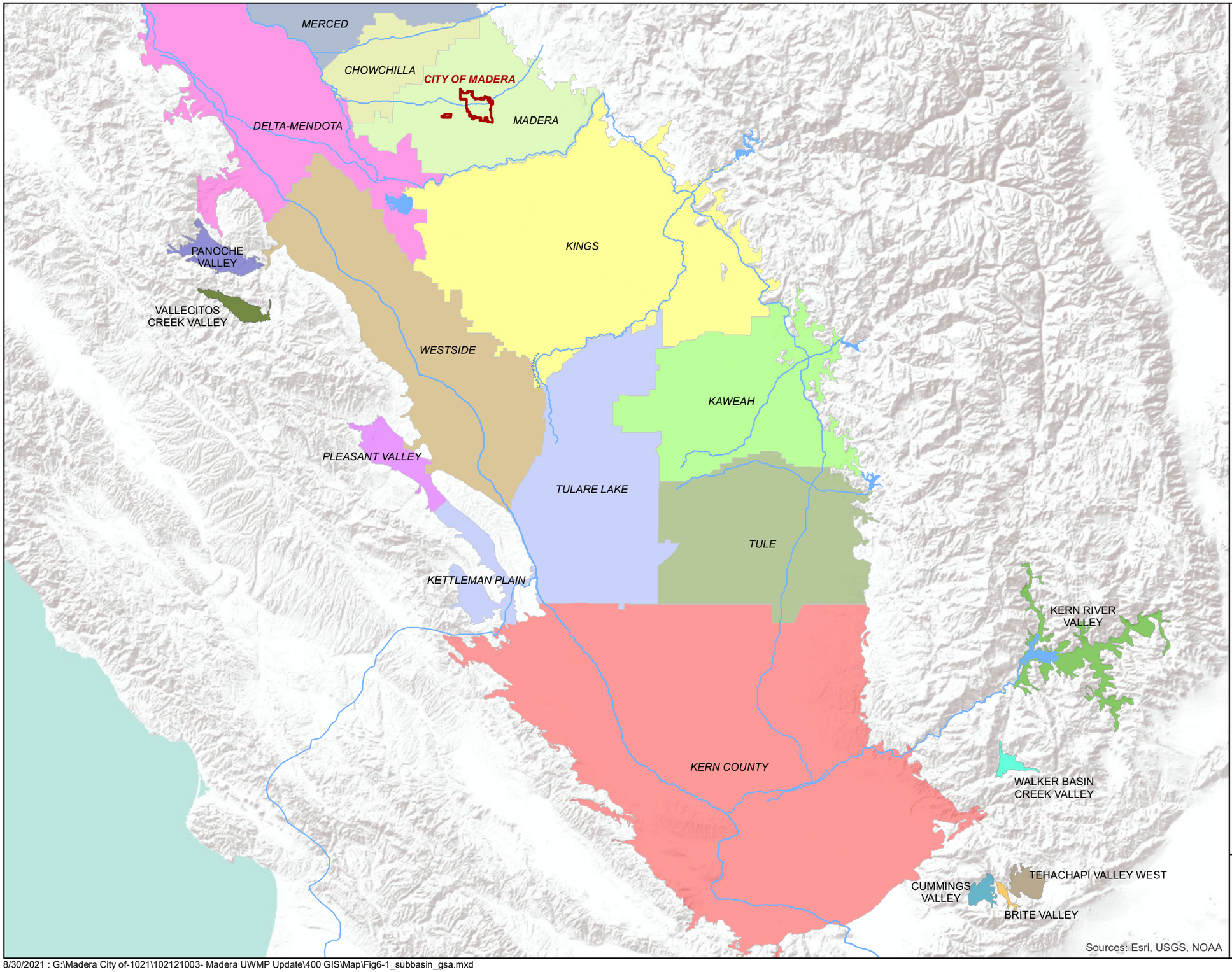
(C) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(D) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

6.2.2.1 Basin Description

The City is located in the San Joaquin River hydrologic region and extracts its groundwater from the Madera Subbasin, one of nine subbasins in the San Joaquin Valley Groundwater Basin. **Figure 6-1** shows the location of the City within the groundwater basin. The total surface area of the subbasin is 394,000 acres, or 614 square miles. The City occupies less than 3 percent of this total area. The Madera Subbasin consists of alluvium emanating from the Sierra Nevada range. The Subbasin is bounded on the south by the San Joaquin River, on the west by the eastern boundary of the Columbia Canal Service Area, on the north by the southern boundary of the Chowchilla Subbasin, and on the east by the crystalline bedrock of the Sierra Nevada foothills.

The current volume of water in the entire basin, or in the basin underlying the City, is not precisely known at this time, and is dependent on groundwater levels and the base of fresh water. However, the groundwater basin has significant reserves. According to DWR's Bulletin 118 – California Groundwater (2004) the Madera Subbasin had 12,600,000 AF of storage to a depth of 300 feet in 1995 (DWR, 2003).



Legend

- City of Madera
- Water Features

Groundwater Subbasins

San Joaquin Valley (5-22)

- Chowchilla (5-22-05)
- Delta-Mendota (5-22-07)
- Kaweah (5-22-11)
- Kern County (5-22-14)
- Kettleman Plain (5-22-17)
- Kings (5-22-08)
- Madera (5-22-06)
- Merced (5-22-04)
- Pleasant Valley (5-22-10)
- Tulare Lake (5-22-12)
- Tule (5-22-13)
- Westside (5-22-09)

Other

- Brite Valley (5-80)
- Cummings Valley (5-27)
- Kern River Valley (5-25)
- Panoche Valley (5-23)
- Tehachapi Valley West (5-28)
- Walker Basin Creek Valley (5-26)

Figure 6-1
Groundwater Basins and Subbasins

City of Madera
2020 Urban Water Management Plan

EST. 1968
PROVOST& PRITCHARD
CONSULTING GROUP
An Employee Owned Company

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Aquifers in the Madera Subbasin consist of alluvial sediments composed of unconsolidated gravels, sands, silts, and clays. Major streams in the area include the San Joaquin and Fresno rivers. The Madera Subbasin has been in an overdraft condition for many years. DWR Bulletin 118[3] includes a detailed description of the Madera Subbasin and its characteristics and conditions.

6.2.2.2 Groundwater Quality

Groundwater within the Madera Subbasin has generally been high quality. While total dissolved solids (TDS) ranges from 100 to 6,400 milligrams per liter (mg/L) within the Subbasin, average TDS is 215 mg/L (DWR, 2003).

Groundwater is mainly of a bicarbonate type throughout most of the Subbasin, transitioning from calcium- and calcium-magnesium-bicarbonate water in the east of the Subbasin to sodium-bicarbonate water in the west of the Subbasin. Sodium increases near the western edge of the Subbasin along with increasing chloride, to produce poor quality sodium-chloride type water. Average TDS concentration increases in the western portion of the Subbasin.

The City does not have wellhead treatment on any active well within its supply portfolio, other than chlorination, and is in compliance with the regulated constituents, as defined by the State Water Resources Control Board and regulated by the Division of Drinking Water.

6.2.2.3 Groundwater Sustainability Plan

The City formed its own GSA called the City of Madera GSA (CMGSA). The CMGSA is working collaboratively, under a coordination agreement with the other six (6) GSAs in the Madera Subbasin to achieve sustainable groundwater conditions by 2040 in accordance with the Sustainable Groundwater Management Act of 2014 (SGMA) for critically overdrafted groundwater basins such as the Madera Subbasin. The CMGSA assisted in the preparation of the MJGSP, which was submitted to the Department of Water Resources in January 2020 in compliance with SGMA .

SGMA identifies six (6) sustainability indicators to be monitored and reported to document sustainability: lowering groundwater levels, reduced [groundwater] storage, seawater intrusion, degraded [groundwater] quality, land subsidence, and surface water depletion. The CMGSA documents five (5) of those with seawater intrusion not being applicable to this region. .

6.2.2.4 Historical Groundwater Pumping

The City's sole source of drinking water is groundwater. The City currently obtains groundwater from groundwater wells. The City owns and operates 20 groundwater wells; 17 are active wells and 3 are considered inactive wells. The combined pumping capacity of the City wells is approximately 19,700 gallons per minute (gpm).

In 2020, groundwater provided 100 percent of the total potable water use. The historical volume of groundwater pumped by the City over the past five years is provided in **Table 6-1**. The groundwater usage has reduced since 2016 could potentially remain below the 2020 water use target, as discussed

[3] https://water.ca.gov/programs/groundwater-management/bulletin-118

later in this section. However, water demand projections utilize the 2020 water use target discussed in **Section 5** for conservative planning purposes.

Table 6-1: Groundwater Volume Pumped (Submittal Table 6-1)

Groundwater Type	Basin Name	2016	2017	2018	2019	2020
Alluvial Basin	Madera Subbasin 5-22.06	9,203	9,088	8,393	8,361	8,754
Total		**9,203**	**9,088**	**8,393**	**8,361**	**8,754**
Units: AF						

6.2.3 Surface Water

The Fresno River flows through the City from the east; this section of river is mostly dry unless the river stage is high enough to spill over the John Franchi Diversion Dam. The Fresno River is an important source of natural groundwater recharge for the City. The City has no water rights for the Fresno River water, nor any surface water contracts with U.S. Department of the Interior, Bureau of Reclamation, State Water Project, or other surface water purveyors. Historically, the City's water supply has been 100 percent from groundwater. In the past, the City has purchased small quantities of surface water from Madera Irrigation District for recharge purposes, not use within the drinking water system. Refer to **Section 6.2.7** for more information.

According to the Regional Groundwater Management Plan (GMP), the City had 1,100 acres of cropped land within the City limit, generally just outside of the urban area. These lands had a total irrigation demand of 2,500 AF/year. The private landowners receive both surface water from Madera Irrigation District, estimated at 1,900 AF/year, and use groundwater from private wells, estimated at 600 AF/year, to meet demands. These supplies and demands are not considered in the UWMP's water supply analysis; the City does not have surface water supplies.

6.2.4 Stormwater

The City also has numerous stormwater basins. Some are connected to MID facilities and can receive surface water for recharge. Small quantities of MID surface water have been purchased and recharged in these basins. In recent years, the stormwater basins are operated to maximize the volume of stormwater that is captured and recharged locally, by keeping the stormwater in the basins for as long as possible for the purposes of maximizing percolation opportunities. The City may take actions to enhance the percolation and recharge opportunities, such as adding vertical percolation wells and turnout gates from MID facilities to storm drainage basins. In events where storm drainage basin capacity is potentially exceeded, water is sent to local streams and irrigation canals to allow basins to accommodate further runoff. No data is currently available on stormwater recharge volumes in the City.

6.2.5 Wastewater and Recycled Water

The City does not recycle water for direct use of any kind. Treated effluent from the wastewater treatment facility (WWTF) is disposed through on-site percolation ponds. Although, this is not

considered recycled water according to UWMP guidelines, it still helps to recharge the groundwater supply. This section describes the City's wastewater system and potential opportunities for recycled water.

6.2.5.1 Recycled Water Coordination

Legal Requirements:

> ***CWC §10633***
>
> *The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area*

As part of the integrated master planning process, a recycled water feasibility study was completed in 2013 (Montgomery Watson Harza, 2013). This study evaluated the feasibility of constructing a new recycled water system for servicing selected users. The City coordinated with various water users, and several were identified as part of the feasibility study, including Madera Unified School District, City parks, and the municipal golf course. Several alternatives were developed as part of the recycled water feasibility study. The study estimated that recycled water usage could eventually be as high as 3,300 AF/year. Recycling wastewater was found to be technically feasible, and the study found there would be demand for the recycled water. However, all alternatives were considered to be cost-prohibitive at the time; the cost to treat and distribute the water would be far more than potential water fees collected at the rates the City believes could be charged. The report instead recommended that City Well 27, which has required treatment before potable use, be used to provide non-potable water to certain customers, thus conserving the City's supply of potable well water.

6.2.5.2 Wastewater Collection, Treatment, and Disposal

Legal Requirements:

> ***CWC §10633***
>
> *A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.*

6.2.5.2.1 Wastewater Collection System

Wastewater is collected throughout the City via a network of sanitary sewer collection pipelines ranging from 8 to 48 inches in diameter. With the aid of five sewer lift stations, the influent is gravity-fed to the WWTF, located approximately seven miles west of the City limits. The WWTF was constructed in 1972 and provides primary and secondary treatment without disinfection. A plant expansion and upgrade were completed in 2007, which resulted in a treatment capacity of 10.1 MGD. The WWTF has 280 acres of land for incidental recharge and evaporation of effluent. The treatment process consists of screening, grit removal, sedimentation, an activated sludge process, and final clarification. Also included in the plant expansion were an odor control and a water reclamation system for onsite uses.

There are approximately 13,000 residential wastewater connections, each typically with a 4-inch sewer service connecting to the main. Commercial and industrial customers number just over 1,000 and are connected with service lines appropriate to handle their particular wastewater load. The average daily wastewater volume for 2020 was estimated to be approximately 5.1 MGD. The City has no facilities for

extensive storage of the wastewater before treatment. Septic haulers from outside the City service area bring in an additional volume of wastewater. The most recent data show that outside septic waste collection contributes less than 1 percent of total volume, though the biological loading is disproportionately higher due to the higher strength of the septage versus domestic wastewater. **Table 6-5** summarizes the current wastewater collected within the City.

6.2.5.2.2 Wastewater Treatment Facilities

The effluent from the City's WWTF is disposed to fourteen 20-acre percolation/evaporation ponds. The WWTF Expansion Predesign Report by Boyle Engineering (July 2004) proposed a system of recovery wells that would pump groundwater from under the percolation ponds to an MID canal for agricultural irrigation. This pumping of percolate would be intended to reduce groundwater mounding under the WWTF and to control elevated concentrations of nitrate or other contaminants in the underlying groundwater. A recovery well has been installed, but the implementation of the project has encountered regulatory hurdles and the system has yet to be operated as planned.

In the 2010 UWMP, future wastewater collection and treatment data were generated by assuming a 50 percent return-to-sewer ratio for water use within the City. In 2015, the ratio was 58%, which likely reflects the anomalous and extensive 2015 State-mandated water conservation requirements, which primarily reduced outdoor water use. In 2020, the ratio was approximately 65%, which likely reflects continued conservation efforts. **Table 6-3** summarizes the current wastewater treated and discharged by the City.

Table 6-2: Wastewater Collected Within Service Area in 2020 (Submittal Table 6-2)

Wastewater Collection			Recipient of Collected Wastewater		
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated?	Volume of Wastewater Collected from UWMP Service Area 2020 (AF)	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area?
City of Madera	Measured	5,715	City of Madera	Madera Wastewater Treatment Facility	Yes

Table 6-3: Wastewater Treatment and Discharge (Submittal Table 6-3)

Wastewater Treatment Plant Name	Treatment Level	2020 Volumes			
		Wastewater Treated (AF)	Discharged Treated Wastewater (AF)	Recycled within Service Area (AF)	Recycled Outside of Service Area (AF)
Madera Wastewater Treatment Facility	Secondary, Disinfected	5,715	5,715	0	0
	Total	**5,715**	**5,715**	**0**	**0**

Discharge Information		
	Discharge Location Name or Identifier	WWTF Percolation Ponds
	Discharge Location Description	280 acres at WWTF
	Method of Disposal	Percolation Ponds
	Does this Plant Treat Wastewater Generated Outside the Service Area?	Yes, Septage

6.2.5.3 Recycled Water System Description

Legal Requirements:

CWC §10633

(c) (Describe) the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

The City does not recycle water. Treated effluent from the WWTF is disposed of through percolation ponds at the WWTF, which, though not considered recycled water by the Department of Water Resources, still helps recharge the Madera Groundwater Subbasin.

6.2.5.4 Potential, Current, and Projected Recycled Water Uses

Legal Requirements:

CWC §10633

(b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

(d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

(e) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

The City does not currently use recycled water within its service area. The City completed a recycled water study, which found water recycling to be economically unfeasible at the time. Several potential beneficial uses exist, including industrial water usage, landscape and golf course irrigation, and agricultural irrigation. If economic conditions change, or the City can successfully secure grants for a major portion of the capital costs, the City may reconsider recycled water in the future.

Any potential use for recycled water would have to improve water balance from the current operation, which effectively allows most treated wastewater to percolate back to the drinking water aquifer. An application where recycled water could directly replace groundwater pumping would be a more efficient use of the water and could be advantageous if the business case could be made. **Table 6-4** shows the current and projected recycled water direct beneficial users.

Table 6-4: Current and Projected Recycled Water Direct Beneficial Uses (Submittal Table 6-4)

Name of Agency Producing (Treating) the Recycled Water					N/A		
Name of Agency Operating the Recycled Water Distribution System					N/A		
Supplemental Water Added in 2020					0		
Source of 2020 Supplemental Water					N/A		
Beneficial Use Type	General Description of 2020 Users	Level of Treatment	2020	2025	2030	2035	2040
N/A	N/A	N/A	0	0	0	0	0
Total							

Note:
IPR = Indirect Potable Reuse

6.2.5.4.1 Planned versus Actual Use of Recycled Water

Legal Requirements:

CWC §10633

(e) (Provide) a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

Previous studies done by the City found production and use of recycled water to be fiscally infeasible. The City's 2015 UWMP briefly discussed looking at grant funding opportunities to explore development of a recycled water system and discussed exploring opportunities to support local industrial and commercial customers to develop on-site water recycling. With the uncertainties around developing a recycled water system the City did not project any recycled water use through 2040 in the 2015 UWMP. **Table 6-5** compares the 2015 projection for City recycled water use in 2020 against actual 2020 recycled water use for 2020.

Table 6-5: 2015 Recycled Water Use Projection Compared to 2020 Actual (Submittal Table 6-5)

Use Type	2015 Projection for 2020	Actual 2020 Use
N/A	0	0

Units: AF

6.2.5.5 Actions to Encourage and Optimize Future Recycled Water Use

Legal Requirements:

> ***CWC §10633*** *The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier…and shall include the following:*
>
> *(g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.*

While the City's earlier study found production and use of recycled water to be uneconomical, the City may reconsider a recycled water system if a significant portion of the capital costs can be funded through grants and if uses can be found which directly reduce use of potable water. The City can also aid industrial or commercial customers in developing recycling water on-site. **Table 6-6** summarizes the actions taken by the City to encourage and optimize future recycled water use.

Table 6-6: Methods to Expand Future Recycled Water Use (Submittal Table 6-6)

Name of Action	Description	Planned Implementation Year	Expected Increase in Recycled Water Use (AF)
On-site recycled water development	Assist commercial and industrial customers with developing recycled water on-site	On-going	Unknown
Grant funding opportunities for recycled water projects	Seek funding for capital projects if economics of recycled water improve	Unknown	Unknown

6.2.6 Desalination Water Opportunities

Legal Requirements:

> ***CWC §10631(g)*** *Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.*

The groundwater that the City relies on is not brackish or in need of desalination. If this were to change in the future, the City will consider this option.

6.2.7 Exchanges or Transfers

Legal Requirements:

> ***CWC §10631(c)*** *Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.*

The City occasionally purchases small quantities of surface water, typically a few hundred acre-feet at a time, from MID to recharge in City stormwater basins. Purchases are subject to approval by the MID Board of Directors. MID water supplies have been reduced due to the San Joaquin River Restoration Program, and it is expected that in the future they will only sell water in wet years when they have surplus supplies. There is currently no long-term agreement between the City and MID, and purchases are made on an ad hoc basis.

6.2.7.1 Exchanges

The City does not have any agreements in place to exchange water with other agencies, nor does the City have long term plans to exchange water. The City could work with MID or other agencies to exchange treated effluent for surface water, however given the scarcity of water it is unlikely that an opportunity would arise. Also, given the high costs of constructing a treatment plant to treat surface water exchange opportunities become even more unlikely

6.2.7.2 Transfers

The City does not have any long-term plans to transfer water rights from nearby water providers. As the City continues to expand, the City could explore opportunities to obtain water rights through transfers from areas annexed into the City.

6.2.7.3 Water Banking Facility

The City does not currently have any water banking facilities, nor does it have plans to participate in any water banking projects.

6.2.7.4 Emergency Interties

The City does not currently have any emergency interties with adjacent water systems.

6.2.8 Future Water Projects

Legal Requirements:

> ***CWC §10631(f)*** *Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in normal and single dry water years and for a period of drought lasting five consecutive water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.*

Future water projects for the City of Madera are documented in their GMP and 2014 Water System Master Plan (WSMP).

Groundwater Management Plan

The GMP lists several projects that could help alleviate overdraft. These projects are listed below. Specific details on the projects are not included in the GMP.

- *Airport Basin*
- *Ellis Basin*
- *Fresno River Dam in City of Madera*
- *Future basin sites*
- *Future stormwater collection/recharge sites*
- *Golf course basin sites*
- *Schmidt Creek Flood Control and Groundwater Recharge Project*

Water System Master Plan

The WSMP proposed a Capital Improvement Program that includes approximately 114 miles of pipeline improvements, 24 new wells (22 of which are planned from 2020 through 2050), two new storage reservoirs, and two new booster stations that will convey water from the west side of the City to the east, with a project cost totaling over $148 million dollars through 2050. These projects address both existing deficiencies and necessary expansions to accommodate planned growth. Projects will be implemented as needed, not strictly on the schedule in the WSMP. The 2014 WSMP was based on a 3.5% growth annual population rate and a static per-capita water consumption rate. Currently, the City's growth rate is projected to be about 1.1% over time so WSMP implementation may proceed at a slower pace than anticipated. **Table 6-7** summarizes the water supply projects (new wells) outlined in the current WSMP.

Table 6-7: Expected Future Water Supply Projects or Programs (Submittal Table 6-7)

Name of Future Projects or Programs	Joint Project with other suppliers?	Description (if needed)	Planned Implementation Year	Planned for Use in Year Type	Expected Increase in Water Supply to Supplier
Groundwater Wells	No	Twenty-two new groundwater wells, per WSMP	2020 through 2050	Average Year	53,200 AFY

6.2.9 Summary of Existing and Planned Sources of Water

Legal Requirements:

CWC §10631

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision 10631(a).

(4)(D) (Provide a) detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

6.2.9.1 Description of Supplies

6.2.9.1.1 Groundwater

The City plans to continue using groundwater to meet their water demands. The City has made extensive progress in reducing per capita demands, which has reduced stress on the groundwater aquifer.

6.2.9.1.2 Surface Water

The City has occasionally purchased small quantities of surface water from the Madera Irrigation District for recharge in City stormwater basins. The City may continue or expand surface water purchases to offset groundwater extraction, but there are currently no long-term agreements in place, and purchases are made on a year-to-year basis.

6.2.9.1.3 Supply from Storage

This section is not applicable.

6.2.9.1.4 Summary of Existing and Planned Sources of Water

Table 6-8 summarizes the existing and planned sources of water for the City.

Table 6-8: Water Supplies – Actual (Submittal Tables 6-8 and 6-9)

Water Supply	Additional Details on Water Supply	2020		2025	2030	2035	2040
		Actual Volume (AF)	Water Quality	Reasonably Available Volume (AF)			
Groundwater (not desalinated)	Madera Subbasin 5-22.06	8,754	Potable	14,870	14,694	15,520	16,392
Total		**8,754**		**14,870**	**14,694**	**15,520**	**16,392**

6.2.10 Special Conditions

6.2.10.1 Climate Change Impacts to Water Supply Sources

The impacts on the City's water supply due to climate change could take many forms but are likely to impact surface water supplies most. It is anticipated that precipitation will occur in the form of rain, not snowpack, more often and snowmelt and the associated runoff will begin earlier than in the past. This change will require more water storage facilities be available to capture the water supply that would have otherwise been 'stored' as snowpack in the mountains.

6.2.10.2 Regulatory Conditions

The introduction of SGMA has been a major modification to how water supplies are considered. The Madera Subbasin has a good plan to work cooperatively in managing their groundwater basin and reaching sustainability. It is not anticipated additional regulation will be introduced to further modify how the agencies can access and utilize water supply sources. If the cooperative approach to SGMA compliance does not continue, additional regulation may be a possibility in the form of adjudication of the groundwater basin.

6.3 Energy Consumption

The City tracks their energy use on a per supply source basis, i.e., energy use per well, on a monthly basis. In 2020, through pumps associated with groundwater wells, the City used approximately 8.3 million kilowatt hours (kWh) of power to produce 8,754 AF of water into the distribution system, yielding a power consumption of 948.8 kWh/AF as shown in the following table. These figures do not include energy used by the wastewater system, including wastewater delivered to the City WWTF, as those are attributable to the City of Madera. **Table 6-9** summarizes the energy usage for Madera in 2020.

Table 6-9: Energy Consumption (Submittal Table O-1A)

Urban Water Supplier:		City of Madera					
Start Date:	1/1/2020	Urban Water Supplier Operational Control					
End Date:	12/31/2020	Water Management Process					
	Units	Extract and Divert (A)	Place into Storage (B)	Conveyance (C)	Treatment (D)	Distribution (E)	Total Utility
Volume of Water Entering Process	AF	8,754	0	0	0	8,754	8,754
Energy Consumed	kWh	8,305,590	0	0	0	0	8,305,590
Energy Intensity	kWh/AF	948.8	0	0	0	0	948.8
Quantity of Self-Generated Renewable Energy:		0 kWh					
Data Quality:	Metered Data						
Data Quality Narrative:	Column A accounts for all water into the system and the associated energy to extract it from the ground (i.e. groundwater well pumps); Column E accounts for all water distributed through the water system and energy associated with moving it throughout the system via booster pumps, including into and out of temporary storage reservoirs.						

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7 Water Supply Reliability

The Urban Water Management Planning Act (UWMPA) requires that the Urban Water Management Plan (UWMP) address the reliability of the City's long term water supplies. This includes a description of supply constraints which may impact the supply. Also included is a comparison between the City's supply and demand.

Legal Requirements:

CWC §10635(a)

Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the long-term total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

7.1 Constraints on Water Sources

Legal Requirements:

CWC §10631(b)(1) *A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.*

Given there are a variety of circumstances that can render a source inconsistent, determining the supply reliability for the City is complex because of the intricate factors that accompany a water source. These factors include legal issues, environmental constraints, water quality, and climatic variations.

7.1.1 Legal

The groundwater supplies the City relies upon are not adjudicated. Since the 2015 UWMP, SGMA has become effective and Madera is working collaboratively with other agencies reliant on the groundwater basin to reach sustainable management of the groundwater aquifer prior to 2040, as required. In the 2010 and 2015 UWMPs, the City's groundwater supplies were shown to be increasing with population growth into the future. This trend continues to 2040; however, the total quantity of groundwater needed is less than forecasted in the 2015 UWMP due to current compliance with SBx7-7 and upcoming compliance with AB 1668 and SB 606.

Should new legal requirements or basin adjudication come into effect prior to the 2025 UWMP Update, the City will endeavor to understand and comply with those regulations as they are written and provide documentation of those efforts in the 2025 UWMP Update.

7.1.2 Environmental

The status of environmental regulation in California is routinely changing due to new legislation, endangered species statuses, and other factors. Should new environmental legislation come into existence it could potentially reduce the City's available supply. The recent water supply reductions in the Delta are an example of environmental water needs versus community water supplies. Due to the reliance on groundwater within the City, it would be difficult to make rapid alterations to the water supply to accommodate these changes, should they occur. The City will continue to monitor environmental regulations for impacts to the City's system.

7.1.3 Water Quality

The regulatory and legal requirements pertaining to water quality are frequently changing in the State of California due to revisions to existing or introduction of new Maximum Contaminant Levels (MCLs) for various primary and secondary constituents throughout the State. Trichloropropane, dibromochloropropane, nitrate, manganese, and arsenic are the primary constituents of concern throughout the Subbasin, and the City will continue to monitor those and any new constituents, if needed, to remain in compliance with regulations and reporting requirements. The system is currently in compliance with all water quality regulations.

7.1.4 Climatic Factor

As climate change becomes more quantifiable and potentially affects the local water conditions more, alterations in the water supply planning arena will have to take place. Climate change elements such as drought, more rainfall and less snow in the watershed, or massive flooding could potentially affect supply reliability, therefore requiring the City to make modifications to their water supplies.

The climate change impacts on groundwater should be less impactful to overall water management strategies, as the City is already positioning to respond to SGMA and achieve groundwater sustainability by 2040. Without groundwater sustainability achieved, groundwater levels could continue to decline, impacting the overall access and amount of groundwater in the aquifer.

The City will continue to monitor impacts to the water supply as a result of climate change and other factors and is poised to respond through adaptation strategies, primarily, if needed. Adaptation can consist of water conservation methods, more extensive master planning, acquisition of surface water supplies for recharge or potable uses, increased usage of recycled water, and investment in infrastructure to support the previously stated measures.

7.2 Reliability by Type Year

This section considers the City's water supply reliability during three water scenarios: normal year, single-dry year, and multiple-dry year period.

7.2.1 Types of Years

The reliability scenarios to be considered are defined as follows:

- ***Average year****: This condition represents the water supplies a Supplier considers available during normal conditions. This could be a single year or averaged range of years that most closely represents the average water supply available to the Supplier. In the 2020 UWMP Guidebook, DWR uses the terms average and normal interchangeably when addressing the water year type.*
- ***Single-dry year:*** *the year that represents the lowest water supply available to the City. Generally considered to be the lowest annual runoff for a watershed since the water-year beginning in 1903. Suppliers should determine this for each watershed from which they receive supplies.*
- ***Multiple-dry year period:*** *the period that represents the lowest average water supply available to the City for a consecutive multiple year period. Generally considered to be the lowest average runoff for a consecutive multiple year period (five years or more).*

Table 7-1 summarizes the base years for the average, single and multi-dry year periods. In addition, the available supply volume and percent relative to the normal/average year is listed. As shown, the representative normal year is 1992, while 2013 represents the lowest supply year (single dry year). **Table 7-1** reflects the more recent 2012 through 2016 drought since accurate water supply records were available.

The City water supply has historically been very consistent, due in large part to the reliability of the groundwater aquifer, and it is anticipated this will continue into the future. However, as SGMA is further implemented, it is possible that there will be further restrictions on groundwater pumping especially in critical dry and multiple dry years.

Table 7-1: Bases of Water Year Data (Submittal Table 7-1)

Year Type	Base Year	Available Supplies if Year Type Repeats		
			Quantification of available supplies is not compatible with this table and is provided elsewhere in the UWMP.	
		X	Quantification of available supplies is provided in this table as either volume only, percent only, or both.	
			Volume Applied (AF)	Percent of Average Supply
Normal/Average Year	2002		11,868	100%
Single-Dry Year	2013		11,327	95%
Multiple-Dry Year	2012		10,635	90%
Multiple-Dry Year	2013		9,313	78%
Multiple-Dry Year	2014		9,203	78%
Multiple-Dry Year	2015		9,088	77%
Multiple-Dry Year	2016		8,393	71%

7.3 Supply and Demand Comparison

Legal Requirements:

CWC §10635

(a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional or local agency population projections within the service area of the urban water supplier.

7.3.1 Reliability – Normal Year

The projected normal water year supplies and demand from 2025 through 2040 are presented in **Table 7-2**.

Table 7-2: Normal Year Supply and Demand Comparison (Submittal Table 7-2)

	2025	2030	2035	2040
Supply Totals	14,870	14,694	15,520	16,392
Demand Totals	14,870	14,694	15,520	16,392
Difference	**0**	**0**	**0**	**0**

Units: AF

As shown, demands are expected to correlate directly with projected population estimates from 2025 to 2040 and supply is projected match demands, as discussed in previous sections. The supply to customers will be provided solely by groundwater sources and won't show any excess or deficiency.

7.3.2 Reliability – Single Dry Year

The single dry water year will be largely unaffected by dry weather conditions, due to the City's reliance on groundwater. This projection does not take into account possible state-wide mandates for conservation beyond that required by SBx7-7, groundwater pumping restrictions that may arise from SGMA, or any possible future adjudication of the basin. The single-dry year supply and demand are shown in **Table 7-3**.

Table 7-3: Single-Dry Year Supply and Demand Comparison (Submittal Table 7-3)

	2025	2030	2035	2040
Supply Totals	14,870	14,694	15,520	16,392
Demand Totals	14,870	14,694	15,520	16,392
Difference	**0**	**0**	**0**	**0**

Units: AF

7.3.3 Reliability – Five Consecutive Dry Years

The projected multiple-dry year supply and demand from 2025 through 2040 is presented in **Table 7-4**. It is anticipated State-wide conservation mandates would be required during a prolonged drought; however, the magnitude of those mandates is unknown, and supplies would be available from the aquifer to meet the demands, even if demands were reduced based on mandated conservation requirements.

Table 7-4: Multiple-Dry Year Supply and Demand Comparison (Submittal Table 7-4)

		2025	2030	2035	2040
First Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Second Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Third Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Fourth Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Fifth Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**

7.3.4 Description of Management Tools and Options

Legal Requirements:

CWC §10620(f) *An urban water supplier shall describe in the plan, water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.*

7.3.4.1 Groundwater Reliability

The City's wells currently draw water from a non-adjudicated groundwater basin (Madera Subbasin) with no current limits on pumping and that has been labeled as being in a critical state of overdraft. Therefore, reliability of the groundwater supply will depend on the long-term balance between groundwater extraction and recharge for the Subbasin, as a whole, as discussed in previous sections.

To minimize its contribution to groundwater depletion, sustainable use of groundwater supply sources is a primary focus of the City's urban water management activities extending into the future. The City engages in groundwater recharge activities when surface water supplies are available to replenish the water table and will continue to look for ways to expand those recharge activities, including an exchange agreement for their treated wastewater effluent impacts.

7.3.4.2 Surface Water Reliability

The City does not rely on surface water therefore this section does not apply.

7.3.4.3 Recycled Water Reliability

The City does not recycle water therefore this section does not apply.

7.4 Drought Risk Assessment

Legal Requirements:

CWC §10635(b)

Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following:

(1) A description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts five consecutive water years, starting from the year following when the assessment is conducted.

(2) A determination of the reliability of each source of supply under a variety of water shortage conditions. This may include a determination that a particular source of water supply is fully reliable under most, if not all, conditions.

(3) A comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

7.4.1 DRA Data, Methods, and Basis for Water Shortage Conditions

The Drought Risk Assessment (DRA) for the City has been prepared based on the next five years' (2021-2025) supplies and demands and the supply impacts seen during the 2012-2016 drought period. This requires the City to evaluate whether they can accommodate another historic drought if it were to begin in 2021.

7.4.1.1 Water Use

The water use values are a projection between the actual water use in 2020 and the projected water use in 2025, shown in DWR Submittal Table 4-2. This linear projection does not account for conservation or other demand reductions, beginning in 2021 and culminating in 2025.

7.4.1.2 Water Supply

The water supply value considers the City's only supply source, groundwater. For purposes of the DRA, the groundwater quantity available is equal to the total active well supply capacity of 19,692gpm (31,763 AFY).

7.4.1.3 Water Shortage Conditions

The DRA assumes to utilize the same levels discussed in the WSCP and the related use reduction benefit is shown in the table below. The reductions range from 0 to 30 percent, depending on the year, similar to the 2012-2016 drought conditions. As the City is currently maintaining a lower water use per capita, the mandatory 36 percent conservation goal enforced by the State several years ago is not anticipated unless the drought conditions are worse than those in 2015, which is not what the DRA contemplates.

7.4.2 Individual Water Source Reliability

Groundwater is considered a very reliable water supply. For purposes of the immediate five-year DRA, the City will consider the groundwater supplies to be available to match demands; however, it is understood there could be mandated conservation during a prolonged drought, similar to those instituted in 2015. In that instance, the City would utilize methods discussed in the Water Shortage Contingency Plan to reduce system demands. For longer term planning purposes, the City will pursue other options to increase recharge, such as instituting permanent mandatory conservation measures to reduce demand.

7.4.3 Total Water Supply and Use Comparison

The following comparison is completed on an annual basis rather than a monthly or quarterly basis as the City's highest demands are in the summer. **Table 7-5** summarized the supply and demand comparison along with impacts due to planned WSCP actions.

Table 7-5: Five-Year Drought Risk Assessment (Submittal Table 7-5)

Year	Without WSCP Actions			Planned WSCP Actions			
	Total Water Use	Total Supplies	Surplus/ Shortfall w/o WSCP Action	Supply augmentation benefit	Use reduction savings benefit	Revised Surplus/ (shortfall)	Resulting % Use Reduction from WSCP action
2021	9,977	9,977	0	0	1,037	1,037	10%
2022	11,201	11,201	0	0	2,240	2,240	20%
2023	12,424	12,424	0	0	2,485	2,485	20%
2024	13,647	13,647	0	0	3,412	3,412	25%
2025	14,870	14,870	0	0	4,461	4,461	30%

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8 Water Shortage Contingency Planning

Legal Requirements:

CWC §10632.3

It is the intent of the Legislature that, upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the board defer to implementation of locally adopted water shortage contingency plans to the extent practicable.

The Urban Water Management Planning Act (UWMPA) requires that the Urban Water Management Plan (UWMP) include an urban water shortage contingency analysis that addresses stages of action to be undertaken by the urban water supplier in response to water supply shortages, including more than a 50 percent reduction in water supply and an outline of specific water supply conditions which are applicable to each stage. In addition to the stages of action, the City is required to develop mandatory prohibitions against specific water use during shortages and consumption reduction methods in the most restrictive stages.

The City's Water Shortage Contingency Plan (WSCP) is an independent document from the UWMP and can be found in **Appendix E**.

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9 Demand Management Measures

This section provides a comprehensive description of the water conservation programs that the City of Madera (City) has implemented, is currently implementing, and plans to implement in order to meet its urban water use reduction targets.

9.1 Demand Management Measures

Legal Requirements:

CWC §10631

(f)(A)…a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measure that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

The Urban Water Management Planning Act (UWMPA) requires urban water suppliers provide information regarding water conservation and DMMs compliance; this Section provides that information. The UWMPA was amended in 2014 to streamline DMMs from 14 specific measures to six more general requirements and an "other" category.

The City has a water conservation program in place. The City takes water conservation very seriously and considers implementation of Demand Management Measurements (DMMs) as a necessity to achieve the goals of the conservation program.

9.1.1 Water Waste Prevention Ordinance

The City's Water Shortage Contingency Plan (see **Appendix E**) identifies penalties for water waste or violating current drought regulations. The water waste ordinances can also be found in the Madera Municipal Code, Title 5, Chapter 5. The penalties associated with each stage of a water shortage, as modified in 2017, are provided below.

- *Violation 1 - $75 surcharge on next water bill*
- *Violation 2 - $200 surcharge on next water bill*
- *Violation 3 - $500 surcharge on next water bill*

Further details on prohibitions and penalties are explored in Chapter 8, the Water Shortage Contingency Planning.

9.1.2 Metering

Legal Requirements:

CWC §526

(a) Notwithstanding any other provisions of law, an urban water supplier that, on or after January 1, 2004, receives water from the federal Central Valley Project under a water service contract or subcontract... shall do both of the following:

(1) On or before January 1, 2013, install water meters on all service connections to residential and nonagricultural commercial buildings... located within its service area.

CWC §527

(a) An urban water supplier that is not subject to Section 526 shall do both the following:

(1) Install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

In compliance with State law, the City has nearly completed the process of placing meters on all customer water connections. As of the end of 2015, nearly 97% of the customer connections are metered. The City is expecting to be fully metered in the near future. The City adopted a new rate structure in 2015 that includes commodity rates for metered connections (see Section on Conservation Pricing below). The City's current rate structure is included in **Appendix F**.

9.1.3 Conservation Pricing

In 2015, the City of Madera prepared the City of Madera Utility Rate Study Report (Raftelis Financial Consultants, Inc., 2015). The major objectives of the study included:

- *Develop financial plans for the water and wastewater enterprises to ensure financial sufficiency, meet operation and maintenance costs, ensure sufficient funding for capital replacement and refurbishment needs, and maintain a strong financial outlook for the enterprises;*
- *Develop sound and sufficient reserve fund targets;*
- *Review current rate structures for the water and wastewater enterprises;*
- *Develop a cost-of-service analysis for the water and wastewater enterprises; and*
- *Develop fair and equitable utility rates.*

The rate structure recommended in the rate study was adopted in 2015. Prior to the new rate structure, customers with meters were charged a monthly fixed rate based on the size of the customers meter, and a variable (volume) charge based on usage. The City also has accounts that are not currently metered, and these accounts are charged a flat monthly fee. Once these accounts are metered, they would be charged the corresponding metered rates.

The new rate structure includes a tiered rate system to promote conservation. The new system is described below:

- *Single-Family Residential (SFR) water rates were modified from a uniform rate to a 3-tiered inclining rate structure. The tiers closely reflect the water demands of residential customers for indoor needs (Tier 1), outdoor needs (Tier 2), and any additional usage above Tiers 1 and 2 (Tier 3).*

- *Multi-Family Residential (MFR) water rates were modified from a uniform rate to a 2-tiered rate structure. Multi-family homes typically have no or low outdoor water usage, so Tier 1 reflects typical indoor usage, and Tier 2 includes usage above Tier 1.*
- *Non-Residential (commercial, industrial, etc.) accounts will remain on a uniform rate.*

Table 9-1: Water User Rates

Category	FYE 2020 Rate (per CCF)
Residential Water Rates	
Tier 1	$1.93
Tier 2	$2.60
Tier 3	$4.22
Multi-residential	
Tier 1	$2.03
Tier 2	$3.32
Non-residential	
Uniform Rate	$2.58

9.1.4 Public Education and Outreach

The City utilizes mass mailings and the City internet site to distribute information to all water service customers. Walk in customers are also provided with information at City Hall and at the Public Works Department Water Division. When called upon to distribute time sensitive notices and information, local print media is also used.

Mass mailings with information on regulations and Consumer Confidence Reports are performed every March. The City also provides additional information on conservation measures at this time. Display cases and public bulletin boards are utilized in the Public Works facility to display information that is mailed out.

The City staffs information booths at the annual Madera District Fair in September. The booths provide pamphlets and flyers with promotional and educational materials as well as updates on regulations and ordinances.

The City monthly water bill distributed to all water service customers also contains information regarding previous year water usage, conservation measures, and other updates.

The City makes staff available for guidance and educational tours of water system facilities. They have also developed a plan to enhance existing school education wherein students tour facilities and receive formal presentations at their schools. The City encourages local educators to include demand management education in their curriculum where appropriate. The City also makes presentations to neighborhood agencies and service clubs.

9.1.5 Programs to Assess and Manage Distribution System Real Loss

The City operates a detection and repair program of its entire water distribution system. In addition, the City's distribution system includes a SCADA system to accurately record production quantities. All of the City's wells are metered; however, as of 2020, about 3% of the City's water connections were not metered, and thus, a complete system water audit is not possible without assuming unmetered water usage. Currently, water main records are maintained in a GIS system. The City has convenient access to historical data on each water main.

Between 2017 – 2019 losses were estimated to range from 4% to about 14%. Water losses were calculated using AWWA Free Water Audit Software. The AWWA spreadsheet and results of the audits are discussed further in **Section 4.2**. The AWWA spreadsheet breaks losses into various categories using assumed default percentages. These categories include unauthorized use (theft), metering inconsistencies, etc. The complete AWWA software spreadsheets can be viewed in **Appendix B**.

9.1.6 Water Conservation Program Coordination and Staffing Support

The City's Water Divisions Operations Manager has also served as the City's Water Conservation Coordinator since 1986. Water Conservation Coordinator duties include interdepartmental coordination, monitoring the practice and application of DMMs, supervision of the Conservation Water Patrol, and planning of community water conservation education projects. As the City's water Conservation efforts have expanded, additional staff have been used to implement water conservation measures. The City is in the process of hiring one full time person to oversee all of the water conservation programs and guide other staff that help with those efforts.

9.1.7 Other Demand Management Measures

The City implements several other DMMs, which are described below.

9.1.7.1 Rebate Programs

The City operates numerous rebate programs to help defer costs for customers and encourage water conservation. Residents should check with the City to determine program qualifications and follow directions listed on the City website. These programs are described below and the number of rebates for each shown in **Table 9-2**.

Table 9-2: Rebate Program Implementation

Rebate Program	Rebates Distributed [1]					
	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20	FY19/20
Turf Replacement	$22,244 (44)	$21,769 (34)	$97,530 (59)	$85,951 (48)	$87,245 (55)	$76,551(45)
High Efficiency Toilet Replacement	$1,300 (21)	$4,100 (29)	$12,617 (62)	$14,235 (59)	$15,232 (76)	$11,172 (53)
High Efficiency Dishwasher Replacement	$455 (13)	$975 (11)	$4,000 (23)	$3,800 (21)	$5,200 (26)	$5,200 (26)
High Efficiency Clothes Washer Replacement	$500 (11)	$2,275 (22)	$3,325 (27)	$1,000 (4)	$2,200 (11)	$3,800 (19)
Smart Irrigation Controller Replacement	$200 (2)	$279 (2)	$1,763 (11)	$1,703 (13)	$935 (5)	$2,072 (18)
Drip Irrigation Kit and Irrigation Timer	$270 (6)	$142 (5)	$872 (14)	$730 (9)	$534 (4)	$475 (6)
Mulch Installation	$46 (9)	$451 (12)	$1,477 (18)	$1,733 (18)	$1,976 (20)	$1,980 (19)
Hose Bib Faucet Lock	-	$40 (2)	$48 (2)	$138 (4)	$19 (1)	$30 (1)
Rainwater Harvest	-	-	$439 (3)	-	-	-
Totals	**$25,015 (106)**	**$30,031 (117)**	**$122,071 (219)**	**$109,290 (176)**	**$113,341 (198)**	**$101,281 (187)**

Notes:
[1] Number of rebates are shown in parenthesis behind the total dollars distributed for each category and fiscal year (FY).

9.1.7.1.1 Turf Replacement Rebate Program

The City will pay customers $2.00 per square foot to remove up to 1,000 square feet of irrigated turf for drought tolerant landscape. The City will pay customers $3.00 per square foot to remove up to 1,000 square feet of irrigated turf for artificial turf. Turf grass at homes and commercial landscapes consume large amounts of water. Water-efficient landscapes use 50% or less water than most turf. The amount saved depends on the amount of turf removed, type of plants installed, irrigation system, and soil type. A water-efficient landscape can use less water and may not require expensive maintenance.

9.1.7.1.2 High Efficiency Toilet Replacement Rebate Program

Residential customers may be eligible for a rebate when they replace their old high water use toilets with a new qualifying High Efficiency (HE) Toilet providing 1.28 gallons per flush (gpf) or less. Installing an HE toilet can save about 38 gallons of water per day for a family of four. All qualifying toilets must have a WaterSense label. The City is offering a rebate of $100 for qualifying toilet replacements and up to $100 for installation costs.

9.1.7.1.3 High Efficiency Dishwasher Replacement Rebate Program

City residents may apply to receive a credit of $200 to their utility service account for purchasing a high efficiency (HE) dishwasher. HE dishwashers can save 2 gallons of water per load of dishes. They can also help reduce energy bills (gas or electric) due to reduced requirements for heated water. HE dishwashers must be Energy Star rated.

9.1.7.1.4 High Efficiency Clothes Washer Residential Replacement Rebate Program

City residents may apply to receive a $200 rebate following the purchase of a qualifying High Efficiency Clothes Washer (HECW). An HECW can save up to 22 gallons of water per load. HECWs also have a higher load capacity reducing the number of loads required per household. HECWs are more energy efficient than standard washing machines reducing power bills and requiring less heated water, which will save on gas or electric depending on the customers' water heater fuel source. Residents should check with the City to see which models qualify for the rebate. Only non-HECWs can be replaced using this program and the HECW must remain in the home for 36 months.

9.1.7.1.5 Smart Irrigation Controller Replacement Program

The City is offering a $200 rebate for the purchase of an EPA WaterSense certified smart irrigation controller. Smart irrigation controllers automatically adjust their watering schedule according to the weather conditions to provide optimal moisture for healthy plants and lawns. Smart irrigation controllers purchased must be capable to be set for the City of Madera's scheduled water days. A pre-installation audit of your current irrigation system by City staff may be required.

9.1.7.1.6 Drip Irrigation Kit and Irrigation Timer Rebate

City residents may apply to receive a credit of $150 for drip irrigation kits and up to $50 rebate for irrigation timers. Drip irrigation eliminates over-watering problems by applying water only where and when it is needed, with less runoff and less evaporation from leaves and soil. The uniform application of water from drip irrigation systems can achieve high water savings. The conversion can save up to 9 gallons of water annually for each square foot of irrigated area converted. Irrigation timers turn a hose faucet into a programmed system and automatic watering scheduling. They help conserve water by providing a consistent watering schedule and help to avoid over-watering.

9.1.7.1.7 Mulch Rebate Program

The City provides a mulch rebate program for its customers. According to SaveOurWater.com 20-30 gallons of water can be saved per 1,000 square feet of mulch. Good mulch conserves water by significantly reducing moisture evaporation from the soil. It also reduces weed populations, prevents soil compaction, and keeps soil temperatures more moderate. The mulch rebate allows for a maximum of $100 per City of Madera utility customer and an additional $75 for delivery.

9.1.7.1.8 Faucet Locks

The City is offering a rebate of up to $20 for the installation of a qualifying faucet lock.

9.1.7.1.9 Rainwater Harvest

The City is offering a rebate of $400 for the installation of a qualifying rainwater harvester.

9.1.7.2 Residential Plumbing Retrofit

While new construction requires low-flow water fixtures, there is no requirement to retrofit existing plumbing fixtures with low-flow water fixtures. The City's plan does mandate appropriate retrofitting of low-flow fixtures during remodeling.

As a part of its public information program, the City distributes educational material describing the importance of plumbing retrofits as an integral part of water conservation. Several studies suggest that water use savings resulting from miscellaneous interior retrofit fixtures can range between 25 and 65 gpd per housing unit. The studies also suggest that installation of retrofit fixtures in older single-family homes tend to produce more savings, while newer multi-family homes tend to produce lesser savings per housing unit

9.1.7.3 Commercial, Industrial, and Institutional Conservation Programs

Commercial, Industrial, and Institutional (CII) accounts that have large landscape usage can get landscape water audits from the City upon request. Audits include reviewing water usage history with the customer, identifying leaks in the customer's system, and recommending improvements.

Another program which the City makes available to commercial, industrial, and institutional accounts is the Conservation Water Patrol. This group has the responsibility to educate commercial and industrial users that overuse water for irrigation purposes. The patrol can provide a variety of resources to help a commercial or industrial consumer conserve, including staff expertise, written materials, and the City's demonstration water conservation garden.

9.2 Implementation Over the Past Five Years

Section 9.1 discusses the implementation over the previous five years for each DMM, providing statistics on implementation where applicable and available. Overall, the DMMs continue to increase public awareness towards water conservation by providing rebates, educational programs, and water surveys.

9.3 Planned Implementation to Achieve Water Use Targets

The City has implemented the recommended DMMs cited in the California Water Code 10631 (e)(1)(B) and will continue to do so in the future. The City has met their 2020 target of 169 gpcd with an actual water use of 119 gpcd in 2020.

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10 Plan Adoption, Submittal, and Implementation

The City has prepared this 2020 Urban Water Management Plan (UWMP), as required by the UWMPA. This section documents plan adoption, submittal, and implementation of the 2020 UWMP. A completed UWMP checklist will be included in **Appendix G** of the Final UWMP.

10.1 Inclusion of All 2020 Data

The 2020 UWMP includes the water use and planning data for the calendar year of 2020. The City is reporting on a calendar year basis and therefore, 2020 data includes the months of January to December 2020.

10.2 Notice of Public Hearing

Prior to adoption of the 2020 UWMP, a public hearing was held and notices were provided to the public. The public hearing provided an opportunity for the public to provide input to the plan before it is adopted. Additionally, the public hearing provided an opportunity for the City's customers, residents, and employees to learn and ask questions about the current and future water supply of the City.

10.2.1 Notice

Legal Requirements:

CWC §10631

(b) Every urban water supplier required to prepare a plan shall… at least 60 days prior to the public hearing on the plan … notify any city or county within which the supplier provides waters supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.

CWC §10642

…The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area…

The City has provided formal written notification to the County of Madera and the Madera Irrigation District that the City's UWMP was being updated for 2020. As shown in **Table 10-1**, this notification was provided to the County of Madera and the Madera Irrigation District at least 60 days prior to the public hearing of the plan. Copies of the final UWMP will be provided to these agencies no later than 30 days after its submission to Department of Water Resources (DWR). The notice of public hearing to the public is included in **Appendix A**.

Table 10-1: Notification Letters (Submittal Table 10-1)

Name	60-Day Notice	Notice of Public Hearing
County of Madera	X	X
Madera Irrigation District	X	X

10.2.2 Notice to Public

Legal Requirements:

CWC §10642

…Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection…Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code [see below]. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies.

Government Code §6066

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

The City is committed to encouraging the active involvement of diverse social, cultural, and economic elements of its citizenry. On July 6, 2022 and July 13, 2022, the City placed a notice in the Madera Tribune stating that its UWMP was being updated and that a public hearing would be conducted to take testimony from members of the community. The Draft 2020 UWMP was made available for public inspection at the City of Madera Public Works office, located at 1030 S. Gateway, Madera, California. The notice of public hearing to the public is included in **Appendix A**.

10.3 Public Hearing and Adoption

10.3.1 Public Hearing

Legal Requirements:

CWC §10642

…Prior to adopting either, the [plan or water shortage contingency plan], the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon.

CWC §10608.26

(a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

(1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.

(2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.

(3) Adopt a method, pursuant to subdivision (b) of Section 10608.20 for determining its urban water use target.

The public hearing was held prior to the adoption of the UWMP and was adopted as prepared. The hearing provided an opportunity for the City's customers, residents, and employees to learn and ask questions about the current and future water supply of the City. _____ comments were provided at the hearing. The public hearing was held on September 21, 2022.

10.3.2 Adoption

Legal Requirements:

> ***CWC §10642***
> *…After the hearing,*
> *the plan shall be adopted as prepared or as modified after the hearing.*

The plan adoption by City Council occurred after a public hearing on September 21, 2022. The City Adoption Resolution is included in **Appendix H**.

10.4 Plan Submittal

Legal Requirements:

> ***CWC §10621***
> *(e) Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021…*
> ***CWC §10644***
> *(a)(1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption.*
> ***CWC §10635***
> *(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.*

The following section outlines the submittal of the 2020 UWMP to DWR, the State Library, and Cities and Counties.

10.4.1 Submitting an UWMP and WSCP

The 2020 UWMP and WSCP will be submitted to the following agencies and stakeholders within 30 days of adoption, in the format noted, as required.

- *Department of Water Resources (electronically)*
- *California State Library (compact disk)*
- *County of Madera (electronically)*
- *Madera Irrigation District (electronically)*

10.4.2 Electronic Data Submittal

Legal Requirements:

> ***CWC §10644 (a)(2)***
> *The plan, or amendments to the plan, submitted to the department … shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.*

The 2020 UWMP, WSCP and tabular data will be submitted electronically using the Water Use Efficiency (WUE) data online submittal tool developed by DWR.

10.5 Public Availability

Legal Requirements:

CWC §10645

(a) Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

(b) Not later than 30 days after filing a copy of its water shortage contingency plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

Within 30 days of submitting the UWMP and WSCP to DWR, the adopted plans will be available for public review during normal business hours at the City of Madera Public Works office. The City will also post a copy of the adopted UWMP and WSCP on its website (https://www.madera.gov/).

10.6 Amending an Adopted UWMP or WSCP

Legal Requirements:

CWC §10621

(d) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

CWC §10644

(a)(1) Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

The plan may be updated at any time when the urban water supplier believes significant changes have occurred in population, land use, and/or water sources that may affect the contents of the plan. If major changes are made to this 2020 UWMP, the City will hold an additional public hearing and City Council will readopt the plan. Copies of amendments or changes to the plan shall be submitted to DWR, the California State Library, Madera Irrigation District, and Madera County within 30 days of adoption.

11 References

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DOF, Department of Finance. (2021, September 2). Retrieved from E-4 Population Estimates for Cities, Counties and the State, 2010 - 2020: www.dof.ca.gov/Forecasting/Demographics/Projections/

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Raftelis Financial Consultants, Inc. (2015). City of Madera Utility Rate Study Report.

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Appendices

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Appendix A
Outreach Documents

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Proof of Publication

(2015.5 C.C.P.)

The Madera Tribune
P.O. Box 269
Madera, Ca 93639
Ph: 559-674-2424
legals@maderatribune.net

PUBLIC NOTICE

PROVOST & PRITCHARD CONSULTING GROUP

REF. NO. 5146

STATE OF CALIFORNIA)
) ss.
County of Madera)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Madera Tribune, a newspaper of general circulation, published in the City of Madera, County of Madera, and which newspaper has been adjudged a newspaper of General circulation by the Superior Court of the County of Madera, State of California, under the date of November 9, 1966, Case Number 4875 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

PUBLISHED ON: JULY 6, 13, 2022

I certify or declare under penalty of perjury that the foregoing is true and correct.

Dated:
This Day 13 of July, 2022

Signature Christy Lopez

Notice is hereby given that a public hearing will be held to take testimony on and consider adoption of the City of Madera 2020 Urban Water Management Plan and Water Shortage Contingency Plan, as required by the California Water Code section 10642 and 10608. Copies of the 2020 Urban Water Management Plan and Water Shortage Contingency Plan are available to the public for inspection at 1030 South Gateway, Madera, CA 93637. The public hearing will be conducted on September 21, 2022, at 6:00pm, at the Council Chambers in City Hall at 205 W. 4th Street, Madera, CA 93637.

No. 5146 – July 6, 13, 2022

August 6, 2021

Thomas Greci, General Manager
Madera Irrigation District
12152 Road 28 1/4
Madera, CA 93637

Dear Mr. Greci,

In accordance with the Urban Water Management Planning Act, California Water Code §10621(b), the City of Madera is notifying the Madera Irrigation District that the City will be reviewing its UWMP and considering amendments or changes to the Plan. Madera's last UWMP was updated and adopted April 2017.

Once a draft is ready for review, it will be sent to your attention electronically and we would be pleased to receive any comments you may have on this update to the Plan. If you need to contact me regarding this matter, I may be reached at (559) 662-4951 or agonzales1@madera.gov.

Sincerely,

Adam M. Gonzales
Administrative Analyst

Department of Public Works
1030 South Gateway Drive • Madera, CA 93637 • TEL (559) 661-5466 • FAX (559) 661-0760
www.cityofmadera.ca.gov

August 6, 2021

Matt Treber, Director
County of Madera
200 W 4th Street
Madera, CA 93637

Dear Mr. Treber,

In accordance with the Urban Water Management Planning Act, California Water Code §10621(b), the City of Madera is notifying the County of Madera that the City will be reviewing its UWMP and considering amendments or changes to the Plan. Madera's last UWMP was updated and adopted April 2017.

Once a draft is ready for review, it will be sent to your attention electronically and we would be pleased to receive any comments you may have on this update to the Plan. If you need to contact me regarding this matter, I may be reached at (559) 662-4951 or agonzales1@madera.gov.

Sincerely,

Adam M. Gonzales
Administrative Analyst

Department of Public Works
1030 South Gateway Drive • Madera, CA 93637 • TEL (559) 661-5466 • FAX (559) 661-0760
www.cityofmadera.ca.gov

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Appendix B
Water Loss Audits

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AWWA Free Water Audit Software:
Reporting Worksheet

WAS
American Water Works Association.

Click to access
Click to add a

Water Audit Report for: City of Madera (2010002)
Reporting Year: 2017 | 1/2017 - 12/2017

Please enter data in the white cells below. Where available, metered values should be used; if metered values are unavailable please estimate a value. Indicate your confidence in the accuracy of the

All volumes to be entered as: MILLION GALLONS (US) PER YEAR

To select the correct data grading for each input, determine the highest grade where the utility meets or exceeds all criteria for that grade and all grades below it.

Master Meter and Supply Error Adjustments

WATER SUPPLIED

<---------- Enter grading in column 'E' and 'J' ----------> | Pcnt: | Value:

Volume from own sources:	5	2,977.044	MG/Yr	3			MG/Yr
Water imported:	n/a	0.000	MG/Yr				MG/Yr
Water exported:	n/a	0.000	MG/Yr				MG/Yr

Enter negative % or value for under-registration
Enter positive % or value for over-registration

WATER SUPPLIED: 2,977.044 MG/Yr

AUTHORIZED CONSUMPTION

Click here: for help using option buttons below

				Pcnt:	Value:
Billed metered:	7	2,416.392	MG/Yr		
Billed unmetered:	8	107.712	MG/Yr		
Unbilled metered:	1	6.041	MG/Yr		
Unbilled unmetered:		37.213	MG/Yr	1.25%	MG/Yr

Default option selected for Unbilled unmetered - a grading of 5 is applied but not displayed

Use buttons to select percentage of water supplied **OR** value

AUTHORIZED CONSUMPTION: 2,567.358 MG/Yr

WATER LOSSES (Water Supplied - Authorized Consumption)

409.686 MG/Yr

Apparent Losses

				Pcnt:	Value:
Unauthorized consumption:		7.443	MG/Yr	0.25%	MG/Yr

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies:	3	239.581	MG/Yr	9.00%	MG/Yr
Systematic data handling errors:		6.041	MG/Yr	0.25%	MG/Yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Apparent Losses: 253.065 MG/Yr

Real Losses (Current Annual Real Losses or CARL)

Real Losses = Water Losses - Apparent Losses: 156.621 MG/Yr

WATER LOSSES: 409.686 MG/Yr

NON-REVENUE WATER

NON-REVENUE WATER: 452.940 MG/Yr

= Water Losses + Unbilled Metered + Unbilled Unmetered

SYSTEM DATA

Length of mains:	8	203.0	miles
Number of active AND inactive service connections:	5	14,209	
Service connection density:		70	conn./mile main

Are customer meters typically located at the curbstop or property line? Yes

Average length of customer service line: (length of service line, beyond the property boundary, that is the responsibility of the utility)

Average length of customer service line has been set to zero and a data grading score of 10 has been applied

Average operating pressure: 8 | 53.5 psi

COST DATA

Total annual cost of operating water system:	7	$8,177,058	$/Year
Customer retail unit cost (applied to Apparent Losses):	8	$1.55	$/100 cubic feet (ccf)
Variable production cost (applied to Real Losses):	1		$/Million gallo ☑ Use Customer Retail Unit Cost to value real losses

WATER AUDIT DATA VALIDITY SCORE:

***** YOUR SCORE IS: 52 out of 100 *****

A weighted scale for the components of consumption and water loss is included in the calculation of the Water Audit Data Validity Score

PRIORITY AREAS FOR ATTENTION:

Based on the information provided, audit accuracy can be improved by addressing the following components:

1: Volume from own sources
2: Unbilled metered
3: Variable production cost (applied to Real Losses)

AWWA Free Water Audit Software:
Reporting Worksheet

WAS
American Water Works Association.

Click to access
Click to add a

Water Audit Report for: City of Madera (2010002)
Reporting Year: 2018 | 1/2018 - 12/2018

Please enter data in the white cells below. Where available, metered values should be used; if metered values are unavailable please estimate a value. Indicate your confidence in the accuracy of the

All volumes to be entered as: MILLION GALLONS (US) PER YEAR

To select the correct data grading for each input, determine the highest grade where the utility meets or exceeds all criteria for that grade and all grades below it.

Master Meter and Supply Error Adjustments

WATER SUPPLIED

<---------- Enter grading in column 'E' and 'J' ---------->

				Pcnt:	Value:	
Volume from own sources:	8	2,735.023	MG/Yr	7	0.50%	MG/Yr
Water imported:			MG/Yr			MG/Yr
Water exported:			MG/Yr			MG/Yr

Enter negative % or value for under-registration
Enter positive % or value for over-registration

WATER SUPPLIED: 2,721.416 MG/Yr

AUTHORIZED CONSUMPTION

Click here: ? for help using option buttons below

				Pcnt:	Value:	
Billed metered:	7	2,564.056	MG/Yr			
Billed unmetered:	7	21.900	MG/Yr			
Unbilled metered:	1	6.803	MG/Yr			
Unbilled unmetered:		34.018	MG/Yr	1.25%		MG/Yr

Default option selected for Unbilled unmetered - a grading of 5 is applied but not displayed

Use buttons to select percentage of water supplied **OR** value

AUTHORIZED CONSUMPTION: 2,626.777 MG/Yr

WATER LOSSES (Water Supplied - Authorized Consumption)

94.639 MG/Yr

Apparent Losses

				Pcnt:	Value:	
Unauthorized consumption:		6.804	MG/Yr	0.25%		MG/Yr

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies:	8	0.000	MG/Yr			MG/Yr
Systematic data handling errors:		6.410	MG/Yr	0.25%		MG/Yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Apparent Losses: 13.214 MG/Yr

Real Losses (Current Annual Real Losses or CARL)

Real Losses = Water Losses - Apparent Losses: 81.426 MG/Yr

WATER LOSSES: 94.639 MG/Yr

NON-REVENUE WATER

NON-REVENUE WATER: 135.460 MG/Yr

= Water Losses + Unbilled Metered + Unbilled Unmetered

SYSTEM DATA

Length of mains:	3	204.0	miles
Number of active AND inactive service connections:	5	14,232	
Service connection density:		70	conn./mile main

Are customer meters typically located at the curbstop or property line? Yes

Average length of customer service line: (length of service line, beyond the property boundary, that is the responsibility of the utility)

Average length of customer service line has been set to zero and a data grading score of 10 has been applied

Average operating pressure:	8	54.0	psi

COST DATA

Total annual cost of operating water system:	7	$8,151,270	$/Year
Customer retail unit cost (applied to Apparent Losses):	7	$1.90	$/100 cubic feet (ccf)
Variable production cost (applied to Real Losses):	1		$/Million gallo ☑ Use Customer Retail Unit Cost to value real losses

WATER AUDIT DATA VALIDITY SCORE:

***** YOUR SCORE IS: 64 out of 100 *****

A weighted scale for the components of consumption and water loss is included in the calculation of the Water Audit Data Validity Score

PRIORITY AREAS FOR ATTENTION:

Based on the information provided, audit accuracy can be improved by addressing the following components:

1: Volume from own sources
2: Unbilled metered
3: Variable production cost (applied to Real Losses)

AWWA Free Water Audit Software:
Reporting Worksheet

WAS
American Water Works Association.

Click to access
Click to add a

Water Audit Report for: City of Madera (2010002)
Reporting Year: 2019 | 1/2019 - 12/2019

Please enter data in the white cells below. Where available, metered values should be used; if metered values are unavailable please estimate a value. Indicate your confidence in the accuracy of the

All volumes to be entered as: MILLION GALLONS (US) PER YEAR

To select the correct data grading for each input, determine the highest grade where the utility meets or exceeds all criteria for that grade and all grades below it.

Master Meter and Supply Error Adjustments

WATER SUPPLIED

<---------- Enter grading in column 'E' and 'J' ---------->

				Pcnt:	Value:	
Volume from own sources:	5	2,724.553	MG/Yr	3		MG/Yr
Water imported:			MG/Yr			MG/Yr
Water exported:			MG/Yr			MG/Yr
WATER SUPPLIED:		**2,724.553**	MG/Yr			

Enter negative % or value for under-registration
Enter positive % or value for over-registration

AUTHORIZED CONSUMPTION

Click here: for help using option buttons below

				Pcnt:	Value:	
Billed metered:	7	2,535.470	MG/Yr			
Billed unmetered:	8	97.310	MG/Yr			
Unbilled metered:	6	6.340	MG/Yr			
Unbilled unmetered:		34.057	MG/Yr	1.25%		MG/Yr

Default option selected for Unbilled unmetered - a grading of 5 is applied but not displayed

AUTHORIZED CONSUMPTION: **2,673.177** MG/Yr

Use buttons to select percentage of water supplied **OR** value

WATER LOSSES (Water Supplied - Authorized Consumption)

51.376 MG/Yr

Apparent Losses

				Pcnt:	Value:	
Unauthorized consumption:		6.811	MG/Yr	0.25%		MG/Yr

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies:	3	0.000	MG/Yr			MG/Yr
Systematic data handling errors:		6.339	MG/Yr	0.25%		MG/Yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Apparent Losses: **13.150** MG/Yr

Real Losses (Current Annual Real Losses or CARL)

Real Losses = Water Losses - Apparent Losses: **38.226** MG/Yr

WATER LOSSES: **51.376** MG/Yr

NON-REVENUE WATER

NON-REVENUE WATER: **91.773** MG/Yr

= Water Losses + Unbilled Metered + Unbilled Unmetered

SYSTEM DATA

Length of mains:	8	204.0	miles
Number of active AND inactive service connections:	5	14,470	
Service connection density:		71	conn./mile main

Are customer meters typically located at the curbstop or property line? Yes

Average length of customer service line: (length of service line, beyond the property boundary, that is the responsibility of the utility)

Average length of customer service line has been set to zero and a data grading score of 10 has been applied

Average operating pressure:	3	53.0	psi

COST DATA

Total annual cost of operating water system:	9	$7,095,576	$/Year
Customer retail unit cost (applied to Apparent Losses):	8	$3.96	$/100 cubic feet (ccf)
Variable production cost (applied to Real Losses):	6	$1,688.55	$/Million gallo Use Customer Retail Unit Cost to value real losses

WATER AUDIT DATA VALIDITY SCORE:

***** YOUR SCORE IS: 59 out of 100 *****

A weighted scale for the components of consumption and water loss is included in the calculation of the Water Audit Data Validity Score

PRIORITY AREAS FOR ATTENTION:

Based on the information provided, audit accuracy can be improved by addressing the following components:

1: Volume from own sources
2: Customer metering inaccuracies
3: Billed metered

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Appendix C
2015 SBx7-7 Compliance Tables

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SB X7-7 Table 0: Units of Measure Used in UWMP* *(select one from the drop down list)*
Acre Feet
**The unit of measure must be consistent with Table 2-3*
NOTES:

SB X7-7 Table-1: Baseline Period Ranges			
Baseline	**Parameter**	**Value**	**Units**
10- to 15-year baseline period	2008 total water deliveries	13,901	Acre Feet
	2008 total volume of delivered recycled water	-	Acre Feet
	2008 recycled water as a percent of total deliveries	0.00%	Percent
	Number of years in baseline period[1, 2]	10	Years
	Year beginning baseline period range	1995	
	Year ending baseline period range[3]	2004	
5-year baseline period	Number of years in baseline period	5	Years
	Year beginning baseline period range	2003	
	Year ending baseline period range[4]	2007	

[1] If the 2008 recycled water percent is less than 10 percent, then the first baseline period is a continuous 10-year period. If the amount of recycled water delivered in 2008 is 10 percent or greater, the first baseline period is a continuous 10- to 15-year period. *[2] The Water Code requires that the baseline period is between 10 and 15 years. However, DWR recognizes that some water suppliers may not have the minimum 10 years of baseline data.*

[3] The ending year must be between December 31, 2004 and December 31, 2010.

[4] The ending year must be between December 31, 2007 and December 31, 2010.

NOTES:

SB X7-7 Table 2: Method for Population Estimates	
Method Used to Determine Population (may check more than one)	
☑	**1. Department of Finance** (DOF) DOF Table E-8 (1990 - 2000) and (2000-2010) and DOF Table E-5 (2011 - 2015) when available
☐	**2. Persons-per-Connection Method**
☐	**3. DWR Population Tool**
☐	**4. Other** DWR recommends pre-review
NOTES:	

SB X7-7 Table 3: Service Area Population		
Year		**Population**
10 to 15 Year Baseline Population		
Year 1	1995	36,557
Year 2	1996	37,753
Year 3	1997	39,276
Year 4	1998	40,518
Year 5	1999	41,424
Year 6	2000	43,089
Year 7	2001	44,565
Year 8	2002	46,066
Year 9	2003	47,939
Year 10	2004	49,691
Year 11		
Year 12		
Year 13		
Year 14		
Year 15		
5 Year Baseline Population		
Year 1	2003	47,939
Year 2	2004	49,691
Year 3	2005	51,735
Year 4	2006	53,928
Year 5	2007	57,181
2015 Compliance Year Population		
2015		64,810
NOTES:		

SB X7-7 Table 4: Annual Gross Water Use *

Baseline Year *Fm SB X7-7 Table 3*		Volume Into Distribution System *This column will remain blank until SB X7-7 Table 4-A is completed.*	Deductions					Annual Gross Water Use
			Exported Water	Change in Dist. System Storage (+/-)	Indirect Recycled Water *This column will remain blank until SB X7-7 Table 4-B is completed.*	Water Delivered for Agricultural Use	Process Water *This column will remain blank until SB X7-7 Table 4-D is completed.*	
10 to 15 Year Baseline - Gross Water Use								
Year 1	1995	10,306			-		-	10,306
Year 2	1996	11,314			-		-	11,314
Year 3	1997	11,650			-		-	11,650
Year 4	1998	10,888			-		-	10,888
Year 5	1999	12,156			-		-	12,156
Year 6	2000	11,834			-		-	11,834
Year 7	2001	11,210			-		-	11,210
Year 8	2002	11,869			-		-	11,869
Year 9	2003	12,474			-		-	12,474
Year 10	2004	12,887			-		-	12,887
Year 11	0	-			-		-	-
Year 12	0	-			-		-	-
Year 13	0	-			-		-	-
Year 14	0	-			-		-	-
Year 15	0	-			-		-	-
10 - 15 year baseline average gross water use								**11,659**
5 Year Baseline - Gross Water Use								
Year 1	2003	12,474			-		-	12,474
Year 2	2004	12,887			-		-	12,887
Year 3	2005	12,819			-		-	12,819
Year 4	2006	13,166			-		-	13,166
Year 5	2007	14,050			-		-	14,050
5 year baseline average gross water use								**13,079**
2015 Compliance Year - Gross Water Use								
2015		9,314	-		-		-	**9,314**

* NOTE that the units of measure must remain consistent throughout the UWMP, as reported in Table 2-3

NOTES: Exludes direct raw water deliveries to La Paloma Powerplant

SB X7-7 Table 4-A: Volume Entering the Distribution System(s)

Complete one table for each source.

Name of Source	City Groundwater
This water source is:	
☑	The supplier's own water source
☐	A purchased or imported source

Baseline Year *Fm SB X7-7 Table 3*		Volume Entering Distribution System	Meter Error Adjustment* *Optional (+/-)*	Corrected Volume Entering Distribution System
10 to 15 Year Baseline - Water into Distribution System				
Year 1	1995	10,306		10,306
Year 2	1996	11,314		11,314
Year 3	1997	11,650		11,650
Year 4	1998	10,888		10,888
Year 5	1999	12,156		12,156
Year 6	2000	11,834		11,834
Year 7	2001	11,210		11,210
Year 8	2002	11,869		11,869
Year 9	2003	12,474		12,474
Year 10	2004	12,887		12,887
Year 11	0			-
Year 12	0			-
Year 13	0			-
Year 14	0			-
Year 15	0			-
5 Year Baseline - Water into Distribution System				
Year 1	2003	12,474		12,474
Year 2	2004	12,887		12,887
Year 3	2005	12,819		12,819
Year 4	2006	13,166		13,166
Year 5	2007	14,050		14,050
2015 Compliance Year - Water into Distribution System				
2015		9,314		9,314

** Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document*

NOTES:

SB X7-7 Table 5: Gallons Per Capita Per Day (GPCD)				
Baseline Year *Fm SB X7-7 Table 3*		Service Area Population *Fm SB X7-7 Table 3*	Annual Gross Water Use *Fm SB X7-7 Table 4*	Daily Per Capita Water Use (GPCD)
10 to 15 Year Baseline GPCD				
Year 1	1995	36,557	10,306	252
Year 2	1996	37,753	11,314	268
Year 3	1997	39,276	11,650	265
Year 4	1998	40,518	10,888	240
Year 5	1999	41,424	12,156	262
Year 6	2000	43,089	11,834	245
Year 7	2001	44,565	11,210	225
Year 8	2002	46,066	11,869	230
Year 9	2003	47,939	12,474	232
Year 10	2004	49,691	12,887	232
Year 11	0	-	-	
Year 12	0	-	-	
Year 13	0	-	-	
Year 14	0	-	-	
Year 15	0	-	-	
10-15 Year Average Baseline GPCD				**245**
5 Year Baseline GPCD				
Baseline Year *Fm SB X7-7 Table 3*		Service Area Population *Fm SB X7-7 Table 3*	Gross Water Use *Fm SB X7-7 Table 4*	Daily Per Capita Water Use
Year 1	2003	47,939	12,474	232
Year 2	2004	49,691	12,887	232
Year 3	2005	51,735	12,819	221
Year 4	2006	53,928	13,166	218
Year 5	2007	57,181	14,050	219
5 Year Average Baseline GPCD				**224**
2015 Compliance Year GPCD				
2015		64,810	9,314	**128**
NOTES:				

SB X7-7 Table 6: Gallons per Capita per Day *Summary From Table SB X7-7 Table 5*	
10-15 Year Baseline GPCD	245
5 Year Baseline GPCD	224
2015 Compliance Year GPCD	128
NOTES:	

SB X7-7 Table 7: 2020 Target Method *Select Only One*		
Target Method		Supporting Documentation
☑	Method 1	SB X7-7 Table 7A
☐	Method 2	SB X7-7 Tables 7B, 7C, and 7D *Contact DWR for these tables*
☐	Method 3	SB X7-7 Table 7-E
☐	Method 4	Method 4 Calculator
NOTES:		

SB X7-7 Table 7-A: Target Method 1 20% Reduction	
10-15 Year Baseline GPCD	**2020 Target GPCD**
245	**196**
NOTES:	

SB X7-7 Table 7-F: Confirm Minimum Reduction for 2020 Target			
5 Year Baseline GPCD *From SB X7-7 Table 5*	Maximum 2020 Target[1]	Calculated 2020 Target[2]	**Confirmed 2020 Target**
224	213	196	**196**

[1] Maximum 2020 Target is 95% of the 5 Year Baseline GPCD *[2] 2020 Target is calculated based on the selected Target Method, see SB X7-7 Table 7 and corresponding tables for agency's calculated target.*

NOTES:

SB X7-7 Table 8: 2015 Interim Target GPCD		
Confirmed 2020 Target *Fm SB X7-7 Table 7-F*	10-15 year Baseline GPCD *Fm SB X7-7 Table 5*	**2015 Interim Target GPCD**
196	245	**220**
NOTES:		

SB X7-7 Table 9: 2015 Compliance								
Actual 2015 GPCD	2015 Interim Target GPCD	Optional Adjustments *(in GPCD)* Enter "0" if Adjustment Not Used			TOTAL Adjustments	Adjusted 2015 GPCD	2015 GPCD *(Adjusted if applicable)*	**Did Supplier Achieve Targeted Reduction for 2015?**
		Extraordinary Events	Weather Normalization	Economic Adjustment				
128	220	*From Methodology 8 (Optional)*	*From Methodology 8 (Optional)*	*From Methodology 8 (Optional)*	-	128	128	**YES**
NOTES:								

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Appendix D
2020 SBx7-7 Compliance Tables

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SB X7-7 Table 0: Units of Measure Used in 2020 UWMP* *(select one from the drop down list)*
Acre Feet
**The unit of measure must be consistent throughout the UWMP, as reported in Submittal Table 2-3.*
NOTES:

SB X7-7 Table 2: Method for 2020 Population Estimate	
Method Used to Determine 2020 Population (may check more than one)	
☑	**1. Department of Finance** (DOF) or **American Community Survey** (ACS)
☐	**2. Persons-per-Connection Method**
☐	**3. DWR Population Tool**
☐	**4. Other** DWR recommends pre-review
NOTES:	

SB X7-7 Table 4: 2020 Gross Water Use							
		2020 Deductions					
Compliance Year 2020	**2020 Volume Into Distribution System** *This column will remain blank until SB X7-7 Table 4-A is completed.*	**Exported Water ***	**Change in Dist. System Storage*** (+/-)	**Indirect Recycled Water** *This column will remain blank until SB X7-7 Table 4-B is completed.*	**Water Delivered for Agricultural Use***	**Process Water** *This column will remain blank until SB X7-7 Table 4-D is completed.*	**2020 Gross Water Use**
	8,754			-		-	**8,754**
*** Units of measure (AF, MG , or CCF)** must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.							
NOTES:							

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source	Groundwater Wells
This water source is *(check one)* **:**	
☑	The supplier's own water source
☐	A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System [1]	Meter Error Adjustment [2] *Optional (+/-)*	Corrected Volume Entering Distribution System
	8,754	-	8,754

[1] ***Units of measure (AF, MG , or CCF)*** *must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.*

[2] ***Meter Error Adjustment*** *- See guidance in Methodology 1, Step 3 of Methodologies Document*

NOTES

SB X7-7 Table 5: 2020 Gallons Per Capita Per Day (GPCD)		
2020 Gross Water *Fm SB X7-7 Table 4*	**2020 Population** *Fm SB X7-7 Table 3*	**2020 GPCD**
8,754	65,526	**119**
NOTES:		

SB X7-7 Table 9: 2020 Compliance

Actual 2020 GPCD[1]	Optional Adjustments to 2020 GPCD (Enter "0" if Adjustment Not Used)			TOTAL Adjustments[1]	Adjusted 2020 GPCD [1] *(Adjusted if applicable)*	2020 Confirmed Target GPCD [1, 2]	**Did Supplier Achieve Targeted Reduction for 2020?**
	Extraordinary Events[1]	Weather Normalization[1]	Economic Adjustment[1]				
119	-	-	-	-	119	196	**YES**

[1] *All values are reported in GPCD*

[2] ***2020 Confirmed Target GPCD*** *is taken from the Supplier's SB X7-7 Verification Form Table SB X7-7, 7-F.*

NOTES:

Appendix E
Water Shortage Contingency Plan

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Appendix F
City Ordinances

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RESOLUTION NO: 15-156

Resolution of the City Council of the City of Madera Establishing Monthly Rates To Be Charged For Water Furnished By the City and Repealing Resolution 10-118 and All Other Resolutions In Conflict Herewith

WHEREAS, the City of Madera previously adopted Resolution 10-118 establishing rates for water furnished by the City for the period between July of 2010 and July of 2015; and

WHEREAS, the City of Madera desired to establish water rates which were based on the actual and projected costs of providing services between July of 2015 and July of 2020; and

WHEREAS, the City Council considered a Cost of Service analysis prepared by Raftelis Financial Consultants, a firm with expertise in the analysis of municipal water and sewer utility costs; and

WHEREAS, the Council has caused notices to be sent to all affected customers and property owners regarding the proposal to amend the rates for water use at least 45 days in advance of a noticed public hearing held on July 15, 2015; and

WHEREAS, the Council finds that no majority protest was presented against the proposed rates for water service before or during the public hearing and finds that the proposed rates shall be made effective July 26, 2015.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:

1. The above recitals are true and correct.

2. No majority protest was presented against the proposed rates for water service.

3. The monthly rates to be charged for the use of water furnished by the City, enumerated in Attachment A to this Resolution, are hereby adopted.

4. Resolution 10-118, and all other resolutions in conflict herewith, are hereby repealed.

5. This resolution is effective immediately upon adoption.

* * * * * * *

PASSED AND ADOPTED by the City Council of the City of Madera this 15th day of July, 2015 by the following vote:

AYES: Council Members Poythress, Oliver, Rigby, Bomprezzi, Medellin, Holley, Robinson.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

ROBERT L. POYTHRESS, Mayor

ATTEST:

SONIA ALVAREZ, City Clerk

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA

APPROVED AS TO LEGAL FORM:

BRENT RICHARDSON, City Attorney

Resolution Attachment A

City of Madera Water Rates: Fiscal Year 2016-2020

Residential Tiered Rates [1]	Allotment	FYE 2016	FYE 2017	FYE 2018	FYE 2019	FYE 2020
Tier 1	0-10	$1.00	$1.33	$1.63	$1.84	$1.93
Tier 2	11-33	$1.52	$1.90	$2.25	$2.50	$2.60
Tier 3	>33	$2.64	$3.20	$3.69	$4.05	$4.22

Multi-Residential Tiered Rates [1]	Allotment	FYE 2016	FYE 2017	FYE 2018	FYE 2019	FYE 2020
Tier 1	10	$1.06	$1.40	$1.72	$1.93	$2.03
Tier 2	>10	$2.11	$2.53	$2.92	$3.18	$3.32

Non-Residential Rates [1]	FYE 2016	FYE 2017	FYE 2018	FYE 2019	FYE 2020
Uniform Rate	$1.49	$1.87	$2.22	$2.47	$2.58

Total Monthly Fixed Cost by Meter Size [2]	FYE 2016	FYE 2017	FYE 2018	FYE 2019	FYE 2020
5/8"	$9.55	$12.41	$14.89	$16.38	$16.88
3/4"	$10.80	$14.04	$16.84	$18.53	$19.09
1"	$13.30	$17.29	$20.74	$22.82	$23.51
1 1/2"	$19.55	$25.41	$30.49	$33.54	$34.56
2"	$27.05	$35.16	$42.19	$46.41	$47.82
3"	$50.80	$66.04	$79.24	$87.17	$89.81
4"	$85.80	$111.54	$133.84	$147.23	$151.69
6"	$169.55	$220.41	$264.49	$290.94	$299.76
8"	$307.05	$399.16	$478.99	$526.89	$542.86

1. Rate per CCF of water usage. CCF is hundred cubic feet (748.05 gallons).

2. Monthly charges per account/meter.

Flat Rate Water Charges	Units	FYE 2016	FYE 2017	FYE 2018	FYE 2019	FYE 2020
CAR DLR	WATER SERVICE/BLDG/1000	$7.11	$9.24	$11.09	$12.20	$12.57
CAR SERV	WATER SERVICE/BAYS	$4.75	$6.17	$7.40	$8.14	$8.39
DEPT/RET	WATER SERVICE/BLDG/1000	$7.11	$9.24	$11.09	$12.20	$12.57
GAMES	WATER SERVICE/BLDG/1000	$16.51	$21.46	$25.76	$28.33	$29.18
GRANNY	PRIMARY WITH SECONDARY UNIT	$37.97	$49.36	$59.24	$65.16	$67.12
GROC/MOR	WATER SERVICE/BLDG/1000	$7.11	$9.24	$11.09	$12.20	$12.57
HOSP RM	PER BED WATER USE	$5.93	$7.71	$9.25	$10.17	$10.48
HOSP/CON	WATER SERVICE/BEDS	$5.93	$7.71	$9.25	$10.17	$10.48
HOTEL/W	WATER SERVICE/ROOMS	$7.11	$9.24	$11.09	$12.20	$12.57
HOTEL/WO	WATER SERVICE/ROOMS	$5.93	$7.71	$9.25	$10.17	$10.48
LIB/CHUR	WATER SERVICE/SEAT	$0.26	$0.34	$0.41	$0.45	$0.46
LT MFG	WATER SERVICE/BLDG/1000	$3.81	$4.95	$5.94	$6.54	$6.73
MFR/MULT	MFR MULTI ACCT PER PARCEL	$16.03	$20.84	$25.01	$27.51	$28.33
MFR/SING	MFR SINGLE ACCT PER PARCEL	$16.89	$21.95	$26.34	$28.98	$29.85
OPN AIR	WATER SERVICE/SEAT	$0.16	$0.21	$0.25	$0.28	$0.28
PROF BLD	WATER SERVICE/BLDG/1000	$14.14	$18.39	$22.06	$24.27	$25.00
REST IN	WATER SERVICE/SEAT	$1.47	$1.91	$2.29	$2.52	$2.60
REST OUT	WATER SERVICE/BLDG/1000	$14.14	$18.39	$22.06	$24.27	$25.00
SCHOOLS	WATER SERVICE/STUDENTS	$1.13	$1.47	$1.76	$1.94	$2.00
SFR	MINIMUM WATER RATE	$26.46	$34.39	$41.27	$45.40	$46.76
STRP/MAL	WATER SERVICE/BLDG/1000	$11.78	$15.31	$18.37	$20.21	$20.82
WRHSE	WATER SERVICE/BLDG/1000	$1.00	$1.30	$1.56	$1.72	$1.77

RESOLUTION NO. 17-165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING INCREASE IN WATER CONSERVATION REBATES

WHEREAS, The City Council previously adopted water customer rebate programs for water conservation measures; and

WHEREAS, The City has determined that it is prudent to increase the amount of rebates and methods of award for certain water conservation measures; and

WHEREAS, An adequate fund balance is available in the Water Fund budgets to allow for said increase of rebates.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds orders and resolves as follows:

1. The above recitals are true and correct.

2. The City's existing water conservation rebate amounts are increased as shown below.

Water Conservation Rebates	Existing		Proposed	
	Unit	Maximum	Unit	Maximum
Turf Replacement - Drought tolerant	$ 1.00	$ 1,000	$ 2.00	$ 2,000
Turf Replacement - Artificial Turf	$ 1.00	$ 1,000	$ 3.00	$ 3,000
Toilet*	$ 75	$ 225	$ 100	$ 300
Drip System	$ 50	$ 50	$ 150	$ 150
Timer Only	$ 30	$ 30	$ 50	$ 50
Clothes Washer	$ 75	$ 75	$ 200	$ 200
Dish Washer	$ 50	$ 50	$ 200	$ 200
Smart Irrigation Controller	$ 150	$ 150	$ 200	$ 200
Mulch **	$ 50	$ 50	$ 100	$ 100
Rainwater Harvesting Barrel	$ 100	$ 200	$ 200	$ 400
Faucet Lock	$ 20	$ 20	No change	No change
Laundry-to-Landscape Graywater	$ 200	$ 200	No change	No change
Graywater	$ 500	$ 500	No change	No change

* Up to $100 available for installation charges.

** Up to $75 additional rebate available for delivery charges.

3. With concurrence of a property owner, payments of rebates may be made directly to a third party installer or supplier.

4. This resolution is effective and of full force and effect on December 1, 2017.

.....

PASSED AND ADOPTED by the City Council of the City of Madera this 1st day of November, 2017 by the following vote:

AYES: Mayor Medellin, Council Members Foley Gallegos, Rodriguez, Robinson, Oliver, Rigby, Holley.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

ANDREW J. MEDELLIN, Mayor

ATTEST:

SONIA ALVAREZ, City Clerk

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA

APPROVED AS TO LEGAL FORM:

BRENT RICHARDSON, City Attorney

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Appendix G
UWMP Checklist

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2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Chapter 1	10615	A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities.	Introduction and Overview	Section 1
Chapter 1	10630.5	Each plan shall include a simple description of the supplier's plan including water availability, future requirements, a strategy for meeting needs, and other pertinent information. Additionally, a supplier may also choose to include a simple description at the beginning of each chapter.	Summary	Executive Summary
Section 2.2	10620(b)	Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.	Plan Preparation	Section 2.1
Section 2.6	10620(d)(2)	Coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.	Plan Preparation	Section 2.4
Section 2.6.2	10642	Provide supporting documentation that the water supplier has encouraged active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan and contingency plan.	Plan Preparation	Section 2.4 Section 10.2 Section 10.3
Section 2.6, Section 6.1	10631(h)	Retail suppliers will include documentation that they have provided their wholesale supplier(s) - if any - with water use projections from that source.	System Supplies	N/A
Section 3.1	10631(a)	Describe the water supplier service area.	System Description	Section 3.2
Section 3.3	10631(a)	Describe the climate of the service area of the supplier.	System Description	Section 3.3
Section 3.4	10631(a)	Provide population projections for 2025, 2030, 2035, 2040 and optionally 2045.	System Description	Section 3.4

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 3.4.2	10631(a)	Describe other social, economic, and demographic factors affecting the supplier's water management planning.	System Description	Section 3.4
Sections 3.4 and 5.4	10631(a)	Indicate the current population of the service area.	System Description and Baselines and Targets	Section 3.4
Section 3.5	10631(a)	Describe the land uses within the service area.	System Description	Section 3.5
Section 4.2	10631(d)(1)	Quantify past, current, and projected water use, identifying the uses among water use sectors.	System Water Use	Section 4.2
Section 4.2.4	10631(d)(3)(C)	Retail suppliers shall provide data to show the distribution loss standards were met.	System Water Use	Section 4.2.3
Section 4.2.6	10631(d)(4)(A)	In projected water use, include estimates of water savings from adopted codes, plans, and other policies or laws.	System Water Use	Section 4.2.5
Section 4.2.6	10631(d)(4)(B)	Provide citations of codes, standards, ordinances, or plans used to make water use projections.	System Water Use	Section 4.2.5
Section 4.3.2.4	10631(d)(3)(A)	Report the distribution system water loss for each of the 5 years preceding the plan update.	System Water Use	Section 4.2.3
Section 4.4	10631.1(a)	Include projected water use needed for lower income housing projected in the service area of the supplier.	System Water Use	Section 4.3
Section 4.5	10635(b)	Demands under climate change considerations must be included as part of the drought risk assessment.	System Water Use	Section 4.2.6 Section 4.4
Chapter 5	10608.20(e)	Retail suppliers shall provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting Data.	Baselines and Targets	Section 5
Chapter 5	10608.24(a)	Retail suppliers shall meet their water use target by December 31, 2020.	Baselines and Targets	Section 5.1.3

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 5.2	10608.24(d)(2)	If the retail supplier adjusts its compliance GPCD using weather normalization, economic adjustment, or extraordinary events, it shall provide the basis for, and data supporting the adjustment.	Baselines and Targets	Section 5.1.3
Section 5.5	10608.22	Retail suppliers' per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use of the 5-year baseline. This does not apply if the suppliers base GPCD is at or below 100.	Baselines and Targets	Section 5.1.3
Section 5.5 and Appendix E	10608.4	Retail suppliers shall report on their compliance in meeting their water use targets. The data shall be reported using a standardized form in the SBX7-7 2020 Compliance Form.	Baselines and Targets	Section 5.1.3 Appendix D
Sections 6.1 and 6.2	10631(b)(1)	Provide a discussion of anticipated supply availability under a normal, single dry year, and a drought lasting five years, as well as more frequent and severe periods of drought.	System Supplies	Section 7.3
Sections 6.1	10631(b)(1)	Provide a discussion of anticipated supply availability under a normal, single dry year, and a drought lasting five years, as well as more frequent and severe periods of drought, *including changes in supply due to climate change.*	System Supplies	Section 6.2.10 Section 7.3
Section 6.1	10631(b)(2)	When multiple sources of water supply are identified, describe the management of each supply in relationship to other identified supplies.	System Supplies	N/A
Section 6.1.1	10631(b)(3)	Describe measures taken to acquire and develop planned sources of water.	System Supplies	N/A
Section 6.2.8	10631(b)	Identify and quantify the existing and planned sources of water available for 2020, 2025, 2030, 2035, 2040 and optionally 2045.	System Supplies	Section 6.2.9
Section 6.2	10631(b)	Indicate whether groundwater is an existing or planned source of water available to the supplier.	System Supplies	Section 6.2.2 Section 6.2.9

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 6.2.2	10631(b)(4)(A)	Indicate whether a groundwater sustainability plan or groundwater management plan has been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.	System Supplies	Section 6.2.2.2
Section 6.2.2	10631(b)(4)(B)	Describe the groundwater basin.	System Supplies	Section 6.2.2.1
Section 6.2.2	10631(b)(4)(B)	Indicate if the basin has been adjudicated and include a copy of the court order or decree and a description of the amount of water the supplier has the legal right to pump.	System Supplies	N/A
Section 6.2.2.1	10631(b)(4)(B)	For unadjudicated basins, indicate whether or not the department has identified the basin as a high or medium priority. Describe efforts by the supplier to coordinate with sustainability or groundwater agencies to achieve sustainable groundwater conditions.	System Supplies	Section 6.2.2.1
Section 6.2.2.4	10631(b)(4)(C)	Provide a detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years	System Supplies	Section 6.2.2.4
Section 6.2.2	10631(b)(4)(D)	Provide a detailed description and analysis of the amount and location of groundwater that is projected to be pumped.	System Supplies	Section 6.2.9.1
Section 6.2.7	10631(c)	Describe the opportunities for exchanges or transfers of water on a short-term or long- term basis.	System Supplies	Section 6.2.7
Section 6.2.5	10633(b)	Describe the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.	System Supplies (Recycled Water)	Section 6.2.5.2
Section 6.2.5	10633(c)	Describe the recycled water currently being used in the supplier's service area.	System Supplies (Recycled Water)	Section 6.2.5.3
Section 6.2.5	10633(d)	Describe and quantify the potential uses of recycled water and provide a determination of the technical and economic feasibility of those uses.	System Supplies (Recycled Water)	Section 6.2.5.4

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 6.2.5	10633(e)	Describe the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected.	System Supplies (Recycled Water)	Section 6.2.5.4
Section 6.2.5	10633(f)	Describe the actions which may be taken to encourage the use of recycled water and the projected results of these actions in terms of acre-feet of recycled water used per year.	System Supplies (Recycled Water)	Section 6.2.5.5
Section 6.2.5	10633(g)	Provide a plan for optimizing the use of recycled water in the supplier's service area.	System Supplies (Recycled Water)	Section 6.2.5.4
Section 6.2.6	10631(g)	Describe desalinated water project opportunities for long-term supply.	System Supplies	Section 6.2.6
Section 6.2.5	10633(a)	Describe the wastewater collection and treatment systems in the supplier's service area with quantified amount of collection and treatment and the disposal methods.	System Supplies (Recycled Water)	Section 6.2.5.2
Section 6.2.8, Section 6.3.7	10631(f)	Describe the expected future water supply projects and programs that may be undertaken by the water supplier to address water supply reliability in average, single-dry, and for a period of drought lasting 5 consecutive water years.	System Supplies	Section 6.2.8
Section 6.4 and Appendix O	10631.2(a)	The UWMP must include energy information, as stated in the code, that a supplier can readily obtain.	System Suppliers, Energy Intensity	Section 6.3
Section 7.2	10634	Provide information on the quality of existing sources of water available to the supplier and the manner in which water quality affects water management strategies and supply reliability.	Water Supply Reliability Assessment	Section 7.1.3
Section 7.2.4	10620(f)	Describe water management tools and options to maximize resources and minimize the need to import water from other regions.	Water Supply Reliability Assessment	Section 7.3.4

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 7.3	10635(a)	Service Reliability Assessment: Assess the water supply reliability during normal, dry, and a drought lasting five consecutive water years by comparing the total water supply sources available to the water supplier with the total projected water use over the next 20 years.	Water Supply Reliability Assessment	Section 7.3
Section 7.3	10635(b)	Provide a drought risk assessment as part of information considered in developing the demand management measures and water supply projects.	Water Supply Reliability Assessment	Section 7.4
Section 7.3	10635(b)(1)	Include a description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts 5 consecutive years.	Water Supply Reliability Assessment	Section 7.4.1
Section 7.3	10635(b)(2)	Include a determination of the reliability of each source of supply under a variety of water shortage conditions.	Water Supply Reliability Assessment	Section 7.4.2
Section 7.3	10635(b)(3)	Include a comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.	Water Supply Reliability Assessment	Section 7.4.3
Section 7.3	10635(b)(4)	Include considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.	Water Supply Reliability Assessment	Section 7.4.1
Chapter 8	10632(a)	Provide a water shortage contingency plan (WSCP) with specified elements below.	Water Shortage Contingency Planning	Section 8, Appendix E
Chapter 8	10632(a)(1)	Provide the analysis of water supply reliability (from Chapter 7 of Guidebook) in the WSCP	Water Shortage Contingency Planning	Appendix E, Section 2.1

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 8.10	10632(a)(10)	Describe reevaluation and improvement procedures for monitoring and evaluation the water shortage contingency plan to ensure risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented.	Water Shortage Contingency Planning	Appendix E, Section 11
Section 8.2	10632(a)(2)(A)	Provide the written decision- making process and other methods that the supplier will use each year to determine its water reliability.	Water Shortage Contingency Planning	Appendix E, Section 3
Section 8.2	10632(a)(2)(B)	Provide data and methodology to evaluate the supplier's water reliability for the current year and one dry year pursuant to factors in the code.	Water Shortage Contingency Planning	Appendix E, Section 3.1
Section 8.3	10632(a)(3)(A)	Define six standard water shortage levels of 10, 20, 30, 40, 50 percent shortage and greater than 50 percent shortage. These levels shall be based on supply conditions, including percent reductions in supply, changes in groundwater levels, changes in surface elevation, or other conditions. The shortage levels shall also apply to a catastrophic interruption of supply.	Water Shortage Contingency Planning	Appendix E, Section 5.1
Section 8.3	10632(a)(3)(B)	Suppliers with an existing water shortage contingency plan that uses different water shortage levels must cross reference their categories with the six standard categories.	Water Shortage Contingency Planning	N/A
Section 8.4	10632(a)(4)(A)	Suppliers with water shortage contingency plans that align with the defined shortage levels must specify locally appropriate supply augmentation actions.	Water Shortage Contingency Planning	Appendix E, Section 5.2
Section 8.4	10632(a)(4)(B)	Specify locally appropriate demand reduction actions to adequately respond to shortages.	Water Shortage Contingency Planning	Appendix E, Section 5.1
Section 8.4	10632(a)(4)(C)	Specify locally appropriate operational changes.	Water Shortage Contingency Planning	Appendix E, Section 5.1
Section 8.4	10632(a)(4)(D)	Specify additional mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions are appropriate to local conditions.	Water Shortage Contingency Planning	Appendix E, Section 5.1

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 8.4	10632(a)(4)(E)	Estimate the extent to which the gap between supplies and demand will be reduced by implementation of the action.	Water Shortage Contingency Planning	Appendix E, Table 5-1
Section 8.4.6	10632.5	The plan shall include a seismic risk assessment and mitigation plan.	Water Shortage Contingency Plan	Appendix E, Section 5.5
Section 8.5	10632(a)(5)(A)	Suppliers must describe that they will inform customers, the public and others regarding any current or predicted water shortages.	Water Shortage Contingency Planning	Appendix E, Section 6
Section 8.5 and 8.6	10632(a)(5)(B) 10632(a)(5)(C)	Suppliers must describe that they will inform customers, the public and others regarding any shortage response actions triggered or anticipated to be triggered and other relevant communications.	Water Shortage Contingency Planning	Appendix E, Section 6
Section 8.6	10632(a)(6)	Retail supplier must describe how it will ensure compliance with and enforce provisions of the WSCP.	Water Shortage Contingency Planning	Appendix E, Section 7
Section 8.7	10632(a)(7)(A)	Describe the legal authority that empowers the supplier to enforce shortage response actions.	Water Shortage Contingency Planning	Appendix E, Section 8
Section 8.7	10632(a)(7)(B)	Provide a statement that the supplier will declare a water shortage emergency Water Code Chapter 3.	Water Shortage Contingency Planning	Appendix E, Section 8
Section 8.7	10632(a)(7)(C)	Provide a statement that the supplier will coordinate with any city or county within which it provides water for the possible proclamation of a local emergency.	Water Shortage Contingency Planning	Appendix E, Section 8
Section 8.8	10632(a)(8)(A)	Describe the potential revenue reductions and expense increases associated with activated shortage response actions.	Water Shortage Contingency Planning	Appendix E, Section 9.1
Section 8.8	10632(a)(8)(B)	Provide a description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions.	Water Shortage Contingency Planning	Appendix E, Section 9.2
Section 8.8	10632(a)(8)(C)	Retail suppliers must describe the cost of compliance with Water Code Chapter 3.3: Excessive Residential Water Use During Drought	Water Shortage Contingency Planning	Appendix E, Section 9.3

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 8.9	10632(a)(9)	Retail suppliers must describe the monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance.	Water Shortage Contingency Planning	Appendix E, Section 10
Section 8.11	10632(b)	Analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas.	Water Shortage Contingency Planning	Appendix E, Section 12
Sections 8.12 and 10.4	10635(c)	Provide supporting documentation that Water Shortage Contingency Plan has been, or will be, provided to any city or county within which it provides water, no later than 30 days after the submission of the plan to DWR.	Plan Adoption, Submittal, and Implementation	Appendix E, Section 13.3
Section 8.14	10632(c)	Make available the Water Shortage Contingency Plan to customers and any city or county where it provides water within 30 after adopted the plan.	Water Shortage Contingency Planning	Appendix E, Section 13.4
Sections 9.1 and 9.3	10631(e)(2)	Wholesale suppliers shall describe specific demand management measures listed in code, their distribution system asset management program, and supplier assistance program.	Demand Management Measures	N/A
Sections 9.2 and 9.3	10631(e)(1)	Retail suppliers shall provide a description of the nature and extent of each demand management measure implemented over the past five years. The description will address specific measures listed in code.	Demand Management Measures	Section 9
Chapter 10	10608.26(a)	Retail suppliers shall conduct a public hearing to discuss adoption, implementation, and economic impact of water use targets (recommended to discuss compliance).	Plan Adoption, Submittal, and Implementation	Section 10.2

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 10.2.1	10621(b)	Notify, at least 60 days prior to the public hearing, any city or county within which the supplier provides water that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. Reported in Table 10-1.	Plan Adoption, Submittal, and Implementation	Section 10.2.1
Section 10.4	10621(f)	Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.	Plan Adoption, Submittal, and Implementation	Section 10
Sections 10.2.2, 10.3, and 10.5	10642	Provide supporting documentation that the urban water supplier made the plan and contingency plan available for public inspection, published notice of the public hearing, and held a public hearing about the plan and contingency plan.	Plan Adoption, Submittal, and Implementation	Section 10.2 Appendix A
Section 10.2.2	10642	The water supplier is to provide the time and place of the hearing to any city or county within which the supplier provides water.	Plan Adoption, Submittal, and Implementation	Section 10.2
Section 10.3.2	10642	Provide supporting documentation that the plan and contingency plan has been adopted as prepared or modified.	Plan Adoption, Submittal, and Implementation	Appendix H
Section 10.4	10644(a)	Provide supporting documentation that the urban water supplier has submitted this UWMP to the California State Library.	Plan Adoption, Submittal, and Implementation	Section 10.4
Section 10.4	10644(a)(1)	Provide supporting documentation that the urban water supplier has submitted this UWMP to any city or county within which the supplier provides water no later than 30 days after adoption.	Plan Adoption, Submittal, and Implementation	Section 10.4
Sections 10.4.1 and 10.4.2	10644(a)(2)	The plan, or amendments to the plan, submitted to the department shall be submitted electronically.	Plan Adoption, Submittal, and Implementation	Section 10.4

2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
Section 10.5	10645(a)	Provide supporting documentation that, not later than 30 days after filing a copy of its plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Section 10.5
Section 10.5	10645(b)	Provide supporting documentation that, not later than 30 days after filing a copy of its water shortage contingency plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Section 10.5
Section 10.6	10621(c)	If supplier is regulated by the Public Utilities Commission, include its plan and contingency plan as part of its general rate case filings.	Plan Adoption, Submittal, and Implementation	N/A
Section 10.7.2	10644(b)	If revised, submit a copy of the water shortage contingency plan to DWR within 30 days of adoption.	Plan Adoption, Submittal, and Implementation	Section 10.6

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Appendix H
Adopting Resolution

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Appendix I
DWR Submittal Tables

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Resolution for the Water Shortage Contingency Plan

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE CITY'S WATER SHORTAGE CONTINGENCY PLAN

WHEREAS, the California Water Code Sections 10620 et seq. require the adoption an Urban Water Management Plan (UWMP); and

WHEREAS, the California Water Code requires urban water suppliers within the State to prepare and adopt Urban Water Management Plans (UWMP) for submission to the California Department of Water Resources (DWR); and

WHEREAS, the UWMP, which must be filed every five years, must satisfy the requirements of the Urban Water Management Planning Act (UWMPA) of 1983 including amendments that have been made to the Act and other applicable regulations; and

WHEREAS, the City last updated its UWMP in 2017; and

WHEREAS, on March 17, 2021, the City issued a Request for Proposal (RFP) to prepare an UWMP and four proposals were received; and

WHEREAS, on June 2, 2021, the City Council approved a contract with Provost & Pritchard Consulting Group for the preparation of the UWMP; and

WHEREAS, the Urban Water Management Planning Act (UWMPA) requires that the UWMP include an urban water shortage contingency analysis that addresses levels of action to be undertaken by the urban water supplier in response to water supply shortages, including a more than 50 percent reduction in water supply and an outline of specific water supply conditions which are applicable to each stage; and

WHEREAS, in addition to the stages of action, the City is required to develop mandatory prohibitions against specific water use during shortages and consumption reduction methods in the most restrictive stages; and

WHEREAS, this Water Shortage Contingency Plan (WSCP) was prepared according to the California Water Code (CWC) Section 10632 and 10635, as set forth in the 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers (UWMP Guidebook) (DWR, 2021); and

WHEREAS, the WSCP is an appendix to the UWMP but is considered a separate plan from the UWMP; and

WHEREAS, the public hearing was held before the City Council on September 21, 2022.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, determines and orders as follows:

1. The above recitals are true and correct.

2. The Water Shortage Contingency Plan, a copy of which is on file in the office of the City Clerk, attached hereto and incorporated by reference, is hereby adopted.

3. The Director of Public Works is hereby authorized and directed to file the Water Shortage Contingency Plan with the California Department of Water Resources.

4. This Resolution is effective immediately upon adoption.

* * * * * * * *

Water Shortage Contingency Plan

September 2022

PUBLIC REVIEW DRAFT

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City Ordinance 944 C.S. ..... A
Madera County Local Hazard Mitigation Plan 2017 Update: Annex B ..... B
Adoption Resolution C

Abbreviations

AF ..... acre-feet
City ..... City of Madera
CWC..... California Water Code
DPW ..... City of Madera, Department of Public Works
DRA..... Drought Risk Assessment
DWR .....Department of Water Resources
LHMP .....Local Hazard Mitigation Plan
SGMA .....Sustainable Groundwater Management Act
Code ..... City of Madera Code of Ordinances
UWMP ..... Urban Water Management Plan
UWMPA..... Urban Water Management Planning Act
WSCP .....Water Shortage Contingency Plan

Definitions

The following words and phrases whenever used in the Water Shortage Contingency Plan will have the meaning defined in this Section:

City means the City of Madera.

Customer means any person, business, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, or any other user of water provided by the City of Madera.

Drought will mean any shortage in water supply based upon expected demands that are caused by hydrological, environmental, legislative, judicial actions, or by infrastructure failure.

Normal Water Supply is defined as sufficient water supply to meet the unconstrained water demand of the preceding three years, averaged.

Waste means among other things, violations of the restrictions set forth in this policy at each specific response level.

Water Conservation means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

Water will refer to potable water, unless otherwise specified.

WSCP refers to the City of Madera's Water Shortage Contingency Plan contained herein and as readopted or amended from time to time.

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1 Purpose of Plan

Legal Requirements:

CWC §10632.3 *It is the intent of the Legislature that, upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the board defer to implementation of locally adopted water shortage contingency plans to the extent practicable.*

The Urban Water Management Planning Act (UWMPA) requires that the Urban Water Management Plan (UWMP) include an urban water shortage contingency analysis that addresses levels of action to be undertaken by the urban water supplier in response to water supply shortages, including a more than 50 percent reduction in water supply and an outline of specific water supply conditions which are applicable to each stage. In addition to the stages of action, the City of Madera (City) is required to develop mandatory prohibitions against specific water use during shortages and consumption reduction methods in the most restrictive stages.

This Water Shortage Contingency Plan (WSCP) was prepared according to the California Water Code (CWC) Section 10632 and 10635, as set forth in the 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers (UWMP Guidebook) (DWR, 2021) established by the Department of Water Resources (DWR), and includes the requirements listed in **Table 1-1**.

Table 1-1: WSCP Requirements

Topic	WSCP Location
Water Supply Reliability Analysis	Section 2
Annual Assessment Procedures	Section 3
Water Shortage Stages (Levels)	Section 4
Shortage Response Actions	Section 5
Communication Protocols	Section 6
Compliance and Enforcement	Section 7
Legal Authority	Section 8
Financial Consequences of WSCP	Section 9
Monitoring and Reporting	Section 10
WSCP Refinement Procedures	Section 11
Special Water Feature Distinction	Section 12
Plan Adoption, Submittal, and Availability	Section 13

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2 Water Supply Reliability Analysis

Legal Requirements:

§10632(a)(1) *The analysis of water supply reliability conducted pursuant to §10635.*

2.1 Findings Related to Water System Reliability

As discussed in the City's 2020 UWMP (Provost & Pritchard Consulting Group, 2022), the City's groundwater supply is reliable to meet demands. The following are the summary tables of the normal, single-dry, and multiple dry year supply and demand comparisons shown in the 2020 UWMP. As discussed in the UWMP, the groundwater supplies are sufficient to meet demands; therefore, no supply shortage is anticipated during a normal or dry year scenario.

2.1.1 Normal Year Supply and Demand

Table 2-1: Normal Year Supply and Demand Comparison (DWR UWMP Submittal Table 7-2)

	2025	2030	2035	2040
Supply Totals	14,870	14,694	15,520	16,392
Demand Totals	14,870	14,694	15,520	16,392
Difference	**0**	**0**	**0**	**0**

Units: Acre-Feet (AF)

2.1.2 Single Dry Year Supply and Demand

Table 2-2: Single Dry Year Supply and Demand Comparison (DWR UWMP Submittal Table 7-3)

	2025	2030	2035	2040
Supply Totals	14,870	14,694	15,520	16,392
Demand Totals	14,870	14,694	15,520	16,392
Difference	**0**	**0**	**0**	**0**

Units: AF

2.1.3 Multiple Dry Year Supply and Demand

Table 2-3: Multiple Dry Year Supply and Demand Comparison (DWR UWMP Submittal Table 7-4)

		2025	2030	2035	2040
First Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Second Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Third Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Fourth Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**
Fifth Year	Supply Totals	14,870	14,694	15,520	16,392
	Demand Totals	14,870	14,694	15,520	16,392
	Difference	**0**	**0**	**0**	**0**

Units: AF

In dry years, it is anticipated the City may enact various levels of water conservation measures or be mandated to do so by the State of California. In those instances, the demand totals will reduce for various dry years and the supply will match the reduced demand.

2.1.4 Drought Risk Assessment

The Drought Risk Assessment (DRA) for the City has been prepared based on the next five years' (2021-2025) supplies and demands and the supply impacts seen during the 2012-2016 drought period. This requires the City to evaluate whether they can accommodate another historic drought if it were to begin in 2021.

Table 2-4: Five-Year Drought Risk Assessment (DWR UWMP Submittal Table 7-5)

Condition	2021	2022	2023	2024	2025
Total Water Use	9,977	11,201	12,424	13,647	14,870
Total Supplies	9,977	11,201	12,424	13,647	14,870
Surplus/Shortfall w/o WSCP Action	0	0	0	0	0
Planned WSCP Actions (use reduction and supply augmentation)					
WSCP - supply augmentation benefit	0	0	0	0	0
WSCP - use reduction savings benefit	1,037	2,240	2,485	3,412	4,461
Revised Surplus/(shortfall)	1,037	2,240	2,485	3,412	4,461
Resulting % Use Reduction from WSCP action	10%	20%	20%	25%	30%
Units: AF					

2.2 Key Issues Creating a Shortage Condition

When considering a water system solely dependent on groundwater, the issues creating a shortage condition include aquifer adjudication or limitation, mandated water demand reduction as a result of other supply source shortages throughout the region, or emergency shortages. This plan is not only responsive to drought conditions but to various conditions that could cause a water supply shortage including regulations, water quality changes, or emergency situations. Currently, there are no groundwater pumping restrictions established as part of the Sustainable Groundwater Management Act (SGMA).

The following section identifies potential key issues that could create shortage conditions that the City is actively monitoring.

Groundwater Restrictions, Regulations or Limitations

The groundwater supplies are not withdrawn from a groundwater aquifer that is adjudicated, but that could change and the implementation of SGMA could have an impact on the quantity of water the City can utilize each year. Additionally, if groundwater levels continue to decline, the City's wells could become inoperable due to groundwater elevation, creating a temporary water shortage until the City is able to modify the well or construct a new one. The City has a redundant network of wells, limiting the impact of one or even two wells becoming inoperable for a period.

Groundwater Quality

The quality of the groundwater supply the City relies upon is reasonably consistent. Constituents of concern discussed in the UWMP have not been a significant issue for the City. However, if new regulations are put into place concerning a new constituent or more stringent standards for an existing constituent, one or more groundwater wells could temporarily or permanently be removed from use by the City, thereby potentially necessitating implementation of the WSCP. Additionally, intentional, or

accidental point contamination is also an item of concern that could temporarily impact water supply and may necessitate the implementation of this WSCP.

Emergency Shortage

In the instance the City experiences a natural or manmade disaster, such as an earthquake or fire, one or more wells could be impacted and the implementation of the WSCP could be necessary. The City's well network is designed to account for one or more well disruptions with the other wells providing the redundancy to maintain the City's level of service. The City has additional protections in place to mitigate the impact of disasters and continue to provide potable water supplies to its service area, such as emergency generators; however, if there is an impact to procuring fuel, those protections might also be compromised.

3 Annual Water Supply and Demand Assessment Procedures

Legal Requirements:

> ***CWC §10632(a)(2)*** *The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:*
>
> *(A) The written decision-making process that an urban water supplier will use each year to determine its water supply reliability.*
>
> *(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply Decision Making Process reliability for the current year and one dry year, including all of the following:*
>
> *(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.*

The City's Department of Public Works (DPW) is responsible for reviewing current data and implementing an appropriate water shortage stage in accordance with Madera Code of Ordinances (Code). The DPW's evaluation and determination is to be based on public welfare and safety or to comply to regulatory requirements set forth by the State of California. Recent changes to California's State Water Code have now required that a WSCP be updated to include a total of six progressive stages to be referenced if deemed necessary. Therefore, this plan will reference and expand on the existing Code of Ordinances.

3.1 Data Input and Assessment Methodology

3.1.1 Current Water Demands

Legal Requirements:

> ***§10632(a)(2)(B)(i)*** *Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.*

The following tables summarize the actual and projected water uses for years 2020 through 2040, as discussed in the 2020 UWMP. The projected demands utilize per capita demand estimates and projected population shown in the UWMP, separated by use types.

Table 3-1: Use for Potable and Non-Potable Water (DWR UWMP Submittal Tables 4-1 and 4-2)

Use Type	Actual 2020 Water Use (AF)	Projected Water Use (AF)			
		2025	2030	2035	2040
Single Family	5,214	8,450	8,145	8,603	9,087
Multi-Family	1,553	2,517	2,426	2,563	2,707
Commercial/Institutional	1,282	2,225	2,350	2,482	2,622
Industrial	80	138	146	154	163
Landscape	550	955	1,008	1,065	1,125
Losses	75	585	618	653	689
Total	**8,754**	**14,870**	**14,694**	**15,520**	**16,392**

Table 3-2: Total Water Use (Potable and Non-Potable) (DWR UWMP Submittal Table 4-3)

Demand Use	2020	2025	2030	2035	2040
Potable Water, Raw, Other Non-Potable	8,754	14,870	14,694	15,520	16,392
Recycled Water	0	0	0	0	0
Total Water Demands	**8,754**	**14,870**	**14,694**	**15,520**	**16,392**

Units: AF

3.1.2 Quantification of Water Supply

Legal Requirements:

> ***§10632(a)(2)(B)*** *The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:*
>
> *(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.*
>
> *(v) A description and quantification of each source of water supply.*

The following table provides the projected reasonably available water supply available to the City for five-year increments from 2025 through 2040. The groundwater supply is used to meet City demands; the City will continue to receive raw surface water supplies and use them for intentional recharge. As the raw water supplies are not used within the City's water system, they are not quantified as a supply for use in meeting demands. Recharge is further discussed in the UWMP. However, the City's efforts to recharge surface water and treated wastewater supplies offsets their groundwater extraction and the groundwater supplies are expected to be sustainable.

Table 3-3: Water Supplies (DWR UWMP Submittal Tables 6-8 and 6-9)

Water Supply	Additional Details on Water Supply	2020 Actual Volume Used (AF)	Projected Reasonably Available Water Supply (AF)			
			2025	2030	2035	2040
Groundwater	Madera Subbasin 5-22.06	8,754	14,870	14,694	15,520	16,392
Total		**8,754**	**14,870**	**14,694**	**15,520**	**16,392**

3.1.3 Existing Infrastructure Constraints

Legal Requirements:

> ***§10632(a)(2)*** *The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:*
>
> *(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:*
>
> *(iii) Existing infrastructure capabilities and plausible constraints.*

The City's infrastructure consists of 17 active groundwater wells that are responsible for supplying the City's water supply from the Madera Subbasin; the capacity of the active wells is 19,692 gallons per minute which equates to approximately 31,760 AF per year or nearly double the 2040 projected demands, indicating a supply surplus. Since the City and regional area are growing, although it is projected to be at a slow rate, it is anticipated that growth in infrastructure will be needed in the coming years.

Catastrophic events such as prolonged drought or seismic activity can cause damage to a system's ability to supply water adequately and safely to its end users. This also includes water delivery and use for health and human safety (e.g., fire prevention, medical clinics, etc.). Planning for system failures can include, but is not limited to, the following:

- Maintaining above ground water storage tanks
- Providing back-up power for groundwater pumping (e.g., electric, diesel, propane, etc.)
- Understanding and quantifying system duplication
- Groundwater wells dedicated for emergency use only

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4 Standard Water Shortage Stages

Legal Requirements:

§10632(a)(3)(A) *Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.*

The City has a Municipal Water Conservation Ordinance including base-level prohibitions on water waste not associated with a triggering stage as well as six triggering stages (Ordinance 944 C.S., see **Appendix A**). The City's ordinance stages are identified as "Drought Levels A-F" which correlate to the WSCP water shortage Stages 1-6, respectively. The present structure of Ordinance 944 C.S. will be maintained; however, it will be updated with additional conservation measures to correlate with the discussion provided in this WSCP. The most current version of the Ordinance will be utilized in conjunction with this WSCP, in times of water shortage.

The water shortage levels in the WSCP are defined based on the percent reduction in available water supply, or water supply production capacity, when compared to a typical year. Each water shortage level has an accompanying goal for water consumption reduction varying from 10 percent to more than 50 percent as shown in

Table 4-1.

The DPW is responsible for evaluating and declaring a Shortage Stage and reserves the right to do so at any time according to the City's Municipal Code (§5-5.13) (City of Madera, 2020). The DPW staff may declare a Shortage Stage for a variety of reasons including: loss of production capacity due to system failure or power failure, State or local emergency declaration, lowering of groundwater levels, occurrence of water supply contamination, or catastrophic events impacting the water system. Each reason may result in Stages 1 through 6, depending on severity.

Table 4-1: Water Shortage Stages (DWR WSCP Submittal Table 8-1)

Shortage Stage	Percent Supply	Water Supply Condition
1	<10%	Available water production is up to 10% less than the estimated monthly demand.
2	10-20%	Available water production is up to 20% less than the estimated monthly demand.
3	20-30%	Available water production is up to 30% less than the estimated monthly demand.
4	30-40%	Available water production is up to 40% less than the estimated monthly demand.
5	40-50%	Available water production is up to 50% less than the estimated monthly demand.
6	>50%	Available water production is greater than 50% less than the estimated monthly demand.

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5 Shortage Response Actions

5.1 Demand Reduction

Legal Requirements:

§10632(a)(4) *Shortage response actions that align with the defined shortage levels.*

The first step in a demand reduction program is to reduce the strain on the water system during peak demand hours which is part of the City's year-round water conservation efforts. The presently adopted version of City Ordinance 944 C.S. (see **Appendix A**) modifies a portion of Chapter 5-5.13 in the City's Municipal Code to prohibit water waste at all stages and includes other specifics of base conservation including restricted hours of irrigation and ways to encourage minimal methods of watering. This ordinance will be updated following adoption of this WSCP to match the reduction methods described herein. The City also maintains a penalty system with penalties that range from a warning to fines to flow restrictors or discontinuance of service.

The following section provides additional details regarding restrictions imposed by the six water shortage stages implemented during periods of drought or water supply interruption.

Any person found violating any portion of mandatory compliance will be subject to penalties. All persons, customers, and property within the limits of the City shall not commit water waste as identified in the City's Code §5-5.13.

The City continues to strive to implement water conservation measures year-round. As good stewards of the available groundwater supplies and to ensure that groundwater supplies continue to be a reliable source, the City implements several water use reduction measures year-round without a Shortage Stage declaration (base reductions). The base reductions are implemented year-round to ensure that the City's water supply is consistently protected and monitored, and that City Ordinance 944 C.S. is fully implemented. These measures are as listed below.

Wasting water, as determined by the DPW, includes:

- The wasting of water due to damaged or faulty mechanical equipment.
- The discharge of water due to leaking, dripping, or other water wasting from all connections, faucets, hydrants, pipes, outlets, and plumbing fixtures.
- Use of water through any hose, pipe, or other discharge for the purpose of watering gardens, trees, lawns, flowers, or plants or for other irrigation or agricultural purposes without the use of a restricting nozzle or sprinkling device.
- Use of water that allows for water to run or waste from his or her property onto a city street to such an extent that water shall flow in the street gutter excessively beyond the frontage of the property occupied by such person; nor to flow excessively off of the occupied property into the street gutter; nor to continuously fall upon a public right-of-way or adjoining property such as to

significantly contribute to the gutter flow; nor to excessively flow onto, or continuously fall upon, adjoining properties or an alley.

5.1.1 Stage 1: (Up to 10% Reduction of Normal Water Supply)

Stage 1 is a mandatory water shortage reduction stage and correlates to Level A of the City's Ordinance 944 C.S. All actions listed below are in addition to the base reductions unless a stricter restriction applies and is noted.

- All outdoor irrigation shall occur only between the hours of 7 p.m. and 10 a.m. on designated days. Various exceptions exist, as noted in the City's Ordinance.

5.1.2 Stage 2: (Up to 20% Reduction of Normal Water Supply)

Stage 2 is a mandatory shortage reduction stage and correlates to Level B of the City's Municipal Code §5-5.13. All actions listed below are in addition to the previous stages unless a stricter restriction applies and is noted.

- Dwellings or establishments with even-numbered street addresses shall water only on Wednesday, Friday, and Sunday between the hours of 7 p.m. and 10 a.m..
- Dwellings or establishments with odd-numbered street addresses shall water only on Tuesday, Thursday, and Saturday between the hours of 7 p.m. and 10 a.m..
- Monday will be a non-watering day, unless an approved or conditionally approved exemption is on file with the Public Works Department.

5.1.3 Stage 3: (Up to 30% Reduction of Normal Water Supply)

Stage 3 is a mandatory shortage reduction stage and correlates to Level C of the City's Municipal Code §5-5.13. All actions listed below are in addition to the previous stages unless a stricter restriction applies and is noted.

- Dwellings or establishments with even-numbered street addresses shall water only on Wednesday and Sunday between the hours of 7 p.m. and 10 a.m..
- Dwellings or establishments with odd-numbered street addresses shall water only on Tuesday and Saturday between the hours of 7 p.m. and 10 a.m..
- Monday, Thursday, and Friday are non-watering days, unless an approved or conditionally approved exemption is on file with the Public Works Department.
- Water waste patrols will be increased to ensure the above conservation measures are being enforced.

5.1.4 Stage 4: (Up to 40% Reduction of Normal Water Supply)

Stage 4 is a mandatory shortage reduction stage and correlates to Level D of the City's Municipal Code §5-5.13. All actions listed below are in addition to the previous stages unless a stricter restriction applies and is noted.

- Dwellings or establishments with even-numbered street addresses can water landscapes on Sunday only between the hours of 7 p.m. and 10 a.m.
- Dwellings or establishments with odd-numbered street addresses can water landscapes on Saturday only between the hours of 7 p.m. and 10 a.m.
- Monday, Tuesday, Wednesday, Thursday, and Friday are non-watering days, unless an approved or conditionally approved exemption is on file with the Public Works Department.
- Water waste patrols will be increased to ensure the above conservation measures are being enforced.
- System water losses will be evaluated, and steps will be taken to reduce these losses.
- A public information campaign will be implemented to communicate the significance of the measures to the public.
- Drought water rate structures and/or surcharges will be implemented to encourage conservation methods.

5.1.5 Stage 5: (Up to 50% Reduction of Normal Water Supply)

Stage 5 is a mandatory shortage reduction stage and correlates to Level E of the City's Municipal Code §5-5.13. All actions listed below are in addition to the previous stages unless a stricter restriction applies and is noted.

- Dwellings or establishments with even-numbered addresses can use drip-irrigation systems or hand water trees and large shrubs to minimally maintain their viability on Sunday only, between the hours of 7 p.m. and 10 a.m.
- Dwellings or establishments with odd-numbered addresses can use drip-irrigation systems or hand water trees and large shrubs to minimally maintain their viability on Saturday only, between the hours of 7 p.m. and 10 a.m.
- Water waste patrols will be increased to ensure the above conservation measures are being enforced.
- System water losses will be evaluated, and steps will be taken to reduce these losses.
- Expansion of the public information campaign will be implemented to communicate the significance of the measures to the public.
- Line flushing throughout the city will be reduced.
- Drought water rate structures and/or surcharges will be implemented to encourage conservation methods.

5.1.6 Stage 6: (Greater than 50% Reduction of Normal Water Supply)

Extreme water shortages require drastic reductions in water usage and correlates to Level F of the City's Municipal Code §5-5.13. All actions listed below are in addition to the previous stages unless a stricter restriction applies and is noted.

- All outdoor application of irrigation other than for edible crops specifically for personal consumption shall be eliminated.
- Water waste patrols will be increased to ensure the above conservation measures are being enforced.
- Expansion of the public information campaign will be implemented to communicate the significance of the measures to the public.
- System water losses will be evaluated, and steps will be taken to reduce these losses.
- Line flushing throughout the city will be reduced.
- Increases to drought rate structure and/or surcharges will be implemented.

Table 5-1 shows the demand reduction actions and their associated percentage by which it is anticipated each action will reduce overall system demands. Although the City has not experienced water supply shortages historically, even during drought conditions, the City continues to implement demand reduction efforts year-round and additional mandatory demand reductions in response to periods of dry hydrology or other water shortage conditions that may arise not related to drought conditions. This table is reformatted from the standard DWR Submittal Table 8-2 but presents the same information.

Table 5-1: Demand Reduction Actions (DWR WSCP Submittal Table 8-2)

Shortage Stage	City Ordinance Level	Demand Reduction Actions	How much is this going to reduce the shortage gap?	Additional Explanation or Reference *(optional)*	Penalty, Charge, or Other Enforcement?
1	A	Landscape – Limit landscape irrigation to specific times	9%	Irrigation & recreation uses shall be restricted to the hours of 12am-10am and 7pm-12am.	Yes
2	B	Landscape - Limit landscape irrigation to specific days and times	17%	Limited to 3 days/week, and irrigation & recreation uses shall be restricted to the hours of 12am-10am and 7pm-12am.	Yes
3	C	Landscape – Limit landscape irrigation to specific days and times	25%	Limited to 2 days per even parcels & 2 days per odd parcels. Irrigation & recreation uses shall be restricted to the hours of 12am-10am and 7pm-12am.	Yes
3	C	Increase wastewater patrols	2%		No
4	D	Landscape – Limit landscape Irrigation to specific days and times	33%	Irrigation and recreation use shall be limited to 1 day per even parcels & 1 day per odd parcels. Irrigation & recreation uses shall be restricted to the hours of 12am-10am & 7pm-12am.	Yes
4	D	Increase Water Waste Patrols	2%		No
4	D	Reduce system water loss	1%		No
4	D	Expand public information campaign	1%		No
4	D	Implement or Modify Drought Rate Structure or Surcharge	2%	Drought rates and/or surcharges will be assessed based on water usage rates.	Yes

Shortage Stage	City Ordinance Level	Demand Reduction Actions	How much is this going to reduce the shortage gap?	Additional Explanation or Reference *(optional)*	Penalty, Charge, or Other Enforcement?
5	E	Landscape – Limit landscape irrigation to specific days and times	37%	Irrigation & recreation use shall be limited to drip systems designed only to irrigate trees and bushes to minimally maintain their viability. Irrigation & recreation uses shall be restricted to the hours of 12am-10am & 7pm-12am.	Yes
5	E	Increase water waste patrols	2%		No
5	E	Reduce System Water Loss	1%		Yes
5	E	Expand public information campaign	1%		No
5	E	Decrease line flushing	1%		No
5	E	Implement or modify drought rate structure or surcharge	5%	Drought rates and/or surcharges will be assessed based on water usage rates.	Yes
6	F	Landscape – Prohibit all landscape irrigation	39%		Yes
6	F	Increase water waste patrols	2%		No
6	F	Reduce system water loss	1%	Some measures can be implemented quickly, others may take longer due to implementation processes	No
6	F	Expand public information campaign	1%		No
6	F	Decrease line flushing	1%		No
6	F	Implement or modify drought rate structure or surcharge	7%	Drought rates and/or surcharges will be assessed based on water usage rates.	Yes

5.2 Supply Augmentation

Legal Requirements:

§10632(a)(4)(A) *Locally appropriate supply augmentation actions.*

As discussed above, there are a variety of circumstances that can render a source inconsistent.

Mandatory conservation is often the most effective way to reduce demands to meet a supply reduction situation. Implementation of conservation measures only take the amount of time required to properly notice the public of measures being implemented. In the instance self-monitored implementation is not effective enough, the City could increase water waste patrols and implement penalties allowed in the City's Municipal Code and discussed above.

In the instance additional supplies are necessary, lead time to implement projects are lengthier than conservation measures and would only be sought in critical Shortage Stages, such as Stages 5 or 6, as indicated in **Table 5-2**.

Table 5-2: Supply Augmentation and Other Actions (DWR WSCP Submittal Table 8-3)

Shortage Stage	Supply Augmentation Methods and Other Actions by Water Supplier	How much is this going to reduce the shortage gap?	Additional Explanation or Reference
5 or 6	New Recycled Water	Up to 15%	The City could consider treating wastewater effluent and distributing it for use in lieu of potable water
6	Stored Emergency Supply	10%	The City could consider utilizing above ground storage tanks and store non-potable supplies for emergency non-potable demand purposes such as fire suppression.

5.3 Operational Changes

Table 5-1 provides a summary of common categories of restrictions and prohibitions that may be placed on end users by a water agency and includes a description of the restrictions and prohibitions being used by the City.

The categories of restrictions and prohibitions in **Table 5-1** come from State of California guidance in preparation of UWMPs. The demand reduction Stages identified in this WSCP are cumulative so any restriction or prohibition that begins in a lower stage continues and is added to in a higher stage.

The City will also implement the restrictions in its own practices and, if necessary, contemplate further reductions of non-urgent demands such as water main flushing or hydrant exercises.

5.4 Emergency Response Plan

The City's various departments manage emergencies as needed, including the Public Works Department for impacts to water system infrastructure. The City's Fire Department is part of the CalFire agency, which also has emergency response protocols the City can utilize, as appropriate. Finally, the County of Madera has and Emergency Operations Plan and includes coordination with the City on emergency responses for a wide variety of emergencies that also encompass impacts to water system infrastructure components.

5.5 Seismic Risk Assessment and Mitigation Plan

CWC §10632.5(a) *In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.*

(b) An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.

(c) An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multiphaser mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.

The City maintains a General Plan (PMC & City of Madera, 2009) originally adopted in 2009, that outlines specific protocol and policy to address health and human safety concerns regarding seismic activity in the Central Valley of California. These Policies are all integrated in Policy HS-7 of the City's General Plan under Chapter 6 Health and Safety Element and is linked in the footnote below.

In addition to the General Plan, the City is also a partner in the Madera County Local Hazard Mitigation Plan [LHMP (Morrison, 2017)] that was adopted in October 2017 (**Appendix B**). The Hazard Mitigation Plan identifies potential hazards, including seismic risk, their likelihood of occurring and the significance of their impact on the City, as a whole. The plan identifies a wide assortment of hazards and assesses the City's vulnerability to each. Specifically, Table B-5 of the LHMP indicates likelihood of seismic activity as "Unlikely" and the magnitude as "Limited". "Unlikely" is defined as "Less than 1% chance of occurrence in next 100 years, or has a recurrence interval of greater than every 100 years" and "Limited" is defined as "10-25 percent of property severely damaged; shutdown of facilities for more than a week; and/or injuries/illnesses treatable do not result in permanent disability" (Morrison, 2017).

5.6 Shortage Response Action Effectiveness

The anticipated effectiveness of each shortage response action is shown in **Table 5-1**. The anticipated percentage reductions for each measure are derived from a combination of the City's experience and calculated reductions based on mandated water use limits for various customer classes.

The City utilizes a range of Consumption Reduction Methods and Operational Changes to develop the Water Shortage Stages found in this plan. As previously stated, the City will implement penalty restrictions and tighten irrigation allowances as deemed necessary for each respective demand reduction Stage to help make each one the most effective.

6 Communication Protocols

Legal Requirements:

CWC §10632

(a)(5) Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage Response Actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communications.

The City Administrator, or their designee, will identify potential water shortages, and propose Shortage Stages to be implemented. Prior to implementing Shortage Stages, the City Administrator will present the proposed Stage to City Council for approval. Typically, Shortage Stages will be utilized sequentially; however, in times of urgency or critical water shortages, stages may be used out of order. The City Council always has discretion to delay or speed declaration of a given response level depending on other conditions.

The public and any interested parties shall be notified of any potential water shortages, declarations of water shortages, and response actions via public notices, the billing process, and/or announcements on the utility's website. Shortage stages shall be effective immediately upon notification to the public and stakeholders.

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7 Compliance and Enforcement

Legal Requirements:

Water Code Section 10632 (a)(6) *For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.*

The City Engineer or their designee, will be responsible for evaluating available data on a consistent basis and adequately determining the proper water shortage stage, progress made on conservation efforts, and if the appropriate level of water consumption reduction is being met.

Section 5 outlines the various water conservation measures during each water shortage stage, as well as the various enforcements. The penalties for each stage are also outlined in this section and can vary depending on the activated Water Shortage Stage. Enforcement of various water conservation strategies is carried out by staff members of the water utility including water wasting patrols.

7.1 Penalties, Charges, Other Enforcement or Prohibitions

Water Conservation Program staff are responsible for enforcement of water conservation regulations as outlined in the Madera Municipal Code. Staff responds in some way to each of the reports received related to customers not following water use regulations. Customers may report incidents of water waste or leaks that are observed within the City of Madera. Reports may be submitted online to the City's Water Conservation Supervisor, or by phone at (559) 661-5466. The City also maintains an after-hours water emergency hotline: (559) 675-4200.

7.1.1 Warning and Citation Protocols, Fines and Surcharges

When a violation of the water conservation ordinance is noted, the following enforcement cycle is used:

- First offense: $75 fine
- Second violation: $200 fine
- Third and subsequent violations: $500 fine

Those cited may appeal to the City if they believe the citation is unfair either online[1] or by mailing or sending through facsimile, a form detailing the reason for appealing the citation.

[1] https://www.madera.gov/home/departments/public-works/water/water-citation-appeal/

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8 Legal Authorities

§10632 (a)(7)

(A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage Response Actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1.

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.

This WSCP adheres with the California Water Code 10632. This document is also required by State law as outlined in the Water Code, which states that, "Every urban water supplier shall prepare and adopt a water shortage contingency plan as part of its urban water management plan…" (WC 10632). As an established California Water Utility, the City has the authority to implement the WSCP, declare water shortages, and implement shortage response actions including statutory authorities, ordinances, resolutions, and contract provisions.

The City will follow the protocols outlined in this WSCP should it become necessary to declare a water shortage emergency.

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9 Financial Consequences of WSCP

9.1 Potential Revenue Reductions and Expense Increases

Legal Requirement

§10632 (a)(8) *A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:*

(A) A description of potential revenue reductions and expense increases associated with activated shortage Response Action described in paragraph (4)

Agencies typically experience a decrease in revenue with reduced water uses (demands). Additionally, cost expenditures may also increase with elevated outreach activities, increased staffing needs to implement conservation programs, and responses to customer questions and/or complaints.

9.2 Mitigation Actions

Legal Requirement

§10632 (a)(8)(B) *A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage Response Actions described in paragraph (4).*

9.2.1 Use of Financial Reserves

The City has a financial reserve for use in times of emergency. It may be appropriate to utilize this reserve during times of revenue reduction as described above. This strategy would require action by the City Council and parameters for the precise implementation would be specified at the time of use.

9.2.2 Drought Surcharges

If revenues decrease to an unsustainable level, the City may choose to evaluate revisions to the water rates or implementing a surcharge. A surcharge that is implemented in times of water shortage is different than a conservation rate structure, which is always in place.

9.3 Cost of Compliance

Legal Requirement

§10632 (a)(8)(C) *A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1.*

Declaring a water shortage and enforcing response actions can be performed by existing staff with no significant increases in operating cost. Other costs of compliance are associated with increased public awareness information (mailing information or updating website information frequently), increased issuance of violations/citations, and increased response to appeals. While these efforts should not necessitate additional staffing, there may be costs associated with increased duties for existing staff.

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10 Monitoring and Reporting

Legal Requirement

§10632 (a)(9) *For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.*

The City is, and historically has been, in compliance with the state reporting requirements. The City uses meters to monitor all water deliveries to consumers, which assists in assuring customer compliance. Additionally, the City maintains a protocol for receiving and addressing complaints of non-compliance and misuse.

In all Stages, City staff record daily and monthly totals for production and deliveries. Each month, the demands are compared against production capacities and evaluated for sufficiency. In heightened Shortage Stages, more frequent monitoring may be implemented to evaluate conservation measures against requirements.

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11 WSCP Refinement Procedures

Legal Requirement

§10632 (a)(10) *Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.*

The WSCP may be updated at any time when the urban water supplier believes significant changes have occurred that may affect the contents of the plan. If major changes are made to this 2020 WSCP, the City will hold an additional public hearing and City Council will readopt the plan. Copies of amendments or changes to the plan shall be submitted to DWR, the California State Library, and Madera County within 30 days of adoption.

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12 Special Water Feature Distinction

Legal Requirements:

§10632(a)(10)(B) *For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.*

Health and Safety Code Section §115921 *As used in this article the following terms have the following meanings: (a) "Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.*

The Water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, are to be defined separately from swimming pools and spas.

The City's Code of Ordinances, Section 5-5.14 does not specifically address water features, but does define allowable outdoor water uses including swimming pools. The City does not further define other water features; however, restrictions are applicable to them as they are to other water uses throughout the City.

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13 Plan Adoption, Submittal, and Availability

Legal Requirements:

CWC §10642

…Prior to adopting either, the [plan or water shortage contingency plan], the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon.

CWC §10608.26

(a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

(1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.

(2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.

(3) Adopt a method, pursuant to subdivision (b) of Section 10608.20 for determining its urban water use target.

CWC §10632 (c)

The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

The public hearing was held prior to the adoption of the WSCP and was adopted as prepared. The hearing provided an opportunity for the City's customers, residents, and employees to learn and ask questions about the current and future water supply of the City. The public hearing was held on September 21, 2022.

The WSCP was made available to the City's customers and County of Madera, adopted, and submitted to the State in the same fashion as the UWMP, which is described in Section 10 of the 2020 UWMP. Within 30 days of submitting the UWMP and WSCP to DWR, the adopted plans will be available for public review during normal business hours at the City of Madera Public Works office. The City will also post a copy of the adopted UWMP and WSCP on its website (https://www.madera.gov/). **Appendix C** contains the Adopting Resolution.

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14 References

City of Madera. (2020). *Code of Ordinances.* Cincinnati: American Legal Publishing Corporation.

DWR. (2021, March). *Urban Water Management Plan Guidebook 2020.*

Morrison, F. (2017). *Madera County Local Hazard Mitigation Plan Update.*

PMC, & City of Madera. (2009). *City of Madera General Plan.* Retrieved from https://www.madera.gov/wp-content/uploads/2020/12/City-of-Madera-GP-12-04-20.pdf

Provost & Pritchard Consulting Group. (2022). *2020 Urban Water Management Plan.* Madera.

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Appendices

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Appendix A
City Ordinance 944 C.S.

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ORDINANCE NO. 944 C.S.

AN ORDINANCE AMENDING SECTION 5-5.13 OF CHAPTER 5 OF TITLE V OF THE MADERA MUNICIPAL CODE PERTAINING TO WATERING RESTRICTIONS

WHEREAS, it is necessary for the City to further refine regulations relating to the City's water system and enforcement of water conservation; and

WHEREAS, the City has considered the totality of the Municipal ordinance pertaining to water and has determined that certain provisions are needed for the effective implementation and protection of the City's water system.

THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Section 5-5.13(A) of Chapter 5, of Title V of the Madera Municipal Code is hereby amended to read as follows:

(A) *Drought levels.* When the City Council by resolution determines that water supplies are limited and additional conservation measures are necessary to reduce water consumption, the Council may enact one of ~~five~~[six] drought water restriction levels A through ~~E~~[F] as set forth in this subsection, and restrictions under each section shall be enforced for such period of time as designated by the City Council or until lifted by them by separate resolution. [The City Council at any time may prohibit all organized carwashes not conducted as part of a licensed car wash business, if it determines by resolution it is warranted to contribute to other enacted water restrictions intended to reduce water consumption.]

Level A

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by limited means, the following restrictions shall apply:

Outdoor application of water for irrigation and recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m.

[Level B

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by moderate means, the following restrictions shall apply:

Outdoor application of water for irrigation and recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage

on Sunday, Wednesday, and Friday for parcels with even numbered street addresses, and Tuesday, Thursday and Saturday for parcels with odd numbered street addresses.]

Level ~~B~~[C]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by moderate means, the following restrictions shall apply:

Outdoor application of water for irrigation, recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage on Sunday and Wednesday for parcels with even numbered street addresses and Saturday and Tuesday for parcels with odd numbered street addresses.

Level ~~C~~[D]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by significant means, the following restrictions shall apply:

Outdoor application of water for irrigation and recreation uses shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage on Sunday for parcels with even numbered street addresses and Saturday for parcels with odd numbered street addresses.

Level ~~D~~[E]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by aggressive means, the following restrictions shall apply:

Outdoor application of water for irrigation of plants shall be limited drip system designed to only irrigate trees and bushes to minimally maintain their viability. The application of water shall be restricted to the hours of 12:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:00 a.m., and restricted to usage on Sunday for parcels with even numbered street addresses and Saturday for parcels with odd numbered street addresses.

Level ~~E~~[F]

When the City Council by resolution determines it is warranted that additional water restrictions are necessary to reduce water consumption by extreme means, the following restrictions shall apply:

All outdoor application of water for irrigation of plants other than edible crops for personal consumption shall be eliminated.

~~The City Council at any time may prohibit all organized carwashes not conducted as part of a licensed car wash business, if it determines by resolution it is warranted to contribute to other enacted water restrictions intended to reduce water consumption.~~

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

Section 4. Effective Date. This ordinance shall be effective and of full force and effect at 12:01 a.m. on the 31st day after its passage.

* * * * * * * * * *

The foregoing Ordinance No. 944 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 19th day of July, 2017 and adopted after a second reading at a regular meeting of the City Council held on the 2nd day of August, 2017 by the following vote:

AYES: Mayor Medellin, Council Members Foley Gallegos, Rodriguez, Holley, Robinson, Oliver, Rigby.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

ANDREW J. MEDELLIN, Mayor

ATTEST:

SONIA ALVAREZ, City Clerk

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA

APPROVED AS TO LEGAL FORM:

BRENT RICHARDSON, City Attorney

Appendix B
Madera County Multi-Jurisdictional Local Hazard Mitigation Plan Update (Excerpt)
Annex B: City of Madera

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Annex B City of Madera

B.1 Introduction

This Annex details the hazard mitigation planning elements specific to the City of Madera, a new participating jurisdiction to the Madera County Local Hazard Mitigation Plan (LHMP) Update. This Annex is not intended to be a standalone document, but appends to and supplements the information contained in the base plan document. As such, all sections of the base plan, including the planning process and other procedural requirements apply to and were met by the City. This Annex provides additional information specific to the City of Madera, with a focus on providing additional details on the risk assessment and mitigation strategy for this community.

B.2 Planning Process

As described above, the City of Madera followed the planning process detailed in Section 3 of the base plan. In addition to providing representation on the Madera County Hazard Mitigation Planning Committee (HMPC), the City formulated their own internal planning team to support the broader planning process requirements. Internal planning participants, their positions, and how they participated in the planning process are shown in Table B-1. Additional details on plan participation and City representatives are included in Appendix A.

Table B-1 City of Madera Planning Team

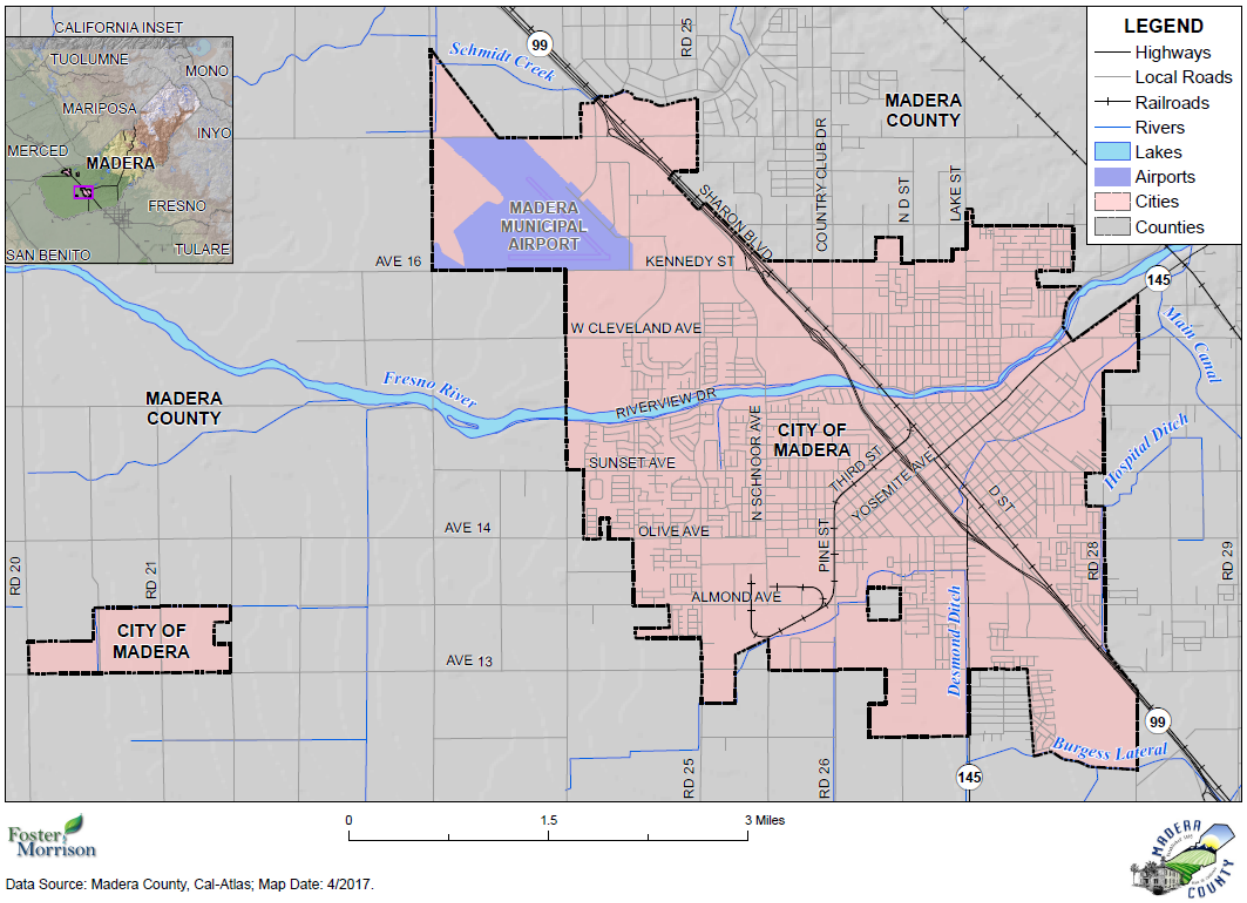
Name	Position/Title	How Participated
Keith Helmuth	City Engineer	Attended planning meetings. Provided input and document review. Supplied updated information.
Eugene Haynes	Administrative Analyst	Attended planning meetings. Provided input and document review. Supplied updated information.
Wendy Silva	Director of Human Resources	Attended planning meetings. Provided input and document review. Supplied updated information.
Dave Randall	Public Works Operations Director	Attended planning meetings. Provided input and document review. Supplied updated information.
Chris Boyle	Planning Manager	Attended planning meetings. Provided input and document review. Supplied updated information.
Steve Frazier	Police Chief	Attended planning meetings. Provided input and document review. Supplied updated information.
Dino Lawson	Police Commander	Attended planning meetings. Provided input and document review. Supplied updated information.
Paula Nunez	HR Technician II	Attended planning meetings. Provided input and document review. Supplied updated information.
Robin Bravo	Administrative Analyst	Attended planning meetings. Provided input and document review. Supplied updated information.

Name	Position/Title	How Participated
Mary Church	Administrative Analyst	Attended planning meetings. Provided input and document review. Supplied updated information.
Brent Richardson	City Attorney	Document review prior to Council consideration
David Tooley	City Administrator	Document review prior to Council consideration
David Merchen	Director of Community Development	Document review prior to Council consideration

B.3 Community Profile

The community profile for the City of Madera is detailed in the following sections. Figure B-1 displays a map and the location of the City of Madera within Madera County.

Figure B-1 City of Madera Base Map



B.3.1. Geography and Climate

The City of Madera is the county seat. The City has industrial parks, recreational parks, food and meat processing plants, wineries, and agricultural excellence in diversified farming – all of which contribute to a solid and substantial economy.

The City of Madera is located about midway and toward the eastern edge of the San Joaquin Valley. The Fresno River flows east to west through the City. The terrain around Madera itself is generally level with an abrupt upward slope about 10 miles eastward to the foothills of the Sierra Nevada. The main Sierra Nevada Range is located about 50 miles to the east and extends from 12,000 to more than 14,000 feet in elevation. About 30 miles west of the city lie the foothills of the Coastal Range.

The climate around the City of Madera is dry, mild in winter and hot in summer; nearly nine-tenths of the year's precipitation falls in the six months from November to April. Humidity is commonly as low as 15 percent and has been recorded as low as 8 percent. In contrast, humidity readings may reach 90 percent during the morning hours of December and January. The normal daily maximum temperature advances to a high of 99 degrees during the latter part of July. The daily maximum temperature during the warmest month has ranged from 76 degrees to 115 degrees. Winter temperatures are usually mild but during infrequent cold spells minimum readings occasionally drop below freezing. Heavy frost occurs almost ever year, and the first heavy frost in the autumn usually occurs during the last week of November. The last frost in the spring is in early March.

The City of Madera is situated on a young alluvial fan with permeable to moderately permeable soil.

B.3.2. History

The City of Madera had its beginnings with William Thurman, a lumberman, in 1875 when the area was still part of Fresno County. A V-shaped water flume, 54 miles in length, carried lumber from the high country to Madera by gravity flow. The railhead and later SH-99 marked Madera for its place of importance in the San Joaquin Valley. Madera was chartered as an incorporated city, March 27, 1907.

B.3.3. Economy

The City of Madera, which lies in the county of Madera, has seen substantial growth since 1990. The unemployment rate is approximately 8.2% as of April of 2017. Agriculturally oriented Madera County tends to have higher unemployment rates and greater seasonal variations in unemployment. US Census estimates show economic characteristics for the City of Madera. These are shown in Table B-2.

Table B-2 City of Madera Civilian Employed Population 16 years and Over

Industry	Estimated Employment	Percent
Agriculture, forestry, fishing and hunting, and mining	6,958	28.8%
Construction	1,022	4.2%
Manufacturing	2,310	9.6%

Industry	Estimated Employment	Percent
Wholesale trade	426	1.8%
Retail trade	2,685	11.1%
Transportation and warehousing, and utilities	987	4.1%
Information	221	0.9%
Finance and insurance, and real estate and rental and leasing	424	1.8%
Professional, scientific, and management, and administrative and waste management services	1,191	4.9%
Educational services, and health care and social assistance	4,272	17.7%
Arts, entertainment, and recreation, and accommodation and food services	1,618	6.7%
Other services, except public administration	804	3.3%
Public administration	1,211	5.0%

Source: US Census Bureau American Community Survey 2009-2013 Estimates

The City of Madera is home to many industries and companies. Some of the largest employers in the City are shown on Table B-3.

Table B-3 City of Madera – Major Employers

Employer Name	Location	Industry
Ardagh Group	Madera	Glass Containers
B A C	Madera	Assembly & Fabricating Service
Baltimore Aircoil Co	Madera	Refrigerating Equip-Commercial
Georgia-Pacific Madera	Madera	Paper-Manufacturers
Home Depot	Madera	Home Centers
JBT Food Tech	Madera	Food Processing Equipment & Supplies
Lamanuzzi & Pantaleo Cold Stge	Madera	Fruits & Vegetables-Growers & Shippers
Lion Brothers Farm-Newstone	Madera	Farming Service
Lowe's Home Improvement	Madera	Home Centers
Madera City Hall	Madera	Government Offices-City, Village & Township
Madera Community Hospital	Madera	Hospitals
Madera High School	Madera	Schools
Madera Packing Shed	Madera	Sheds-Tool & Utility
Madera South High School	Madera	Schools
Millview School	Madera	Schools
Mission Bell Winery	Madera	Wineries
Primerica Financial Svc	Madera	Financial Advisory Services
San Joaquin Wine Co Inc	Madera	Wineries
Span Construction Inc	Madera	Contractors-Equip/Supplies-Dealers/Services

Employer Name	Location	Industry
Valley Children's Hospital	Madera	Hospitals

B.3.4. Population

The California Department of Finance estimated the January 1, 2017 total population for the City of Madera was 66,082.

B.4 Hazard Identification

Madera's planning team identified the hazards that affect the City and summarized their frequency of occurrence, spatial extent, potential magnitude, and significance specific to Madera (see Table B-4).

Table B-4 City of Madera—Hazard Identification Table

Hazard	Geographic Extent	Probability of Future Occurrences	Magnitude/ Severity	Significance	Climate Change Influence
Ag Hazards: Severe Weather/Insect Pests	Limited	Occasional	Limited	High	Medium
Climate Change	Extensive	Highly Likely	Catastrophic	High	High
Dam Failure	Significant	Unlikely	Catastrophic	High	Low
Drought and Water Shortage	Extensive	Likely	Negligible	Moderate	High
Earthquake	Extensive	Unlikely	Limited	High	Low
Flood: 100/200/500–year	Significant	Unlikely	Critical	High	High
Flood: Localized/Stormwater	Limited	Likely	Negligible	Low	High
Hazardous Materials Transportation	Limited	Unlikely	Negligible	Low	Low
Landslides, Rockfalls, and Debris Flows	Limited	Unlikely	Negligible	Low	Low
Levee Failure	Limited	Unlikely	Negligible	Low	Low
Severe Weather: Extreme Cold and Freeze	Extensive	Likely	Limited	Medium	High
Severe Weather: Extreme Heat	Extensive	Likely	Limited	Medium	High
Severe Weather: Fog	Extensive	Likely	Limited	Medium	Medium
Severe Weather: Heavy Rains and Storms (winds, hail, and lightning)	Extensive	Likely	Limited	Medium	High
Severe Weather: Wind and Tornado	Extensive	Likely	Limited	Medium	Medium
Severe Weather: Winter Storms/Snow	Extensive	Likely	Limited	Medium	Medium
Volcano	Limited	Unlikely	Negligible	Low	Low
Wildfire (smoke, tree mortality)	Limited	Occasional	Negligible	Low	Low

Geographic Extent
Limited: Less than 10% of planning area
Significant: 10-50% of planning area
Extensive: 50-100% of planning area

Probability of Future Occurrences
Highly Likely: Near 100% chance of occurrence in next year, or happens every year.
Likely: Between 10 and 100% chance of occurrence in next year, or has a recurrence interval of 10 years or less.
Occasional: Between 1 and 10% chance of occurrence in the next year, or has a recurrence interval of 11 to 100 years.
Unlikely: Less than 1% chance of occurrence in next 100 years, or has a recurrence interval of greater than every 100 years.

Magnitude/Severity
Catastrophic—More than 50 percent of property severely damaged; shutdown of facilities for more than 30 days; and/or multiple deaths
Critical—25-50 percent of property severely damaged; shutdown of facilities for at least two weeks; and/or injuries and/or illnesses result in permanent disability
Limited—10-25 percent of property severely damaged; shutdown of facilities for more than a week; and/or injuries/illnesses treatable do not result in permanent disability
Negligible—Less than 10 percent of property severely damaged, shutdown of facilities and services for less than 24 hours; and/or injuries/illnesses treatable with first aid

Significance
Low: minimal potential impact
Medium: moderate potential impact
High: widespread potential impact

Climate Change Impact:
Low: Climate change is not likely to increase the probability of this hazard.
Medium: Climate change is likely to increase the probability of this hazard.
High: Climate change is very likely to increase the probability of this hazard.

B.5 Hazard Profile and Vulnerability Assessment

The intent of this section is to profile Madera's hazards and assess the City's vulnerability separate from that of the planning area as a whole, which has already been assessed in Section 4.3 Vulnerability Assessment in the main plan. The hazard profile discusses the threat to the planning area and describes previous occurrences of hazard events and the likelihood of future occurrences. The vulnerability assessment analyzes the population, property, and other assets at risk to hazards ranked of medium or high significance that may vary from other parts of the planning area. For more information about how hazards affect the County as a whole, see Chapter 4 Risk Assessment in the main plan.

B.5.1. Hazard Profiles

At the beginning of each hazard vulnerability assessment in Section B.5.3, a brief statement is given as to how the hazard affects the City, as well as past occurrences. The intent of these section is to provide jurisdictional specific information on hazards.

B.5.2. Vulnerability Assessment

This section identifies Madera's assets at risk, including values at risk, critical facilities and infrastructure, historic assets, economic assets, and growth and development trends.

Assets at Risk

The following data from the Madera County Assessor's Office is based on the April 2017 Assessor's data. The methodology used to derive property values is the same as in Section 4.3.1 of the base plan. This data should only be used as a guideline to overall values in the County, as the information has some limitations. The most significant limitation is created by Proposition 13. Instead of adjusting property values annually, the values are not adjusted or assessed at fair market value until a property transfer occurs. As a result, overall value information is most likely low and does not reflect current market value of properties within the County. It is also important to note, in the event of a disaster, it is generally the value of the infrastructure or improvements to the land that is of concern or at risk. Generally, the land itself is not a loss. However, depending on the type of hazard and impact of any given hazard event, land values may be adversely affected; thus, land values are included as appropriate. Table B-5 shows the 2017 Assessor's values (e.g., the values at risk) broken down by property type for the City of Madera.

Table B-5 City of Madera – Total Assets at Risk by Property Use

Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Total Value
Agricultural	54	21	$15,599,646	$1,375,375	$16,975,021
Commercial	1,011	756	$149,776,558	$380,288,618	$530,065,176
Government	140	7	$7,902,235	$1,206,773	$9,109,008
Industrial	238	108	$29,036,522	$105,604,507	$134,641,029
Institutional	84	63	$3,348,429	$23,439,765	$26,788,194

Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Total Value
Residential	14,218	13,165	$533,242,661	$1,471,380,915	$2,004,623,576
Utilities	233	4	$447,563	$305,052	$752,615
Unknown	73	8	$5,921,938	$5,795,090	$11,717,028
Total	**16,051**	**14,132**	**$745,275,552**	**$1,989,396,095**	**$2,734,671,647**

Source: Madera County April 2017 Parcel/Assessor's Data

Critical Facilities and Infrastructure

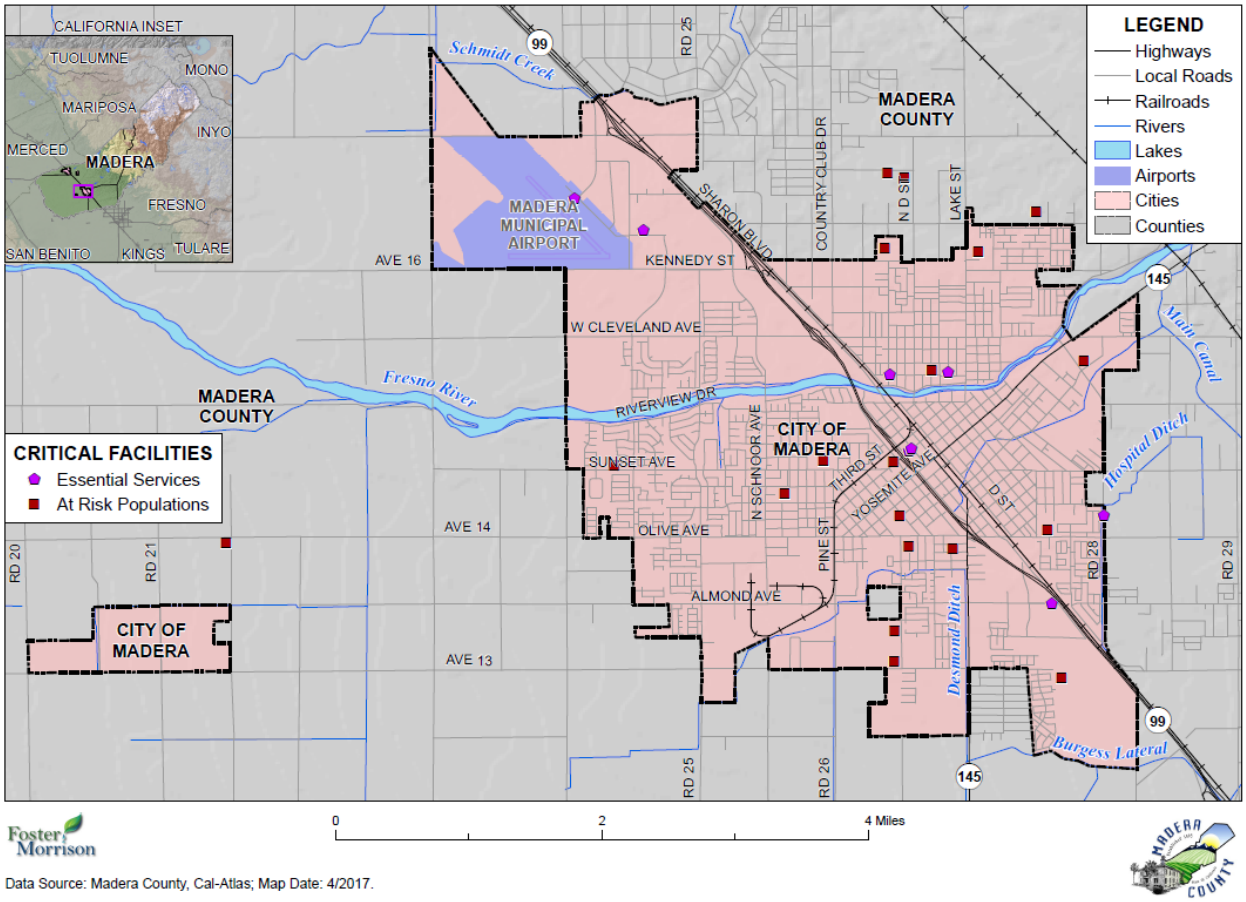
For purposes of this plan, a critical facility is defined as:

> *Any facility, including without limitation, a structure, infrastructure, property, equipment or service, that if adversely affected during a hazard event may result in severe consequences to public health and safety or interrupt essential services and operations for the community at any time before, during and after the hazard event.*

This definition was refined by separating out three classes of critical facilities as further described in Section 4.3.1 of the base plan.

An inventory of critical facilities in the City of Madera from Madera County GIS is shown on Figure B-2 and detailed in Table B-6. Details of critical facility definition, type, name, address, and jurisdiction by hazard zone are listed in Appendix F.

Figure B-2 City of Madera – Critical Facilities



Data Source: Madera County, Cal-Atlas; Map Date: 4/2017.

Table B-6 City of Madera – Critical Facilities Inventory

Critical Facility Type	Critical Facility Count
Essential Services	
Airport and Radio Tower	1
City Hall Admin Critical Infrastructure	1
Community Services / Engineering and Infrastructure Services / IT Communications	1
Critical Communications	1
Emergency Dispatch Center	1
Fire Command Center	1
Medical Center	1
Police Dispatch Communication Center	1
Essential Services Total	**8**
At Risk Populations	
School	15
At Risk Populations Total	**15**

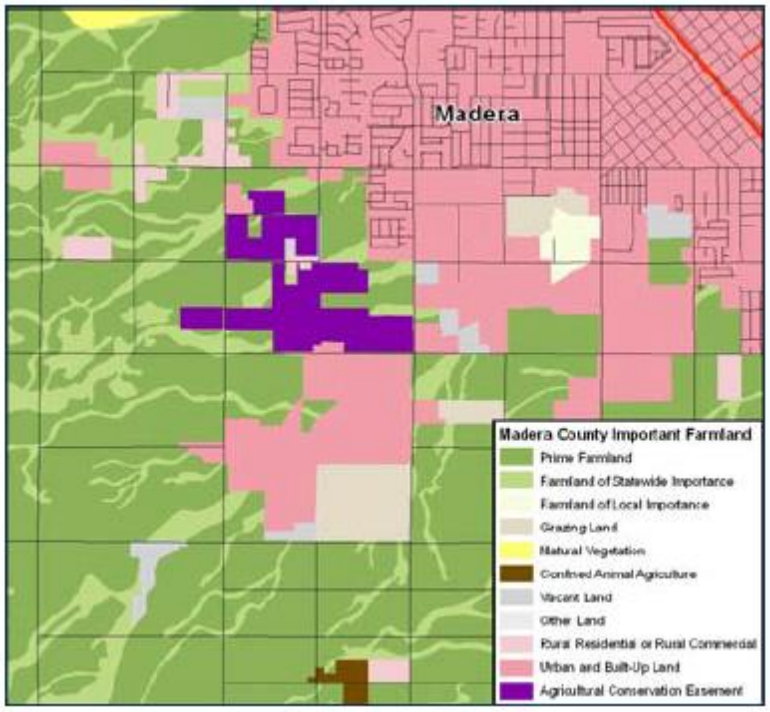
City of Madera Grand Total	**23**

Source: Madera County GIS

Natural Resources

The City of Madera has a variety of natural resources of value to the community. As one of the primary sources of regional income, agriculture activity and the prime soils that support it are critical to the future of Madera. In the current city limits, about 950 acres—about one-tenth of the city—are in agricultural use (mostly near the Madera Airport, where land use restrictions preclude most urban uses). As is the case throughout the Central Valley, some farmland in Madera County is being lost to urbanization to meet the needs of the region's growing population. In 2002, Madera County farmers joined with County agricultural officials and state and federal conservation agencies to create an area of protected agriculture land in the southwest area of Madera. The 440-acre area (shown on Figure B-3) was established to help direct growth away from the west edge of Madera in recognition of the agricultural value the land in this area represents. While the protected area creates an irregular and noncontiguous barrier, its presence clearly reflects the intent to keep these and other lands further to the west in agricultural production.

Figure B-3 City of Madera – Farmlands near City



Source: City of Madera 2009 General Plan Conservation Element

The California Natural Diversity Database (a computerized database that shows where sensitive plants and animals have been found) documents seven plant and animal special-status species that have been found in the past in the Planning Area. The Database also shows one "natural community" that has also been found in the Planning Area. (Note: The list below is of species whose presence has been recorded within a one-mile radius of the Planning Area in the CNDDB. Other sensitive plants and animals have been found in or

have the potential to be found in the Planning Area, but are not recorded in the CNDDB.) Sensitive plants and animals that have been found in the Planning Area and are in the CNDDB are listed below.

- Burrowing Owl;
- California Tiger Salamander;
- Blunt nosed leopard lizard;
- California linderiella ("fairy shrimp");
- Vernal pool fairy shrimp;
- Madera leptosiphon;
- Hairy orcutt grass.

Although most of the Planning Area has been changed from its natural condition by farming and urban uses, a few areas of natural habitat remain. These include:

- Annual grasslands;
- Riparian areas;
- Wetlands.

In addition, according to state records, one type of "Natural Community" is found in the Planning Area. This Natural Community, Northern Hardpan Vernal Pool, contains vernal pools (which fill seasonally during the rainy season) that could harbor sensitive plant and animal species (including fairy shrimps). These vernal pools are generally found in annual grasslands, grasslands where the soils include an impermeable clay-pan layer below the surface, conditions which are widely distributed in the eastern portion of the Planning Area.

Historic and Cultural Resources

The California Office of Historic Preservation database shows that the City of Madera has registered federal historic sites. These are shown on Table B-7.

Table B-7 City of Madera – Historical Resources

Resource Name (Plaque Number)	National Register	State Landmark	California Register	Point of Interest	Date Listed	City
Madera County Courthouse (N108)	X				9/3/1971	Madera

Source: California Department of Parks and Recreation Office of Historic Preservation, http://ohp.parks.ca.gov/

Growth and Development Trends

The City of Madera has seen consistent growth since the 1910s, with a small slowing between 1960 and 1970. From 1990 to 2010 growth was very strong. Between 2010 and 2017, the City has experienced a smaller population growth. This can be seen in Table B-8.

Table B-8 City of Madera – Population Growth 1910 to 2017

Year	Population	Percent increase or decrease
1910	2,404	–

Year	Population	Percent increase or decrease
1920	3,444	43.3%
1930	4,665	35.5%
1940	6,457	38.4%
1950	10,497	62.5%
1960	14,430	37.5%
1970	16,044	11.2%
1980	21,732	35.5%
1990	29,281	35.32
2000	43,207	47.6%
2010	61,416	42.1%
2017	66,082	7.6%

Source: US Census Bureau, California Department of Finance

Special Populations

Madera, California is located in the exact center of the state, with Madera County encompassing 2,147 square miles, with the City of Madera covering approximately 14 square miles. The most recent California Department of Finance population estimate provided in 2017 was 156,492 for Madera County, of those 66,082 (or 42%) reside in the City of Madera.

The population of the City of Madera is as diverse as the plethora of agricultural products grown in the region. From the 2010 census, the racial makeup of Madera was 49.9% White, 3.4% African American, 3.1% Native American, 2.2% Asian, 0.1% Pacific Islander, 36.8% from other races, and 4.4% from two or more races. Hispanic or Latino of any race accounted for 76.7% of the population. Approximately 33% of the population is foreign born. The median age for Madera is 27.6, and seniors 65 years-old and older make up 7.6% of the city's population. The average median household income is $40,457, with senior household median income at $33,293. Just under 28% of individuals live below the federal poverty level. However, for foreign born residents, almost 31% live below the poverty level. Poverty rates are also higher among the disabled with 32% for disabled females and 31% for disabled males. Madera's senior population is especially vulnerable with 23% of seniors living alone, and 6% of Madera senior households having an annual income of less than $10,000 and 33% with incomes of less than $20,000 annually. Approximately 9% of the population under the age of 65 has a disability, and 13% percent of the population do not have health insurance.

Development since 2011 Plan

The City searched through building permits issued from July 2011 through July 2017. The following was found:

- New Single Family – 711
- New Multi Family – 1
- New Commercial Buildings – 10

The City does not track building permits by hazard risk areas. However, effective building codes and construction standards within the City will assist mitigating potential losses from any new development. With continued population growth, the City's vulnerability to flood, and possibly wildfire, will likely continue to increase as well.

Future Development

Estimates of future populations in the City was performed for the 2016-2024 City of Madera Housing Element. By 2035, Madera is projected to have a population of 137,975 in the general population. Growth projections from the 2014-2023 Housing Element can be found in Table B-9.

Table B-9 City of Madera – Future Population Projections

Location	2020	2035
Madera	98,914	137,975

Source: City of Madera 2014-2023 Housing Element

More general information on growth and development in Madera County as a whole can be found in "Growth and Development Trends" in Section 4.3.1 Madera County Vulnerability and Assets at Risk of the main plan.

B.5.3. Estimating Potential Losses

This section provides the vulnerability assessment, including any quantifiable loss estimates, for those hazards identified above in Table B-4 as high or medium significance hazards. Impacts of past events and vulnerability of the City to specific hazards are further discussed below (see Section 4.1 Hazard Identification in the base plan for more detailed information about these hazards and their impacts on the Madera County planning area). Methodologies for calculating loss estimates are the same as those described in Section 4.3 of the base plan. In general, the most vulnerable structures are those located within the floodprone areas, WUI areas, unreinforced masonry buildings, and buildings built prior to the introduction of modern building codes.

An estimate of the vulnerability of the City to each identified priority hazard, in addition to the estimate of risk of future occurrence, is provided in each of the hazard-specific sections that follow. Vulnerability is measured in general, qualitative terms and is a summary of the potential impact based on past occurrences, spatial extent, and damage and casualty potential. It is categorized into the following classifications:

- **Extremely Low**—The occurrence and potential cost of damage to life and property is very minimal to nonexistent.
- **Low**—Minimal potential impact. The occurrence and potential cost of damage to life and property is minimal.
- **Medium**—Moderate potential impact. This ranking carries a moderate threat level to the general population and/or built environment. Here the potential damage is more isolated and less costly than a more widespread disaster.
- **High**—Widespread potential impact. This ranking carries a high threat to the general population and/or built environment. The potential for damage is widespread. Hazards in this category may have occurred in the past.

- **Extremely High**—Very widespread with catastrophic impact.

Ag Hazards: Severe Weather/Insect Pests

Likelihood of Future Occurrence–Likely
Vulnerability–Medium

Hazard Profile and Problem Description

Given the importance of agriculture to Madera County and the City of Madera, agricultural hazards continue to be an ongoing concern. The primary causes of agricultural losses are severe weather events, such as drought, freeze, and insect infestations. According to the City Planning Team, agricultural losses occur on an annual basis throughout the County and are usually associated with these severe weather events.

Past Occurrences

The City Planning Team noted that historically, the State of California and the Central Valley in particular have experienced a multi-year drought. This is an ongoing hazard. Freezes generally occur at least once per year.

Vulnerability to Ag Hazards

As one of the primary sources of regional income, agriculture activity and the prime soils that support it are critical to the future of Madera. In the current city limits, about 950 acres—about one-tenth of the city—are in agricultural use (mostly near the Madera Airport, where land use restrictions preclude most urban uses). The vulnerability of the City is mainly economic.

Future Development

In 2002, Madera County farmers joined with County agricultural officials and state and federal conservation agencies to create an area of protected agriculture land in the southwest area of Madera. The 440-acre area (shown on Figure B-3 above) was established to help direct growth away from the west edge of Madera in recognition of the agricultural value the land in this area represents. While the protected area creates an irregular and noncontiguous barrier, its presence clearly reflects the intent to keep these and other lands further to the west in agricultural production. This protected area will not be developed.

Climate Change

Likelihood of Future Occurrence–Likely
Vulnerability–Medium

Hazard Profile and Problem Description

Climate change will require the City of Madera to prepare for warmer and more extreme temperatures, decreased water supply, drought, flooding, increasing energy and water demand, and public health risks. In California average temperatures are projected to rise as much as 9 degrees Fahrenheit by 2100. This is especially pertinent for Madera where extreme heat events are likely to increase and urban heat islands may

intensify already high temperatures. Characterized by asphalt roads, concrete roofs, and energy use, urban developments modify the natural landscape using materials that create and/or retain heat.

Past Occurrences

The City Planning Team noted that climate change is an ongoing vulnerability. Specific past occurrences were not known.

Vulnerability to Climate Change

The City's population, resources, and economy are vulnerable to climate change impacts, particularly flooding, extreme heat, extreme cold and water supply.

Future Development

The State of California is taking the lead on state-wide policies to address development and climate change. The City of Madera will follow that lead. Environmental impacts will be considered as development occurs. Specific to the potential for increased flooding, the City may need to consider redesigning/reconstructing storm drainage facilities based on previous assumptions of rainfall that may in the future result in existing facilities being undersized.

Dam Failure

Likelihood of Future Occurrence–Likely
Vulnerability–Medium

Hazard Profile and Problem Description

Dam failures can result from a number of natural or man-made causes such as earthquakes, erosion of the face or foundation, improper siding, rapidly rising flood waters, structural/design flaws, and deliberate human actions. Madera's location downstream of Hidden Dam also raises the potential for flooding in the highly unlikely event of a failure of the dam.

Past Occurrences

The City Planning Team noted no past occurrences of dam failure to affect the City.

Vulnerability to Dam Failure

TO BE INSERTED WHEN DAM INUNDATION LAYER ARRIVES FROM CAL OES

Future Development

The City does not anticipate it would adjust development based on potential for damn failure. At present, the most likely approach would be to monitor/analyze the existing damn for deficiencies and correct them as they are identified rather than moving development outside the inundation zone or attempt to elevate an entire City.

Drought and Water Shortage

Likelihood of Future Occurrence–Likely
Vulnerability–Medium

Hazard Profile and Problem Description

Drought is a gradual phenomenon. Although droughts are sometimes characterized as emergencies, they differ from typical emergency events. Most natural disasters, such as floods or forest fires, occur relatively rapidly and afford little time for preparing for disaster response. Droughts occur slowly, over a multi-year period, and it is often not obvious or easy to quantify when a drought begins and ends. Water districts normally require at least a 10-year planning horizon to implement a multiagency improvement project to mitigate the effects of a drought and water supply shortage.

Past Occurrences

The City Planning Team noted that the City has experienced multiple, consecutive years of drought. In addition, current and all past occurrences have resulted in accelerated decline of the water table.

Vulnerability to Drought

The vulnerability of Madera to drought is citywide, but impacts may vary and include reduction in water supply, agricultural losses, and an increase in dry fuels. Drought impacts are wide-reaching and may be economic, environmental, and/or societal. Tracking drought impacts can be difficult. The City of Madera is a rural community that is surrounded largely by farmland that is rich in agriculture for a variety of crops including dairy, poultry, horse and cattle ranches that may utilize surface water deliveries from approximately June – September and/or from ground water pumping systems. Since Madera relies on ground water wells, drought and water shortage can cause acute problems.

Future Development

As the population in the area continues to grow, so will the demand for water. Water shortages in the future may be worsened by drought, as the City relies on groundwater for its water source. Increased planning including conjunctive use will be needed to account for population growth and increased water demands.

Earthquake

Likelihood of Future Occurrence–Occasional
Vulnerability–Medium

Hazard Profile and Problem Description

An earthquake is caused by a sudden slip on a fault. Stresses in the earth's outer layer push the sides of the fault together. Stress builds up, and the rocks slip suddenly, releasing energy in waves that travel through the earth's crust and cause the shaking that is felt during an earthquake. The amount of energy released during an earthquake is usually expressed as a magnitude and is measured directly from the earthquake as

recorded on seismographs. An earthquake's magnitude is expressed in whole numbers and decimals (e.g., 6.8). Seismologists have developed several magnitude scales. One of the first was the Richter Scale, developed in 1932 by the late Dr. Charles F. Richter of the California Institute of Technology. The Richter Magnitude Scale is used to quantify the magnitude or strength of the seismic energy released by an earthquake. Another measure of earthquake severity is intensity. Intensity is an expression of the amount of shaking at any given location on the ground surface. Seismic shaking is typically the greatest cause of losses to structures during earthquakes.

Past Occurrences

No earthquakes of magnitude 5.5 or greater have ever been recorded in the Madera area, nor have there been reports of damage in the area from earthquakes of such magnitude outside the city in Madera County. The most recent notable earthquake affecting Madera occurred on May 30, 2003, with a magnitude of 3.1 and an epicenter located approximately 6 miles west-northwest of Madera.

Vulnerability to Earthquake

The City Planning Team noted that no active earthquake faults are located in the Planning Area—the closest active faults are 50 or more miles distant. The lack of faults in the Planning Area means that the potential for buildings to be damaged if they are placed atop a fault does not exist. Madera is also not subject to liquefaction, a common earthquake-related hazard

Future Development

Future development in the City will be built to 2013 California Building Code. The 2013 CBC factors in the risks of earthquake into the building code.

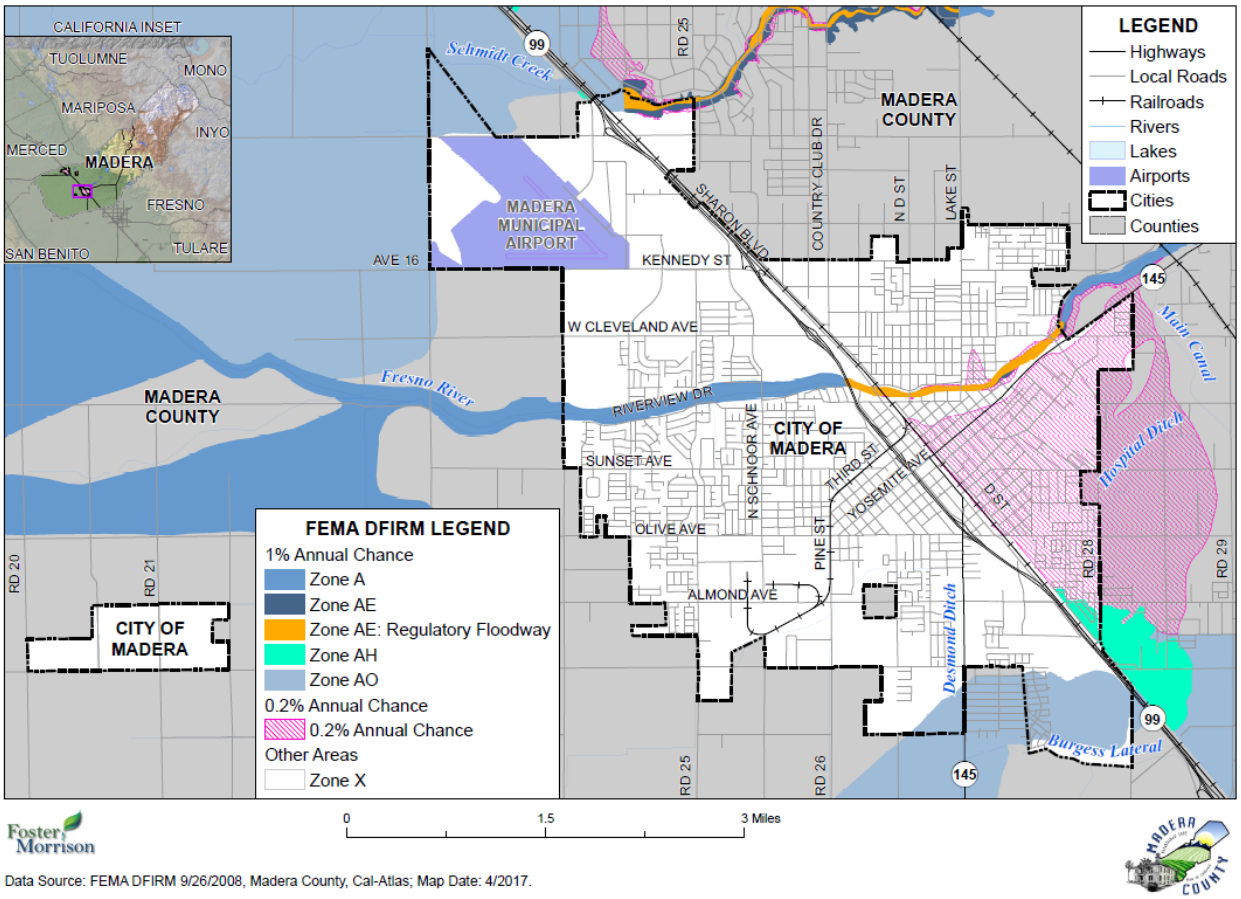
Flood: 100-/500-Year

Likelihood of Future Occurrence–Occasional/Unlikely
Vulnerability–Medium

Hazard Profile and Problem Description

Madera is traversed by several stream systems and is at risk to both the 100-year and 500-year flood. FEMA has identified DFIRM flood zones for the City. This is seen in Figure B-4.

Figure B-4 City of Madera – FEMA DFIRM Flood Zones



Data Source: FEMA DFIRM 9/26/2008, Madera County, Cal-Atlas; Map Date: 4/2017.

Past Occurrences

In the past, flooding in Madera was a relatively frequent event. Floods struck Madera in 1938, 1943, 1945, 1950, 1952, 1955, 1956, 1958, 1962, 1963, and 1969. The era of flooding in Madera ended with the construction of the Hidden Dam on the Fresno River upstream of the city. Since the construction of the dam in 1976, no floods have occurred in the City.

Vulnerability to Flooding

Values at Risk

GIS was used to determine the possible impacts of flooding within the City of Madera. The methodology described in Section 4.3.7 of the base plan was followed in determining structures and values at risk to the 1% (100-year) and 0.2% (500-year) annual chance flood event. Table B-10 shows the property use, improved parcel count, improved values, estimated contents, total values and estimated loss of parcels that fall in a floodplain in the City.

Table B-10 City of Madera – Count and Improved Value by Property Use and Detailed Flood Zone

Flood Zone / Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Estimated Contents Value	Total Value
1% Annual Chance Flood Hazard						
Zone A						
Agricultural	5	0	$2,761	$0	$0	$2,761
Commercial	0	0	$0	$0	$0	$0
Government	3	0	$0	$0	$0	$0
Industrial	0	0	$0	$0	$0	$0
Institutional	0	0	$0	$0	$0	$0
Residential	53	44	$2,218,923	$6,490,788	$3,245,394	$11,955,105
Utilities	2	0	$0	$0	$0	$0
Unknown	1	0	$0	$0	$0	$0
Zone A Total	**64**	**44**	**$2,221,684**	**$6,490,788**	**$3,245,394**	**$11,957,866**
Zone AE						
Agricultural	0	0	$0	$0	$0	$0
Commercial	1	0	$6,116,586	$0	$0	$6,116,586
Government	0	0	$0	$0	$0	$0
Industrial	0	0	$0	$0	$0	$0
Institutional	0	0	$0	$0	$0	$0
Residential	3	3	$76,768	$130,060	$65,030	$271,858
Utilities	0	0	$0	$0	$0	$0
Unknown	0	0	$0	$0	$0	$0
Zone AE Total	**4**	**3**	**$6,193,354**	**$130,060**	**$65,030**	**$6,388,444**
Zone AE Floodway						
Agricultural	0	0	$0	$0	$0	$0
Commercial	1	0	$65,266	$0	$0	$65,266
Government	2	0	$0	$0	$0	$0
Industrial	0	0	$0	$0	$0	$0
Institutional	0	0	$0	$0	$0	$0
Residential	5	2	$60,456	$163,347	$81,674	$305,477
Utilities	0	0	$0	$0	$0	$0
Unknown	2	0	$471	$0	$0	$471
Zone AE Floodway Total	**10**	**2**	**$126,193**	**$163,347**	**$81,674**	**$371,214**

Flood Zone / Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Estimated Contents Value	Total Value
Zone AH						
Agricultural	0	0	$0	$0	$0	$0
Commercial	0	0	$0	$0	$0	$0
Government	0	0	$0	$0	$0	$0
Industrial	0	0	$0	$0	$0	$0
Institutional	0	0	$0	$0	$0	$0
Residential	95	91	$4,848,009	$12,451,631	$6,225,816	$23,525,456
Utilities	1	0	$1	$0	$0	$1
Unknown	0	0	$0	$0	$0	$0
Zone AH Total	**96**	**91**	**$4,848,010**	**$12,451,631**	**$6,225,816**	**$23,525,457**
Zone AO						
Agricultural	8	8	$5,225,236	$369,166	$369,166	$5,963,568
Commercial	0	0	$0	$0	$0	$0
Government	1	1	$170,119	$9,543	$9,543	$189,205
Industrial	0	0	$0	$0	$0	$0
Institutional	1	1	$144,470	$14,147	$14,147	$172,764
Residential	300	288	$13,138,577	$33,570,214	$16,785,107	$63,493,898
Utilities	7	0	$51	$0	$0	$51
Unknown	0	0	$0	$0	$0	$0
Zone AO Total	**317**	**298**	**$18,678,453**	**$33,963,070**	**$17,177,963**	**$69,819,486**
1% Annual Chance Flood Hazard Total	**491**	**438**	**$32,067,694**	**$53,198,896**	**$26,795,876**	**$112,062,466**
0.2% Annual Chance Flood Hazard (Zone X – Shaded)						
Agricultural	5	3	$513,202	$258,038	$258,038	$1,029,278
Commercial	262	202	$18,446,283	$55,003,356	$55,003,356	$128,452,995
Government	32	2	$498,555	$76,478	$76,478	$651,511
Industrial	24	6	$552,949	$217,303	$325,955	$1,096,207
Institutional	23	19	$633,943	$3,411,390	$3,411,390	$7,456,723
Residential	2,416	1,922	$66,247,954	$177,737,705	$88,868,853	$332,854,512
Utilities	43	1	$57,406	$162,846	$162,846	$383,098
Unknown	20	2	$123,395	$999,479	$999,479	$2,122,353
0.2% Annual Chance Flood Hazard Total	**2,825**	**2,157**	**$87,073,687**	**$237,866,595**	**$149,106,394**	**$474,046,676**

Flood Zone / Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Estimated Contents Value	Total Value
Zone X – unshaded (Outside of Mapped Flood Hazard)						
Agricultural	36	10	$9,858,447	$748,171	$748,171	$11,354,789
Commercial	747	554	$125,148,423	$325,285,262	$325,285,262	$775,718,947
Government	102	4	$7,233,561	$1,120,752	$1,120,752	$9,475,065
Industrial	214	102	$28,483,573	$105,387,204	$158,080,806	$291,951,583
Institutional	60	43	$2,570,016	$20,014,228	$20,014,228	$42,598,472
Residential	11,346	10,815	$446,651,974	$1,240,837,170	$620,418,585	$2,307,907,729
Utilities	180	3	$390,105	$142,206	$142,206	$674,517
Unknown	50	6	$5,798,072	$4,795,611	$4,795,611	$15,389,294
Zone X (unshaded) Total	**12,735**	**11,537**	**$626,134,171**	**$1,698,330,604**	**$1,130,605,621**	**$3,455,070,396**

Source: FEMA 9/26/2008 DFIRM, Madera County April 2017 Parcel/Assessor's Data

Table B-11 summarizes Table B-10 above and shows City of Madera loss estimates and shows improved values at risk by FEMA 1% and 0.2% annual chance flood zones. As shown in this table, there is no 500-year flood risk in the City.

Table B-11 City of Madera – Flood Loss Summary

Flood Zone / Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Estimated Contents Value	Total Value	Loss Estimate	Loss Ratio
1% Annual Chance Flood	317	298	$18,678,453	$33,963,070	$17,177,963	$51,141,033	$10,228,207	0.37%
0.2% Annual Chance Flood	2,825	2,157	$87,073,687	$237,866,595	$149,106,394	$386,972,989	$77,394,598	2.83%
Grand Total	**3,142**	**2,455**	**$105,752,140**	**$271,829,665**	**$166,284,357**	**$438,114,022**	**$87,622,804**	**3.20%**

Source: FEMA 9/26/2008 DFIRM, Madera County April 2017 Parcel/Assessor's Data

According to Table B-10 and Table B-11, the City of Madera has 298 improved parcels and approximately $51 million of structure and contents value in the 1% annual chance floodplain; an 2,157 improved parcels and approximately $387 million of structure and contents values in the 0.2% annual chance floodplain. These values can be refined a step further. Applying the 20 percent damage factor as previously described in Section 4.3.7 of the base plan, there is a 1% chance in any given year of a flood event causing roughly $10,228,207 and a 0.2% annual chance in any given year of a flood event causing $77,394,598 million in

damage in the City of Madera. A loss ratio of 3.2% indicates that losses in Madera to flood would be somewhat minor.

Flooded Acres

Also of interest is the land area affected by the various flood zones. The following is an analysis of flooded acres in the City in comparison to total area within the City limits. The same methodology, as discussed in Section 4.3.8 of the base plan, was used for the City of Madera as well as for the County as a whole. Table B-12 and Table B-13 represents a detailed and summary analysis, respectively, of total acres for each FEMA DFIRM flood zone in the City.

Table B-12 City of Madera – Flooded Acres by Land Use Type

Flood Zone / Property Use	Total Flooded Acres	Improved Flooded Acres
1% Annual Chance Flood Hazard		
Zone AE Floodway		
Agricultural	0	0
Commercial	0	0
Government	7	0
Industrial	0	0
Institutional	0	0
Residential	6	0
Utilities	0	0
Unknown	12	0
Zone AE Floodway Total	**26**	**0**
Zone AE		
Agricultural	0	0
Commercial	98	0
Government	0	0
Industrial	0	0
Institutional	0	0
Residential	0	0
Utilities	0	0
Unknown	0	0
Zone AE Total	**98**	**0**
Zone A		
Agricultural	45	0
Commercial	0	0
Government	32	0
Industrial	0	0
Institutional	0	0

Flood Zone / Property Use	Total Flooded Acres	Improved Flooded Acres
Residential	37	13
Utilities	2	0
Unknown	0	0
Zone A Total	**117**	**13**
Zone AH		
Agricultural	0	0
Commercial	0	0
Government	0	0
Industrial	0	0
Institutional	0	0
Residential	20	11
Utilities	0	0
Unknown	0	0
Zone AH Total	**20**	**11**
Zone AO		
Agricultural	387	387
Commercial	0	0
Government	7	7
Industrial	0	0
Institutional	14	14
Residential	43	41
Utilities	18	0
Unknown	0	0
Zone AO Total	**469**	**449**
1% Annual Chance Flood Hazard Total	**729**	**473**
0.2% Annual Chance Flood Hazard (Zone X – Shaded)		
Agricultural	39	15
Commercial	106	67
Government	58	0
Industrial	9	4
Institutional	8	6
Residential	578	363
Utilities	63	0
Unknown	15	5
Zone X (shaded) Total	876	461
0.2% Annual Chance Flood Hazard Total	**876**	**461**

Flood Zone / Property Use	Total Flooded Acres	Improved Flooded Acres
Zone X – unshaded (Outside of Mapped Flood Area)		
Agricultural	332	116
Commercial	1,062	622
Government	1,549	61
Industrial	698	350
Institutional	156	87
Residential	2,755	2,311
Utilities	337	2
Unknown	101	15
Zone X (unshaded) Total	**6,990**	**3,565**

Source: FEMA 9/26/2008 DFIRM, Madera County April 2017 Parcel/Assessor's Data

Table B-13 City of Madera – Flooded Acres Summary

Flood Zone	Total Flooded Acres	Improved Flooded Acres	% of Improved Flooded Acres
1% Annual Chance Flood Hazard	729	473	10.5%
0.2% Annual Chance Flood Hazard	876	461	10.2%
Outside of Flood Zone	6,990	3,565	79.2%
Grand Total	**8,595**	**4,499**	**100.0%**

Source: FEMA 9/26/2008 DFIRM, Madera County April 2017 Parcel/Assessor's Data

Population at Risk

The DFIRM flood zones were overlayed on the parcel layer. Those residential parcel centroids that intersect the severity zones were counted and multiplied by the 2010 Census Bureau average household factors for Madera. According to this analysis, there is a total population of 1,635 and 7,342 residents of the City at risk to flooding in the 1% and 0.2% annual chance floodplains, respectively. This is shown in Table B-14.

Table B-14 City of Madera – Count of Improved Residential Parcels and Population by Flood Zone

Flood Zone	Improved Residential Parcels	Population*
1% Annual Chance	428	1,635
0.2% Annual Chance)	1,922	7,342
Total	**2,350**	**8,977**

Source: FEMA 9/26/2008 DFIRM, Madera County April 2017 Parcel/Assessor's Data, US Census Bureau

* Average household populations from the 2010 US Census were used: Madera– 3.82

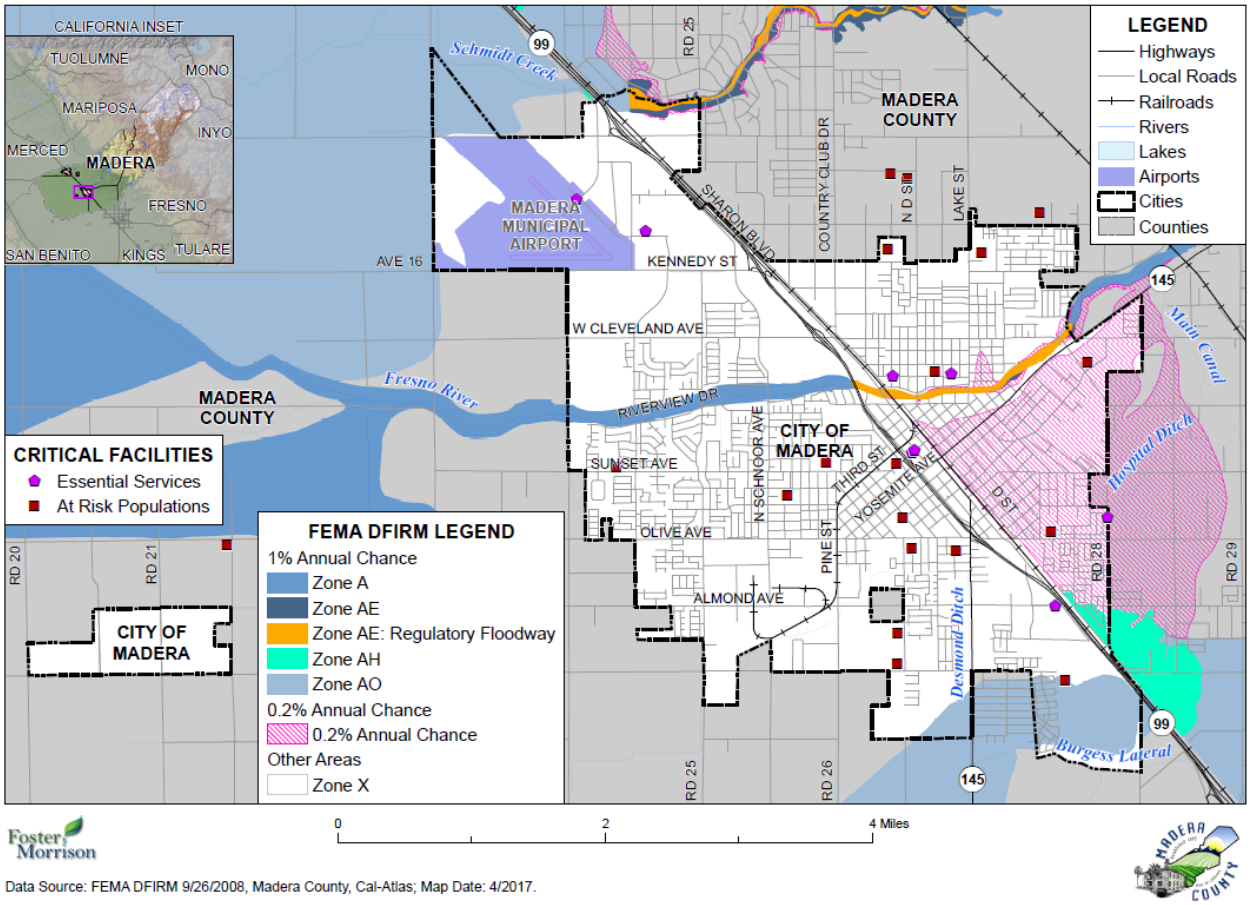
Historical, Cultural, and Natural Resources at Risk

The City of Madera has significant cultural and natural resources located throughout the City as previously described. Vulnerability analysis of these resources was not possible due to data limitations.

Critical Facilities at Risk

An analysis was performed on the critical facility inventory in Madera in identified FEMA DFIRMs. GIS was used to determine whether the facility locations intersects a DFIRM flood hazard areas, and if so, which zone it intersects. Details of critical facilities in the floodplain in the City of Madera are shown in Figure B-5 and Table B-15. As shown on the figure, Madera has one critical facility located in 1% annual chance and two in the 0.2% annual chance DFIRM flood zones. Details of critical facility definition, type, name and address and jurisdiction by flood zone are listed in Appendix E.

Figure B-5 City of Madera – Critical Facilities and Flood Zones



Data Source: FEMA DFIRM 9/26/2008, Madera County, Cal-Atlas; Map Date: 4/2017.

Table B-15 City of Madera – Critical Facilities in DFIRM Flood Zones

Critical Facility Category / Flood Zone	Critical Facility Type	Critical Facility Count
1% Annual Chance Flood Hazard		
Zone AO		
At Risk Populations	School	1
	Total	**1**
1% Annual Chance Flood Hazard Total		**1**
0.2% Annual Chance Flood Hazard (Zone X – Shaded)		
Essential Services	Fire Command Center	1
	Total	**1**
At Risk Populations	School	2
	Total	**2**
0.2% Annual Chance Flood Hazard Total		**3**

Source: FEMA 9/26/2008 DFIRM, Madera County GIS

Insurance Coverage, Claims Paid, and Repetitive Losses

The City of Madera joined the National Flood Insurance Program (NFIP) on June 4, 1987. The City does not participate in the CRS program. NFIP data indicates that as of September 19, 2016, there were 28 flood insurance policies in force in the City with $7,741,500 of coverage. Yearly premiums for flood insurance total $15,785. Of the 28 policies, 27 were residential (single-family homes), and 1 was multi-family or other residential, and none were non-residential. 5 of the policies were in A zones, and the remaining 23 were in B, C, and X zones. The GIS parcel analysis detailed above identified 298 parcels in the 100-year flood zone. 5 policies for 298 parcels in the 100-year floodplain equates to insurance coverage of 1.7 percent. There have been 8 historical claims for flood losses totaling $88,293.47. There have been no substantial damage claims in the City. There are also no repetitive loss or severe repetitive loss structures in the City.

California Department of Water Resources Best Available Maps (BAM)

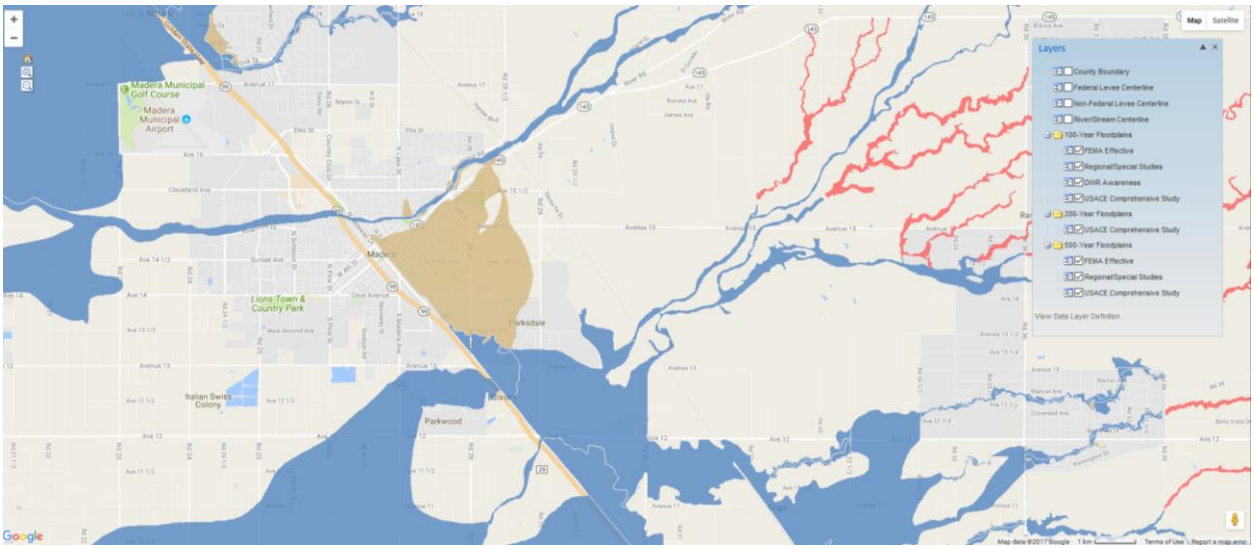
The FEMA regulatory maps provide just one perspective on flood risks in Madera County. Senate Bill 5 (SB 5), enacted in 2007, authorized the California DWR to develop the Best Available Maps (BAM) displaying 100- and 200-year floodplains for areas located within the Sacramento-San Joaquin (SAC-SJ) Valley watershed. SB 5 requires that these maps contain the best available information on flood hazards and be provided to cities and counties in the SAC-SJ Valley watershed. This effort was completed by DWR in 2008. DWR has expanded the BAM to cover all counties in the State and to include 500-year floodplains.

Different than the FEMA DFIRMs which have been prepared to support the NFIP and reflect only the 100-year event risk, the BAMs are provided for informational purposes and are intended to reflect current 100-, 200-, and 500-year event risks using the best available data. The 100-year floodplain limits on the BAM are a composite of multiple 100-year floodplain mapping sources. It is intended to show all currently identified areas at risk for a 100-year flood event, including FEMA's 100-year floodplains. The BAM are comprised of different engineering studies performed by FEMA, Corps, and DWR for assessment of

potential 100-, 200-, and 500-year floodplain areas. These studies are used for different planning and/or regulatory applications. They are for the same flood frequency, however, they may use varied analytical and quality control criteria depending on the study type requirements.

The value in the BAMs is that they provide a bigger picture view of potential flood risk to the City than that provided in the FEMA DFIRMs. This provides the community and residents with an additional tool for understanding potential flood hazards not currently mapped as a regulated floodplain. Improved awareness of flood risk can reduce exposure to flooding for new structures and promote increased protection for existing development. Informed land use planning will also assist in identifying levee maintenance needs and levels of protection. By including the FEMA 100-year floodplain, it also supports identification of the need and requirement for flood insurance. The BAM map for Madera is shown in Figure B-6.

Figure B-6 City of Madera Best Available Map



Source: California DWR

Legend explanation: Blue - FEMA 100-Year, Orange – Local 100-Year (developed from local agencies), Red – DWR 100-year (Awareness floodplains identify the 100-year flood hazard areas using approximate assessment procedures.), Pink – USACE 100-Year (2002 Sac and San Joaquin River Basins Comp Study), Yellow – USACE 200-Year (2002 Sac and San Joaquin River Basins Comp Study), Tan – FEMA 500-Year, Grey – Local 500-Year (developed from local agencies), Purple – USACE 500-Year (2002 Sac and San Joaquin River Basins Comp Study).

Future Development

The City enforces the floodplain ordinance. If any development is to occur in the floodplain, it would have to conform to the elevation standards of the floodplain ordinance. No development is expected in the floodplain in the future.

Severe Weather: Extreme Cold and Freeze

Likelihood of Future Occurrence–Highly Likely
Vulnerability–Medium

Hazard Profile and Problem Description

According to the NWS and the WRCC, winter events can include extreme cold and freeze conditions. Heavy accumulations of ice can bring down trees, electrical wires, telephone poles and lines, and communication towers. Communications and power can be disrupted for days until the damage can be repaired. Power outages can have a significant impact on communities, especially critical facilities such as public utilities. Even small accumulations of ice may cause extreme hazards to motorists and pedestrians.

Past Occurrences

The City Planning Team noted that the Central Valley as a whole generally experiences a hard freeze every two to three years. Within the City, these freezes generally lead to above-ground pipe cracking.

Vulnerability to Cold and Freeze

Extreme cold and freeze events happen in Madera County and the City of Madera each year. Extreme cold often accompanies a winter storm or is left in its wake. Heavy accumulations of ice can bring down trees, electrical wires, telephone poles and lines, and communication towers leading to power outages. Pipes may freeze and burst in homes or buildings that are poorly insulated or without heat. Freezing temperatures and ice can cause accidents and road closures and can cause significant damage to the agricultural industry. Prolonged exposure to cold can cause frostbite or hypothermia and can be life-threatening. Vulnerable populations to cold and freeze include:

- Homeless
- Infants and children under age five
- Elderly (65 and older)
- Individuals with disabilities
- Individuals dependent on medical equipment
- Individuals with impaired mobility

Also of concern is the impact to populations with special needs such as the elderly and those requiring the use of medical equipment. The residents of nursing homes and elder care facilities are especially vulnerable to extreme temperature events. It is encouraged that such facilities have emergency plans or backup power to address power failure during times of extreme cold and freeze.

In addition to vulnerable populations, pets and livestock are at risk to freeze and cold. However, many residents of the City are self-sufficient and accustomed to rural living and the climate extremes that are part of the territory.

Future Development

Future development built to code should be able to withstand snow loads from severe winter storms. Pipes at risk of freezing should be mitigated be either burying or insulating them from freeze as new facilities are improved or added. Current County codes provide such provisions for new construction. Vulnerability to extreme cold will increase as the average age of the population in the City shifts. Greater numbers of future senior citizens will result from the large number of baby boomers in the Planning Area as well as people

retiring to the area. However, as previously mentioned, many of the residents of the City are self-sufficient and accustomed to rural living.

Severe Weather: Extreme Heat

Likelihood of Future Occurrence–Highly Likely
Vulnerability–Medium

Hazard Profile and Problem Description

According to FEMA, "Heat kills by pushing the human body beyond its limits. In extreme heat and high humidity, evaporation is slowed and the body must work extra hard to maintain a normal temperature." Most heat disorders occur because the victim has been overexposed to heat or has over-exercised for his or her age and physical condition. Older adults, young children, and those who are sick or overweight are more likely to succumb to extreme heat. Conditions that can induce heat-related illnesses include stagnant atmospheric conditions and poor air quality. Consequently, people living in urban areas may be at greater risk from the effects of a prolonged heat wave than those living in rural areas. Also, asphalt and concrete store heat longer and gradually release heat at night, which can produce higher nighttime temperatures known as the urban heat island effect.

Past Occurrences

The City Planning Team noted that the Central Valley as a whole experiences extreme heat each summer and sometimes into fall.

Vulnerability to Extreme Heat

Health impacts are the primary concern with this hazard, though economic impacts are also an issue. The elderly and individuals below the poverty level are the most vulnerable to extreme temperatures. Nursing homes and elder care facilities are especially vulnerable to extreme heat events if power outages occur and air conditioning is not available. In addition, individuals below the poverty level may be at increased risk to extreme heat if use of air conditioning is not affordable.

Reliance on air conditioning causes a strain on the electrical energy in the Madera area. Occasionally peak demands outweigh supply and a condition known as brown-out occurs. This is an extremely dangerous situation for electrical equipment as it operates without the needed electricity causing damage to the systems. Days of extreme heat have been known to result in medical emergencies, civil unrest, and unpredictable human behavior. Periods of extended heat and dryness (droughts) can have major economic, agricultural, and water resources impacts.

Future Development

Vulnerability to extreme heat will increase as the average age of the population in each City shifts. Greater numbers of future senior citizens will result from the large number of baby boomers in the City. The elderly are more at risk to the effects of extreme heat, especially those without proper air conditioning. However,

many of the residents of the City are accustomed to living with extreme heat and take precautions to guard against the threat of extreme heat.

Severe Weather: Fog

Likelihood of Future Occurrence–Likely
Vulnerability–Medium

Hazard Profile and Problem Description

The San Joaquin Valley can produce some extremely dangerous fogs in the winter and early spring months. These are a type of radiation fog called "tule fog." Tule fog forms on cold and clear nights, when the ground is moist and there is very little wind. Under such conditions the ground cools quickly and thus cools the air above it as well. The moisture in this cooled air condenses and can create extremely dense fog. Since the air may be stagnant and there is little evaporative effect from the sun in winter months, tule fogs can last for several days and, in some instances, over a week. Under these conditions, visibility is often reduced to 600 feet, but can drop to less than 10 feet.

Past Occurrences

The City Planning Team note that the Central Valley experiences fog routinely during the winter months. Generally, foggy conditions that preclude safe travel occur two to three times per year.

Vulnerability to Fog

Tule fog is likely to occur annually during the winter months in low-lying regions of the County of Madera, including the City of Madera. When tule fog forms, a severe risk is posed to traffic with the potential for multi-car pileups, especially on Highway 99. This may have an economic impact on the City due to delays in transportation times or even the shutting down of Highway 99. The same dense and lingering fog can also produce adverse health effects in those with respiratory ailments.

Future Development

Many of the residents of the City are accustomed to living with fog and take precautions to guard against the threat of fog, such as slowing down while traveling.

Severe Weather: Heavy Rains and Storms (winds, hail, and lightning)

Likelihood of Future Occurrence–Highly Likely
Vulnerability–Medium

Hazard Profile and Problem Description

According to historical hazard data, severe weather is an annual occurrence in the City of Madera. Damage and disaster declarations related to severe weather have occurred and will continue to occur in the future.

Heavy rain and thunderstorms are the most frequent type of severe weather occurrence in the area. Wind and lightning often accompany these storms and have caused damage in the past.

Past Occurrences

The City Planning Team noted that the City experiences generally at least one heavy rainfall event each winter, however it hasn't gone past the level of a 25-year storm in several years. The rainfall causes localized flooding.

Vulnerability to Heavy Rains and Storms

Problems associated with the primary effects of severe weather include flooding, pavement deterioration, washouts, high water crossings, landslide/mudslides, debris flows, and downed trees. Most of the localized flooding in the City is generally limited to flooding within the street ROW and only has limited impact to private property. It is anticipated that a 100-year rainfall event would impact private facilities to varying degrees in various parts of the City.

Future Development

The City enforces the state building code and other ordinances, which regulate construction techniques that minimize damage from heavy storms and rain. Future development in the City is subject to these building codes. New critical facilities such as communications towers should be built to withstand hail damage, lightning, and heavy rains.

Severe Weather: Wind and Tornado

Likelihood of Future Occurrence–Highly Likely
Vulnerability–Medium

Hazard Profile and Problem Description

On an annual basis, the City of Madera experiences severe storms accompanied by strong wind and wind gusts. High winds combined have caused significant damage to public infrastructure (primarily the electric grid). In the City of Madera high winds occur in the winter, generally from November through March, although high winds may also occur in other months.

Past Occurrences

The City Planning Team noted no past occurrences of wind and tornado that had damaging effects on the City.

Vulnerability to Wind and Tornadoes

Strong wind is a frequent type of severe weather occurrence in the area. Wind often accompanies the region's storms and has caused damage in the past. Buildings that house populations at risk such as schools, nursing homes, hospitals, and urgent care facilities are at risk to wind and tornadoes. Also at risk are power

lines, which can arc or be damaged during high wind events. The City has had power outages and damages to electric lines in past storms.

Future Development

The City enforces the state building code and other ordinances, which regulate construction techniques that minimize damage from high winds. Future development in the City is subject to these building codes.

Severe Weather: Winter Storms/Snow

Likelihood of Future Occurrence–Highly Likely
Vulnerability–Medium

Hazard Profile and Problem Description

According to the NWS and the WRCC, winter snow storms can include heavy snow, ice, and blizzard conditions. Heavy snow can immobilize a region, closing roads, stranding commuters, stopping the flow of supplies, and disrupting emergency and medical services. Accumulations of snow can collapse roofs and knock down trees and power lines. In rural areas, homes and farms may be isolated for days, and unprotected livestock may be lost. The cost of snow removal, damage repair, and business losses can have a tremendous impact on cities and towns.

Some winter storms are accompanied by strong winds, creating blizzard conditions with blinding wind-driven snow, severe drifting, and dangerous wind chills. Strong winds accompanying these intense storms and cold fronts can knock down trees, utility poles, and power lines. Blowing snow can reduce visibility to only a few feet in areas where there are no trees or buildings. Serious vehicle accidents with injuries and deaths can result.

Past Occurrences

The City Planning Team noted no notable snow events have occurred in recent history. Hail and light snowfall have occurred, however accumulation of snow and/or hail generally does not occur within the City on the valley floor.

Vulnerability to Winter Storms and Snow

The western portion of the Madera County Planning Area, where the City of Madera is located, does experience rare snowfall on a seasonal basis; mostly between the months of November through March. Winter weather can occasionally be accompanied by high winds, which can cause downed trees and power lines, power outages, accidents, and road closures. Transportation networks, communications, and utilities infrastructure are the most vulnerable physical assets to impacts of severe winter weather in the City. The ability for the City to continue to operate during periods of winter storm and snow is paramount. Vulnerable populations to winter storms and snow include:

- Homeless
- Infants and children under age five

- Elderly (65 and older)
- Individuals with disabilities
- Individuals dependent on medical equipment
- Individuals with impaired mobility

However, many residents of the City are self-sufficient and accustomed to the climate extremes that are part of the territory. The residents of nursing homes and elder care facilities are especially vulnerable to extreme temperature events. It is encouraged that such facilities have emergency plans or backup power to address power failure during times of winter storm and heavy snows.

Other impacts to the City as a result of winter snow storms include damage to infrastructure, frozen pipes, utility outages, road closures, traffic accidents, and interruption in business and school activities. Also of concern is the impact to populations with special needs such as the elderly and those requiring the use of medical equipment. Delays in emergency response services can be of significant concern. Further, there are economic impacts associated with areas prone to heavy snow. Although the eastern portion of the county is the most vulnerable to the effects of snow, snowfall occurring in the lower elevations can create significant issues, as residents working and living in those areas may not be as prepared for snowfall.

Future Development

Future development built to code should be able to withstand snow loads from severe winter storms. Current City codes provide such provisions for new construction. Vulnerability to winter snow storms will increase as the average age of the population in the County shifts. Greater numbers of future senior citizens will result from the large number of baby boomers in the City and surrounding area.

Wildfire

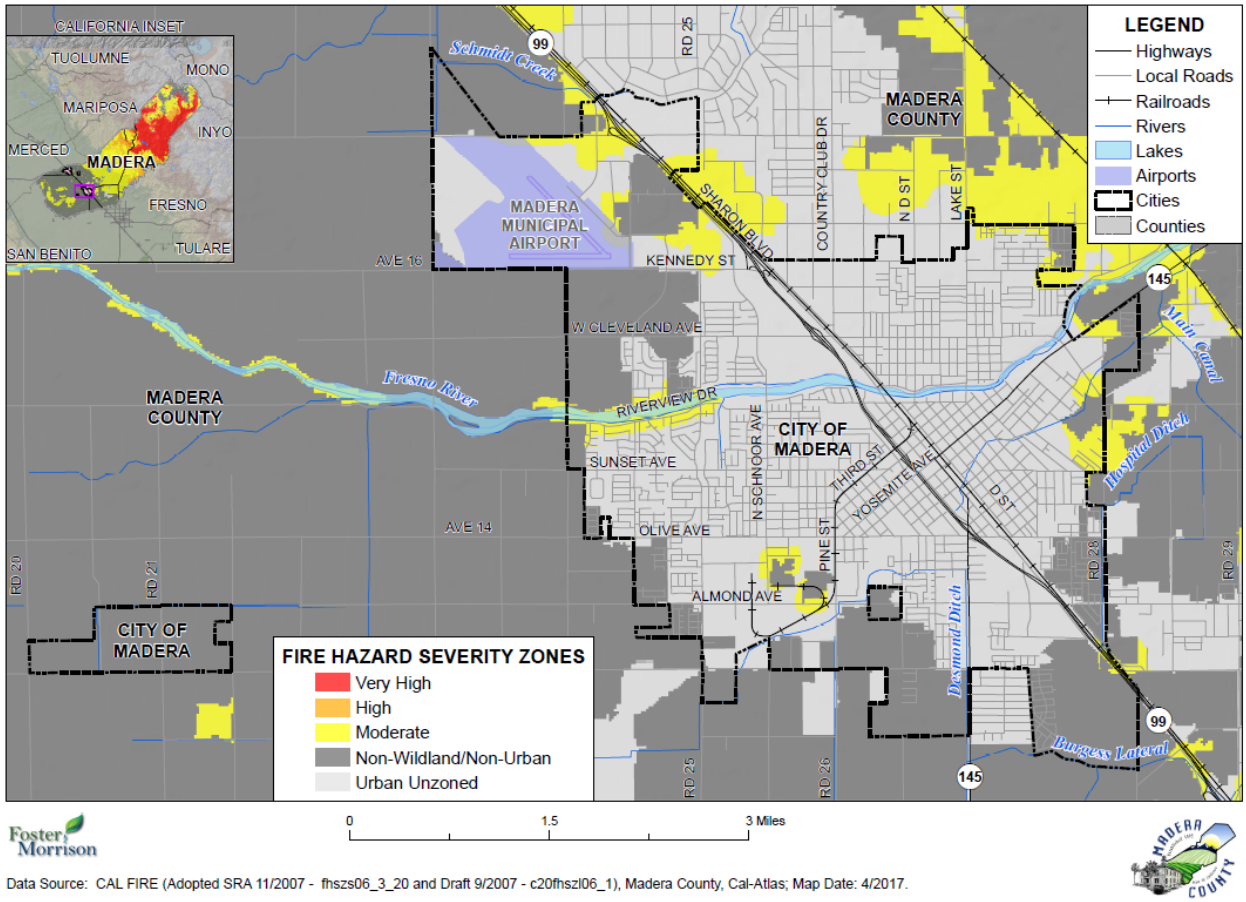
Likelihood of Future Occurrence–Likely
Vulnerability–Medium

Hazard Profile and Problem Description

Although rated as low by the City Planning Team, due to wildfire's importance in the County and the State of California, it is included here. Wildfires can cause short-term and long-term disruption to the County. Fires can have devastating effects on watersheds through loss of vegetation and soil erosion, which may impact the County by changing runoff patterns, increasing sedimentation, reducing natural and reservoir water storage capacity, and degrading water quality. Fires may result in casualties and can destroy buildings and infrastructure.

Following the methodology described in Section 4.3.2 Vulnerability of Madera County to specific hazards, a wildfire map for the City of Madera was created (see Figure B-7). Wildfire threat within the city ranges from low to moderate. The highest threat occurs along the eastern edge of the city.

Figure B-7 City of Madera's Fire Severity Zones



Data Source: CAL FIRE (Adopted SRA 11/2007 - fhszs06_3_20 and Draft 9/2007 - c20fhszl06_1), Madera County, Cal-Atlas; Map Date: 4/2017.

Past Occurrences

The City Planning Team noted that there are no notable wildfire events within the City limits within recent history. Vegetation fires occur during the dry months but these are small and quickly contained.

Vulnerability to Wildfire

Values at Risk

Analysis results for Madera are shown in Table B-16, which summarizes total parcel counts, improved parcel counts and their structure values by occupancy type as well as the percentage of parcels affected by fire.

Table B-16 City of Madera – Count and Value of Parcels by Property Use and Fire Severity Zone

Fire Hazard Severity Zone / Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Estimated Contents Value	Total Value*
Very High						
Agricultural	0	0	$0	$0	$0	$0
Commercial	0	0	$0	$0	$0	$0
Government	0	0	$0	$0	$0	$0
Industrial	0	0	$0	$0	$0	$0
Institutional	0	0	$0	$0	$0	$0
Residential	0	0	$0	$0	$0	$0
Utilities	0	0	$0	$0	$0	$0
Unknown	0	0	$0	$0	$0	$0
Very High Total	**0**	**0**	**$0**	**$0**	**$0**	**$0**
High						
Agricultural	0	0	$0	$0	$0	$0
Commercial	0	0	$0	$0	$0	$0
Government	0	0	$0	$0	$0	$0
Industrial	0	0	$0	$0	$0	$0
Institutional	0	0	$0	$0	$0	$0
Residential	0	0	$0	$0	$0	$0
Utilities	0	0	$0	$0	$0	$0
Unknown	0	0	$0	$0	$0	$0
High Total	**0**	**0**	**$0**	**$0**	**$0**	**$0**
Moderate						
Agricultural	9	1	$450,697	$73,549	$73,549	$597,795
Commercial	28	15	$7,763,191	$10,579,302	$10,579,302	$28,921,795
Government	3	0	$3,814	$0	$0	$3,814
Industrial	15	4	$2,438,666	$5,557,179	$8,335,769	$16,331,614
Institutional	0	0	$0	$0	$0	$0
Residential	584	517	$21,609,599	$64,078,678	$32,039,339	$117,727,616
Utilities	14	0	$8,959	$0	$0	$8,959
Unknown	3	0	$1	$0	$0	$1
Moderate Total	**656**	**537**	**$32,274,927**	**$80,288,708**	**$51,027,959**	**$163,591,594**
Non-Wildland/Non-Urban						
Agricultural	26	14	$13,929,785	$995,381	$995,381	$15,920,547
Commercial	20	4	$5,549,304	$3,031,372	$3,031,372	$11,612,048

Fire Hazard Severity Zone / Property Use	Total Parcel Count	Improved Parcel Count	Total Land Value	Improved Structure Value	Estimated Contents Value	Total Value*
Government	17	2	$2,879,561	$16,797	$16,797	$2,913,155
Industrial	81	10	$9,695,627	$13,359,401	$20,039,102	$43,094,130
Institutional	2	2	$379,863	$573,507	$573,507	$1,526,877
Residential	1,999	1,640	$93,368,776	$226,511,495	$113,255,748	$433,136,019
Utilities	33	0	$6,700	$0	$0	$6,700
Unknown	2	0	$46,074	$0	$0	$46,074
Non-Wildland/Non-Urban Total	**2,180**	**1,672**	**$125,855,690**	**$244,487,953**	**$137,911,906**	**$508,255,549**
Urban Unzoned						
Agricultural	19	6	$1,219,164	$306,445	$306,445	$1,832,054
Commercial	963	737	$136,464,063	$366,677,944	$366,677,944	$869,819,951
Government	120	5	$5,018,860	$1,189,976	$1,189,976	$7,398,812
Industrial	142	94	$16,902,229	$86,687,927	$130,031,891	$233,622,047
Institutional	82	61	$2,968,566	$22,866,258	$22,866,258	$48,701,082
Residential	11,635	11,008	$418,264,286	$1,180,790,742	$590,395,371	$2,189,450,399
Utilities	186	4	$431,904	$305,052	$305,052	$1,042,008
Unknown	68	8	$5,875,863	$5,795,090	$5,795,090	$17,466,043
Urban Unzoned Total	**13,215**	**11,923**	**$587,144,935**	**$1,664,619,434**	**$1,117,568,027**	**$3,369,332,396**
Grand Total	**16,051**	**14,132**	**$745,275,552**	**$1,989,396,095**	**$1,306,507,891**	**$4,041,179,538**

Source: Madera County April 2017 Parcel/Assessor's Data, CAL FIRE

Population at Risk

The Fire Severity Zone dataset was overlayed on the parcel layer. Those residential parcel centroids that intersect the severity zones were counted and multiplied by the 2010 Census Bureau average household factors for each jurisdiction and unincorporated area. Results were tabulated by jurisdiction. According to this analysis, there is a total population of 91 residents of Madera at risk to moderate or higher wildfire risk. This is shown in Table B-17.

Table B-17 City of Madera – Count of Improved Residential Parcels and Population by Fire Severity Zone

Fire Severity Zone	Improved Residential Parcels	Population*
Very High	0	0
High	0	0
Moderate	517	1,975
Total	**517**	**1,975**

Source: Madera County April 2017 Parcel/Assessor's Data, CAL FIRE

* Average household populations for Madera (3.82) from the 2010 US Census were used

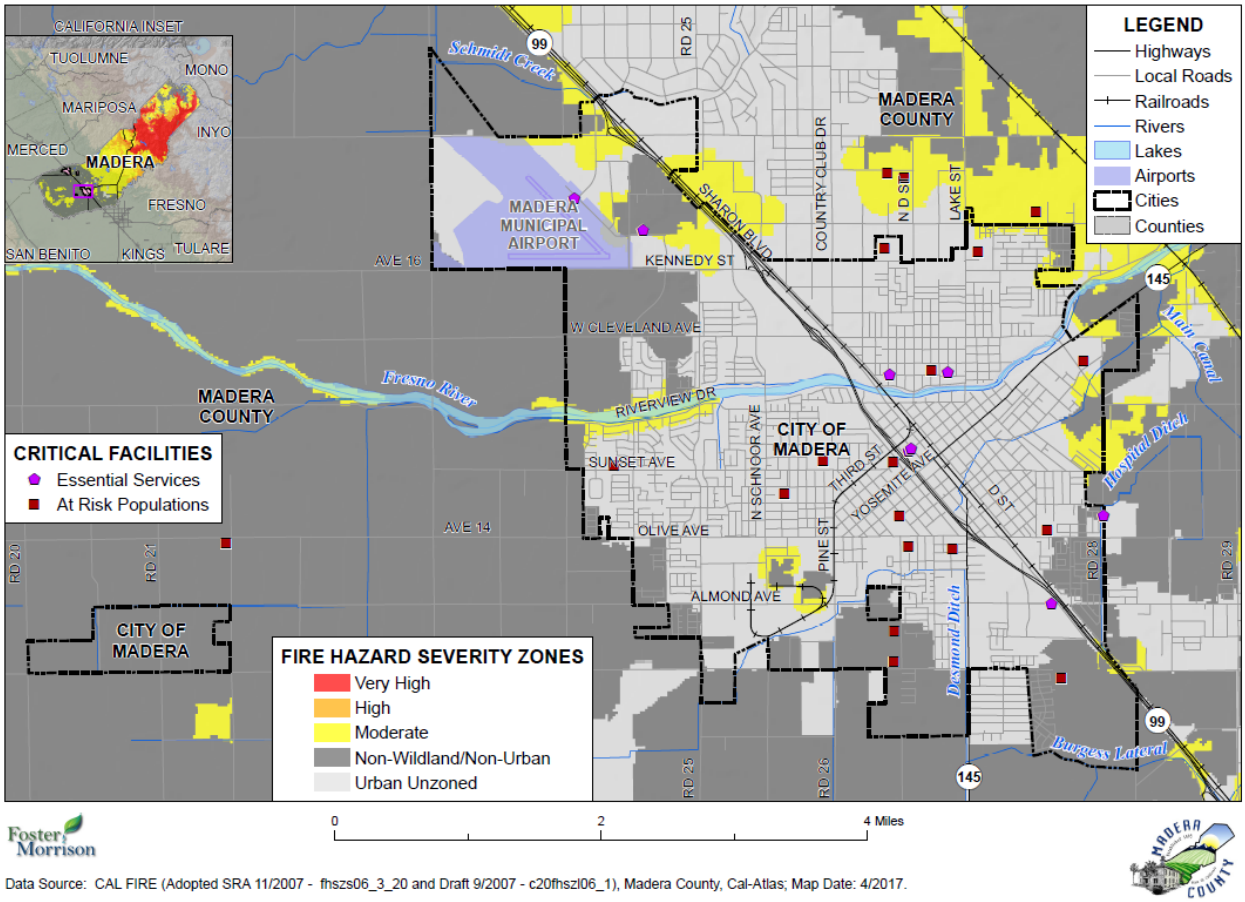
Historical, Cultural, and Natural Resources at Risk

The City of Madera has significant cultural and natural resources located throughout the City as previously described. Vulnerability analysis of these resources was not possible due to data limitations.

Critical Facilities at Risk

Wildfire analysis was performed on the critical facility inventory in Madera County and all jurisdictions. GIS was used to determine whether the facility locations intersect a fire severity zone provided by CAL FIRE, and if so, which zone it intersects. There are no facilities in the moderate or higher fire severity zone in the City. These are shown in Figure B-8. Details of critical facility definition, type, name and address and jurisdiction by fire severity zone are listed in Appendix F.

Figure B-8 City of Madera – Critical Facilities in the Fire Severity Zone



Future Development

There are small patches of moderate fire hazard zones in the City. Development may occur in the moderate or higher wildfire severity areas; however, City ordinances for building in these areas are enforced.

B.6 Capability Assessment

Capabilities are the programs and policies currently in use to reduce hazard impacts or that could be used to implement hazard mitigation activities. This capabilities assessment is divided into five sections: regulatory mitigation capabilities, administrative and technical mitigation capabilities, fiscal mitigation capabilities, mitigation education, outreach, and partnerships, and other mitigation efforts.

B.6.1. Regulatory Mitigation Capabilities

Table B-18 lists regulatory mitigation capabilities, including planning and land management tools, typically used by local jurisdictions to implement hazard mitigation activities and indicates those that are in place in the City of Madera.

Table B-18 City of Madera's Regulatory Mitigation Capabilities

Plans	Y/N Year	Does the plan/program address hazards? Does the plan identify projects to include in the mitigation strategy? Can the plan be used to implement mitigation actions?
Comprehensive/Master Plan	Y 2014	Storm Drainage Master Plan, yes to all questions
Capital Improvements Plan	Y 2017/18	Yes to all questions – as funded.
Economic Development Plan		
Local Emergency Operations Plan	Y 2017	Yes to all questions
Continuity of Operations Plan	Y 2017	
Transportation Plan	Y 2009	Within General Plan
Stormwater Management Plan/Program	Y 2014	Storm drainage master plan. Yes to all questions.
Engineering Studies for Streams	N	
Community Wildfire Protection Plan	N	
Other special plans (e.g., brownfields redevelopment, disaster recovery, coastal zone management, climate change adaptation)	Y	Climate action plan.
Building Code, Permitting, and Inspections	**Y/N**	**Are codes adequately enforced?**
Building Code	Y	Version/Year: 2016
Building Code Effectiveness Grading Schedule (BCEGS) Score		Score:
Fire department ISO rating:	Y	Rating: 4
Site plan review requirements	Y	Yes as required by Planning or Engineering
Land Use Planning and Ordinances	**Y/N**	**Is the ordinance an effective measure for reducing hazard impacts? Is the ordinance adequately administered and enforced?**
Zoning ordinance	Y	It is effective and enforced.
Subdivision ordinance	Y	It is effective and enforced.
Floodplain ordinance	Y	It is effective and enforced.
Natural hazard specific ordinance (stormwater, steep slope, wildfire)	N	
Flood insurance rate maps	Y	
Elevation Certificates	Y	Included in proposed update to Floodplain Management Ordinance
Acquisition of land for open space and public recreation uses	N	The City does not have a Quimby Act Ordinance

Erosion or sediment control program	N
Other	
How can these capabilities be expanded and improved to reduce risk?	
They can be reviewed routinely for necessary updates and modifications.	

Source: City of Madera

2009 City of Madera General Plan

In 2009, after an extensive visioning process and public comment, the City adopted an updated General Plan which "represents the product of years of efforts on the part of residents and businesses in the community working to maintain and improve Madera's quality of life and implement the community's shared vision for the future".

The General Plan serves as the City's blueprint for long term development. The General Plan contains goals, policies and implementation strategies that address Madera's growth and the quality of life of its residents. The General Plan is organized into chapters, or elements, that cover specific topics. Madera's Plan covers all of the mandatory features required by the State of California, as well as several optional topics that were emphasized through Vision 2025. A total of ten topical elements are included in the Madera General Plan: Community Design, Circulation and Infrastructure, Conservation, Health and Safety, Housing, Land Use, Noise, Historic and Cultural Resources, Parks and Recreation, and Sustainability.

These goals and policies adopted as part of the General Plan are the standards that all new development in the City is measured by. The City must find that new project proposed within the City limits are consistent with the General Plan as part of any approval process

The General Plan includes a Health and Safety Element that focuses on safety issues to be considered in planning for the present and future development of the Madera Planning Area. Identified hazards include dam failure, geologic/seismic, flooding, and other natural and man-made hazards. Mitigation-related goals are presented below.

Health and Safety Element Goals	
Goal HS-1	A safe and healthy environment for all Maderans that includes: clean air and water; adequate levels of police and fire protection; safe housing; and safe places to work and play.
Goal HS-2	A healthy and fit population with access to health care, healthful food, and places to be active and exercise.
Goal HS-3	Working with other agencies to protect residents and businesses from hazards caused by flooding.
Goal HS-4	Working with other agencies to protect and manage natural drainage ways, floodplains and flood retention basins, to maintain flood carrying capacity in harmony with environmental, recreational and open space objectives.

Mitigation Related Ordinances

Emergency Services (Title III, Chapter 2)

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency or disaster and to provide for the coordination of the emergency functions of the city with all public agencies and affected private persons, corporations, and organizations. Any expenditures made in connection with such emergency and disaster activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

Buildings Regulations (Title IX)

This Title lays out the regulations the City places on the construction of buildings. Pursuant to Cal. Gov't Code § 50022.1 through 50022.6, the texts of those certain publications of the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials, the Western Fire Chiefs Association and the National Fire Protection Association, together with parts of the appendices thereto, the 2007 California Building Code, based on the 2006 International Building Code, the 2007 California Mechanical Code, based on the 2006 Uniform Mechanical Code, the 2007 California Fire Code, based on the 2006 International Fire Code, the 2007 California Plumbing Code, based on the 2006 Uniform Plumbing Code, the Uniform Swimming Pool, Spa and Hot Tub Code - 2006 Edition, the 2007 California Electrical Code, based on the 2005 National Electrical Code, the 2007 Energy Code, the 2009 International Property Maintenance Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the 2006 International Existing Building Code are hereby adopted as the rules, regulations and standards within this city as to all matters therein contained except as herein otherwise provided. The mandatory requirements of the listed appendices to such codes shall be enforceable to the same extent as if contained in the body of such Code of said regulations and one copy of said regulations are and shall be at all times kept on file with the office of the City Clerk in accordance with Cal. Gov't Code § 50022.6.

Subdivisions (Title X, Chapter 2)

It is the purpose of this chapter to regulate and control the division of land within the city and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Development Review Committee, Planning Commission, the Planning Department, and City Council regarding such maps. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety, and general welfare, to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land and to insure provision for adequate traffic circulation, utilities, and services.

Zoning (Title X, Chapter 3)

An official land use plan for the city is adopted and established to promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare, and to provide the economic and social advantages resulting from an orderly planned use of land resources

Floodplain Management (Title III, Chapter 3)

This chapter applies to all areas of special flood hazard, areas of flood-related erosion hazards, and areas of mud flow hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for the City of Madera, California" dated September 26, 2008, with an accompanying Flood Insurance Rate Map which is on file with the office of the City Clerk and to which reference is made. This Flood Insurance Study is a minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Flood Plain Administrator.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with all of the rules, requirements, terms, and provisions of a resolution of the City Council which shall be adopted pursuant to this chapter to implement this chapter.

Weed Abatement Regulations (Title III, Chapter 3-15)

The purpose of this chapter is to protect citizens and residential neighborhoods of the city from noxious weeds and wildfire. The chapter is essential for maintaining the city healthy, clean, and safe from any pernicious, natural and/or unnatural materials, including without limitations weeds, rubbish, dirt, and/or brush which constitute a public nuisance.

B.6.2. Administrative/Technical Mitigation Capabilities

Table B-19 identifies the City department(s) responsible for activities related to mitigation and loss prevention in Madera.

Table B-19 City of Madera's Administrative and Technical Mitigation Capabilities

Administration	Y/N	Describe capability Is coordination effective?
Planning Commission	Y	
Mitigation Planning Committee	N	
Maintenance programs to reduce risk (e.g., tree trimming, clearing drainage systems)	Y	Public Works and Parks
Mutual aid agreements	Y	
Other		

Staff	Y/N FT/PT	Is staffing adequate to enforce regulations? Is staff trained on hazards and mitigation? Is coordination between agencies and staff effective?
Chief Building Official	Y FT	Staffing is adequate and trained. Coordination is effective.
Floodplain Administrator	Y FT	Staffing is adequate and trained. Coordination is effective.
Emergency Manager	Y FT	Staffing is adequate and trained. Coordination is effective.
Community Planner	Y FT	Staffing is adequate and trained. Coordination is effective.
Civil Engineer	Y FT	Staffing is adequate and trained. Coordination is effective.
GIS Coordinator	N	
Other		
Technical	**Y/N**	**Describe capability Has capability been used to assess/mitigate risk in the past?**
Warning systems/services (Reverse 911, outdoor warning signals)	Y	Nixel and NextDoor apps; coordination with County Sheriff for Everbridge
Hazard data and information	N	
Grant writing	Y	
Hazus analysis		
Other		
How can these capabilities be expanded and improved to reduce risk?		

Source: City of Madera

B.6.3. Fiscal Mitigation Capabilities

Table B-20 identifies financial tools or resources that the City could potentially use to help fund mitigation activities.

Table B-20 City of Madera's Fiscal Mitigation Capabilities

Funding Resource	Access/ Eligibility (Y/N)	Has the funding resource been used in past and for what type of activities? Could the resource be used to fund future mitigation actions?
Capital improvements project funding	Y	Annual CIP budget adopted by Council
Authority to levy taxes for specific purposes	Y	With public vote
Fees for water, sewer, gas, or electric services	Y	
Impact fees for new development	Y	
Storm water utility fee	Y	

Funding Resource	Access/ Eligibility (Y/N)	Has the funding resource been used in past and for what type of activities? Could the resource be used to fund future mitigation actions?
Incur debt through general obligation bonds and/or special tax bonds	Y	The City can, but generally does not.
Incur debt through private activities	N	
Community Development Block Grant	Y	
Other federal funding programs	Y	
State funding programs	Y	
Other		
How can these capabilities be expanded and improved to reduce risk?		

Source: City of Madera

B.6.4. Mitigation Education, Outreach, and Partnerships

Table B-21 identifies education and outreach programs and methods already in place that could be/or are used to implement mitigation activities and communicate hazard-related information. More information can be found below the table. CAN THE TABLE BE FILLED OUT? – THERE WAS A QUESTION WHERE THESE COME FROM. USUALLY JURISDICTIONS DO SOME OF THE ITEMS BELOW AS A PARTNERSHIP WITH OTHER ORGANIZATIONS.

Table B-21 City of Madera's Mitigation Education, Outreach, and Partnerships

Program/Organization	Yes/No	Describe program/organization and how relates to disaster resilience and mitigation. Could the program/organization help implement future mitigation activities?
Local citizen groups or non-profit organizations focused on environmental protection, emergency preparedness, access and functional needs populations, etc.		
Ongoing public education or information program (e.g., responsible water use, fire safety, household preparedness, environmental education)		
Natural disaster or safety related school programs		
StormReady certification		
Firewise Communities certification		
Public-private partnership initiatives addressing disaster-related issues		
Other		
How can these capabilities be expanded and improved to reduce risk?		

B.7 Mitigation Strategy

B.7.1. Mitigation Goals and Objectives

The City of Madera adopts the hazard mitigation goals and objectives developed by the HMPC and described in Chapter 5 Mitigation Strategy.

B.7.2. NFIP Mitigation Strategy

The City of Madera joined the National Flood Insurance Program (NFIP) on June 4, 1987. As a participant of the NFIP, the City of Madera has administered floodplain management regulations that meet the minimum requirements of the NFIP. The management program objective is to protect people and property within the City. The City of Madera will continue to comply with the requirements of the NFIP in the future. In addition, the City of Madera actively participates with the County to address local NFIP issues through a regional approach. Many of the program activities are the same for the City of Madera as for Madera County since participation at the County level includes all local jurisdictions.

The City's regulatory activities apply to existing and new development areas of the City; implementing flood protection measures for existing structures and new development, and maintaining drainage systems. The goal of the program is to enhance public safety, and reduce impacts and losses while protecting the environment. The City's Municipal Code has a Flood Damage Prevention Section under the Zoning Ordinance that regulates construction in the floodplain. The City intends to continue to implement the ordinance and participate at the regional level with Madera County implementing appropriate measures to mitigate exposure and damages within designated flood prone areas.

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS which are to reduce flood losses, facilitate accurate insurance rating, and promote the awareness of flood insurance. The City of Madera is not a current participant in the CRS program.

More information about the floodplain administration in the City of Madera can be found in Table B-22.

Table B-22 City of Madera Compliance with NFIP

NFIP Topic	Comments
Insurance Summary	
How many NFIP policies are in the community? What is the total premium and coverage?	28 policies $15,785 in annual premiums $7,741,500 of coverage in force
How many claims have been paid in the community? What is the total amount of paid claims? How many of the claims were for substantial damage?	8 paid losses $88,293n paid claims 0 substantial damage claims

NFIP Topic	Comments
How many structures are exposed to flood risk within the community?	298 (1% annual chance flood) 2,157 (0.2% annual chance flood)
Describe any areas of flood risk with limited NFIP policy coverage	None know.
Staff Resources	
Is the Community Floodplain Administrator or NFIP Coordinator certified?	Y
Provide an explanation of NFIP administration services (e.g., permit review, GIS, education or outreach, inspections, engineering capability)	Permit review, inspections, engineering capability, respond to public inquiry
What are the barriers to running an effective NFIP program in the community, if any?	Funding
Compliance History	
Is the community in good standing with the NFIP?	Y
Are there any outstanding compliance issues (i.e., current violations)?	N
When was the most recent Community Assistance Visit (CAV) or Community Assistance Contact (CAC)?	7/21/2016
Is a CAV or CAC scheduled or needed?	N
Regulation	
When did the community enter the NFIP?	1987
Are the FIRMs digital or paper?	Digital
Do floodplain development regulations meet or exceed FEMA or State minimum requirements? If so, in what ways?	Meet
Provide an explanation of the permitting process.	An expanded permitting process is included in the upcoming update to the floodplain management ordinance. It is a multi-step process that has several levels of review
Community Rating System	
Does the community participate in CRS?	No
What is the community's CRS Class Ranking?	–
What categories and activities provide CRS points and how can the class be improved?	–
Does the plan include CRS planning requirements?	–

B.7.3. Mitigation Actions

The planning team for the City of Madera identified and prioritized the following mitigation actions based on the risk assessment. Background information and information on how each action will be implemented and administered, such as ideas for implementation, responsible office, potential funding, estimated cost, and timeline are also included.

Action 1. Integrate Local Hazard Mitigation Plan into Safety Element of General Plan

Hazards Addressed: All hazards

Goals Addressed: 1, 2, 3, 4, 5, 6, 7

Issue/Background: Local jurisdictional reimbursement for mitigation projects and cost recovery after a disaster is guided by Government Code Section 8685.9 (AB 2140).

Project Description: Specifically, this section requires that each jurisdiction adopt a local hazard mitigation plan (LHMP) in accordance with the federal Disaster Mitigation Act of 2000 as part of the Safety Element of its General Plan. Adoption of the LHMP into the Safety Element of the General Plan may be by reference or incorporation.

Other Alternatives: No action

Existing Planning Mechanisms through which Action will be Implemented: Safety Element of General Plan

Responsible Office: City of Madera Planning Department

Priority: High

Cost Estimate: Jurisdictional board/staff time

Potential Funding: Local budgets

Benefits (avoided Losses): Incorporation of an adopted LHMP into the Safety Element of the General Plan will help jurisdictions maximize the cost recovery potential following a disaster.

Timeline: As soon as possible

Action 2. Installation of variable frequency drives onto wells to increase capacity

Hazards Addressed: Drought & Water Supply

Goals Addressed: 1, 2, 3, 5, 7

Issue/Background: To better regulate the water supply to increase efficiency (not capacity) on high production wells.

Project Description: Well 20, Well 21

Other Alternatives: No action.

Existing Planning Mechanisms through which Action will be Implemented:

Responsible Office: City & County

Priority: Medium

Cost Estimate: $25,000 each ($50,000 total)

Potential Funding: To be determined

Benefits (avoided Losses): Water pressure spikes and dips.

Timeline: 1-2 years

Action 3. Install backup motors for wells with an emphasis on critical facilities. Provide backup generators for wells.

Hazards Addressed: Drought & Water Supply/ Earthquakes

Goals Addressed: 1, 2, 3, 5, 7

Issue/Background: Ensure water distribution is preserved during natural disasters.

Project Description: City to purchase more backup generators for critical wells (3).

Other Alternatives: CNG Motors.

Existing Planning Mechanisms through which Action will be Implemented:

Responsible Office: City Public Works, City Engineering & County

Priority: Medium

Cost Estimate: $100,000 each ($300,000 total)

Potential Funding: To be determined

Benefits (avoided Losses): Critical wells will still pump if electricity is lost.

Timeline: 3 years

Action 4. Install Variable Frequency Drives (VFD) on Existing City Wells to Increase Capacity

Hazards Addressed: Drought, Water Supply

Goals Addressed: 1, 2, 3, 5, 7

Issue/Background: Addresses capacity of wells as they are impacted by fluctuating water levels. Installation of these improvements are more directly affect the anticipated long term drop in water levels. Without the use of VFDs, the efficiency of wells decreases as water levels drop. VFDs compensate for this lowering of the water level.

Project Description: Install VFDs at wells where water level fluctuation has shown a decrease in well efficiency. Installation of VFDs shall proceed at wells most susceptible to this affect.

Other Alternatives: No action.

Existing Planning Mechanisms through which Action will be Implemented: City's Capital Improvement Program

Responsible Office: City Engineering Department

Priority: High

Cost Estimate: $160,000 (first 4 wells that have been identified)

Potential Funding: To be determined

Benefits (avoided Losses): Avoidance of property damage and to a lesser degree injuries associated with flood events

Timeline: 2 years for initial wells

Action 5. Provide Backup Generators for City Wells

Hazards Addressed: Earthquake, Water Supply

Goals Addressed: 1, 2, 3, 5, 7

Issue/Background: Earthquakes, and other natural disasters, have potential to cause widespread power outages that may interfere with City's ability to deliver water to residents and businesses.

Project Description: Install generators at well in accordance with recommendation provided in the City's Water System Master Plan

Other Alternatives: No action.

Existing Planning Mechanisms through which Action will be Implemented: City's Water System Master Plan and Capital Improvement Program

Responsible Office: City Engineering Department

Priority: Medium

Cost Estimate: $1,200,000 (8 generators)

Potential Funding: Water Rates (assuming sufficient reserve exist)

Benefits (avoided Losses): Preserve ability to provide potable, and to a minimal degree, irrigation water to residents

Timeline: 2-10 years

Action 6. Implement Improvements Recommended in the Storm Drainage System Master Plan

Hazards Addressed: Flooding

Goals Addressed: 1, 2, 3, 6, 7

Issue/Background: Addresses flooding concerns/issues within the City of Madera that range from nuisance flooding to larger events that may cause significant property damage.

Project Description: Install unfunded improvements identified in the Storm Drainage System Master Plan, on a prioritized basis.

Other Alternatives: No action.

Existing Planning Mechanisms through which Action will be Implemented: City's Storm Drainage System Master Plan and Capital Improvement Program

Responsible Office: City Engineering Department

Priority: High

Cost Estimate: $45,000,000

Potential Funding: To be determined

Benefits (avoided Losses): Avoidance of property damage and injuries associated with flood events

Timeline: 2 to 25 years

Action 7. 4th Street Flooding Improvements Installed in accordance with that recommended in the Storm Drainage System Master Plan

Hazards Addressed: Flooding

Goals Addressed: 1, 2, 3, 6, 7

Issue/Background: Addresses flooding concerns/issues within the 4th Street right-of-way near City Hall.

Project Description: Install unfunded improvements identified in the Storm Drainage System Master Plan.

Other Alternatives: No action.

Existing Planning Mechanisms through which Action will be Implemented: City's Storm Drainage System Master Plan and Capital Improvement Program

Responsible Office: City Engineering Department

Priority: High

Cost Estimate: $2,000,000

Potential Funding: Grants

Benefits (avoided Losses): Avoidance of property damage and to a lesser degree injuries associated with flood events

Timeline: 2 to 5 years

Action 8. Conduct New Studies/Modeling and Mapping of the Fresno River within the City's Growth Boundary

Hazards Addressed: Flooding

Goals Addressed: 1, 2, 3, 6, 7

Issue/Background: Portion of the river are not modeled while other portions appear to be dated with respect to current understanding of what a 100-year storm may represent. As such, an accurate understanding of flooding risks may not be available.

Project Description: Perform modeling of the Fresno River with the City's growth boundary. Update FIRM maps as may be necessary to incorporate revised flood zones.

Other Alternatives: No action.

Existing Planning Mechanisms through which Action will be Implemented: City's Capital Improvement Program - Action is required to include this in this document.

Responsible Office: City Engineering Department

Priority: Medium

Cost Estimate: $150,000

Potential Funding: Grants

Benefits (avoided Losses): Preserve ability to provide potable, and to a minimal degree, irrigation water to residents as supplies may be affected during periods of drought

Timeline: 2-10 years

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Appendix C
Adoption Resolution

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REPORT TO CITY COUNCIL

Approved by:

Department Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: D-1

SUBJECT:

Initiation of proceedings for the annexation of Vineyard Estates Phase III, Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision into Community Facilities District 2005-1

RECOMMENDATION:

That Council adopt Resolutions:

1. Adopting a Boundary Map Showing the Territory Proposed for Annexation to Community Facilities District No. 2005-1; and,
2. Declaring Its Intention To Annex Territory (Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision) to Community Facilities District No. 2005-1 (Public Services), to Authorize the Levy Of Special Taxes Therein, and Setting Public Hearing (Annexation No. 13)

SUMMARY:

The attached resolutions will begin the proceedings for the annexation of the development project known as Vineyard Estates Phase III Subdivision (the "Project") into Community Facilities District 2005 - 1 (CFD) 2005-1. The conditions of approval for the Project require annexation into CFD 2005-1, which was established as an annexable district to provide funding to offset the increased cost for public safety, open space, and parks maintenance created by new development.

DISCUSSION:

By Resolution No. 05-334, the City Council established CFD 2005-1, a Mello Roos Community Facilities District with the intention that future development within the City of Madera (City) would annex into this district. The special taxes collected from the property owners within the district are used for the funding of police and fire protection services, storm drain infrastructure maintenance and operations, and park maintenance. Property owner assessments are paid as a component of the property tax collection process. As was originally envisioned with the

establishment of the CFD, future residential projects not included in the initial formation process are required to go through an annexation process in order to be included in CFD 2005-1. Projects may be annexed one at a time, or in a group if they are ready at the same time.

Vineyard Estates Phase III Subdivision makes up Annexation No. 13. Vineyard Estates Phase III Subdivision Tract S1-S-02 & S1-S-03/TSM 2020-04 is owned by DMP Development Corp. The Project includes the development of approximately 135 single family residential units and two (2) landscaped lots. Only residential properties are assessed within CFD 2005-1 and therefore the two (2) landscaped lots are not expected to be included. The boundaries of the Project consist of the area within the original assessor's parcel number (APN) 006-450-011 as depicted on Attachment 1.

Table 1: *Project Overview*

Project Name	*Owner*	*Units*	*Location*
Vineyard Estates Phase III	DMP Development Corp.	135	Between Riverview Drive & Sunset Avenue, east of Caitlan Drive

The attached resolutions represent the first steps that must be taken in the annexation process. The resolution adopting a boundary map depicting the territory that is proposed for annexation. A second resolution declares the City's intention to annex the proposed territory into CFD 2005-1. Establishing November 2, 2022, as the public hearing date for the final consideration of the annexation of the property into CFD 2005-1. See Attachment 1 to view a map of the subdivision. As with all residential subdivisions, conditions of approval for the subdivision require annexation into CFD 2005-1 prior to recordation of the final subdivision map. This will comprise the 13th annexation. See Attachment 2 for a history of annexations into CFD 2005-1.

FINANCIAL IMPACT:

The 2022/23 Fiscal Year CFD 2005-1 assessment for single-family residential development is approximately $524.41 per dwelling unit. Based on this figure, the estimated annual revenue that will be received by the City (Fund 76650) for all 135 units in Annexation No. 13 will be $70,795.40. CFD 2005-1 includes an annual Consumer Price Index (CPI) adjustment, therefore, this amount will escalate over time. The process for annexation is funded by the developer and no General Fund monies are used for this effort.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The proposed action is not specifically addressed as part of the plan, is not in conflict with the plan, but rather is sympathetic of the underlying principles of the Vision 2025 Plan.

ALTERNATIVES:

The City Council adopted Ordinance C.S. 792, which established the district and its special tax structure, on December 7, 2005. The Council could, at its discretion, consider alternative

methods for funding the necessary services that are demanded by residential development and supported by CFD 2005-1. Amendment of the ordinance would be required.

ATTACHMENTS:

1. Resolution – Adopt Boundary Map
   Exhibit A – Annexation Map No. 13
   Resolution – Intent to Annex No. 13
   Exhibit A – Annexation No. 13 Map
   Exhibit B – Rate and Method of Apportionment
2. Vineyard Estates Phase III, Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision Map
3. CFD 2005-1 Annexation No. 11 Map
4. CFD 2005-1 Boundary Map
5. Rate and Method of Apportionment

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING TERRITORY PROPOSED FOR ANNEXATION TO CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (ANNEXATION NO. 13)

WHEREAS, the City Council of the City of Madera, California, ("City Council"), formed a Community Facilities District, designated as Community Facilities District No. 2005-1 (hereafter referred to as "CFD No. 2005-1"), pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, the City Council desires to initiate proceedings to annex the territory known as Vineyard Estates Phase III, Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision ("Annexation No. 13") to CFD No. 2005-1 Annexation No. 13 will consist of 135 single family residential units and 2 landscape lots located between Riverview Drive and Sunset Avenue, east of Caitlan Drive. Only residential properties are assessed within CFD 2005-1 and therefore the two (2) landscape lots are not expected to be included; and

WHEREAS, there has been submitted a map attached as Exhibit A showing the territory proposed to be annexed to CFD No. 2005-1, said area to be designated as Community Facilities District No. 2005-1, Annexation No. 13.

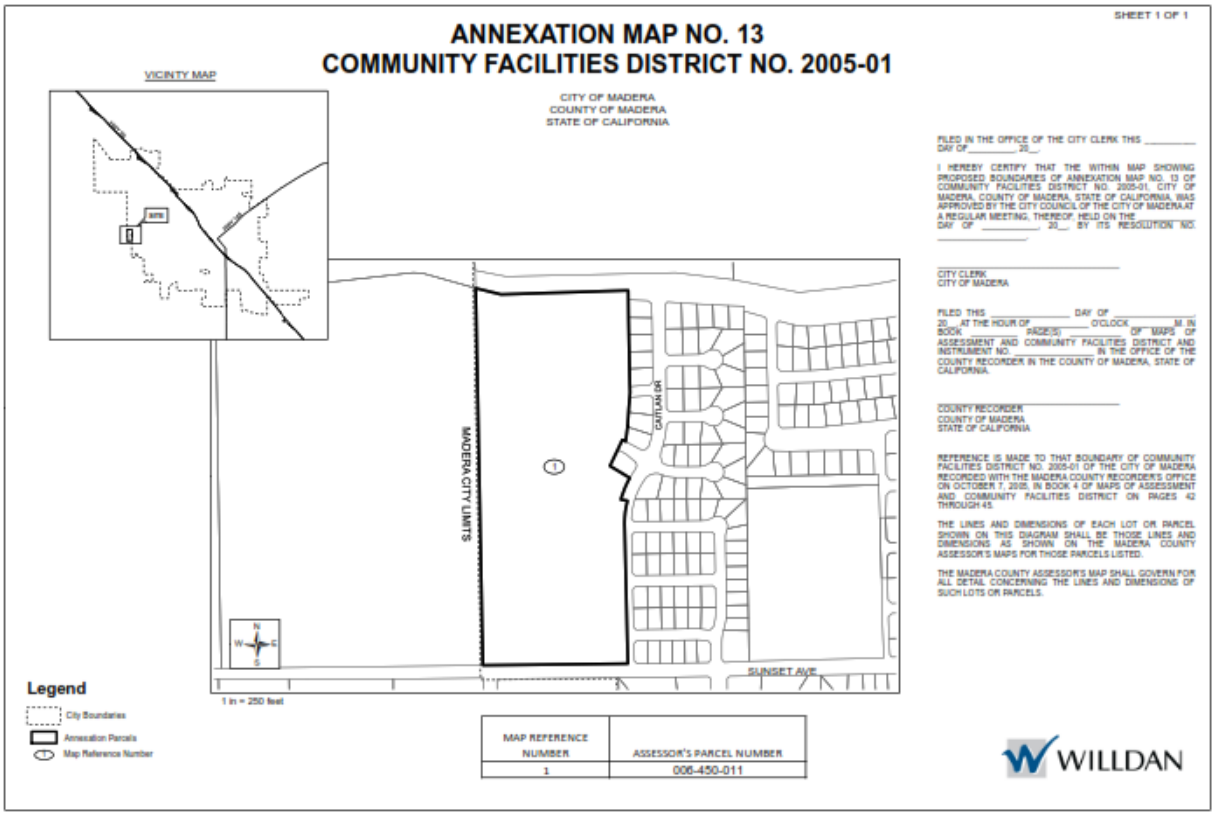
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Annexation Map. The map showing Annexation No. 13 and to be subject to the levy of a special tax by CFD No. 2005-1 upon the annexation of such territory to CFD No. 2005-1 is hereby approved and adopted. Such map is designated by the name of "Annexation No. 13 to City of Madera Community Facilities District No. 2005-1."

SECTION 3. Certificate. A certificate shall be endorsed on the original and on at least one (1) copy of the map of Annexation No. 13, evidencing the date and adoption of this Resolution, and within fifteen days after the adoption of the Resolution fixing the time and place of the Public Hearing on the intention to annex Annexation No. 13 to CFD No. 2005-1, a copy of said map shall be filed with the correct and proper endorsements thereon with County Recorder, all in the manner and form provided for in Section 3111 of the Streets and Highways Code of the State California.

EXHIBIT A


SHEET 1 OF 1
ANNEXATION MAP NO. 13
COMMUNITY FACILITIES DISTRICT NO. 2005-01
VICINITY MAP
CITY OF MADERA
COUNTY OF MADERA
STATE OF CALIFORNIA
FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 20__.
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION MAP NO. 13 OF COMMUNITY FACILITIES DISTRICT NO. 2005-01, CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MADERA AT A REGULAR MEETING, THEREOF, HELD ON THE _____ DAY OF _____, 20__, BY ITS RESOLUTION NO. _____.
CITY CLERK
CITY OF MADERA
FILED THIS _____ DAY OF _____, 20__, AT THE HOUR OF _____ O'CLOCK ____ M. IN BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AND INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF MADERA, STATE OF CALIFORNIA.
COUNTY RECORDER
COUNTY OF MADERA
STATE OF CALIFORNIA
REFERENCE IS MADE TO THAT BOUNDARY OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 OF THE CITY OF MADERA RECORDED WITH THE MADERA COUNTY RECORDER'S OFFICE ON OCTOBER 7, 2005, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT ON PAGES 42 THROUGH 45.
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE MADERA COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.
THE MADERA COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.
MADERA CITY LIMITS
CHURCH LN
SUNSET AVE
1
N
W
E
S
1 in = 250 feet
Legend
City Boundaries
Annexation Parcels
Map Reference Number
MAP REFERENCE NUMBER
ASSESSOR'S PARCEL NUMBER
1
006-450-011
WILLDAN

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY (VINEYARD ESTATES PHASE III TRACT S1-S-02 & S1-S-03/TSM 2020-04 SUBDIVISION) TO THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES), TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, AND SETTING PUBLIC HEARING (ANNEXATION NO. 13)

WHEREAS, the City Council of the City of Madera has conducted proceedings to establish Community Facilities District No. 2005-1 (Public Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, the City Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex the territory known as Vineyard Estates Phase III Tract S1-S-02 & S1-S-03/TSM 2020-04 Subdivision ("Annexation No. 13") to the CFD. Annexation No. 13 will consist of 135 single family residential units and 2 landscape lots located between Riverview Drive and Sunset Avenue, east of Caitlan Drive. Only residential properties are assessed within CFD 2005-1 and therefore the 2 landscape lots are not expected to be included.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA, HEREBY RESOLVES:

SECTION 1. This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.

SECTION 2. The name of the existing CFD is "Community Facilities District No. 2005-1 (Public Services)".

SECTION 3. The territory included in the existing CFD is as shown on the maps thereof filed in the office of the County Recorder, County of Madera State of California, to which maps reference is hereby made which have been filed with the Madera County Recorder's Office.

The territory now proposed to be annexed to the CFD is as shown on the Boundary Map of Annexation No. 13 to the CFD, on file with the City Clerk, a copy of which is attached hereto as Exhibit "A" and made a part hereof, the boundaries of which territory are hereby preliminarily approved. The City Clerk is hereby directed to cause the recordation of said Boundary Map of Annexation No. 13 to the CFD, showing the territory to be annexed, in the Office of the County Recorder of the County of Madera within fifteen days of the date of adoption of this resolution.

SECTION 4. The types of public services financed by the CFD and pursuant to the Act consist of those services (the "Services") described in Exhibit A to Resolution No. 05-334 adopted by the Council on the 16st day of November 2005 (the "Resolution of Formation"). It is presently intended that the Services will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

SECTION 5. Except to the extent that funds are otherwise available to the CFD to pay for the Services and/or the principal and interest as it becomes due on bonds of the CFD issued to finance the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, and in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, is described in Exhibit B, which is hereby incorporated by this reference.

SECTION 6. The City Staff presented Annexation No. 13 to City Council at a Council Meeting on September 21, 2022, in order to begin annexation proceedings.

SECTION 7. Notice is given that on November 2, 2022, at 6:00 p.m., in the regular meeting place of this Council, being the City Council Chambers, located at 205 W. 4th St, Madera, California, the Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of said special tax therein.

SECTION 8. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. Said notice shall be substantially in the form specified in Section 53339.4 of the Act. The City Clerk shall also cause a copy of the Resolution of Annexation, or a notice thereof, to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which resolution or notice shall be mailed at least fifteen days before the date of said hearing.

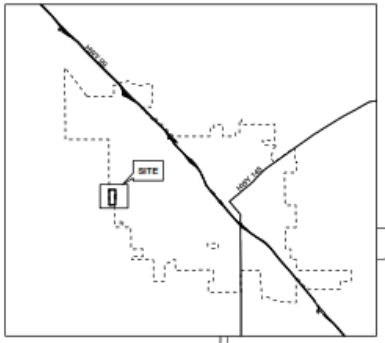
Exhibit A

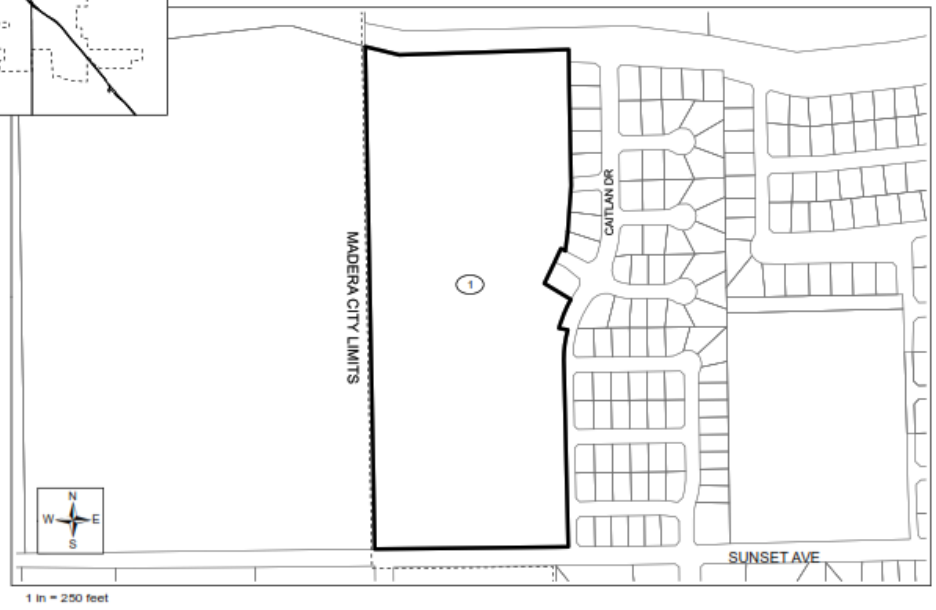
SHEET 1 OF 1

ANNEXATION MAP NO. 13
COMMUNITY FACILITIES DISTRICT NO. 2005-01

CITY OF MADERA
COUNTY OF MADERA
STATE OF CALIFORNIA

VICINITY MAP





1 in = 250 feet

Legend

- City Boundaries
- Annexation Parcels
- (1) Map Reference Number

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	006-450-011

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF_____, 20__.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION MAP NO. 13 OF COMMUNITY FACILITIES DISTRICT NO. 2005-01, CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MADERA AT A REGULAR MEETING, THEREOF, HELD ON THE _____ DAY OF _____, 20__, BY ITS RESOLUTION NO. _____.

_____
CITY CLERK
CITY OF MADERA

FILED THIS _____ DAY OF _____, 20__, AT THE HOUR OF _____ O'CLOCK _____,M. IN BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AND INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF MADERA, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
COUNTY OF MADERA
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY OF COMMUNITY FACILITIES DISTRICT NO. 2005-01 OF THE CITY OF MADERA RECORDED WITH THE MADERA COUNTY RECORDER'S OFFICE ON OCTOBER 7, 2005, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT ON PAGES 42 THROUGH 45.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE MADERA COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE MADERA COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

WILLDAN

Exhibit B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax of Community Facilities District No. 2005-1 of the City of Madera (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing Fiscal Year 2006-07 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof shall be taxed for the purposes, to the extent and in the manner herein provided.

DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Titles of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, c) park maintenance, d) storm drainage system operation and maintenance and other services as defined herein including but not limited to ambulance and paramedic services.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the District to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or three percent (3%). The annual CPI used shall be for the area of San Francisco-Oakland-San Jose, CA as reflected in the then-current April update. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (www.dir.ca.gov/dlsr). If the foregoing index is not available, the District Administrator shall select a reasonably comparable index.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2007.

"City" means the City of Madera.

"Council" means the City Council of the City of Madera, acting as the legislative body of the District. "County" means the County of Madera, California.

"**Developed Multi-Family Residence"** means all Assessor's Parcels of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more residential units that share common walls, including but not limited to, duplexes, triplexes, town homes, condominiums, and apartment units.

"**Developed Property"** means all Taxable Property, exclusive of Property Owner Association Property, Non-Residential Property, or Public Property, for which a building permit was issued after January 1, 2005, and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"**Developed Single-Family Residence"** means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one single-family residential dwelling unit.

"District Administrator" means an official of the City, or designee thereof responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"District" means Community Facilities District No. 2005-1 of the City of Madera.

"Entitled Property" means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Entitled Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the District Administrator.

"Final Map" means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the District in any Fiscal Year on any Assessor's Parcel.

"Non-Residential Property" means all Assessors' Parcels for which a building permit(s) has been issued for a non-residential use and does not contain any residential units as defined under Developed Single Family Residence or Developed Multi-Family Residence.

"Property Owner Association Property" means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub- association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

"Public Property" means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Service Costs" means the estimated and reasonable costs of providing police protection services and fire protection and suppression services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police protection services and fire protection and suppression services and other services as defined herein, respectively, (iv) City overhead costs associated with providing such services within the District, (v) park maintenance, and (vi) storm drainage system operation and maintenance. On each July 1 following the Base Year, the increases attributed to salaries and benefits shall be calculated and limited to the increase based on the Annual Escalation Factor. The Special Tax will finance Services that are in addition to those provided in or required for the territory within the District and will not be replacing Services already available. The Special Tax provides only partial finding for police services, fire suppression and protection services, park maintenance, and storm drainage system operation and maintenance.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to find the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the District to: (i) pay for Service Costs; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"**Property"** means all of the Assessor's Parcels within the boundaries of the District and any future annexation to the District that are not exempt from the Special Tax pursuant to law or as defined herein.

"Tax Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax- Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Non-Residential Property, and (iv) property designated by the City or District Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Assessor's Parcels of Taxable Property not classified as Developed Property or Entitled Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator means any separate residential dwelling unit in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use.

ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the District shall be classified as Developed Property, Entitled Property, or Undeveloped Property. Developed Property shall be further classified as Developed Single-Family Residence or Developed Multi-Family Residence. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

1. Developed Property

Table 1
Maximum special Tax for Developed Property
Community Facilities District No. 2005-1

Land Use Class	Description	Maximum Special Tax Per Unit[1]
1	Developed Single-Family Residence	$311 per unit
2	Developed Multi-Family Residence	$285 per unit
[1] Maximum Special Tax includes Administrative Expenses		

2. Entitled Property

Table 2
Maximum Special Tax for Entitled Property
Community Facilities District No. 2005-1

Land Use Class	Description	Maximum Special Tax Per Unit[1]
3	Entitled Property	$166 per lot
[1] Maximum Special Tax includes Administrative Expenses		

On each July 1 following the Base Year (i.e., July 1, 2007), the Maximum Special Tax Rates in Table 1 and Table 2 shall be increased in accordance with the Annual Escalation Factor.

3. Undeveloped Property

No Special Tax shall be levied on Undeveloped Property.

4. Tax-Exempt Property

No Special Tax shall be levied on Tax-Exempt Property.

5. Multiple Land Use Classes

In some instances an Assessor's Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum

Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

METHOD OF APPORTIONMENT OF SPECIAL TAXES

Commencing with Fiscal Year 2006-07, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement. First, the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property Proportionately between Developed Single- Family Residence and Developed Multi-Family Residence up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Entitled Property up to 100% of the applicable Maximum Special Tax for Entitled Property.

APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to an Assessor's Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

EXEMPTIONS

No Special Tax shall be levied on Non-Residential Property, Undeveloped Property, Property Owner Association Property or Public Property.

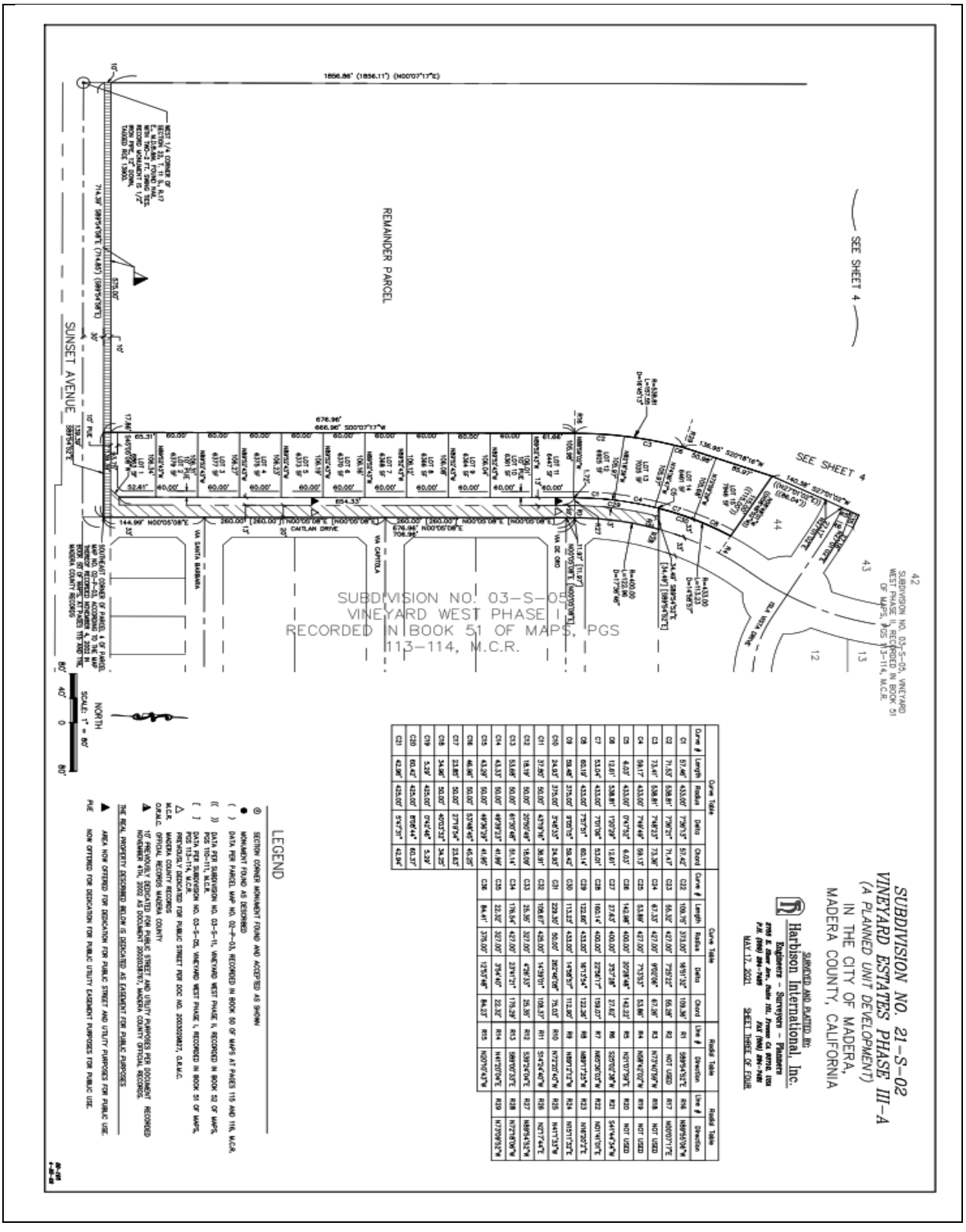
MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the District Administrator.

TERM OF SPECIAL TAX

After the establishment of the District, the City Council may reexamine, if deemed necessary by City Council, the necessity of the continuance of the Special Tax through the preparation of a Fiscal Impact Analysis, otherwise the Special Tax shall be levied in perpetuity.

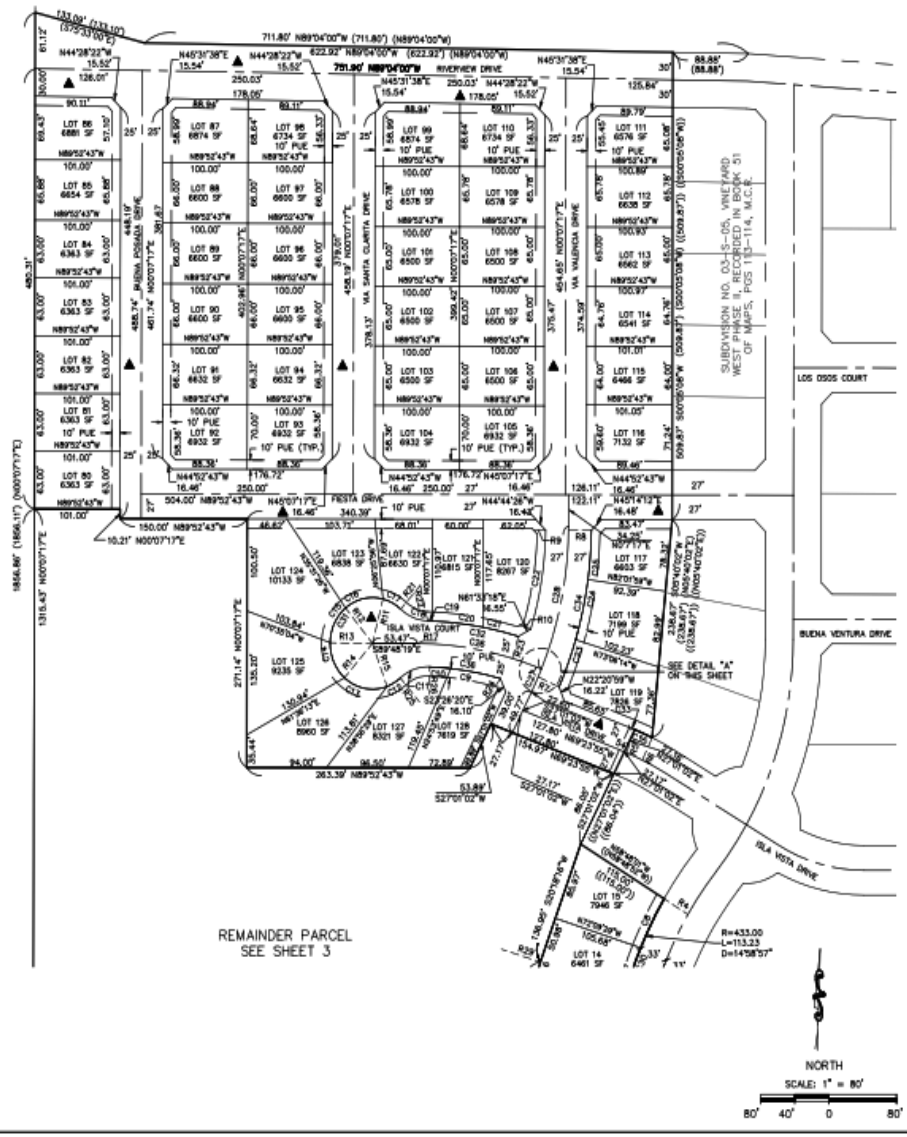
Attachment 2



SUBDIVISION NO. 21-S-02
VINEYARD ESTATES PHASE III-A
(A PLANNED UNIT DEVELOPMENT)
IN THE CITY OF MADERA, MADERA COUNTY, CALIFORNIA

SURVEYED AND PLATTED BY:
Harbison International, Inc.
Engineers - Surveyors - Planners
3755 E. Shaw Ave., Suite 101, Fresno CA 93710, USA
PH. (559) 294-7485 FAX (559) 294-7481

MAY 17, 2021 SHEET FOUR OF FOUR



Curve Table				Curve Table				Radial Table		Radial Table	
Curve #	Length	Radius	Delta	Curve #	Length	Radius	Delta	Line #	Direction	Line #	Direction
C1	57.46'	433.00'	7°36'13"	C22	109.75'	373.00'	16°51'32"	R1	S89°54'52"E	R16	N89°55'06"W
C2	71.53'	538.81'	7°36'21"	C23	55.32'	427.00'	7°25'22"	R2	NOT USED	R17	N00°07'17"E
C3	73.41'	538.81'	7°48'23"	C24	67.33'	427.00'	9°02'06"	R3	N73°40'59"W	R18	NOT USED
C4	59.17'	433.00'	7°49'49"	C25	53.89'	427.00'	7°13'53"	R4	N58°42'02"W	R19	NOT USED
C5	6.03'	433.00'	0°47'52"	C26	142.98'	400.00'	20°28'48"	R5	N21°07'59"E	R20	NOT USED
C6	12.61'	538.81'	1°20'29"	C27	27.63'	400.00'	3°57'28"	R6	S25°02'38"W	R21	S41°44'34"W
C7	53.04'	433.00'	7°01'06"	C28	160.14'	400.00'	22°56'17"	R7	N65°36'03"W	R22	N01°41'01"E
C8	60.19'	433.00'	7°57'51"	C29	122.66'	433.00'	16°13'54"	R8	N89°17'25"W	R23	N16°20'2"E
C9	59.48'	375.00'	9°05'15"	C30	113.23'	433.00'	14°58'57"	R9	N89°12'12"W	R24	N15°11'32"E
C10	24.93'	375.00'	3°48'33"	C31	229.30'	50.00'	262°46'08"	R10	N72°20'40"W	R25	N41°17'33"W
C11	37.80'	50.00'	43°19'16"	C32	108.67'	425.00'	14°39'01"	R11	S14°24'40"W	R26	N21°7'44"E
C12	18.19'	50.00'	20°50'49"	C33	25.35'	327.00'	4°26'33"	R12	S39°24'04"E	R27	N89°54'52"W
C13	53.68'	50.00'	61°30'48"	C34	176.54'	427.00'	23°41'21"	R13	S89°00'33"E	R28	N72°15'06"W
C14	43.33'	50.00'	49°39'23"	C35	22.32'	327.00'	3°54'40"	R14	N41°20'04"E	R29	N73°09'52"W
C15	43.29'	50.00'	49°36'29"	C36	84.41'	375.00'	12°53'48"	R15	N20°10'43"W		
C16	46.96'	50.00'	53°48'46"								
C17	23.85'	50.00'	27°19'54"								
C18	34.96'	50.00'	40°03'32"								
C19	5.39'	425.00'	0°42'46"								
C20	60.42'	425.00'	8°08'44"								
C21	42.96'	425.00'	5°47'31"								

DETAIL "A"
SCALE: 1" = 10'

LEGEND

- ⊕ SECTION CORNER MONUMENT FOUND AND ACCEPTED AS SHOWN
- ● MONUMENT FOUND AS DESCRIBED
- ( ) DATA PER PARCEL MAP NO. 02-P-03, RECORDED IN BOOK 50 OF MAPS AT PAGES 115 AND 116, M.C.R.
- (( )) DATA PER SUBDIVISION NO. 03-S-11, VINEYARD WEST PHASE II, RECORDED IN BOOK 52 OF MAPS, PGS 110-111, M.C.R.
- [ ] DATA PER SUBDIVISION NO. 03-S-05, VINEYARD WEST PHASE I, RECORDED IN BOOK 51 OF MAPS, PGS 113-114, M.C.R.
- △ PREVIOUSLY DEDICATED FOR PUBLIC STREET PER DOC NO. 2003029827, O.R.M.C.

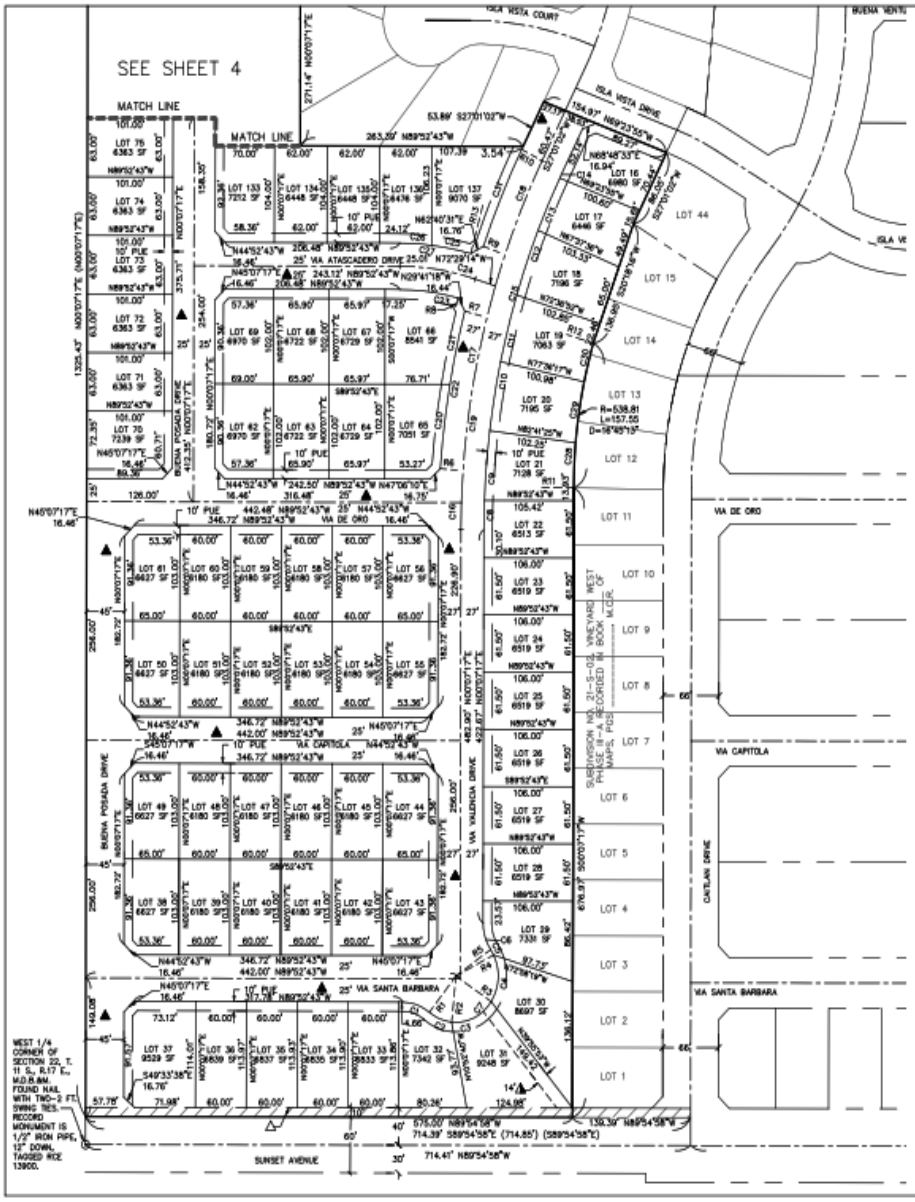
M.C.R. MADERA COUNTY RECORDS
O.R.M.C. OFFICIAL RECORDS MADERA COUNTY

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS EASEMENT FOR PUBLIC PURPOSES

▲ AREA NOW OFFERED FOR DEDICATION FOR PUBLIC STREET AND UTILITY PURPOSES FOR PUBLIC USE.

PUE NOW OFFERED FOR DEDICATION FOR PUBLIC UTILITY EASEMENT PURPOSES FOR PUBLIC USE.

80-105
4-20-22



SUBDIVISION NO. 21-S-03
VINEYARD ESTATES PHASE III-B
(A PLANNED UNIT DEVELOPMENT)
IN THE CITY OF MADERA, MADERA COUNTY, CALIFORNIA

SURVEYED AND PLATTED BY:
Harbison International, Inc.
Engineers - Surveyors - Planners
3755 E. Shaw Ave., Suite 101, Fresno CA 93710, USA
P.H. (559) 294-7405 FAX (559) 294-7402

MAY, 2021 SHEET THREE OF FOUR

Radial Table	
Line #	Direction
R1	S38°51'39"W
R2	N05°42'49"E
R3	N56°42'15"W
R4	S62°59'15"W
R5	N55°12'22"E
R6	N85°43'20"W
R7	N74°48'35"W
R8	N14°43'03"E
R9	S70°10'43"E
R10	S62°58'58"E
R11	N89°59'06"W
R12	N73°09'52"W
R13	N15°10'48"E

Curve Table				
Curve #	Length	Radius	Delta	Chord
C1	33.81'	50.00'	38°44'22"	33.17'
C2	28.93'	50.00'	33°08'50"	28.52'
C3	54.47'	50.00'	62°25'04"	51.82'
C4	52.63'	50.00'	60°18'30"	50.23'
C5	6.79'	50.00'	7°46'52"	6.79'
C6	30.47'	50.00'	34°54'55"	30.00'
C7	142.82'	50.00'	163°39'17"	98.98'
C8	31.41'	850.00'	2°07'02"	31.41'
C9	75.23'	850.00'	5°04'16"	75.21'
C10	75.44'	850.00'	5°05'07"	75.42'
C11	74.03'	850.00'	4°59'25"	74.01'
C12	73.99'	850.00'	4°59'16"	73.97'
C13	61.96'	850.00'	4°10'35"	61.95'
C14	6.94'	850.00'	0°28'03"	6.94'
C15	399.00'	850.00'	26°53'45"	395.35'
C16	29.10'	877.00'	1°54'04"	29.10'
C17	236.96'	877.00'	15°28'52"	236.24'
C18	145.42'	877.00'	9°30'49"	145.45'
C19	411.68'	877.00'	26°53'45"	407.91'
C20	91.30'	904.00'	5°47'13"	91.23'
C21	80.87'	904.00'	5°07'32"	80.84'
C22	172.17'	904.00'	10°54'45"	171.92'
C23	69.55'	273.00'	14°35'46"	69.36'
C24	90.45'	298.00'	17°23'29"	90.11'
C25	46.92'	323.00'	8°19'23"	46.88'
C26	37.97'	323.00'	6°44'08"	37.95'
C27	84.89'	323.00'	15°03'31"	84.65'
C28	48.30'	538.81'	5°08'11"	48.29'
C29	66.46'	538.81'	7°04'01"	66.42'
C30	42.79'	538.81'	4°33'01"	42.78'
C31	113.54'	904.00'	7°11'45"	113.46'

LEGEND

- ◎ SECTION CORNER MONUMENT FOUND AND ACCEPTED AS SHOWN
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- [ ] DATA PER SUBDIVISION NO. 03-S-05, VINEYARD WEST PHASE I, RECORDED IN BOOK 51 OF MAPS, PGS 113-114, M.C.R.
- △ INDICATES 10' WIDE EASEMENT PREVIOUSLY DEDICATED FOR PUBLIC STREET AND UTILITY PURPOSES PER DOCUMENT RECORDED NOVEMBER 4TH, 2002 AS DOCUMENT 2002038767, MADERA COUNTY OFFICIAL RECORDS.

M.C.R. MADERA COUNTY RECORDS
O.R.M.C. OFFICIAL RECORDS MADERA COUNTY

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⚠ NOW OFFERED FOR DEDICATION FOR PEDESTRIAN PURPOSES FOR PUBLIC USE.

PUE NOW OFFERED FOR DEDICATION FOR PUBLIC UTILITY EASEMENT PURPOSES FOR PUBLIC USE.

NORTH
SCALE: 1" = 80'
80' 40' 0 80'

80-105
4-30-02

SUBDIVISION NO. 21-S-03
VINEYARD ESTATES PHASE III-B
(A PLANNED UNIT DEVELOPMENT)
IN THE CITY OF MADERA,
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SURVEYED AND PLATTED BY:
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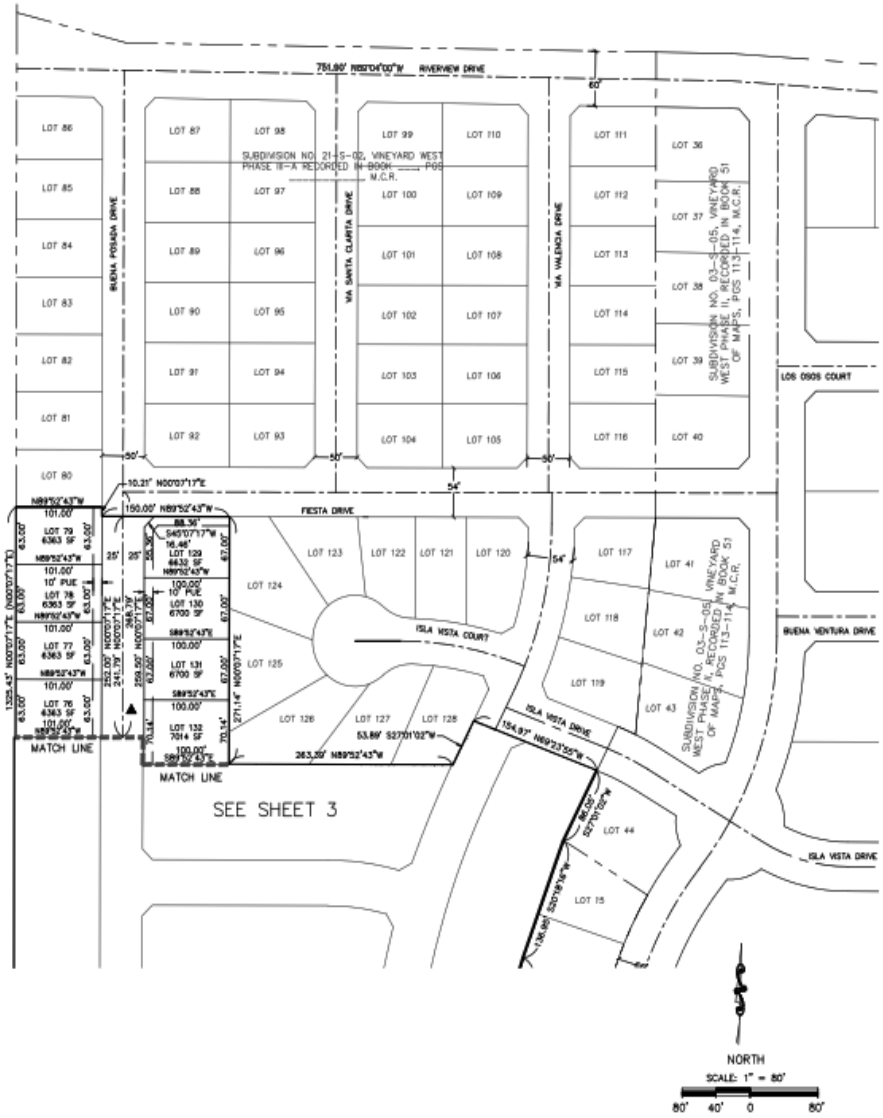
MAY, 2021 SHEET FOUR OF FOUR



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M.C.R. MADERA COUNTY RECORDS
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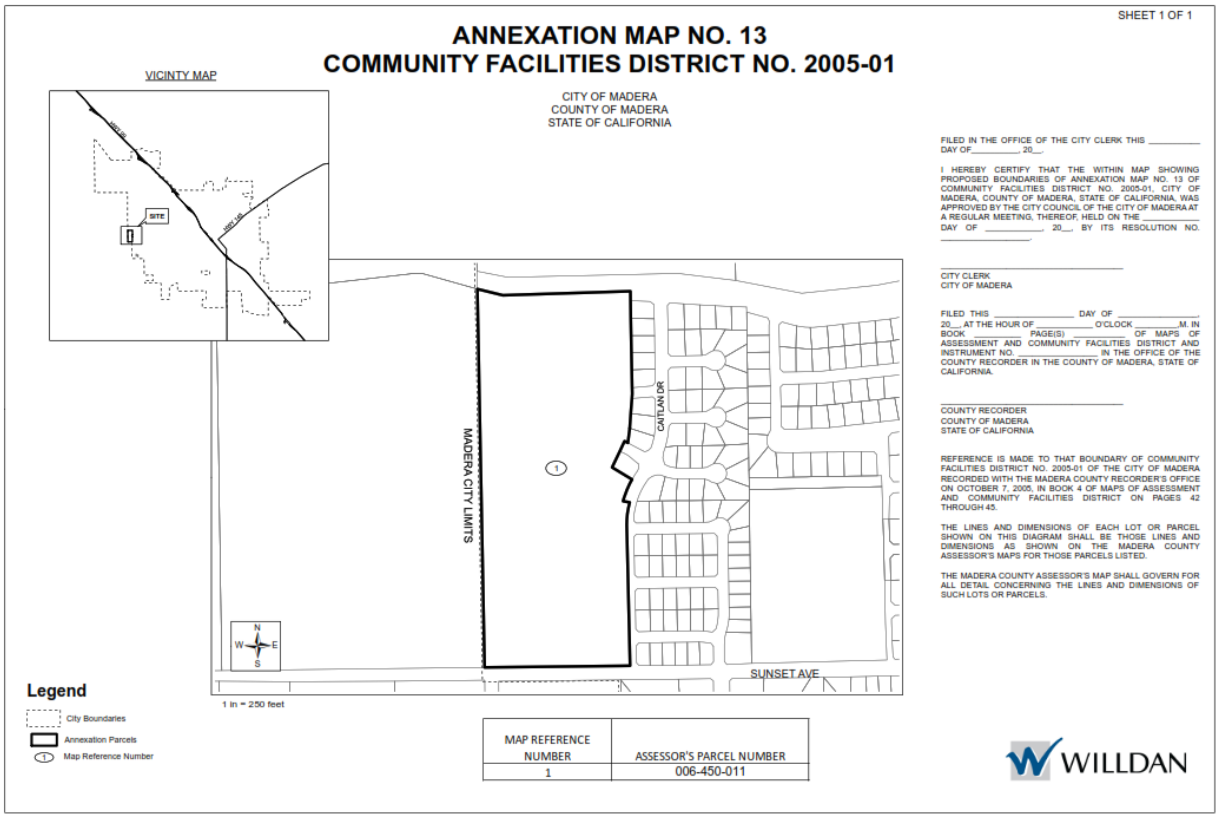
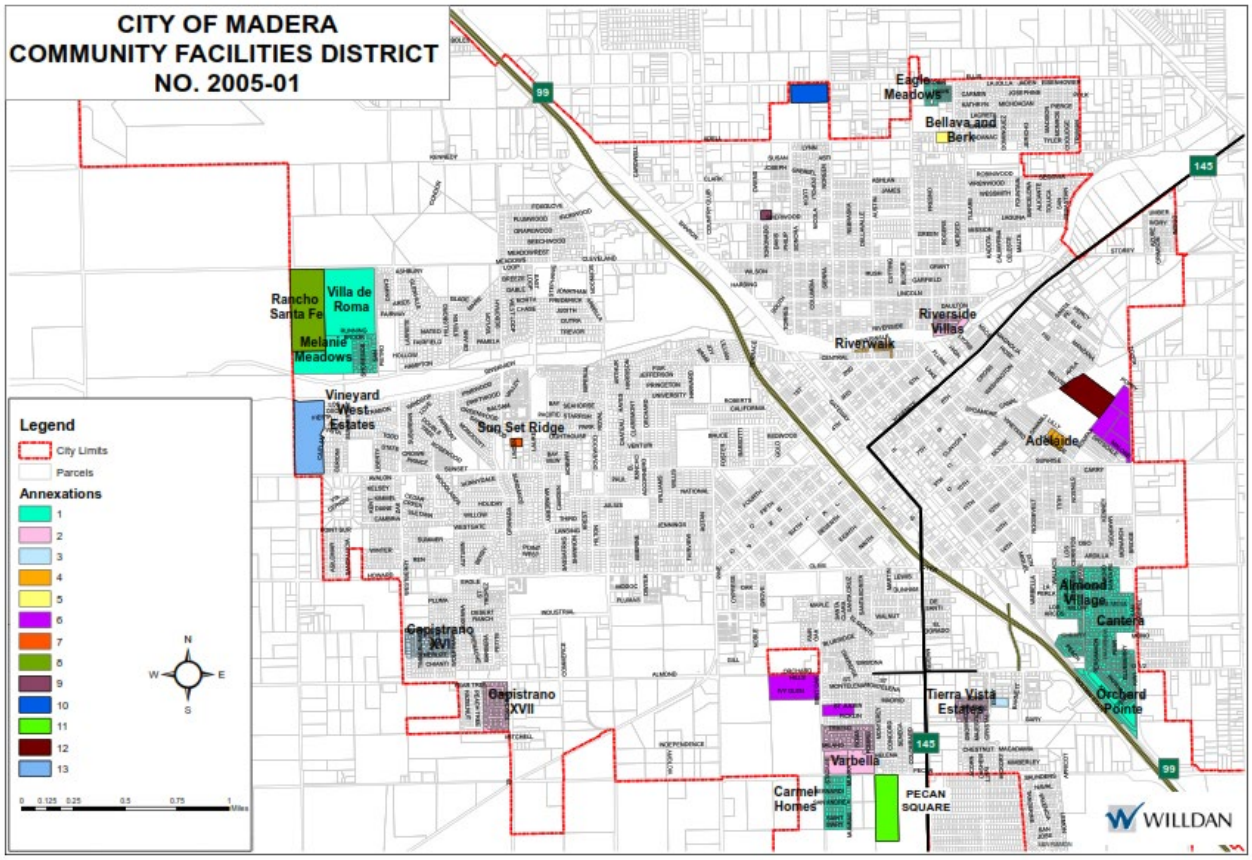
20-105
4-30-08

Attachment 3



Attachment 4 - CFD 2005-1 Map



Attachment 5

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax of Community Facilities District No. 2005-1 of the City of Madera (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing Fiscal Year 2006-07 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof shall be taxed for the purposes, to the extent and in the manner herein provided.

DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Titles of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, c) park maintenance, d) storm drainage system operation and maintenance and other services as defined herein including but not limited to ambulance and paramedic services.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the District to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or three percent (3%). The annual CPI used shall be for the area of San Francisco-Oakland-San Jose, CA as reflected in the then-current April update. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (www.dir.ca.gov/dlsr). If the foregoing index is not available, the District Administrator shall select a reasonably comparable index.

“Assessor’s Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned assessor’s parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by assessor’s parcel number.

“Base Year” means Fiscal Year ending June 30, 2007.

“City” means the City of Madera.

“Council” means the City Council of the City of Madera, acting as the legislative body of the District. “County” means the County of Madera, California.

”**Developed Multi-Family Residence”** means all Assessor’s Parcels of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more residential units that share common walls, including but not limited to, duplexes, triplexes, town homes, condominiums, and apartment units.

”**Developed Property”** means all Taxable Property, exclusive of Property Owner Association Property, Non-Residential Property, or Public Property, for which a building permit was issued after January 1, 2005, and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

”**Developed Single-Family Residence”** means all Assessor’s Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one single-family residential dwelling unit.

“District Administrator” means an official of the City, or designee thereof responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“District” means Community Facilities District No. 2005-1 of the City of Madera.

“Entitled Property” means an Assessor’s Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term “Entitled Property” shall apply only to Assessors’ Parcels and/or Lots, which have been subdivided for the purpose of residential development, excluding any Assessor’s Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the District Administrator.

“Final Map” means an Assessor’s Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the District in any Fiscal Year on any Assessor's Parcel.

"Non-Residential Property" means all Assessors' Parcels for which a building permit(s) has been issued for a non-residential use and does not contain any residential units as defined under Developed Single Family Residence or Developed Multi-Family Residence.

"Property Owner Association Property" means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub- association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

"Public Property" means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Service Costs" means the estimated and reasonable costs of providing police protection services and fire protection and suppression services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police protection services and fire protection and suppression services and other services as defined herein, respectively, (iv) City overhead costs associated with providing such services within the District, (v) park maintenance, and (vi) storm drainage system operation and maintenance. On each July 1 following the Base Year, the increases attributed to salaries and benefits shall be calculated and limited to the increase based on the Annual Escalation Factor. The Special Tax will finance Services that are in addition to those provided in or required for the territory within the District and will not be replacing Services already available. The Special Tax provides only partial finding for police services, fire suppression and protection services, park maintenance, and storm drainage system operation and maintenance.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to find the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the District to: (i) pay for Service Costs; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"**Property"** means all of the Assessor's Parcels within the boundaries of the District and any future annexation to the District that are not exempt from the Special Tax pursuant to law or as defined herein.

"Tax Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax- Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Non-Residential Property, and (iv) property designated by the City or District Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Assessor's Parcels of Taxable Property not classified as Developed Property or Entitled Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator means any separate residential dwelling unit in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use.

ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the District shall be classified as Developed Property, Entitled Property, or Undeveloped Property. Developed Property shall be further classified as Developed Single-Family Residence or Developed Multi-Family Residence. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

1. Developed Property

Table 1
Maximum special Tax for Developed Property
Community Facilities District No. 2005-1

Land Use Class	Description	Maximum Special Tax Per Unit[1]
1	Developed Single-Family Residence	$311 per unit
2	Developed Multi-Family Residence	$285 per unit
[1] Maximum Special Tax includes Administrative Expenses		

2. Entitled Property

Table 2
Maximum Special Tax for Entitled Property
Community Facilities District No. 2005-1

Land Use Class	Description	Maximum Special Tax Per Unit[1]
3	Entitled Property	$166 per lot
[1] Maximum Special Tax includes Administrative Expenses		

On each July 1 following the Base Year (i.e., July 1, 2007), the Maximum Special Tax Rates in Table 1 and Table 2 shall be increased in accordance with the Annual Escalation Factor.

3. Undeveloped Property

No Special Tax shall be levied on Undeveloped Property.

4. Tax-Exempt Property

No Special Tax shall be levied on Tax-Exempt Property.

5. Multiple Land Use Classes

In some instances an Assessor's Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum

Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

METHOD OF APPORTIONMENT OF SPECIAL TAXES

Commencing with Fiscal Year 2006-07, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement. First, the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property Proportionately between Developed Single- Family Residence and Developed Multi-Family Residence up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Entitled Property up to 100% of the applicable Maximum Special Tax for Entitled Property.

APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to an Assessor's Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

EXEMPTIONS

No Special Tax shall be levied on Non-Residential Property, Undeveloped Property, Property Owner Association Property or Public Property.

MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the District Administrator.

TERM OF SPECIAL TAX

After the establishment of the District, the City Council may reexamine, if deemed necessary by City Council, the necessity of the continuance of the Special Tax through the preparation of a Fiscal Impact Analysis, otherwise the Special Tax shall be levied in perpetuity.

REPORT TO CITY COUNCIL

Approved by:

Council Meeting of: September 21, 2022

Joseph Hebert

Joseph Hebert, Parks & Community Services Director

Agenda Number: D-2

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

SUBJECT:

DICK'S Sporting Goods Foundation Grant Award

RECOMMENDATION:

Adopt a Resolution Approving the DICK'S Sporting Goods Foundation Grant Award Agreement in the amount of $25,000 as part of the Sports Matter Program

SUMMARY:

Established in 2011, The DICK'S Sporting Goods Foundation (Foundation) is a tax exempt 501(c)(3) non-profit corporation with a mission to inspire and enable sports participation. It was created by DICK'S Sporting Goods, Inc. as a private corporate foundation to support DICK'S charitable and philanthropic activities.

The Foundation believes "Sports Matter" because "participation in sports makes people better". Sports may increase confidence and motivate kids to stay in the classroom and aim for higher education. It is also believed that they help build character and teach life lessons that extend well beyond the playing field. That's why DICKS has made it the mission of their Sports Matter programs to give local athletes the opportunity to play.

DISCUSSION:

Since 2018, the Foundation has pledged more than $14 million to partner with DICK'S Sporting Goods Store Managers and Community Marketing Managers to provide meaningful grants to support youth sports teams, leagues, and programs in local communities throughout the country.

The Parks and Community Services Department initially submitted a request under the Sports Matter Program for a donation or sponsorship to the Foundation, proposing new batting cages

to be installed at Lions Town & Country Park, to augment on the community's diverse baseball community that actively utilizes the park. The initial request was of $15,000 for the install of two batting cages.

The Foundation confirmed receipt of the request and responded with an approval, granting an additional $10,000 to the request. A total of $25,000 for the project was awarded.

The City intends to utilize the funds to install two batting cages near Ballfield 1. Funds will cover the install of the two batting cages, relocation of sprinkler lines and sprinkler heads, as well as concrete framing to support the install of the batting cages. It is noted that outside of the local schools, there are no public batting cages in the City.

FINANCIAL IMPACT:

The City of Madera anticipates no internal financial impact as the project is being funded solely by the $25,000 grant award.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

- *Strategy #113 – Promote greater accessibility of City facilities and services to meet the needs of various cultural, socio-economic, and disabled groups.*

- *Strategy #202 – Develop/expand and promote community gathering places that reflect the multicultural community in Madera.*

ALTERNATIVES:

Council may direct staff to not enter into an agreement with DICK'S Sporting Goods Foundation at this time. This will result in no further improvements associated with ballfields enhancements being considered at Lions Town & Country Park.

ATTACHMENTS:

1. Map of Planned Location for Batting Cages
2. Resolution Approving Agreement
    a. Exhibit A – Grant Award Agreement

ATTACHMENT 1

General location of the of the Batting Cages

ATTACHMENT 2

Resolution Approving Agreement

RESOLUTION NO. 20 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE DICK'S SPORTING GOODS FOUNDATION GRANT AWARD AGREEMENT IN THE AMOUNT OF $25,000 AS PART OF THE SPORTS MATTER PROGRAM

WHEREAS, the established in 2011, The DICK'S Sporting Goods Foundation is a tax exempt 501(c)(3) non-profit corporation with a mission to inspire and enable sports participation; and

WHEREAS, it was created by DICK'S Sporting Goods, Inc. as a private corporate foundation to support DICK'S charitable and philanthropic activities; and

WHEREAS, DICK'S Sporting Goods and the DICK'S Sporting Goods Foundation believes Sports Matter because participation in sports makes people better; and

WHEREAS, a total of $25,000 has been awarded to the City of Madera for batting cages project at Lions Town & Country Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The City Council approves the Grant Award Agreement in the amount of $25,000 for batting cages at Lions Town & Country Park, which is attached to this resolution as Exhibit A.
3. Delegates the authority to the City Manager to sign and submit all documents, including, but not limited to the Grant Award Agreement.
4. This Resolution is effective immediately upon adoption.

****

Exhibit A to Resolution
Grant Award Agreement

DocuSign Envelope ID: 620B7384-59C0-4EDD-B8BC-AFDD06F614A1

GRANT AWARD AGREEMENT
City of Madera

9/9/2022

City of Madera
Attn: Arnoldo Rodriguez
701 East 5th Street
Madera, California 93638

TAX ID NUMBER: 94-6000365

Dear Arnoldo Rodriguez:

Congratulations! The DICK'S Sporting Goods Foundation (the "**Foundation"**) is pleased to inform you that it has approved a grant to City of Madera (the "**Grantee**") in the amount of $25,000.00 as part of its Sports Matter Program ("**Program**"). The grant and any income thereon is to be used solely to support the Grantee's public batting cage access to the citizen participants of Madera.

Grantee Obligations

In consideration of the grant, Grantee agrees that it will cooperate with the Foundation and its partners to promote the Program. Grantee and the Foundation shall mutually agree on promotional activities during the term of the agreement. By way of example and not limitation, promotional activities may include items like the following: (i) a community event to celebrate the receipt of the grant; (ii) the creation of a video detailing the impact of the grant on the Grantee and community; (iii) surveys about the Program; (iv) media events, press releases and social media campaigns; and (v) placement of the Foundation Logo on the Grantee's website (if one exists).

Intellectual Property

In connection with the foregoing, the Grantee, on behalf of itself, its parents, subsidiaries, affiliates, administrators, successors and assigns, hereby grants the Foundation an irrevocable, non-exclusive, sub-licensable, perpetual, royalty-free, worldwide license and right to broadcast, publicly display, exhibit and/or otherwise use any trademarks, trade names, and content owned, licensed, developed or controlled by Grantee and provided to the Foundation in connection with the Program ("**Grantee Content**"), in any manner or medium now or hereafter known or devised. At all times, the Grantee Content shall

DocuSign Envelope ID: 620B7384-59C0-4EDD-B8BC-AFDD06F614A1

remain the property of Grantee. Notwithstanding the foregoing, the Foundation will have the right to make and/or use unlimited derivative works from the Grantee Content, to assign or transfer any or all such rights and to grant unlimited sublicenses. Without limiting the foregoing, the Foundation will have the right to use the Grantee Content, and any portion thereof, in any merchandising, advertising, marketing, promotion or any other commercial or non-commercial purpose in relation to the Program. This license and right shall survive any expiration or termination of this Agreement.

Grantee acknowledges that it has no right of approval or consultation with respect to the Foundation's use of the Grantee Content. The Foundation will not be responsible for the return or preservation of the Grantee Content. The Foundation shall use its sole and absolute discretion in determining the extent and manner of the use of the Grantee Content, and the Foundation is not obligated in any way to use or exploit the same or any rights granted by the Grantee, or any portion thereof, in any medium or any manner whatsoever, including but not limited to use on the Foundation website(s) or as the Foundation may choose to use any Grantee Content, or part thereof. Grantee further agrees that Grantee Content has not been, and will not be submitted in confidence or in trust, and that no confidential or fiduciary relationship is intended or created.

Grantee represents and warrants that: (a) the Grantee Content: (i) has been legally obtained and/or created; (ii) does not infringe the intellectual property, privacy or publicity rights or any other legal or moral rights of any third party or violate applicable laws, regulations or network standards and; (b) it (i) has not done anything which has impaired and will not do anything to impair the rights granted to the Foundation in any way; and (ii) acknowledges that, if applicable, it has secured written permission from all individuals depicted in any photograph(s) and/or video(s) included with the Grantee Content, and further that such permission is extended to the Foundation for the Foundation's use as set forth herein and in any manner it deems appropriate.

Indemnification

Grantee agrees to indemnify and hold harmless the Foundation, its agencies and each of their designated agents, their respective parents, and their subsidiaries, affiliates, successors, licensees, and assigns, and each of their directors, officers, agents, equity holders and employees ("**Released Parties**"), from and against any and all claims, losses, costs, damages, liabilities and costs and expenses (including reasonable attorneys' fees and costs) which arise out of (i) Grantee's acts or omissions related to the Program and (ii) any breach of this agreement.

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Limitation of Liability; Remedies

Grantee agrees that: (i) any and all disputes, claims and causes of action arising out of or connected with the Program and/or any grant of funds hereunder will be resolved individually, without resort to any form of class action; (ii) any and all claims, judgments and awards will be limited to actual third-party, out-of-pocket costs incurred, but in no event will attorneys' fees be awarded or recoverable; (iii) under no circumstances will Grantee be permitted to obtain any award for, and Grantee knowingly and expressly waives all rights to seek, punitive, incidental, consequential or special damages, lost profits and/or any other damages; (iv) it irrevocably waives any right to seek injunctive or equitable relief; and (v) it releases and holds harmless Released Parties from any and all claims that any commercial, advertising, presentation, web content or any other material subsequently produced, presented, and/or prepared by or on behalf of the Foundation infringes on the rights of the Grantee contained in any Grantee Content or otherwise.

Use of the Grant and Restrictions

Grantee agrees that the grant funds must be used exclusively for purposes described in section 501(c)(3) of the Internal Revenue Code of 1986 (the "**Code"**). No funds may be spent for any other purpose.

The grant funds and income thereon may not be used for any of the following purposes: (1) to carry on propaganda, or otherwise to attempt, to influence legislation within the meaning of section 4945(d)(1) of the Code; (2) to influence the outcome of any specific public election, or to carry on, directly or indirectly, any voter registration drive within the meaning of section 4945(d)(2) of the Code; (3) to make any grant to an individual or organization which does not comply with the requirements of section 4945(d)(3) or (4) of the Code; or (4) to undertake any activity which is not charitable within the meaning of section 501(c)(3) of the Code.

All grant funds and the income thereon must be expended only for purposes described in section 501(c)(3) of the Code. This grant is made only for the purposes stated in this agreement, and the grant funds as well as any income thereon may not be expended for any other purpose without the Foundation's prior written approval. Any funds not expended or committed for the purposes of the grant must be returned to the Foundation. Grantee agrees that the Foundation has standing to enforce the conditions of this agreement, including repayment of diverted funds.

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Grantee shall provide annual narrative and financial reports on the use of the grant funds, including income thereon, to the Foundation. The reports shall be made within a reasonable time after the end of Grantee's fiscal year in which funds are expended, but no later than Friday, June 30, 2023. The reports shall provide an analysis of the charitable purposes accomplished through use of the grant funds for the Program.

Although the grant funds need not be physically segregated, the funds and the income thereon should be accounted for separately on Grantee's books and records. Records of receipts and expenditures under the grant, as well as copies of reports submitted to the Foundation, must be kept by Grantee for at least four years after the payment of the funds. Grantee's books and records must be available for the Foundation's inspection at reasonable times.

The Grantee shall take reasonable steps to ensure that funds provided by the Foundation are neither distributed to terrorists or their support networks nor used for activities that support terrorism or terrorist organizations.

The conditions with respect to the grant set forth in this agreement are intended to satisfy the requirements for expenditure responsibility under section 4945(h) of the Code. If additional requirements are deemed to be necessary by the Foundation to comply with the requirements under section 4945(h) of the Code, Grantee agrees to comply with any additional requirements.

General

The construction, validity, interpretation and enforceability of this agreement will be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania, without giving effect to any choice of law or conflict of law rules. Grantee consents to the jurisdiction and venue of the federal, state and local courts located in Pittsburgh, Pennsylvania. Notwithstanding the foregoing, Grantee acknowledges that the Foundation may nonetheless: (1) seek to obtain injunctive or other equitable relief from a court to enforce the provisions of this agreement; and/or (2) bring an action in court to protect or interpret any of the Foundation’s purported intellectual property rights.

The Foundation may include information on this grant in its periodic public reports.

This agreement and the grant contemplated herein are not assignable by Grantee. The Foundation, its parents, successors and assigns, will have the unlimited right to assign this agreement and the rights granted at any time, in whole or in part, to any party.

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The payment of grant funds will not be made by the Foundation until receipt by the Foundation of a copy of this agreement signed by an authorized officer of Grantee indicating acceptance of the terms of the proposed grant.

If the terms and conditions of the grant are acceptable to you, please execute in the applicable area below and return the original, fully executed document to The DICK'S Sporting Goods Foundation at the address set forth above.

Sincerely,

DocuSigned by:
Aimee Watters
8303A06DF3A140D...

Aimee Watters
Executive Director
The DICK'S Sporting Goods Foundation

ACCEPTED AND AGREED:

City of Madera, a registered 501(c)(3) non-profit organization in the State of

Signature: _____

Printed Name: Arnoldo Rodriguez

Title: City Manager

Date: _____

REPORT TO CITY COUNCIL

Approved by:

Kingsley, Department Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: D-3

SUBJECT:

Madera Metro Transit Plan and Service Design Guidelines

RECOMMENDATION:

Adopt a Resolution Approving the Final Report of the Madera Metro Transit Plan (MTP) and the City's Transit System Service Design Guidelines

SUMMARY:

On April 21, 2021 the City retained WSP USA, Inc (WSP), a leader in public transit planning. While the City initially planned on developing a new transit plan in a single phase, as the project evolved, it was determined that a two-phase approach was more appropriate. This item is for Phase I only, while Phase II will be presented to Council at a future date.

BACKGROUND:

Council may recall that WSP was originally retained to complete Phase I of the study; however, as the plan evolved, staff recommended that a second phase (Phase II) be added to implement the recommendations found in Phase I in an effort to make the transit system more robust. A resolution to approve the agreement with WSP for Phase II was presented and adopted by Council on July 20, 2022. While staff is recommending that the Council adopt Phase I of the MTP, it is noted that the MTP is expected to be treated as a fluid document and modifications are expected as passenger and/or land use patterns change; however, the MTP outlines key principles. Moreover, while Phase I included a public outreach component, additional outreach is called for as part of Phase II.

As Council may be aware, the existing transit system evolved as the City developed based on passenger demand. In certain situations, stops appear logical, whereas in others they may have been added based on a passengers preferred location (i.e., at the intersection near their home).

Unfortunately, in some situations, it appears that some stops may no longer be conducive to high ridership. Moreover, as the City grows and new destinations are introduced, passenger behavior should be analyzed to ensure that preferred destinations are added, while those that have less riders are eliminated resulting in an efficient system. As a result, staff recommended to reevaluate the system employing a holistic approach, thus the need for the preparation of the MTP.

DEFINING PHASE I AND PHASE II

Phase I of the MTP focused on assessing the network and redesigning the fixed-route bus system, including identifying ideal stops. This included updating route schedules, reducing headways, and assessing destinations by marrying land use patterns with public transit needs, or ensuring that routes led to desired destinations. The following provides a synopsis of Phase I.

- Phase I was conducted from July 2021 – July 2022 and included the following elements:
    - Analysis of existing system
    - Research of peer agencies and industry best practices
    - Development of preliminary route realignment recommendations
    - Development of the MTP

It should be noted that in an effort to gain insight as part of Phase I, WSP consulted the following stakeholders:

- The City's Transit Advisory Board
- Community members
- Community stakeholders, and
- City staff

While Phase I identified new routes, additional consideration should be given to ensure that the routes reflect the desires of the community. To do so, the team plans on the following for Phase II:

- Phase II is scheduled to be conducted from August 2022 – April 2023 and will include the following elements:
    - Robust public outreach of route proposals
    - Refining of route proposals
    - Development of the service implementation plan/schedule
    - Finalization of routes and implementation of new service in April 2023

GOALS OF THE MTP

The intent of the MTP is to:

- Evaluate the City's transit system and devise operational and policy changes.
- Improve connectivity with other modes of transportation.
- Improve systems to advance multi-modal transportation within the region.

- Evaluate the changes that should be implemented or enhanced, in order to improve the efficiencies and the connectivity with current planned transportation systems.

As part of the MTP, the Madera Metro Service Design Standards (Guidelines) establishes policies and procedures to follow when seeking transit improvements and/or route alterations to ensure the Madera Metro fixed-route network can grow and improve. Specifically, the Guidelines aim to bring clarity and consistency to the decision-making process with regards to making changes and/or additions to the network.

The service design guidelines apply to the following items:

- Bus Route and Stop Design
- Bus Stop Development and Changes
- Fixed-Route Scheduling
- Performance Measurements

DISCUSSION:

According to the 2014 Transportation Plan and Sustainable Communities Strategy, the forecast for traffic generated by the projected population, housing and employment shows that total vehicle trips in the County will increase by approximately 93 percent between 2010 and 2040. Furthermore, vehicle miles of travel in 2040 are forecasted to increase by approximately 44 percent from 2010 due to longer trips and commute trips to and from Fresno. The 2014 Regional Transportation Plan (RTP) also focuses on creating a more balanced, multi-modal transportation system while increasing accessibility to land use patterns that support social equity.

On June 30, 2020 the City was awarded the Sustainable Transportation Planning Grant in the amount of $100,000 from the California Department of Transportation (Caltrans), Division of Transportation Planning. The purpose of this grant is to develop a Madera Transit Plan focused on evaluating the City's transit system, devising operational and policy changes, improving connectivity with other modes of transportation, improving systems to advance multi-modal transportation within the region, and evaluating changes that should be implemented or enhanced in an attempt to improve efficiency and connectivity with the current transportation systems.

In April 2021, Council approved the agreement with WSP for transit consulting services for the development of the MTP. The Project objective included:

- Facilitation of community forums, Committee meetings, and Public Hearings.
- Development and implementation of a survey to assess the public concerns surrounding the City's transit system.
- Aggregation of survey data to inform Project Committee, City staff and other stakeholders as identified.

- Cataloging, mapping, and inspecting all fixed route bus stops including bike path/lane accessibility and determining if stop is essential or deemed obsolete.
- Confirming current headways on all routes during peak time of day and non-peak time of day and documenting fixed issues such as school dismissal traffic and/or speed limits.
- Researching and developing policy recommendations on best practices for new and/or retiring stops, improving headways and schedules, developing efficient route, enhancing safety, and fueling timetables.
- Evaluating the current fixed route efficiencies and proposing new routes deemed necessary based on assessment criteria.

The project will contribute to the implementation of the RTP goals and objectives, including the regional 2017 Active Transportation Plan (ATP), which will serve as a guide in developing the project. This comprehensive transit study will serve as a tool for the City towards effectively planning and investing capital dollars in amenities at proper locations to support transit goals and meet the needs of the community.

FINANCIAL IMPACT:

Transit services and personnel time is expended through Local Transportation Funds (LTF) and other Transit related budgets which are grant funded. This project required a 11.47% ($12,956) Local Share Match which was fulfilled through LTF.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The updated Transit Asset Management (TAM) Plan supports the Vision Madera 2025 Plan as follows:

- Strategy 121
  - Multi-modal transportation: Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.

ALTERNATIVES:

Potential Council alternatives include:

- Request the inclusion of additional items into the Service Design Guidelines and postpone adopting the resolution. Note: this would result in extending the timeline of the project and consequently the agreement with WSP.

ATTACHMENTS:

1. Attachment A – Resolution
2. Attachment B – Madera Transit Plan Draft Final
   - Exhibit A – Madera Transit Plan Timeline
3. Attachment C – Madera Service Design Guidelines

RESOLUTION NO. 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE CITY OF MADERA TRANSIT PLAN AND THE MADERA TRANSIT SYSTEM SERVICE DESIGN GUIDELINES

WHEREAS, the City of Madera operates the Madera Metro Fixed Route and Dial-A-Ride Transit System; and

WHEREAS, the Madera Transit Plan is a network assessment and proposed redesign of the existing transit system; and

WHEREAS, the primary objective of the Madera Transit Plan is to analyze the current system to develop recommendations for revising routes, updating route schedules, and improving headway times; and

WHEREAS, the purpose of the Madera Metro Service Design Guidelines is to establish criteria and standards to ensure the City's Transit system can consistently grow and improve; and

WHEREAS, the guidelines aim to bring clarity and consistency to the decision-making process when considering changes and/or additions to the network; and

WHEREAS, establishing these guidelines ensures the network continues to evolve to respond to customer needs while confirming Madera Metro resources are used in an efficient manner; and

NOW THEREFORE, the City Council of the City of Madera hereby finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The Council hereby adopts the City of Madera Transit Plan and the Madera Metro Service Design Guidelines.
3. This resolution is effective immediately upon adoption.

***

MADERA METRO

DRAFT MADERA TRANSIT PLAN

DRAFT REPORT

AUGUST 2022

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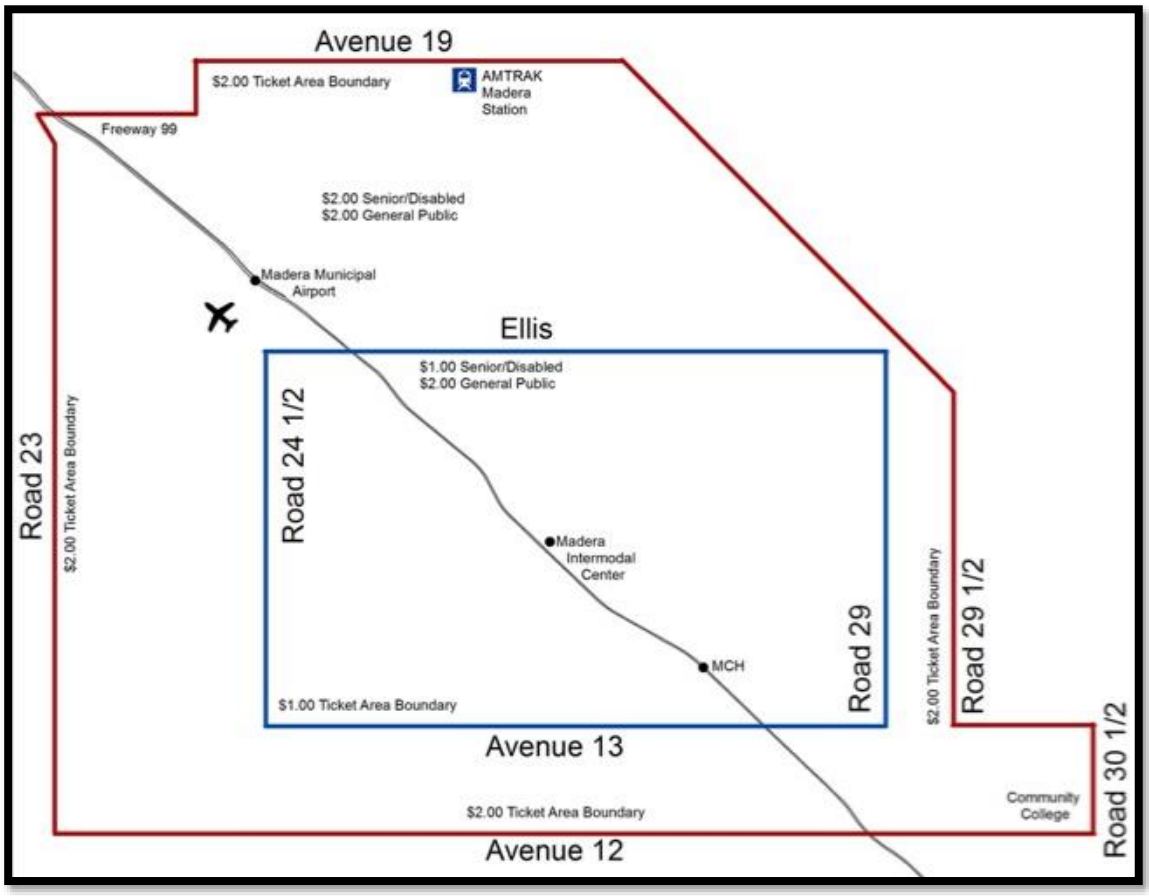
1 INTRODUCTION

Located in the Central Valley of California, the City of Madera encompasses approximately 14 square miles and is separated by State Route (SR) 99 and SR 145 (also known as East Yosemite Avenue). Transit service in the city is provided by Madera Metro, a system comprising of three fixed-routes, Dial-a-Ride, and Americans with Disabilities Act (ADA)/Paratransit service. The service area (shown in Figure 1) is bounded by Avenue 19 to the north, Road 23 to the west, Avenue 12 to the south, and Road 29 ½/Road 30 ½ to the east. Service is provided by a third-party operator, MV Transportation, and the system serves approximately 110,000 customers per year (pre-COVID). As of 2021, annual ridership has dipped to 55,000 customers due to the pandemic.

The City of Madera has recently made commitments to improving the system through utilizing local and State funds to improve bus shelters and other customer amenities, developing a new logo, expanding the fleet, constructing a new Transit Center, and beginning work on a new bus stop sign design.

Figure 1 Madera Metro Service Area

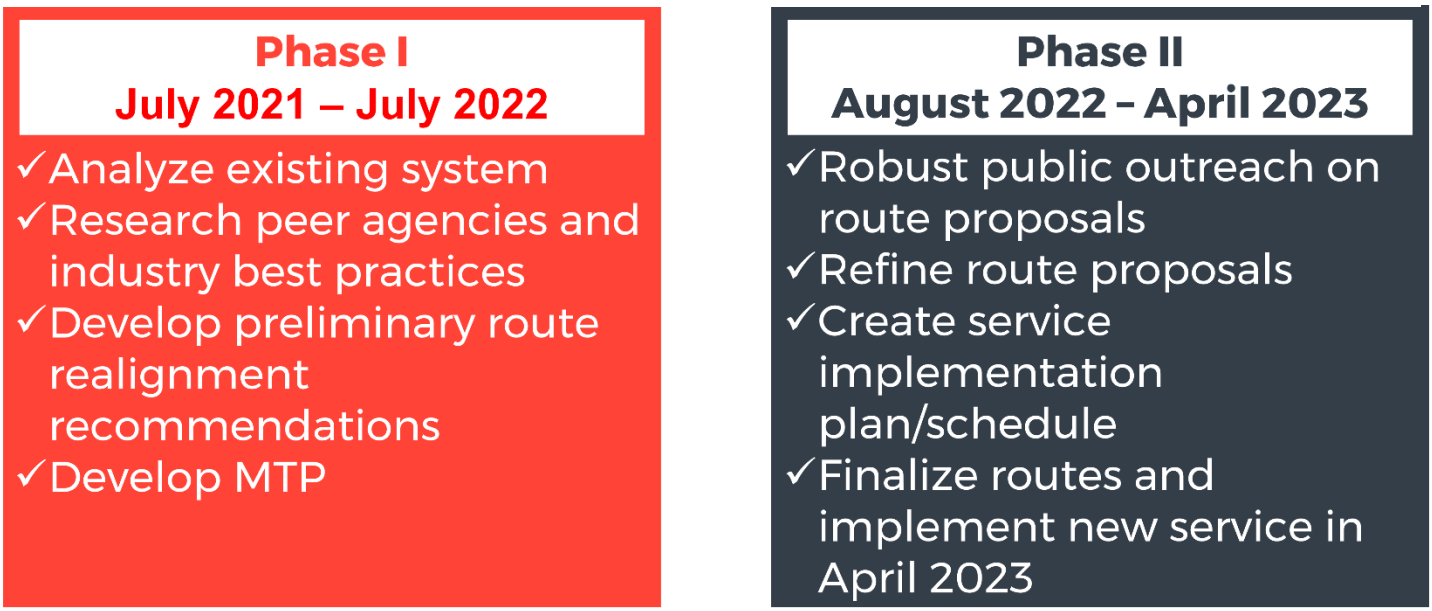


WHAT IS THE MADERA TRANSIT PLAN (MTP)?

The MTP is a network assessment and proposed redesign of the existing Madera Metro fixed-route system. The MTP includes developing revised route alignments and new or updated bus stop locations. The primary objectives of the MTP are to analyze the current system to develop recommendations for revising routes, update route schedules, and improve headways to provide a better transit service to the Madera community.

The MTP is divided into two phases: Phase I and Phase II. Figure 2 describes the division of Phase I and Phase II project elements.

Figure 2 MTP Phases



The MTP utilizes a holistic approach to develop recommendations to the Madera Metro fixed-route system. The MTP's route recommendations are based on analyzing the existing system, applying industry best practices and common transit planning concepts, and incorporating feedback from stakeholders and the public. Phase II will include finalized route alignments, bus stop locations, and schedules to be implemented in April 2023. More information on next steps is provided in Section 5.

WHY DEVELOP THE MTP?

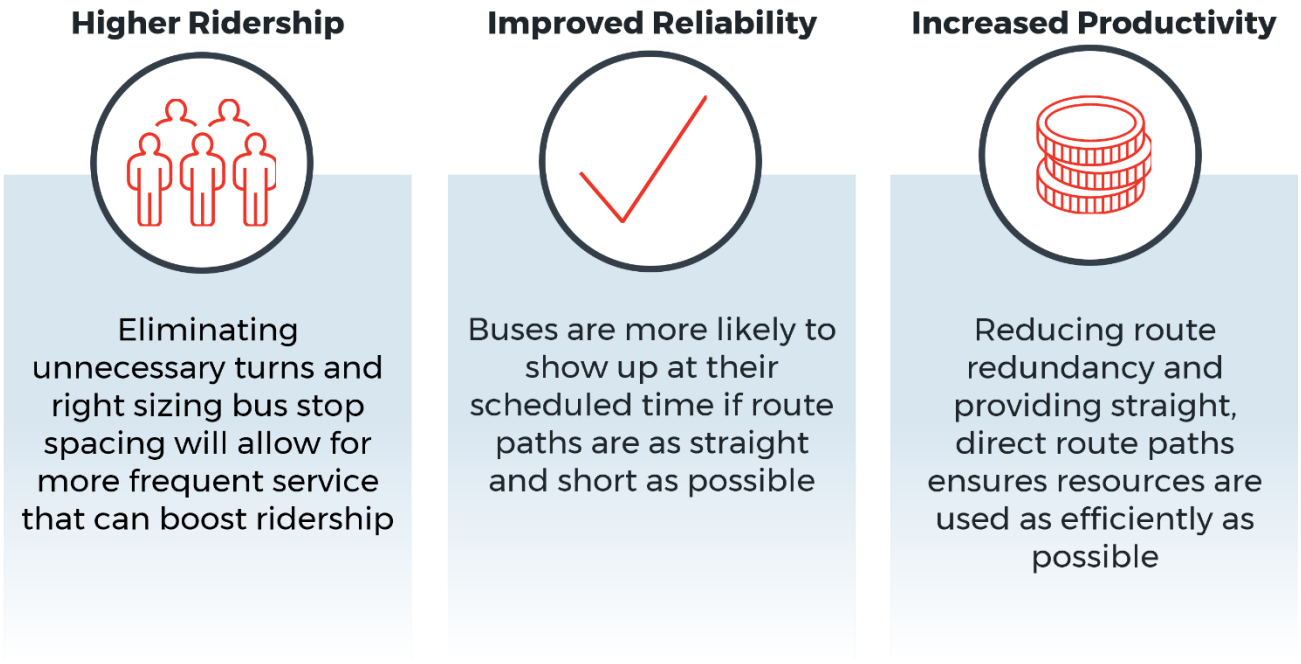
The current Madera Metro fixed-route system consists of three routes. These routes have organically grown over time to respond to passenger demand, calls to City Hall, and the annual Madera County Transit Commission's Unmet Transit Needs hearing process. This has created a system of routes that covers the city but in an inefficient and duplicative way. Additionally, bus stops have been implemented with little regard to the impact on the overall route, and this has led to several issues that negatively impact route performance and potentially ridership:

1) Uneven distances between stops that make it difficult for customers to use the system, reduce route reliability, and worsen travel times
2) Locating bus stops in low activity areas where passengers may feel unprotected while waiting for the bus
3) Locating bus stops with little or no ADA access to and from the bus stop

The MTP catalogs all the system's bus stops and provides an inventory of each with recommendations of changes for Madera Metro to implement.

The MTP recommends new route alignments and bus stop locations to make the system more efficient and effective. The main strategies for achieving this are through streamlining routes to eliminate unnecessary turns and shortening routes in areas that aren't conducive to high ridership. Figure 3 summarizes the primary goals of the MTP, and the strategies used to achieve them.

Figure 3 MTP Goals

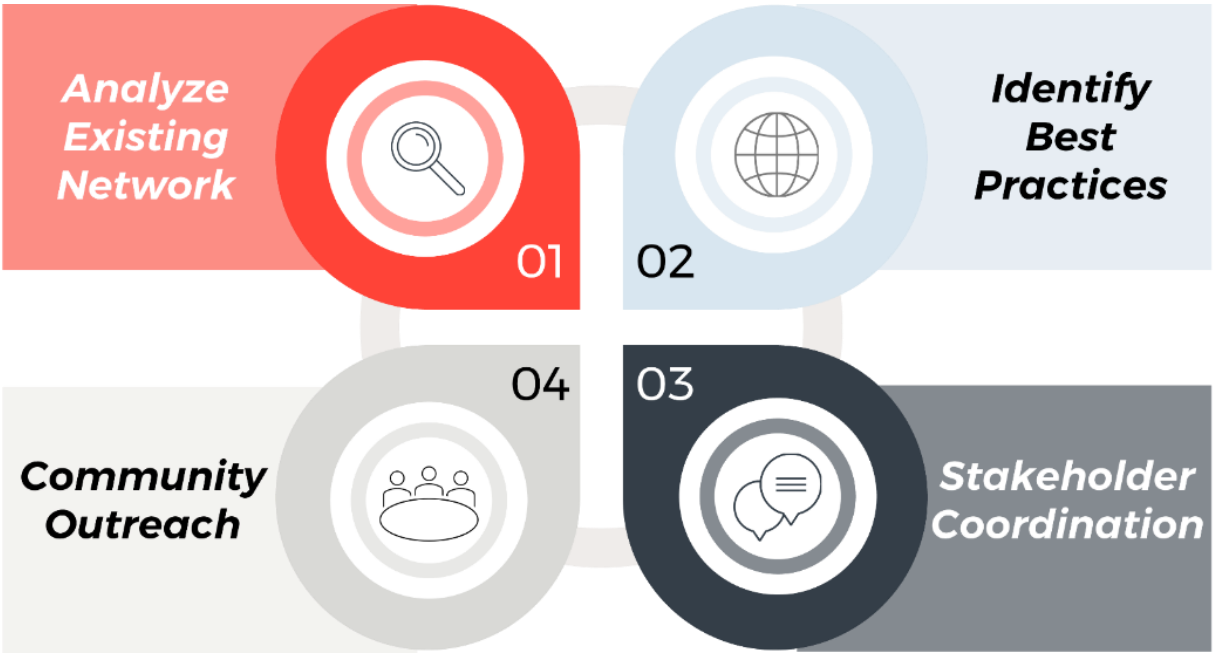


2 DEVELOPMENT PROCESS

Figure 4 shows the four major tasks that were completed to recommend new route alignments and bus stop locations as part of the MTP. This process included a combination of data analysis, field visits to examine existing conditions, and soliciting feedback from stakeholders and the public. To that end, these steps ensured that the development of the new system was informed by both qualitative and quantitative data.

The route development process will continue in Phase II with a robust public outreach plan to solicit further comments from the public and stakeholders to ensure the finalized network responds to customer needs and improves the bus riding experience. Further explanation of the MTP development process is described in the following sections.

Figure 4 MTP Development Process



2.1 ANALYZE EXISTING SYSTEM

Figure 5 shows the existing Madera Metro fixed-route system. Each route was analyzed to determine their frequencies, length, number of turns, average distance between stops, and ability to serve key destinations among numerous other factors. These findings were then used to determine changes to each route to remove unnecessary turns and ensure portions of the city were not overserved. Table 1 includes a high-level summary of these findings.

Figure 5 Madera Metro Existing System

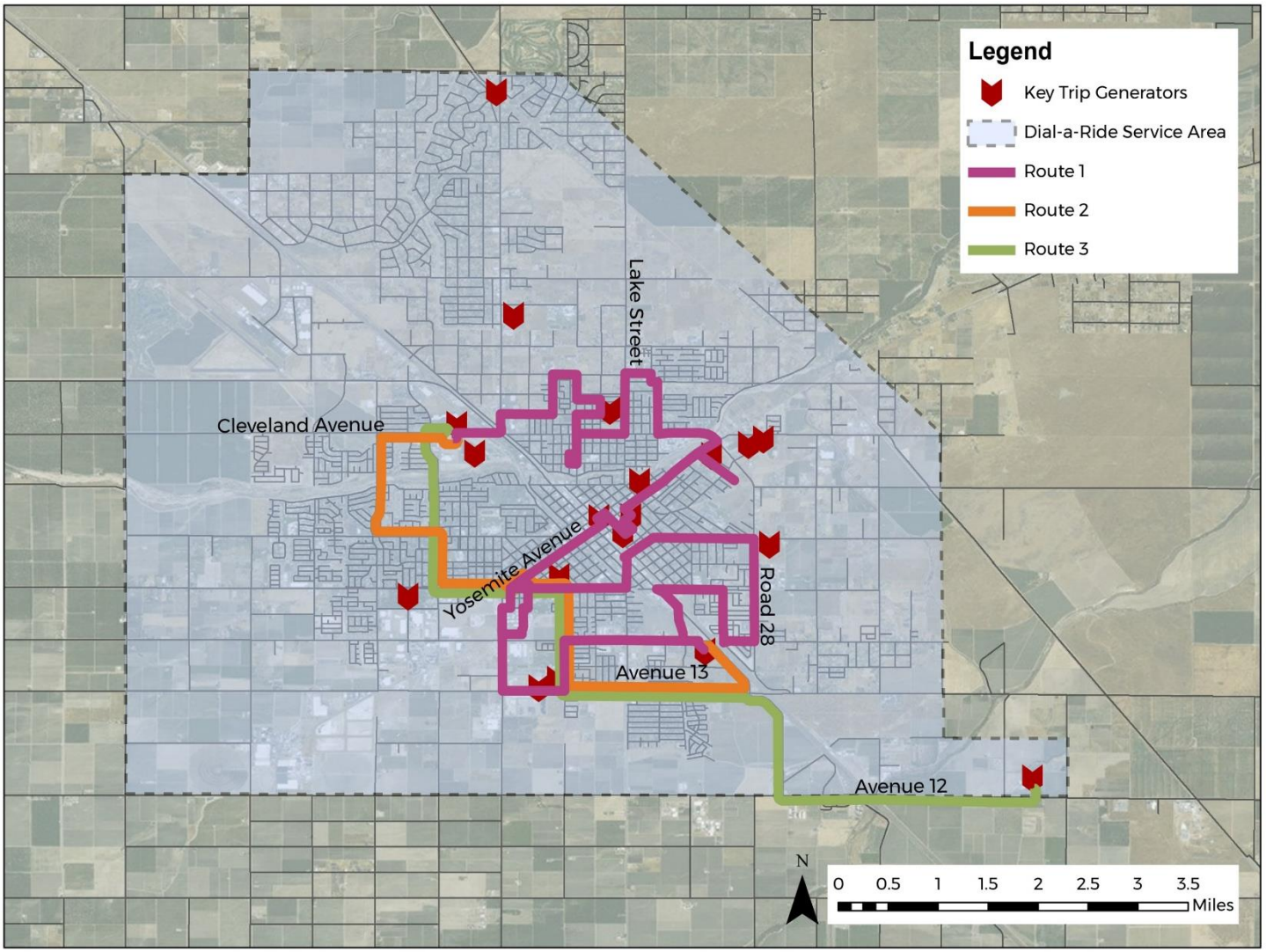
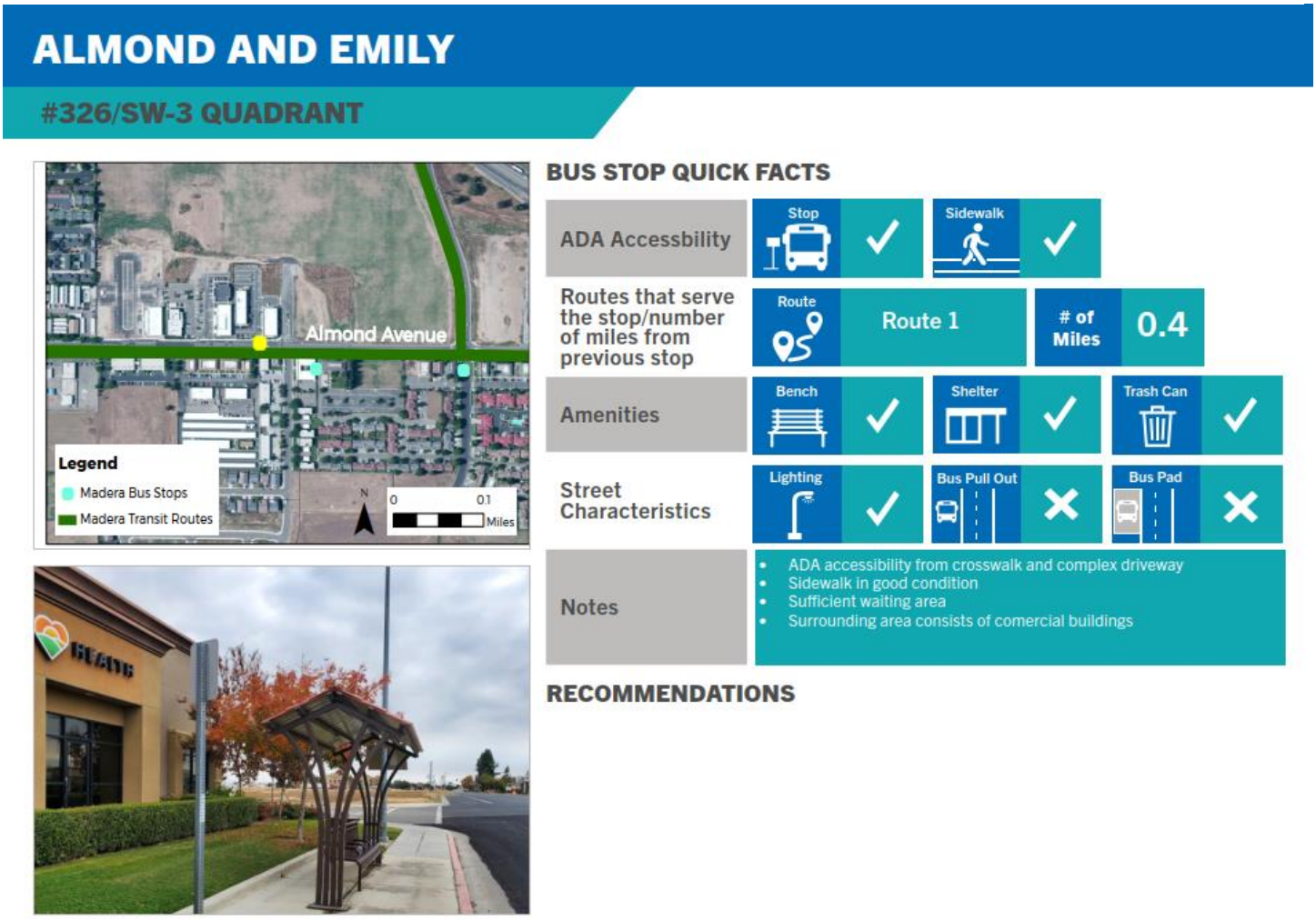


Table 1 Existing Route Analysis

Route	Strengths	Weaknesses
Route 1	+ Serves large portion of the city + Serves several key destinations (downtown, Madera Hospital, Walmart) + Most frequent route in the system + "Workhorse" of the system	– Route is circuitous which impacts travel times/reliability and is confusing for customers – Stops are unevenly spaced – Few opportunities to transfer to the other two routes – Schedule is confusing for customers
Route 2	+ Covers NW and SW quadrants of city well + Serves Walmart and Madera Hospital	– Route is infrequent – Stops are unevenly spaced – Few opportunities to transfer to other two routes
Route 3	+ Covers NW and SW quadrants of city well + Serves Walmart and Madera Community College	– Route is infrequent – Few opportunities to transfer to other two routes

Additionally, each bus stop in the Madera Metro system was visited to document and analyze existing conditions. Information collected during these site visits included ADA accessibility of the stop, availability of route information, and stop amenities including the presence of benches, shelters, trash cans, and lighting. These findings were then summarized in bus stop fact sheets and used to determine whether each stop should be retained, removed, or relocated. An example of a bus stop fact sheet is shown in Figure 6.

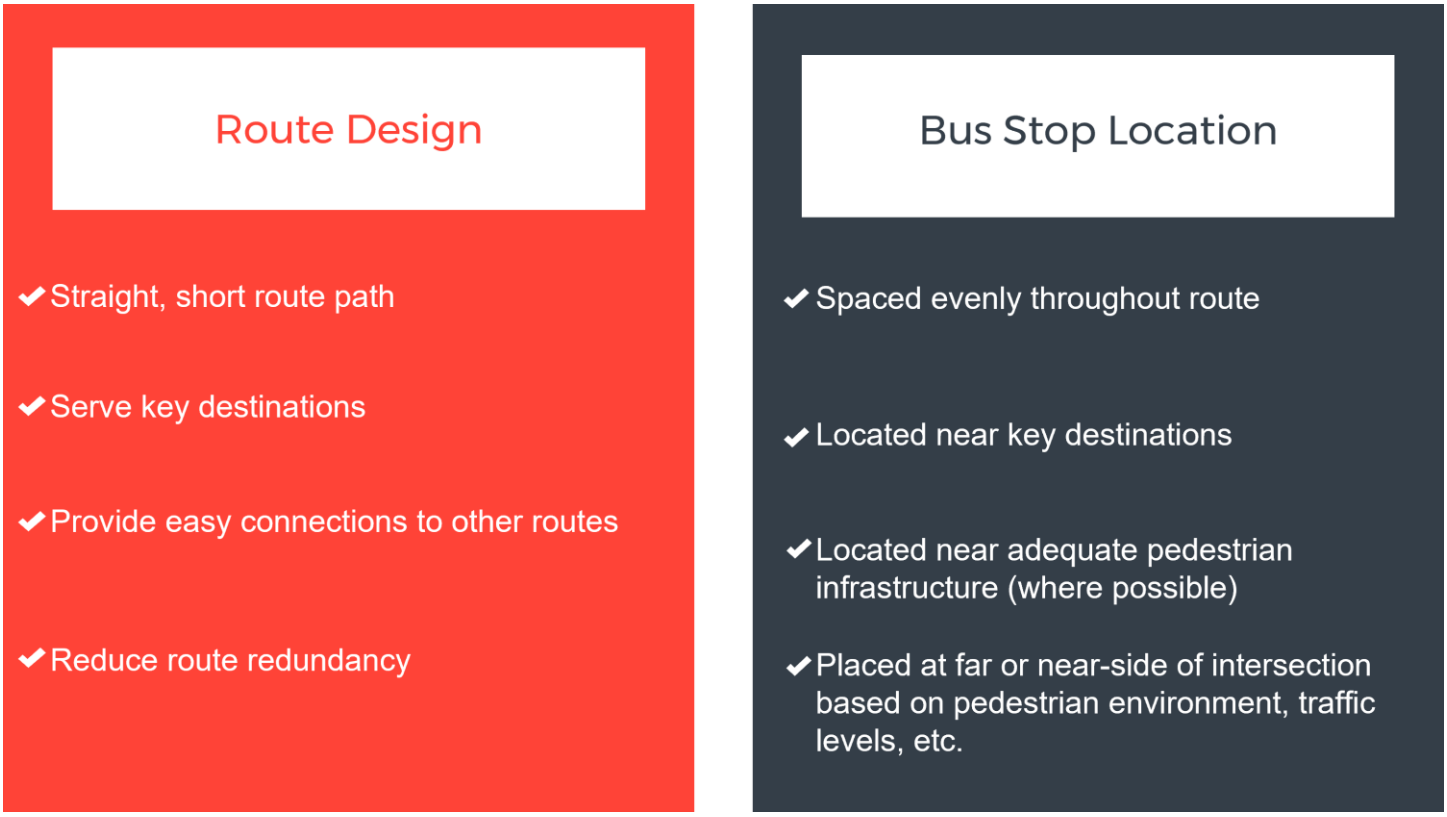
Figure 6 Sample Bus Stop Fact Sheet



2.2 IDENTIFY BEST PRACTICES

Industry best practices concerning common route design concepts were reviewed for applicability to Madera Metro and incorporated into the route redesign recommendations. Known as Service Design Guidelines (SDG), the SDG are an overarching framework for assisting with the design and operation of transit service. A separate report, titled "Madera Metro Service Design Guidelines" documents those recommendations. The operating SDG concepts were identified through an analysis of industry best practices from peer transit agencies. Figure 7 lists some of these concepts that were used to redesign the routes and determine bus stop locations.

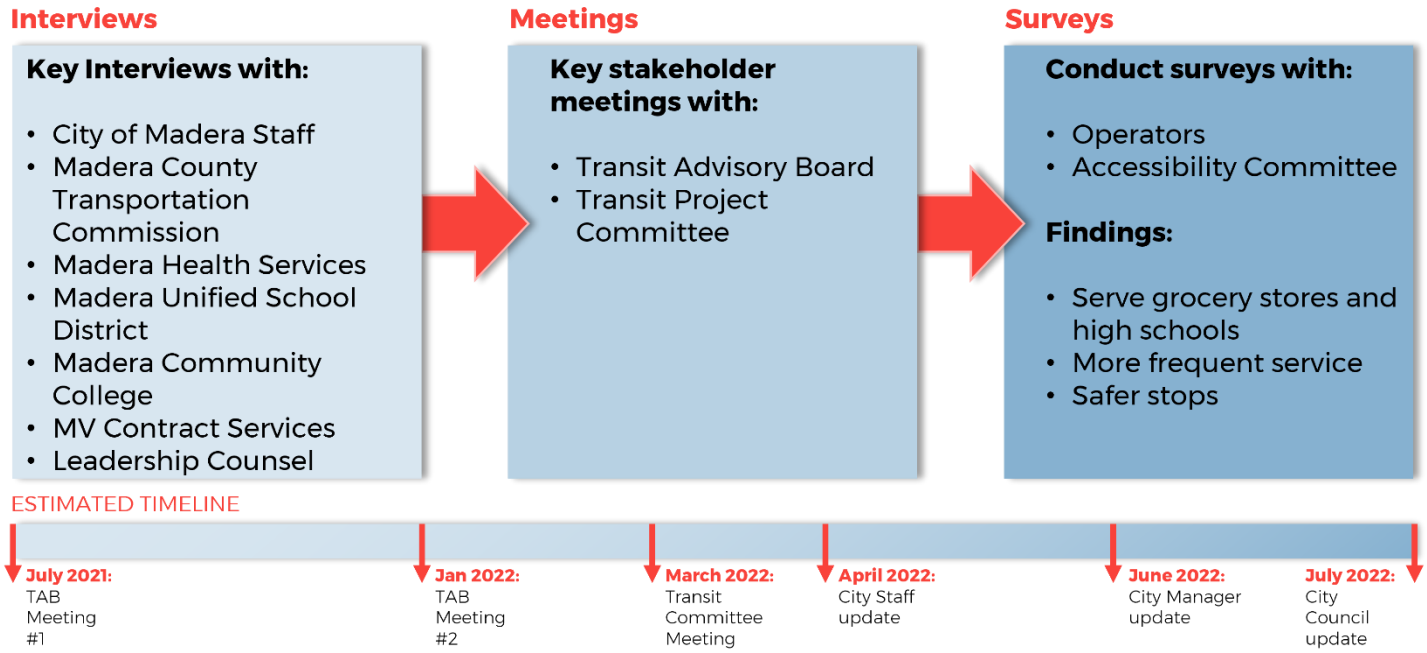
Figure 7 Route and Bus Stop Standards



2.3 STAKEHOLDER COORDINATION

Throughout Phase I of the MTP, the project team met with various stakeholders to promote collaboration, solicit feedback on the existing Madera Metro system, and build consensus among various parties on potential improvements to the system. A summary of the various stakeholder coordination activities completed are shown in Figure 8.

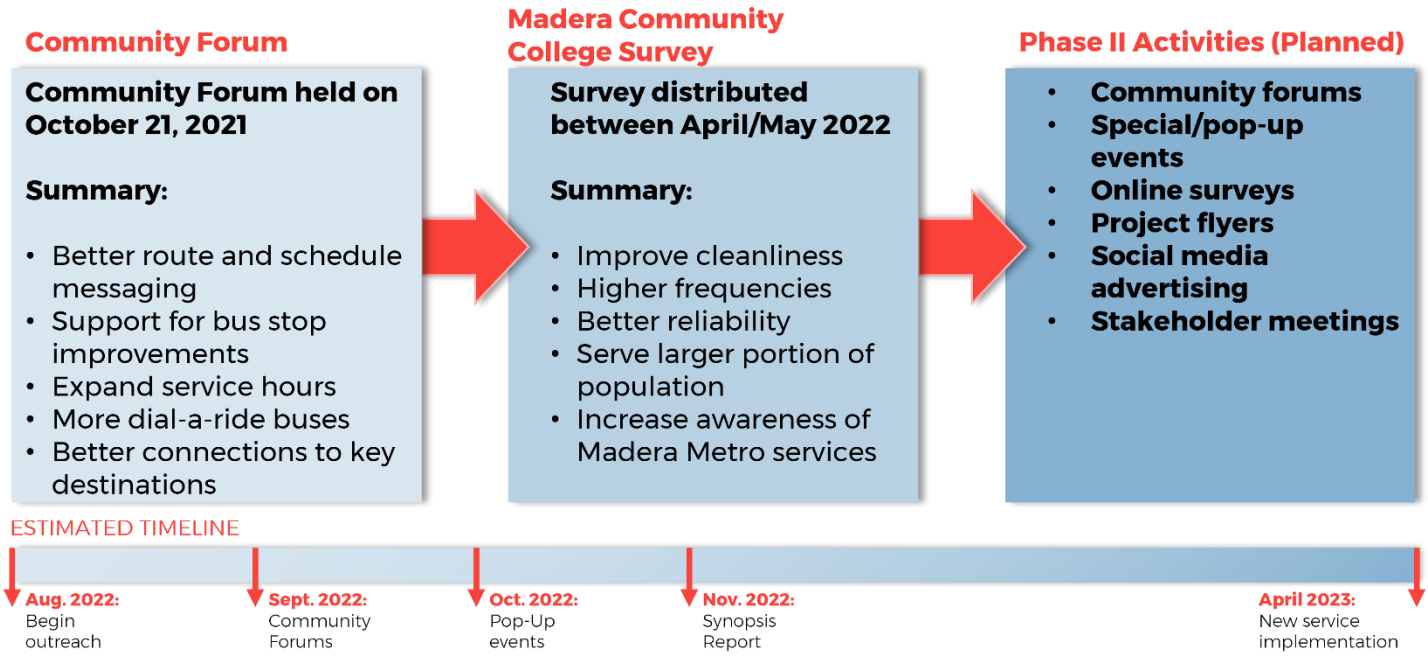
Figure 8 Stakeholder Coordination Summary



2.4 COMMUNITY OUTREACH

In addition to meeting with various stakeholders, the project team held a community forum in October of 2021 and distributed a survey to Madera Community College students throughout April and May of 2022. A summary of the community outreach activities conducted, including frequent comments heard that were incorporated into the design of the proposed system, are shown in Figure 9.

Figure 9 Community Outreach Summary



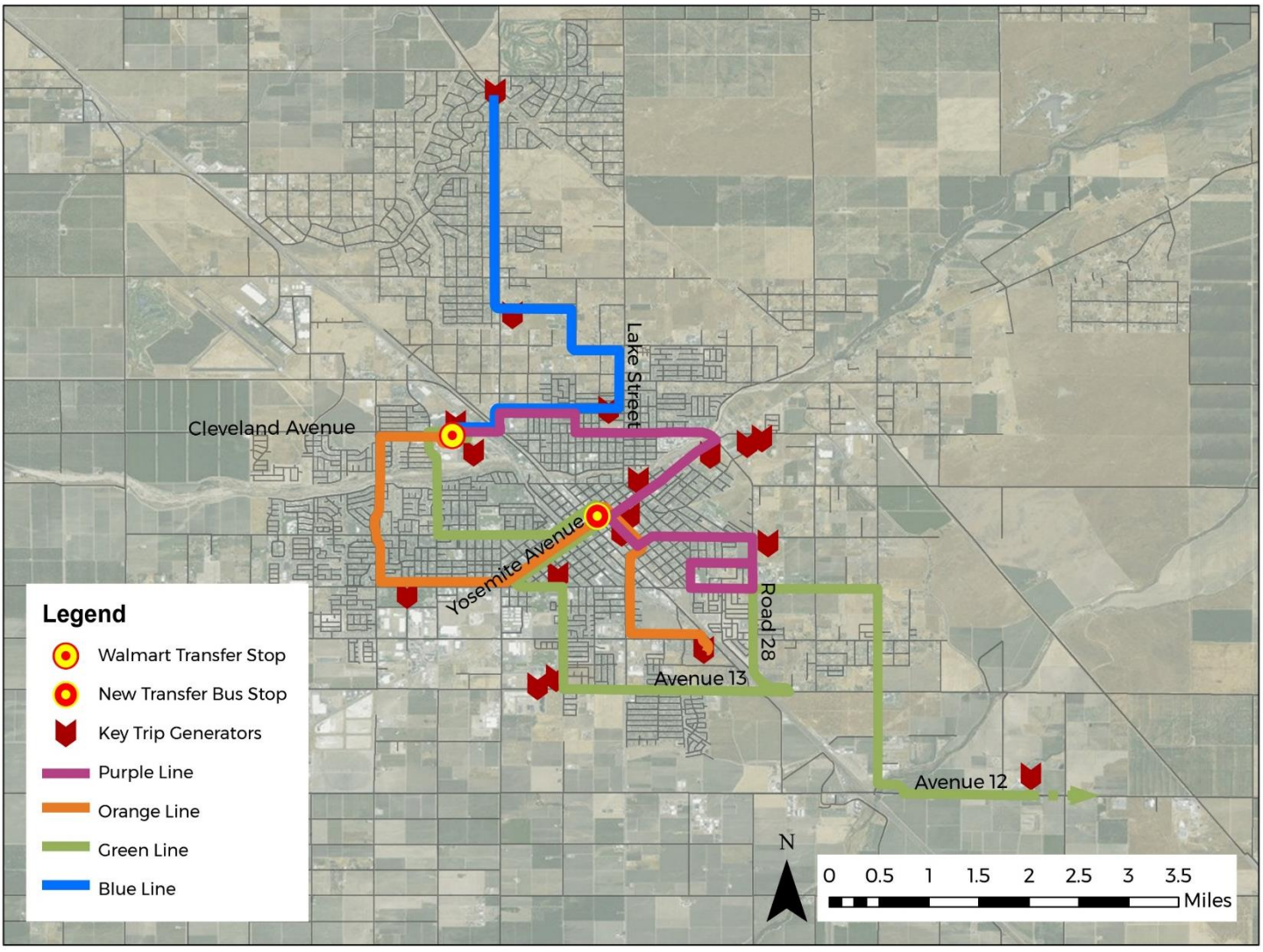
3 PROPOSED ROUTES

In addition to proposing changes to route alignments, the MTP recommends changing the route names and colors to reflect the new routes. The following routes make up the proposed Madera Metro system:

- Purple Line
- Orange Line
- Green Line
- Blue Line

As the proposed system map shows in Figure 10, a new transfer point for the Purple/Orange/Green lines will be located at the Madera Intermodal Station at the intersection of North E Street and East Yosemite Avenue. There will also be a transfer point located at Walmart where all four routes will meet. These transfer points will provide an easy and convenient opportunity for customers to transfer between routes to access more of the city. Further details on each new route are described in the following sections.

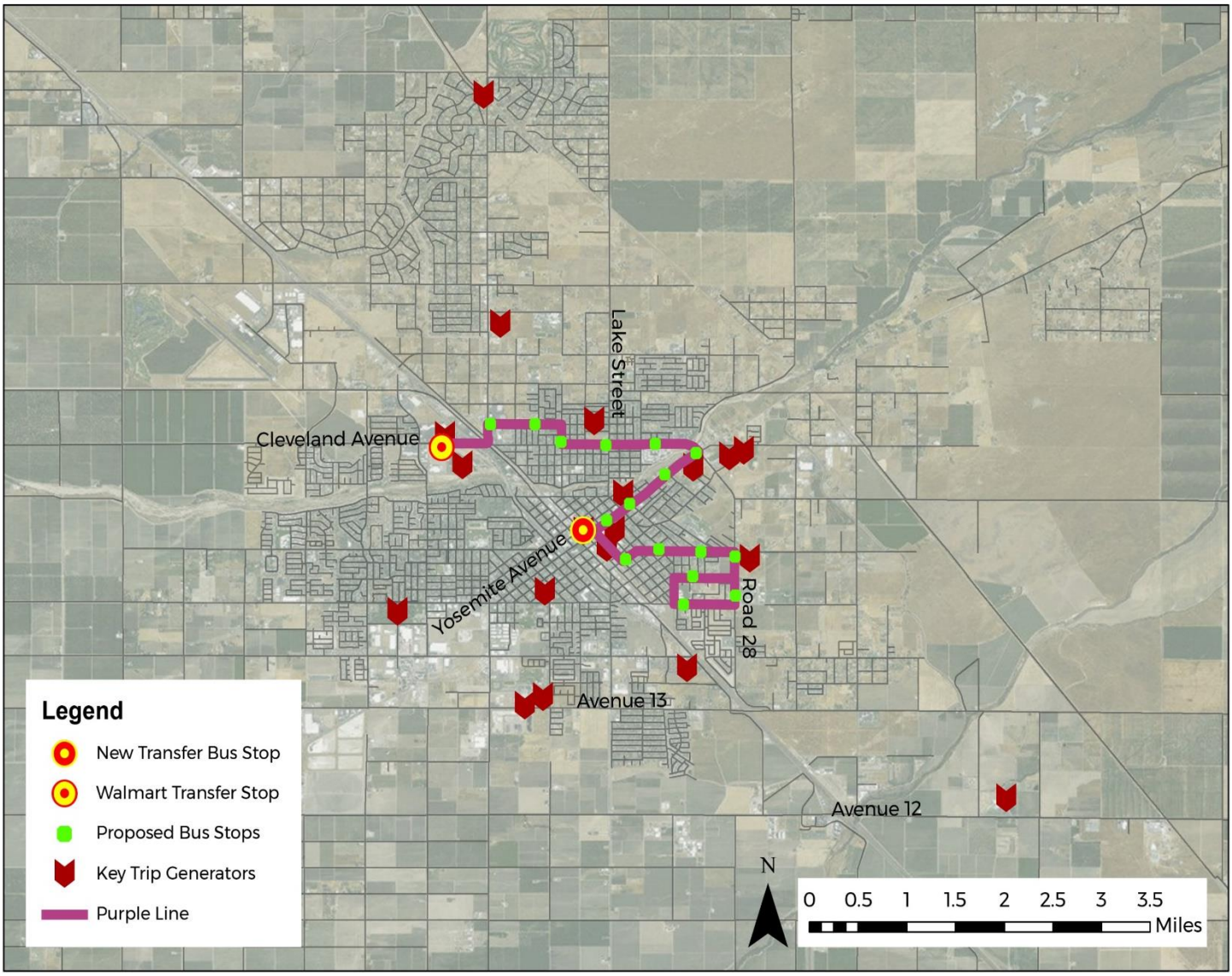
Figure 10 Proposed Madera Metro Fixed-Route System



3.1 PROPOSED PURPLE LINE

The proposed Purple Line is designed to focus on providing service to the area of the city east of SR 99. This allows for a shorter and more direct travel path compared to the original Route 1 that will improve route reliability and provide an opportunity to reinvest resources into improving frequencies and/or expanding spans for the system. The route will serve several key destinations including multiple grocery stores, the Madera Intermodal Station, and Walmart. Figure 11[1] shows the proposed route alignment. Table 2 provides a summary of the proposed route stats.

Figure 11 Proposed Purple Line Alignment



[1] Stops with multiple directions (e.g. NB and SB) are shown as one stop for presentation purposes.

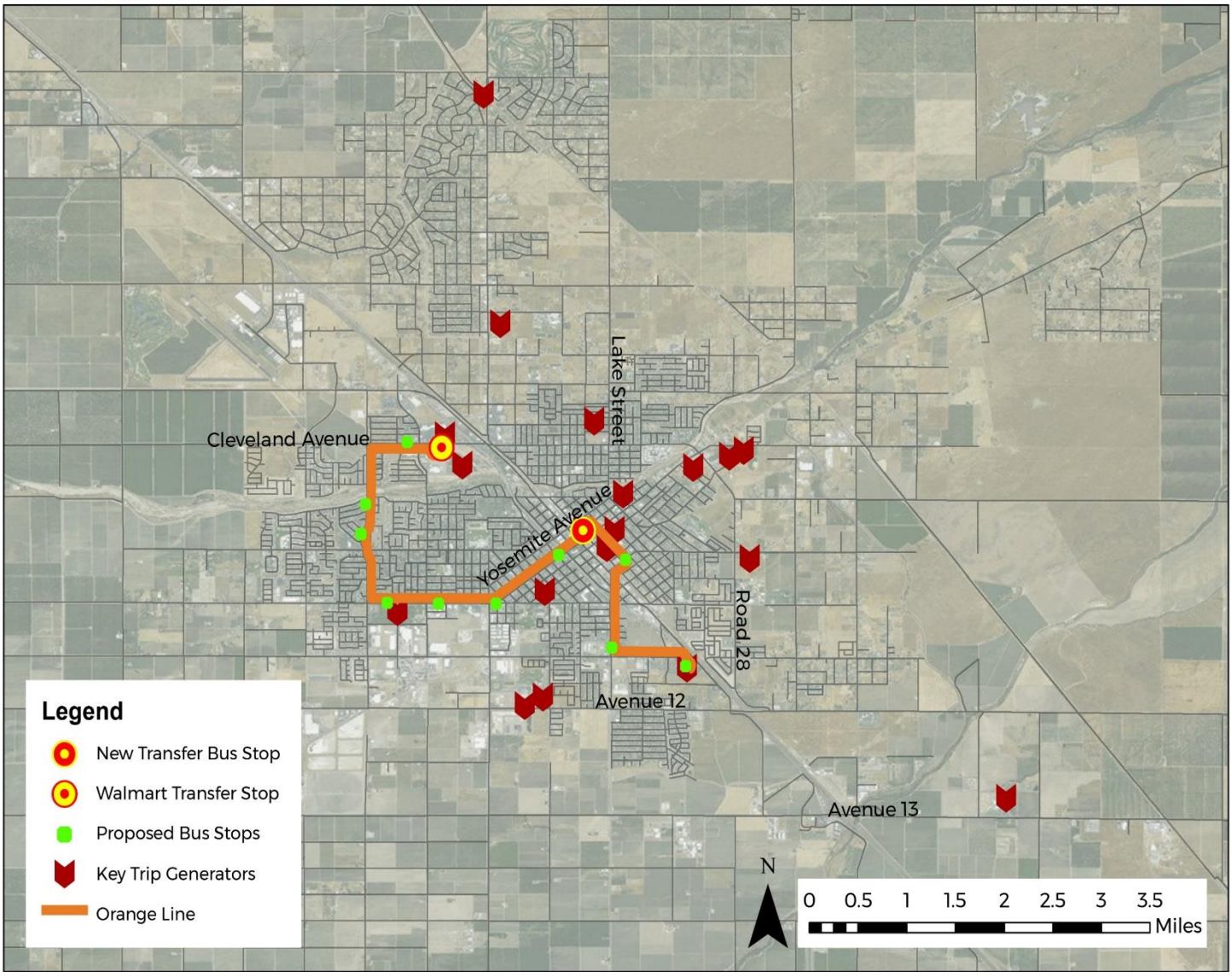
Table 2 Proposed Purple Line Stats

First Stop	**NB:** Road 28 at County Complex	**SB:** Walgreens at Cleveland Avenue
Last Stop	**NB:** Walgreens at Cleveland Avenue	**SB:** Road 28 at County Complex
Key Destinations Served	Walmart, Madera Intermodal Station, Multiple Grocery Stores	
Route Length	13 Miles	

3.2 PROPOSED ORANGE LINE

The proposed Orange Line is designed to focus on serving the area of the city west of SR 99. This route path provides access to the Madera Intermodal Station for transfer opportunities to the Purple and Green Lines. This route also connects multiple key destinations in the city including Walmart, Madera High School, and Madera Hospital. Figure 12[2] shows the proposed route alignment. Table 3 provides a summary of the proposed route stats.

Figure 12 Proposed Orange Line Alignment



[2] Stops with multiple directions (e.g. NB and SB) are shown as one stop for presentation purposes.

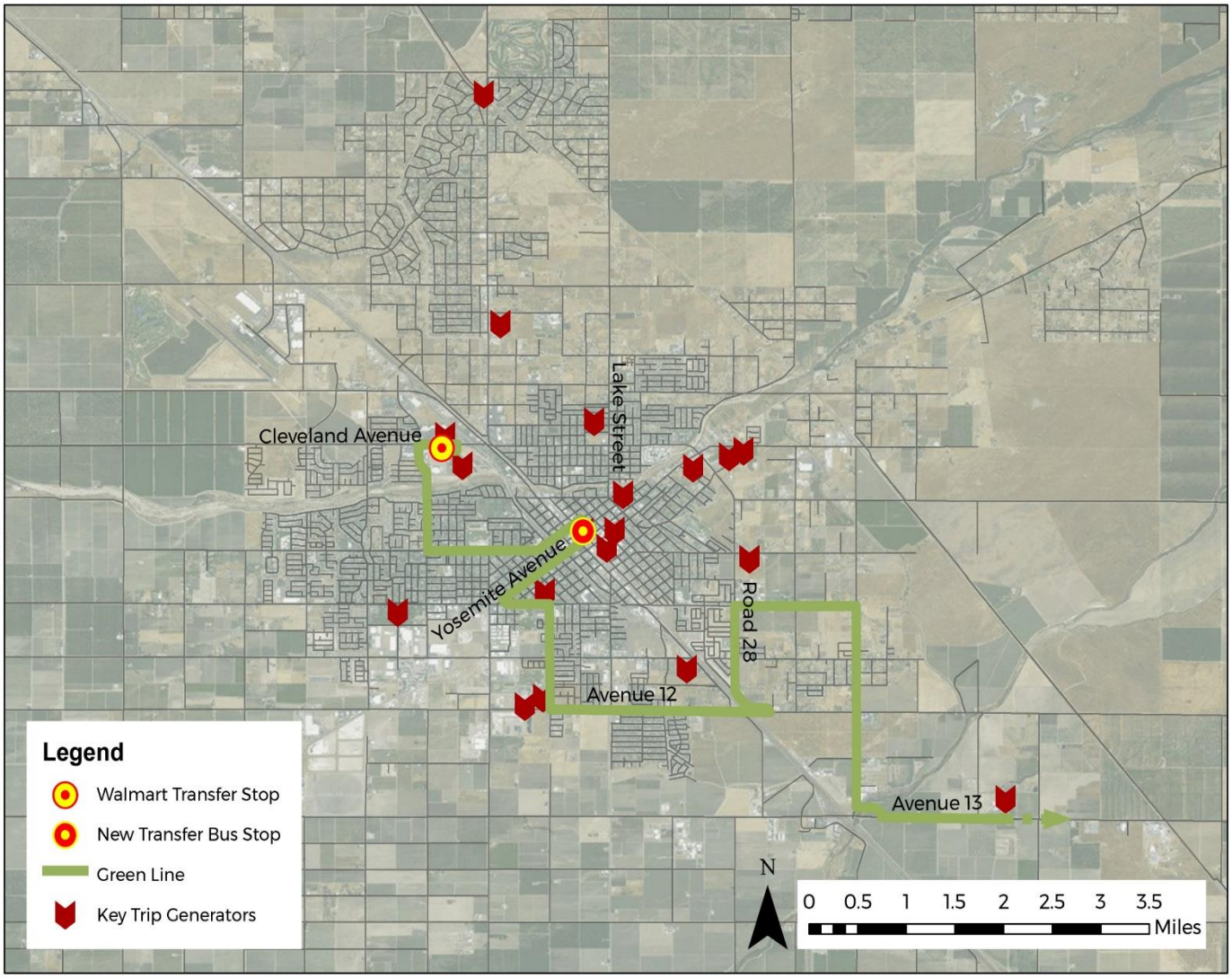
Table 3 Proposed Orange Line Stats

First Stop	**NB:** Madera Hospital	**SB:** Walgreens at Cleveland Avenue
Last Stop	**NB:** Walgreens at Cleveland Avenue	**SB:** Madera Hospital
Key Destinations Served	Walmart, Madera Intermodal Station, Madera Hospital	
Route Length	13 Miles	

3.3 PROPOSED GREEN LINE

The proposed Green Line is designed to serve the area of the city west of SR 99 and southeast along Avenue 12. The route will maintain existing service to Madera Community College for residents west of SR 99 and will provide a new connection to the area for residents along Road 28, Avenue 14, and Road 29. The route will also serve Walmart as well as the Madera Intermodal Station for convenient transfers to the Purple and Orange Lines. Figure 13[3] shows the proposed route alignment. Table 4 provides a summary of the proposed route stats.

Figure 13 Proposed Green Line Alignment



[3] Stops with multiple directions (e.g. NB and SB) are shown as one stop for presentation purposes.

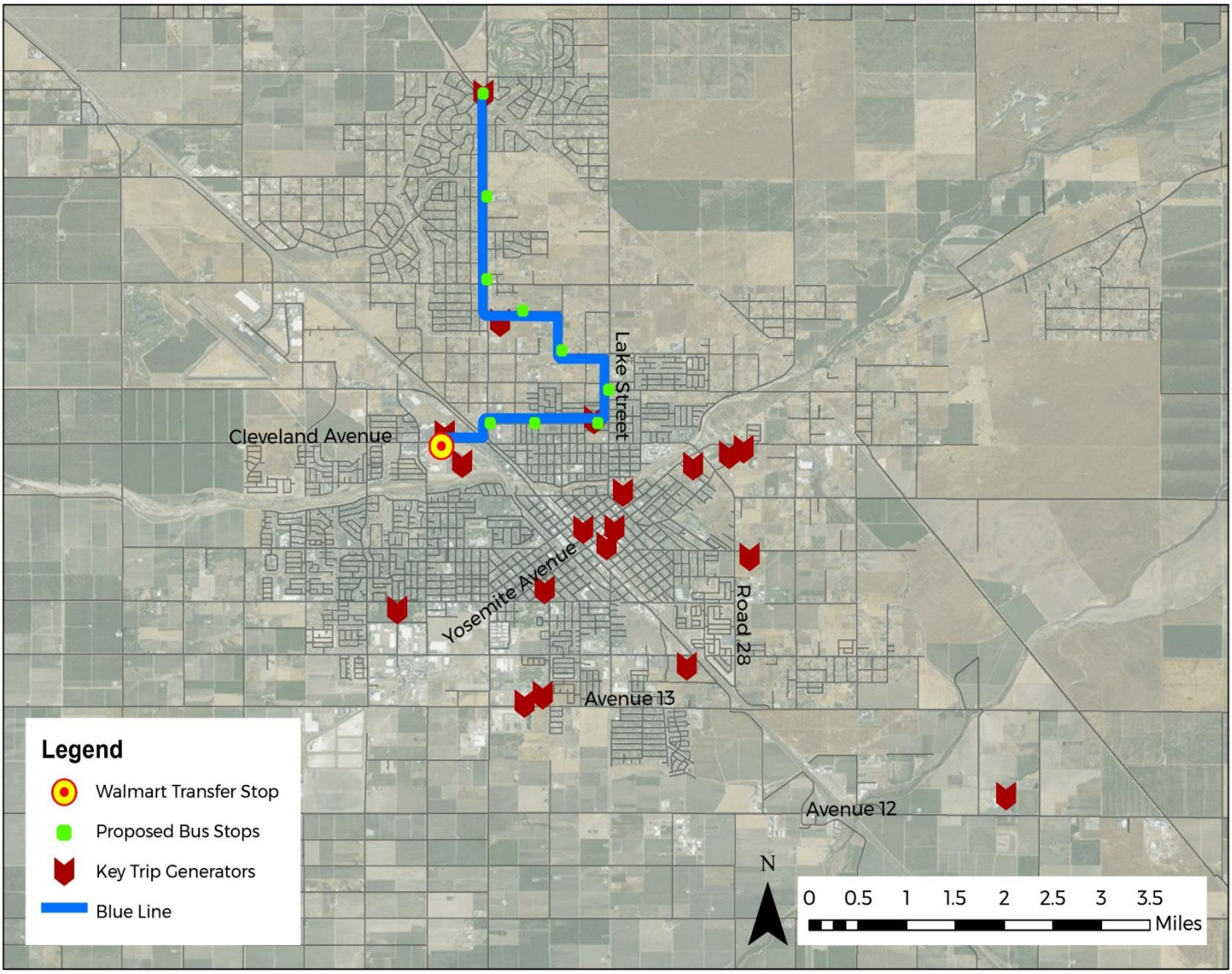
Table 4 Proposed Green Line Stats

First Stop	**NB:** Community College Center	**SB:** Walgreens at Cleveland Avenue
Last Stop	**NB:** Walgreens at Cleveland Avenue	SB: Community College Center
Key Destinations Served	Walmart, Madera Intermodal Station, Community College	
Route Length	25 Miles	

3.4 PROPOSED BLUE LINE

The proposed Blue Line provides service to the area of the city north of West Cleveland Avenue that is not currently served by the Madera Metro fixed-route system. The route will provide access to Walmart, Pan-American Park, Matilda Torres High School, and the existing Amtrak Station. Figure 14[4] shows the proposed route alignment. Table 5 provides a summary of the proposed route stats.

Figure 14 Proposed Blue Line Alignment



[4] Stops with multiple directions (e.g. NB and SB) are shown as one stop for presentation purposes.

Table 5 Proposed Blue Line Stats

First Stop	**NB:** Walgreens at Cleveland Avenue	**SB:** Amtrak Station
Last Stop	**NB:** Amtrak Station	**SB:** Walgreens at Cleveland Avenue
Key Destinations Served	Walmart, Pan-American Park, Existing Amtrak Station	
Route Length	11 Miles	

4 NEXT STEPS

The redesigned network presented in this plan serves as a foundation for a more efficient bus system for the residents of Madera and will be finalized through a collaborative engagement process. Phase II will continue the work from Phase I by presenting the proposed redesigned routes to the community through a robust public outreach effort. Through a wide range of activities, the team hopes to solicit feedback to include in the refinement process before the proposed routes are finalized for implementation. Specific public outreach activities will include:

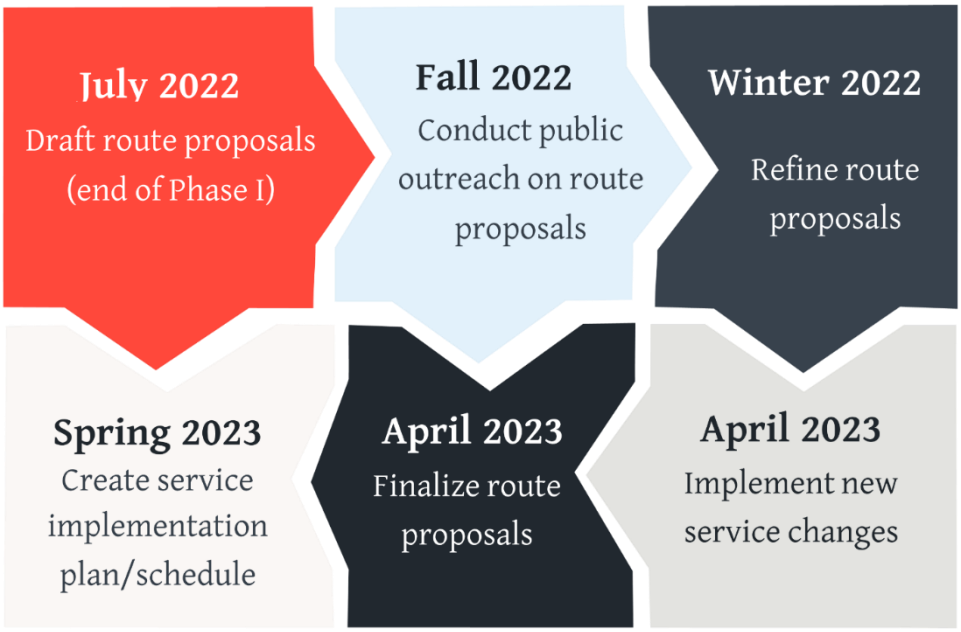
- Online survey
- Project flyer
- Social media advertisements
- Community forums
- Pop-up events

In addition to meeting with the public, stakeholder engagement will continue with presentations to the following groups:

- Transit Advisory Board
- Madera City Council
- Madera County Transportation Commission
- Madera Unified School District
- City of Madera ADA Advisory Council
- Madera County Social Services Department

Following these public outreach efforts, the proposed routes will be revised and finalized. An implementation plan will outline any schedule or frequency changes, including identifying different cost considerations. The anticipated implementation of new service is April 2023. Figure 15 shows a preview of Phase II activities.

Figure 15 Phase II Timeline



Schedule Revised May 2021

Task	2021								2022												2023	
	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23
Task 2: TAB Project Committee Coordination																						
2.1: Advertise Community Forum and TAB Committee																						
2.2: Coordinate with City on TAB Committee																						
2.3: Facilitate Community Forums						●																
2.4: Develop and Distribute Survey																						
2.5: Appoint Citizens to Project Committee																						
2.6: Compile Results and Inform Project Committee							◆															
2.7: TAB Project Committee Meetings			●			●			●				●									
2.8: Discuss and Devise Outreach Implementation																						
2.9: Committee's Final Report/Recommendations																						
Task 3: Service Study & Operational and Policy Recommendations																						
3.1: City Staff, Caltrans, and TAB approve RFP																						
3.2: Advertise and Conduct a Procurement Process																						
3.3: Select a Consultant and Execute Agreement																						
3.4: Catalog, Map, and Inspect Bus Stops and Bike Path/Lane accessibility																						
3.5: Confirm Headways in Varying Conditions																						
3.6: Compile and/or Formulate Policy Recommendations										◆												
Task 4: Madera Transit Plan																						
4.1: Workshop on Findings												◆										
4.2: Draft Madera Transit Service Design Standards and Efficient Performance Plan														◆								
4.3: Circulate the Revised Draft Plan/Matrix																◆						
4.4: Prepare Final Grant Report																						
4.5: Present Final Transit Plan																						
4.6: City Adopting Final Plan																						◆

● Project Committee Meeting

◆ Deliverable

Work Performed by Non-WSP Team Staff

Work Performed by WSP Team Staff

MADERA METRO

SERVICE DESIGN GUIDELINES

AUGUST 2022

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1 INTRODUCTION

WHAT ARE THE SERVICE DESIGN GUIDELINES?

The Madera Metro Service Design Guidelines establish criteria and standards to ensure the Madera Metro fixed-route network can grow and improve following standard guidelines that delivers consistent service to its customers and supports the mission of the department as shown in Figure 1. Specifically, these guidelines aim to bring clarity and consistency to the decision-making process when Madera Metro staff consider changes and/or additions to the network. Establishing these guidelines ensures the network continues to evolve to respond to customer needs while confirming Madera Metro resources are used in an efficient manner. The guidelines apply to the following topics:

- **Bus Route and Stop Design**
- **Bus Stop Development and Changes**
- **Fixed-Route Scheduling**
- **Performance Measurements**

Figure 1 Madera Metro Mission

The City of Madera Transit Division seeks to provide transit customers in the City's transit service area with public transportation to specified destinations in a professional, courteous, and timely manner with equipment that is accessible, affordable, and comfortable.

HOW WERE THE SERVICE DESIGN GUIDELINES DEVELOPED?

The Service Design Guidelines were developed utilizing common transit planning concepts and a robust review of relevant industry white papers and peer case studies. These high-level concepts and strategies were then tailored to account for available Madera Metro resources along with the city's land use, street network including the pedestrian environment, customers' travel patterns, and key trip generators in the city. Table 1 provides a summary of the documents reviewed and how they were incorporated into the Service Design Guidelines.

Table 1 Peer Case Studies and Industry Best Practices Summary

Document	Date Published	Description	Document Reference
TCRP Synthesis 139: Transit Service Evaluation Standards	2019	Provides an overview of the purpose, use, and application of performance measures, service evaluation standards, and data collection methods at North American transit agencies.	Section 5 – Performance Measures: Provided list of possible measurements/metrics to use and definitions of various transit planning concepts.
TransLink Transit Service Guidelines	June 2018	Provides a framework for TransLink to meet its objectives of planning, managing, and delivering an integrated transit network and provide access and mobility for people across the Vancouver, B.C. region.	Section 2 – Bus Route and Stop Design: Provided route design standards and definitions of various transit planning concepts.
Santa Clara Valley Transportation Authority Transit (VTA) Service Guidelines	April 2018	Guides VTA's service planning efforts by establishing a framework to monitor and evaluate VTA's transit services, process to develop service design recommendations for the VTA Board of Directors to consider, and measures to guide service planning decisions that are equitable, systematic, timely, and move VTA toward achieving the goal of providing Faster Frequent Reliable Transit from the VTA Strategic Plan.	Section 2 – Bus Route and Stop Design: Provided route design standards.
Regional Transportation District (RTD) Transit Service Policies & Standards	July 2016	Establishes a set of service standards maintained by RTD to ensure consistent evaluation of service proposals and that service being provided represents the most cost-effective use of the District's resources.	Section 2 – Bus Route and Stop Design: Provided stop spacing standards.
National Association of City Transportation Officials (NACTO) Transit Street Design Guide	April 2016	Provides design guidance for the development of transit facilities on city streets, and for the design and engineering of city streets to prioritize transit, improve transit service quality, and support other goals related to transit.	Section 2 – Bus Route and Stop Design: Provided various route and bus stop design standards, graphics, and definitions of various transit planning concepts.
OmniTrans Transit Design Guidelines	March 2013	Provides design criteria guidelines that should be considered when designing and placing safe and secure transit facilities.	Section 2 – Bus Route and Stop Design:

Document	Date Published	Description	Document Reference
			Provided graphics and concepts for bus stop placement. Section 3 – Bus Stop Change and Development Policy: Provided potential steps to include in the bus stop change process.
TCRP Report 165: Transit Capacity and Quality of Service Manual	2013	Provides current research-based guidance on evaluating quality of transit service, measuring transit capacity, speed, and reliability, sizing elements of transit stops and stations, and guidance on ways to positively influence all the above.	Section 2 – Bus Route and Stop Design: Provided stop spacing standards.
USF Best Practices in Transit Service Planning	March 2009	Defines operating standards and philosophies, provides a framework for transit service planning, and formulizes a decision process to make transit service changes.	Section 4 – Fixed Route Scheduling: Provided metrics and standards to use when deciding on potential headways.

USING THE SERVICE DESIGN GUIDELINES

The Service Design Guidelines should be used by Madera Metro staff to support and guide decision making related to adding, adjusting, or eliminating various elements of transit service. These guidelines should be consulted whenever Madera Metro staff receive a request from the public either as a standalone comment or through the Madera County Transportation Commission's (MCTC) Unmet Transit Needs process. Typical applications for each section of the Service Design Guidelines can be found below:

- **Bus Route and Stop Design:** This section should be consulted when Madera Metro staff are choosing to amend or add a new route or bus stop.
- **Bus Stop Development and Change Policy:** This section includes a process Madera Metro staff should follow whenever they receive a request to add, remove, or change a bus stop's location.
- **Fixed-Route Scheduling:** This section should be consulted when Madera Metro staff are determining schedules and headways for new or amended routes.
- **Performance Measures:** This section should be used to establish a performance measurement process to determine the performance of the network and develop potential necessary changes for improvement.

2 BUS ROUTE AND STOP DESIGN

2.1 OVERVIEW

The following section outlines recommended standards for the design of Madera Metro's routes and bus stop elements. This section was developed utilizing common transit planning concepts along with findings from the relevant industry white papers and peer case studies listed in Section 1. These high-level concepts and strategies were then tailored to account for available Madera Metro resources along with the city's land use, population and demographics, street network including the pedestrian environment, and key trip generators in the city.

Route design refers to the length and directness of a route. Section 2.2 establishes standards for how routes should be designed to optimize travel times, reliability, and ease of use for the customer. At a minimum, routes should be designed to be as direct (limited number of turns) and short as possible while still serving key trip generators. Bus stop design, addressed in Section 2.3, refers to where a stop should be located in relation to an intersection, how far apart stops should be spaced, and possible amenities to be provided at each stop.

2.2 ROUTE DESIGN

Madera Metro's routes should have a simple and consistent design and alignment that is easy for customers to use and understand. This will assist with easing a customer's understanding of how to complete a trip using Madera Metro. Ensuring that routes operate on the same street in each direction where possible can assist with this. However, in cases where this design is not possible due to one-way streets, the alignment of the route in the opposite direction should be as close as possible.[1]

To prevent duplicative service, routes should be spaced approximately ½ mile from each other where the street network and land use allows. This will ensure access to the network is provided without overserving areas. Routes should also be located on streets that are conducive to high-quality transit service including those that serve key destinations and areas with more intense/mixed-use development, and provide safe pedestrian environments (sidewalks, marked crosswalks, etc.). Establishing "anchors" (key trip generators) at each end of the route also provides an opportunity to serve a potential high ridership area and provide them access to destinations throughout the route path.

As stated in Section 2.1. routes should have a minimal number of turns (specifically left-turns) and short travel paths to improve travel times and ensure reliability. Short and direct travel paths ensure that resources spent serving low transit-demand areas can be redistributed to providing high-frequency service to potential high ridership areas. Although a large amount of turns for a route typically causes an increase in travel time, there are some cases where a more circuitous route alignment can be considered. Specifically, adding turns to a route should be considered if it will increase the route's overall productivity, serve a greater number of customers, and will not interfere with its own service frequencies.

Typical key route design concepts are shown in Figure 2.[2]

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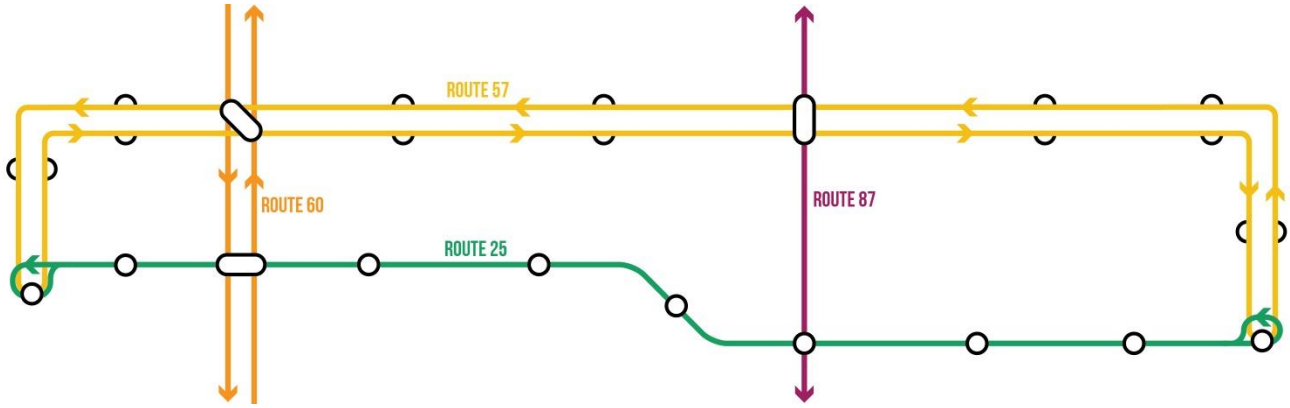
[1] Santa Clara VTA Transit Service Guidelines

[2] NACTO Transit Street Design Guide

Figure 2 Route Design Concepts



1 Routes are as straight as possible while ensuring key destinations are served.

2 Routes are aligned to facilitate transfers between various lines.

3 Where possible, routes operate on the same street in each direction. For one-way streets, routes are aligned as closely as possible in each direction.

4 Where possible, routes are spaced approximately ½ mile from each other to ensure network accessibility without overserving an area.

2.3 BUS STOP DESIGN

SPACING

The distance between stops should be carefully considered when implementing a new bus stop or removing/adjusting an existing bus stop. Establishing stop spacing standards is critical as greater distances between stops will cause longer walking distances for customers but allow for faster travel times. Conversely, stops spaced closer together will reduce customer walking distances but lead to slower and more unreliable travel times.

It can be expected that customers will typically walk up to 5 minutes, or ¼ mile (1,320 feet), to access a stop.[3] Therefore, it is recommended that bus stops be spaced no further than ¼ mile from each other. However, the placement of each bus stop should be considered on a case-by-case basis and the ¼ mile-standard can be amended as necessary based on a wide variety of factors, including, but not limited to, the following:

- **Bus schedule adherence:** Stops spaced too closely together can cause delays and bus bunching for the next trip(s).
- **Pedestrian environment:** The desired average stop distance can be adjusted to ensure stops are located near crosswalks.
- **Key trip generators:** The desired average stop distance can be adjusted based on the presence of key trip generators.

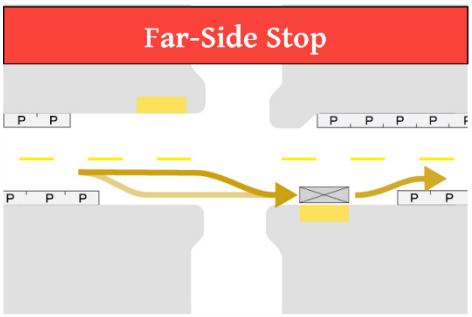
[3] TCRP Report 165: Transit Capacity and Quality of Service Manual

- **Surrounding land use:** Stops can be located further apart than ¼ mile if the route travels through areas with sparse development.

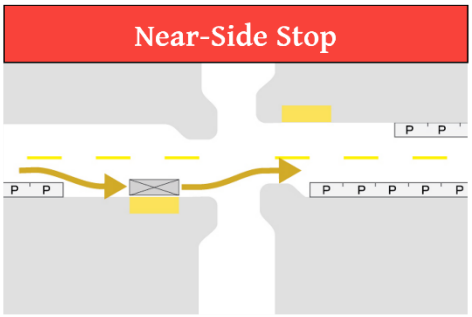
PLACEMENT

Whether it be along the far-side of the intersection, near-side of the intersection, or mid-block, stop placements should be carefully considered as it can affect traffic and pedestrian safety. A far-side stop is a stop that is located immediately after an intersection. A near-side stop is a stop that is located immediately before an intersection. Lastly, a mid-block stop is a stop located 200 feet or more beyond or before an intersection. Additionally, if a stop exists in one direction, a stop in the opposite direction should be provided as well (creating a "bus stop pair") to allow the customer to easily return to their original location. Figure 3 provides examples of the three types of stops[4] and when to implement them.[5]

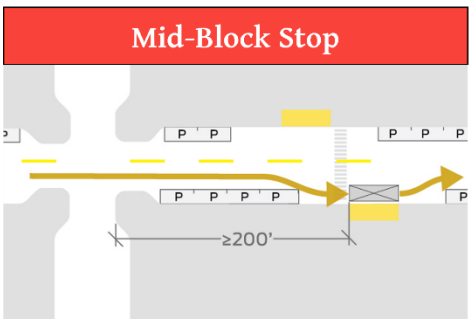
Figure 3 Bus Stop Examples



When to Implement:
- Traffic volumes are higher at near-side of intersection
- Route requires a left or right turn (near-side stops increase difficulty of accessing left-turn lanes especially)
- Intersection has heavy turn volumes
- Far-side of intersection has safer pedestrian environment (including signalized street crossing) and dedicated area for customers getting on and off the bus



When to Implement:
- Traffic volumes are higher at far-side of intersection
- Near-side of intersection has safer pedestrian environment (including signalized street crossing) and dedicated area for customers getting on and off the bus
- Bus route continues straight through intersection



When to Implement:
- Safe, well-marked crossing or signalized crossing is located adjacent to the stop
- Block is long (>300 feet) and locating the stop close to the intersection is not feasible

[4] NACTO Transit Street Design Guide

[5] OmniTrans Transit Design Guidelines

AMERICANS WITH DISABILITIES ACT (ADA) CONSIDERATIONS

Bus stop locations should meet ADA requirements.[6] This includes providing an accessible boarding area at least 96 inches long and 60 inches wide and connected to streets, sidewalks, or pedestrian paths by an accessible route. The boarding area should be at least five feet wide for a wheelchair waiting area, plus additional width to deploy a wheelchair ramp to serve the waiting area (typically three feet).[7] Regardless of location in relation to the intersection, bus stops should be placed in areas where wheelchair lifts or ramps can be deployed on a firm, stable surface. Where possible, stops should also be located near crosswalks for added pedestrian safety.

AMENITIES

Bus stop amenities can improve the customer experience and promote increased ridership. To help customers use the network, all stops should have signs that identify the bus stop's location, route information (route name, headways, spans, etc.), and display Madera Metro's telephone number and website. If possible, adding real-time arrival information at bus stops will greatly improve the customer experience. The following amenities should also be implemented at bus stop locations where possible:

- **Benches:** Benches provide a comfortable option for customers to use while waiting for their bus to arrive. Comfortable seating at bus stops dramatically improves the customer experience. Providing seating options at bus stops is also a way to foster a sense of place by incorporating an attractive and recognizable design. Benches should be prioritized at frequently used stops (ex: stops that serve 10 or more customers per day) or when the route has a long headway (ex: routes that provide service every 60 minutes or worse).
- **Shelters:** Locating shelters at bus stops can also add to the customer experience. Shelters can provide refuge from inclement weather as well as seating options and information on available transit services at the stop. This can significantly improve the perception of wait time and customer satisfaction. Shelters should be prioritized at transfer points, frequently used stops, and in areas that serve higher senior populations and residents with disabilities. Shelters should not be placed directly on the wheelchair landing area, sidewalk, or in front of store windows. The shelter should also be designed in a way that provides wheelchair accessibility and seating for at least four people.
- **Lighting:** When feasible, a bus stop should be placed where there is already an existing streetlight. However, when this is not feasible, ornamental streetlights should be used at the bus stop. Adequate lighting at bus stops increases safety for customers and promotes use of the network at different times of the day and night.
- **Trash receptacles:** Bus stops should also be equipped with trash receptacles. This will ensure cleanliness of the stop itself and the surrounding area. Customers will feel more comfortable using the stop and the overall customer experience will be improved as a result. Location of trash receptacles should also prevent any conflicts with wheelchair accessibility and be placed outside the curb clear zone or landing area.

---

[6] Americans with Disabilities Act

[7] NACTO Transit Street Design Guide

The photo on the left in Figure 4 shows an example of the elements listed above that should be located at a minimum at each stop. The photo on the right shows a typical shelter that should be implemented where possible based on available resources and level of ridership at a particular stop.

Figure 4 Madera Metro Bus Stop Sign and Shelter

2.4 TRANSIT PRIORITY TREATMENTS

Figure 5 shows potential transit priority treatments that can be implemented in the future as Madera Metro ridership increases and more funding becomes available.[8] These treatments are not intended to be prescriptive, but rather provide examples of infrastructure investments that can improve Madera Metro service and increase ridership as a result. These treatments can help alleviate reliability issues transit services may experience on surface streets and are context-sensitive to unique street conditions. Deploying these strategies should be considered on a case-by-case basis.

Figure 5 Transit Priority Treatments

Transit Signal Priority

Modifies traffic signal timing or phasing to prioritize movement of transit vehicles through an intersection.

Bus Bulbs

Curb extensions that align the bus stop with the parking lane to allow buses to stop and board customers without leaving the travel lane.

Queue Jump Lanes

Utilize either a leading bus interval or active signal priority to allow buses to easily enter traffic flow in a priority position.

[8] NACTO Transit Street Design Guide

3 BUS STOP DEVELOPMENT AND CHANGE POLICY

A policy should be developed and implemented to evaluate requests for adding, removing, or making changes to any bus stop. These requests can be received through passenger demand, calls to Madera Metro, and the annual Unmet Transit Needs process.

The proposed process below ensures any request to change bus stop locations do not adversely affect existing routes and are placed in areas that are safe for customers to access and serve key destinations. The standards described in Section 2.2 should be used as the basis for approving or denying bus stop requests during reviews. Once a request is received, the proposed process shown in Figure 6 should be followed.

Figure 6 Proposed Bus Stop Change Policy

4 FIXED-ROUTE SCHEDULING

4.1 OVERVIEW

Bus route scheduling determines when a bus will arrive at a given stop. The time intervals between the arrival times of buses at a bus stop is called a headway. Headways are often set at 15-minute intervals and can be set based on the clock face or schedule. Determining headways are based on several factors, such as ridership demand, resource availability (operating budget), operator availability, route length (time to complete round trip) and vehicle availability. 15, 30, and 60-minute windows are common headways that reflect the operator's ability to deliver the service based on the above factors. Establishing consistent headways ensures buses show up on time consistently.

Frequency of service is the number of vehicles that arrive at the bus stop in one hour. Headway based schedules are typically easier for the public to understand compared to frequency of service, which may not have even intervals for buses arriving at the bus stop.

Span of service is the timeframe in which transit service is provided (ex: 6:00 AM to 8:00 PM). Madera Metro route spans should be developed in a way that works for the city. Shorter spans require fewer resources; however, longer spans can provide more access to services for a larger portion of the population. Spans and frequencies should balance meeting ridership demand and available financial resources.

In addition to regular fixed route trips that have the same origin and destination for each trip, Madera Metro should consider offering trips during typical school arrival and departure time periods that specifically serve school locations in the city. These trips would deviate from their typical travel path during these specific time periods to provide direct service for school students.

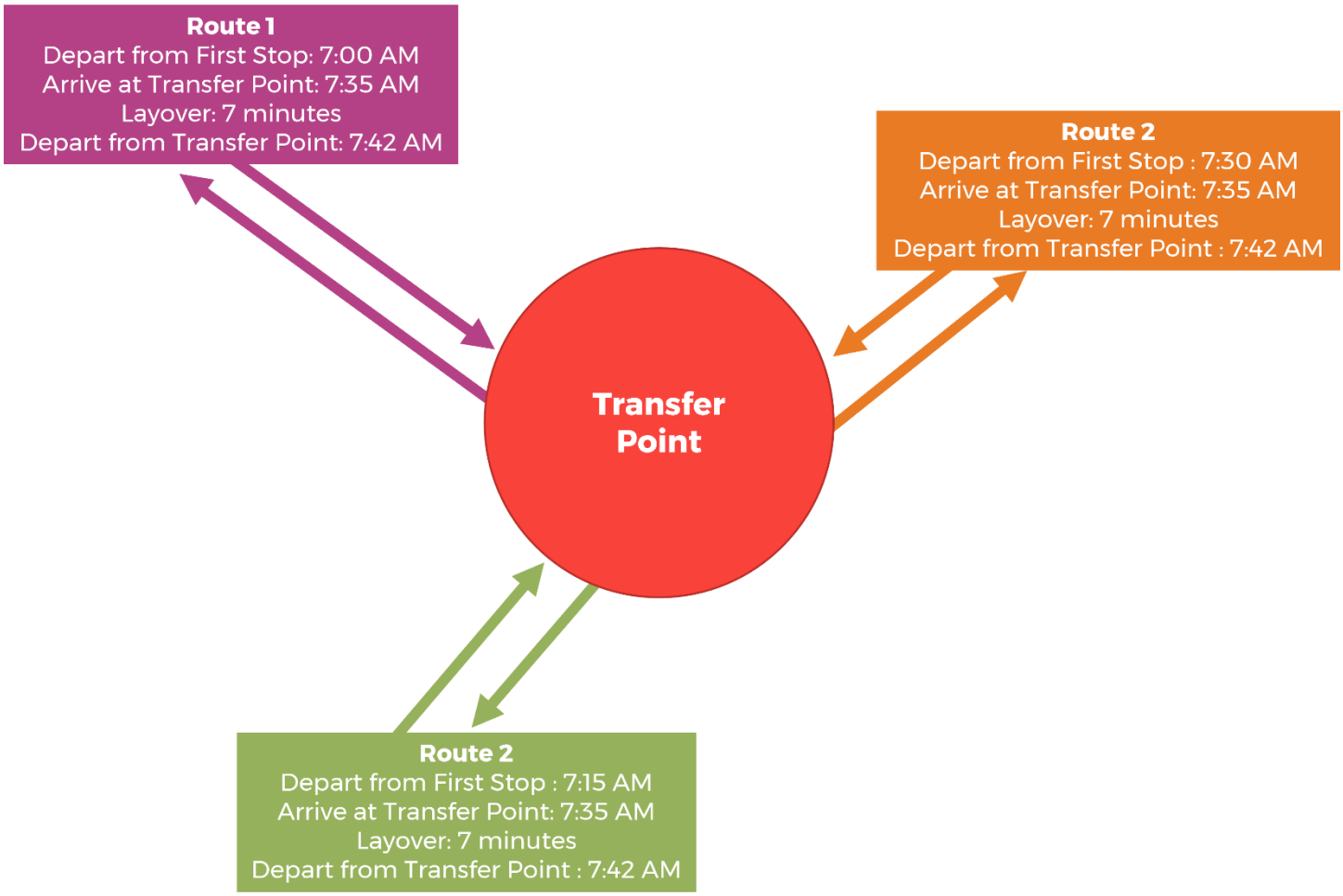
4.2 SCHEDULING CONSIDERATIONS

TIMED TRANSFERS

Timed transfers are a scheduling strategy where vehicles from different routes are routed and scheduled to meet simultaneously at common stops to reduce the time needed to transfer to different routes. Timed transfers are typically deployed for routes with longer headways where transit demand may be lower. Two potential locations to implement timed transfers include the existing Walmart stop on Cleveland Avenue and the Madera Intermodal Station on North E Street. Madera Metro staff should examine the feasibility of timed transfers to improve connectivity of the network and ease the process of transferring to another route.

An example of a timed transfer scenario can be found in Figure 7. Note that the routes are scheduled to arrive at the transfer point at 7:35 AM and each route is also scheduled to have a seven-minute layover before departing to give customers sufficient time to make their connection.

Figure 7 Timed Transfer Scenario



SERVICE LEVEL ALLOCATION

Working within a constrained budget requires making tough decisions in terms of providing transit service. It's important for Madera Metro to establish their priorities and realize span of service and headways may be in competition with each other for scarce resources.

To help match service levels with ridership demand, transit systems typically provide different levels of service for different periods of the day (peak vs. off-peak) and days of the week (weekdays vs. weekends). Peak periods are times in the day (typically in the morning and late afternoon) where ridership demand is highest.

Table 2 shows an example of three routes with different spans and levels of service. While the Purple Line has the highest level of service and longest span, there is a trade-off between the Orange Line and Green Line where one has a shorter span but shorter headways in the peaks, while the other offers longer headways but also a longer span. These time windows and headways can be adjusted as necessary based on factors including, but not limited to, ridership demand, available resources, and areas that are being served.

Table 2 Potential Service Levels Allocation

Route	Span	Headways					
		Overnight **12:00 AM – 6:00 AM**	**AM Peak** **6:00 AM – 9:00 AM**	**Midday** **9:00 AM – 4:00 PM**	**PM Peak** **4:00 PM – 7:00 PM**	**Early Evening** **7:00 PM – 9:00 PM**	**Late Evening** **9:00 PM – 12:00 AM**
Purple	24 hours	60 min	15 min	30 min	15 min	30 min	60 min
Orange	4:00 AM – 10:00 PM	60 min	30 min	60 min	30 min	60 min	60 min
Green	6:00 AM – 8:00 PM	N/A	15 min	30 min	15 min	30 min	N/A

5 PERFORMANCE MEASURES

5.1 MONITORING AND REPORTING PROCESS

Performance measurements provide a set of standards and strategies to measure the effectiveness of a transit network in many different areas. These measurements can be either quantitative based on available data from the operator, or qualitative based on surveying customers' travel behavior and feelings towards the services provided. These measurements should be reported on a regular basis (monthly, quarterly, or annually depending on staff resources) to both internal stakeholders and the public. Analyzing the results of these measurements can guide future decision making on changes to the network to improve any low-performing routes.

5.2 METRICS

The metrics shown in Table 3 provide both qualitative and quantitative measures to analyze the Madera Metro network and propose changes to meet customers' needs and improve route performance and productivity.

Table 3 Performance Measures

Category	Performance Measure	Description	Target Standard
Ridership	Annual Average Ridership	Total number of unlinked one-way trips	**> 100,000**
	Customers Per Revenue Hour	Number of customers that board the system divided by the amount of revenue hours over the same period	**> 8**
	Customers Per Revenue Mile	Number of customers that board the system divided by the amount of revenue miles over the same period	**> 1**
Performance	On-Time Performance	The percentage of trips that are picked up on-time (within an established time period)	**> 80%**
Productivity	Operating Cost Per Revenue Hour	Cost to operate service divided by revenue hours	**< $82.00**
	Operating Cost Per Revenue Mile	Cost to operate service divided by amount of revenue miles	**< $6.00**
	Farebox Recovery	Amount of fare received per the cost to operate service	**> 15%**
	Cost Per Passenger	Total operating expenses required to deliver service divided by total number of boardings	**< $23.00**

Category	Performance Measure	Description	Target Standard
	Subsidy Per Passenger	Total operating cost of providing service minus any fare (and other revenue) per the number of customers	**< $23.00**
	Average Fare Per Passenger	Total fare received divided by number of customers that board the system	**TBD**
Customer Satisfaction	On-Board Ridership Survey	Survey should be conducted regularly to gauge customer satisfaction with the network	**Complete twice per year**
Access	Population Within ¼ Mile of a Bus Stop	Measure of percentage of residents within walking distance (¼ mile) of a bus stop	**> 85%**
Safety	Accidents Per 100,000 Vehicle Miles Traveled	Identifies how often preventable accidents occur over time	**<2 accidents**

5.3 EQUITY

In addition to the performance measures listed above, Madera Metro should make consistent efforts to ensure their services are adequately serving areas of the city with higher percentages of households with low income, people of color, seniors, people with disabilities, and other traditionally underserved populations. This includes identifying populations that rely on transit service the most and developing strategies to improve transit service in those areas. As updates are made to the network and services are expanded and/or adjusted, it is imperative that these changes are not made at the expense of those that use the network the most.

Future changes to the network should be made in consultation with the findings of the equity analysis conducted as part of the MCTC's 2022 Regional Transportation Plan & Sustainable Communities Strategy.[9] Specifically, the plan states, "Residents who rely on public transit most, should subsequently receive the largest share of transit investment."

The plan also defines five Target Areas in the Madera Region listed below. It should be noted that Target Area III, which includes the City of Madera, has the largest proportion of minority and low-income residents.

- **Target Area I:** Town of La Vina, located in the southwest corner of Madera County
- **Target Area II:** City of Chowchilla and surrounding block groups.
- **Target Area III:** City of Madera and surrounding block groups.

[9] MCTC 2022 Regional Transportation Plan & Sustainable Communities Strategy

- **Target Area IV:** Madera Ranchos area near Avenue 12 between Highway 41 and Road 34.
- **Target Area V:** Mountain communities within Madera County, north of the Madera Canal.

6 GLOSSARY

Americans with Disabilities Act (ADA): Civil rights law passed by Congress in 1990 which makes it illegal to discriminate against people with disabilities in employment, services provided by state and local governments, public and private transportation, public accommodations, and telecommunications.

Fixed Route: Service provided on a repetitive, fixed-schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations.

Frequency: The number of vehicles that arrive at the bus stop in one hour.

Headway: Time interval between vehicles moving in the same direction on a particular route.

Layover: Time built into a schedule between arrival at the end of a route and the departure for the return trip.

MCTC: Madera County Transit Commission

Peak Period: Time periods when transit ridership is highest.

Span of Service: The time that service starts and ends.

Transfer: When passengers interchange from one route or vehicle to another.

REPORT TO CITY COUNCIL

Approved by:

Department Director

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: D-4

SUBJECT:

Fare adjustments for Madera Metro and Dial-A-Ride

RECOMMENDATION:

Adopt a Resolution Approving a Modified Fare Structure for the Fixed Route Transit System and Limited Dial-A-Ride Transit System and Rescinding Resolution No. 20-58

SUMMARY:

On April 14, 2020 the Federal Transit Administration (FTA) issued Safety Advisory 20-01, pursuant to 49 CFR § 5.25 recommending that transit agencies develop and implement procedures and practices to ensure the safety of transit passengers, employees and the public during the COVID-19 national emergency. The Coronavirus Aid, Relief, and Economic Security (CARES) Act provided $25 billion to transit agencies to help prevent, prepare for, and respond to the pandemic.

In response to this Safety Advisory, on April 15, 2020, Council adopted Resolution No. 20-58 which:

- Temporarily eliminated fares for Madera Metro's fixed route system to avoid drivers and passengers from exchanging fares
- Limited Dial-A-Ride (DAR) to disabled and senior passengers given that measures were being implemented to protect passengers and drivers

Given the evolvement of COVID-19, staff is proposing an updated fare structure. The following summarizes the existing and proposed rates:

- Prior to COVID-19 most riders, including the disabled and elderly, were charged a fare as reflected in Table 1 below.
- The modified fare structure described in Table 2 below will allow most riders to continue using the City's transit system with no fare charged.

- Staff is recommending that the updated fares go into effect January 1, 2023
- The effective date is to allow Madera Community College students to obtain their required school ID, and for the City to sufficiently advertise the new fare requirements.

It is noted that Madera Metro provides service on thirty-two- and twenty-six-foot buses at prescheduled stops. Approximately up to thirty-five passengers may be accommodated per bus. In comparison, DAR provides door-to-door service in a twenty-six-foot transit bus that is capable of accommodating up to twenty-four passenger per bus. Overall, operating costs are higher for Madera Metro in comparison to DAR; however, cost per passenger is greater for DAR in comparison to Madera Metro given that it provides door-to-door service.

Table 1 summarizes the City's Transit System Fare Structure Pre-Covid:

Table 1: *Transit Fare Structure (Pre-Covid)*	
Fixed Route Transit Service	*Fare*
Cash Fare	$1.00
Monthly Pass (unlimited rides)	$26.00
Transfer	No Charge
Children Under 3 Years Old	No Charge
Seniors, Disabled, Medicare Cardholders	$0.50
Dial-A-Ride (DAR)	
Cash Fares (General Public)	$3.00
Children Under 1 Year	$1.00
Senior (60+) Disabled – City Area *(Trips beginning in the City)*	$1.00
Senior (60+) Disabled – County Area *(Trips beginning in the County)*	$2.00
DAR TICKETS	
General Public – Book of 20	$40.00
Disabled – Book of 10	$9.00
Senior (60+) – Book of 10	$5.00

Table 2 summarizes the Proposed Transit System Fare Structure:

Table 2: *Proposed Transit System Fare Structure beginning on January 1, 2023*	
Fixed Route Transit Service	*Fare*
General Public – All Ages	No Charge
Dial-A-Ride (DAR)	
General Public (17 years of age and under)	No Charge
General Public (Ages 18+)	$3.00
College Students	No charge with valid student ID
Senior (60+), Disabled, Veterans	No Charge
ADA/Paratransit (ADAP)	
Senior (60+), Disabled, Veterans (only)	No Charge
ADAP Personal Care Attendant	No Charge
Companions of ADAP Passenger	$3.00

While staff is recommending that most fares be waived, revenue that otherwise could have been generated with rider fares will be offset with the Low Carbon Transit Operations Program (LCTOP) State Funds which are apportioned to the City annually.

Table 3 provides a comparison of previous City LCTOP annual allocations with transit revenues through Transit Fares

Table 3: *Transit Revenue Streams*			
Fiscal Year	*LCTOP Annual Allocation*	*Dial-A-Ride Fare Revenue*	*Fixed Route Fare Revenue*
2019/20	$123,774	$43,860	$83,000
2020/21*	$124,327	$38,637	$81,500
2021/22*	$68,516	$0	$0
2022/23*	$161,158	$0	$0
*April 15, 2020, Council adopted Resolution No. 20-58 which approved the elimination of fares for Madera Metro's Transit System due to the COVID-19 pandemic			

DISCUSSION:

City staff, Transit Advisory Board members, and other stakeholders continuously strategize new ways to improve and enhance the City's public transit system. As City staff reviewed and assessed all transit needs, the need to make transit affordable and reliable has become an ongoing request. To address making transit affordable for all users, staff contacted Madera County Transportation Commission (MCTC) who serves as the City Metropolitan Planning Organization (MPO) and Caltrans – District 6 representative on eligible LCTOP projects.

LCTOP is one of the several programs that are part of the Transit, Affordable Housing, and Sustainable Community Programs established by the California Legislature in 2014 by Senate Bill 862. LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions, vehicle miles traveled, and improve mobility, with a priority on service to disadvantage communities. "Free Transit Services" is an eligible LCTOP project and will allow the City's transit system to provide free services to majority of its passengers.

Staff became aware that the City's vulnerable population (Seniors and Disabled) faced challenges when needing to make a reservation through the City DAR service. In response, City staff implemented changes to clearly distinguish the difference between DAR and ADAP with the revision of ADAP policies and procedures, marketing material, and reservation and eligibility requirements. This change has proven beneficial to these riders. Staff is confident the modified fare structure will complement the latter change and improve the City's transit service for riders.

FINANCIAL IMPACT:

Designating the use of LCTOP funds will not have an impact on the City's General Funds as all transit operation and preventative maintenance costs are funded with Local Transportation and Federal Transit Administration grant funds.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Being awarded these available funds supports the Vision Madera 2025 Plan as follows:

- Strategy 121
  - Multi-modal transportation: Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.
- Strategy 433
  - Air Quality: Maintain or improve air quality through innovative programs and cooperative local plans. Ensure adherence to State and Federal air-quality policies.

ALTERNATIVES:

As an alternative, Council may:

1. Request staff to further modify the proposed fare structure.
2. Find alternative revenue streams besides LCTOP.
3. Retract Resolution 20-58 with no recommended modification and return operations to Table 1 Fare Structure

ATTACHMENTS:

1. Attachment A - Resolution Approving New Rate Structure and Rescinding Resolution No. 20-58
   - Exhibit A – Proposed Transit Fare Structure
2. Attachment B - Resolution No. 20-58

RESOLUTION NO: 22 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A MODIFIED FARE STRUCTURE FOR THE CITY OF MADERA FIXED ROUTE TRANSIT SYSTEM AND DIAL-A-RIDE TRANSIT SYSTEM AND RESCINDING RESOLUTION NO. 20-58

WHEREAS, on April 14, 2020, the Federal Transit Administration (FTA) Safety Advisory 20-01 issued recommendations that transit agencies develop and implement procedures and practices to ensure the safety of transit passengers, employees and the public during the COVID-19 national emergency; and

WHEREAS, on April 15, 2020, the City Council of the City of Madera (Council) adopted Resolution No. 20-58 approving the elimination of passenger fares on City of Madera (City) Transit System Fixed Routes and Limiting Dial-A-Ride (DAR) Service to Disabled and Senior passengers during the Covid-19 National Emergency period; and

WHEREAS, City staff has recommended (i) the reinstatement of passenger fares for the City's DAR Transit System with a modified fare structure; (ii) allowing the General Public to Access the City's DAR Transit System; and (iii) the continued elimination of fares for the City's Fixed Route Transit System; and

WHEREAS, City staff has further recommended the rates as outlined in attached Exhibit A; and

WHEREAS, City staff has developed a plan for the implementation of the continued elimination of fares for the City's Fixed Route Transit System and the DAR modified fare structure with the use of Low Carbon Transit Operations Program (LCTOP) State Funds.

NOW, THEREFORE, the City Council, of the City of Madera, California resolves as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The City Council approves the new structure as identified on Exhibit A.
3. Resolution 20-58 is rescinded effective January 1, 2023.
4. This Resolution is effective January 1, 2023.

*** * ***

Exhibit A – Proposed Transit System Fare Structure

The following Table 1 would go into effect beginning on January 1, 2023 following Council's approval.

Table 1: Proposed Transit System Fare Structure	
Fixed Route Transit Service	*Fare*
General Public – All Ages	No Charge
Dial-A-Ride (DAR)	
General Public (17 years of age and under)	No Charge
General Public (Ages 18+)	$3.00
College Students	No charge with valid student ID
Senior (60+), Disabled, Veterans	No Charge
ADA/Paratransit (ADAP)	
Senior (60+), Disabled, Veterans (only)	No Charge
ADAP Personal Care Attendant	No Charge
Companions of ADAP Passenger	$3.00

RESOLUTION NO: 20 - 58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ELIMINATING PASSENGER FARES ON CITY OF MADERA TRANSIT SYSTEM (MADERA METRO) FIXED ROUTES AND LIMITING DIAL-A-RIDE SERVICE TO DISABLED AND SENIOR PASSENGERS DURING THE COVID-19 NATIONAL EMERGENCY PERIOD

WHEREAS, on April 14, 2020, the Federal Transit Administration (FTA) Safety Advisory 20-01 issued recommendations that transit agencies develop and implement procedures and practices to ensure the safety of transit passengers, employees and the public during the COVID-19 national emergency; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act provides $25 billion to transit agencies to help to prevent, prepare for and respond to the pandemic; and

WHEREAS, City staff recommend eliminating fares for Madera Metro's fixed Route system and limiting Dial-a-Ride (DAR) to disabled and senior passengers as a measure for improving the safety of transit bus drivers, transit staff and the public during the COVID-19 pandemic; and

WHEREAS, transit agencies are advised to follow the current Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) recommendations for the spread of COVID-19, which include face coverings, social distancing, frequent hand washing, facility and vehicle cleaning, and other measures to the maximum extent practicable, to ensure the continued safety of transit passenger and employees during this national emergency; and

WHEREAS, City of Madera (City) staff has developed a plan for the implementation of the fare elimination and the modification to its DAR service with its transit operator, MV Transportation, Inc., for the changes to the services to be done seamlessly without significant impact to any service; and

WHEREAS, the reason for needing to limit DAR to disabled and seniors is because the general public would opt to only use DAR service instead of the fixed route, if it was a no-fare service; and

WHEREAS, CARES funding will be disbursed through FTA apportionments to its Urbanized Area (5307) programs, which is the fund that Madera Urbanized Area is eligible to receive on a reimbursable basis in the amount of up to $6,440,671; and

WHEREAS, City staff shall apply for the CARES funding to offset loss of fare revenues, which funding covers 100 percent of the costs associated with implementing the FTA advisory, with no local match required; and

NOW, THEREFORE, the City Council, of the City of Madera, California, resolves as follows:

1. The foregoing recitals are true and correct.
2. The Council determines to eliminate passenger fares on the City of Madera Transit System (Madera Metro) fixed routes and to limit Dial-a-Ride service for disabled and senior passengers through the duration of the COVID-19 national emergency period.
3. This Resolution is effective on April 15, 2020.
4. The City Clerk is authorized to forward this Resolution to the Finance Director and Grants Administrator.

* * *

PASSED AND ADOPTED by the City Council of the City of Madera this 15th day of April 2020 by the following vote:

AYES: Mayor Medellin, Council Members Garcia, Gallegos, Rodriguez, Montes, Robinson, Holley.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

ANDREW J. MEDELLIN, Mayor

ATTEST:

ALICIA GONZALES, City Clerk

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA

REPORT TO CITY COUNCIL

Approved by:

Joseph Hebert

Joseph Hebert, Parks & Community Services Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: E-1

SUBJECT:

Request for Direction in Naming of Olive Avenue/Knox Street Park Site

RECOMMENDATION:

Request for direction regarding the naming of the new park at Olive Avenue and Knox Street

SUMMARY:

During the August 17, 2022, regular meeting of the City Council (Council), several public comments from residents were made recommending to naming of the yet to be constructed park to be located at the southwest intersection of Olive Avenue and Knox Street. The public comments were to dedicate the park and have it named in recognition of Mr. James Taubert for his service and dedication to the community and its residents during his career.

Per City Policy, in order to have a park or recreation facility named after an individual/group, certain criteria must be met. The Parks and Community Services Department Naming Policy, Resolution No. 00-08, (Attachment 1) details this procedure. Per the Naming Policy, a suggestion for naming would be submitted to the Park and Recreation Advisory Board (Board) and then brought before Council for consideration. Since there is currently no active Board, the request for the recognition came directly to the City Council during public comment.

It is to be noted the policy states the Park and Recreation Advisory Board shall provide ample public notice of its intent to select a park name, providing sufficient time for other individuals/groups to propose other names prior to the Board making a decision. Since a recommendation for naming the park has been made, and with the Board not active, this responsibility falls upon Council.

Lastly, the policy references that typically, parks shall be named immediately after acquisition of the site in order to be identified from the onset. Currently the Olive/Knox Park site is in the design phase with the official naming of the park needing to occur soon to finalize any signage at the park.

DISCUSSION:

The Naming Policy, Resolution No. 00-08, outlines specific objectives that must be met in order for the naming of municipal parks. The term "parks" includes park, recreation facility, and fields, and portions thereof. Objectives are:

- To enhance the values and heritage of the City of Madera and be compatible with community interest.

- To encourage the dedication of land or funds for public use by individuals/groups in recognition of their achievements or community contribution.

- To encourage the dedication of land or funds for public use by individuals/groups in recognition of their achievements or community contribution.

As well as, if the park is to be named for a person in recognition of the public service the person has provided, the following criteria in addition to the above must apply (Per Item B of the Policy):

- The person shall have made a major contribution to the community, the County, the State, or the field of recreation and parks.

- Consideration of a person shall occur not less than 3 years following the date of the service for which the recognition is being made.

- The service the person made shall have occurred over a period not less than 2 years.

- Typically, the service shall have been rendered in a volunteer, non-paid status.

- The person may be living or deceased.

Internally, the park site has unofficially been referred to as Olive Park, after the street that parallels the site. This has been term of reference for the park and was the name planned to move forward with the park design and construction. With the public comments made during the August 17, 2022 regular meeting of the Council, it has come to staff's attention the interest from the community to name the park after a person. The Naming Policy notes the term "person" includes the plural, people; it also includes informal groups or formally established organizations.

FINANCIAL IMPACT:

The City anticipates no financial impact for the naming of the Olive Avenue/Knox Street park site, as funding for the park design and construction is part of the $1.9m grant contract with the Department of Parks and Recreation. In addition, staff anticipated a plaque at the park when preparing the grant, thus funds are available.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

- *121.10 - Add facilities and amenities for the public.*
- *316.20 - Honor community service groups and volunteers at annual events.*
- *316.10 - Further develop existing volunteer recruitment programs.*

ALTERNATIVES:

1. Council may elect to revisit the Naming Policy, Resolution No. 00-08, to ensure it still captures intent and appropriate procedures for the naming of parks and recreation facilities. This would delay any naming of the park for now, until the policy is revised.

2. Council may elect to leave the new park site named "Olive Park" as has been the reference name of the park site.

3. Council may request a public notice be duly published requesting submissions of recommendations by the public to name the park be made, proving ample time to allow individuals/groups to propose name, bringing this topic to a subsequent meeting. The public notice would contain a deadline for submittal of recommendations by the public.

ATTACHMENTS:

1. Parks and Community Services Department Naming Policy, Resolution No. 00-08

ATTACHMENT 1

Parks and Community Services Department Naming Policy, Resolution No. 00-08

RESOLUTION NO. 00-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ESTABLISHING A POLICY FOR THE NAMING OF PARK AND RECREATION FACILITIES

WHEREAS, the Parks and Recreation Advisory Board has recommended a policy describing the manner in which municipal park and recreation facilities are to be named,

And by definition as used herein, the term (Parks), includes "Park", "Recreation Facility", and "Fields and portions thereof,

NOW, THEREFORE, the City Council of the City of Madera does hereby adopt the following policy governing the naming of municipal Parks:

A. Objectives. The name shall address one or more of these objectives:

A1. To enhance the values and heritage of the City of Madera and be compatible with community interest.

A2. To be descriptive of the park's geographical location and/or function so that it will be easily identified.

A3. To encourage the dedication of land or funds for public use by individuals/groups in recognition of their achievements or community contribution.

B. If the park is to be named for a person in recognition of the public service the person has provided, the following criteria in addition to those in "A" must apply:

B1. The person shall have made a major contribution to the community, the County, the State, or the field of recreation and parks.

B2. Consideration of a person shall occur not less than 3 years following the date of the service for which the recognition is being made.

B3. The service the person made shall have occurred over a period not less than 2 years.

B4. Typically, the service shall have been rendered in a volunteer, non-paid status.

B5. The person may be living or deceased.

C. If the park is to be named in recognition of a gift of resources for the acquisition or building of the park, the following criteria in addition to those in "A" apply.

C1. The gift of resources for the park from the donor shall exceed fifty percent (50%) of the capital cost of the park.

C2. If being named for a person, the person must have a record of outstanding citizenship; that is, the person is of exemplary character and integrity.

C3. A donor may stipulate the name of the park if (a) the stipulated name is part of a written agreement approved by the City Council at the time the donation of resources is offered; and (b) the stipulated name is consistent with paragraphs C.1 and C.2 and Section A of this policy.

D. Procedures for naming Parks:

D1. The Park and Recreation Advisory Board shall recommend to the City Council the names for Park and Recreation facilities.

D2. The criteria used by the Park and Recreation Advisory Board, and subsequently the City Council, for considering a park name shall be the criteria set forth in this policy.

D3. Typically, parks shall be named immediately after acquisition of the site in order to be identified from the onset.

D4. The Park and Recreation Advisory Board shall provide ample public notice of its intent to select a park name, providing sufficient time for other individuals/groups to propose other names prior to the Park and Recreation Advisory Board making a decision.

E. Change of Name. A park name may be changed if any of the following conditions are met:

E1. When the current name appears to be inappropriate.

E2. When the current name is inconsistent with the objectives of the park naming policy.

E3. If a serious oversight would result because a particularly deserving person could not be appropriately recognized unless an existing PARK was renamed.

E5. Selecting a new name for a facility already named shall be subject to the same objectives, criteria, and procedures described in this policy.

F. Definitions:

F1. The term "person" includes the plural, people; it also includes informal groups or formally established organizations.

****

PASSED, APPROVED and ADOPTED by the City Council of the City of Madera this 5TH day of January, 2000, by the following vote:

AYES: Council Members Armentrout, Wells, Perez, Nabors, Skeels.
NOES: None.
ABSENT: None.
ABSTAIN: None.

MAYOR

ATTEST:

CITY CLERK

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA

APPROVED AS TO FORM:

CITY ATTORNEY

REPORT TO CITY COUNCIL

Approved by:

Joseph Hebert

Joseph Hebert, Parks & Community Services Director

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: E-2

SUBJECT:

Lions Town & Country Park Improvement Projects Update

RECOMMENDATION:

This report is submitted for informational purposes only and there is no action requested from the City Council (Council)

SUMMARY:

The purpose of this report is to provide the Council an informational update on recently completed, current, and planned improvement projects at Lions Town & Country (LTC) Park.

DISCUSSION:

LTC, bound by Howard Rd., S. Schnoor Ave., W. Industrial Ave., and S. Granada Dr. is the City's largest park and consist of approximately 50 acres. The park has such amenities that include:

- Play equipment
- Picnic areas and tables
- Barbecue pits
- Shade structures
- Restrooms
- Trail system spanning over one mile
- Horseshoe pits
- Volleyball area
- Baseball and softball fields
- Parking lot

Recently, staff has made a concerted effort to make improvements at LTC Park, including:

- During Fiscal Year (FY) 2021-22, the City was successfully awarded $177,952 grant under the 2018 Parks Bond Act Per Capita Grant Program, for improvements at LTC Park. The grant performance period ends June 30, 2024. The funds are primarily intended for the

renovation of the restroom building between ballfields 1 & 2. The Parks & Community Services (PCS) Department, with assistance from the Public Works, Engineering, and Finance Department is overseeing the execution of the grant requirements.

- During FY 2021/22, the City received a $30k donation for improvements of Ballfields 1 & 2 at the park. The city published an Invitation for Bids, and the project was completed in March 2022. It is noted that Council allocated an additional $35k for the ballfield renovation for a total of $65k.

- During FY 2021/22, the City installed eight motion capable exercise equipment stations along the walking trail at LTC Park. The equipment installation was made possible through a $80k grant from Kaiser Foundation Hospitals.

- Initiative to replace outdated fountain receptors at parks, starting with the purchase of two stainless steel receptors for LTC Park. Since then, one of these purchased steel receptors was installed at McNally Park.

- In spring of 2022, staff revitalized the north side entrance of the park, incorporating a drought-tolerant makeover. With assistance from Public Works staff members, the entryway received a facelift and converted the area into a new, fresh, and beautifully designed green zone, consuming over seventy percent less water than traditional green zones of the same size.

- Solar panels were installed in the northern parking lot, as part of the partnership with ENGIE, to create a more environmentally conscious, energy-efficient city. ENGIE is an industry-leading expert providing public entities with energy conservation and cost-savings opportunities via energy usage and reduction technology products and facilities management.

- Another area of the park improved has included the softballs fields, which received some fencing modifications.

- Paint upgrades to several bridges at the park also took place earlier this year, without abandoning the infamous red toned painted bridges LTC Park is known for.

- Installation of Smoke-Free signage at LTC Park has been completed, after Council unanimously voted to update existing regulations associated with smoking in May 2019. The updates include the prohibition of smoking in all city park facilities. The new ordinance prohibits smoking in all public parks in the City of Madera, including electronic smoking devices.

There are several improvement projects currently underway, as well as several planned for the near future at the park.

- The City recently purchased a rodent extermination machine for approximately $21,900 that allows for internal rodent control at parks, including address the specific gopher issues at Park. Gophers cause significant damage to the park as their burrowing causes hazards, destroys vegetation, as well as their capacity to breed is alarming. Purchasing a rodent extermination machine for in-house will significantly reduce the expenditure accrued if gopher extermination services were to continue to be contracted out.

- A donation of $25,000 from Dick's Sporting Goods has been recently made for the install of batting cages at LTC Park. This item is pending, as approval from Council to sign off on an award agreement. The install of batting cages will augment on the park's baseball and softball community participation and following.

- $75,000 has been budgeted in the Parks Maintenance budget for FY 2022/23, #1020-6100, for additional LTC Park rehabilitation. The budgeted amount will assist with projects which include addressing sunken concrete near ballfield 8, located at the intersection of Industrial Avenue and Schnoor Avenue. Staff will be replacing existing concrete slab, which includes compaction, testing compaction, and rebar dowel installation to existing concrete. In addition, there are sections of concrete lifted and cracked specifically near ballfield 1 that needs to be replaced. Additional improvement includes resurfacing the parking lot, painting the backstops, and replacing fencing around ballfields.

- Capital Improvement Project PK-00071 plans to address the rehabilitation of the walking path trail, as part of the Town & Country Connectivity Project. This improvement project is estimated at $772,820. The project does not have funding secured. On April 17, 2022, staff submitted a funding allocation request through Congressman Jim Costa's Office under the FY 2023 Transportation, Housing and Urban Development Appropriations Community Project for $850,000. At the time of writing this report, staff has not been notified if requested funding has been awarded.

In addition to the above-mentioned improvement projects, the LTC Park is regularly used to host City-sponsored event such as:

- During FY 2021/22, the PCS Department hosted a Walk the Trail Day event to raise awareness of the new exercise amenities at the park trail, encourage regular exercise, and promote Healthy Eating Active Living. Local health-based organizations, as well as Madera Police Department, were invited to host informational booths.

- Movies in the Park recently took place this past summer with Madera residents attending over an 8-night program. Fortunately, the City has received some donations, including $20k earlier this year to offset program costs.

- A new series of outdoor events, known as Madera Eats, featuring food vendors and local small businesses were a success with the community, with the last several of the Madera

Eats events taking place at the park. The event provides marketing opportunity to local businesses and boost community usage of parks.

The LTC Park is a city jewel, providing numerous outdoor activities, and experiences to the community. It is the intent of staff to maintain park standards while actively and proactively working to accomplish such goal.

FINANCIAL IMPACT:

No financial impact associated with the presentation of this informational report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

- *Strategy #113: Promote greater accessibility of City facilities and services to meet the needs of various cultural, socioeconomic and disabled groups.*

- *Strategy # 202: Develop/expand and promote community gathering places that reflect the multicultural community in Madera.*

- *Strategy #411: Enhance and expand recreational activities available in Madera.*

ALTERNATIVES:

This report is for informational purposes only.

ATTACHMENTS:

None

REPORT TO CITY COUNCIL

Approved by:

Wendy Silva, Director of Human Resources

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: E-3

SUBJECT:

Professional recruitment services to conduct Director of Financial Services recruitment

RECOMMENDATION:

Staff recommends Council approve a Minute Order authorizing staff to seek proposals from professional recruiting firms to assist the City in filling the currently vacant Director of Financial Services position

SUMMARY:

The Director of Financial Services position is a key member of the City Manager's management team and responsible for the City's budget, utility billing, business licensing, general accounting, expenditure controls, purchasing, grants administration, and maintenance of the City's investment portfolio. The position has been vacant since August 2021. Since that time, City staff has conducted three (3) recruitments, with advertising costing approximately $2,600 per recruitment for this position. Unfortunately, a candidate with the skill set desired to fill the position has not been identified through these efforts. For this reason, staff is seeking concurrence from the City Council to proceed with obtaining professional recruiting services for this position. If approved to proceed, staff will publish a Request for Proposals and bring back award of any professional services agreement for Council's consideration at a future meeting once the firm of choice has been selected. Based on an online search of awarded agreements for other public agencies, it is estimated that the recruitment fee and related reimbursable expenses will be around $25,000 depending on the defined scope of work.

DISCUSSION:

The City Manager operates with support from a management team consisting of at-will department heads, including the Director of Financial Services. This position has been vacant for over a year now, with the role filled by out-of-class assignment and interim consultants while the

City conducted three (3) recruitments. These recruitments were conducted in July 2021, October 2021, and May 2022. Each recruitment costs approximately $2,600 in paid advertising plus staff time for non-paid advertising opportunities, application tracking and review, and interview of candidates. While each recruitment has netted applicants for the City's consideration, no applicant has presented with the desired skill set needed to successfully serve as the City's Director of Financial Services. For this reason, staff is requesting Council consider utilization of a professional recruiting firm to actively pursue candidates and identify the appropriate candidate for appointment to the position by the City Manager. If Council is amenable to this option, staff will prepare and publish a Request for Proposals and then bring a professional services agreement to a future Council meeting for consideration once the firm of choice has been identified.

FINANCIAL IMPACT:

While the adopted budget includes funds for standard City-conducted recruitments, a specific professional recruitment was not in consideration when line-item dollar figures were developed. However, as time progresses through the budget year, salary savings are occurring. If staff is authorized to proceed with seeking proposals, once a firm cost is established, staff will review available funding sources within the existing budget and identify whether any additional appropriations will be needed from the unallocated unreserved fund balance.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council could direct staff to continue to recruit internally for the Director of Financial Services position.

ATTACHMENTS:

None

REPORT TO CITY COUNCIL

Approved by:

Arnoldo Rodriguez, City Manager

Council Meeting of: September 21, 2022

Agenda Number: Workshop-1

SUBJECT:

Workshop on $1 million request from Madera Community Hospital

RECOMMENDATION:

Receive information from Madera Community Hospital on its request for $1 million in funding from the City and provide direction, if desired

SUMMARY:

This workshop is intended for Council to consider a request for funding for Madera Community Hospital. On August 3, 2022, Madera Community Hospital (MCH) CEO, Karen Paolinelli provided public comment on the state of the Hospital's financial health as a result of the COVID-19 pandemic, including their financial deficit and a request for $1 million in assistance from the City's American Rescue Plan Act (ARPA) Funds. As the item was not on the agenda, Council directed staff to gather financial information from the Hospital for review and to place the matter on the Agenda for further discussion in a future workshop.

It should be noted that the City received approximately $23 million in ARPA funds. The Council previously allocated 100 percent of ARPA funds to the City's sewer and water system.

DISCUSSION:

On August 3, 2022, MCH informed Council, Staff and the public of financial challenges faced as a result of COVID-19 pandemic. MCH is a full-service, non-profit hospital that houses 106-beds and is the only community hospital in the city that serves the adult population of Madera.

As previously presented, MCH has stated that the Hospital has accrued a $15 million dollar deficit resulting from the pandemic. Specifically, increased labor costs, costly medications/treatments, reduced reimbursements and shouldering the cost of intensive care services during the pandemic have contributed to financial hardships faced by the hospital. Council approved to agendize the matter and directed Staff to acquire detailed financial information that supports the

organization's need for financial assistance. The information received was to be reviewed prior to a workshop at a future meeting.

During this workshop, MCH will present information to support its request for $1M funding. It is important to note that 100 percent of the City's ARPA funds for the current fiscal year have been allocated to the Sewer and Water Enterprise Funds to mitigate significant rate increases. Senator Caballero organized a meeting which took place on Thursday, August 11th. In attendance, were:

- State Senator Caballero
- Representative for State Assemblyman Frank Bigelow
- Representative for Congressman Jim Costa
- Representatives from the Department of Justice (DOJ)
- Madera County
- Mayor Garcia
- Hospital Board of Directors Deidre da Silva, Chair
- Hospital CEO Karen Paolinelli
- City Manager, Arnoldo Rodriguez

During this meeting, several potential avenues for funding were discussed, including:

- MCH is owed $23 million from the State to which Senator Caballero's office is intervening to expedite these funds
- Madera County is owed a vehicle license refund of $3.6 million from the State DMV, with the *possibility* of allocating a portion of these funds to MCH (note that the County has not allocated said funds to the MCH)
- If additional funding is not received, MCH has funding to operate until mid-November
- The requested allocation of $1 million from the City would allow the hospital to operate for an additional 1-2 weeks
- There is potential Federal Emergency Management Agency (FEMA) funding for COVID relief. Congressman Jim Costa's office recommended MCH urgently apply, as the Hospital has not tapped into this particular funding source.

After this discussion, on September 7, 2022, Senator Anna Caballero and Assemblyman Frank Bigelow announced that $5 million in state funding was secured to support MCH in recovering from their deficit and ensure services continue without interruption or closure until its merge with Trinity Health Corporation/St Agnes Medical Center.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan.

ALTERNATIVES:

No specific action is required of Council at this time; however, Council may provide staff direction.

ATTACHMENT:

1. Presentation prepared by Madera Community Hospital

Madera Community Hospital

Request for Allocation from City of Madera's ARPA Funds

September 21, 2022

Madera Community Hospital (MCH) is requesting the City of Madera allocate $1 million of the American Rescue Plan Act (ARPA) funds it received to MCH.

ARPA Eligible Uses (for nonprofits): Responding to the impacts of COVID-19 pandemic including assistance (grants) to nonprofits; Supporting public health responses, such as vaccination, medical care, testing, contract tracing, isolation and quarantine, capital investments such as physical plant improvements.

- Being the only hospital in the City and County that treats adult patients and the largest private employer in the City, it is important that City, County, State and Federal governments support this important resource in our community.

What Are We Requesting:

We are requesting you designate $1 million to MCH to go towards the replacement of an air handler (a $3.2 million project) to promote better filtration of air within the facility for the protection of patients, visitors and staff during a pandemic. Investments in these projects – one-time expenditures – free up nonprofit dollars that can be used for services and to improve the community.

- Madera Community Hospital plays a major role in the social and economic vitality of our city. Our hospital provides employment for more than 800 people and many other associates. This results in a huge positive economic impact to the City.

- MCH, as a non-profit, is not supported by taxpayer assessments. We are independent and get no other support. We very much appreciate our community and would like the City to recognize the work MCH did throughout the pandemic.

- COVID-19 has sent hospitals reeling, ours including, posing a significant challenge for patient care. Hospital closures since the pandemic are up nationwide. When a community loses a hospital they are losing access to healthcare and usually one of their largest employers.

Why is this important??

- Without a hospital in our community, people end up going without care or care is delayed. Not having an ER will impact the community negatively as transportation to hospitals out of the area is a problem. The Fresno and Merced hospitals are full and cannot absorb Madera residents for care.

Covid-19 response

- MCH has treated almost 750 COVID-positive inpatients during the pandemic and administered over 16,500 COVID tests, more than any other local provider, while operating 24/7/365 during this stressful unprecedented time.

Following are highlights of expenses incurred by MCH since the beginning of the pandemic.

Contract Labor Costs

Registered Nurses, Dieticians, Clinical Lab Scientists

- Cost Increase of Contract Labor During the Pandemic:

Year Ended	Total	Monthly Average	Incr. %
Pre-COVID - 6/30/2020 (annualized from 3/31/20)	$953,000	$79,400	
6/30/2021	$5,875,000	$489,600	617%
6/30/2022	$16,581,000	$1,381,750	1,740%
Annualized from July, 2022	$14,748,000	$1,229,000	1,548%

Supplies Costs

Personal Protective Equipment; Ventilation Equipment; Oxygen, Supplies & Medications to Treat COVID-19 Patients

- Cost of Supplies Increases:

Year Ended:	Total	Monthly Average	Incr. %
6/30/2020 – pre-COVID	$12,136,000	$1,011,250	
6/30/2021	$13,487,000	$1,123,900	+11.1%
6/30/2022	$15,475,000	$1,289,600	+27.5%
Annualized from July, 2022	$15,068,000	$1,255,000	+24.1%

Losses Incurred vs. Relief Payments Received:

Total Losses Incurred From the Beginning of the Pandemic (March, 2020 – July, 2022 – 29 months)	$(29,306,299)
Total Relief Payments Received (From Federal, State & County)	$12,182,251
Deficit From Pandemic	$(17,124,048)

THANK YOU!

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