



CITY OF MENDOTA

"Cantaloupe Center Of The World"

ROBERT SILVA
Mayor
SERGIO VALDEZ
Mayor Pro Tempore
JOSEPH AMADOR
ROLANDO CASTRO
JOSEPH RIOFRIO

AGENDA
MENDOTA CITY COUNCIL
Regular City Council Meeting
CITY COUNCIL CHAMBERS
643 QUINCE STREET
March 8, 2016
6:00 PM

VINCE DiMAGGIO
City Manager
JOHN KINSEY
City Attorney

The Mendota City Council welcomes you to its meetings, which are scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phones on vibrate/off while in the council chambers.**

Any public writings distributed by the City of Mendota to at least a majority of the City Council regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours, 8 AM - 5 PM.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

INVOCATION

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda

CITIZENS ORAL AND WRITTEN PRESENTATIONS

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to **THREE (3) MINUTES**. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of February 23, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. FEBRUARY 23, 2016 THROUGH MARCH 03, 2016
WARRANT LIST CHECKS NO. 40614 THRU 40688
TOTAL FOR COUNCIL APPROVAL = \$320,530.80
2. Proposed adoption of **Resolution No. 16-12**, declaring its intention to reimburse expenditures paid for an infrastructure project.
3. Proposed adoption of **Resolution No. 16-13**, authorizing the City Manager to execute all documents for a financing agreement from the State Water Resources Control Board.
4. Proposed adoption of **Resolution No. 16-14**, adopting the revised City of Mendota Personnel Rules.
5. Proposed adoption of **Resolution No. 16-15**, authorizing the use of the City's emergency reserves to fund portions of the City's settlement in the matter of *Warkentine v. Soria*.
6. Proposed adoption of **Resolution No. 16-16**, conditionally approving the exclusive use permits for City facilities for 2016.

BUSINESS

1. Council discussion and consideration to adopt a resolution favoring the best traffic control device at the intersection of Derrick and Oller Avenues .
 - a. *Receive report from City Manager DiMaggio*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council takes action as appropriate*
2. Introduction of **Ordinance No. 16-02**: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control), and Give First Reading, by Title only, with Second Reading waived.
 - a. *Receive report from City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens the hearing to the public*

3. Introduction of **Ordinance No. 16-03**: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 2.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement), and Give First Reading, by Title only, with Second Reading waived.
 - a. *Receive report from City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens the hearing to the public*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report
2. Police Department
 - a) Monthly Report
3. City Attorney
 - a) Update
4. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor


CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (2) of subdivision (d) of Section 54956.9 ([1] potential case).

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of March 8, 2016, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, March 4, 2016 at 2:35 p.m.



Celeste Cabrera, Deputy City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

February 23, 2016

Meeting called to order by Mayor Silva at 6:00 p.m.

Roll Call

Council Members Present: Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador, Rolando Castro (at 6:24 p.m.), and Joseph Riofrio.

Council Members Absent: None.

Flag salute led by Mayor Silva.

Invocation led by Eugenio Rodriguez from the Iglesia de Dios Pentecostal, M.I.

A moment of silence was held in honor of Benny Lozano, Connie Gil, and Luis Larios who had recently passed away.

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda.

A motion was made by Councilor Amador to adopt the agenda, seconded by Mayor Pro Tem Valdez; unanimously approved (4 ayes, absent: Castro).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Antonio Gonzales (603 L Street) – stated that he was cited by the Code Enforcement department due to having an illegal sign; explained that he submitted an appeal but it was subsequently denied; inquired as to why his appeal was denied; and explained that regulations regarding signs should be equally enforced throughout the City.

Discussion was held on the sign being illegal since Mr. Gonzales does not have a sign permit for the sign and that such signs are not allowed in the zoning governance of the property; Council deciding to leave the sign ordinance as is; and Mr. Gonzales re-submitting the appeal.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Special City Council meeting of February 2, 2016 and the Regular City Council meeting of February 9, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Riofrio to approve items 1 and 2, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Castro).

CONSENT CALENDAR

1. FEBRUARY 9, 2016 THROUGH FEBRUARY 18, 2016
WARRANT LIST CHECKS NO. 40558 THRU 40613
TOTAL FOR COUNCIL APPROVAL = \$209,610.74
2. Discussion and possible action on authorization for the City Manager to execute an agreement with Fresno County Superior Court for Remote Video Proceedings services.
3. Proposed adoption of Resolution No. 16-09, approving the purchase of two new 2015 Ford Explorer Police Utility vehicles.

A motion was made to approve item 1, 2, and 3 of the consent calendar by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Castro).

BUSINESS

1. Receive presentation on the proposed roundabout at the intersection of Oller and Derrick Avenues.

Mayor Silva introduced the item and John Liu of Caltrans introduced himself and reported that the City has received funding from various sources to construct a traffic mitigation measure at the intersection; mitigating traffic at the intersection of Oller and Derrick Avenues by developing a roundabout; the elements of a roundabout (6:24 p.m. Councilor Castro entered the Council Chambers); roundabouts in cities throughout Fresno County; public opinion in regards to the roundabout in Kerman; the benefits of a roundabout such as the increase of safety; and various roundabouts that have been completed or are under construction in Caltrans District 6.

Discussion was held on ensuring that the roundabout can accommodate large truck trailers; educating the public on how to maneuver through a roundabout; which traffic control device can properly mitigate traffic in the area; costs associated with installing a traffic signal at the intersection versus a roundabout; funds that the City has that are specifically for a roundabout; and Caltrans making the final decision as to which traffic control measure to develop at the intersection.

Mark Banuelos (630 Gaxiola Street) – inquired as to whether traffic is anticipated to back up to the railroad tracks.

Antonio Gonzales (601 L Street) – inquired on the negative aspects of developing a roundabout at the intersection.

Discussion was held on the negative aspects of developing a roundabout at the intersection; the amount of land that needs to be acquired to develop either traffic control device; and the amount of funding that is available to develop either project.

A motion was made to direct staff to bring back a formal resolution in favor of the roundabout at a future meeting by Council Rios, seconded by Councilor Amador; unanimously approved (5 ayes).

2. Council discussion and consideration to enter into a license agreement with American Ag Aviation, Inc. d/b/a American West Aviation and West Valley Aviation for agricultural aviation services based at the William Robert Johnston Municipal Airport.

Mayor Silva introduced the item and City Manager DiMaggio reported that staff, along with Council Member Castro, met with a individual who was interested in utilizing the airport to refill an airplane with crop dusting chemicals (7:05 Councilor Rios left the Council Chambers); the details of the license agreement; the prohibition of such activities at the airport; and the possibility of amending the Mendota Municipal Code to allow the business.

Discussion was held on an accident that occurred in the past in which a crop dusting plane released its chemicals over the City and the subsequent prohibition of such activities at the airport and regulations that crop dusting airplanes have to comply with.

Freddy Serrano – stated that the airport land strip is within a close proximity of a school which has create a possible hazard.

Discussion was held on other possible airport uses.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

Public Works Director Gonzalez thanked Council for their well wishes in regards to his new born daughter and summarized the report.

Discussion was held on the status of the roadway improvements of Bass Avenue and 2nd Street; the possibility of extending the amount of time that the Proteus employees can work for the City; the welcome sign north of the City needing its lights replaced; the amount of permits that have been pulled for the housing subdivision; and a truck parking business on Naples Street.

2. City Attorney
 - a) Update

City Attorney Kinsey reported on ordinance related to medical marijuana being discussed at the Planning Commission meeting of March 15th and working with staff to clarify certain ordinances.

Discussion was held on an organization that keeps track on what each City is doing in regards to the medical marijuana issue and what would occur if the public were to vote in favor of legalizing medical marijuana.

3. City Manager

City Manager DiMaggio reported on the upcoming joint meeting with the Mendota Unified School Board and the various issues that will be discussed at the meeting.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
 - Council reports

Councilor Amador stated that he provided staff business cards for Habitat of Humanity and reported on the new area commander for the area.

Discussion was held on the adoption of a new law regarding water sustainability and the possibility of leaving Westlands Water District and joining the Delta-Mendota District.

Councilor Castro inquired as to whether the code enforcement officers will receive training.

Mayor Pro Tem Valdez inquired as to whether individuals have applied for the police lieutenant position; whether the new police vehicles would replace older vehicles that are in service; and when the speed trailer would be back in service.

2. Mayor

Mayor Silva reported on a Chamber of Commerce meeting that he recently attended and on an upcoming JPA meeting related to Prop 1 funding.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL -- PENDING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9; Edward Warkentine et al. v. Hector J. Soria, et al., U.S. District Court Eastern District Case No. 13-cv-01550.
2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9; *Lemus v. City of Mendota*, Workers' Compensation Appeals Board, Case Nos. ADJ9178080, ADJ9178149, ADJ9178159, and ADJ9563329.
3. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION
Pursuant to Paragraph (2) of subdivision (d) of Section 54956.9 ([1] potential case).

At 7:36 p.m. the Council moved into closed session.

At 8:36 p.m. the Council reconvened in open session and City Attorney Kinsey reported that in regards to item 1 of the closed session, the settlement would be memorialized by staff (8:37 Mayor Pro Tem Valdez entered the Council Chambers). In regards to items 2 and 3 of the closed session, there was nothing to report.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:38 p.m. by Councilor Castro, seconded by Councilor Amador; unanimously approved (5 ayes).

Robert Silva, Mayor

ATTEST:

Matt Flood, City Clerk

CITY OF MENDOTA
 CASH DISBURSEMENTS
 2/23/2016-3/3/2016
 Check #40614 - 40688

Date	Check #	Amount	Vendor	Department	Description
February 23, 2016	40614	\$95,082.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 02/08/2016 - 01/21/2016
February 23, 2016	40615	\$380.14	AFLAC	GENERAL	AFLAC INSURANCE FOR FEBRUARY 2016
February 23, 2016	40616	\$23,839.75	BLUE SHIELD OF CALIFORNIA	GENERAL	MEDICAL INSURANCE FOR MARCH 2016
February 23, 2016	40617	\$578.65	LOWE'S BUSINESS ACCT/GEMB	GENERAL	SENIOR CENTER FACILITY MAINTENANCE
February 23, 2016	40618	\$29,628.56	PG&E	GENERAL-WATER-STREET-SEWER	CITY WIDE UTILITIES (WATER WELLS) 12/16/2015-01/14/2016 - CITY WIDE UTILITIES 12/16/2015-01/14/2016
February 23, 2016	40619	\$1,411.21	VERIZON WIRELESS	GENERAL-WATER-SEWER	CITY & PD CELL PHONES FOR 01/07/2016-02/06/2016
February 29, 2016	40620	VOID			
February 29, 2016	40621	VOID			
February 29, 2016	40622	VOID			
February 29, 2016	40623	VOID			
February 29, 2016	40624	VOID			
February 29, 2016	40625	VOID			
February 29, 2016	40626	VOID			
February 29, 2016	40627	VOID			
February 29, 2016	40628	VOID			
February 29, 2016	40629	VOID			
February 29, 2016	40630	VOID			
February 29, 2016	40631	VOID			
February 29, 2016	40632	VOID			
February 29, 2016	40633	VOID			
February 29, 2016	40634	VOID			
February 29, 2016	40635	VOID			
February 29, 2016	40636	VOID			
February 29, 2016	40637	VOID			

**CITY OF MENDOTA
CASH DISBURSEMENTS
2/23/2016-3/3/2016
Check #40614 - 40688**

February 29, 2016	40638	\$1,500.00	ADMINISTRATIVE SOLUTIONS, INC.	GENERAL	MEDICAL CHECK RUN 02/24/2016
February 29, 2016	40639	\$293.84	ALLIED ELECTRIC	WATER	WASTE WATER MAINTENANCE (1) WIR 8/4 SO CORD 1000 MASTER WIRE (1) IDE 34002 0-100A 250-600V PULLER
February 29, 2016	40640	\$126.90	JOSEPH AMADOR	GENERAL	MILEAGE REIMBURSEMENT FOR 2016 WELL CONFERENCE
February 29, 2016	40641	\$97.40	APPLIED CONCEPTS, INC	GENERAL	SAM PORT COVER ASSEMBLY PD
February 29, 2016	40642	\$786.74	BAKER MANCOCK & JENSEN PC	GENERAL	DOMESTIC WATER SUPPLY WELL SITE LEASE THROUGHT 01/31/2016
February 29, 2016	40643	\$255.00	BSK ASSOCIATES	SEWER	WASTEWATER WEEKLY DRINKING & WASTEWATER ANALYSES BOD - FILTER WATER PLANT PROFILE EDT WEEKLY WATER SYSTEM - GENERAL EDT WEEKLY
February 29, 2016	40644	\$126.90	ROLANDO CASTRO	GENERAL	MILEAGE REIMBURSEMENT FOR 2016 WELL CONFERENCE
February 29, 2016	40645	\$625.52	CORBIN WILLITS SY'S INC.	GENERAL-WATER-SEWER	ENHANCEMENT SERVICES FOR MOM SOFTWARE MARCH 2016
February 29, 2016	40646	\$420.00	DEPARTMENT OF JUSTICE	GENERAL	(12) BLOOD ALCOHOL ANALYSIS JANUARY 2016 PD
February 29, 2016	40647	\$96.00	FRESNO COUNTY SHERIFF	GENERAL	(4) PRISONER PROCESSING SERVICES FOR JANUARY 2016 PD
February 29, 2016	40648	\$9.50	HAVEN'S FOR TOTAL SECURITY, INC	GENERAL-WATER-SEWER	DND, SECTIONAL KEYS AND 6 PIN
February 29, 2016	40649	\$114.05	LEAGUE OF CALIFORNIA CITIES	GENERAL	SOUTH SAN JOAQUIN VALLEY DIVISION MEMBERSHIP DUES (2016)
February 29, 2016	40650	\$126.90	ROBERT SILVA	GENERAL	MILEAGE REIMBURSEMENT FOR 2016 WELL CONFERENCE
February 29, 2016	40651	\$601.00	TECHNICON ENGINEERING	STREET	MENDOTA ELEMENTARY PEDESTRIAN PROJECT - TESTING, DRAFT
March 3, 2016	40652	\$93.86	AUTOMATED OFFICE SYSTEMS	GENERAL	MAINTENANCE CONTRACT NO. 17170 RICOH MPC 3503 PD
March 3, 2016	40653	\$1,756.92	AT&T	GENERAL	CITY WIDE TELEPHONE SERVICE 1/25/2016 - 2/24/2016
March 3, 2016	40654	\$131.16	AT&T MOBILITY	GENERAL-WATER-SEWER	AIR CARDS FOR 01/20/2016 - 02/19/2016
March 3, 2016	40655	\$150.00	DISCOUNT SHRED	GENERAL	96 GAL BINS PD
March 3, 2016	40656	\$200.00	FAMILY HEALING CENTER	GENERAL	MDIC CASE # 16-0229 NAVARRETE, E PD
March 3, 2016	40657	\$143.67	FERGUSON ENTERPRISES, INC 1423	WATER	(1) 16 PILOT POINT SET (1) 3PC PLIER SET
March 3, 2016	40658	\$11,585.96	DAVID A. FIKE, ATTORNEY AT LAW	GENERAL	PROFESSIONAL SERVICES - SPECIAL SERVICES FOR FEBRUARY 2016
March 3, 2016	40659	VOID			
March 3, 2016	40660	\$434.00	FRESNO MOBILE RADIO INC.	GENERAL	POLICE DEPARTMENT RADIOS FOR FEBRUARY 2016
March 3, 2016	40661	\$83,636.22	FRESNO COUNTY FIRE	GENERAL	FIRE PROTECTION SERVICES FOR JULY 01,2015 - DECEMBER 31, 2015
March 3, 2016	40662	\$340.00	GONZALEZ TOWING, TIRE, AUTO & TRUCK DISMANTLI	STREET	TOW CHARGE HEAVY DUTY/WRECKER SERVICE BASS AVE AND POOL PARK

**CITY OF MENDOTA
CASH DISBURSEMENTS
2/23/2016-3/3/2016
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March 3, 2016	40663	\$1,400.00	GONZALEZ TRANSPORT, INC.	WATER-SEWER	LOAD TRANSPORT SERVICE FOR (2) RIVERSDAND AND (2) BASEROCK
March 3, 2016	40664	\$742.01	HARDWARE DISTRIBUTION	GENERAL	(7) 30' STOP SIGN HIP (STREET) - (30) 10' WOOD STAKES, TREE RUBBER STRAPS
March 3, 2016	40665	\$3,329.00	INLAND POTABLE SERVICE, INC.	WATER	POTABLE WA TANK INSPECT, CLEAN & INSPECT (2) TANK
March 3, 2016	40666	\$675.00	KERWEST INC. DBA	GENERAL	ADVERTISEMENT HELP WANTED FOR LIEUTENANT 02/10/2016 & 02/17/2016 PD - LEGAL NOTICES - LOACAL SUMMARY OF ORDINANCE 16-01 -
March 3, 2016	40667	\$2,623.00	MID VALLEY DISPOSAL, INC	REFUSE-STREETS	10 YD ROLL OF EXCHANGE (9.17) QTY - 10 YD ROLL OFF EXCHANGE (14.31) QY - 30 YD ROLL OF EXCHANGE (3.95) QTY - 40 YD ROLL OFF EXCHANGE
March 3, 2016	40668	\$327.99	NISSAN MOTOR ACCEPTANCE CORPORATION	GENERAL-WATER-SEWER	MONTHLY LEASE PAYMENT FOR 2015 NISSAN ALTIMA FOR MARCH 2016 (CM)
March 3, 2016	40669	\$1,515.19	NORTHSTAR CHEMICAL	WATER	(786) GALLON SODIUM HYPOCHLORITE 12.5%
March 3, 2016	40670	\$370.15	PAPE MACHINERY	SEWER-STREET	(1) TURNBUCKLE (1) INBOUND FREIGHT
March 3, 2016	40671	\$26,020.27	PG&E	GENERAL-WATER-SEWER-AVIAT	CITY WIDE UTILITIES 01/15/2016 - 02/16/2016 - WATER UTILITIES 01/14/2016 - 02/15/2016
March 3, 2016	40672	\$4,959.95	PURCHASE POWER	GENERAL-WATER-SEWER	POSTAGE METER REFILL 11/02/2016 - POSTAGE METER REFILL 01/13/2016, 02/01/2016 & 02/12/2016
March 3, 2016	40673	\$548.60	RAMON'S TIRE & AUTO SERVICE	GENERAL-WATER-SEWER-STREE	(1) NEW RADIAL TRAIL (1) VALVE STEM-TRAILER #65 (1) TIRE REPAIR (1) SPECIALTY TUBE TRACTOR #35 (1) BRAKE PADS, RESURFACE ROTORS, WHEEL
March 3, 2016	40674	\$19.95	SEBASTIAN	GENERAL	SECURITY SERVICES FEBRUARY 21, 2016 - MARCH 20, 2016 PD
March 3, 2016	40675	\$1,309.82	SORENSEN MACHINE WORKS	GENERAL-WATER-SEWER-STREE	MULTI-DEPARTMENT SUPPIES FOR JANUARY 2016
March 3, 2016	40676	\$1,485.32	BANKCARD CENTER	GENERAL-WATER	CREDIT CARD EXPENSES FOR 01/26/2016 THROUGH 02/23/2016
March 3, 2016	40677	\$2,286.90	T AND L TACTICAL, INC	GENERAL	WINCHESTER 180 GR JHP RANGER .40 SW 1 OZ PD
March 3, 2016	40678	\$580.00	TECH-MASTER	GENERAL-WATER	ONE-TIME SERVICE TREATED GROUNDS FOR GOPHERS PD/HALL - ONE-TIME SERVICE TREATED GROUNDS FOR SQUIRRELS AND GOPHERS ROJAS PARK -
March 3, 2016	40679	\$23.38	DEPT. 32 2002513996	WATER	BR5LED 3HL (2) - WATER
March 3, 2016	40680	\$100.05	CHRIS TSARIS	GENERAL	EXPENSE REIMBURSEMENT - REMINGTON 12 GAUGE SHOTGUN
March 3, 2016	40681	\$68.08	UNIFIRST CORPORATION	GENERAL-WATER-SEWER	MONTHLY WET/DRY TOWEL CLOTHS, MOPS, RUGS FEBRUARY 2016
March 3, 2016	40682	\$1,200.00	VERDEGAAL BROS. INC.	WATER	(1) WELL TREATMENT - WA
March 3, 2016	40683	\$2,311.18	VULCAN MATERIALS COMPANY	STREET	(10.32) ST 1/2 IN HMA TYPE A ASPHALT - ST 1/2 IN HMA TYPE A ASHLAN AVE HMA - ST 1/2 IN HMA TYPE A MADERA HMA
March 3, 2016	40684	\$13,560.91	WANGER JONES HELSLEY PC ATTORNEYS	GENERAL-WATER-SEWER	RETAINER - LEGAL SERVICES 01/18/2016 THROUGH 02/15/2016 - REIMBURSEABLE - WWTP PROJECT 01/15/2016 THROUGH 02/15/2016
March 3, 2016	40685	\$52.20	WECO	GENERAL-WATER-SEWER	CYCLINDER RENTAL FOR FEBRUARY 2016
March 3, 2016	40686	\$150.00	ABRAHAM ALEJANDRE	WATER	MQ CUSTOMER REFUND FOR ALE0014
March 3, 2016	40687	\$150.00	MANUEL REYES	WATER	MQ CUSTOMER REFUND FOR REY0045

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March 3, 2016	40688	\$150.00	JORGE LUIS ZARATE	WATER	MQ CUSTOMER REFUND FOR ZAR0008
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TOTAL **\$320,530.80**

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA DECLARING ITS
INTENTION TO REIMBURSE EXPENDITURES
PAID FOR AN INFRASTRUCTURE PROJECT.**

RESOLUTION NO. 16-12

WHEREAS, the City of Mendota (the "Agency") desires to finance the costs of Planning, designing, and constructing and/or reconstructing certain public facilities and improvements relating to its water system, to effectuate the conversion of the City's water meters to an automated water meter system (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (the "State Board"); and

WHEREAS, the State Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations;

WHEREAS, the Agency's contemplated approval of the Project could not possibly have a significant impact on the environment because it simply involves the conversion of the City's water meters to an automated water meter system, and is thus exempt from CEQA, (see CEQA Guidelines, § 15061(b)(3)); and

WHEREAS, the Agency's contemplated approval of the Project is otherwise exempt from CEQA because it involves the repair, maintenance, and minor alteration of existing facilities, with no expansion of previous use beyond that existing at the time of the Agency's determination, (see CEQA Guidelines, § 15301); and

WHEREAS, the Agency's contemplated approval of the Project is also exempt from CEQA because it involves the replacement and/or reconstruction of existing facilities, and the facilities replaced will have substantially the same purpose and capacity as the facilities to be replaced. (See CEQA Guidelines, § 15302.)

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$ 2,700,000.00.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. The City Council finds the Project is exempt from CEQA, as it (i) simply involves the conversion of the City's water meters to an automated water meter system, (ii) involves the repair, maintenance, and minor alteration of existing facilities, with no expansion of previous use beyond that existing at the time of the Agency's determination, and (iii) involves the replacement and/or reconstruction of existing facilities, and the facilities replaced will have substantially the same purpose and capacity as the facilities to be replaced. (See CEQA Guidelines, §§ 15061(b)(3), 15301, 15302.)

SECTION 8. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AUTHORIZING
THE CITY MANAGER TO EXECUTE ALL
DOCUMENTS FOR A FINANCING AGREEMENT
FROM THE STATE WATER RESOURCES
CONTROL BOARD.**

RESOLUTION NO. 16-13

WHEREAS, the City of Mendota (the “City”) desires to improve its potable water delivery system infrastructure, thereby decreasing the cost to operate and maintain it, while increasing its efficiency; and

WHEREAS, the City intends to convert the City’s water meters to an automated water meter system (the “Project”); and

WHEREAS, the City intends to finance the construction and/or reconstruction of the Project with funds provided by the State Water Resources Control Board; and

WHEREAS, in order for the City to be eligible to receive such funds, the City has to submit a Financial Assistance Application to accompany a financing agreement to the State Water Resources Control Board; and

WHEREAS, the City’s contemplated approval of the Project could not possibly have a significant impact on the environment because it simply involves the conversion of the City’s water meters to an automated water meter system, and is thus exempt from CEQA, (see CEQA Guidelines, § 15061(b)(3)); and

WHEREAS, the City’s contemplated approval of the Project is otherwise exempt from CEQA because it involves the repair, maintenance, and minor alteration of existing facilities, with no expansion of previous use beyond that existing at the time of the City’s determination, (see CEQA Guidelines, § 15301); and

WHEREAS, the City’s contemplated approval of the Project is also exempt from CEQA because it involves the replacement and/or reconstruction of existing facilities, and the facilities replaced will have substantially the same purpose and capacity as the facilities to be replaced. (See CEQA Guidelines, § 15302.)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota (the “Entity”) that the City Council authorizes the City Manager (the “Authorized Representative”) or designee to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Project.

THEREFORE, BE IT FURTHER RESOLVED, this Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

THEREFORE, BE IT FURTHER RESOLVED, the Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council finds the Project is exempt from CEQA, as it (i) simply involves the conversion of the City's water meters to an automated water meter system, (ii) involves the repair, maintenance, and minor alteration of existing facilities, with no expansion of previous use beyond that existing at the time of the Agency's determination, and (iii) involves the replacement and/or reconstruction of existing facilities, and the facilities replaced will have substantially the same purpose and capacity as the facilities to be replaced. (See CEQA Guidelines, §§ 15061(b)(3), 15301, 15302.)

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

Notice of Exemption

To: County Clerk
Fresno County
2221 Kern Street
Fresno, CA 93721

From: City of Mendota
632 Quince Street
Mendota, CA 93640

Project Title: Conversion of Water Meters to Automated Water Meter System

Project Proponent: City of Mendota

Project Location – Specific: Throughout the City of Mendota

Project Location – City: Mendota

Project Location – County: Fresno

Description of Nature, Purpose, and Beneficiaries of Project: modification and enhancement of existing facilities necessary to convert water meters within the City of Mendota to an automated water meter system.

Name of Public Agency Approving Project: City of Mendota

Name of Person or Agency Carrying Out Project: City of Mendota

Exempt Status:

- Ministerial (Sec. 15268);
- Declared Emergency (Sec. 15269(a));
- Emergency Project (Sec 15269(b)(c));
- Categorical Exemption. State type and section number: Class 1 [CEQA Guidelines, § 30001], Class 2 [CEQA Guidelines, § 30002]
- Statutory Exemption. State code number:
- Other: Common Sense Exemption [CEQA Guidelines, § 151061(b)(3)]

Reason(s) why project is exempt:

The Project could not possibly have a significant impact on the environment because it simply involves the conversion of the City's water meters to an automated water meter system, and is thus exempt from CEQA. (See CEQA Guidelines, § 15061(b)(3).) The Project is otherwise exempt from CEQA because it involves the repair, maintenance, and minor alteration of existing facilities, with no expansion of previous use beyond that existing at the time of the Agency's determination. (See CEQA Guidelines, § 15301.) The Project is also exempt from CEQA because it involves the replacement and/or reconstruction of existing facilities, and the facilities replaced will have substantially the same purpose and capacity as the facilities to be replaced. (See CEQA Guidelines, § 15302.)

Lead Agency Contact: Matt Flood

Phone: (559) 655-3291 Ext. 108

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ **Date:** _____ **Title:** City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CHARLES W. JOHNSON, DIRECTOR OF ADMINISTRATIVE SERVICES
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: RESCIND RESOLUTION NO. 02-18 AND ADOPT RESOLUTION NO. 16-14 AND ITS AMENDMENTS TO THE MENDOTA PERSONNEL RULES
DATE: MARCH 8, 2016

ISSUE

Should the City Council authorize approval to rescind Resolution No. 02-18 and any previously adopted Personnel Rules, and adopt Resolution No. 16-14 allowing amendments to the Mendota Personnel Rules for City employees?

BACKGROUND

The Personnel Rules and regulations serve as the governing document for daily administration of matters relating to Mendota employees. The document was last reviewed and comprehensively updated in 2002 with minor updates in 2013. With that said our current rules are antiquated and are not consistent with current laws and regulations.

A component of the FY 2015/16 budget approved by Council was for staff to send out a Request for Proposal (RFP) for professional services to perform a comprehensive review of the City's personnel policies to reduce redundancy and ensure consistency with current laws and City regulations, which the law firm of Liebert Cassidy Whitmore (LCW) was awarded the contract. LCW has prepared a comprehensive document containing modifications recommended by City staff and bargaining units (Attachment 1).

ANALYSIS

City staff and representatives of American Federation of State, County and Municipal Employees (AFSCME) have met on numerous occasions in good faith and have had productive meetings regarding proposed changes within the rules. All agreed upon changes have been incorporated into the new Rules.

City staff also communicated via email on several occasions with the membership of the Mendota Police Officers' Association in order to provide them ample opportunity to review and comment on the proposed Rules, and to meet if they requested.

The proposed Personnel Rules and its revisions are intended implement the various changes to law that has occurred over time and to reflect the needs of the City of Mendota and its employees.

FISCAL IMPACT

No material fiscal impact as a result of this amendment.

RECOMMENDATION

Council approval of Resolution No. 16-14 and adopt the proposed changes and amendments to the Mendota Personnel Rules and Regulations as addressed in Attachment 1.

ATTACHEMENTS

1. Resolution No. 16-14
2. Personnel Rules

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA ADOPTING
UPDATED PERSONNEL RULES FOR
CITY EMPLOYEES.**

RESOLUTION NO. 16-14

WHEREAS, the City Council of the City of Mendota adopted Resolution No. 02-18 adopting Personnel Rules for its employees on April 2, 2002;

WHEREAS, City Staff has performed a comprehensive review of the City's Personnel Policies to reduce redundancy, ensure consistency with current laws and regulations, and to allow flexibility to the City in the administration of its policies; and

WHEREAS, City Staff has prepared a comprehensive document containing the City's Personnel to reflect modifications recommended by City Staff in connection with its comprehensive review; and

WHEREAS, attached hereto, marked as Attachment 1 and incorporated herein by this reference, are the updated and revised Mendota Personnel Rules; and

WHEREAS, the City Council desires to amend the Personnel Rules to more fully reflect the needs of the City of Mendota and its employees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mendota hereby resolves the following:

1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
2. The Mendota Personnel Rules are hereby modified consistent with the modified text included in Attachment 1.
3. The Council hereby rescinds Resolution 02-18, and any previously adopted Personnel Rules.
4. The City Clerk shall certify to the adoption of this Resolution.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

CITY OF MENDOTA
PERSONNEL RULES

I. PERSONNEL SYSTEM

A. ADOPTION OF PERSONNEL SYSTEM

In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the Mendota Personnel Rules are hereby adopted. Use of the masculine pronoun, except where expressly limited, shall include the feminine pronoun.

1. Definitions

The terms used to administer the Mendota Personnel Rules are defined as follows:

- *"Advancement"* means a salary increase within the limits of a pay range established for a class.
- *"Allocation"* means the assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
- *"Anniversary date"* means the first day of employment with the City of Mendota.
- *"Class"* means positions sufficiently similar in duties, authority, and responsibilities that permit grouping under a common title, and the application of common standards, including but not limited to selection, transfer, demotion and salary.
- *"Competitive service"* means all positions of employment in the service of the City except those excluded by the personnel rules or by resolution of the City Council. This provision shall not be construed as a waiver of any rights under the Meyers-Milias-Brown Act.
- *"Days"* means calendar days, unless otherwise stated.
- *"Demotion"* means the movement of an employee from one class to another class having a lower maximum base rate of pay.
- *"Disciplinary action"* means punitive action against a regular employee as described in these Personnel Rules, and shall not include any counseling or performance evaluation.

- *"Eligible"* means person whose name appears on an employment list.
- *"Employment List"* means:
 - *"Open employment list"* means a list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
 - *"Promotional employment list"* means a list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.
- *"Examination"* means:
 - *"Open-competitive examination"* means an examination for a particular class that is open to all persons meeting the qualifications for the class whether or not they are employed by the City.
 - *"Promotional examination"* means an examination for a particular class that is open only to employees meeting the qualifications for the class.
 - *"Continuous examination"* means an open-competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than six (6) months.
- *"Grievance"* means a claimed violation of certain rules or provisions as defined in Section VII of the City Personnel Rules.
- *"Lay-off"* means the separation of employees from the active work force due to lack of work or funds or to the abolition of positions by the City Council.
- *"Management Employees"* means the positions described in the Personnel Rules (I, C).
- *"Personnel Officer"* means the City Manager, or his or her designee, who have the final authority to appoint to or remove persons from positions of employment in the City in accordance with Municipal Code 2.12.040.

- *"Position"* means a group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.
- *"Probationary employee"* means an employee who has been appointed to a position but has not completed the probationary period.
- *"Probationary period"* means a one (1) year period of actual service to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.
- *"Promotion"* means the movement of an employee from one class to another class having a higher maximum base rate of pay.
- *"Provisional appointment"* means an appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class on a provisional basis for a limited or definite duration. Provisional employees do not hold regular status in their position and may be dismissed from employment at any time without cause, right to appeal, or grievance.
- *"Re-Employment"* means restoration without examination of a former regular, non-probationary employee to the same or a lower classification in which the employee previously served prior to layoff or demotion.
- *"Regular employee"* means an employee in the competitive service who has successfully completed the probationary period and has been retained as provided in these rules.
- *"Reinstatement"* means the restoration without examination of a former regular employee, or probationary employee who has completed at least six (6) months of the probationary period, to a classification in which the employee formerly served as a regular non-probationary employee.
- *"Relief of duty"* means the temporary non-punitive assignment of an employee to a status of leave with pay.
- *"Suspension"* means the temporary separation from service of an employee without pay for disciplinary purposes.

- "*Temporary employee*" means an employee who is appointed to an authorized position for a limited period of time, not to exceed one year.
- "*Transfer*" means a change of an employee from one position to another position in the same class or in a comparable class.

B. ADMINISTRATION

The City Manager shall administer the Mendota Personnel Rules and shall hold the position of Personnel Officer. He/she may delegate the appointing authority and the duties granted herein to any other officer or employee of the City. The City Manager shall have the following duties and responsibilities:

1. To act as the appointing authority for the City except where the City Council has the authority to appoint by resolution, or otherwise;
2. To administer the provisions of the Personnel Rules not specifically reserved to the City Council;
3. To prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan, subject to approval by the Council;
4. To prepare or cause to be prepared a plan for compensation of all classifications in the competitive service, subject to approval by the Council;
5. To have the authority to discipline employees in accordance with these Rules; and
6. To provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of lists of persons eligible for appointment in the competitive service; and the performing of any other duty that may be required to administer the Personnel Rules.

C. COMPETITIVE SERVICE

The provisions of the Personnel Rules adopted herein shall apply to all officers, positions and employees in the service of the City of Mendota, except the Personnel Rules I, II, V, VI, and VII of these Rules shall not, unless otherwise and specifically described, apply to the following:

1. Elective Officers:
2. Contract Employees:

- (a) The City Manager;
 - (b) The City Attorney; and
 - (c) The City Engineer.
3. Management Employees:
- (a) Finance Director;
 - (b) City Clerk;
 - (c) Public Works Director;
 - (d) Public Utilities Director;
 - (e) Administrative Services Director;
 - (f) Chief of Police;
 - (g) Economic Development Director; and
 - (h) Such other personnel as may be designated by the City Council.
4. Middle Management Employees
5. Persons engaged under contract to supply expert, professional, technical or other services.
6. Volunteer personnel.
7. City officers and officials appointed directly by the City Council, including appointive boards and commissions.
8. Emergency employees hired to meet the immediate requirements of an emergency condition, such as an extraordinary fire, flood or earthquake, which threatens life or property.
9. Employees other than those listed elsewhere in this section who are not regular employees of the City.
10. Any non-permanent position primarily funded under a State or Federal employment training program This provision shall not be construed to include other personnel hired under Federal or State subsidy programs
11. Probationary employees.

12. Employees not included in the competitive service under this section are at-will employees and shall serve at the pleasure of the Personnel Officer, including but not limited to those positions listed in this section and all part-time, provisional or temporary employees.

D. STATUS OF PRESENT EMPLOYEES

Any person holding a position included in the competitive service who, on the effective date of these Rules, shall have served continuously in such position or in some other position in the competitive service for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without a qualifying test, and shall thereafter be subject in all respects to the provisions of these Rules.

Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

E. VIOLATION OF RULES

Violations of the provisions of these Rules shall be grounds for rejection, suspension, demotion, dismissal or other disciplinary action as described in Section V of these Rules.

F. SUPERSEDING PROVISIONS

Memoranda of Understanding between the City and an exclusively recognized employee organization, which contains provisions contrary to or inconsistent with any of these Rules, shall be deemed to supersede these Rules.

G. CONTRACTS FOR SPECIAL SERVICE

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical, expert, professional or other services which City employees are not qualified or available to perform. The City Council may contract with any qualified person or public or private agency for the performance of such services.

II. PERSONNEL RECRUITMENT AND TERMS OF EMPLOYMENT

A. EQUAL OPPORTUNITY EMPLOYER

The City is committed to the goal of equal opportunity employment. It is the policy of the City to ensure that the application of these rules and regulations, and the recruitment, employment, training, advancement, layoff, pay, termination, and all other personnel actions for all positions, classes and individual employees shall be on the basis of qualifications and performance without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, or any other status protected by law, except where a bona fide occupational qualification exists.

B. RECRUITMENT PRACTICES

Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. These procedures shall apply to the City Manager, Management Employees, and Middle Management Employees, as those personnel classifications are defined Rule I, Section C.

1. Appointments and Promotions

All appointments and promotions to positions in the classified service shall be made according to merit and fitness and from eligible lists to be established in accordance with these rules. In the absence of persons eligible in such manner, provisional or temporary appointments may be made.

2. Announcement

All examinations for classes in the competitive service shall be publicized by such methods as the Personnel Officer deems appropriate. Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the class for which the examination is announced, the nature of the work to be performed, minimum and desirable qualifications, the time and manner of making application, and other pertinent information.

3. Application forms

Written applications for employment shall be made on official application forms available in the Administrative Services Department, or as

otherwise prescribed on the examination announcement, including any online/electronic application procedures. Application forms shall, require information covering training, experience, and other pertinent information, and may include certificates of one (1) or more examining physicians, references and fingerprints. All applications must be signed by the applicant, including the use of an e-signature for an online/electronic application.

The completed application shall be received in the Administrative Services Department office on or before the announced final filing date and time. An oral or written indication of interest in employment is not an application.

4. Citizenship of Applicants

Employment is open to all qualified persons authorized to work in the United States. Authorization will be determined upon applicant's completion and submission of Department of Homeland Security, U.S. Citizenship and Immigration Services Form I-9. Applicants who fail to complete and submit Form I-9 will not be employed by the City.

5. Disqualification

Incomplete applications may be rejected or returned to the applicant for additional information or completion, at the Personnel Officer's discretion, providing the time limit for receiving applications has not expired. The Personnel Officer may reject any application, either before or after an examination, whose appointment is deemed contrary to the best interests of the City. Reasons for rejecting an application or applicant may include, but shall not be limited to, the following:

- a) The applicant does not possess any of the minimum qualifications required for the position;
- b) The applicant is incapable of performing the essential job functions and duties of the position, with or without reasonable accommodation, to which the applicant seeks appointment;
- c) The applicant was under the influence of controlled substances or alcohol or has a current addiction to the use of controlled substances;
- d) The applicant has made any false statement of any material fact, or practiced or attempted to practice any deception or fraud in an application or examination, or in securing eligibility for appointment. .

6. Applicants With Felony or Misdemeanor Convictions

Conviction, including pleas of guilty and nolo contendere, of any felony or a misdemeanor involving moral turpitude or unfitness for employment may disqualify an applicant for employment or be grounds for removing the name of an eligible candidate from any employment list.

The City will first determine whether an applicant meets the minimum employment qualifications before asking the applicant to disclose information concerning his or her conviction history or conducting a conviction history background check. The City shall then conduct an individualized, case-by-case analysis of the facts of each applicant's criminal history before making a decision regarding their employment.

This section shall not apply to positions for which the City is required by law to conduct a conviction history background check or to those who work for a criminal justice agency, including but not limited to applicants for job positions within the Police Department.

7. Examination Process

The selection techniques used in the examination process shall be impartial and related to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection technique which will test fairly the qualifications of candidates such as but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, personal background and references, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examination shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirement of the class, covering only factors related to such requirements.

The Personnel Officer shall schedule examinations as he deems necessary, whether or not a vacancy currently exists. The Personnel Officer shall specify, according to his/her sole discretion, whether the examination shall be open, promotional, or continuous.

8. Promotional Examinations

Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the service require. Promotion

examinations may include any of the selection techniques mentioned in the Personnel Rules (II, A7) of the Rules, or any combination of them. Only regular employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

9. Continuous Examination

Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in the Personnel Rules (II, A13-15).

10. Conduct of Examination

The City may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer shall arrange for the use of public buildings and equipment for the conduct of examinations.

11. Notification of Examination Results and Review of Papers

Each candidate in an examination shall be given written notice of the results thereof. Such notice shall be limited to advising the candidate he/she "passed" or "failed" a specific part or all of the process. Specific numerical scores or standing on eligibility lists need not be provided to candidates.

All candidates may inspect their own test answer sheet within five (5) working days after the notification of examination results. Any error in computation, if called to the attention of the Personnel Officer within this shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

Inspection of test papers or booklets shall be at such time and place and under such conditions of supervision as the Personnel Officer may require. Applicants will not be permitted to copy examination items.

12. Pre-Employment and Promotional Medical Examinations

The Personnel Officer may order a medical examination after a conditional offer of employment is made, including a physical or psychological examination, to determine whether an applicant for appointment or promotion has the physical or mental qualifications to perform the duties of his position, or can perform a job function without posing a direct threat to health or safety. Any such medical examinations

will only be conducted where it is job-related and consistent with business necessity and is consistently applied to all appointments to that job position. . Such examination shall be at the City's expense.

No appointment to the position will be made until the Personnel Officer has received the results of the medical examination to either clear the employee to work with no restrictions or to identify any work restrictions related to the job. If the applicant has any work restrictions following the medical examination, the City will engage the applicant in a disability interactive process to determine if it can reasonably accommodate the applicant's work restrictions. To the extent that the City initially determines that it cannot reasonably accommodate the applicant's work restrictions, the City will provide the applicant an opportunity to provide additional medical information on their work restrictions to review further before finalizing any decision that it cannot reasonably accommodate the work restrictions.

13. Employment Lists

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination.

14. Duration of Lists

Employment lists shall remain in effect for six (6) months, unless exhausted, abolished or extended by the Personnel Officer. The City has no obligation to select or interview applicants who are on an Employment List. Employment Lists are maintained for convenience only. Employment Lists do not create any rights or responsibilities on behalf of the City.

15. Removal of Names from List

The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Officer if the eligible person requests in writing that his name be removed, or if the eligible fails to respond to a notice of certification mailed to the last designated address. The Personnel Officer may remove the name of any eligible if that person has previously been rejected for the same position or promotion three times during the life of the list. The person affected shall be notified of the removal of the name by notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

16. Types of Appointment

All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement or from eligible applicants certified by the Personnel Officer from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with these Personnel Rules.

17. Notice to Personnel Officer

If a vacancy in the competitive service is to be filled, the Personnel Officer shall be notified. If there is no re-employment list available for the class, the Personnel Officer shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.

18. Certification of Eligible

If the Personnel Officer does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligible are available.

When the Personnel Officer determines a vacancy should be filled by appointment from a promotional employment list or from an open employment list, they should certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than three (3) names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the Personnel Officer may make an appointment from among such eligibles or may hold a new examination and establish a new employment list.

C. **APPOINTMENT**

After interview and investigation, the Personnel Officer, or their designee, shall make appointments from among those certified. The person accepting appointment shall report to the Personnel Officer, or the Personnel Officer's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the Personnel Officer shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

1. Provisional Appointment

In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, the Personnel Officer may provisionally appoint a person meeting the minimum training and experience qualifications for the position. The Personnel Officer may make such appointments when the demands of the service are such that it is not practicable to give advance notice of pending or anticipated vacancies, including but not limited to a period of suspension of an employee or pending final action on disciplinary proceedings, and it is not practical to delay appointment until a new employment list can be prepared and certified.

A provisional appointee shall not accrue any benefits, including but not limited to sick or annual leave, medical, disability or life insurance or retirement.

If a provisional appointee is selected for a full-time position with the City, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period. No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open-competitive promotional lists, for services rendered under a provisional appointment.

A provisional employee serves at-will and may be removed at any time without the right of appeal or hearing.

2. Temporary Employees, Student Interns

From time to time the City has a need for the employment of persons to fill temporary and/or seasonal work assignments. The cost and administrative delay inherent in testing persons to fill such short term positions is out of proportion to the positions and incompatible with the need to expeditiously fill such positions in time for the employee to perform the temporary work assignment. The City is also frequently offered an opportunity to hire students who work as part of their course of study. It is in the interest of the City and in the efficient administration of City services that management fill temporary positions and employ student interns with a minimum of administrative expense and delay.

The Personnel Officer may approve the appointment of temporary employees for a period not to exceed one (1) year. There will be no exceptions to allow any temporary employee to work beyond the one year cap.

The Personnel Officer may authorize department heads to employ high school and college students to work as interns for up to one thousand (1,000) hours. Interns are defined as persons regularly enrolled at Mendota High School, or in an accredited college or university whose course of study is related to the activities of City government.

The procedures utilized by department heads for the employment of temporary employees and student interns shall be carefully scrutinized by the Personnel Officer to ensure that the process is fair and complies with City policies. Personal favoritism and/or prejudice for or against any person are strictly prohibited.

Temporary employees and student interns employed under this rule shall serve at-will and are not considered part of the competitive service; they may be removed from City service at any time without the right of appeal or hearing. If eventually hired as a full-time employee, they shall not receive any special credit in any qualification for employment, in any examination or employment list for services rendered under a provisional appointment. They shall receive no employee benefits, including but not limited to such as sick leave, vacation, health plan, or retirement.

3. Regular Appointment and Probationary Period

(a) Objective of Probationary Period

The City attempts to hire the most qualified employees for each position. To ensure this, the City provides for a probationary period of employment for the employee to assess the City and the job content, and for the city to evaluate the new employee and his or her job performance.

(b) Length of Probationary Period

All regular and promotional appointments shall be tentative and subject to a probationary period of one (1) year of actual service. Leaves of absence or assignments out of class, for any reason, shall not be counted toward the completion of the probationary period and the probationary period shall be extended by the number of hours of such leaves or assignments. The Personnel Officer may extend such probationary period up to six (6) additional months of actual service..

(c) Probationary Rejection of Regular Appointment Employee

During the probationary period, an employee on regular appointment may be terminated at any time by the Personnel Officer with or without notice, with or without cause and without the right of appeal. Notification of rejection by the Personnel Officer shall be sent to probationer in writing.

(d) Probationary Rejection Following Promotion

Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which the employee was promoted, unless the employee is discharged from service in the manner provided in these Personnel Rules for positions in the competitive service, in which event he/she shall have the right of appeal as set forth in these Personnel Rules. If there is no vacancy in such position the employee may request to be placed on a re-employment list.

4. Oath of Office

Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the provisions of Article 20, Section 3, of the California Constitution.

In the case of temporary employments, the oath shall be effective for all successive period of employment which commence within one calendar year from the date of subscribing to the oath or affirmation.

No compensation or reimbursement for expenses incurred shall be paid to any employee of the City unless such employee has taken and subscribed to the oath or affirmation required by this section.

5. Appointment of Relatives

Neither the City Council, Personnel Officer, nor his or her designee shall appoint to a salaried position any person who is a relative by blood or marriage within the third degree of any one or more members of the City Council or Personnel Officer.

No full-time, part-time, provisional or temporary employees shall be assigned to any position in a department where another employee of the department is a relative by blood or marriage within the third degree. The Personnel Officer may, in his or her sole discretion, make an exception to this rule when doing so is in the interest of the City.

Without exception, full-time, part-time, provisional or temporary employees who are relatives by blood or marriage shall not be placed in such position as to supervise/evaluate or be supervised/evaluated by a relative within the third degree.

As determined by the Personnel Officer, no full-time, part-time, provisional or temporary employees shall be placed into any position that would compromise the internal control environment by virtue of any relationship through blood or marriage to another employee.

The phrase “within the third degree” shall include, but is not limited to, spouses, parents, children, grandparents, siblings, grandchildren, great-grandparents, uncles and aunts, nieces and nephews, great-grandchildren, and similar relationships by affinity.

III. CHANGES IN EMPLOYMENT STATUS

A. TRANSFER

All transfers are subject to the discretion of the Personnel Officer. No person shall be transferred to a position for which that person does not possess the minimum qualifications. The Personnel Officer or their designee may transfer an employee at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department directors must consent thereto unless the Personnel Officer orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, or for disciplinary action, each of which may be accomplished only as provided in these Rules.

B. PROMOTION

Insofar as consistent with the best interests of the service and subject to the discretion of the Personnel Officer, all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and promotional list is established. Probationary employees shall not be eligible for promotion under a promotional list.

The Personnel Officer may determine that the best interest of the City require that a vacancy be filled by an open competitive examination instead of promotional examination. In such event, the Personnel Officer shall arrange for an open competitive examination and for the preparation and certification of an open competitive employment list.

C. DEMOTION

The Personnel Officer may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes. Upon request of the employee, and with the consent of the Personnel Officer, an employee may be permitted to voluntarily demote to a vacant position in the same department. No employee shall be demoted to a position for which he does not possess the minimum qualifications. Disciplinary demotions shall be in accordance with these Personnel Rules.

All employees who are demoted will be paid at the same rate of pay as prior to demotion if, and only if, the rate of pay is within the range of the lower position. If this is not the case, the rate of pay shall be within the salary range of the lower position which is closest to the rate of pay prior to demotion, but no employee

shall be paid more than they were prior to demotion.

D. REINSTATEMENT

With the approval of the Personnel Officer, a former regular employee or probationary employee who has completed at least six (6) months of probationary service, and who has resigned with a good record, may be reinstated within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall serve a new probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendation of the Personnel Officer at the time of reinstatement. The employee will receive a new anniversary date which will be the first date of employment upon reinstatement.

E. RESIGNATION

An employee wishing to leave the competitive service in good standing shall file with the Personnel Officer a written resignation stating the effective date and reasons for leaving at least two (2) weeks before the planned separation date, unless such time limit is waived by the Personnel Officer at his or her discretion. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. Failure to give notice as required by this Rule shall be cause for denying future employment by the City. A resignation becomes final and cannot be withdrawn once it is accepted by the Personnel Officer.

F. CHANGE-OF-STATUS REPORT

Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as he may prescribe.

IV. LEAVES OF ABSENCE AND DISABILITY ACCOMMODATIONS

A. ATTENDANCE

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees who shall be reported to the Personnel Officer in the form and on the dates he/she shall specify.

An employee who is unexpectedly unable to report for work as scheduled must notify their immediate supervisor or designee no later than the scheduled work time and report their expected time of arrival or absence. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of, any form of accrued or unpaid leave time will be grounds for discipline, up to and including termination.

B. FAMILY & MEDICAL CARE LEAVE

The City will provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons in a 12-month period rolling backwards upon approval of the Personnel Officer, where such leave will not create an undue hardship for the City. Employees are eligible for this Family & Medical Care Leave if they have been employed by the City for at least one year, have worked 1,250 hours in the previous 12 months, and meet other eligibility requirements prescribed by law.

Family and medical care leave will be granted for any of the following reasons:

- The birth of a child or to care for the newborn child; placement of a child for adoption or foster care;
- To care for the employee's spouse, domestic partner, son, daughter, or parent who has a serious health condition; or,
- For a serious health condition that makes the employee unable to perform his or her job.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." The City may require medical certification to support a request for leave because of a serious health condition and may require a second or third opinion (at the employer's expense) and a return to work report from the employee's health care provider if leave is taken for the employee's own serious health condition. Paid leave shall run concurrently with family and medical care leave before unpaid leave will be allowed.

The City will maintain the employee's health coverage during the period of Family & Medical Care leave to the extent it would otherwise had the employee been continuously employed. Upon return from leave, an employee will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms, provided they meet the eligibility requirements prescribed herein and by law. The use of Family & Medical Care leave will not result in any loss of an employment benefit that accrued prior to the start of an employee's leave.

C. PREGNANCY DISABILITY LEAVE

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four (4) months.

1. Notice & Certification Requirements

- (a) Except in an emergency, requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or Department Head before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.
- (b) All planned leaves must be confirmed in writing and have an agreed-upon specific date of return, with the written confirmation submitted to the Department Head prior to being taken. Requests for an extension of leave must be submitted in writing to the Department Head prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four (4) months.

2. Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

3. Benefits During Leave

- (a) An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who

become disabled off-duty, if: (1) the employee is eligible for concurrent family and medical care leave as described by these Personnel Rules, and (2) the employee has not already exhausted this group health insurance coverage benefit in accordance with State and Federal law. The City may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.

- (b) An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA (Consolidated Omnibus Budget Reconciliation Act) guidelines by making monthly premium payments to the City.
- (c) Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.

4. Reinstatement

- (a) Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
- (b) If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
- (c) If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify potential reasonable accommodations.
- (d) An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

D. MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting leave for this purpose shall provide the department head, whenever possible, with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may

modify the employee's work schedule to accommodate the request for leave.

E. LEAVE OF ABSENCE WITHOUT PAY

The Personnel Officer, in his/her unrestricted discretion, may grant a regular or probationary employee leave of absence without pay or seniority for not to exceed three (3) months. After three (3) months, the leave of absence may be extended if so authorized. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. An employee is not entitled to a leave of absence as a matter of right. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall cause the employee to be deemed to be discharged. The depositing in the United States mail of a first-class letter, postage prepaid, addressed to the employee's last known address, shall constitute reasonable notice to the employee that his/her leave of absence has expired and he/she must return to duty.

F. ADMINISTRATIVE LEAVE/RELIEF OF DUTY

The Personnel Officer may place an employee on relief of duty with full pay and benefits for an indeterminate period when circumstances exist such that the public interest requires that the employee be relieved from active duty. Such relief of duty shall not constitute punitive or disciplinary action. During the period of relief of duty, the employee may be required to regularly report to the department director or his designee in a manner described in writing by the department director to the employee.

G. JURY DUTY

Every classified employee of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall receive time off for the period of actual service required. The employee shall receive his normal pay during the period of jury duty. The time spent on jury duty is not work time for purposes of calculating overtime compensation.

H. TIME OFF FOR VICTIMS OF VIOLENT CRIMES OR DOMESTIC ABUSE

The City provides time off for victims of a violent crime, domestic violence, sexual assault, or stalking in accordance with state law. Employees may take time off to: (1) appear in court to comply with a subpoena or other court order as a witness to any judicial proceeding; (2) seek medical or psychological assistance; or (3) participate in safety planning to protect against further assaults. The City

shall also provide reasonable accommodations for victims of domestic violence, sexual assault or stalking who request an accommodation for their safety while at work.

An affected employee must give the City reasonable notice that he or she is required to be absent for the purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance or circumstance, provide the City with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid, unless the employee uses vacation or compensatory time off.

I. WORKERS COMPENSATION

If you have been injured on the job, you are eligible for Workers' Compensation Benefits. But there are some things you should know about work-related injuries. First, the injury must occur in the course of your employment; that is, it must happen on the job. Then, it must be an injury that arises out of your job or is related to the performance of your job duties.

1. Notification and Medical Care

The City has several obligations to injured employees. First, once it has been determined that your illness or injury is work-related and your claim has been accepted, we are responsible for providing whatever medical services are necessary to cure or relieve from the effects of the injury. These services will normally be provided at no cost to you unless there is some dispute over whether they are necessary.

If you feel that you have suffered a work-related injury, tell your supervisor immediately. If you require medical attention, you will be given a slip to take to the doctor, or your supervisor will arrange for you to be taken to the doctor. Normally, you will be treated at one of several occupational medical clinics that treat City employees.

If you would prefer that you be treated by your personal physician, you must let the City know before the need for medical treatment arises. Forms that allow you to designate your personal physician are available from the Human Resources Department. Of course, if the injury is serious, you will be taken to the nearest emergency medical care facility where you will receive whatever care is considered necessary.

2. Temporary Disability and Injury Pay

Once your claim is accepted, you will also be compensated for any time lost from work due to your injury. The first three calendar days following an on-the-job injury will be charged to sick leave or leave without pay.

This is termed the “waiting period.” On the fourth day following the injury, you would begin to receive 66% of your average weekly wages (averaged over the past year). If you are hospitalized because of the injury or if you are off for more than 14 days, there is no waiting period and you would be paid Temporary Disability pay for those first three days.

3. Permanent Disability

If the injury is serious enough to leave you with any permanent disability, you will also be compensated for it. Permanent disability awards are not “damages,” such as those which are awarded in civil cases. These awards are meant to compensate you for your reduced ability to compete in the labor market. The amount of a permanent disability award is based on the type and severity of the injury, your occupation, and your age at the time of the injury. If your treating doctor indicates that there is some degree of permanent disability, a claims examiner will contact you to explain the procedure of evaluating and rating the disability. If you have chosen to hire an attorney, your attorney will handle most of the details of this process for you.

4. Vocational Rehabilitation

If you are unable to return to your usual and customary job, you may be eligible for vocational rehabilitation services. If you are off work for a total of 90 days because of an industrial injury, you will be contacted by a rehabilitation representative who will explain the benefits you may be entitled to. If you are planning to return to work and your doctor has indicated that you will be able to return to work, don’t be disturbed when a rehabilitation counselor contacts you. The City is required by State law to provide you with this explanation of your potential eligibility for these benefits, and you will not be forced to resign, retire, or change jobs unless your doctor indicates that there is some medical necessity to do so.

If you do need vocational rehabilitation services, every reasonable effort will be made to return you to suitable gainful employment as soon as possible. You will be assigned to a vocational rehabilitation counselor who will research the possibilities of job modifications or alternative job assignments with the City. If it is not possible for you to remain with the City, you will be provided with training or job placement services that make the best possible use of your knowledge, skills and aptitude.

5. The Legal Process

It isn’t necessary to have an attorney represent you in a Workers’ Compensation case. The State of California will provide you with free assistance through the office of the Information and Assistance Officer at

the local Workers' Compensation Appeals Board. If you feel that you need to retain the services of an attorney, there are a number of local attorneys who specialize in Workers' Compensation law. Fees for these services are usually deducted from your permanent disability award.

6. Police Officer Industrial Injuries

Police Officers who are disabled temporarily or permanently by injury or illness occurring in the course and scope of employment shall be provided compensation and benefits in accordance with Labor Code section 4850.

J. **DISABILITY ACCOMODATIONS AND FITNESS-FOR-DUTY EXAMINATIONS**

1. Reasonable Accommodations. The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act. An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request, preferably in writing, to the Administrative Services Department. The request must identify the job-related functions at issue and the desired accommodations.
2. Fitness-for-Duty Examinations. The City Manager or a designee may require an employee to submit to a fitness-for-duty examination to determine if the employee is able to perform the essential functions of his or her job when there is significant evidence: 1) the employee appears to be unable to perform or has difficulty performing one or more essential functions of his or her job; and 2) there is reason to question the employee's ability to safely or efficiently complete work duties.
 - (a) A City-selected health care provider will examine the employee at City expense. The City will provide the health care provider with a letter requesting a fitness-for-duty examination limited to the employee's job-related functional limitations and a written description of the essential functions of the employee's job. The health care provider will examine the employee and provide the City with non-confidential information regarding whether the employee is fit to perform essential job functions and if the employee's continued employment poses a threat to the health and safety of him or herself or others. Should the health care provider exceed the scope of the City's request and provide confidential health information, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness-for-duty information that the City has requested.

- (b) The City may require an employee to undergo an examination by a City-designated physician, psychiatrist or psychologist, and/or submit a certificate of employability from the treating physician before returning to work after taking any leave due to injury or illness.
- 3. Determination. After receipt of reasonable documentation, the City may meet with the employee to fully consider all feasible potential reasonable accommodations. The purpose of the discussions will be in good faith to fully discuss all feasible potential reasonable accommodations. After the discussions, the City will determine, in its sole discretion, whether reasonable accommodation can be made and the type of accommodation to provide. The City will not provide accommodation that would pose an undue hardship upon City finances or operations, or that would endanger the health and safety of the employee or others. Employees unable to perform the essential functions of their position, with or without reasonable accommodation, may be subject to separation of employment.

V. DISCIPLINARY ACTIONS

A. TYPES OF DISCIPLINARY ACTION

Neither employee evaluations nor informal counseling memorandums shall be considered disciplinary or punitive in nature. They may not be appealed under this policy. However, unsuccessful counseling may be referenced in a separate subsequent disciplinary action.

1. Oral Reprimand

A formal discussion with an employee about performance or conduct problems. This action shall be summarized in writing by the department director or supervisor. The employee may respond in writing to such reprimand. The employee shall not otherwise be entitled to appeal from an oral reprimand. Oral reprimands and employee responses shall not be placed in the employee's personnel jacket, however, the fact that an employee previously received an oral reprimand for similar inappropriate conduct may be referenced in future reprimands.

2. Written Reprimand

A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy filed in the employee's personnel jacket. Within five (5) working days following service of the written reprimand, the employee may file a written response, the original being directed to the department director or supervisor and a copy filed in the employee's personnel jacket. A written reprimand may not be appealed under this policy.

3. Minor Disciplinary Suspension

An involuntary absence without pay for a period of fewer than five (5) working days.

4. Major Disciplinary Suspension

An involuntary absence without pay for a period of five (5) or more working days but not exceeding thirty (30) working days.

5. Disciplinary Salary Reduction

A reduction in pay from the employee's current step within a pay range to a lower step within that same pay range.

6. Disciplinary Demotion

Reduction from a position in one class to a position in another class having a lower salary range.

7. Dismissal

Permanent discharge or removal from City service.

B. GROUND FOR DISCIPLINARY ACTION

The following list of grounds for disciplinary action are not intended, nor is it, a comprehensive and complete list of all grounds for disciplinary action. Any inappropriate conduct by a City employee will be grounds for disciplinary action. The following list is merely a sampling of types of conduct that are grounds for disciplinary action pursuant to the personnel rules, including, but not limited to:

1. Incompetence or inefficiency in the performance of the duties of one's position.
2. Insubordination, including refusal to accept assignment or direction from an authorized supervisor or City management.
3. Neglect of duty.
4. Unsatisfactory job performance, or refusal or inability to improve such performance in accordance with written or verbal direction.
5. Absence without authorized leave.
6. Excessive absenteeism or tardiness, as defined by the employee's department director, the Policies, or Memorandum of Understanding.
7. Dishonesty.
8. Theft.
9. Fraud in securing or retaining employment.
10. Discourteous treatment or offensive conduct toward or around members of the public or other employees, including fighting, using profane or abusive or threatening language toward others, or malicious backbiting.
11. Failure to cooperate with employee's supervisor or fellow employees.

12. Drinking alcoholic beverages or consuming other intoxicants on the job, or reporting for work while under the influence of alcohol or other intoxicants.
13. Use of unlawful narcotics or drugs.
14. Malfeasance or misconduct, which shall include, but shall not be limited to, conviction, plea of guilty, or no contest of any felony, or damaging City property, equipment, or vehicles, or the waste of City supplies through negligence or misconduct.
15. Violation of any City regulation, ordinance, resolution, or policy or departmental rule.
16. Unapproved outside employment or activity while on City time or City business, or that violates the City's policies, or other enterprise that constitutes a conflict of interest with service to the City.
17. Mishandling of public funds.
18. Falsifying or altering any City record.
19. Any conduct unbecoming an employee of the City of Mendota that causes discredit to the City or results in the impairment or disruption of City service.
20. Unjustified and repeated abuse of sick or annual leave.
21. Failure to comply with safety procedures.
22. Failure to follow defined job duties and procedures.
23. Misuse or destruction of City equipment or property.
24. Sleeping on the job.
25. Acceptance of gifts or gratuities in connection with or relating to employee's job duties,
26. Discrimination, including harassment, against other employees or members of the public on the basis of any legally protected classification.
27. Taking retaliatory action against person engaged in protected conduct.

C. DISCIPLINARY POLICY AND PROCEDURE

The following procedures apply to for-cause regular employees who are subjected to disciplinary salary reduction, major disciplinary suspension, demotion, or dismissal. For purposes of this section, these disciplinary actions will be referred to as “major disciplinary action.”

The disciplinary notice or appellate procedures shall not be applicable to those positions which may be deemed exempt by Council resolution, Personnel Rules Section I(C), or to probationary employees.

1. Notice of Dismissal - Procedure

If the City proposes a major disciplinary action, the employee shall be served with a written notice of the proposed disciplinary action. Such notice shall:

- (a) State the charges and specifications against the employee;
- (b) Include all information relied upon in making the decision to propose disciplinary action.
- (c) Advise the employee of any rights to respond to the proposed discipline, either orally or in writing, State that the employee’s response will be considered before the proposed disciplinary order goes into effect including a pre-disciplinary Skelly conference prior to the imposition of the proposed discipline.

2. Employee Response and Skelly Conference

The Notice of Proposed Discipline will include a date for the pre-disciplinary Skelly conference that will be overseen by the Department Director or his or her designee. The Skelly conference is an informal meeting, not a formal or adversary hearing; the employee shall not be entitled to cross-examination. The employee shall have the right of representation at the Skelly conference, if so requested.

The Department Director may, after consideration of all information received, decide to sustain, modify, or reject the proposed disciplinary action.

Service of an order for disciplinary action or any notice required to be given to an employee will be deemed sufficient and complete when delivered in person to the employee to whom it is directed, or when it is sent by certified mail, postage prepaid, to the last known address of the employee.

3. Final Notice of Discipline

If a major disciplinary action is imposed, a written statement shall be given to the employee of the following:

- (a) The level of discipline, if any, to be imposed, as well as the charges and a summary of facts on which the disciplinary action is based.
- (b) The effective date(s) of the disciplinary action.
- (c) A copy of all written materials, reports, or documents upon which the discipline is based.
- (d) Any rights of appeal.

4. Evidentiary Appeal

The appeal procedure described herein shall apply to a disciplinary action of regular, for-cause employees resulting in a disciplinary salary reduction, major disciplinary suspension, demotion, or dismissal. It shall not be applicable to those positions which may be deemed exempt by Council resolution or to probationary employees. It shall also not apply to counseling or oral reprimands, written reprimands, or minor disciplinary suspensions.

Regular, for-cause employees shall have the right of appeal to the Administrative Services Department from such disciplinary actions as described in this section. Such appeal must be filed with the Department within ten (10) calendar days following receipt of a Final Notice of Discipline. The appeal must be in writing and must set forth the grounds or basis for the appeal. If the employee involved does not file said appeal, the City's decision shall be final and take effect as prescribed.

- (a) **Hearing.** Upon receipt of a written appeal from an affected employee, the Administrative Services Director shall arrange for a hearing as provided in this section. Said hearing shall be conducted within a reasonable time after receipt of a timely written appeal, as determined by the City. The Administrative Services Department shall arrange for the selection of a hearing officer utilizing the services of the American Arbitration Association or State Mediation & Conciliation Services to conduct the hearing and issue a decision. Hearings shall be conducted under the voluntary rules of the American Arbitration Association, unless otherwise provided in this section.

- (b) Representation. The appellant employee shall have the right to appear personally or to be represented by counsel or by anyone else of his/her choosing, including other City employees, with the exception of supervisory, management, and confidential employees.
- (c) Failure of Employee to Appear. Failure of the appellant to personally appear at the hearing shall be deemed a withdrawal of his/her appeal and the Final Notice of Discipline shall be final.
- (d) Decision. The Hearing Officer shall render a decision no later than thirty (30) calendar days after (1) the conclusion of the hearing and the briefs, if any, have been submitted, or (2) receipt of the official hearing transcript, unless otherwise agreed upon by both parties. The Hearing Officer's decision shall be final and conclusive. A copy of such decision, along with a proof of service of mailing, shall be forwarded to each of the parties' representatives. Copies shall also be distributed to the Administrative Services Director.

The Hearing Officer may sustain, reject, or modify any or all of the charges filed against employee. If the disciplinary action is reversed or modified by the Hearing Officer, he or she may determine whether the employee is to be compensated in all or in part for the time lost on or after the date the disciplinary action went into effect.

The cost of the Hearing Officer and other mutually incurred costs shall be borne equally by the parties. Pursuant to Code of Civil Procedure Section 1094.6, the parties have ninety (90) days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Fresno.

VI. LAYOFF PROCEDURES

A. STATEMENT OF INTENT

Whenever, in the judgment of the City Manager, it becomes necessary to abolish any position of employment, the employee holding such position may be laid off or demoted without disciplinary action and without the right of appeal.

1. Notification

Employees to be laid off shall be given, whenever possible, prior notice of at least fourteen (14) calendar days.

2. Order of Layoff

In each class of position, employees may be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the Personnel Officer.

Regular employees shall be laid off by inverse seniority within the below groupings. Seniority is defined as the length of full-time service at or above a classification within the department. Employees who received "improvement-needed" or worse on their last written evaluation shall be subject to layoffs before those who received a higher rating.

Whenever the Personnel Officer believes that the best interest of the City requires the retention of employees with special qualifications, characteristics, skills or fitness for the work, the Personnel Officer may grant an exception to the order of layoff.

3. Vacancy and Demotion

Except as otherwise provided, whenever there is a reduction in the work force, the Personnel Officer shall first demote the employee to be laid off to a vacancy, if any, in a lower class for which the employee is qualified. All persons to be demoted shall have their names placed on the re-employment list.

4. Bumping Rights

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in the same class or in a lower class in which the affected employee once had permanent status.

In order to bump down to a former or lower class, an employee must request displacement action in writing to the Personnel Officer within five (5) working days of receipt of notice of layoff. Notice of layoff shall include a notice of the rights set forth in these rules.

Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

Employees retreating to a lower, or similar, class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or the class series.

There shall be no interdepartmental displacement rights.

5. Re-employment List - In General

Regular, non-probationary employees laid off or demoted in accordance with these rules shall be entered upon a re-employment list. Lists from different departments shall be combined into a single list. The Personnel Officer shall review such list for former employees in the same or lower classification as that in which a vacancy arises. The City is not required to interview or hire from the Re-employment List. The Re-Employment List does not create any benefit or rights to applicants.

6. Duration

Names of persons laid off shall be carried on a re-employment list for six (6) months, except that persons appointed to permanent positions at the same level from which they were laid off shall, upon such appointment, be dropped from the list. Persons who refuse re-employment shall be dropped from the list. Persons re-employed in a lower class or on a temporary basis, shall be continued on the list for the higher position for one (1) year. The City Manager may extend the duration of a re-employment list.

7. Re-employment After Layoff

Employees rehired to City service from a re-employment list shall retain all benefits, accumulated leave and seniority rights that such employees enjoyed prior to being laid off.

VII. GRIEVANCE PROCEDURE

A. ESTABLISHED PURPOSE

The purpose of this procedure is to provide a just and equitable method for the resolution of grievances without fear of coercion or reprisal.

B. GRIEVANCE DEFINED

Subject to the exclusions listed in this Policy, a grievance is a claimed violation of a specific provision of these Personnel Rules or a Memorandum of Understanding (MOU), and is not subject to any other City dispute resolution process or procedure that is provided by statute, ordinance, resolution or agreement.

The following matters are expressly excluded from the definition of “grievance”:

1. Requests for changes in wages, hours, or working conditions, including any impasse or dispute in the meeting and conferring process or matter within the scope of representation;
2. Requests for changes in the content of employee evaluations or performance reviews, oral or written warnings, reprimands or counseling;
3. Challenges to a reclassification, layoff, transfer, denial of reinstatement, or denial of a step or merit increase;
4. Challenges to any disciplinary action;
5. Challenges to examinations or appointment to positions;
6. Management of the City generally;
7. Determination of the nature, necessity or organization of any service or activity conducted by the City, including the decisions to expand or reduce services or the workforce, and/or to impose layoffs;
8. Methods of financing;
9. Determination of or change in facilities, equipment, methods, technology, means or size of the work force;
10. Determination of or of or change in the location, number of locations, relocations and types of operations, processes or materials to be used in carrying out City functions;
11. Determination of work assignments and schedules;

12. Determination of productivity or performance programs and standards;
13. Determination of standards, policies, and procedures for selection, training, and promotion of employees; and
14. Establishment, implementation, and modification of Department organizations, supervisory assignments, chains of command, and reporting responsibilities.

C. GENERAL PROVISIONS

1. No retribution or prejudice shall be suffered by any employee making use of the grievance procedure.
2. The time limits established herein may be extended by mutual written agreement between the grievant and management.
3. If management, at any step of the procedure, fails to respond within the prescribed time limit specified, the grievant may process the grievances to the next step.
4. If the grievant, at any step of the procedure fails to appeal management's decision on the grievance within the prescribed time limit specified, such decision shall be deemed accepted and shall not be subject to further appeal or consideration.
5. By mutual written agreement, a grievance may revert to a prior level of reconsideration.
6. The grievant shall be present at all conferences in the grievance procedure.
7. All communications, notices and papers required to be in writing shall be served personally or by United States mail. For mailed notices and papers, the postmark shall be within the prescribed time limits.
8. Management shall inform the grievant of any limitation on the authority of the management representative to fully resolve the grievance.
9. All employees have the right to consult with their supervisor, their department head, or the Personnel Officer without prejudice, concerning the manner, form and/or procedure for filing a grievance.
10. Failure of the grievant to complete any step on the grievance procedure will bar further consideration of the grievance.
11. The grievance procedure shall not be used in addition to, or as a substitute for, the disciplinary procedure, the unfair labor relations practice

procedure or the impasse procedure, when any of such procedures are or could reasonably have been available in the exercise of reasonable diligence.

12. Grievances may be filed by an exclusively recognized employee organization.
13. If the grievance is against the employee's supervisor or department head, the employee may apply to the City Manager in writing for permission to commence the Grievance Procedure at the step immediately above the supervisor alleged to be the subject of the grievance. The City Manager (or the City Council, in the event the grievance is against the City Manager) shall permit this short circuit of the grievance procedure upon his/her determination that there are special circumstances that prevent the employee from obtaining full and fair consideration of the grievance by the employee's supervisor or department head.

D. REPRESENTATION RIGHTS

1. The employee has the right to the assistance of a representative of his or her choice in the investigation, preparation and presentation of a grievance.
2. Representation may occur at any stage of the grievance procedure provided, however, that prior to calling for representation at Step One (1) of the procedure, the employee shall informally discuss his or her grievance with his or her supervisor. Upon conclusion of such discussion, and in accordance with the below procedures, the employee may file a formal grievance within ten (10) calendar days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance in order to have the assistance of a representative at Step One.
3. If the employee elects another employee as his or her representative, such representative shall not be released during working hours without the approval of his or her supervisor.
4. The supervisor shall grant the representative a reasonable amount of time during work hours to assist the grievant, provided such would not unreasonably interfere with or delay City work.
5. Grievance conferences between management and grievant will normally be conducted during regular working hours at a mutually convenient time.
6. The investigation of a grievance during working hours by an employee and his or her representative, if any, shall be in accordance with the following:

- (a) Prior to entering any job site, the grievant and representative shall obtain the approval of the job site supervisor.
- (b) There shall be no solicitation of grievances or employee organization membership.
- (c) The investigation shall be conducted expeditiously and in a reasonable amount of time, with due regard for the work requirements of the City.
- (d) Where the investigation commences prior to the end of the regular workday, time spent after the close of the regular workday shall be on the representative's and the employee's own time.
- (e) Entry to a City job site will not be permitted if it would unreasonably interfere with or delay City work.
- (f) All safety regulations relating to the presence or conduct of persons at the job site shall be followed.

E. GRIEVANCE PROCEDURE

1. Informal Resolution

Employees who believe they have a bona fide complaint within the scope of these procedures shall promptly inform and discuss the issue with their immediate supervisor as designated by the Department Director or his/her designee to, in good faith, clarify the matter expeditiously and informally resolve the matter. If the informal discussion does not resolve the problem to the employee's satisfaction, and if the complaint constitutes a grievance as herein defined, the employee may file a formal grievance in accordance with the following procedure.

2. Step One – Immediate Supervisor.

- (a) The employee shall file a written grievance on the form provided by the City to his or her supervisor within ten (10) calendar days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The employee shall complete all parts of the grievance form.
- (b) The supervisor shall, within five (5) calendar days after receipt of the grievance, have a discussion with the employee concerning the grievance.

- (c) The supervisor shall within five (5) calendar days of the grievance conference, render a written decision to the employee with a copy of the original grievance.

3. Step Two – Department Director.

- (a) Within five (5) calendar days of receipt of the decision of the supervisor, the grievant, if he or she wishes to appeal the decision, shall submit an appeal to the department head. The appeal shall be submitted on forms provided by the personnel office, in conformity with the procedures stated therein and shall include the supervisor's response, if any.
- (b) The department head or his or her designee shall, within five (5) calendar days of receipt of the appeal, schedule a conference at a mutually agreeable time. A representative of the grievant and/or management may attend this conference in accordance with the Personnel Rules (VII, D) of this procedure.
- (c) The department head or his or her designee shall, within five (5) calendar days of the conference, render a written decision to the grievant with a copy of the original grievance.

4. Step Three – City Manager.

- (a) Within five (5) calendar days of receipt of the written decision from the department head or his or her designee, the grievant, if he or she wishes to appeal the decision, shall submit an appeal to the City Manager. The appeal shall be submitted on forms provided by the personnel office, in conformity with the procedures stated therein and shall include the original grievance and management's responses, if any.
- (b) The City Manager or his or her designee shall within seven (7) calendar days of receipt of the appeal schedule a conference at a mutually agreeable time. A representative of the grievant and/or management may attend this conference in accordance with the Personnel Rules (VII, D) of this procedure.
- (c) The City Manager or his or her designee shall within seven (7) calendar days of the conference, render a written decision to the grievant with a copy of all appeal documents.
- (d) The City Manager may at his or her option, render a written decision based on the documents submitted for his or her review without the conference within the time frame set forth above. If he or she does so, the grievant may discuss this decision with the

City Manager at a mutually convenient time, provided the grievant requests such meeting within seven (7) calendar days of receipt of the City Manager's decision.

- (e) Grievances shall be appealable in accordance with the procedures set forth in Step 4.
- (f) Nothing in this section shall prohibit, by written agreement, a more expeditious handling of the grievance.

5. Step Four – Binding Arbitration.

- (a) If the response at Step Three does not resolve the grievance, the grievant and Union may jointly request that the matter be submitted to binding arbitration. Such request shall be made in writing to the City Manager within five (5) calendar days of the grievant's receipt of the Step Three response. An arbitrator may be selected by mutual agreement between the parties. Should the parties fail to agree upon an arbitrator within a reasonable time, as determined by the City, they shall make a joint request to the State Mediation & Conciliation Service for a list of seven (7) arbitrators who have had experience in the municipal sector. The parties shall select the arbitrator by alternately striking names from said list until one name remains; such person shall then become the arbitrator. The first party to strike a name shall be determined by the toss of a coin.
- (b) The arbitrator selected shall hold a hearing as expeditiously as possible at a time and at a place convenient to the parties, and shall be bound by the following:
 - (1) The arbitrator shall be bound by the language of the MOU, as well as the City's and departmental rules and regulations consistent therewith in considering any issue properly before him/her.
 - (2) The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider other issues not submitted to him/her.
 - (3) The arbitrator shall be bound by applicable Federal, State and local law.
 - (4) In disputes involving the interpretation of the MOU, the arbitrator will only interpret the MOU and will not have the power to add to, delete from, or amend any part of the parties' Agreement. Additionally, the arbitrator may not

recommend changes in established wages or benefits, nor recommend the payment of back wages or benefits to a date prior to thirty (30) days before the grievance was timely filed.

- (c) The arbitrator's decision shall be final and binding on the City, the Union, and the grievant. All fees and costs of the arbitrator and court reporter, if any, shall be borne by the losing party. The Union has the authority to settle grievances at any step in the process on behalf of members of the bargaining unit.

VIII. PREVENTION OF HARASSMENT

A. PURPOSE

Every employee is entitled to a work environment free from discriminatory harassment or retaliation. This policy prohibits harassment and discrimination on the basis of any of the following protected classifications: actual or perceived race, religious creed, color, sex (including gender, gender identity, gender expression, and pregnancy), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation, military and veteran status or any other protected classification. Retaliation, including any threats to engage in unfair immigration-related practices, against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation, or for exercising a right protected by State labor or employment laws or any applicable ordinance is prohibited..

1. Policy Statement

The City has zero tolerance for any conduct that violates this policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions, up to and including discharge. The City will take appropriate preventative, corrective and/or disciplinary action in response to behavior that violates this division or the rights and privileges it is designed to protect.

2. Definitions

(a) Discrimination.

Treating any individual differently because of the individual's protected classification as described above by this policy.

(b) Harassment.

Harassment can include any form or combination of verbal, physical, visual, or environmental conduct. It need not be explicit or specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders. Harassment may include, but is not limited to, the following types of behavior:

- (1) Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes, and propositioning based on an actual or perceived protected classification. This may include, but is

not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

- (2) Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived protected classification. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- (3) Visual or Written: The display or circulation of offensive or derogatory visual or written material related to a protected classification. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions (i.e. email).
- (4) Environmental: A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

(c) Discrimination/harassment does not include the following:

- (1) Bona fide acts or omissions based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission guidelines.

- (2) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or any other appropriate work related communications between supervisor and employee.

3. Supervisor-Subordinate Relationships.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change with the result that sexual conduct that was once welcome becomes unwelcome and harassing. Employees engaged in such a relationship must immediately report their relationship to the Director of Administrative Services. The employees may continue their employment but not in a supervisor-subordinate role. The employees shall have first right to determine which of them will be transferred to an open position, if any exists, for which they meet the minimum qualifications. The City may unilaterally transfer one of the employees if one does not volunteer within five (5) calendar days of reporting the relationship. Failure to comply with this reporting requirement shall be grounds for discipline, including dismissal.

4. Responsibility

- (a) This division applies to all City personnel. Each department head is responsible for ensuring that the work environment is free from all types of unlawful discrimination, including sexual harassment. Supervisors are responsible for taking prompt, appropriate action within their work units to avoid and minimize the incidence of discrimination.
- (b) All employees shall report any conduct which violates this policy to their immediate supervisor, manager, any Department Head, the Administrative Services Department, or appropriate authority figure. This includes any instances of discriminatory harassment which they directly observe, whether or not the conduct is reported by the employee who is the object of such conduct.

Under no circumstances shall employees who believe they are victims of such conduct be required to first report that harassment to a supervisor or other authority figure if that figure is the individual who has harassed the employee. Employees may,

without following the departmental chain of command, file a complaint directly with the Department Head or City Manager.

All employees shall cooperate with any investigation of any alleged discriminatory harassment conducted by the City or its agents.

- (c) The City is also a member of the Employment Risk Management Authority and, as a member, the City is required to maintain an “Employee Reporting Line.” This is a toll-free telephone number that employees may call to report potential wrongdoing in the workplace. The City receives a transcript of the telephone call and the reporting party’s name, if left. Employees are not required to leave their name. The Line is monitored 24 hours/day and employees may submit their complaint anonymously. However, enough information must be provided to allow for an adequate investigation.

The Employee Reporting Line telephone number is (877) 651-3924. The City’s “Entity Organization Code” is “10312,” which is how transcripts of calls involving the City are forwarded to the City for action. Finally, employees may also make a report at the Employment Risk Management Authority’s website at www.employeeprotectiononline.com.

- (d) Any supervisors or managers receiving information regarding violation(s) of this policy shall immediately notify Administrative Services. If it is not possible to report to Administrative services, the supervisor or manager must report the complaint to the City Manager. All supervisors or managers shall maintain confidentiality to the extent possible in communicating or investigating any claims of alleged discrimination or harassment.

B. INVESTIGATION OF COMPLAINT

1. Informal resolution.

Sometimes an individual is unaware that his/her conduct is offensive. Whenever possible, employees who believe that they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, informal assistance or counseling should be sought from a supervisor. No employee is required to attempt informal resolution before filing a complaint.

2. Formal investigation.

Upon receipt of any written or oral complaint, the department head shall initiate a formal investigation after consultation with Administrative Services.

Administrative Services shall conduct or authorize an investigation. The investigator will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and cooperation of all employees involved. No influence will be used to suppress any complaint and the investigation will be conducted in a manner that ensures, to the extent possible, the privacy of the parties involved

The investigator shall report in writing the findings of fact to Administrative Services. Administrative Services will determine whether the policy has been violated and inform the complainant of the general investigation conclusion(s) when the investigation has concluded.

Disciplinary action shall be decided in accordance with City policy and after consultation between Administrative Services and the Personnel Officer.

3. Option to Report to Outside Administrative Agencies.

An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.

4. False or Malicious Complaints

If it is determined that the reporting party knowingly or maliciously filed a false complaint or that the act reported did not in fact occur, the City may issue appropriate discipline.

5. Documentation

The Administrative Services Director shall maintain a complaint file containing copies of witness forms, complaint forms, and investigation files. The information contained in this file is confidential and privileged, subject to disclosure only under appropriate legal measures. Department Heads may review investigation files concerning their departments only with the prior approval of the City Manager. In cases of confirmed claims

resulting in discipline, the personnel file of the disciplined employee will contain appropriate documentation relating to the disciplinary actions taken. In cases of unsubstantiated and unfounded claims not resulting in discipline, the investigation file will be maintained for five (5) years.

C. MANDATORY TRAINING

As part of its commitment to ensuring a work environment free from harassment and discrimination, the City requires that all of its employees receive training on this policy at least once every two (2) years. The Administrative Services Department will schedule training sessions each year to ensure that employees are able to schedule the mandatory training. Attendance at the training will be documented.

IX. SUBSTANCE ABUSE POLICY AND TESTING

A. PURPOSE OF THE SUBSTANCE ABUSE POLICY

Substance abuse causes job related accidents, absenteeism, substandard performance, poor employee morale and impairs the City's reputation. This policy is intended to eliminate substance abuse in the workplace. It is not intended to intrude into the private lives of City employees. The City's concern is that employees be in a condition to perform their duties safely and efficiently at work. The use of performance impairing or unlawful drugs and alcoholic beverages on the job, and the influence of those substances on employees during working hours are inconsistent with that objective. *It is unlawful for employees to manufacture, distribute, dispense, possess or use a controlled substance.*

B. APPLICATION

1. This policy applies to all employees and applicants for employment with the City of Mendota. It applies to all alcoholic beverages and to all substances, drugs, and medications, legal or illegal, which could impair an employee's ability to effectively and safely perform their job or other City-related business.
2. The City maintains a separate policy in compliance with the Federal Department of Transportation's mandatory drug and alcohol testing policies for positions requiring a Commercial Driver's License. Covered employees, employed in any capacity, who operate a commercial vehicle or who have a CDL or CDP (Permit) are subject to the requirements contained in this policy as well as the mandated policy. Such employees shall review the City's Administrative Policies regarding the City's Safety-Sensitive Drug and Alcohol Testing Program to ensure compliance and may direct any questions to the Director of Administrative Services.
3. For the purpose of enforcing this policy and maintaining an alcohol, drug and controlled-substance free workplace, the City reserves the right to search all work areas and property to which the City maintains full or joint control with the employees, including but not limited to City vehicles desks, lockers, file cabinets, furniture, or storage areas. No employee has any expectation of privacy in any City building, property, or communications system. Such searches may be conducted when the City has reasonable grounds to conclude that there has been a violation of this policy and in accordance with the Personnel Rules (X, C (Miscellaneous, Right to Search City Property)).

C. EMPLOYEE REQUIREMENTS

1. Employees shall not report to work or be on duty, nor be subject to call-in, while under the influence of or in possession of alcoholic beverages or illegal drugs while on City property and wherever City business is performed. An employee is on duty during working hours, including breaks, during meal periods, or any time while on City property.
2. The City Manager may grant special permission for City employees to use or possess alcoholic beverages in appropriate circumstances such as during community celebrations, staff parties or special events.
3. Employees shall not, directly or through a third party, manufacture, distribute, dispense, sell, or provide, alcohol or any drugs in both City workplaces or wherever City business is performed while either or both employees are on duty.
4. City employees shall not be barred by this Rule from properly performing their job functions. Accordingly, other employees who come into possession of alcoholic beverages and/or unlawful drugs as part of their official duties shall not be in violation of this Rule.
5. Employees must notify their supervisor before beginning work when taking any medication or drugs, prescription or non-prescription, which could interfere with the safe and effective performance of their duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely or effectively perform his/her duties while using prescribed medications, a medical clearance from a qualified physician may be required.
6. An employee must immediately submit to an alcohol or drug test by a City selected physician or laboratory when there exists reasonable cause to suspect that the employee is or was impaired or under the influence of drugs or alcoholic beverages while on City duty.
7. An employee must provide, within twenty-four (24) hours of request by their supervisor, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug/alcohol test is positive. The prescription must be in the employee's name.
8. Compliance with this policy is a condition of City employment. Disciplinary action will be taken against those who violate this policy.
9. The City will provide reasonable opportunities of rehabilitation to employees with a drug or alcohol problem in accordance with federal and/or state law.

10. The City has established a voluntary Employee Assistance Program (EAP) to assist employees who voluntarily seek help for alcohol or drug related problems. Employees should contact their supervisors or the EAP Counselor for information concerning this Program.

D. PROCEDURES

1. Drug and Alcohol Testing

- (a) Pre-Employment Drug Tests.

- (1) Generally, no drug test will be conducted before making a conditional offer of employment to the applicant. However, pre-employment testing for illegal drug use may be permitted in cases where (1) there is a special need (e.g., safety-sensitive positions or positions supervising children) to justify the test, and (2) all applicants for the position are required to test.
 - (2) Before a drug test is administered to an employee or applicant with a conditional offer for City employment, he/she will be asked to sign a consent form authorizing the clinic or laboratory to obtain a blood and/or urine specimen and to release the results of the test to the Personnel Officer and to the appropriate Department Head. The consent form shall provide space for the employee or job applicant to indicate his/her current or recent use of prescription or over-the-counter medication.
 - (3) A job applicant who refuses to consent to a drug and/or alcohol test after he or she receives a conditional offer of employment will be denied employment with the City and will be removed from the appropriate eligibility list.
 - (4) A positive test from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of unlawful drugs and/or alcohol could reasonably affect job performance.
 - (5) If a drug screen is positive for prescription drugs at the pre-employment physical, the applicant must provide, within twenty-four (24) hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name, or if the applicant does not provide adequate

verification, the Personnel Officer may decide not to hire the applicant..

(b) Drug and Alcohol Tests During Employment.

- (1) Reasonable Suspicion. Supervisors, directors or management may require a drug or alcohol test when he/she has a reasonable suspicion that the employee is under the influence alcohol, illegal drugs, or controlled substances while on City duty. "Reasonable suspicion" is based on objective factors that lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol at work.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- (i) Appearance;
- (ii) Slurred speech;
- (iii) Alcoholic odor on breath;
- (iv) Unsteady walking and movements;
- (v) Bizarre or extremely unusual behavior; or
- (vi) Possession of alcohol or unauthorized drugs while on duty.

- (2) Post-Accident Testing. The City may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the "reasonable suspicion" factors described above are present.

(c) In the event a supervisor reasonably suspects that an employee is or was under the influence of alcoholic beverages or performance impairing drugs while on City duty, the following procedures shall be followed:

- (1) Supervisor shall notify the Department Director or Administrative Services, or their designees, of their reasonable suspicion. If the Director or Administrative Services concurs that there is reasonable suspicion of a violation of this policy, the Director or Administrative

Services shall notify the appropriate law enforcement agency.

- (2) The Director or supervisor shall immediately notify the employee their suspicions and advise that he/she may have a representative present during the drug/alcohol test. The Director or supervisor shall document this notification, specific facts constituting his/her reasonable suspicion, and all other facts from the initiation of procedures until such time as the employee can be safely transported home in an Incident Report form. The delay in the employee securing representation shall not exceed fifteen (15) minutes from the time the employee is ordered to submit to the drug/alcohol test. The employee shall be permitted an additional period of time, not to exceed fifteen (15) minutes, in which to confer with his/her representative.
 - (3) The employee will be offered an opportunity to give an explanation of his/her condition, such as reaction to a prescribed drug, fatigue, etc. This shall be recorded in the Incident Report.
 - (4) The supervisor shall sign and date the Incident Report form.
 - (5) The employee shall be provided with a copy of the Incident Report form upon its completion.
- (d) An employee who refuses to consent to a drug and/or alcohol test when there is reasonable suspicion of drug or alcohol use in violation of this policy, shall be subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.
- (e) An employee reasonably believed to be under the influence of alcoholic beverage or performance impairing drugs while on City duty, such that there is a question regarding an employee's ability to safely or effectively perform his/her duties, shall be prevented from engaging in further work, and shall be detained for a reasonable time until he/she can be safely transported from the work site.
- (f) Positive Results for Drug and Alcohol Tests During Employment.
- (1) A positive result from a drug and/or alcohol analysis showing use of unlawful or performance impairing drugs or

alcohol may result in disciplinary action up to and including discharge. Upon the request of the employee who tested positive on the drug or alcohol analysis, the City Manager may, in his or her own discretion, order and authorize a retest of such employee.

- (2) If the drug screen is positive for prescription drugs, the employee must provide, within twenty-four (24) hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee provides bona fide verification and the prescription drug affects their ability to perform their essential functions, the City will engage in the disability interactive process to determine if it can reasonable accommodate the disability. Please see Rule XI(H) for additional guidance. If the employee does not provide adequate verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his/her supervisor of his/her on-the-job use of such prescription or performance impairing drug, the employee will be subject to disciplinary action, up to and including discharge.

2. Confidentiality

Laboratory reports and test results shall not appear in the employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Officer or his/her designee, including but not limited to the Administrative Services Director. The report or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

Disclosures, without employee consent, may also occur when:

- (a) the information is compelled by law or by judicial or administrative process;
- (b) the information has been placed at issue in a formal dispute between the City and the employee;
- (c) the information is to be used in administering an employee benefit plan; or

- (d) the information is needed by medical personnel for the diagnosis for treatment of the employee who is unable to authorize disclosure.

X. SAFETY

A. GENERAL EMPLOYEE SAFETY

City of Mendota is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees.

City of Mendota will maintain safety and health practices consistent with the needs of our industry. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask your supervisor for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules is considered a condition of employment. Therefore, it is a requirement that each supervisor makes the safety of employees an integral part of her/his regular management functions. It is the responsibility of each employee to accept and follow established safety regulations and procedures.

B. REPORTING SAFETY ISSUES

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to your supervisor. If you or another employee is injured, you should contact outside emergency response agencies, if needed. If an injury does not require medical attention, a Supervisor and Employee Report of Accident Form must still be completed in case medical treatment is later needed and to insure that any existing safety hazards are corrected. The Employee's Claim for Worker's Compensation Benefits Form must be completed in all cases in which an injury requiring medical attention has occurred.

Federal law (Occupational Safety and Health Administration) requires that we keep records of all illnesses and accidents that occur during the workday. California State Worker's Compensation Act also requires that you report any workplace illness or injury, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect worker's compensation payments as well as health benefits. OSHA also provides for your right to know about any health hazards that might be present on the job. Should you have any questions or concerns, contact your supervisor for more information.

1. Entering and Leaving the Premises

At the time you are hired, you will be advised about the proper entrances and exits for our employees, as well as unauthorized areas, if any. Our insurance company prohibits unescorted or unauthorized visitors in our facilities. If you are expecting visitors, such as clients, customers or

friends, please notify your supervisor. You are expected to abide by these rules at all times. Failure to do so will lead to disciplinary action.

2. Security Checks

City of Mendota may exercise its rights to inspect all packages and parcels entering and leaving our premises.

3. Safety Rules

Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing all City of Mendota activities. We want to protect you against industrial injury and illness, as well as minimize the potential loss of production.

Below are some general safety rules to assist you in making safety a regular part of your work. Your supervisor may post other safety procedures in your department or work area.

4. Working Safely

Safety is everyone's responsibility. Remind your co-workers about safe work methods. Start work on any machine only after safety procedures and requirements have been explained. Immediately report any suspected hazards and all accidents to your supervisor.

5. Lifting

Ask for assistance when lifting heavy objects or moving heavy furniture. Bend your knees, get a firm grip on the object, hold it close to your body and space your feet for good balance. Lift using your strong leg muscles, not your weaker back muscles.

(a) Rules for lifting.

- (1) Take a balanced stance, feet placed shoulder-width apart. When lifting something from the floor, squat close to the load.
- (2) Keep your back in its neutral or straight position. Tuck in your chin so your head and neck continue the straight back line.
- (3) Grip the object with your whole hand, rather than only with your fingers. Draw the object close to you, holding your elbows close to your body to keep the load and your body weight centered.

- (4) Lift by straightening your legs. Let your leg muscles, not your back muscles, do the work. Tighten your stomach muscles to help support your back. Maintain your neutral back position as you lift.
- (5) Never twist when lifting. When you must turn with a load, turn your body, feet first.
- (6) Never carry a load that blocks your vision.
- (7) To set something down, use the same body mechanics used for lifting.

6. Materials Handling

Do not throw objects. Always carry or pass them. Use flammable items, such as cleaning fluids, with caution. Also, stack materials only to safe heights.

(a) Rules for material storage.

- (1) Store heavy objects on lower shelves.
- (2) Try to store materials inside cabinets, files, and lockers.
- (3) Aisles, corners, and passageways must remain unobstructed.
- (4) Fire equipment, extinguishers, fire door exits, and sprinkler heads should remain unobstructed. Materials should be at least 18inches minimum away from sprinkler heads.

7. Trash Disposal

Keep sharp objects and dangerous substances out of the trash can. Items that require special handling should be disposed of in approved containers.

8. Cleaning Up

To prevent slips and tripping, clean up spills and pick up debris immediately.

9. Preventing Falls

To prevent slips and tripping, clean up spills and pick up debris immediately.

10. Slips and Falls

- (a) All pathways should be clear of objects.
- (b) Do not leave file and desk drawers open. Close drawers completely after every use.
- (c) Make sure that your shoes are appropriate for your work area. Non-slip shoes should be worn at all times.
- (d) Secure electrical cords and wires away from walkways.
- (e) Always use a stepladder for overhead reaching. Chairs should never be used as ladders.
- (f) Clean up spills immediately. Do not wait for someone else to do it.
- (g) Pick up objects co-workers may have left on the floor.
- (h) Report loose carpeting or damaged flooring.
- (i) Never carry anything that obscures your vision.
- (j) Avoid excessive bending, twisting, and leaning backward while seated.

11. Falling Objects

Store objects and tools where they won't fall. Do not store heavy objects or glass on high shelves.

12. Work Areas

Keep cabinet doors and file and desk drawers closed when not in use. Remove or pad torn, sharp corners and edges. Keep drawers closed. Open only one drawer at a time.

13. Ladder Safety

- (a) Never use a substitute for a ladder (i.e. chair, desk, boxes, etc.)
- (b) Know what kind of ladder to use.
- (c) Inspect your ladder (Is it sturdy? Is it bent?)
- (d) Set up the ladder properly. (Do not lean ladders up against other objects. Extend the legs of the ladders out fully.)

- (e) Climb the ladder properly.
- (f) Practice safe work habits.
- (g) Carry the ladder correctly. (Watch for others and objects in your path.)

14. Electrical Hazards

- (a) Never put your finger or anything other than an electrical plug in an outlet.
- (b) Pull by the plug, not the cord, when unplugging an appliance.
- (c) Do not use an electrical appliance when you are wet, have wet hands or are standing in water.
- (d) Limit the number of appliances plugged into each outlet.
- (e) Be alert for damaged plugs and cords. Do not touch them!
- (f) Do not place electric cords so that they run through doorways or under carpets.

15. Fire Extinguishers

Know where fire extinguishers are and how to use them.

16. Report Injuries

Immediately report all injuries, no matter how slight, to your supervisor.

17. Ask Questions

If you are ever in doubt regarding the safe way to perform a task, please do not proceed until you have consulted a supervisor. Employees will not be asked to perform any task that may be dangerous to their health, safety or security. If you feel a task may be dangerous, inform your supervisor at once.

We strongly encourage employee participation and your input on health and safety matters. Please obtain a Safety Suggestion Form from your supervisor for this purpose. Employees may report potential hazards and make suggestions about safety without fear of retaliation. We appreciate, encourage and expect this type of involvement! The success of the safety program relies on the participation of all employees. Though it is City of Mendota's responsibility to provide for the safety, health and security of

its workers during working hours, it is the responsibility of each employee to abide by the rules, regulations and guidelines set forth.

Remember, failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary actions.

18. Weapons

City of Mendota believes it is important to establish a clear policy that addresses weapons in the workplace. Specifically, City of Mendota prohibits all persons who enter company property from carrying a handgun, firearm, knife or any other device, tool, chemical agent or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm regardless of whether the person is licensed to carry the weapon.

The only exception to this policy will be police officers, security guards or other persons who have been given written consent by City of Mendota to carry a weapon on the property.

Any employee disregarding this policy will be subject to immediate discipline, up to and including termination.

19. Fire Prevention

Know the location of the fire extinguisher(s) in your area and make sure they are kept clear at all times. Notify your supervisor if an extinguisher is used or if the seal is broken. Keep in mind that extinguishers that are rated ABC can be used for paper, wood, or electrical fires. Make sure all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any ignition source.

If you are aware of a fire, you should:

- (a) Dial 911 or the local fire department.
- (b) If possible, immediately contact your supervisor. Evacuate all employees from the area.
- (c) If the fire is small and contained, locate the nearest fire extinguisher. This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.
- (d) If the fire is out of control, leave the area immediately. No attempt should be made to fight the fire.

- (e) When the fire department arrives, direct the crew to the fire. Do not re-enter the building until directed to do so by the fire department.

20. Emergency Evacuation

If you are advised to evacuate the building, you should:

- (a) Stop all work immediately
- (b) Contact outside emergency response agencies, if needed
- (c) Shut off all electrical equipment and machines, if possible
- (d) Walk to the nearest exit, including emergency exit doors.
- (e) Exit quickly, but do not run. Do not stop for personal belongings.
- (f) Proceed in an orderly fashion to a parking lot near the building. Be present and accounted for during roll call.
- (g) Do not re-enter the building until instructed to do so.

21. Housekeeping

Neatness and good housekeeping are signs of efficiency. You are expected to keep your work area neat and orderly at all times—it is a required safety precaution.

If you spill a liquid, clean it up immediately. Do not leave tools, materials, or other objects on the floor that may cause others to trip or fall. Keep aisles, stairways, exits, electrical panels, fire extinguishers, and doorways clear at all times.

Easily accessible trash receptacles and recycling containers are located throughout the building. Please put all litter and recyclable materials in the appropriate receptacles and containers. Always be aware of good health and safety standards, including fire and loss prevention.

Please report anything that needs repairing or replacing to your supervisor immediately.

22. Office Safety

Office areas present their own safety hazards. Please be sure to:

- (a) Leave desk, file or cabinet drawers firmly closed when not in use.

- (b) Open only a single drawer of a file cabinet at a time.
- (c) Arrange office space to avoid tripping hazards, such as telephone cords or calculator electrical cords.
- (d) Remember to lift things carefully and to use proper lifting techniques.

23. Property and Equipment Care

It is your responsibility to understand the machines needed to perform your duties. Good care of any machine that you use during the course of your employment, as well as the conservative use of supplies, will benefit you and City of Mendota. If you find that a machine is not working properly or in any way appears unsafe, please notify your supervisor immediately so that repairs or adjustments may be made. Under no circumstances should you start or operate a machine you deem unsafe, nor should you adjust or modify the safeguards provided.

Do not attempt to use any machine or equipment you do not know how to operate, or if you have not completed training on the proper use of the machine or equipment.

24. Restricted Areas

In the interest of safety and security, certain portions of City of Mendota's facilities may be restricted to authorized personnel only. Such areas will be clearly marked. Some areas may be designated no smoking areas as well.

25. Safety Rules When Operating Machines and Equipment

When operating machines and equipment, please be sure to follow these procedures:

- (a) Make sure machine guards are in place while machines are in operation.
- (b) Remove loose clothing, jewelry or rings before operating machinery.
- (c) Wear steel toe shoes and prescription eye protection to start the job, if required.

Required personal protective equipment, except for prescription glasses and steel-toed shoes, will be issued to you by your supervisor.

We will continue to provide a clean, safe and healthy place to work and we will provide the best equipment possible. You are expected to work safely, to observe all safety rules and to keep the premises clean and neat. Remember that carelessly endangering yourself or others may lead to disciplinary action, including possible termination.

26. Security

Maintaining the security of City of Mendota buildings and vehicles is every employee's responsibility. Develop habits that insure security as a matter of course. For example:

Always keep cash properly secured. If you are aware that cash is insecurely stored, immediately inform the person responsible.

Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.

When you leave City of Mendota's premises, make sure that all entrances are properly locked and secured.

27. Smoking

Smoke only in designated smoking areas. Please be courteous and concerned about the needs of your fellow employees and others. Please do not smoke in restricted areas.

All employees are expected to abide by this policy while at work.

XI. MISCELLANEOUS

A. PERSONNEL RECORDS

The Personnel Officer shall maintain a service or personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Personnel Officer.

B. INTERNET, ELECTRONIC MAIL AND VOICEMAIL USE

1. Internet Use

Internet, World Wide Web, and Intranet access has been provided to City employees for the benefit of the City and its customers/citizens. This access enables employees to connect to information and other resources around the world. All employees are required to maintain and enhance the City's public image, and to use the Internet in a productive manner. The following guidelines have been established for using the Internet and the City's electronic mail system.

2. Acceptable Uses of the Internet

Employees accessing the Internet, World Wide Web and/or the City's own Intranet are representing the City when doing so. Accordingly, all such communications should be for professional, business reasons and should not be for personal use. Each employee is responsible for ensuring that they use their Internet access privilege in an effective, ethical and lawful manner. "Chat rooms" may only be used to conduct official City business, or to gain technical or analytical advice.

3. Unacceptable Uses of the Internet

The Internet, World Wide Web and/or the City's Intranet should not be used for personal gain or advancement of individual views. Solicitation of non-City business, or any use of the Internet for personal gain, is strictly prohibited. Use of the Internet must not disrupt the operation of the City network or the networks of other users, and must not interfere with an employee's productivity. Copyrighted materials belonging to entities other than this City may not be transmitted by employees on the Internet. One copy of copyrighted material may be downloaded for an employee's personal use in research if pre-approved by the City Manager of City of Mendota. Employees are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner of such information or programs. Failure to observe copyright or license agreements may result in

disciplinary action from the City including termination or legal action by the copyright owner.

In addition, any employee accessing Internet sites containing pornography, racial or ethnic hate propaganda or other similarly inappropriate websites unrelated to employment will be subject to immediate discipline, including termination. Employees may not use the City 's computer system and Internet access for "shopping." All computer and Internet use will be tracked by the City from time to time for all users to insure that the City 's computer systems are not being used in an inappropriate manner.

4. E-Mail and Voicemail Use

Electronic mail (E-mail) and voicemail may be used for non-confidential business contacts. The City 's E-mail and voicemail systems are available to assist in the conduct of the City 's business. These systems, including the equipment and the data stored in the system, are and remain at all times the property of the City. As such, all messages created, sent, received or stored in the system are and remain the property of the City. Therefore, should you send or receive "personal" messages in violation of this policy, the City may review and copy any and all such messages.

Messages should be limited to the conduct of business at the City. Voicemail and E-mail may not be used for the conduct of personal matters except in very limited circumstances and with the approval of your supervisor.

The City reserves the right to retrieve and review any message composed, sent or received. Please note that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of messages cannot be ensured to anyone and the City reserves the right to review deleted messages. While voicemail and E-mail may accommodate the use of passwords for security, confidentiality cannot be guaranteed. Messages may be reviewed by someone other than the intended recipient. Furthermore, although you may be granted the use of a "password," it is not for the protection of your privacy. Rather the use of passwords is for the protection of the City so that someone other than the intended recipient does not review the messages. Moreover, all passwords must be made known to the City and the City will at all times have the ability to review E-mail and voicemail messages regardless of an employee's use of a personal password. The reason for this is simple: your system may need to be accessed by the City when you are absent.

Messages may not contain content that may reasonably be considered offensive, disruptive, or illegal. Harassment of any kind, as defined by the Personnel Rules, through the use of E-mail or voicemail is prohibited.

Employees learning of any misuse of the voicemail or E-mail system or violations of this policy shall notify their supervisor or the City Manager of City of Mendota immediately. As appropriate, the City will investigate the matter. Employees found to have misused the City 's electronic resources will be disciplined up to and including termination.

Internet use, use of personal E-mail and/or voicemail which in the sole discretion of the City is determined to be excessive, disruptive, or an inappropriate use of City time and resources is prohibited and may lead to discipline up to and including discharge.

C. RIGHT TO SEARCH CITY PROPERTY, EMPLOYEES AND PROPER USE OF CITY EQUIPMENT

Employees have no right of privacy in the workplace. Therefore, to the fullest extent allowed under the law, City of Mendota will search and inspect City facilities, employees and the personal property of employees as necessary to insure the City 's interests are protected. Situations in which this may arise include suspicion of employee theft, incidents of violence or threats of violence, when an employee is suspected of the use, sale, or distribution of drugs, improper or illegal use of City facilities, misuse of City technology such as the Internet, E-mail or voicemail and other situations in which the City believes a search and inspection is appropriate.

All City of Mendota property—including, but not limited to, desks, storage areas, work areas or offices, lockers, file cabinets, credenzas, computer systems, office telephones, cellular telephones, modems, facsimile machines, duplicating machines, and vehicles—must be used properly and maintained in good working order. Employees who lose, steal, or misuse City of Mendota property may be personally liable for replacing or fixing the item and may be subject to discipline, up to and including discharge.

City of Mendota reserves the right, at all times and without prior notice, to inspect and search all City property for the purpose of determining whether this policy or any other policy of City of Mendota has been violated, or when an inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or outside of business hours and in the presence or absence of the employee.

In addition, in order to ensure the safety and security of employees and citizens, and to protect City of Mendota's interests, City of Mendota reserves the right to question and inspect any employee or other individual entering onto or leaving City of Mendota's premises. City of Mendota also may request employees' consent while on the job or on City of Mendota's premises to agree to reasonable inspection of their personal property and/or persons. The individual may be

requested to self-inspect his or her personal property or person by displaying the contents of any packages in the presence of a representative of City of Mendota, typically a management employee of the same gender. As long as it is within the scope of the law the City of Mendota will not tolerate any employee's refusal to submit to a search. Refusal to submit to a lawful search will be grounds for discipline up to and including termination.

City of Mendota's technical resources, such as its computer system, voicemail system, and E-mail, are provided for use in the pursuit of City of Mendota business and are to be reviewed, monitored, and used only in that pursuit, except as provided in this policy. As a result, computer data, voicemail messages, and E-mail transmissions are readily available to numerous persons. If, during the course of your employment, you perform or transmit work on City of Mendota's computer systems or other technical resources, your work may be subject to the investigation, search, and review of others in accordance with this policy. In addition, any electronically stored communications that you either send to or receive from others may be retrieved and reviewed by City of Mendota.

Employees have no right of privacy as to any information or file maintained in or on City of Mendota property or transmitted or stored through City of Mendota's computer systems, voicemail, E-mail, or other technical resources. All bills and other documentation related to the use of City of Mendota's equipment or property are the property of City of Mendota and may be reviewed and used for purposes that City of Mendota considers appropriate.

Although it is a common practice to refer to a City computer as a particular employee's computer, all computers are owned by City of Mendota and employees have no right of privacy as to any information or file maintained in or on a City computer. All files and other information on City of Mendota property or transmitted or stored through City of Mendota's computer systems, voicemail, E-mail, or other technical resources remain City property at all times. All documentation related to the use of City of Mendota equipment or property is the property of City of Mendota and may be reviewed and used for purposes that City of Mendota considers appropriate. Similarly, although you may be provided a password, the City retains the right to review the entire contents of your computer at any time. Do not share your password with other employees. Passwords are used to track computer use. Failure to follow this policy may lead to discipline including termination.

Employees may access only files or programs, whether computerized or not, that they have permission to use. Computer software is protected from unauthorized copying and use by federal and state law; unauthorized copying or use of computer software exposes both City of Mendota and the individual employee to substantial fines and/or imprisonment. Therefore, employees may not load personal software onto City of Mendota's computer system and may not copy software from City of Mendota for personal use. All employees must contact the

City Manager of the City of Mendota to install any software on the City of Mendota's computer system. Unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other property of the City of Mendota, or improper use of information obtained by unauthorized means, may be grounds for disciplinary action up to and including termination.

Messages stored and/or transmitted by voicemail or E-mail must not contain content that may reasonably be considered offensive or disruptive to any employee. Offensive content would include, but not be limited to, sexual comments or images, racial slurs, gender-specific comments or any comments or images that would offend someone on the basis of his or her age, sexual orientation, religious or political beliefs, national origin, or disability.

D. DRESS AND GROOMING CODE

1. Grooming Guidelines

(a) Hair

Must be neat, clean and well groomed in a business-like style. Hair color must be appropriate for the professional setting. Long hair must be kept in a neat hairstyle. Hair adornments should be small and professional. Facial hair must be short and well trimmed.

(b) Personal Hygiene

Employees are expected to maintain a high standard of cleanliness, regular bathing, oral hygiene, and use of deodorant.

(c) Make-Up

Should be simple and appropriate for the business setting. Heavily applied dramatic eye make-up or unusual lipstick colors, such as black, are unacceptable.

(d) Jewelry

Must be simple and appropriate for the business setting. Visible body piercing, with the exception of ears, is not permitted. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

(e) Perfume or Cologne

Should be lightly applied.

(f) Fingernails

Must be kept clean, neatly trimmed. Length should not interfere with performing of job duties. Style and polish must be appropriate for the business setting.

(g) Other

No Tattoos or other unnatural markings are allowed anywhere on the head, face, or neck. Any visible tattoos cannot be obscene, sexually explicit, discriminatory, extremist, or gang-related. No visible tattoos shall be greater than 4 by 6 inches. Any non-conforming tattoos must be covered with clothing or a bandage while at work.

2. Dress Guidelines for Office Staff

(a) Tee Shirts

Tee shirts are not allowed.

(b) Slacks

Must be full length. Dress or casual slacks must be appropriate for the business setting. Leggings, knit stretch pants and jeans are unacceptable. Cropped pants and shorter suits are acceptable; however, hosiery is preferred.

(c) Hemlines

Are to be worn at a professional length, no higher than 4" above the knee.

(d) Necklines

Must be for the business setting. Plunging necklines, which reveal cleavage or undergarments, are not permitted. No backless tops or dresses. Sleeveless tops or dresses can be worn with a jacket.

(e) Midriff

Clothing must be worn so that midriff is covered.

(f) Undergarments

Color of undergarments must be inconspicuous, conventional usage only. Sheer clothing, which allows undergarments to show

through, is not acceptable. Undergarments should be appropriate to the cut of clothing being worn so it is not visible.

(g) Shoes

Shoes must always be well maintained and appropriate for the business setting. Backless, strapless or thong-type shoes are not permitted at any time.

(h) Belts

Must be worn at a conventional length and coordinate with clothing.

(i) Ties

Must be appropriate for the business setting.

(j) Fit

Clothing must be fitted in a traditional and professional manner. Excessively long or baggy clothing or tight, revealing clothing is not permitted.

(k) Casual Dress Day

Friday may be a casual dress day subject to either Department or City Manager approval. Casual dress does not include T-shirts, tank tops, shorts, revealing clothing, “beach-type” shoes, or sportswear (for example, jogging or gym clothes).

3. If an employee has a question about how the above policies apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

E. **INCONSISTENT, INCOMPATIBLE OR CONFLICTING EMPLOYMENT ACTIVITIES**

1. Purpose

The purpose of this division is to implement the provisions of Government Code § 1126 relating to inconsistent, incompatible, and conflicting employment by City employees. It is not the intent or purpose of this division to restrict, limit or interfere with employees’ right to outside employment. It is intended only to prevent outside employment that is inconsistent and incompatible with City employment.

2. Policy

- (a) Employees of the City shall not engage in any employment, activity or enterprise for compensation that is inconsistent, incompatible, in conflict with, or inimical to his/her duties as an employee of the City.
- (b) No employee of the City shall perform any work, service, or counsel for compensation (except as provided in Government Code § § 1128 and 1129) outside of his/her employment with the City, where any part of his/her efforts will be subject to approval by any officer, employee, board or commission of the City.
- (c) Each Department Director, subject to the City Manager's approval, may determine the consistency or inconsistency of outside employments, activities or enterprises with City employment. Authorization to engage in outside employment or activities for compensation is subject to revocation by the Department Head or City Manager without cause. Outside employment, activity, or enterprise shall be prohibited:
 - (1) If it involves the use, for private gain or advantage, or City time, facilities, equipment or supplies, or the City badge, uniform, prestige or influence of his/her City office or position;
 - (2) If it involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his/her employment with the City or as a part of his/her duties as an employee of the City;
 - (3) If it involves the performance of an act in other than his/her capacity as an employee of this City, which act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement of any officer or other employee of the City; or
 - (4) If it involves time demands as would render performance of his/her duties as an employee of the City less efficient.
- (d) No City-owned equipment, vehicles, tools, supplies or any other item shall be used by any employee while the employee is

engaged in any outside employment or activity, or for personal use.

3. Procedures

All employees of the City shall, within thirty (30) days of beginning any outside employment and annually, on April 1, submit a written statement to the Personnel Officer outlining and describing in full, all outside employment engaged in by such employee. Such statement shall include the name and address of the employee's outside place of employment, the name of the employee's supervisor at such outside place of employment, a job description for such employee's position at such outside place of employment, and the number of hours spent at such employment each month. Forms for such report shall be available in the personnel office. The Personnel Officer may require the employee to provide further and additional appointing information relative to such employee's outside employment.

Violation of any of the provisions of this division shall be grounds for disciplinary action, including dismissal from the City service.

F. **EMPLOYEE POLITICAL ACTIVITIES**

The City Prohibits:

- (1) Employees and officers from engaging in political activities during work hours;
- (2) Employees and officers from participating in political activities of any kind while in uniform;
- (3) Political campaigning in City buildings or on premises adjacent to City buildings; and
- (4) An employee or officer from using his or her office to coerce or intimidate public employees to promote, propose, oppose, or contribute to any political cause or candidate. All other political activities of City employees shall conform to pertinent provisions of State law and any local provision adopted pursuant to State law.

G. **GIFTS OR GRATUITIES**

No City officer or employee shall solicit or accept any gifts or gratuities in connection with or relating to employee's job duties or services rendered.

Gifts, rewards, or awards may be provided by the City of Mendota to City employees for work-related recognition, making special contributions, or

achieving major milestones such as years of service, promotion, departure, or retirement. The expense for such gifts or awards must follow prescribed accounting or procurement procedures. The Internal Revenue Service classifies many awards to staff as taxable income subject to W-2 reporting and tax withholding. All monetary awards, gifts, or cash equivalents, including but not limited to certificates or cards, are subject to personal income tax.

H. COMPENSATION

Employees should consult their Memorandum of Understanding for guidance on salary or compensation.

XII. ACKNOWLEDGMENT

This is to acknowledge that I have received a copy of the City of Mendota's Personnel Rules and have read and understand their contents. I understand that the rules contain important information about the City's general personnel policies and my obligations as an employee of the City. Further, I understand that I must keep the Personnel Rules in a safe place for reference and any changes or updates which may be made from time to time.

I further understand that the City may change, rescind or add to any rules, policies, or practices described in the Personnel Rules from time to time in its sole discretion without prior notice, and that the language used in the Personnel Rules is not intended to create, and does not create, a contract between the City of Mendota and any employee.

DATED: _____

Employee's Signature

Employee's Name (Print or Type)

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XIII. EMPLOYER-EMPLOYEE RELATIONS

A. GENERAL

1. Statement of Purpose

These rules implement Chapter 10, division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) entitled "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of state law, ordinances, resolutions and rules which establish and regulate the civil service system, or which provide for other methods of administering employer-employee relations.

It is the purpose of these rules to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by federal or state law. Nothing in these rules shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy, which include among others:

- (a) The exclusive right to determine the mission of its constituent departments, commissions and boards;
- (b) Set standards of service;
- (c) Determine the procedures and standards of selection for employment;
- (d) Direct its employees;
- (e) Take disciplinary action;
- (f) Relieve its employees from duty because of lack of work or for other lawful reasons;
- (g) Maintain the efficiency of governmental operations;
- (h) Determine the content of job classifications;
- (i) Subcontract work;
- (j) Maintain the efficiency of governmental operations;

- (k) Determine the methods, means and personnel by which government operations are to be conducted;
- (l) Take all necessary actions to carry out its mission in emergencies; and
- (m) Exercise complete control and discretion over its organization and the technology of performing its work.

2. Definitions

As used in these rules, the following terms shall have the meanings indicated:

- "*Appropriate unit*" means a unit of employee classes or positions, established under the following Representation Proceedings hereof.
- "*Confidential employee*" means an employee who, in the course of his/her duties, has access to information relating to the City's administration of employer-employee relations.
- "*Consult/Consultation in Good Faith*" means to communicate orally or in writing with all effected recognized employee organizations for the purpose of presenting and obtaining views or advising of proposed actions in a good faith effort to reach a consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of the meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement in the form of a Memorandum of Understanding, nor is it subject to the following Impasse Procedures hereof.
- "*Day*" means calendar day unless expressly stated otherwise.
- "*Employee relations officer*" means the City Manager or his/her duly authorized representative.
- "*Exclusively Recognized Employee Organization*" means an employee organization which has been formally acknowledged by the City as the sole employee organization representing the employees in an appropriate representation unit pursuant to the Representation Proceedings hereof, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.

Such recognition status may only be challenged by another employee organization as set forth in the procedures for Decertification of Exclusively Recognized Employee Organization

- *"Impasse"* means that the representatives of the City and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.
- *"Management employee"* means an employee having responsibility for formulating, administering or managing the implementation of City policies and programs.
- *"Proof of employee support"* means:
 - An authorization card recently signed and personally dated by an employee, provided that the card is not subsequently revoked in writing by the employee;
 - A verified authorization petition or petitions recently signed and personally dated by an employee; or
 - Employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one (1) employee organization for the account of any one (1) employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee.
 - The phrase *"recently signed"* shall mean within ninety (90) days prior to the filing of such proof of support.
- *"Supervisory employee"* means any employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

- Terms not defined herein shall have the meanings as set forth in the MMBA.

B. REPRESENTATION PROCEEDINGS

1. Recognition Petition – Filing by Employee Organization

An employee organization that seeks to be formally acknowledged as the exclusively recognized employee organization representing the employees in an appropriate unit shall file a petition with the employee relations officer containing the following information and documentation:

- (a) Name and address of the employee organization.
- (b) Names and titles of its officers.
- (c) Names of employee organization representatives who are authorized to speak on behalf of the organization.
- (d) A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the City.
- (e) A statement whether the employee organization is a chapter of or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization and if so, the name and address of each such other organization.
- (f) Certified copies of the employee organization's constitution and by-laws.
- (g) A designation of those persons, not exceeding two (2) in number, and their addresses to whom a notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- (h) A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, age, sexual orientation, mental or physical disability or medical condition.
- (i) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- (j) A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a

majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the employee relations officer or to a mutually agreed upon disinterested third party.

- (k) A request that the employee relations officer formally acknowledge the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.
- (l) The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete under penalty of perjury by the duly authorized officer(s) of the employee organization executing it.

2. City Response

Upon receipt of the petition, the employee relations officer shall determine whether:

- (a) There has been compliance with the requirements of the recognition petition; and
- (b) The proposed representation unit is an appropriate unit in accordance with Section B(7) of this Resolution.

If an affirmative determination is made by the employee relations officer on the foregoing two (2) matters, he/she shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on such request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the employee relations officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section B(10) of this Resolution.

3. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one

which corresponds with respect to some, but not all, the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) and otherwise in the same form and manner as set forth in Section B(1) of this Resolution. If such challenging petition seeks establishment of an overlapping unit, the employee relations officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the employee relations officer shall determine the appropriate unit or units in accordance with the standards in Section B(7) of this Resolution. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the employee relations officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section B(10) of this Resolution.

4. Granting Recognition Without an Election

If the Petition is in order, and the proof of support shows that a majority of the employees in the appropriate unit have designated the petitioning employee organization to represent them, and if no other employee organization filed a challenging petition, the petitioning employee organization and the employee relations officer shall request the California State Mediation and Conciliation Service, or another agreed upon neutral third party, to review the count, form, accuracy and propriety of the proof of support. If the neutral third party makes an affirmative determination, the employee relations officer shall formally acknowledge the petitioning employee organization as the exclusive recognized employee organization for the designated unit.

5. Election Procedure

Where recognition is not granted pursuant to Section B(4) of the Resolution, the employee relations officer shall arrange for a secret ballot election to be conducted by a party agreed to by the employee relations officer and the concerned employee organization(s), in accordance with its rules and procedures subject to the provisions of this Resolution. All employee organizations that have duly submitted petitions that have been determined to be in conformance with this Article (Representation Proceedings) shall be included on the ballot. The ballot shall also reserve to employees the choice of representing themselves individually in their employment relations with the City. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days

before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the exclusively recognized employee organization for the designated appropriate unit following an election or runoff election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two (2) choices receiving the largest number of valid votes cast, the rules governing an initial election being applicable to a runoff election.

There shall be no more than one (1) valid election under this Resolution pursuant to any petition in a twelve (12) month period affecting the same unit.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Conciliation Service.

Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.

6. Procedure for Decertification of Exclusively Recognized Employee Organization

A decertification petition alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the employee relations officer only during the month of March of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred twenty (120) days prior to the termination date of a memorandum of understanding then having been in effect less than three (3) years, whichever occurs later. A decertification petition may be filed by two (2) or more employees or their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- (a) The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

- (b) The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.
- (c) An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit and the relevant and material facts relating thereto.
- (d) Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the employee relations officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this section.

An employee organization may, in satisfaction of the decertification petition requirements hereunder, file a petition under this section in the form of a recognition petition that evidences proof of employee support of at least thirty percent (30%) and otherwise confirms to the requirements of Section B(1) of the Resolution.

The employee relations officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of this Article (Representation Proceedings). If his/her determination is in the negative, he/she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section B(10) of these Rules. If the determination of the employee relations officer is in the affirmative, or if his/her negative determination is reversed on appeal, he/she shall give written notice of such decertification or recognition petition to the incumbent exclusively recognized employee organization and to unit employees.

The employee relations officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a recognition petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section B(7) of the Resolution.

During the "open period" specified in the first paragraph of this section, the employee relations officer may on his/her own motion, when he/she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent exclusively recognized employee organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. In such event any other employee organization may, within fifteen (15) days of such notice, file a recognition petition in accordance with this section, which the employee relations officer shall act on in accordance with this section.

If, pursuant to this section, a different employee organization is formally, acknowledged as the exclusively recognized employee organization, such organization shall be bound by all the terms and conditions of any memorandum of understanding then in effect for its remaining term.

7. Policy and Standards for Determination of Appropriate Units

The policy objectives for determining the appropriateness of units shall be the effect of a proposed unit on (1) The efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and (2) Providing employees with effective representation based on recognized community of interest considerations.

These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- (a) Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
- (b) History of representation in the City and similar employment; except that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
- (c) Consistency with the organizational patterns of the City.
- (d) Effect of differing legally mandating impasse resolution procedures.
- (e) Number of employees and classifications and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.

- (f) Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

Notwithstanding the foregoing provisions of this section, managerial and confidential responsibilities, as defined in Section A(2) of this Resolution, are determining factors in establishing appropriate units hereunder, and therefore such managerial and confidential employees may only be included in units that do not include non-managerial and non-confidential employees. Managerial and confidential employees may not represent any employee organization that represents other employees.

Peace Officers have the right to be represented in separate units composed solely of such peace officers.

Also under the MMBA, professional employees have the right to be represented separately from non-professional employees.

The employee relations officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this section.

8. Procedures for Modification of Established Appropriate Units

Requests by employee organizations for modifications of established appropriate units may be considered by the employee relations officer only during the period specified in Section B(6) of the Resolution. Such requests shall be submitted in the form of a recognition petition and, in addition to the requirements set forth in Section B(1), shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section B(7) hereof. The employee relations officer shall process such petitions as other recognition petitions under this Article (Representation Proceedings).

The employee relations officer may, on his/her own motion, propose that an established unit be modified. The employee relations officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter, the employee relations officer shall determine the composition of the appropriate unit or units in accordance with Section B(7), and shall give written notice of such determination to the affected employee organizations. The employee relations officer's determination

may be appealed in accordance with Section B(10) of this Resolution. If a unit is modified pursuant to the motion of the employee relations officer hereunder, employee organizations may thereafter file recognition petitions seeking to become the exclusively recognized employee organization for such new appropriate unit or units pursuant to Section B(1) of the Resolution.

9. Procedure for Processing Severance Requests:

An employee organization may file a request to become the recognized employee organization of a unit alleged to be appropriate that consists of a group of employees who are already a part of a larger established unit represented by another recognized employee organization. The timing form and processing of such request shall be as specified in Section B(8) for modification requests.

10. Appeals

An employee organization, aggrieved by an appropriate unit determination of the employee relations officer, or an employee organization aggrieved by a determination of the employee relations officer that a Recognition Petition (Sec. B(1)), Challenging Petition (Sec. B(3)), Decertification Petition (Sec. B(6)), Unit Modification Petition (Sec. B(8)) --- or employees aggrieved by a determination of the employee relations officer that a Decertification Petition (Sec. B(6)) or Severance Request (Sec. B(9)) ---has not been filed in compliance with the applicable provisions of this Article (Representation Proceedings) may, within ten (10) days of notice thereof, request the intervention of the State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the City council for final decision within fifteen (15) days of notice of the employee relations officer's determination or the termination of proceedings, whichever is later.

Appeals to the City council shall be filed in writing with the City Clerk, and a copy thereof served on the employee relations officer. The City council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The City council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the City council on the use of such procedure, and/or any decision of the City council determining the substance of the dispute shall be final and binding.

C. ADMINISTRATION

1. Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the City by an exclusively recognized employee organization under items (a) through (h) of its recognition petition under Section B(1) of this Resolution, shall be submitted in writing to the employee relations officer within fourteen (14) days of such change.

Exclusively recognized employee organizations that are party to an agency shop provision shall provide annually to the employee relations officer and to unit members within sixty (60) days after the end of its fiscal year the financial report required under Government Code Section 3502.5(f) of the MMBA.

2. Employee Organization Activities, Use of City Resources

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in memoranda of understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not to such internal employee organization business as soliciting membership, campaigning for office, and organizing meetings and elections, and shall not interfere with the efficiency, safety and security of City operations.

3. Administrative Rules and Procedures

The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of these Rules after consultation with affected employee organizations.

D. IMPASSE PROCEDURES

1. Initiation, Meeting, Purpose

If the meet and confer process has reached impasse as defined in these Rules, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all issues. An impasse meeting shall then be scheduled promptly by the employee relations officer. The purpose of such meeting shall be:

- (a) To review the position of the parties in a final effort to reach agreement on a memorandum of understanding; and
- (b) If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

2. Procedures Enumerated

Impasse procedures are as follows:

- (a) If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- (b) If the parties agree to, and do participate in mediation, and if mediator is unable to effect settlement of the controversy, the employee organization may present a request to the City and the Public Employment Relations Board (PERB) to submit the impasse to fact-finding. This request by the employee organization to submit the impasse to fact-finding must be made no sooner than 30 days, but no later than 45 days, following the selection of a mediator by the parties.
- (c) If the parties do not agree to participate in mediation, the employee organization may present a request to the City and PERB to submit the impasse to fact-finding no later than 30 days following the date that either party has provided the other a written notice of declaration of impasse.
- (d) Within five (5) working days after PERB's determination that the request for fact-finding is sufficient, a fact-finding panel of three (3) shall be appointed in the following manner: one (1) member of the panel shall be appointed by the employee relations officer, one (1) member shall be appointed by the exclusively recognized employee organization. PERB shall, within five (5) working days after making its determination that the request for fact-finding is sufficient, submit the names of seven persons, drawn from the list of neutral fact-finders established pursuant to Government Code section 3541.3(d). PERB shall thereafter designate one of the seven persons to serve as the chairperson unless notified by the parties within five (5) working days that they have mutually agreed upon a person to chair the panel in lieu of a chairperson selected by PERB.

The following constitute the jurisdictional and procedural requirements for fact-finding:

- (a) The panel shall, within ten (10) days after its appointment, meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take any other steps it deems appropriate. The panel shall have subpoena power with regard to hearings, investigations and inquiries.
- (b) Subject to the stipulations of the parties, the fact-finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
 - (1) State and federal laws that are applicable to the employer.
 - (2) Local rules, regulations, or ordinances.
 - (3) Stipulations of the parties.
 - (4) The interests and welfare of the public, and the financial ability of the public agency.
 - (5) Comparison of the wages, hours, and conditions of employment of the employees involved in the fact-finding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.
 - (6) The consumer price index for goods and services, commonly known as the cost of living.
 - (7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
 - (8) Any other facts not confined to those specified in paragraphs (a)-(g), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations, including, but not limited to:
 - (i) Maintaining appropriate compensation relationships between classifications and positions within the City;

(ii) Other legislatively determined and projected demands on agency resources (i.e., budgetary priorities as established by the governing body);

(iii) Allowance for equitable compensation increases for other employees and employee groups for the corresponding fiscal period(s);

(iv) Revenue projections not to exceed currently authorized tax and fee rates for the relevant fiscal year(s);

(v) Assurance of sufficient and sound budgetary reserves; and

(vi) Constitutional, statutory, and Municipal Code/ Charter limitations on the level and use of revenues and expenditures.

- (c) Within thirty (30) days after the appointment of the fact-finding panel, or, upon agreement by both parties within a longer period, the panel shall make written findings of the facts and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairman of the fact-finding panel shall serve such findings and recommendations on the employee relations officer and the designated representative of the exclusively recognized employee organization before they are made available to the public.
- (d) If these parties have not resolved the impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairman of the fact-finding panel shall make them public by submitting them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the impasse.
- (e) After any applicable mediation and fact-finding procedures have been exhausted, but no earlier than ten (10) days after the fact finders' written findings of fact and recommended terms of settlement have been submitted to the parties, the City Council may hold a public hearing, the City Council may hold a public hearing regarding the impasse, and take such action regarding the impasse as it, in its discretion, deems appropriate as in the public

interest, including implementation of the City's last, best and final offer. Any legislative action by the City Council on the impasse shall be final and binding.

3. Costs

The costs for the services of a mediator and fact-finding panel chairperson agreed upon by the parties shall be borne equally by the City and the exclusively recognized employee organization, and shall include per diem fees, if any, and actual and necessary travel and subsistence expenses. The per diem fees shall not exceed the per diem fees stated on the chairperson's résumé on file with PERB. The chairperson's bill showing the amount payable by the parties shall accompany his or her final report to the parties and PERB. The parties shall make payment directly to the chairperson.

Any other mutually incurred costs shall be borne equally by the parties. Any separately incurred costs for the panel member selected by each party shall be borne by such party.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AUTHORIZING
THE USE OF THE CITY'S EMERGENCY
RESERVES TO FUND PORTIONS OF THE
CITY'S SETTLEMENT IN THE MATTER OF
*WARKENTINE v. SORIA***

RESOLUTION NO. 16-15

WHEREAS, the City of Mendota (the "City") has entered into a settlement agreement (the "Settlement Agreement") to resolve the matter of *Warkentine, et al. v. Soria, et al.*, United States District Court, Eastern District of California, Case No. 1:13-cv-01550-LJO-MJS (the "Action"); and

WHEREAS, the Settlement Agreement provides that the City make certain payments to Plaintiffs Ed Warkantine, Dan Tankersley and Robertson, Johnson, Miller & Williamson (collectively, "Plaintiffs"), including a payment of \$350,000, within 60-days of the execution of the Settlement Agreement; and

WHEREAS, the Settlement Agreement was executed on or about March 2, 2016; and

WHEREAS, the \$350,000 payment will become due under the Settlement Agreement in less than 60-days; and

WHEREAS, the City's 2016 budget does not include a budget item for a \$350,000 payment; and

WHEREAS, because the City meet the \$350,000 payment obligation under the Settlement Agreement, the City Council finds that an unanticipated, emergency conditions exist such that it is necessary and appropriate to utilize the City's emergency reserves to fund the \$350,000 payment obligation; and

WHEREAS, the City Council finds that Qualifying Condition No. 1 of the City's Emergency Fund policy has been met, as the \$350,000 settlement payment would trigger the thresholds stated therein, and the emergency funds would be used to meet an obligation for which the City is contractually obligated.

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the use of up to \$350,000 from the City's emergency reserves to provide the settlement payment to Plaintiffs pursuant to the Settlement Agreement in the Action.

SECTION 2. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
VIA: VINCE DIMAGGIO, CITY MANAGER
FROM: NANCY M. DIAZ, FINANCE ADMINISTRATIVE SUPERVISOR
SUBJECT: CONDITIONAL APPROVAL OF EXCLUSIVE USE PERMITS FOR 2016
DATE: MARCH 8, 2016

ISSUE

Should the Council approve the Exclusive Use Permits with the attached conditions?

BACKGROUND

The Mendota Municipal Code allows organizations to submit an application for the exclusive (reserved) use of City facilities for approval at the first Council meeting in March. Any applications submitted after this will be secondary to these permits and may be approved by the City Manager.

ANALYSIS

Staff is presenting to Council a listing of the Exclusive Use Permit applications that the City has received to reserve use of various City facilities. Some applications require a conditional approval from Council due to them missing some of the requirements for approval. Staff is asking that the Council conditionally approve those applications, as well as approving complete applications with operation-related conditions.

As contained in the resolution, any applicants that are lacking information for full approval will be required to submit the needed documentation within 30 days (April 7th by end of business day) or before use of the facility, whichever comes first. Attached to this staff report are the individual applications and Resolution No. 16-16, including Exhibit A that lists all of the conditions for permitted approval and/or operation.

FISCAL IMPACT

General Fund.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 16-16, conditionally approving the exclusive use applications as contained in Exhibit A.



**CITY OF MENDOTA
FACILITY USE APPLICATION**

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN TWENTY ONE (21) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- AMPLIFIED MUSIC PERMIT IF APPLICABLE

*Received
Overnight
3/29/2016*

This application is for the use of the following facility:

Community Center

2. The organization, individual, business or entity applying for the use permit:

Rivers of Living Waters Church

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: Pastor John C. Flores

ADDRESS (STREET AND CITY): 615 J St

TELEPHONE NO.: 559-217-4393

* See page 5 for info:

4. DATE: See Attached Sheet TIME: for Dates and Times

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Mendota Community Center

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Worship Church Events

7. Number of persons expected to attend the function or event. 60-75

8. Will alcoholic beverages be sold? Yes No note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Fresno County Sheriff's department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes No Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of not more than \$500, and shall specify the City of Mendota and applicant as named insured.

If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME: _____
ADDRESS: _____
PARTICIPATION/INVOLVEMENT: _____

W/A

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and time of use of any amplified sound equipment. Please keep in mind that anything not mentioned below will not be allowed.

Chairs - Tables - Kitchen - outside yard and open space

12. Will concession stand(s) be used? ____ Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ *N/A*. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.
W/A

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Pastor John C. Florus have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Board of Community Water Users (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is

issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: Proctor John C. Plog DATE: Feb 16th - 2016

I, Proctor John C. Plog, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: Feb 16th 2016


Signature of Permittee

CITY MANAGER APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____

DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____

DATE: _____

Rivers of Living Waters

Nancy Diaz

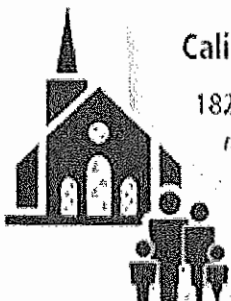
From: Kathy Schlenker [kathys@californiachurchinsurance.com]
Sent: Monday, February 29, 2016 3:43 PM
To: Nancy Diaz
Cc: pastorjohnrlwcc@live.com
Subject: Re: 01241627-Rivers of Living Water Christian Church
Attachments: Form CG2026-Alnsd.pdf; A25-clt1583-seq27.pdf

Dear Nancy:

As requested, I issued one Certificate of Insurance covering the 3 upcoming events on one Certificate of Insurance form.

I will have to wait until after the 9/1/2016 policy renewal term to issue forms for the 12/10/16 Church Xmas Dinner. I will set a reminder and send it after 9/2/15. If you need any changes or have questions don't hesitate to contact me.

Blessings,
Kathy Schlenker, Ext. 301
Account Manager



California Church Insurance Services, Inc.

1822 W. Kettleman Lane, Suite 2 • Lodi, CA 95242

neal@californiachurchinsurance.com

www.CaliforniaChurchInsurance.com

209-333-1682 Phone 800-767-8681 Toll Free

209-333-0776 Fax License #0D60838

DISCLAIMER: This message and accompanying documents are covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, and contains information intended for the specified individual(s) only. This information is confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	California Church Insuran 1822 W Kettleman Lane Suite 2 Lodi CA 95242-4218	CONTACT NAME:	Kathy Schlenker-ext. 301	
		PHONE (A/C, No, Ext):	(209) 333-1682	FAX (A/C, No):
		E-MAIL ADDRESS:	kathys@californiachurchinsurance.com	
		INSURER(S) AFFORDING COVERAGE	INSURER A: GuideOne Insurance	NAIC # 15032
INSURED	Rivers Of Living Water Christian Church 615 J Street Mendota CA 93640	INSURER B:		
		INSURER C:		
		INSURER D:		
		INSURER E:		
		INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL-GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y		01761478	09/01/2015	09/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Coverage for upcoming events the church is holding at the City of Mendota Community Center, 195 Smoot Ave., Mendota, CA:

- 4/23/16 Annual Bingo Event (estimate 75-100 people)
- 6/12/16-6/16/16 Vacation Bible School ages 5 to 12 to be held 4:30-10:00 pm (estimate 75-90 each evening)
- 7/22/16 -7/23/16 Annual Daughter of the King Event Dinner (estimate 60-70 people); dinner will follow after a service at the church

Certificate Holder is named as additional insured per GuideOne form CG2026 attached.

CERTIFICATE HOLDER	CANCELLATION	AI 000039
City of Mendota Attn: Nancy Diaz 643 Quince Street Mendota CA 93640-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.	
	AUTHORIZED REPRESENTATIVE	<i>Neal B... ..</i>

NAMED INSURED : Rivers of Living Water Church

POLICY NUMBER: 01241627

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
The City of Mendota Attn: Nancy Diaz 643 Quince Street Mendota, CA 93640
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

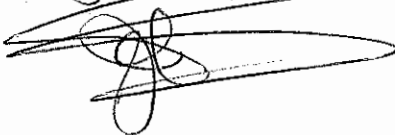
Annual Events for RLWCC

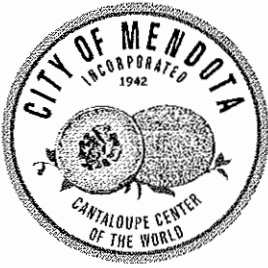
- Sat Apr. 23rd Annual Bingo Event
10^{am} to 10^{pm}
- W-Th. June 12th - 16th Annual VBS - VAestm Bible School
4³⁰ to 10^{pm} Daily
- Fri-Sat July 22nd - 23rd Annual Daughters of the King
7^{am} to 3^{pm} Daily
- Sat Dec 10th Annual Christmas Dinner
5^{pm} to 10^{pm}

Any Questions Call me:

Pastor John Flores

559-217-4393

~~Pastor~~




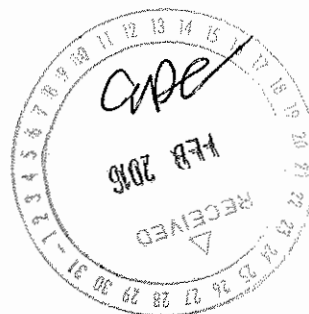
CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

CITY OF MENDOTA SOCCER FIELD

2. The organization, individual, business or entity applying for the use permit:

MENDOTA YOUTH RECREATION

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: CORINA M BANUELOS

ADDRESS (STREET AND CITY): 667 QUINCE STREET / P.O. BOX 782

TELEPHONE No.: 349-9391 / 655-4590

4. MONTH, DAY, AND TIME OF PROPOSED USE: JANUARY – DECEMBER 2016 HOURS WILL VARY

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Soccer Field

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Games and Tournaments

7. Number of persons expected to attend the function or event. 100

8. Will alcoholic beverages be sold? Yes _____ No. x note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Mendota Police department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes ___ No x. Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

SOCCER GAMES – TIMES AND DATES WILL VARY - FOOD BOOTHS / ATV for field prep

12. Will concession stand(s) be used? _____ Yes x No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.
13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ _____. State the reason for imposing this admission charge.
14. Will there be a live band at this function? _____ Yes x No
(See attached municipal code regarding noise ordinance)
15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

SOCCER YOUTH GROUPS – MENDOTA YOUTH RECREATION

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.
17. I, Corina M Banuelos have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Mendota Youth Recreation (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: 

DATE: 2/26/16

I, Corina Daniels, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 2/26/14
[Signature]
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____ DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____ DATE: _____

- [] COMPLETED APPLICATION.
- [] PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- [] PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- [] CONSENT AND HOLD HARMLESS AGREEMENT FOR FACILITY USE.
- [] DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- [] OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- [] ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- [] COPY OF 501(C)3.



**CITY OF MENDOTA
FACILITY USE APPLICATION**

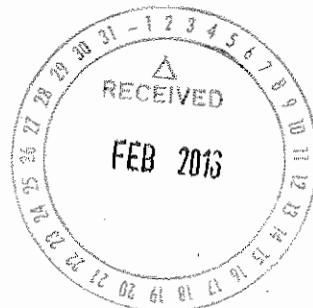
PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN TWENTY ONE (21) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- AMPLIFIED MUSIC PERMIT IF APPLICABLE



1. This application is for the use of the following facility:

Rojas-Pierce Park, Smoot Ave. Restrooms

2. The organization, individual, business or entity applying for the use permit:

Westside Youth Inc.

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: Dino Perez

ADDRESS (STREET AND CITY): 1709 7th Street, Mendota, CA 93640

TELEPHONE NO.: (559) 655-4808

4. DATE: 03-16-16 til 12-31-16 TIME: 3pm til 11pm (Wednesdays)

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Rojas-Pierce Park parking lot, Restrooms & Smoot Ave (part)

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Open Market "Fundraiser event"

7. Number of persons expected to attend the function or event. 200-300

8. Will alcoholic beverages be sold? Yes No. note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Fresno County Sheriff's department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes N/A No . Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of not more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME: N/A
ADDRESS: _____
PARTICIPATION/INVOLVEMENT: _____

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and time of use of any amplified sound equipment. Please keep in mind that anything not mentioned below will not be allowed.

"Open Market", pony ride, bounce house, and train (small)

12. Will concession stand(s) be used? _____ Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 0. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.
Westside Youth Inc.

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Dino Perez have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Westside Youth Inc. (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is

issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: [Signature] DATE: 2-2-16

I, Dino Perez, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 02-02-16
[Signature]
Signature of Permittee

CITY MANAGER APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____ DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____ DATE: _____



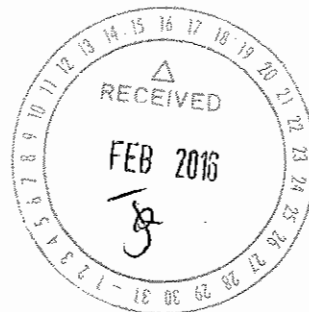
CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

Rojas park

2. The organization, individual, business or entity applying for the use permit:

A A Calcoolicos Anonimos

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: Jorge Guzman

ADDRESS (STREET AND CITY): PO BOX 1270 Mendota ca. 93240

TELEPHONE NO.: (519) 655-3756

4. MONTH, DAY, AND TIME OF PROPOSED USE: April-23 - 2016

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Bandstand and snack bar to serve free food drinks

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Annual Anniversary AA Group.

7. Number of persons expected to attend the function or event. _____

8. Will alcoholic beverages be sold? Yes ___ No X note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Fresno County Sheriff's department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes ___ No X. Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of not more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME: N/A

ADDRESS: _____

PARTICIPATION/INVOLVEMENT: _____

MENDOTA BUSINESS LICENSE NUMBER: _____

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

12. Will concession stand(s) be used? _____ Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ _____. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No (See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

None

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Dino Perzand, Jorge Gorman have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and AA and WSY (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel

will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: [Signature] DATE: 07/16/2016

Westside serves as co-sponsor to this event.

I, Jorge Zurman, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 07/16/2016

[Signature]
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____
THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE SHERIFF'S DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____ DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER MENDOTA POLICE DEPARTMENT:

POLICE DEPARTMENT: _____ DATE: _____

THE APPLICANT HAS SUBMITTED THE FOLLOWING:

To be completed by City Hall Staff

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- CONSENT AND HOLD HARMLESS AGREEMENT FOR FACILITY USE.
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY THE POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/2/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Stratton Agency, Inc. 963-I Industrial Road San Carlos CA 94070	CONTACT NAME: LUIS ZAMBRANA PHONE (A/C, No, Ext): 888-888-4501 E-MAIL ADDRESS: policyservices@strattonagency.com	FAX (A/C, No): 650-508-0121
	INSURER(S) AFFORDING COVERAGE	
INSURED Westside Youth Inc 1709 7th St Mendota CA 93640	INSURER A : Markel American Insurance Company	NAIC # 28932
INSURER B :		
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES **CERTIFICATE NUMBER:** 1202938239 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		8502CY304860-8	10/23/2015	10/23/2016	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$1,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The certificate holder is included as additional insured where required by a written contract or permit subject to the terms and conditions of the General Liability policy but only to the extent bodily injury or property damage is caused in whole or in part by the negligence of the insured.

CERTIFICATE HOLDER City of Mendota 643 Quince Street Mendota CA 93640	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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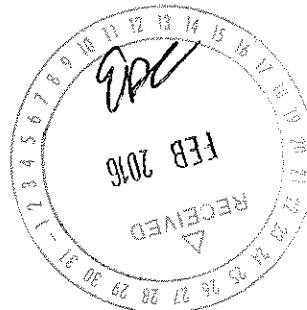
CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

ROJAS PIERCE PARKING LOT / SMOOT STREET

2. The organization, individual, business or entity applying for the use permit:

MENDOTA YOUTH RECREATION

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: CORINA M BANUELOS

ADDRESS (STREET AND CITY): 667 QUINCE ST./ P.O. BOX 782

TELEPHONE NO.: 559-349-9391 / 655-4590

4. MONTH, DAY, AND TIME OF PROPOSED USE: EVERY FRIDAY FROM APRIL 1, 2016 - NOVEMBER, 2016 7:00 AM – 3:00PM or 4:00 pm to 10:00pm

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Rojas Pierce Parking lot / Smoot Street

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Mendota Youth Open Market

7. Number of persons expected to attend the function or event. 200

8. Will alcoholic beverages be sold? Yes _____ No. x note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Mendota Police department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes ___ No x. Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

MAYBE A DJ AT DIFFERENT TIMES

12. Will concession stand(s) be used? _____ Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 0. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

MENDOTA YOUTH RECREATION

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Corina M Banuelos have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Mendota Youth Recreation (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee:



DATE:

2/26/14

I, Cornelius Brown, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 2/26/10

Cornelius Brown
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____

DATE: _____

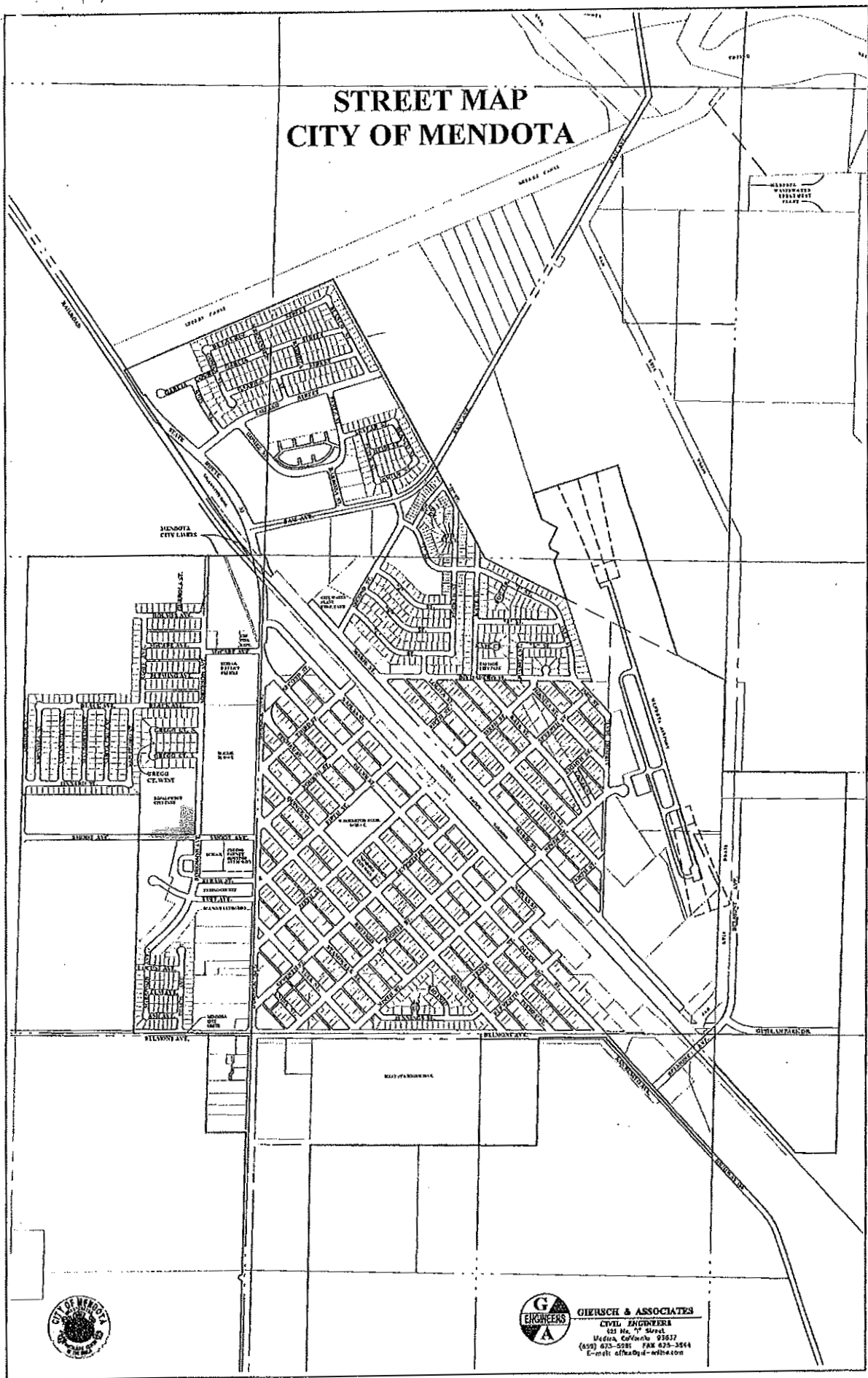
SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____

DATE: _____

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- CONSENT AND HOLD HARMLESS AGREEMENT FOR FACILITY USE.
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- COPY OF 501(C)3.

STREET MAP CITY OF MENDOTA



GIERUSCH & ASSOCIATES
CIVIL ENGINEERS
123 N. 7th Street
Madison, Wisconsin 53703
(608) 432-5281 FAX 608-2544
E-mail: office@gia-engineers.com



CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

ROJAS –PIERCE PARK / MENDOTA SOCCER FIELD

2. The organization, individual, business or entity applying for the use permit:

MENDOTA YOUTH RECREATION

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: CORINA M BANUELOS

ADDRESS (STREET AND CITY): 667 QUINCE ST / P.O. BOX 782

TELEPHONE NO.: 349-9391 / 655-4590

4. MONTH, DAY, AND TIME OF PROPOSED USE: JULY 14-17, 2016 HOURS WILL VARY

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Soccer Field / Rojas Pierce Park / Concession Stand / Pavilion

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Annual Harvest Fiesta Carnival

7. Number of persons expected to attend the function or event. 300

8. Will alcoholic beverages be sold? Yes x No. note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Mendota Police department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes No x. Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

CARNIVAL RIDES – DJ – LIVE BANDS – FOOD BOOTHS AND COMMERCIAL BOOTHS

12. Will concession stand(s) be used? Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 3.00 gate fee. State the reason for imposing this admission charge. To help pay for Security and entertainment for the event

14. Will there be a live band at this function? Yes No
(See attached municipal code regarding noise ordinance)

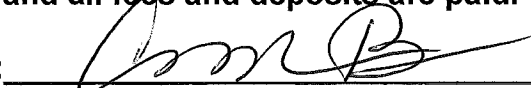
15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

MENDOTA YOUTH RECREATION

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Corina M Banuelos have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Mendota Youth Recreation (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee:



DATE:

2/26/16

I, Corina M Banuelos, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 2/26/16

Corina M Banuelos
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____

DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

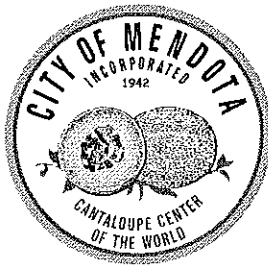
POLICE DEPT: _____

DATE: _____

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- CONSENT AND HOLD HARMLESS AGREEMENT FOR FACILITY USE.
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- COPY OF 501(C)3.

Google Maps Mendota, CA 93640





CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

MENDOTA COMMUNITY CENTER

2. The organization, individual, business or entity applying for the use permit:

MENDOTA YOUTH RECREATION

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: CORINA M BANUELOS

ADDRESS (STREET AND CITY): 667 QUINCE ST./ P.O. Box 782

TELEPHONE No.: 559-349-9391 / 655-4590

4. MONTH, DAY, AND TIME OF PROPOSED USE: NOVEMBER 19, 2016 10:00 AM – 3:00PM

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Senior Citizen – Thanksgiving Lunch

7. Number of persons expected to attend the function or event. 150

8. Will alcoholic beverages be sold? Yes ___ No. x note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Mendota Police department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes ___ No x. Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

SOUND SYSTEM FOR -BINGO - RAFFLES / Lunch

12. Will concession stand(s) be used? _____ Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 0. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand are, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Corina M Banuelos have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Mendota Youth Recreation (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: 

DATE: 2/26/16

I, Corrie Barnes, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 2/26/16
[Signature]
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____ DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____ DATE: _____

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- CONSENT AND HOLD HARMLESS AGREEMENT FOR FACILITY USE.
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- COPY OF 501(C)3.



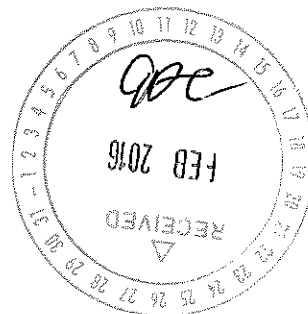
CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

ROJAS PIERCE PARK / SKATE PARK

2. The organization, individual, business or entity applying for the use permit:

MENDOTA YOUTH RECREATION

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: CORINA M BANUELOS

ADDRESS (STREET AND CITY): 667 QUINCE ST./ P.O. BOX 782

TELEPHONE No.: 559-349-9391 / 655-4590

4. MONTH, DAY, AND TIME OF PROPOSED USE: October 29, 2016 12:00 pm – 6:00 pm

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Pavilion / Park and Concession Stand

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Annual Red Ribbon Carnival

7. Number of persons expected to attend the function or event. 200

8. Will alcoholic beverages be sold? Yes No x note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Mendota Police department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes No x . Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

SOUND SYSTEM FOR DJ – RAFFLES – GAMES – CANDY BAG GIVE AWAY

12. Will concession stand(s) be used? Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 0. State the reason for imposing this admission charge.

14. Will there be a live band at this function? Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

MENDOTA YOUTH RECREATION EVENTS

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Corina M Banuelos have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Mendota Youth Recreation (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: 

DATE: 2/26/16

I, Cornelia Barnes, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 2/26/16

[Signature]
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____

DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____

DATE: _____

- COMPLETED APPLICATION.
- PROOF OF INSURANCE POLICY SHOWING CITY OF MENDOTA AS ADDITIONAL INSURED.
- PROOF OF LIABILITY INSURANCE FOR FACILITY USE
- CONSENT AND HOLD HARMLESS AGREEMENT FOR FACILITY USE.
- DEPOSIT, USE FEE, AND KEY DEPOSIT SUBMITTED TO FINANCE DEPARTMENT.
- OBTAINED SECURITY AS REQUIRED BY MENDOTA POLICE DEPARTMENT
- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- COPY OF 501(C)3.



CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

CITY STREETS – CHRISTMAS PARADE

2. The organization, individual, business or entity applying for the use permit:

MENDOTA YOUTH RECREATION

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: CORINA M BANUELOS

ADDRESS (STREET AND CITY): 630 GAXIOLA ST.

TELEPHONE NO.: 559-349-9391

4. MONTH, DAY, AND TIME OF PROPOSED USE: DECEMBER 17, 2016 12:00 PM - 9:00 PM

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

6th st - Pucheu St. - 7th St. - Tule St. – 6th St

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Annual Christmas Parade

7. Number of persons expected to attend the function or event. 500

8. Will alcoholic beverages be sold? Yes No note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Mendota Police department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes No . Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

2 – DJ'S FOOD BOOTHS AND VENDERS

12. Will concession stand(s) be used? _____ Yes No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 0. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Corina M Banuelos have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and Mendota Youth Recreation (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee: _____

DATE: 2/26/16

I, Conn Bonni, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 2/26/14

[Signature]
Signature of Permittee

CITY ADMINISTRATOR APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____

DATE: _____

SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:

POLICE DEPT: _____

DATE: _____

- COMPLETED APPLICATION.
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- ORIGINAL SIGNATURE OF PERMITTEE WITH ACKNOWLEDGMENT.
- COPY OF 501(C)3.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA CONDITIONAL
APPROVAL OF THE EXCLUSIVE USE
PERMITS FOR CITY FACILITIES FOR 2016.**

RESOLUTION NO. 16-16

WHEREAS, from February 26, 2016, twelve Facility Use applications were submitted to City staff for the Exclusive Use of a city facility for the purpose of an event or a reoccurring event that will be of benefit to the community; and

WHEREAS, the organizations must comply with the Mendota Municipal Code and the Administrative Policy Number 2004.01 which states Mendota based Non-Profit organizations will have one Community Event or Street Fair permit waived in a given calendar year and each additional thereafter will receive 50% discount in same calendar year; and

WHEREAS, the City Council has reviewed the applications and considered all conditions, which are stated in Exhibit A, included herein and made part hereof and has independently determined that the use of a city facility is a benefit to the community.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota that the City Council hereby approves the Exclusive Use Permit applications with the conditions provided on Exhibit A for the use of a city facility for an event or a reoccurring event.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the aforementioned organizations are required to submit any required documentation for full approval on or before the first use of the facility, or April 7th, 2016, whichever comes first.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

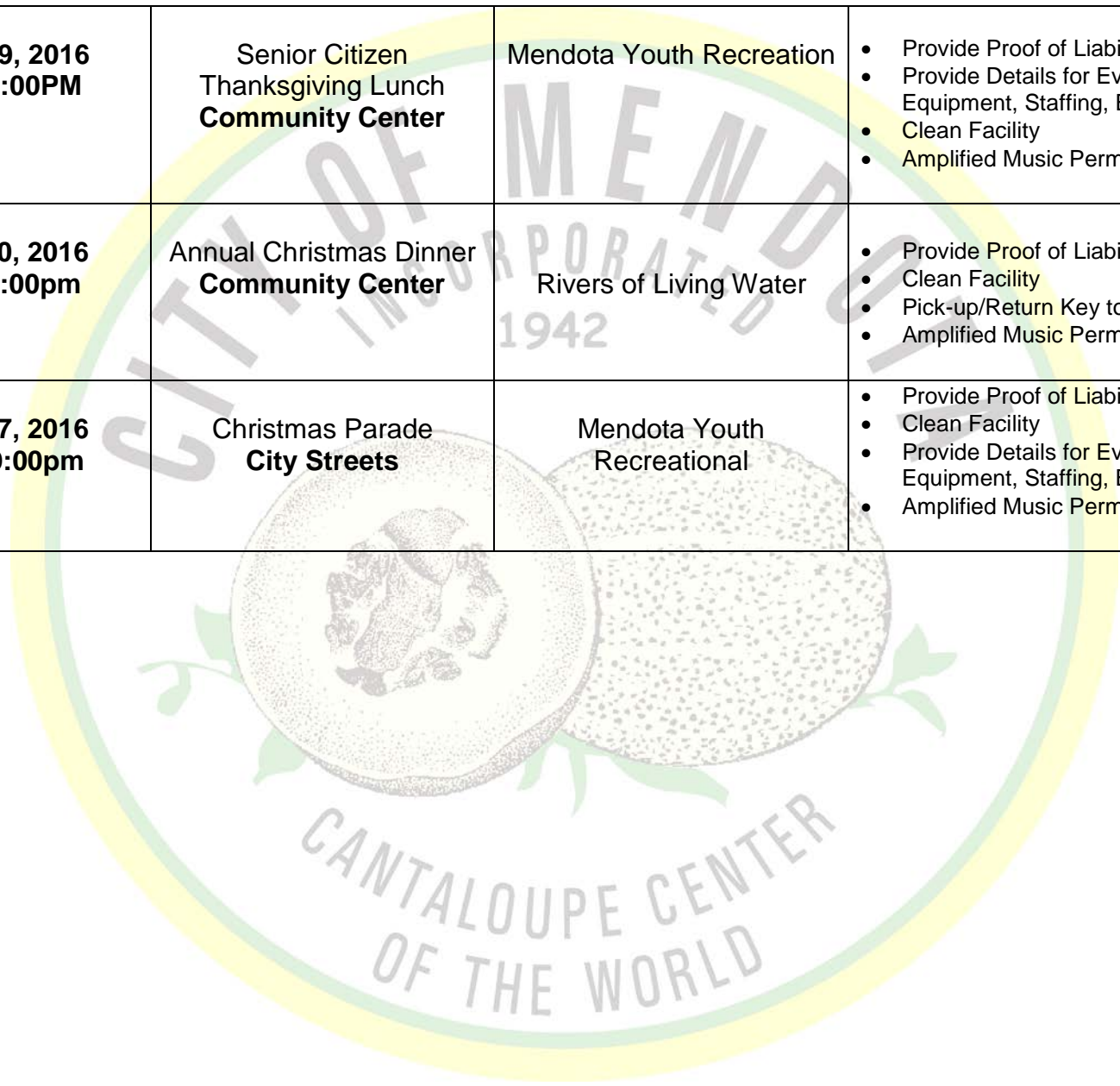
Exhibit A

CITY OF MENDOTA CONDITIONAL APPROVAL OF FACILITY USE APPLICATIONS FOR 2016

DATE	EVENT - FACILITY	ORGANIZATION	CONDITIONAL APPROVAL
<p style="text-align: center;">January - December</p>	<p style="text-align: center;">Games & Tournaments Soccer Field</p>	<p style="text-align: center;">Mendota Youth Recreation</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • 30 days in Advance Notice for Games • Clean Facility • Pick-up/Return Key to City Hall (Game Day or Friday prior to game) • Amplified Music Permit, if applicable • Provide specific dates & times of use
<p style="text-align: center;">March – December Wednesdays</p> <p style="text-align: center;">3:00pm -11:00pm</p>	<p style="text-align: center;">Open Market Rojas-Pierce Park Parking Lot & Smoot Street (Partial)</p>	<p style="text-align: center;">Westside Youth</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Contract Police Services • Clean Facility • Provide Portable Restrooms • Concession Stand Rental \$87.50 per Event (First Day is Waived per Admin. Policy #2004.01) • Concession Stand Cleaning/Key Deposit \$200.00 (One-Time Deposit) • File an Entertainment Encroachment Permit (\$75.00 Fee per day) • Amplified Music Permit, if applicable
<p style="text-align: center;">April – November Fridays</p> <p style="text-align: center;">7:00am -1:00pm or 4:00pm – 10:00pm</p>	<p style="text-align: center;">Open Market Rojas-Pierce Park Parking Lot & Smoot Street (Partial)</p>	<p style="text-align: center;">Mendota Youth Recreation</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility; Amplified Music Permit • Provide Portable Restrooms • File an Entertainment Encroachment Permit • Contract Police Services

<p>April 23, 2016 1:00pm -10:00pm</p>	<p>Luncheon Rojas-Pierce Park</p>	<p>Alcoholic Anonymous</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility • Pick-up Key (4/22/16) Return (4/25/16) to City Hall • Amplified Music Permit, if applicable
<p>April 23, 2016 10:00am – 10:00pm</p>	<p>Annual Bingo event Community Center</p>	<p>Rivers Of Living Water</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility • Pick-up/Return Key to City Hall (Daily) • Amplified Music Permit, if applicable
<p>June 12-16, 2016 4:30pm – 10:00pm</p>	<p>16th Annual Vacation Bible School Community Center</p>	<p>Rivers of Living Water</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility • Pick-up/Return Key to City Hall (Daily) • Amplified Music Permit, if applicable
<p>June 14-17, 2016 All Day</p>	<p>Annual Harvest Festival Rojas-Pierce Park</p>	<p>Mendota Youth Recreation</p>	<ul style="list-style-type: none"> • Provide Detail Itinerary • Provide Proof of Liability Insurance • Contract Police Services • Clean Facility • Amplified Music Permit
<p>July 22 & 23, 2016 7:00am – 3:00pm</p>	<p>Annual Daughters of The King Program Community Center</p>	<p>Rivers of Living Water</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility • Pick-up/Return Key to City Hall (Daily) • Amplified Music Permit, if applicable
<p>October 29, 2016</p>	<p>Annual Red Ribbon Carnival Rojas-Pierce Park (Pavillion & Concession Stand)</p>	<p>Mendota Youth Recreation</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Provide Details for Event – Itinerary, Equipment, Staffing, Etc. • Clean Facility; File Amplified Music Permit • Provide specific time of use

<p>November 19, 2016 11:00AM - 3:00PM</p>	<p>Senior Citizen Thanksgiving Lunch Community Center</p>	<p>Mendota Youth Recreation</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Provide Details for Event – Itinerary, Equipment, Staffing, Etc. • Clean Facility • Amplified Music Permit, if applicable
<p>December 10, 2016 5:00pm - 10:00pm</p>	<p>Annual Christmas Dinner Community Center</p>	<p>Rivers of Living Water</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility • Pick-up/Return Key to City Hall (Daily) • Amplified Music Permit, if applicable
<p>December 17, 2016 12:00pm – 9:00pm</p>	<p>Christmas Parade City Streets</p>	<p>Mendota Youth Recreational</p>	<ul style="list-style-type: none"> • Provide Proof of Liability Insurance • Clean Facility • Provide Details for Event – Itinerary, Equipment, Staffing, Etc. • Amplified Music Permit



AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: CONSIDER A RESOLUTION ESTABLISHING THE OFFICIAL POSITION OF THE CITY COUNCIL ON THE TYPE OF INTERSECTION IMPROVEMENT FAVORED FOR THE DERRICK AND OLLER INTERSECTION.
DATE: MARCH 8, 2016

ISSUE

Which of the two available options for the improvement of the Derrick and Oller intersection should the City Council endorse?

BACKGROUND

For over a year discussion has taken place on improvement of the Oller and Derrick intersection. The discussion has centered around improving the intersection by constructing either a roundabout or a conventional four-way signalized intersection.

Council has, at several junctures, provided *direction* to staff for the purpose of gathering information and considering the available alternatives. This has included directing the preparation of traffic studies for that intersection, directing the City's engineers to use intersection data to develop an animated exhibit showing how both types of intersection improvements would function, and having Caltrans appear (twice) to discuss the options.

Caltrans clearly favors the roundabout option, citing a variety of studies showing enhanced safety of intersection operations with a roundabout versus a conventional signalized intersection.

Roundabouts have been constructed in both Reedley and Kerman, as well as inside shopping centers in Fresno, and along Chestnut Avenue in Fresno between Shaw and Bullard Avenues. Results and opinions are decidedly mixed. There is strong anecdotal evidence to suggest that where roundabouts have been constructed (in Fresno County), there have been both operational deficiencies as well as public opposition.

ANALYSIS

This item asks the Council, for the first time, to establish an *official* position on the specific type of intersection improvement the Council favors at this location by the adoption of one of the two resolutions provided herein.

Presently, there is approximately \$1.8 million available for this project. Approximately \$1.2 million comes from the Fresno County Transportation Agency (FCTA) and an additional \$650,000 comes from a grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD grant is available for the roundabout option, but it is unknown whether the grant would also be available for the signal option. Additionally, Caltrans engineer John Liu, in his last appearance before the Council on February 23, stated that “a couple of hundred thousand dollars” could be made available if the Council chose the roundabout option, but did not include the same offer in the event the Council chose the signal option. It is unknown how Mr. Liu is able to unilaterally decide to provide public funds for the one option but not the other – especially since the intersection is a Caltrans right-of-way with identifiable and demonstrable safety issues.

The Council needs to consider several factors in this decision. One, given that the composition of traffic in Mendota is a mixture of commercial truck traffic and passenger vehicle traffic, which solution would be best to control traffic movements? Second, the intersection has a large volume of pedestrians crossing at this location. A traffic signal has a specific pedestrian crossing cycle built into its operation; a roundabout does not. Third, the Council should consider which of the two options the typical driver in Mendota has, in their individual driving history, most likely dealt with more, and which option would be easier for the public to accept and acclimate to. Finally, Council does need to take into consideration the anecdotal evidence throughout Fresno County on the general acceptance of the roundabout option, where it has been implemented.

Staff has avoided presenting the City Council with its position on these options in the past, waiting instead for the various studies and presentations to be completed. When forming the staff recommendation, staff considered the fact that signalization has a 100-year history of effectively controlling intersections (when driver error or abuse is not a factor) compared to the fifteen- to twenty-year history of roundabouts in this country. Additionally, there are literally volumes of engineering specifications and other empirical data showing a myriad of safe signal designs, versus the relatively new roundabout concept, and the “learn-as-you-go” approach that has been employed to local roundabout projects. Taking all of the above factors into consideration, it is far more likely that for Mendota specifically, the traditional four-way signalized intersection is a better approach from both an operational and safety perspective.

FISCAL IMPACT

As noted, there is presently \$1.8 million from two separate sources available for this project. The FCTA is providing approximately \$1.2 million and the SJVAPCD is providing a “Clean Air” grant for approximately \$650,000. If the Council selects the roundabout option, it is a virtual certainty that both sources of funds will be available. In addition, Caltrans staff has committed an unknown additional amount, assumed to be as much as \$200,000 to the roundabout option specifically.

If the Council selects the signal option, the \$1.2 million from the FCTA will remain in the project, but there is a chance the additional \$650,000 would not be available if the signal project does not meet the requirements of the Clean Air grant. There is also no commitment from Caltrans for financial assistance for the signal project as there appears to be for the roundabout project.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution endorsing the signal option for the Derrick and Oller intersection improvement.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA THE DERRICK/ OLLER
ROUNDBOUT PROJECT AND DIRECTING
STAFF TO PROCEED WITH DESIGN AND
RIGHT-OF-WAY ACQUISITION.**

RESOLUTION NO. 16-17

WHEREAS, the City of Mendota; and the California Department of Transportation (Caltrans) share concerns with the safe and efficacious operation of State Route 33 (Derrick Avenue) and State Route 180 (Oller Street) through the City; and

WHEREAS, the City has previously retained consultants to prepare preliminary designs for both intersection and roundabout options to facilitate traffic circulation at the intersection of the two state routes; and

WHEREAS, both intersection and roundabout alternatives were found to be feasible, and

WHEREAS, the City's consulting traffic engineer, Peters Engineering Group, found that the roundabout option would provide superior traffic handling at the intersection; and

WHEREAS, roundabouts have been shown nationwide and around the world to be statistically much safer than intersections, with lower overall accident rates and dramatically lower injury and fatality rates; and

WHEREAS, the ongoing cost to operate and maintain a roundabout is significantly less expensive than the cost to maintain an equivalent signalized intersection; and

WHEREAS, Caltrans District 6 is strongly in favor of a roundabout at this location, where State Routes 33 and 180 come together; and

WHEREAS, Caltrans has verbally committed to making funding available, up to \$200,000, to help implement a roundabout at this location; and

WHEREAS, the City's engineer has involved the nation's foremost roundabout design consultant in the preliminary design of a roundabout for this location, to help assure that the facility will be an excellent example of a Modern Roundabout

WHEREAS, the next step in the process requires additional professional services to provide environmental clearance, right-of-way acquisition, and final engineering and landscape design services; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota authorizes the City Manager to request proposals needed for the work to take a roundabout project at Derrick and Oller to the point of requesting construction bids, and to bring the recommended proposals to the City Council for approval prior to execution of agreements.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA APPROVING
THE DERRICK/ OLLER INTERSECTION PROJECT
AND DIRECTING STAFF TO PROCEED WITH
DESIGN AND RIGHT-OF-WAY ACQUISITION.**

RESOLUTION NO. 16-18

WHEREAS, the City of Mendota; and the California Department of Transportation (Caltrans) share concerns with the safe and efficacious operation of State Route 33 (Derrick Avenue) and State Route 180 (Oller Street) through the City; and

WHEREAS, the City has previously retained consultants to prepare preliminary designs for both intersection and roundabout options to facilitate traffic circulation at the intersection of the two state routes; and

WHEREAS, both intersection and roundabout alternatives were found to be feasible, and

WHEREAS, the City's consulting traffic engineer, Peters Engineering Group, found that the intersection option would provide Level of Service "B" at the intersection in the horizon year, which is greater than required by Caltrans design standards; and

WHEREAS, the City Council has considered all information and input regarding both potential design options; and

WHEREAS, the City Council believes that a traditional intersection best meets the City's needs for driver familiarity together with traffic handling; and

WHEREAS, the next step in the process requires additional professional services to provide environmental clearance, right-of-way acquisition, and final engineering and landscape design services; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota authorizes the City Manager to request proposals needed for the work to take an intersection project at Derrick and Oller to the point of requesting construction bids, and to bring the recommended proposals to the City Council for approval prior to execution of agreements.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

A G E N D A I T E M – S T A F F R E P O R T

DATE: March 4, 2016

TO: Honorable Mayor and City Council Members

FROM: Vince DiMaggio, City Manager
John P. Kinsey, City Attorney

SUBJECT: Introduction of Ordinance No. 16-02: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control), and Give First Reading, By Title Only, With Second Reading Waived

ISSUE:

Consideration of an ordinance modifying Chapter 9.05 of the Mendota Municipal Code. This would entail repealing existing Chapter 9.05, and replacing Chapter 9.05 with new provisions relating to the regulation of noise.

BACKGROUND:

The City of Mendota has recently determined there is a need to update, enhance, and clarify the provisions in the Mendota Municipal Code that concern noise and noise control. Specifically, City Staff has determined that greater clarity is needed for both the Code Enforcement Personnel and the public. City Staff has also identified a need to update Chapter 9.05 to more clearly align with the standards set forth in the Noise Element of the Mendota General Plan Update 2005-2025.

As a result, City Staff has prepared a draft ordinance that would repeal existing Chapter 9.05 (Excessive Noise). That chapter would be replaced with an entirely new Chapter 9.05 (Noise Control).

ANALYSIS:

The proposed Ordinance has several features:

Section 9.05.010 states that the title of the Chapter is the “City of Mendota Noise Control Ordinance.”

Consistent with the General Plan Update, Section 9.05.020 states that the policy of the Chapter is “to prevent noise from interfering with human activities and protect the community from the lawful effects of exposure to excessive noise, monitoring an amiable community in which to live for residents of the city.”

Section 9.05.030 provides the definitions for the Chapter.

Section 9.05.040 provides objective noise measures that articulate the maximum found levels allowed in the City. These levels were taken from the General Plan Update 2005-2025.

Section 9.05.050 provides the standards for measuring noise levels when there is a complaint or an inquiry concerning a noise issue.

Section 9.05.060 prohibits noise disturbances.

Section 9.05.070 provides general exceptions to the Chapter. These exceptions would not be considered noise disturbances, even if they exceeded the thresholds in Chapter 9.05.040. The exceptions include:

- Construction and delivery activities performed in a manner consistent with the Mendota Municipal Code
- Certain construction performed by property owners.
- Power garden equipment during daytime hours.
- Motor Vehicles operated in a manner consistent with the Vehicle Code.
- Animal sounds, with the exception of continuous or incessant barking.
- Emergency and safety devices
- School activities, bands, and entertainment.

Section 9.05.080 provides a permitting process. The Amplified Music Permit will be replaced by a general permit for all events, circumstances, and gatherings that could exceed the noise thresholds, which will be call a Permit to Exceed Noise Levels. You should note that the Section preserves many of the conditions contained in the current version of the code.

Section 9.05.090 provides that the administration of the Chapter.

Section 9.05.100 provides that violations of the chapter are a public nuisance, and enforceable under Chapter 8.20 of the Mendota Municipal Code, assuming the City Council adopts the revised version of the Code. Note that the City's representatives charged with the administration of this Chapter 9.05 have the discretion to issue warnings to persons who have violated this Chapter 9.05 for the first time.

CEQA. Staff has found that the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, and in the alternative, the approval

of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

RECOMMENDATION:

Introduce ordinance and give first reading, by title only, with second reading waived.

Attachments

Ex. "A": [Proposed] Ordinance No. 16-02: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control)

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
REPEALING CHAPTER 9.05 (EXCESSIVE
NOISE) OF THE MENDOTA MUNICIPAL
CODE AND ADOPTING NEW CHAPTER
9.05 (NOISE CONTROL).**

ORDINANCE NO. 16-02

WHEREAS, in accordance with the Mendota General Plan update, it is the policy of the city to prevent noise from interfering with human activities and protect the community from the lawful effects of exposure to excessive noise, monitoring an amiable community in which to live for residents of the city; and

WHEREAS, the City seeks to enhance and clarify its existing rules and regulations relating to excessive noise within the City; and

WHEREAS, City Staff has prepared a revised version of Chapter 9.05 of the Mendota Municipal Code, which would replace the existing version of Chapter 9.05; and

WHEREAS, the City Council desires to amend the Mendota Municipal Code by repealing the existing version of Chapter 9.05 of the Mendota Municipal Code, and adopting new Chapter 9.05 (Noise Control); and

WHEREAS, the proposed Ordinance was introduced at the last regularly scheduled City Council meeting on March 8, 2016, and a public hearing was duly noticed and held by the Council.

NOW THEREFORE, the City Council of the City of Mendota ordains as follows:

SECTION 1. Chapter 9.05 (Excessive Noise) **REPEALED**. Chapter 9.05 – Excessive Noise of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

SECTION 2. Chapter 9.05 (Noise Control) **ADOPTED**. Chapter 9.05 – Noise Control is hereby added to Title 9 (Public Peace and Welfare) of the Mendota Municipal Code and adopted to read as follows:

Chapter 9.05
NOISE CONTROL

Sections:

Section 9.05.010 – Title

Section 9.05.020 – Declaration of Policy

Section 9.05.030 – Definitions

Section 9.05.040 – Basic Noise Regulation

Section 9.05.050 – Noise Level Measurement

Section 9.05.060 – Noise Disturbance Prohibited

Section 9.05.070 – Special Provisions and Exceptions

Section 9.05.080 – Permit to Exceed Noise Levels

Section 9.05.090 – Administration

Section 9.05.100 – Violations

Section 9.05.010 – Title

This Chapter shall be known as the “City of Mendota Noise Control Ordinance.”

Section 9.05.020 – Declaration of Policy

The City Council of the City of Mendota finds and determines that, in accordance with the Mendota General Plan update, it is the policy of the city to prevent noise from interfering with human activities and protect the community from the lawful effects of exposure to excessive noise, monitoring an amiable community in which to live for residents of the city.

Section 9.05.030 – Definitions

As used in this chapter:

- (a) “Ambient” is the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- (b) “Construction” means the act or process of building including but not limited to site preparation, alteration, repair, remodeling, assembly, erection or similar action, of buildings, structures, pavement, flat work and other works including the use of power equipment in connection with activities therewith. Construction activities do not include radios or other forms of amplified music on a construction site.
- (c) “Delivery” means delivery of building materials or equipment to any construction project.
- (d) “Emergency” means an unforeseen combination of circumstances which require immediate action.
- (e) “Noise disturbance” means any source of sound which exceeds the noise limitations permitted in Section 9.05.040 of this Chapter. For purposes of this section sources of sound shall include but not be limited to the following: amplified music, loudspeakers, radios, televisions, stereos, musical instruments, powered toys or models, swimming pools or spas, pile drivers, air compressors, paint sprayers, motors, pumps, blowers, air conditioners, cooling towers, ventilating fans, forklifts, loaders, tractors, animals, concerts, mechanical equipment, human voices, electrical appliances, vacuum cleaners, powered equipment, chain saws, motor vehicles and attached equipment not operated on a street or highway.
- (f) “Noise level” means the maximum continuous sound level or repetitive peak level measured using the “A” scale set on “slow.”
- (g) “Sound level” shall be expressed in decibels (dBA) as defined by the American National Standards Institute using the A-level scale.
- (h) “Vehicle” means any device by which any person or property may be propelled, moved or drawn upon a highway or street or private property.

Section 9.05.040 – Basic Noise Regulation

Except as otherwise permitted under this chapter, no person shall cause and no property owner shall permit on such owners' property, a noise produced by any person, machine, animal or device, or any combination thereof, in excess of the sound level limits set forth in this section to emanate from any property, public or private, beyond the property line. Any sound in excess of the sound level limits set forth in this section shall constitute a noise disturbance. For purposes of determining sound levels, sound level measurements shall be made at any location on the receiving property.

Sound Level Limits		
Daytime	7:00 a.m. – 7:00 p.m.	55 dBA
Evening	7:00 p.m. – 10:00 p.m.	50 dBA
Nighttime	10:00 p.m. – 7:00 a.m.	45 dBA

- (a) In the event the alleged offensive noise contains a steady, audible tone, such as a whine, beating, pulsating, throbbing, or hum, the standards set forth in this Section 9.05.040 shall be reduced by five dB.
- (b) In the event the ambient sound level equals or exceeds the sound level limit then the limit shall be five dBA over the ambient sound level.

Section 9.05.050 – Noise Level Measurement

The location selected for measuring noise levels shall be at any point on the exterior of the affected property. The affected property shall be either (i) the address from which any complaint was received, or (ii) if no complaint has been received, from the border of the property emitting the sounds at issue.

Section 9.05.060 – Noise Disturbance Prohibited

- (a) Any and all excessively annoying, loud or unusual noises or vibrations such as offend the peace and quiet of persons of ordinary sensibilities and which interfere with the comfortable enjoyment of life or property and affect at the same time an entire neighborhood or any considerable number of persons shall be considered a noise disturbance.
- (b) It shall be unlawful to create, permit, allow, or maintain a noise disturbance in the city.

Section 9.05.070 – Special Provisions and Exceptions

The basic noise regulation specified in Section 9.05.040 may be exceeded without permit in any instances listed below. At all other times, noise from such activities shall not exceed the basic noise regulation established in Section 9.05.040:

- (a) Construction.
 - (1) Construction and delivery are exempt from the basic noise regulation during the times and on the days when construction activities are allowed pursuant to the terms and provisions of the Mendota Municipal Code.
 - (2) Residents/property owners when personally operating equipment are exempt from the basic noise regulation when they are personally undertaking construction activities to maintain or improve their property between the hours of ten a.m. and five p.m. Such activities are restricted to the use of hand and power tools only.
 - (3) At all times loud and raucous noise emanating from any construction or delivery site, whether in the form of broadcast or amplified music or any other form, which is audible on any property other than the property from which it emanates, is prohibited.
- (b) Power Garden Equipment.
 - (1) Power garden equipment including but not limited to, leaf-blowers, vacuums, power mowers, rototillers, and other similar equipment are exempt from the basic noise regulation between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, 10:00 a.m. and 5:00 p.m. on Saturdays and Sundays.
 - (2) Heavy duty equipment including but not limited to wood-chippers, chain-saws, stump-removers and other similar equipment are exempt from the basic noise regulation between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday only.
 - (3) All garden, maintenance and construction equipment used in the city must be equipped with a muffler where applicable and be in good repair.
- (c) Motor Vehicles. Motor vehicles may be operated on public streets and highways within the city in accordance with the noise emission standards prescribed by the state Vehicle Code. It is the city's policy that all sworn personnel be trained in the enforcement of this section of the Vehicle Code.

- (d) Animals. Sounds from animals are exempt unless such animal howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of more than 10 minutes or intermittently for more than one hour.
- (e) Emergency and Safety Devices. The provisions of this chapter shall not apply to:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
 - (2) The emission of sound in the performance of emergency response; or
 - (3) The emission of sound in connection with the protection of the health and safety of Mendota residents or their property during emergency conditions. Warning devices necessary for the protection of public safety, as for example, police, fire and ambulance sirens, and train horns, shall be exempted from the provisions of this chapter.
- (f) School bands, and school athletic and entertainment events are exempt from this Chapter.

Section 9.05.080 – Permit to Exceed Noise Levels

- (a) The director may grant a permit to waive time and noise level limitations on equipment when it is required to protect lives or property.
- (b) Special events or circumstances, including but not limited to events or gatherings where amplified music will exceed the thresholds articulated in Section 9.05.040, may warrant temporary exception to noise levels established in this section. Such permit must be sought at least forty-eight hours prior to the date and time of the event, circumstance, or gathering. In such cases application for a permit may be made to the director, stating in writing:
 - (1) The name, address and telephone number of the property owner responsible for the activity;
 - (2) If the event, circumstance, or gathering anticipates the use of a disk jockey (DJ), band, or other purveyor of music, the name, address, and telephone number of the contact person for such DJ, band, or purveyor of music; and

- (3) The purpose for which such permit is applied, the date and beginning and ending time thereof, and a description of the sound-producing or sound-amplifying device to be used, together with a full statement of reasons justifying noncompliance.
- (c) The fee for the Permit to Exceed Noise Levels shall be set by resolution of the City Council.
 - (d) A permit under this section shall be issued or may be denied at the time of application based upon a balancing of the interests of the applicant against those of surrounding residents, to include consideration of duration of the permit, frequency of occurrence, number of persons benefited by the activity and other similar factors.
 - (e) As a condition of any Permit to Exceed Noise Levels, the applicant shall agree as follows:
 - (1) Permit holders shall not allow any person attending their event to impede traffic or intrude into the public right-of-way. Violation of this section is a violation of the Permit to Exceed Noise Levels.
 - (2) Any Permit holder who has an event, at which alcohol is served or provided, in which more than fifty (50) persons are in attendance, shall have present at the event a security guard, licensed by the state of California, for every fifty (50) persons. Failure to provide a security guard for every fifty (50) persons is a violation of the Permit to Exceed Noise Levels.
 - (3) No more than four Permits to Exceed Noise Levels shall be allowed for any residentially zoned property within any twelve-month period.
 - (4) Any violation of this Chapter 9.05, or a violation of any Amplified Music Permit under the prior version of this Chapter, shall be grounds for the denial of a subsequent application for a Permit to Exceed Noise Levels.
 - (f) Any permit issued under this section may only waive the time and noise limitations of this Chapter until midnight and after 7:00 a.m. The director may impose restrictions on any permit, based (i) the volume, intensity and duration of the proposed noise; (ii) whether the nature of the noise is usual or unusual; (iii) the nature of zoning of the area within which the noise will emanate; (iv) the time of day or night in which the noise will occur; and (v) whether the noise is recurrent, intermittent, or constant.

- (g) An appeal from the decision by the director on a permit to exceed noise levels shall be in writing and state the facts upon which an error, omission or abuse of discretion is alleged. All appeals shall be made within ten calendar days from the date of the decision. The appeal shall be made to the city clerk who shall place the item on the agenda for next available city council meeting which shall be at least fifteen calendar days from the date of appeal. All interested parties shall have the opportunity to speak on the item at the city council meeting. The city council shall act on the appeal within sixty days of the hearing and may affirm, reverse or modify the decision of the director, based upon appropriate findings.
- (h) All permits issued under this chapter shall be issued for a limited time period.

Section 9.05.090 – Administration

The provisions of this chapter shall be administered by the director and his or her authorized representatives, except where expressly provided otherwise. All other officers and employees of the city shall assist and cooperate in the administration and enforcement of this chapter.

Section 9.05.100 – Violations

Violations of this Chapter 9.05 are hereby declared to be a public nuisance, and are enforceable under Chapter 8.20 of the Mendota Municipal Code. The City's representatives charged with the administration of this Chapter 9.05 have the discretion to issue warnings to persons who have violated this Chapter 9.05 for the first time.

SECTION 3. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

SECTION 4. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

SECTION 5. The adoption of any provision of this Ordinance does not affect any prosecution, civil action or administrative proceeding for any ordinance violation committed prior to the effective date of this ordinance; does not waive any fee, penalty, license or permit requirement due or in effect on the date this ordinance is adopted; and does not affect the validity of any bond or cash deposit posted, filed or paid pursuant to the requirements of any Ordinance.

SECTION 6. Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

SECTION 7. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 8th day of March, 2016 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 22nd day of March, 2016 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Robert Silva, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

A G E N D A I T E M - S T A F F R E P O R T

DATE: March 4, 2016

TO: Honorable Mayor and City Council Members

FROM: Vince DiMaggio, City Manager
 John P. Kinsey, City Attorney

SUBJECT: Introduction of Ordinance No. 16-03: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement, Chapter 8.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement), and Give First Reading, By Title Only, With Second Reading Waived

ISSUE:

Consideration of an ordinance modifying the public nuisance abatement procedures in the Mendota Municipal Code. This action would include the repeal of three existing chapters of the Mendota Municipal Code: (i) Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement; (ii) Chapter 8.24 (Trash and Junk); and (iii) Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code. These chapters would be replaced by new Chapter 8.20 (Public Nuisance Abatement).

BACKGROUND:

The City of Mendota has recently determined there is a need to update, enhance, and clarify the provisions in the Mendota Municipal Code that concern public nuisance abatement. Specifically, City Staff has determined that greater clarity is needed for both the Code Enforcement Personnel and the public, as well as greater uniformity in terms of the City's treatment of various types of nuisances.

As a result, City Staff has prepared a draft ordinance that would repeal three chapters of the Mendota Municipal Code: (i) Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement; (ii) Chapter 8.24 (Trash and Junk); and (iii) Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code. That chapter would be replaced with an entirely new Chapter 8.20 (Public Nuisance Abatement).

ANALYSIS:

The proposed Ordinance has several features:

Section 8.20.010 states that the title of the Chapter is the “City of Mendota Public Nuisance Abatement Ordinance.”

Section 8.20.020 articulates the policies the policies underlying the new Chapter.

Section 8.20.030 provides the definitions for the Chapter.

Section 8.20.040 designates the responsibility for enforcement of the Chapter. This includes the right of entry, and the right to interpret the Chapter.

Section 8.20.050 makes it unlawful for any person, corporation or other entity to keep, maintain or deposit on any property any public nuisance. The Section also articulates several categories of public nuisances, including rubbish and junk; fire code violations; abandoned vehicles; certain weeds; dead or decayed landscaping; attractive nuisances; certain activities within public sidewalks and rights of way; parking on unpaved surfaces; zoning ordinance violations; pay telephones if used for gang activity; violations of the Mendota Municipal Code; blighted buildings; Mendota Housing Code violations; violation of the nuisance control provisions of the Mendota Municipal Code; the drying or hanging of laundry in front yards or visible side yards; violations of the State Housing Code; excessive direct lighting; graffiti; encroachments onto public property; abandoned furniture and appliances; certain service stations that are not being operated; and any public nuisance as defined in the civil code.

Section 8.20.060 provides the range of procedures Code Enforcement may use to enforce Chapter 8.20, which include (A) issuance of a notice of violation; (B) issuance of a notice and order; (C) summary abatement; (D) an administrative citation; and (E) referral to the City Attorney to institute legal action.

The Notice of Violation (NOV) procedures are contained in Section 8.20.070. This section contains the requirements for the content of the NOV. It also provides for service of the NOV.

The Notice and Order (N&O) procedures are contained in Section 8.20.080. This section contains the requirements for the content and service of the N&O. The N&O is also recorded pursuant to Subdivision (c).

Section 8.20.090 includes the procedures for appeal. Appeals may be made to the City Manager within 10 days. Appeals of any decision by the City Manager may be appealed to the City Council within 5 days.

Section 8.20.100 provides the procedures for summary abatement, which may be employed in emergency situations – *i.e.*, “[w]henver the Director determines that a public nuisance is imminently dangerous to life, health, safety or adjacent property such that it requires immediate correction or elimination”

Administrative Citations may be issued pursuant to Section 8.20.110, which in turn references Chapter 1.16 and 1.20 of the Mendota Municipal Code.

Section 8.20.120 allows persons to seek extensions to perform abatement work.

Section 8.20.130 includes the procedures for failure to comply with a N&O once it becomes final. The failure to comply is a misdemeanor. The Director may issue an administrative citation, refer the matter to the City Attorney, or proceed with administrative abatement. The Section also includes the procedures for administrative abatement in subdivision (c) and also Section 8.20.140.

Section 8.20.150 includes the procedures for recovery of cost of abatement.

Section 8.20.160 explains that the provisions of Chapter 8.20 shall not affect the rights of private persons against any person causing a nuisance.

Section 8.20.170 contains a severability provision.

CEQA. Staff has found that the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, and in the alternative, the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

RECOMMENDATION:

Introduce ordinance and give first reading, by title only, with second reading waived.

Attachments

Ex. "A": [Proposed] Ordinance No. 16-03: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement, Chapter 8.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement)

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
(A) REPEALING CHAPTER 8.20 (WEEDS,
RUBBISH, AND/OR NUISANCE ABATEMENT),
CHAPTER 8.24 (TRASH AND JUNK), AND
CHAPTER 8.28 (PUBLIC NUISANCE) OF THE
MENDOTA MUNICIPAL CODE AND
(B) ADOPTING CHAPTER 8.20 (PUBLIC
NUISANCE ABATEMENT).**

ORDINANCE NO. 16-03

WHEREAS, the City Council finds and determines that the City of Mendota has not undergone a comprehensive review of its nuisance abatement procedures for many years, although some amendments have been adopted to address specific issues; and

WHEREAS, to promote clarity and uniformity, City staff has prepared revisions to the public nuisance abatement provisions of the Mendota Municipal Code, which contemplate the consolidation of Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 8.24 (Trash and Junk), and Chapter 8.20 (Public Nuisance) into a revised version of Chapter 8.20 (Public Nuisance Abatement); and

WHEREAS, the amendments will clarify regulations and update enforcement provisions; and

WHEREAS, the City Council desires to amend the Mendota Municipal Code by repealing the existing version of Chapters 8.20, 8.24, and 8.28 of the Mendota Municipal Code, and adopting new Chapter 8.20 to replace those provisions; and

WHEREAS, the proposed Ordinance was introduced at the last regularly scheduled City Council meeting on March 8, 2016, and a public hearing was duly noticed and held by the Council.

NOW THEREFORE, the City Council of the City of Mendota ordains as follows:

SECTION 1. Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement) **REPEALED.** Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement) of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

SECTION 2. Chapter 8.24 (Trash and Junk) **REPEALED.** Chapter 8.24 (Trash and Junk) of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

SECTION 3. Chapter 8.28 (Public Nuisance) **REPEALED.** Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

SECTION 4. Chapter 8.20 (Public Nuisance Abatement) **ADOPTED.** Chapter 8.20 (Public Nuisance Abatement) is hereby added to Title 8 (Health and Safety) of the Mendota Municipal Code and adopted to read as follows:

Chapter 8.20

PUBLIC NUISANCE ABATEMENT

Sections:

Section 8.20.010 – Title

Section 8.20.020 – Declaration of Policy

Section 8.20.030 – Definitions

Section 8.20.040 – Responsibility for Enforcement

Section 8.20.050 – Public Nuisance

Section 8.20.060 – Proceedings for Enforcement

Section 8.20.070 – Notice of Violation

Section 8.20.080 – Notice and Order

Section 8.20.090 – Appeal

Section 8.20.100 – Summary Abatement

Section 8.20.110 – Administrative Citation

Section 8.20.120 – Extension of Time to Perform Work

Section 8.20.130 – Failure to Comply with Final Order

Section 8.20.140 – Administrative Abatement

Section 8.20.150 – Recovery of Cost of Abatement

Section 8.20.160 – Remedies of Private Parties

Section 8.20.170 – Severability

Section 8.20.010 – Title

This Chapter shall be known as the “City of Mendota Public Nuisance Abatement Ordinance.”

Section 8.20.020 – Declaration of Policy

The City Council of the City of Mendota finds and determines as follows:

- (a) The city desires develop and maintain a reputation for well-kept properties, and that the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties;
- (b) There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the city;
- (c) The existence of such conditions as described in this article, is injurious and inimical to the public health, safety and welfare of the residents of the city and contributes substantially and increasingly to the deterioration of neighborhoods;
- (d) Unless correct measures are undertaken to alleviate such existing conditions, and assure the avoidance of future problems in this regard, the public health, safety and general welfare and specifically the social and economic standards of the community will be depreciated;
- (e) The abatement of such conditions will improve the general welfare and image of the city; and
- (f) The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.
- (g) The purposes of this article are to safeguard, remedy and prevent the decay and deterioration of our community by elimination of public nuisances. The procedures established in this article are cumulative and in addition to any other remedy established by law.

Section 8.20.030 – Definitions

As used in this chapter:

- (a) “Attractive Nuisance” means any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.
- (b) “Blight” means the condition of a specific property or group of properties which would be offensive in the eyes of the public as compared to the standard of maintenance of the property pursuant to this Chapter; where the conditions are visible from public streets or right of ways and substantially detract from the aesthetics and economic value of the neighboring properties including health and safety hazards, public nuisance, crime, neglect and deterioration of property.
- (c) “Blighted building” means a vacant residential, commercial or industrial building that reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby property or property values. A blighted building includes a vacant building that is not being actively maintained, actively monitored, or actively secured. To actively maintain, monitor and secure a vacant building, the owner or his or her agent must comply with all sections of this chapter and do all of the following:
 - (1) Maintain all yards in compliance with any applicable development permits. If there are no applicable development permits, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with landscaping installed and maintained in a trimmed, live and healthy condition;
 - (2) Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition;
 - (3) Remove all trash, debris and graffiti within seventy-two (72) hours of their placement or abandonment on the property;
 - (4) Maintain the building in continuing compliance with all applicable state and local codes and regulations and any applicable city issued permits;
 - (5) Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of

controlled substances, prostitution and criminal street gang activity;
and

- (6) Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the city manager or his designee. For purposes of securing the building, boarding-up windows and doors shall be a disfavored technique and may only be used when it is determined by the city manager or his designee that no other reasonable alternative exists. When a building is boarded, the owner shall comply with the requirements of this section, unless the city manager or his designee requires alternative standards.
- (d) “Decorative Landscaping” means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, bark, or synthetic lawn, and does not include pavement with asphalt, cement or any other impervious surface.
- (e) “Director” includes any person authorized to issue citations pursuant to Mendota Municipal Code Section 1.16.040.
- (f) “Excessive direct lighting” means the light emanating from any property which is bright, unusual, or unnecessary and which disturbs the peace or quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area. The term “excessive direct lighting” does not include diffused light which is shielded or directed away from adjoining property and, therefore, does not shine directly onto another property.
- (g) “Inoperative Vehicle” means any motor vehicle that cannot be moved under its own power.
- (h) “Landscaping” means at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live or synthetic lawn materials, and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used.
- (i) “Overgrown” means grass, lawn blades, or weeds that are:

- (1) Over twelve (12) inches long or any ground covering plant material that extends over twelve (12) inches onto a public street, curb, gutter, or sidewalk or;
 - (2) Over six (6) inches long or any ground covering plant material that extends over six (6) inches on to the public street, curb, gutter or sidewalk when the condition exists in combination with one or more other violations under this Article.
-
- (j) “Park Strip” means that portion of a street right of way that lies between the sidewalk and the outside edge of a street, gutter, or gutter lip, including a driveway approach. Where no curb exists, “park strip” shall mean the area of property from the sidewalk to the edge of the street pavement.
 - (k) “Property” means any lot or parcel of land. For purposes of this definition, “lot or parcel of land” shall include any alley, sidewalk, park strip or unimproved public easement abutting such lot or parcel of land. Further, for the purpose of this definition, “unimproved public easement” shall not include an exposed irrigation canal.
 - (l) “Record Owner” means the person to whom land is assessed as shown on the last equalized assessment roll of the county or current title owner of record, if different.
 - (m) “Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something else attached to the ground.
 - (n) “Vacant building” means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, vacant shall mean fifty percent (50%) or more of the units are unoccupied or occupied by unauthorized persons.
 - (o) “Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
 - (p) “Weed Block” means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

Section 8.20.040 – Responsibility for Enforcement

- (a) Authority: The Director shall be responsible for the administration and enforcement of this article. For such purposes, the Director shall have the powers of a law enforcement officer. The Director shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.
- (b) Right of Entry: Whenever necessary to make an inspection to enforce any provision of this article, or whenever the director has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises a public nuisance as defined in Section 8.20.050 of this Chapter, the Director may enter such building or premises to inspect the same or to perform any duty imposed upon the Director by this article, including the abatement of any public nuisance, pursuant to Section 1.12.010.
- (c) Responsibilities Defined: Owners remain liable for violations of duties imposed by this article even though an obligation is also imposed on the occupants of the building. Buildings, structures, premises and parts thereof shall be maintained in a nuisance free condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building or premises may be reinspected.

Section 8.20.050 – Public Nuisance

It is unlawful for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property in this city to keep, maintain or deposit on said property any public nuisances.

The City Council, by adoption of this ordinance declares, the keeping, maintaining or depositing of any of the following to be a public nuisance:

- (a) Rubbish or junk, including but not limited to refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth.
- (b) Any violation of the Uniform Fire Code, and such amendments as adopted by the State of California, as adopted by the city pursuant to Section 15.24.010, *et seq.*

- (c) The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, except as expressly hereinafter permitted. Except as expressly permitted by law, it shall be unlawful, and an infraction, for any person to keep, store, or maintain upon any premises under his control any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. Criminal prosecution pursuant to this section shall not preclude, nor be precluded by, abatement of such vehicles or parts thereof pursuant to the provisions of this chapter.
- (d) The following weeds:
 - (1) Weeds which bear seeds of a downy or wingy nature.
 - (2) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.
 - (3) Weeds which are otherwise noxious or dangerous.
 - (4) Puncture vines and tumbleweed.
 - (5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
 - (6) Dry grass and grass likely to become dry, stubble, brush, litter or other flammable material which endangers the public safety creating a fire hazard, as defined in the Uniform Fire Code as adopted by the city pursuant to Section 15.24.010, *et seq.*
- (e) Dead, decayed or hazardous trees, residue from a fire or demolition such as concrete or brick foundations and flatwork, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.
- (f) Any attractive nuisance.
- (g) Except as expressly permitted or required by law, exhibition, storage or repair of merchandise, signs (temporary, portable, or permanent or other forms of advertisement), bicycle racks, vending machines, or other obstructions upon any public sidewalk, median island, street, alley or public easement;
- (h) Except as expressly authorized by law, park or store any vehicle upon an unpaved surface. It shall be presumed that the owner of the property and/or the person or entity occupying the property authorized the parking of the vehicle. It shall also be presumed that the registered owner of the vehicle parked the vehicle on the unpaved surface. The property owner,

occupant and registered owner of the vehicle may all be held responsible for a violation of this subsection.

- (i) Yard landscaping that has become so overgrown or uncontrolled as to create a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood.
- (j) Violation of the zoning ordinance.
- (k) Any pay telephone installed and maintained outside of a building (building does not include a phone booth) constitutes a public nuisance if:
 - (1) It is repeatedly tagged with graffiti and not cleaned within 48 hours of notice to the owner of the pay telephone; or,
 - (2) It is neglected or damaged to such an extent as to present a visual blight; or,
 - (3) It is habitually used by known gang members as designated by the City of Mendota Police Department and in the reasonable opinion of the City of Mendota Police Department is used in or facilitates gang activity; or,
 - (4) The pay telephone has been abandoned or has otherwise remained inoperative for a period of thirty (30) days as of the effective date of this article; or
 - (5) The Director determines the pay telephone otherwise constitutes a public nuisance consistent with Sections 3479 and 3480 of the California Civil Code Sections.

The city shall not remove or cause to be removed a pay telephone when that telephone constitutes a public nuisance under this article, unless the Director has issued a notice and order (pursuant to Section 8.20.080) ordering the telephone owner to do, within at least thirty (30) days, one or more of the following to eliminate the public nuisance or otherwise voluntarily remove the pay telephone: (A) Block incoming calls; (B) Remove the ringer on the phone; (C) Shut off the key pad after the initial number is dialed to eliminate "beeper" use; (D) Make the telephone inoperative for designated time periods; (E) Add lighting; (F) Change the type of enclosure of the telephone; (G) Limit calls to emergency 911 calls; (H) Contract with a service that provides weekly maintenance of the pay telephone; and (I) Any other means the Director determines appropriate for the elimination of the nuisance.

This provision does not preclude City from taking any other legal action including instituting legal action or issuing administrative citations to abate the nuisance.

- (l) Any violation of the Mendota Municipal Code wherein said violation has been declared a public nuisance.
- (m) Blighted building.
- (n) Any condition described in Section 15.36.020.
- (o) Any violation of the noise control provisions described in Chapter 9.05.
- (p) The drying or hanging of laundry, clothing, or other items made of fabric, with the exception of flags, on any front or side yard portion of any property in a manner that is visible from a “public road” or “alley” as defined in Section 16.08.010.
- (q) Any violation of the State Housing Code, including but not limited to any limitations regarding the maximum number of occupants allowable for the dwelling.
- (r) Excessive direct lighting.
- (s) Any building or structure that is marked or defaced with spray paint, dye, or like substance in a manner commonly described as graffiti, and which is visible from public or private property when the observer is standing in a normal or customary place from which to observe the alleged nuisance or which is found when observed during an inspection pursuant to a warrant;
- (t) Any unpermitted obstruction of or encroachment on public property, including, but not limited to, any public street, highway, sidewalk, curb, gutter, park, building or any other public improvement;
- (u) Except for the authorized commercial storage and display of products and/or goods, where there is abandoned or unused furniture, appliances, sinks, toilets, cabinets or other fixtures, or equipment stored in a place and which is visible from public or private property when the observer is standing in a normal or customary place from which to observe, or which is found when observed during an inspection pursuant to a warrant.
- (v) Gasoline service stations which are not in operation and are boarded up, abandoned, or have removed dirt and other materials from the ground and left open excavations, even if the open excavations have been fenced, for a period of sixty (60) days, unless such station has sought and received remediation plans from a local, state or federal agency relative to the management of hazardous or toxic waste and said actions are pursuant to said remediation plan;

- (w) Any public nuisance known at common law or in equity jurisprudence or as defined pursuant to Part 3 (Commencing with Section 3479) of Division 4 of the California Civil Code.

Section 8.20.060 – Proceedings for Enforcement

Notwithstanding any other remedies available by law and except as otherwise provided in the Mendota Municipal Code, whenever the Director has inspected or caused to be inspected any property and has determined that there exists a public nuisance upon said property, the Director may commence any of the following proceedings, to cause the abatement of the public nuisance:

- (a) Issue a notice of violation; and/or,
- (b) Issue a notice and order; and/or,
- (c) Summarily abate; and/or,
- (d) Issue an administrative citation; and/or,
- (e) Request the City Attorney to institute legal action; and/or,
- (f) Perform Administrative Abatement.

Section 8.20.070 – Notice of Violation

- (a) The Director, in his or her discretion, may issue a notice of violation to the record owner and/or occupant of the property upon which a public nuisance exists. This issuance of a notice of violation is not a prerequisite to any other action, including issuance of a notice and order or administrative citation. The notice of violation is a nonappealable warning with direction to correct the violation. The notice of violation shall include all of the following:
 - (1) Name of the property's record owner;
 - (2) Street address of the property in violation;
 - (3) The code sections in violation;
 - (4) A description of the property's condition which violates the applicable codes;
 - (5) A deadline or specific date to correct the violations listed in the notice of violation;
 - (6) Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline,

including but not limited to: administrative remedies; criminal prosecution; civil action; administrative abatement; civil penalties; revocation of permits; recordation of notice of violation.

- (b) Service of a notice of violation may be served upon the record owner by regular first class mail or personal service. Service is effective on the date of mailing, or personal service.

Section 8.20.080 – Notice and Order

- (a) Issuance: Whenever the Director has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exists thereon, the Director may serve a notice and order. The notice and order shall contain:
 - (1) The street address and/or assessor’s parcel number, sufficient for identification of such property.
 - (2) Reference to all code sections violated together with a brief description of the condition which constitutes the public nuisance.
 - (3) Establish a reasonable time to secure any required permits, commence and complete required work to permanently eliminate the public nuisance identified in the notice and order.
 - (4) A statement that materials involved in public nuisances shall be disposed of in a legal manner.
 - (5) A statement that if the abatement is not commenced and completed within the time specified, the Director will proceed with further action, including administrative abatement at the expense of the responsible party, and/or administrative citation, and/or legal action.
 - (6) A statement that any person having any interest in the property or in the materials located thereon may appeal from the notice and order provided the appeal is made in accordance with the provisions of Section 8.20.090.
 - (7) That a “notice of pending administrative action” may be immediately filed against the property in the Office of the County Recorder of the County of Fresno. If the notice and order becomes final, as described in this article, the notice and order may be recorded against the property in the Office of the County Recorder.

- (b) Service:
- (1) The notice and order, or any amended notice and order, shall be served upon the following parties: (A) The record owner of the property; and, (B) Any person, entity or corporation occupying or in apparent control of the property.
 - (2) Service shall be completed in the following manner: (A) Personal service; or (B) Posting the notice conspicuously on or in front of the property; or, (C) By regular mail.
 - (3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which the service was made.
- (c) Recording: At the time the notice and order is served, the Director may file in the Office of the County Recorder, a notice of pending administrative action. If the notice and order becomes final pursuant to Section 8.20.090, the Director shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. Whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance and the property described in the certificate; or the notice and order is rescinded by the hearing officer upon appeal; or whenever the city abates the nuisance and the abatement costs have been paid, the Director shall file a new certificate with the County Recorder that the nuisance has been abated.

Section 8.20.090 – Appeal

Any person entitled to service under subsection (b) of Section 8.20.070 may appeal from any notice and order of the Director pursuant to the following provisions:

- (a) Within ten (10) days from the date of service of any notice and order of the Director, any person entitled to service under subsection (b) of Section 8.20.070, or any owner or person occupying or controlling such lot, property or premises affected, may appeal to the City Manager. Such appeal shall be in writing and shall be filed with the City Clerk, and shall state the facts upon which the error, omission or abuse of discretion is alleged. An administration fee of twenty-five dollars (\$25.00) shall accompany any appeal filed. The fee may be waived by the City Manager or his or her authorized designee if financial inability can be reasonably shown. Application for a waiver shall be in the form of a letter signed by the owner or appropriate designee. The City Manager or his or her authorized designee shall hold a public hearing not less than five calendar

days nor more than twenty (20) calendar days from receipt of both a written appeal and the administrative fee.

- (b) The decision of the City Manager or his or her authorized designee thereupon shall be final and conclusive unless a written appeal is made to the City Council within five business days of the decision of the City Manager or his or her authorized representative. Such appeal shall be in writing and shall be filed with the City Clerk. An additional administration fee of twenty-five dollars (\$25.00) shall accompany any appeal filed. Such fee may be waived by the City Manager or his or her authorized designee if financial inability can be reasonably shown. Application for a waiver shall be in the form of a letter signed by the owner or appropriate designee. The City Clerk shall notify the appellant in writing no later than seven days prior to the scheduled hearing of the time, date and place of the hearing by mailing such notice to him or her at the address stated in his or her written appeal.
- (c) The city council shall hear the appeal as scheduled in the notice. The city council may take up to thirty (30) days to hear this matter and vote on any appeal. The city council's decision on the issue shall be final.
- (d) Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions outlined above shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order to abate, administrative penalty or any portion thereof.

Section 8.20.100 – Summary Abatement

- (a) Whenever the Director determines that a public nuisance is imminently dangerous to life, health, safety or adjacent property such that it requires immediate correction or elimination, the Director may remove or otherwise abate the public nuisance without prior notice to the responsible person. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the nuisance, including but not limited to:
 - (1) Suspend any special permit issued by the City, including but not limited to development entitlements; and/or
 - (2) Remove tall weeds and grass or other material creating the imminent threat to life, health, safety or adjacent property; and/or
 - (3) Physically remove or eliminate a condition or conditions creating the imminent threat to life, health, safety or adjacent property; and/or

- (4) Suspend a particular use of property creating the imminent threat to life, health, safety or adjacent property; and/or
 - (5) Post the premises as unsafe or dangerous with an order against occupancy and/or use; and/or
 - (6) Take any other action appropriate under the circumstances.
- (b) Upon completion of the summary abatement, the Director shall notify the record owner of the property and the occupant if any, of the following:
- (1) The property location;
 - (2) The condition of the property;
 - (3) The violation;
 - (4) Any action by the Director taken to summarily abate the immediate threat to life, health, safety or adjacent property and the costs incurred therein;
 - (5) The right to appeal the action taken by the Director, in accordance with the provisions of Section 8.20.090. If no appeal is filed within the time prescribed, the action of the Director shall be final.
- (c) The costs incurred by the city summarily abating the violation may be recovered by the city pursuant to Section 8.20.150.

Section 8.20.110 – Administrative Citation

The Director may issue an administrative citation pursuant to Chapters 1.16 and 1.20 of the code. Appeal of an administrative citation issued under this section may be made pursuant to Section 8.20.090.

Section 8.20.120 – Extension of Time to Perform Work

Upon receipt of a written request from any person required to conform to the notice order or final order, the Director, in his/her discretion, may grant an extension of time within which to complete said abatement, if the Director determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Director shall have the authority to place reasonable conditions on any extensions he may grant pursuant to this section.

Section 8.20.130 – Failure to Comply with Final Order

- (a) After any notice and order of the Director made pursuant to this article shall have become a final order, either by decision of the hearing officer affirming or modifying the same, or by failure to file an appeal within the time prescribed herein, no person or entity shall fail, neglect, or refuse to obey any such order. Any such person or entity who fails to comply with any such order is guilty of a misdemeanor.
- (b) If, after the notice and order of the Director made pursuant to this article has become a final order, as described in subsection (a) above, and the responsible party has failed to timely comply with the final order, the Director may:
 - (1) Issue administrative citations pursuant to Chapter 1.16; and/or,
 - (2) Request the City Attorney to exercise his/her discretion in the alternative, or cumulatively, to institute court action; and/or,
 - (3) Proceed with administrative abatement as provided in subsection (c).
- (c)
 - (1) Except where abatement will require the demolition or removal of a structure, the Director may proceed with administrative abatement by removing the public nuisance at the expense of the responsible party.
 - (2) Where abatement will require the demolition or removal of a structure, city or its agent shall not abate said nuisance without first obtaining an order from the City Manager. An order approving abatement in such circumstances may be obtained either (A) after an appeal of the notice and order, if the notice and order is appealed to the City Manager and the City Manager so grants; or, (B) by the city scheduling and noticing a nuisance abatement hearing before the City Manager.
 - (3) Notice of a nuisance abatement hearing shall be served in the same manner as the notice and order. The notice shall state the time, place and location for hearing, how the city intends to abate the nuisance, the estimated cost of abatement, including administrative time, and that said abatement will be done at the expense of the owner. The hearing shall be set no earlier than 10 calendar days from the date of service. At the time and place set for hearing, city shall establish the existence of the condition constituting a public nuisance as defined in this ordinance, that a notice and order was properly served on the person(s) responsible, that said person(s) have failed to timely abate the nuisance, and

that notice of the abatement hearing was properly served on the person(s) responsible. The City Manager shall make findings regarding the existence of the nuisance, the proper service of the notice and order and the notice of the abatement hearing and shall confirm or deny the request to abate.

Section 8.20.140 – Administrative Abatement

- (a) Abatement of the nuisance may in the discretion of the Director be performed by city forces or by a contractor retained pursuant to the provisions of this Code.
- (b) The Director may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.
- (c) No officer, agent or employee of the city shall be personally liable for any damage incurred or alleged to be incurred as a result of any act required, permitted or authorized to be done or performed in the discharge of his duties pursuant to this article.
- (d) Upon completion of the abatement, the costs of abatement may be collected under the provisions of Section 8.20.150 of this Code.

Section 8.20.150 – Recovery of Cost of Abatement

- (a) Record of Cost of Abatement. Whenever a nuisance is not voluntarily abated by a property owner, the city may abate the nuisance and collect or otherwise recover the costs of such abatement as provided in this chapter. The city shall keep an itemized account of the costs involved in abating the nuisance. The city shall post conspicuously on the property and shall also mail to the owner of the property, and other persons described in Section 8.20.070, a statement including:
 - (1) What abatement action has been taken;
 - (2) An itemization of removal, repair, administrative, and all other costs incurred, including, but not limited to costs of actual abatement of the nuisance, costs to inspect the property, prepare notices, staff time to discuss violations with property owners, prepare specifications and contracts, inspect work, mail and print documents;

- (3) That the total costs incurred are due and payable within thirty days from the date of this notice;
- (4) That if the owner fails to make payments within thirty days from the date of this notice or within the time extended by agreement with the finance director, the amount will be charged to the owner on the next regular tax bill and recorded as a lien against the property; and
- (5) The date, time and place for a hearing before the city council during which the owner may contest the amount charged pursuant to subdivision (3) of this subsection.

This statement shall be posted on the property and served upon the persons described in Section 8.20.070 at least seven calendar days prior to the date specified in the notice. At the time fixed for the hearing on the statement of costs, the city council shall consider the statement and protests or objections raised by the person liable to be assessed for the cost of the abatement. The city council may revise, correct or modify the statement as it considers just and thereafter shall confirm the statement by council resolution.

- (b) **Cost of Abatement of Special Assessment Against the Property.** If the property owner does not pay the cost of abating the nuisance within thirty days after the city council confirms the cost of abatement the cost shall constitute a lien upon the real property and shall be collected as a special assessment against the real property. A copy of the confirmation shall be delivered to the tax collector for the city, whereupon it shall be the duty of said tax collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and shall be collected at the same time and in the same manner as ordinary municipal taxes. The assessment shall continue until it is paid, together with interest at the rate of ten percent per year computed from the date of confirmation of the statement until the same time and in the same manner as ad valorem real property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ad valorem real property taxes. All laws applicable to levy, collection and enforcement of ad valorem real property taxes apply to this special assessment.
- (c) **Notice of Special Assessment.** When a special assessment is charged against property as provided in this chapter, the city shall file in the office of the county recorder a certificate substantially in the following form:

NOTICE OF SPECIAL ASSESSMENT

CLAIM OF THE CITY OF MENDOTA

Pursuant to the authority vested by the provisions of Chapter 8.20 of the city of Mendota Municipal Code, the city council of the city of Mendota did on or about the day of _____, 20__ cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the city council of the city of Mendota did on the _____ day of _____, 20__ assess the cost of such rehabilitation, repair, or demolition upon the real property hereinafter described, and the same has not been paid nor any part thereof; and that said city of Mendota does hereby claim an assessment on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$ _____; and the same shall be an assessment upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which an assessment is claimed, is that certain parcel of land lying and being in the city of Mendota, County of Fresno, State of California, and particularly described as follows:

(description of property)

DATED: This _____ day of _____, 20__

City Manager of the City of Mendota, California

(ACKNOWLEDGMENT)

Section 8.20.160 – Remedies of Private Parties

The provisions of this Chapter shall in no way adversely affect the right of the owner, lessee or occupant of any such lot to recover all costs and expenses required by this Chapter from any person causing such nuisance.

Section 8.20.170 – Severability

If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. The Council hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

SECTION 6. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

SECTION 7. The adoption of any provision of this Ordinance does not affect any prosecution, civil action or administrative proceeding for any ordinance violation committed prior to the effective date of this ordinance; does not waive any fee, penalty, license or permit requirement due or in effect on the date this ordinance is adopted; and does not affect the validity of any bond or cash deposit posted, filed or paid pursuant to the requirements of any Ordinance.

SECTION 8. Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

SECTION 9. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 8th day of March, 2016 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 22nd day of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Silva, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: CODE ENFORCEMENT REPORT FOR FEBRUARY 2016
DATE: MARCH 8, 2016

In the month of February Code Enforcement continued to focus on substandard housing, including individuals camping within the City, and notifying property owners of the need to take care of their weeds in the late spring/early summer months. This has necessitated a significant amount of “desk time” documenting and preparing notices to be sent out and posted.

We also continue to educate the public about violations related to entitlements and zoning and focused on issues related to people parking their cars in the street for more than 72 hours, specifically for the purpose of displaying it as “for sale”. The proliferation of illegal signs continues to be an issue, as many business owners claim to not know that a sign permit is required to put up any sign; with the term “sign” having a very broad and encompassing term in the Mendota Municipal Code (MMC) (which, as the recent investigation by the Planning Commission and City Council uncovered, is consistent with the sign ordinances implemented by the great majority of cities in California).

Code Enforcement also continues to encourage residents to look up the MMC on the City website in order to understand the City Council’s vision for Mendota. Many residents are (understandably) upset when they or their property are the subject of a violation. No single contingent has been excluded from the frustration associated with finding out that you have violated a section of the MMC. As has always been the case, residents are free to ask the responding officer any questions they have referent to the violation and, if they still do not understand, they can make an appointment with me so that we can try and clarify any misunderstanding on their part.

Attached is the monthly update on citations and written warnings given out during the month of February.

Address	Type of Case	1st Notice	2nd Notice	Deadline	Status
219 SANTA CRUZ ST	PUBLIC NUISANCE	2/1/2016	N/A	2/15/2016	CLEARED
1519 CHERRY AVE, SANGER	EXPIRED TAGS	2/3/2016	N/A	3/21/2016	CITED
800 GARCIA ST APT 201	NO HANDICAP SIGN VISIBLE	2/3/2016	N/A	3/21/2016	CITED
251 GREGG CRT N	MULTIPLE MUNI VIOLATIONS	2/3/2016	N/A	3/3/2016	CITED
8559 7th ST, SAN JOAQUIN	NO RECREATIONAL VEHICLE PERMITTED	2/4/2016	N/A	3/22/2016	WRITTEN WARNING
749 JUANITA ST	72 HR NOTICE	2/5/2016	N/A	2/8/2016	CLEARED
13727 E AMIGO DR, PARLIER	PARKED ON SIDEWALK	2/6/2016	N/A	3/24/2016	CITED
162 ELM AVE	PUBLIC NUISANCE	2/7/2016	N/A	2/14/2016	CLEARED
317 J ST	VEHICLE ABATEMENT	2/7/2016	N/A	2/17/2016	CLEARED
643 NAPLES ST	ZONING VIOLATION	2/9/2016	N/A	3/20/2016	CLEARED
291 L ST	SUBSTANDARD LIVING	2/9/2016	N/A	3/21/2016	PENDING
667 MARIE ST	HANGED LAUNDRY IN PUBLIC VIEW	2/11/2016	N/A	N/A	WRITTEN WARNING
413 MARIE ST	HANGED LAUNDRY IN PUBLIC VIEW	2/11/2016	N/A	N/A	WRITTEN WARNING
935 RIOFRIO ST	YARD SALE PERMIT	2/12/2016	N/A	N/A	WRITTEN WARNING
643 RIOFRIO ST	URINATED IN PUBLIC	2/12/2016	N/A	N/A	CITED
736 INEZ ST	PROHIBITED ROOSTERS/CHICKENS	2/12/2016	N/A	N/A	CITED
448 L ST	PARKED ON LAWN	2/13/2016	N/A	3/14/2016	CITED
227 GREGG CRT S	GENERAL NOISE REGUALTION	2/13/2016	N/A	3/14/2016	CITED
1898 THOMAS CONBOY AVE, FB	PARKED LESS THAN 15FT/ FIRE HYDRANT	2/14/2016	N/A	3/6/2016	CITED
4860 E MCKENZIE AVE FRESNO	NO BUSINESS LICENSE	2/14/2016	N/A	5/15/2016	CITED
436 OLLER ST	TRUCK PARKING NOT PERMITTED	2/16/2016	N/A	3/14/2016	CITED
287 MALDONADO ST	EXPIRED TAGS	2/16/2016	N/A	3/14/2016	CITED
800 GARCIA APT 804	NO HANDICAP SIGN VISIBLE	2/16/2016	N/A	3/14/2016	CITED
SEVENTH ST AND OLLER ST	72 HR NOTICE	2/16/2016	N/A	3/19/2016	CLEARED
SEVENTH ST AND OLLER ST	72 HR NOTICE	2/16/2016	N/A	3/19/2016	CLEARED
SEVENTH ST AND OLLER ST	72 HR NOTICE	2/16/2016	N/A	3/19/2016	CLEARED
SEVENTH ST AND OLLER ST	72 HR NOTICE	2/16/2016	N/A	3/19/2016	CLEARED
SEVENTH ST AND OLLER ST	72 HR NOTICE	2/16/2016	N/A	3/19/2016	CLEARED
SEVENTH ST AND OLLER ST	72 HR NOTICE	2/16/2016	N/A	3/19/2016	CLEARED
611 PEACH AVE	PUBLIC NUISANCE	2/17/2016	N/A	2/27/2016	CLEARED
1848 JENNINGS ST	VEHICLE ABATEMENT	2/17/2016	N/A	2/27/2016	CLEARED
1848 JENNINGS ST	EXPIRED TAGS	2/17/2016	N/A	2/27/2016	CITED
713 OLLER ST	ILLEGAL SIGNS/BANNERS	2/18/2016	N/A	2/26/2016	CLEARED



Mendota Police Department Memorandum

Date: March 1, 2016
To: Vince DiMaggio, City Manager
Mendota City Council Members
From: Gregg L. Andreotti, Chief of Police
Subject: Monthly Report for February 2016

Significant Cases:

Report of a prior disturbance at a residence on 8th Street. Suspect hit victim in the face. Suspect was contacted, arrested, cited and released.

Report of a person displaying a rifle to a railroad employee by the rail road tracks adjacent to a local park. Officers contacted the person responsible and discovered he was living in the bushes along the railroad tracks and the weapon was a toy. Suspect was cited for trespassing and released.

Report of a knife disturbance at a residence on 7th Street. Suspect threw a knife at a family member, but missed. He is a user of methamphetamine and becomes violent when under the influence. Officers contacted the suspect in the residence and arrested him. Meth pipes were located in his possession. He was transported to Jail.

Report of a customer dropping methamphetamine at a store on 7th street. When he was contacted by officers he said he dropped prescription drugs. He was arrested for possession of methamphetamine and transported to Jail.

Restraining order violation on Derrick Ave. Restrained person on probation continues to send threatening letters to the protected party. Probation Officer has obtained a warrant for his arrest and additional cases are being filed. Suspect is outstanding and out of state.

Subject in a wheel chair dodging traffic on Derrick Avenue. He was contacted and found to be disoriented. He was assessed by EMS and transported to CRMC for evaluation.

Citizen reported her purse was stolen out of her unlocked vehicle on Tuft Street. Suspect is unknown.

Vehicle stop on 7th Street discovered an active warrant for the driver's arrest. He was arrested, cited and released.

Vehicle stop at 7th and Lolita. The driver was unlicensed and intoxicated. He refused FST's and was uncooperative. He became combative with officers who subdued and arrested him. During transport to Jail he kicked the prisoner security cage and damaged it. He was removed from the vehicle at the jail and booked.

Disturbance at a residence on Santa Cruz Street. Suspect punched the victim in the head because he did not agree with a court order. Suspect was arrested and transported to Jail.

Unwanted subject at residence on Marie Street. Subject was found outside the residence, intoxicated and causing the disturbance. He was arrested and transported to Jail.

Subject check at Stamoules and 7th Street. He was found to have an outstanding warrant. He was arrested, cited and released.

Personnel assisted San Benito Sheriff's Detectives with follow up to a homicide that occurred in their county.

Vehicle stop on 9th Street. The driver was found to be intoxicated. She was arrested for DUI and transported to Jail.

Injury vehicle vs. pedestrian traffic collision on L Street. The driver hit the victim as he was backing out of his driveway. The victim received minor injuries and was transported to CRMC by EMS. The driver was issued a citation on scene.

Non-injury traffic collision at Oller and 7th Street. Both parties remained on scene and both vehicles towed.

Theft from unlocked vehicle on Straw Street. CD player was stolen. Suspect unknown.

Report of vandalism on Divisadero Street. Victim discovered scratches to his parked vehicle that were not present the night before. Suspect(s) unknown.

Victim reports check fraud. Unknown suspect chased one of his paychecks.

Subject check at Mendota PD. Subject turns herself in on multiple outstanding warrants. She was cited and released.

Vehicle stop at 6th and Oller. Two subjects are gang affiliated. One had outstanding warrants. Another attempted to flee while detained and was arrested. Both were cited, FI'ed and released.

Disturbance in backyard of residence on L Street. Subject causing was found to have an active warrant. He was arrested and transported to Jail.

Unwanted subject causing disturbance on 2nd Street. Officers contacted the subject causing and discovered she was under the influence of methamphetamine and did not reside at the location. She was arrested, transported to CRMC for a blood draw and booked into Jail.

Report of vehicle vandalism on 6th Street. Victim's vehicle tire was slashed. Suspect unknown.

Restraining order violation on 2nd Street. Restrained subject went to the protected person's residence, but left when instructed to. He was contacted by officers and arrested, cited and released.

Vehicle burglary on 5th Street. Unknown suspects removed victim's wallet and payroll checks from a locked vehicle.

Vehicle stop on 7th and Quince. Driver had a suspended CDL and outstanding warrant. She was arrested and transported to Jail.

Two Bicycle stops on Marie Street. Both subjects had outstanding warrants for their arrest. Each was cited and released.

Subject check on Oller of known wanted suspect. He was also in possession of a meth pipe. He was arrested and transported to Jail.

Bicycle stop of suspicious person on 5th Street. He was found to have outstanding warrants and to be in possession of a meth pipe. He was arrested and transported to Jail.

Out of state restrained person continues to text, send letters and make phone calls to the protected person. Additional cases are being submitted to the DA's office. An arrest warrant is currently active.

Hit and run property damage to city fire hydrant. Witnesses obtained vehicle description and direction of travel. Officers located the vehicle and driver, who exhibited signs of intoxication. He was arrested for hit and run and DUI and transported to CRMC for a blood draw. He was then booked into Jail.

Hit and run on Ash Street. Victim vehicle sustained minor damage. Suspect and suspect vehicle are unknown.

Verbal disturbance in front of PD Headquarters. Subject causing was found to have outstanding warrants. He was arrested, cited and released.

Failure to yield for a stop sign violation on Sorenson. Vehicle fled and a pursuit ensued. Vehicle stopped in front of a residence on Holmes Street. Suspect was contacted and found to have a suspended license and to be intoxicated. He was arrested for DUI, evading police, and driving on a suspended CDL. He was transported to Jail.

Subject check on Lolita Street located the victim of a battery. Victim was uncooperative and would not give info regarding the incident or who caused his injuries.

Subject check of known person at 9th and Oller. Outstanding warrant found and as the officer was making the arrest the person fled. Officers gave chase, but the suspect evaded them. Case will be submitted.

Subject check of known gang associate at 9th and Naples. He was FI'ed for information.

Vehicle burglary on Maldonado Street. Victim reported an unknown suspect removed her necklace from her vehicle.

Unwanted subject pounding on door on 2nd Street. Upon contact she pushed an officer and then flicked a cigarette on him. She was arrested and transported to Jail.

Subject check on Lolita discovered the subject had an outstanding warrant for his arrest. After his arrest a meth pipe was discovered in his possession. He was cited and released.

Report of a stolen vehicle on Rios Street. Unknown suspect stole victim's car from his parking stall.

Subject check of known gang associate at a local park. He was found to have an outstanding warrant. He was arrested, cited and released.

Officers handled an investigation regarding an adult male inappropriately touching an underage female. During the investigation a second victim and suspect were discovered. Both suspects were identified. Officers were able to follow up and locate both suspects who were arrested and transported to Jail.

Bicycle stop on 9th Street discovered an active warrant for the rider. He was arrested, cited and released.

Trespassing reported at property on K Street. Officers located two subjects inside a residence closed due to evictions. One subject also had outstanding warrants. Both were arrested and transported to Jail.

Subject check at 7th and Unida discovered active warrants. He was arrested and transported to Jail.

Subject check at the Pool Park discovered outstanding warrants and cocaine. He was arrested and transported to jail.

Subjects fighting at 7th and Puchue. Officers detained 5 subjects. All were intoxicated and two showed signs of injuries consistent with fighting. All were arrested and transported to Jail.

Vandalism to a water line on Gregg Ct. Suspect was identified and found to have outstanding warrants. He was arrested, cited and released.

Subject check of a man lying on the sidewalk on 8th Street. He was found to be intoxicated. He was arrested and transported to jail.

Non-injury hit and run property damage on Oller. A city light pole was also impacted and knocked down. Public Works was advised. The investigation identified the fleeing suspect who was contacted, confessed, was cited and released.

Vehicle stop on 9th and Oller. Officers located police lights in the vehicle along with methamphetamine and a scale. The driver was found to be under the influence of drugs. He was arrested for DUI and possession of drugs for sale. He was transported to Jail.

Subject check on 7th Street found an active warrant for his arrest. He was arrested, cited and released.

Domestic disturbance at a local bar. Security officers' witness involved parties arguing. All parties left prior to officers arriving. Officers locate parties outside bar. All deny any physical altercation. Sober family member transported them home.

Report of stolen vehicle from Perez Street. Unknown suspect removed vehicle.

Subject check on 9th Street locates an active warrant. He was arrested, cited and released.

Report of a stolen vehicle from Garcia Street. No suspects known.

Trespassing on property on K Street. Previous fire at abandoned residence in which trespasser was found inside. Violator was also in possession of a meth pipe. She was arrested and transported to Jail.

Subject check on 7th Street discovered a gang affiliate. He was FI'ed for information.

Subject check on 7th Street discovered he was extremely intoxicated. He was arrested and transported to Jail.

Vehicle stop on 7th Street discovered the driver had outstanding warrants. Driver was cited and released.

Subject check on Marie Street discovered an active arrant. She was arrested and transported to Jail.

Subject check on Peach Avenue found a wanted parolee. He was arrested and transported to Jail.

Report of a prowler at a business on Tule Street. An unwanted subject was located hiding in an office. He informed officers he was looking for a place to sleep. He was arrested and transported to Jail.

Subject check on 8th Street discovered the subject to be gang affiliated and extremely intoxicated. He was arrested and transported to Jail.

Report of trespassing at the prior burned residence on K Street. The same female was located inside the burned residence. She was again arrested and another meth pipe was discovered in her possession. She was transported to Jail.

Report of a wanted felon at a residence on 6th Street. Officers contacted and arrested the subject. He was transported to Jail.

Officers witnessed a subject urinating in public along Naples Street. He was found to be extremely intoxicated, arrested and transported to Jail.

Vehicle check at the Pool Park discovered an active warrant for one of the occupants. He was arrested and transported to Jail.

Subject check in the area of recent auto thefts and during the peak theft time, located a known auto thief currently on probation. A tool used in the theft of autos was found in his proximity. He was arrested, probation violated and transported to Jail.

Officers assisted Sheriff's Deputies on Derrick at the conclusion of their vehicle pursuit. The driver was arrested for DUI and turned over to CHP as per Sheriff's protocol.

Vehicle stop on Oller Street found the driver to be intoxicated and driving on a suspended CDL due to a prior DUI arrest. She was arrested for DUI and transported to Jail.

Identity theft on J Street. Victim reported unknown suspect opened a credit account and charged items in her name.

Subject check on Naples discovered an outstanding warrant. He was arrested and transported to Jail.

Report of a disturbance at a residence on Stamoules. Suspect damaged victim's property. Suspect was subsequently arrested, cited and released.

Vehicle stop on Pucheu Street discovered the driver was intoxicated and driving on a suspended CDL with outstanding warrants for his arrest. He was arrested for DUI and transported to Jail.

Subject check on Rio Frio found outstanding warrants. He was arrested, cited and released.

Subject check on Rio Frio discovered a gang affiliated subject. He was FI'ed for information.

Subject check on Rio Frio discovered an outstanding warrant and meth pipe in his possession. He was arrested, cited and released.

Vehicle stop discovered a parolee at large warrant on the driver. She was also in possession of a meth pipe. She was arrested and transported to Jail.

Subject check on Oller found him to be intoxicated. He was arrested and transported to Jail.

Subject check on Derrick and McCabe found him to be in possession of a meth pipe. He was cited and released.

Bicycle stop on 7th Street revealed an outstanding warrant. He was arrested, cited and released.

Report of intoxicated subject at 5th and Oller. Officers discovered the subject was arrested the night prior for public intoxication and transported to Jail. He was again intoxicated, arrested and transported back to Jail.

Report of a vehicle burglary. Items were taken by unknown suspect(s).

Subject check on 7th and Quince found active warrants. He was arrested, cited and released.

Report of a male being verbally abusive towards people on Lolita. He was found to be highly intoxicated and screaming at people. He was arrested and transported to Jail.

Subject check at 2nd and Marie discovered outstanding warrants. He was arrested, cited and released.

Vehicle stop on 6th and Oller discovered the passenger had active warrants. He was arrested, cited and released.

Theft from a residence on Rio Frio. Suspect was known by the victim. Officers contacted the suspect and recovered the stolen property. Suspect was arrested and transported to Jail.

Vehicle stop on 2nd and Oller. Officer noticed the driver had a dagger in his waistband. Both occupants were detained. A loaded sawed off shotgun was located in the vehicle along with methamphetamine and a meth pipe. Driver claimed possession of all items. Driver was arrested and transported to Jail. Passenger was FI'ed and released.

Report of a possible trespasser on property on Divisadero. When contacted by officers they recognized her from prior narcotic arrests and asked her where her meth pipe was. She then handed the officer her meth pipe. She was arrested, cited and released.

Subject check on Rio Frio discovered one person to be in possession of an illegal knife and another in possession of a BB gun modified to represent a replica of a semi-automatic hand gun. Both were arrested and transported to Jail.

Vehicle stop discovered driver had suspended CDL and outstanding warrants. She was arrested, cited and released.

Mendota PD was contacted by officers from Arlington PD in Texas who advised they had information regarding the location of a missing person from TX. She was contacted and found to be okay. She was removed from the missing person's system.

Subject check of a Kerman resident on Stamoules. He was FI'ed for information.

Subject check on quince and 7th located an active warrant. He was arrested, cited and released.

Theft from vehicle on Espinoza Street. Victim witnessed the suspect exit his vehicle with property. He was contacted by Officers who arrested him and recovered the property. Suspect was transported to Jail.

Report of scam. Victim sent money to Peru because he was contacted via phone by police saying he needed to pay a fine to LAPD. Victim later discovered he was scammed and then contacted MPD.

Theft of bicycle from Lolita Street. Victim identified the suspect who was contacted by Officers and arrested. Bicycle returned to victim and the suspect was cited and released.

Report of a fight in a yard on 7th Street. Victim was attacked and severely beaten by the suspect. Suspect identified, but was gone upon officers arriving. EMS transported victim to CRMC with facial and throat injuries. Victim was hospitalized. Search for suspect is ongoing.

Subject check on Oller Street found outstanding warrants. He was arrested, cited and released.

Subject check on K Street found active warrants. He was arrested, cited and released.

Subject check on Rio Frio Street discovered outstanding warrants. He was arrested, cited and released.

Officers assisted CHP at the scene of a traffic collision by the Pool Park. The driver collided with the canal guard rail causing major damage to his vehicle. Blood was located in the vehicle and a blood trail leaving the vehicle. The driver was not found.

The CHP and Sheriff's Office conducted a special vehicle enforcement detail in west Fresno County that included Mendota. MPD offices networked with detail personnel.

Subject check of gang member parolee. He was FI'ed for information.

Officers were notified of a female possibly breaking into a residence. The residence was vacant and no trespassing signs were posted. The suspect was contacted and arrested for trespassing. This was her second such arrest in a week. She was transported to Jail.

Victim reported to Mendota PD he gave money to the suspect as a down payment to rent property in Firebaugh. The suspect did not contact the victim when agreed and the property was never rented. Money was not returned. Suspect is outstanding.

Subject check of a wanted parolee. She was arrested and transported to Jail.

Vehicle stop on Marie found the driver to be underage and intoxicated. He was arrested for DUI, cited and turned over to sober family member.

Vehicle stop on Stramoules found the driver to be intoxicated. He was arrested for DUI and transported to Jail.

Subject check on Oller discovered outstanding warrants. He was arrested and transported to Jail.

Report of a vehicle theft with no suspect information.

Patrol check on 6th Street at location of alleged drug dealing. Officers located a subject wanted on outstanding warrants. Another subject initially ran and disposed of a meth pipe that officers located. Both were arrested, cited and released.

Report of a female causing a disturbance at a residence on Rio Frio. Upon contact officers discovered the calling party was extremely intoxicated and the incident reported was unfounded. The R/P also had outstanding warrants and was arrested. He was cited and released to a sober friend.

Officers located the outstanding suspect from an earlier felony battery where the victim was hospitalized due to a severe beating. The suspect was also found in possession of methamphetamine. He was arrested and transported to Jail.

Report of a stolen vehicle from Garcia Street. No suspect information.

Subject check at 9th and Oller discovered a person with mental health issues. Fortunately, a mental health worker was riding with officers and assisted in the evaluation. The subject was also found to be in possession of methamphetamine. He was cited and released and then turned over to EMS for transport to CRMC.

Subject check of a known gang member at 7th and Stamoules. He was FI'ed for information.

Strategic Planning:

- Submitted Agenda Item that was approved for the purchase of two 2015 Ford Explorer Police Utility vehicles with Public Safety Impact Fee funds. Order submitted.
- Networking with the Avenal State Prison Vocational Program for the painting of the Humvee and two new patrol vehicles.

Personnel Information:

- Sgt. Warkentin took a Fraud Unit Supervisor position with Merced County. His last day on duty was Thursday, February 11th.
- Publicized the hiring of a Lieutenant and Sergeant. Application deadline is March 4th.
- Phlebotomist job application deadline was February 26.