



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
June 14, 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 May 24, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

City Council Agenda

1

6/14/2016

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. MAY 24, 2016 THROUGH JUNE 08, 2016
WARRANT LIST CHECKS NO. 041012 THRU 041081
TOTAL FOR COUNCIL APPROVAL = \$275,001.20
2. Appointment of a Mendota resident to the Mendota Planning Commission.
3. Approval of applications for permits to sell fireworks.
4. Proposed adoption of **Resolution No. 16-39**, approving Merchant Services with Westamerica Bank for debit/credit card services.
5. Proposed adoption of **Resolution No. 16-42**, adjusting the salary schedules for the Chief Plant Operator and Finance Director positions.

BUSINESS

1. Council discussion on the proposed Mendota Municipal Code amendment related to City Council reorganization.
 - a. *Receive report from City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide direction to staff as appropriate*
2. Proposed adoption of **Resolution No. 16-37**, authorizing the submittal of a grant application to the Fresno Council of Governments for Measure C New Technology Funds.
 - a. *Receive report from Director of Administrative Services Johnson*
 - b. *Receive presentation from Joseph Oldham from CALSTART*
 - c. *Inquiries from Council to staff*
 - d. *Mayor opens floor to receive any comment from the public*
 - e. *Council provide any input and adopt Resolution No. 16-37*

3. Proposed adoption of **Resolution No. 16-41**, authorizing the City Manager to initiate a contract with Townsend for grant writing services.
 - a. *Receive report from City Manager DiMaggio*
 - b. *Receive presentation from Sharon Gonsalves from Townsend*
 - c. *Inquiries from Council to staff*
 - d. *Mayor opens floor to receive any comment from the public*
 - e. *Council provide any input and adopt Resolution No. 16-41*

4. Council discussion and consideration on waiving the fees related to the Annual Harvest Fiesta.
 - a. *Receive report from Mayor Pro Tem Valdez*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council takes action as appropriate*

5. Proposed adoption of **Ordinance No. 16-05**: An Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana, 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 floor to receive any comment from the public*
 - d. *Council provide any input and adopt Ordinance No. 16-05*

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

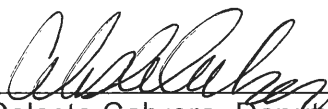
MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor

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 June 14, 2016, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, June 10, 2016 at 4:05 p.m.



Celeste Cabrera, Deputy City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

May 24, 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, and Joseph Riofrio.

Council Members Absent: None.

Flag salute led by Mayor Silva.

Invocation led by Jesus Sanchez of the Mendota First Baptist Church.

FINALIZE THE AGENDA

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

A motion was made by Councilor Riofrio to adopt the agenda, seconded by Councilor Amador; unanimously approved (5 ayes).

PRESENTATION

1. Conlin Reis from the Westside Mosquito Abatement District to present information about the Zika virus.

Conlin Reis presented information about the Zika virus including what the Zika virus is; the history of the Zika virus; various areas with local Zika transmission; what Aedes Aegypti mosquitoes are and where they have been found throughout the Central Valley; various ways to trap mosquitoes; and how to prevent the spread of Aedes Aegypti mosquitoes.

Discussion was held on where mosquitoes are locally concentrated.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Bradley Hogan (Mendota Police Officers Association [MPOA]) – state that he is the new president for the MPOA and thanked the Council for their support for the MPOA.

Council congratulated Officer Hogan for receiving an award recently and thanked the Mendota Police Officers for their service.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of May 10, 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 Amador to approve items 1 and 2, seconded by Councilor Castro; unanimously approved (5 ayes).

CONSENT CALENDAR

1. MAY 05, 2016 THROUGH MAY 19, 2016
WARRANT LIST CHECKS NO. 040948 THRU 041011
TOTAL FOR COUNCIL APPROVAL = \$304,797.24
2. Proposed adoption of **Resolution No. 16-38**, approving the City's participation in the HERO program and authorizing membership of the City in the Western Riverside Council of Governments JPA.

A motion was made to approve items 1 and 2 of the Consent Calendar by Councilor Castro, seconded by Councilor Amador; unanimously approved (5 ayes).

BUSINESS

1. Council discussion on the reorganization of the City Council.

Mayor Silva introduced the item and Councilor Castro reported that he has had conversations with various members of the public regarding the progress of Mendota; thanked Mayor Silva for allowing him the opportunity to shadow him for the past year and for being a great leader; explained different challenges that the City faces and various things that the City needs; funding that is available to the City, such as grants; the need to have competitive wages for the police officers; public opinion towards water rate increases; the positive progress that the City has had in economic development; staff continuing to search for other economic development opportunities the need to have the City continue to progress; and the need to reorganize the City

Council and appoint new leadership to lead the City in a different direction.

Discussion was held on the definition of democracy; the support that the City has had from various communities and individuals; various improvements that have been made to the City; the process of acquiring grant funding, such as Proposition 1 funding; the assistance that Mayor Lopez of Orange Cove has provided to City of Mendota; Councilor Castro wanting to do what is best for the community; the history of the establishing the Mendota Police Department; the need for the Council to communicate with each other and with staff; the lack of funding for improvement projects; the role that politics has played in acquiring funding; the impact that the lack of raising the water rates in the past currently has on the City; the type of government that the City of Mendota has; the role that the City Manager has; various goals that the Council and staff have established; various ways that the public can participate in local government and within the community; the duties that Mayor Silva performs as the Mayor of the City; the progress that the City has made; and the importance of members of the public to being involved.

At 7:10 p.m. Mayor Silva opened the hearing to the public.

Abraham Gonzalez (1297 Oller Street) – shared his background and that of his business; commended the Council and staff for their hard work; reported on the positive progress that the City has made and continues to make; and stated that he is against reorganizing the Council.

Oscar Rosales (606 Garcia Street) – thanked the Council and the staff for their hard work.

Alex Valdez (Fresno, CA) – shared his background and history with the City of Mendota, including his participation in the City Council; commended Councilor Castro for his comments related to the progression of the City; shared the goals and visions he had for Mendota when he was Mayor; the need for the Council to communicate with each other to visualize and achieve the goals; various challenges that the Council faced during the time that he served on the Council; commended the Council and staff for their service to the community; and emphasized the importance of moving forward so that the community progresses.

Victor Lopez (Mayor of Orange Cove, CA) – shared his background; reported on various goals that he and Mayor Silva have achieved; discussed their participation and membership in various agencies and organizations; the positive attention that Mayor Silva brings to the City; and the importance of retaining the current structure.

Jeff Roberts (Granville Homes) – stated that he is in favor of the Council retaining its current organizational structure; various things that Cities have that attract businesses; stated that Granville Homes is looking at western communities to develop affordable housing; and the positive attention that Mayor Silva brings to the City of Mendota and the County of Fresno.

Manuel Cunha (Nisei Farmers League) – thanked the Council and staff for their service; reported on the various duties that the Mayor performs; the importance of communication; the efforts of various organizations and individuals to achieve water project funding; and various issues that are important to California and the Central Valley.

Espi Sandoval – requested that the City of Mendota acquire more programs for residents; the lack of community involvement; the lack of positive comments from the public; and the importance of the City progressing.

Alfredo Leon – shared his background; reported on the lack of diverse jobs within the City; stated that he wants to play a role in improving the City and wants to learn how local government functions; and explained that he wants to improve the aesthetic look of the City by participating in various beautification projects.

Victor Martinez – shared his background; stated that he has seen progress in Mendota within the past 2 years; emphasized the importance of improving current water conditions, road conditions, and housing issues; explained that he is in favor of Council reorganization; shared the public's opinion towards the City Council and the City; and the need to address the challenges that the City faces.

Jonathan Leiva – shared his background; stated that there is a need for an increase the beautification of City parks, such in Pool Park; explained that he is willing to participate in ensuring that Mendota progresses in a positive direction; the effects that the drought has had on the City; the need to improve the condition of Pool Park; and the need to create Recreational Department in the City.

Discussion was held on the establishment of a Beautification Commission in the past and decorating 7th Street with American flags in honor of Memorial Day.

Marissa Navarro – reported on the low numbers of residents of Mendota that vote; various reasons of why residents do not vote; provided ways that the City can increase voter registration and participation; and reported on individuals who want to change the current system of local government.

Discussion was held on the youth participating in local government; teaching the youth the importance of participating in local government; Council increasing their involvement with the youth (8:17 p.m. Councilor Castro left the Council Chambers and returned at 8:18 p.m.); having residents join in the efforts of beautifying the community; the possibility of acquiring funding to pursue various projects; and the increase of alcohol consumption, drug use, and overcrowding in homes in the City (8:26 p.m. Councilor Amador left the Council Chambers and returned at 8:27 p.m.).

Nancy Diaz – stated that the City has made progress and that individuals should be thankful for the opportunities that currently exist.

Macario Banuelos (630 Gaxiola Street) – explained the importance of allocating funds appropriately; his son being discouraged from actively participating in local government; and thanked the Council for their service to the City.

At 8:55 p.m. Mayor Silva closed the hearing to the public.

City Attorney Kinsey provided information on when the Mendota Municipal Code (MMC) allows for the reorganization of the Council; the timeframe of modifying the MMC; and legal risks that can arise should the Council amend the conditions to reorganize outside of what the MMC currently allows.

Discussion was held on why the Council was not informed of the legal risks of reorganizing prior to the meeting; ensuring that the Council does not violate the Brown Act; Council not being informed of Planning Commissioner Garcia's seat being vacated; the importance of staff communicating to Council accordingly; and the costs associated with amending the MMC code related to the reorganization of the Council.

A motion was made to continue the item to the June 14th City Council meeting in order to determine the costs associated with amending the MMC by Councilor Castro, seconded by Councilor Amador; unanimously approved (5 ayes).

At 8:55 p.m. Mayor Silva announced that there would be a recess.

At 9:00 p.m. the Council reconvened in open session.

2. Introduction of **Ordinance No. 16-06**: An Ordinance Authorizing a Contract between the City Council of the City of Mendota and the Board of Administration of the California Public Employees' Retirement System, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and Director of Administrative Services Johnson summarized his report including what CalPERS is; the amount of agencies participate in it; Council setting a goal at the Goal Setting Session in which the Council requested that staff look into the feasibility of joining it; the estimated contribution rate for employees, including the different rate for public safety participants; the need to get the approval of bargaining units to participate; the concern expressed by employees of how much employees must contribute, and the options presented to try and mitigate those concerns; the costs associated with being CalPERS members; and the recommendation from staff to Council to read the ordinance and give the appropriate staff the authority to execute the documents in order to participate.

Discussion was held on the more unstable aspects of CalPERS; the election process for bargaining units to vote to participate; the risks associated with participating in CalPERS, such as the increase of the City's contribution rate; the insecurity related to additional costs of new employee member costs; the rate amount that the public safety

employees would have to contribute if they participated; what other cities offer and participate in; the insecurity intrinsic to the PERS system; the tight timeline for approval of this item, with delays causing a new actuarial that may be higher; the fact that all other cities on the West side of Fresno County are members of CalPERS; and the difficulty in retaining good employees without an adequate retirement programs.

A motion was made to continue the item to the May 31st Special City Council Meeting by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).

3. Proposed adoption of **Resolution No. 16- 36**, approving a contract between the Board of Administration of the California Public Employees' Retirement System and the City of Mendota.

As a companion item to item 2, item 3 was also continued to the May 31st Special City Council meeting.

4. Council discussion and consideration of proposed **Resolution No. 16-33**, modifying the Mendota Emergency Stabilization Agreement and setting required conditions upon ability to use the fund.

Mayor Silva introduced the item and City Manager DiMaggio summarized the actions and discussions leading up to this item, with direction by Council; the policy consisting of Council declaring an emergency with 4/5ths vote or the Council using in it in a non-emergency situation as long as the account stays at \$600,000; measures that will be taken to pay back the funds in the future; examples of emergencies and non-emergencies that could be applicable; and the recommendation by staff to make the amendments and approve the policy.

Discussion was held on the different costs related to distinct emergencies and funds that will be received due to restructuring of bonds.

A motion was made to adopt Resolution No. 16-33 by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; approved (4 ayes, no: Castro).

5. Council discussion and consideration to adopt **Resolution No. 16-34**, deferring previously-adopted future water rate increases by one-year, and **Resolution No. 16-35**, loaning funds in the amount of \$88,000 from the Mendota Emergency Fund.

Mayor Introduced the item and City Manager DiMaggio summarized the purpose of the item and the compliance of Council's action with the recently modified Reserve Fund policy.

Discussion was held on the bond money being able to pay off the debt incurred from this item.

A motion was made to adopt Resolution Nos. 16-34 and 16-35 by Mayor Pro Tem Valdez, seconded by Councilor Amador; approved (4 ayes, no: Castro).

PUBLIC HEARING

1. Introduction of **Ordinance No. 16-05**: An Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including the prohibition on the cultivation, dispensing, and other activities related to marijuana; the reason this ordinance is necessary; the public notices and other legal requirements that are necessary in order to take this action; and staff's recommendation to waive the first reading and have the second reading at the next meeting.

Discussion was held on the stance law enforcement has taken concerning this issue; the future possibilities of the law changing to facilitate these types of businesses; different areas within and outside the city where marijuana was being cultivated; and the power of cities and other local agencies to retain control of land use.

At 9:43 Mayor Silva opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

Discussion was held on the hazards related to marijuana growing and manufacturing and the inability of cooperatives and dispensaries to use banks for their process.

A motion was made to perform the first reading of Ordinance No. 16-05, with the second reading waived, by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

Director of Public Works Gonzalez summarized the report.

Discussion was held on street lights on Oller Avenue turning on at different times, this being related to the minor differences in the photocells; the lights in Rojas-Pierce basketball court being on late; dust problems related to the street sweeper; and the street light near the concession stand being changed recently.

2. City Attorney

a) Update

City Attorney Kinsey reported on being in contact with underwriter concerning bond redemption; the Council's emphasis on communication between staff and Council, including ensuring compliance with the law, with the possibility of doing a workshop to help foster more effective communication.

Discussion was held on ensuring that the City keeps proper records; the water use reductions that cities will be required to make; and the wells that the City has.

3. City Manager

City Manager DiMaggio stated that the Community Relations Board meeting will be held on May 25th at FCI Mendota; reported on a meeting with Council of Governments staff and representatives to express displeasure with the allocation of RSTP funds; the City Council budget meetings that will be held on May 31st from 3pm- 5 pm to discuss the Enterprise Funds and June 7th from 3 p.m. – 5 p.m. to discuss the General Fund; approving the 2016-2017 Fiscal Year budget at the June 14th City Council meeting; shared his experience on a ride along that he participated in; and re-branding police vehicles in the future.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Councilor Castro reported on individuals parking illegally by a red curb in the Mendota Elementary School parking lot.

Councilor Amador emphasized on the importance of communication between staff and Council Members and stated that he desired to evaluate the City Manager and the City Attorney.

The City Attorney summarized the requirements of evaluating the City Manager and the City Attorney.

2. Mayor

Mayor Silva reported on the various meetings he had attended recently.

At 10:25 p.m. Councilor Amador left the Council Chambers.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 10:26 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Riofrío; unanimously approved (4 ayes, absent: Amador).

Robert Silva, Mayor

ATTEST:

Matt Flood, City Clerk

CITY OF MENDOTA
CASH DISBURSEMENTS
05/24/2016-06/08/2016
Check # 041012 - 041081

Date	Check #	Amount	Vendor	Department	Description
May 24, 2016	41012	\$380.14	AFLAC	GENERAL	AFLAC INSURANCE FOR JUNE 2016
May 24, 2016	41013	\$26,585.94	BLUE SHIELD OF CALIFORNIA	GENERAL	MEDICAL INSURANCE FOR JUNE 2016
May 24, 2016	41014	\$1,672.30	MUTUAL OF OMAHA	GENERAL	LIFE/AD&D/LTD&STD INSURANCE FOR JUNE 2016
May 27, 2016	41015	\$1,505.00	ADMINISTRATIVE SOLUTIONS INC	GENERAL	HRA ADMINISTRATION-MAY 2016, MEDICAL CHECK RUN 5/26/2016
May 27, 2016	41016	\$100.00	CALIFORNIA ASSOCIATION OF POLICE TRAINING	GENERAL	2016 CAPTO DUES C.TSARIS & M. PEREZ (PD)
May 27, 2016	41017	\$746.75	CONSOLIDATED ELECTRICAL DISTRIBUTORS	STREETS	LIGHT POLE ON DERRICK, WOOD LIGHT POLE ON QUINCE
May 27, 2016	41018	\$625.52	CORBIN WILLITS SY'S INC.	GENERAL- WATER-SEWER	ENHANCEMENT SERVICES FOR MOMS SOFTWARE-MAY 2016
May 27, 2016	41019	\$88.82	CROWN SERVICES	GENERAL-SEWER	TOILET 1XWK ENV FEE (PD) TOILET W/ SINK 1XWK RENT (WWTP)
May 27, 2016	41020	\$46.95	DATAMATIC INC.	WATER	MONTHLY SERVICE SOFTWARE MAINTENANCE FOR HANDHELDS - JUNE 2016
May 27, 2016	41021	\$420.00	DEPARTMENT OF JUSTICE	GENERAL	(12) BLOOD ALCOHOL ANALYSIS-APRIL 2016 (PD)
May 27, 2016	41022	\$216.00	FRESNO COUNTY SHERIFF	GENERAL	16 PRISONER PROCESSING SERVICES FOR APRIL 2016
May 27, 2016	41023	\$700.00	MOUNTAIN VALLY ENVIRONMENTAL SERVICES	SEWER	CVCWA CONFERENCE-SEWER PERMIT WASTE WATER
May 27, 2016	41024	\$991.99	PURCHASE POWER	GENERAL-WATER-SEWER	POSTAGE METER REFILL TRANSACTION FEE
May 27, 2016	41025	\$190.73	THE HOME DEPOT CREDIT SERVICES	WATER	3M HI VIZ 18 SAFETY VESTS FOR AOWP
May 27, 2016	41026	\$820.00	MENDOTA COMMUNITY CORPORATION	DONATIONS	PASS-THRU DONATIONS
May 27, 2016	41027	\$600.00	NICHOLS CONSULTING	GENERAL	FIRST INSTALLMENT LAW ENFORCEMENT CLAIMS (PD)
June 1, 2016	41028	\$100,331.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 5/16/2016 THRU 05/29/2016
June 8, 2016	41029	\$112.50	CENTRAL VALLEY CLEAN WATER ASSOCIATION	SEWER	MEMBERSHIP 7/1/2016 - 06/30/2016
June 8, 2016	41030	\$788.71	BANKCARD CENTER	GENERAL-SEWER	CREDIT CARD EXPENSES - 05/30/2016 - 05/11/2016. LEAGUE OF CALIFORNIA CITIES, CONFERENCING, AMAZON MARKET PLACE, LOGO&TEAM
June 8, 2016	41031	\$2,625.00	ACQUISITION PARTNERS OF AMERICA	GENERAL	MONTHLY RETAINER GRANT CONSULTING JUNE 2016
June 8, 2016	41032	\$1,330.00	ADMINISTRATIVE SOLUTIONS INC	GENERAL	MONTHLY MEDICAL CHECK RUN 6/6/2016, MONTHLY MEDICAL FEES-JUNE 2016
June 8, 2016	41033	\$76.09	ADT SECURITY SERVICES	GENERAL-WATER-SEWER	SECURITY SERVICES 6/11/16 - 07/12/2016
June 8, 2016	41034	\$772.34	ALERT-O-LITE	STREETS	STHL FS90 R STRING TRIMMER (2) RIGHT-A-WAY, PAVEMENT MARKER SINGLE TUBE 8.6
June 8, 2016	41035	\$1,272.00	AUTOMATED OFFICE SYSTEMS	GENERAL -WATER-SEWER	MAINTAINANCE CONTRACT COLOR/B&W COPES (CITY HALL & PD)

**CITY OF MENDOTA
CASH DISBURSEMENTS
05/24/2016-06/08/2016
Check # 041012 - 041081**

June 8, 2016	41036	\$2,076.01	AT&T	GENERAL	POLICE DEPARTMENT DISPATCH PHONE (PD)
June 8, 2016	41037	\$412.90	AT&T MOBILITY	GENERAL	AIRCARDS FOR PD 4/20/2016 - 05/19/2016
June 8, 2016	41038	\$108.20	BATTERIES BULBS PLUS	SEWER	12V LEAD DURA BACK UP BATTERY FOR WWTP
June 8, 2016	41039	\$1,944.95	BEST UNIFORM	GENERAL	BADGE HOLDER, HANDCUFF CASE, TIE, TIE BAR (K.SMITH),BELT CASE,EAR PIECE S/S SHIRTS AND PANTS (J.ARCIGA) (PD)
June 8, 2016	41040	\$1,019.50	BSK ASSOCIATES	WATER-SEWER	GENERAL EDT WATER TREATMENT AND DISTRIBUTION, MONTHLY WASTWATER ANALYSES,WEEKLY WASTEWATER ANALYSES
June 8, 2016	41041	\$309.42	COLONIAL LIFE	GENERAL	COLONIAL INSURANCE FOR JUNE 2016
June 8, 2016	41042	\$81.25	COMCAST	GENERAL-WATER-SEWER	XFINITY TV FOR 05/26/2016 - 06/25/2016
June 8, 2016	41043	VOID	VOID		
June 8, 2016	41044	\$1,270.00	CORRPRO WATERWORKS	WATER	INSPECTION SERVICES - MENDOTA NORTH AND SOUTH TANKS
June 8, 2016	41045	\$600.00	D&D DISPOSAL INC	GENERAL	FREEZER PICK-UPS 5/17/2016
June 8, 2016	41046	\$2,112.43	ESC INDUSTRIES, INC	SEWER	(2) WASTEWATER AERATORS -T2 POND
June 8, 2016	41047	\$418.50	DAVID FIKE	GENERAL	SPECIAL SERVICES FOR MAY 2016
June 8, 2016	41048	\$8,750.00	FIREBAUGH POLICE DEPARTMENT	GENERAL	POLICE DISPATCH SERVICE 5/1/2016 THRU 05/31/2016
June 8, 2016	41049	\$900.00	FORENSIC NURSE SPECIALIST INC.	GENERAL	FRESNO SART CASE #16-904 (PD)
June 8, 2016	41050	\$130.80	FRESNO COUNTY SHERIFF	GENERAL	RMS JMS ACCESS FEE FOR MAY 2016 (PD)
June 8, 2016	41051	\$434.00	FRESNO MOBILE RADIO INC.	GENERAL	(31) POLICE RADIOS FOR MAY 2016 (PD)
June 8, 2016	41052	\$8,433.75	GIERSCH & ASSOCIATES INC.	WATER-SEWER	LOZANO LIFT STATION-DESIGN AND ENGINEERING SERVICES WTP CHEM FEED PROJECT DEVELOPMENT FOR 3/21/2016
June 8, 2016	41053	\$525.00	GONZALEZ TRANSPORT INC.	STREETS	FREIGHT CHARGE PER HOUR GRANITE CONSTRUCTION-BASEROCK
June 8, 2016	41054	\$531.94	GRANITE CONSTRUCTION	STREETS	CAL TRANS CLASS 2 AB QTY:46.81-MATERIAL
June 8, 2016	41055	\$405.52	HYATT REGENCY	GENERAL	HOTEL FOR LEAGUE OF CALIFORNIA CITIES EXECUTIVE (R.SILVA)
June 8, 2016	41056	\$100.00	JUDICIAL DATA SYSTEMS	GENERAL	PARKING ACTIVITY - APRIL 2016 (13)
June 8, 2016	41057	\$546.00	JOBS AVAILABLE INC	WATER-SEWER	DISPLAY- ASSISTANT PUBLIC WORKS DIRECTOR
June 8, 2016	41058	\$747.00	KERWEST INC. DBA	GENERAL	LEGAL NOTICES-LOCAL SUMMARY OF REZONING,LEGAL NOTICE TO ADOPT NEGATIVE DECLARATION
June 8, 2016	41059	\$7,574.19	MADERA PUMPS	WATER	FLAT SUB CABLE, SPLICE KIT,SHROUD & CAP, PUMP & MOTOR
June 8, 2016	41060	\$2,207.50	MID VALLEY DISPOSAL INC	REFUSE-STREETS	10 YARD ROLL OFF EXCHANGE (3) 30 YARD ROLLOFF EXCHANGE (1) 40 YARD ROLL OFF EXCHANGE

CITY OF MENDOTA
CASH DISBURSEMENTS
05/24/2016-06/08/2016
Check # 041012 - 041081

June 8, 2016	41061	\$6,000.00	MOUNTAIN VALLY ENVIRONMENTAL SERVICES	WATER-SEWER	WATER TREATMENT AND DISTRIBUTION - JULY 2016
June 8, 2016	41062	\$327.99	NISSAN MOTOR ACCEPTANCE CORPORATION	GENERAL-WATER-SEWER	MONTHLY LEASE PAYMENT-2016 NISSAN - JUNE 2016
June 8, 2016	41063	\$2,084.43	NORTH STAR CHEMICAL	WATER	625 UNITS OF SODIUM HYPOCHLORITE 12.5 ML A 50513
June 8, 2016	41064	\$533.73	OFFICE DEPOT	GENERAL-WATER-SEWER	3 RING HOLE PUNCHER, PAPER, OFFICE DUSTER, WASTEBASKET, FINGER PAD SURE GRIP, TISSUE, TAPE, SCREEN WIPES, PASTEL PAPER
June 8, 2016	41065	\$202.30	AT&T	GENERAL-WATER-SEWER	MONTHLY SERVICE FOR 05/26/2016 - 06/25/2016
June 8, 2016	41066	\$51,510.89	PG&E	GENERAL-WATER-SEWER-STREETS	CITY WIDE UTILITIES 04/18/2016 - 05/16/2016
June 8, 2016	41067	\$29,705.22	PROVOST & PRITCHARD	GENERAL-WATER-SEWER	PASS-THRU PLAN CHECK AND INSPECTION 1178 OLLER, PARCEL MAP 825 NAPLES SERVICES FOR APRIL 2016, CONTRACT SERVICES 2015-16 CDBG WP
June 8, 2016	41068	\$3,208.37	QUINN COMPANY	WATER	BACK UP GENERATOR AT WELLS, MAINTENANCE FOR BACK UP GENERATOR AT CITY HALL, BACK UP GENERATOR AT WWTP,
June 8, 2016	41069	\$835.42	R&B COMPANY	WATER	ROF BUNA PILOT SPRING (WTP), TRAFFIC VALVE BOX, CI LID MK:WATER, (1) NEOPRENE GASKET 1/6 (WTP)
June 8, 2016	41070	\$1,029.19	RAMON'S TIRE & AUTO SERVICE	GENERAL-WATER-STREETS	PRO SELECT OIL FILTER, MOTOR OIL, AIR FILTER (PD), TIRE REPAIR AND WHEEL BALANCE, FIRESTONE OTR TUBE AND TIRE REPAIR SERVICE CALL
June 8, 2016	41071	\$292.30	ROBERT SILVA	GENERAL	PER DIEM MILEAGE LEAGUE OF CALIFORNIA CITIES EXECUTIVE.
June 8, 2016	41072	\$490.30	TCM INVESTMENTS	GENERAL-WATER-SEWER	MPC5501 LEASE PAYMENT COPY MACHINE-CITY HALL, MPC3503 LEASE PAYMENT COPY MACHINE AT POLICE DEPARTMENT
June 8, 2016	41073	\$575.00	TECH MASTER PEST MANAGEMENT	GENERAL-WATER-SEWER	PEST CONTROL SERVICES-CITY HALL, SENIOR CENTER, YOUTH CENTER, DMV, AND EDD
June 8, 2016	41074	\$473.54	THE GOODYEAR TIRE RUBBER COMPANY	GENERAL	(4) P235/55R17 98W EAGLE RD-A TIRES (PD)
June 8, 2016	41075	\$126.51	THOMASON TRACTOR COMPANY	STREETS-SEWER	LAMP FOR BACKHOE, V BELT FOR MOWER PART #5BP0067169
June 8, 2016	41076	VOID			
June 8, 2016	41077	\$64.70	USA BLUEBOOK	WATER	CONDUCTIVITY SOLUTION 500 ML
June 8, 2016	41078	\$44.50	VETERINARY MEDICAL CENTER	GENERAL	(2) CITY EUTHANASIA (1) MEDICAL WASTE FEE
June 8, 2016	41079	\$1,314.77	VULCAN MATERIALS COMPANY	STREETS	(10.9) 1/2 IN HMA TYPE ENVIRONMENTAL FEE
June 8, 2016	41080	\$10,717.28	WAGNER JONES HELSLEY PC ATTORNEYS	GENERAL	LEGAL SERVICES-TERTIARY TREATMENT FACILITY MAY 2016, SPECIAL LEGAL SERVICES 4/18/2016 - 05/16/2016 - MONTHLY RETAINER
June 8, 2016	41081	\$55.80	WECO	GENERAL-WATER-SEWER	(2) ACETYLENE #4 (4) OXYGENE RENTALS MAY 2016
	TOTAL	\$275,001.20			

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILORS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: APPOINTMENT OF ALTERNATE PLANNING COMMISSIONER
DATE: JUNE 14, 2016

ISSUE

Shall the Council appoint Jonathan Leiva as an alternate Planning Commissioner?

BACKGROUND

The Planning Commission had a recent vacancy due to a Commissioner not attending the required number of meetings pursuant to Mendota Municipal Code (MMC) 2.36.025. Pursuant to MMC 2.36.080(B), if a vacancy occurs, the current alternate is appointed to fill the vacancy and a new alternate is to be chosen.

Ramiro Espinoza, as the previous alternate, has filled that seat and the City Council needs to appoint a new alternate.

Pursuant to California law, a notice was posted notifying the public of the vacancies, the term of the offices for appointment, and the location of the application that is required to be filled out. Staff received one application, which is attached.

ANALYSIS

The alternate will act as a member of the Planning Commission, as he or she may participate and discuss an item at a meeting, as well as be called upon at any time to sit and vote as a member of the Commission for all or part of any meeting. This includes the possibility of such cases as him or her sitting to vote on only one item at a meeting due to the absence or conflict recusal of a regular Planning Commissioner.

Contrary to the procedure for regular members of the Planning Commission, which are appointed by the Mayor and approved by the Council, the alternate is appointed by the Council as a body (MMC 2.36.020(B)).

FISCAL IMPACT

None.

RECOMMENDATION

Council appoint a Mendota resident to serve as an alternate member of the Planning Commission.



CITY OF MENDOTA
643 QUINCE STREET
MENDOTA, CA 93640
(559) 655-3291



APPLICATION FOR MEMBERSHIP ON A CITY OF MENDOTA
BOARD, COMMISSION OR COMMITTEE

Name of Board or Committee: Planning Commission

Applicants' name: Jonathan R. Leiva

Address: 638 N. Juanita St.

Telephone number: 559-382-8026

Present occupation: Medical Assistant / Food Service Cook

Number of years as a Mendota resident: 29

Memberships:

Are you a member of any other community boards, commissions or committees? Yes No

If yes please provide list: _____

At the initial formation of the committee you have the option of a 2 year or 4 year term, please select which you would like to serve. 2 years _____ 4 years _____
(Not Applicable for the Planning Commission. Commissioners serve 4 year terms).

Education:

Please state the highest year of school completed 12th

Please state any special areas of study, work experience or special area of interest that may be of value to this committee:

Certification in Medical Assisting, work experience in healthcare (4 years),
Customer Service (7 years).
I have a growing interest in serving our community and will to
collaborate as a member of the Planning Commission during this growing phase
of our community.

Please give a brief statement of your views related to the business of this committee and why you would like to be a member.

I would like to offer my unbiased approach and interest in with the objective to contribute/collaborate in giving back to our community in form of serving on the planning commission.

Signature of Applicant: [Signature] Date: 5/24/16

Accepted:

Signature of City Clerk: [Signature] Time: 4:56 pm
Date: 5/24/2016 [Signature]

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: ERIKA CASTILLO, ADMINISTRATIVE ASSISTANT
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: FIREWORKS STAND PERMITS
DATE: JUNE 14, 2016

BACKGROUND

This item is ministerial in nature: the Mendota Municipal Code (MMC) permits non-profit organizations to have fireworks stands as long as they meet the requirements set forth in Chapter 8.12. Applications were due May 31st 2016 by the end of the day, and staff received a total of five applications.

Attached is a table with the basic information for Council's consideration.

FISCAL IMPACT

None.

RECOMMENDATION

Council to approve the five fireworks stand permit applications shown in Exhibit A.

Exhibit A

CITY OF MENDOTA FIREWORK APPLICATIONS 2016

ORGANIZATION NAME	LOCATION REQUESTED	CONTACT PERSON	CONTACT PHONE NUMBER
Christian Life Tabernacle	511 Oller Street	Emma Plascencia	(559)916-2989
Mendota Youth Recreation	690 Oller Street	Sergio Valdez	(559)647-4043
Westside Youth Inc.	1709 7th Street	Rosemary Gomez	(559)655-4808
Rivers Of Living Waters	457 Derrick Avenue	John Flores	(559)217-4393
Mendota Pentecostal Church of God	580 Derrick Avenue	Rebecca Garcia	(559)250-4661

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
VIA: VINCE DIMAGGIO, CITY MANAGER
FROM: NANCY M. DIAZ, FINANCE ADMINISTRATIVE SUPERVISOR
SUBJECT: RESOLUTION 16-39 – APPROVING MERCHANT SERVICES WITH WESTAMERICA BANK AND THE CREDIT CARD PARTICIPANT’S CORPORATE RESOLUTIONS
DATE: JUNE 10, 2016

ISSUE

Should the City Council approve the attached Resolution 16-39 and Exhibit A to approve the Merchant Services with Westamerica Bank and the Credit Card Participant’s Corporate Resolutions?

BACKGROUND

The City of Mendota accepts cash, cashier’s checks, money orders and checks as forms of payment for any and all services for the City of Mendota. Westamerica Bank has Merchant Services which will allow the City to accept credit and/or debit card payments for services at a cost to each customer.

ANALYSIS

Given that Staff receives inquiries from the public, if credit or debit card payments are an acceptable form of payment, the City should offer the option to accept credit or debit card payments. Westamerica Bank charges a fee per transaction. The cost per transaction is \$3.00. The \$3.00 charge is a pass-through fee payable to Westamerica Bank. The City will not benefit in any revenues. The only benefit will be of convenience to the customer by offering this option.

FISCAL IMPACT

\$75.00 – Initial Set-up fee (One-time charge)
\$476.19 – Equipment (One-time charge)
\$25.00 – Annual Charge for Merchant Services
\$10.00 – Monthly Charge for Merchant Services (Fee waived if you exceed \$2,500.00 in transactions)

RECOMMENDATION

Council to approve Resolution 16-39 to approve the Merchant Services with Westamerica Bank and the Credit Card Participant’s Corporate Resolutions as attached in Exhibit A.

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

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MENDOTA APPROVING
MERCHANT SERVICES WITH WESTAMERICA
BANK AND AUTHORIZING THE REQUIRED
EXECUTION OF ALL REQUIRED DOCUMENTS**

RESOLUTION NO. 16-39

WHEREAS, the City of Mendota accepts cash, money orders, cashier's checks and checks as forms of payment for any and all services for the City of Mendota; and

WHEREAS, technology permits the acceptance of payments by credit or debit card, a service that could be beneficial to the public; and

WHEREAS, the City of Mendota has all of its accounts with Westamerica Bank, who provides a variety of merchant services; and

WHEREAS, Westamerica Bank provides a credit/debit card processing service; and

WHEREAS, Westamerica Bank has provided the City of Mendota with a draft Merchant Services Agreement to enable the City to provide its citizens with access to payment by credit or debit card, a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota approves the Merchant Services Agreement as required by Westamerica Bank and authorizes the City Manager or his designee to execute the Credit Card Participant's Corporate Resolutions, in the substantial for presented as Exhibit A, subject to such reasonable modifications, revisions, additions and deletions as he may approve prior to execution, and all other documents necessary for implementation of such services.

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 14th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

RESOLVED, that the President or any Vice President or the Secretary or the Treasurer or _____ of this corporation be and he/she hereby is authorized for and on behalf of this corporation to enter into such agreement or agreements with WESTAMERICA BANK, and to take such other action relating to said agreement or agreements, as any such officer may from time to time deem appropriate in connection with the participation by this corporation in the VISA and MasterCard program(s) described in the Merchant Agreement.

FURTHER RESOLVED, that this corporation is hereby authorized to deliver sales drafts, credit memoranda and other instruments to WESTAMERICA BANK pursuant to said agreement or agreements.

I, _____, (Title) _____ of _____, a _____ corporation, do hereby certify and declare that the foregoing is a full, true and correct copy of resolutions duly passed and adopted by the Board of Directors of said corporation and that said resolutions are now in full force and effect.

I do hereby further certify that the following are the present incumbents of the offices in this corporation indicated below their names and that the signatures set opposite their names are the true and genuine signatures of such officers:

Name: _____

Signature: _____

Title: _____

Name: _____

Signature: _____

Title: _____

Name: _____

Signature: _____

Title: _____

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: AMENDING THE SALARY SCHEDULE FOR THE CHIEF PLANT OPERATOR AND FINANCE DIRECTOR POSITIONS.
DATE: JUNE 14, 2016

BACKGROUND

In reviewing positions within the Public Utilities Department, a discrepancy was noticed in the salary schedule of the Chief Plant Operator position. The salary level for the Public Works Superintendent position overlapped in places with the higher level Chief Plant Operator position.

Presently, there is no on-staff Chief Plant Operator; the City contracts with an outside company for this position. However, if in the future, a staff member should qualify to be considered for this position, the schedule needs to be properly aligned in the overall department salary schedule, and not inappropriately overlapping with a lower level position.

Additionally, the Finance Director's salary schedule has remained unchanged for the last six years and as a result has fallen behind the peer group.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution adjusting the salary schedules for the Chief Plant Operator and Finance Director positions.

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AMENDING
THE SALARY SCHEDULE FOR THE
POSITIONS OF FINANCE DIRECTOR
AND CHIEF PLANT OPERATOR**

RESOLUTION NO. 16-42

WHEREAS, the Finance Director position is presently responsible for daily administration of the City’s budget, preparation of the City’s budget for both the General Fund and Enterprise Funds and to serve as City Manager in the absence of the City Manager; and

WHEREAS, the Chief Plant Operator is currently a vacant position and if filled, the position is responsible for the operation and maintenance of the City’s water treatment plant and waste water treatment plant and to ensure City compliance with state laws relating to same; and

WHEREAS, it was discovered that Mendota’s salary schedule for the Finance Director and Chief Plant Operator positions were significantly lower when compared the salaries of the same position in other cities in Fresno County; and

WHEREAS, this issue was presented to the City Council during the City Council meeting to consider the City’s budget; and

WHEREAS, staff analyzed similar positions in other organizations and established the following salary schedules:

Finance Director Revised Salary Schedule

Step	1	2	3	4	5
Hourly Rate	\$40.5400	\$42.5670	\$44.6953	\$46.9301	\$49.2766
Annually	\$84,323.20	\$88,539.36	\$92,966.22	\$97,614.60	\$102,495.32

Chief Plant Operator Revised Salary Schedule

Step	1	2	3	4	5
Hourly Rate	\$29.9237	\$31.4198	\$32.9908	\$34.6403	\$36.3723
Annually	\$62,241.29	\$65,353.18	\$68,620.86	\$72,051.82	\$75,653.76

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota to amend the salary schedules for the positions of Finance Director and Chief Plant Operator as shown herein.

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 14th day of May, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, 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: AUTHORIZE SUBMITTAL OF A GRANT APPLICATION TO THE FRESNO COUNTY COUNCIL OF GOVERNMENTS FOR ADVANCED NEW TECHNOLOGY FUNDS IN PARTNERSHIP WITH THE CITY OF REEDLEY, REEDLEY COLLEGE, CALSTART, AND MAZZEI FLYING SERVICE FOR AN ELECTRIC AIRCRAFT FLIGHT TRAINING PROGRAM
DATE: JUNE 14, 2016

ISSUE

Should the City Council authorize the approval of Resolution No. 16-40 submittal of a grant application for Measure C New Technology Reserve Fund Grant Program?

BACKGROUND

The Fresno County Council of Governments (FCOG) has recently announced its call for grant applications for the Measure C New Technology funding. Some of the goals of this program are to help advance transit and transportation systems that improve the region's air quality by reducing transportation related emissions.

A Joint effort between the City of Reedley, City of Mendota, Reedley College, CALSTART, and Mazzei Flying Service have collaborated on an innovative program to deploy the first production of electric aircraft in commercial flight training service within the nation and offered to students through Reedley College. The College intent is to expand its currently flight training program and provide students with the opportunity to obtain flight hours and aviation experience without impacting the air quality within the Central Valley.

ANALYSIS

Staff has analyzed the flight training program and feels there is an overall added benefit to each of the airports involved (Mendota, Reedley, Chandler, and Fresno International) by attracting private and public sector investments to the surrounding areas. Also, due to Mendota and Reedley having citizens that belong to disadvantage communities, students will be provided the opportunity to apply for scholarships to obtain flying experience at no cost or reduced cost and have the ability to achieve new career paths in life.

FISCAL IMPACT

The grant application is requesting \$1,071,348 in grant funds for equipment, electric charger installation, technical assistance, and low-income student assistance costs. The City of Mendota is not being asked to provide any out-of-pocket match for this grant. Any fiscal impact to the City will be clearly articulated to the City Council at the time that approval of the grant award is brought to the Council, if successful.

RECOMMENDATION

Staff recommends for the City Council authorize the approval of Resolution No. 16-40 submittal of a grant application for Measure C New Technology Reserve Fund Grant Program.



995 North Reed Avenue, Reedley, CA 93654 Phone: 559-638-3641 FAX: 559-638-5040 www.reedleycollege.edu

May 27, 2016

Fresno Council of Governments

2035 Tulare Street, Suite 201

Fresno, CA 93721

Letter of Commitment for the Sustainable Aviation Project

Dear Ms. Arnest,

Reedley College is committed to participate in the Sustainable Aviation Project that serves Fresno County at large. Faculty in our Aviation Maintenance Technology program have written extensive new curriculum in collaboration with flight instructors from Mazzei Flying Service that includes Flight Science and Private Pilot training. The aircraft proposed for purchase in this project will support this new work and operate out of four airports in Fresno County; Fresno Chandler Executive Airport (KFCH) in southwest Fresno, Reedley Municipal Airport (KO32) in Reedley, Mendota Municipal Airport (KM90) in Mendota, and Fresno Yosemite International Airport (KFAT) in Fresno.

Working with and training in electric aircraft would be a very exciting opportunity for our students. Using electric airplanes for this project sets an excellent example for the Central San Joaquin Valley. CNG buses are already serving students that travel from the rural communities to our campus and electric buses are used by Kings Canyon Unified School District for quite a few years now. The use of electric airplanes will push the highly polluted Central Valley even further to the forefront as an example for the entire state in deployment of electrified transportation technology.

Reedley College is excited not only to be a partner in this Sustainable Aviation Project but committed to provide in-kind funding by recruiting and hiring faculty for the Flight Science program that will lead to a Certificate and to an Associate Degree so that our students obtain gainful employment in the aviation industry. We estimate this in-kind funding will be at least \$200,000 over the ten year term for the project. Employment data show that there is a significant pilot shortage nationwide. Many students in the disadvantaged rural communities and also many veterans have expressed interest in our new Flight Science program. The Sustainable Aviation Project would give the Flight Science program an even higher degree of attraction because the flight lessons can be taken at a much lower cost since electricity is so much cheaper than aviation gasoline.

Reedley College urges the Fresno Council of Governments to fund the project to promote advanced transportation technology, reduce air pollution, and help significantly improve the labor market for the students of the Central Valley.

Sincerely,

Mr. Jan Dekker

A handwritten signature in black ink, appearing to read 'Jan Dekker', with a horizontal line underneath.

Vice President of Instruction

State Center Community College District
EQUAL OPPORTUNITY EMPLOYER



June 1, 2016

Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721

Letter of Commitment for the Sustainable Aviation Project

Dear Ms. Arnest,

Golden Eagle Enterprises, Inc. dba Mazzei Flying Service is committed to participate in the Sustainable Aviation Project that serves all of Fresno County. Working in collaboration with faculty in the Reedley College Aviation Maintenance Technology program, we have written extensive new curriculum for a new Flight Science Pilot training program designed to serve veterans and youth in disadvantaged communities in Fresno County. The aircraft proposed for purchase in this project will support this new work and operate out of four airports in Fresno County; Fresno Chandler Executive Airport (KFCH) in southwest Fresno, Reedley Municipal Airport (KO32) in Reedley, Mendota Municipal Airport (KM90) in Mendota, and Fresno Yosemite International Airport (KFAT) in Fresno.

Working with and training in electric aircraft would be a very exciting opportunity for our students and open the door for more students to seek aviation as a career by lowering the cost of aircraft operation through electric propulsion. Using electric airplanes for this project not only lowers cost, but also reduces emissions, validates electric propulsion for all transportation modes, and sets an excellent example for the Central San Joaquin Valley. In addition, the project showcases the Valley to the rest of the world as an emerging center for innovation in developing sustainable aviation.

Mazzei Flying Service is excited not only to be a partner in the Sustainable Aviation Project but is committed to provide in-kind funding through the operation and maintenance of the aircraft and providing the flight instructors for the Reedley College Flight Science program. That program will lead to a Certificate and to an Associate Degree so that the students may obtain gainful employment in the aviation industry. We estimate this in-kind funding will be at least \$1,449,000 over the ten year term for the project. Employment data show that there is a significant pilot shortage nationwide. Many students in the disadvantaged rural communities and also many veterans have expressed interest in our new Flight Science program. The Sustainable Aviation Project would give the Reedley College Flight Science program an even higher degree of attraction because it would be the first flight training program in the United States to use electric aircraft and would set the standard for such programs in other regions for the future.

Mazzei Flying Service urges the Fresno Council of Governments to fund the project to promote advanced transportation technology, reduce air pollution, and help improve the labor market for the students of the San Joaquin Valley.

Sincerely,

A handwritten signature in blue ink that reads "Mark Addis". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Mark Addis
Owner & President
Golden Eagle Enterprises, Inc.
Mazzei Flying Service

**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 SUBMITTAL OF A GRANT APPLICATION
TO FRESNO COUNTY COUNCIL OF GOVERNMENT
FOR PARTNERSHIP WITH REEDLEY COLLEGE,
CITY OF REEDLEY, CALSTART, AND MAZZEI
FLYINGSERVICES FOR THE ELECTRIC AIRCRAFT
FLIGHT TRAINING SERVICE PROJECT**

RESOLUTION NO. 16-37

WHEREAS, In 2006 Fresno County voters approved the extension of Measure C funding for improvements of local roadways by repairing potholes and paving streets and sidewalks and environmental enhancement programs; and

WHEREAS, Fresno Council of Governments (FCOG) is responsible for the implementation of several Measure C programs including the Measure C New Technology Reserve Grant Program; and

WHEREAS, FCOG announced its call for grant projects for fiscal year 2016/17 and \$10,000,000 is available for the award cycle for Measure C New Technology Programs; and

WHEREAS, The City of Mendota, City of Reedley, Reedley College, CALSTART, and Mazzei Flying Service have collaborated on an innovative project to bring in electric aircrafts for commercial flight training through Reedley College and provide students with flight experience with reduced air emission aircrafts to achieve long-term air quality benefits (the "Proposed Project");

WHEREAS, the City of Mendota and participates are requesting a total of \$1,071,348 in grants funds for equipment, technical assistance, electric charger installation, and low-income student assistance costs related to the Proposed Project, including costs related to the deployment of the first electric aircraft flight training program within the nation.

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

1. That the City Council of the City of Mendota does hereby approve the submission of the materials necessary to submit a grant application to the Measure C New Technology Programs for fiscal year 2016/17 for the Proposed Project; and

2. That the City Manager is authorized to execute any and all additional documents as may be required to accomplish and obtaining a grant from the Measure C New Technology Programs for the fiscal year 2016/17 for the Proposed Project.

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 14th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: CONSIDER RETAINING TOWNSEND PUBLIC AFFAIRS AS THE CITY'S GRANT WRITERS
DATE: JUNE 14, 2016

BACKGROUND

The City recently ended its contractual relationship with its previous grant writer and is in a position to consider new proposals at this time. For the last several months, Townsend Public Affairs has asked for the opportunity to compete for the City's grant writing business.

Townsend's proposal, attached for your review, proposes the same retainer as the previous grant writing firm, but adds state and federal lobbying as services included in the monthly retainer.

Representatives from Townsend are scheduled to be present to make a brief presentation of their services and answer any questions.

RECOMMENDATION

Staff recommends that the City Council approve the attached resolution retaining Townsend Public Affairs as the City's grant writing consultants.



**Proposal for Grant Writing and
Lobbying Services**

November 19, 2015

WWW.TOWNSENDPA.COM

**SACRAMENTO • WASHINGTON, DC
CENTRAL CALIFORNIA • SOUTHERN CALIFORNIA
NORTHERN CALIFORNIA**

TOWNSEND
PUBLIC AFFAIRS
EST TPA 1998

November 19, 2015

Vince DiMaggio, City Manager
City of Mendota
643 Quince St.
Mendota, CA 93640

Dear Mr. DiMaggio:

Thank you for the opportunity for Townsend Public Affairs, Inc. ("TPA") to submit our proposal for Grant Writing and Lobbying Services to the City of Mendota ("City").

Since its inception in 1998, TPA has earned the reputation of providing the experience, resources, and political network expected from a premiere advocacy and grant writing firm while also giving clients the unique brand of customer service they deserve: personal attention, accessibility, and passion for their mission.

TPA uses a proven strategy for managing client advocacy that is tailored to leverage the unique strengths of the City in combination with our expertise and network to achieve legislative and regulatory results as well as establish meaningful, knowledgeable, and lasting relationships for the City with the ever-changing members of the State and Federal Legislature, Executive Branch and the Governor's Administration.

TPA also has a proven track record to create, identify, and win grants from a variety of funding sources. Our ability to secure nearly **\$930 million** in competitive grants for our clients from federal, state, and regional government agencies, as well private foundations, is a result of the breadth and depth of our experience as dedicated grant writers and funding advocates across a wide range of issues. The goal of our comprehensive approach is to ensure the successful pursuit of the City's federal, state and local legislative and funding agendas.

Thank you again for your interest and consideration of our firm. Please contact us if you have any questions or need additional information. We would be honored to serve the City of Mendota.

Yours truly,



Christopher Townsend
President

INTRODUCTION

TPA is a grant writing and lobbying firm that provides federal, state, regional, and local advocacy services to its clientele of local public agencies and non-profit organizations.

- Founder/Owner/President: Christopher Townsend
- Longevity: 17 years (founded in 1998)
- Number of Employees: 17
- Number of Registered Federal and State Lobbyists: 13
- Funding Success: \$930 million in federal, state, regional, local, and private foundation grants
- Number of Offices: Five
 - TPA State Capitol Office, Sacramento
 - TPA Federal Office, Washington, DC
 - TPA Central Valley Office, Fresno
 - TPA Southern California Office, Newport Beach
 - TPA Northern California Office, Oakland
- Client Base: 80 Clients
 - Municipalities
 - Counties
 - Water and Sanitation Districts
 - Transportation Districts
 - K-12 School Districts
 - Community College Districts
 - Museums, Science Centers, and Cultural Facilities
- Areas of Specialization:
 - Local Governance (Cities, Counties, Special Districts)
 - Transportation Policy and Infrastructure
 - Water Policy and Infrastructure
 - Education Policy and Infrastructure
 - Housing and Economic Development
 - Public Safety/Homeland Security
 - Parks and Recreation
 - Community and Cultural Facilities
- Ranking by Revenue reported to the California Secretary of State:
 - 10th of 378 Firms Registered
 - 97th Percentile



EXPERIENCE

TPA has secured nearly **\$930 million** in public funding for clients for projects including, but not limited to, economic development, housing and development, infrastructure, public safety, parks and recreation, and water policy and infrastructure.

Cultural Resources	\$97.4 Million
Education	\$176.4 Million
Housing and Development	\$202.7 Million
Public Safety	\$50.6 Million
Recreation	\$66.7 Million
Redevelopment	\$66.0 Million
Transportation	\$219.2 Million
<u>Water</u>	<u>\$51.1 Million</u>
TOTAL	\$930.1 Million

TPA has extensive grant writing experience as exemplified by the following Central Valley examples that may be of particular interest to the City:

COMMUNITY/ECONOMIC DEVELOPMENT

- **Proposition 1C – Infill Infrastructure Grant** **\$121.2 Million**
TPA advocated for the development of the Infill Infrastructure Grant Program (\$850 million) to support the development of housing next to public transit and housing that reused existing sites. TPA also ensured that clients would qualify and compete favorably.
 - City of Bakersfield \$10,800,000
 - City of Dinuba \$2,400,000
 - City of Fresno \$3,006,433

TRANSPORTATION AND INFRASTRUCTURE DEVELOPMENT

- **Safe Routes to Schools Program** **\$5.5 Million**
TPA has secured \$5,585,570 in Safe Routes to Schools grants to fund pedestrian safety Infrastructure projects for clients including:
 - City of Fresno \$447,020
 - City of Merced \$779,490
 - City of Tulare \$156,500
 - County of Mariposa (2011) \$341,000



- o County of Mariposa (2012) \$448,000

PUBLIC SAFETY

TPA has successfully secured approximately **\$28,850,000** in funding through Community Oriented Policing Services grants for clients including:

- o City of Dinuba (2010) \$543,842
- o City of Dinuba (2015) \$125,000
- o City of Gustine \$202,489
- o City of Merced (2010) \$1,501,880
- o City of Merced (2011) \$320,471
- o City of Tulare \$1,174,592
- o City of Turlock \$500,000

- **Assistance to Firefighters Grant** **\$2.3 Million**

TPA has successfully secured \$2,341,263 in funding through Assistance to Firefighters grants for clients including:

- o City of Merced \$188,115
- o City of Tulare \$123,600

- **California Gang Reduction, Intervention and Prevention Initiative** **\$4.2 Million**

TPA has successfully secured \$4,257,693 in funding through California Gang Reduction, Intervention and Prevention (CalGRIP) grants for clients including:

- o City of Fresno \$400,000
- o City of Merced \$400,000

PARKS, RECREATION, AND THE ARTS

- **Proposition 84 – Local Parks Program** **\$39 Million**

TPA secured \$39 million in two rounds from the Proposition 84 Parks funding program. Some examples include:

- o City of Dinuba \$822,300
- o City of Merced \$2,619,740
- o City of Tulare \$1,108,048



ENERGY AND ENVIRONMENT

- **Department of Transportation** **\$800,000**
TPA secured nearly \$800,000 in funding for the expansion of the City of Dinuba compressed natural gas fueling facility. TPA worked with Congressional staff to highlight the environmental benefits and improved air quality such an expansion project would bring to the region, followed by direct communications with Senator Boxer.

- **Buy America Waivers** **\$1.5 Million**
TPA advocacy effort results in 10 partial Buy America waivers worth \$1,566,036 for the Merced County Association of Governments. These waivers allowed five cities in Merced County to purchase 10 pollution-reducing vehicles.
 - City of Atwater \$131,272
 - City of Dos Palos \$94,000
 - City of Gustine \$94,000
 - City of Livingston \$110,662
 - City of Los Banos \$726,102

WATER

- **State Clean Water Revolving Fund** **\$3 Million**
TPA assisted in obtaining the maximum award for a disadvantaged community of \$3 million from the State Clean Water Revolving Fund. The funding was used to upgrade the City of Tehachapi’s aging wastewater treatment facility in 2011.

SCOPE OF WORK

DEVELOP A STRATEGIC LEGISLATIVE AND FUNDING AGENDA FOR THE CITY

Conduct Detailed Orientation: TPA uses an on-boarding protocol to develop a strategic plan for the City that is both carefully tailored to satisfy the needs of the clients as well as designed for maximum success in the legislative and funding environment. This on-boarding process ensures that TPA efforts on behalf the City with respect to federal and state legislative and grant funding opportunities accurately and effectively align with the City's priority projects.

1. Immediately after the execution of the contract, a day will be scheduled for TPA to visit the City to receive a detailed orientation of the City's upcoming legislative and grant funding issues and needs. Meetings can be conducted in larger groups or a series of individual sessions, and would include, but not be limited to, any of the following teams as directed by the City Manager:
 - City Manager, Council Members, and Executive Staff;
 - Department heads and their colleagues;
 - Other key stakeholders as identified.

2. The goal of the initial day of on-boarding is to identify and educate TPA regarding the issues of the City, including but not limited to:
 - Urgent matters of legislation/regulation that require immediate attention;
 - Specific priority projects;
 - Funding needs;
 - Comprehensive long-term legislative and funding plans;
 - Visionary concepts and ideas for capture and incorporation.

3. Upon conclusion of this orientation session, TPA will meet internally to conduct further research and analysis to generate opportunities for the City's strategic legislative and funding advocacy plan, including but not limited to:
 - The City's federal and state legislative platform;
 - The City's funding needs and priority projects;
 - Specific issues and solutions previously identified by the City;
 - Additional solutions to specific issues as identified by TPA;
 - Additional opportunities that were not previously identified but relate to the City's agenda for consideration;
 - Grants matrix that aligns City priority projects and funding needs with relevant opportunities;
 - Any major funding opportunities that TPA wants to ensure the City is aware.



4. TPA and the City will then reconvene to review the preliminary menu of ideas, options, and opportunities recommended by TPA for consideration by the City, and conduct the following actions:
 - Select and prioritize items for pursuit;
 - Identify additional items for research and exploration for future consideration.
5. TPA will then meet internally to develop a specific advocacy plan for each of the items selected and prioritized by the City that will then be submitted to the City for final review, modification, and ratification.

IMPLEMENT THE STRATEGIC LEGISLATIVE AGENDA FOR THE CITY

1. **Develop Legislative Platform and Strategy:** Pursuant to the results of the On-Boarding process outlined above, TPA will coordinate with the City Manager and his designees to develop an official platform that represents the City's state and federal legislative priorities. The blueprint will be shared with key stakeholders in the state and federal legislatures and administrations. As the legislative session progresses and City needs evolve or change, the platform will be revised and implemented accordingly.
2. **Identify, Analyze, and Monitor Legislation:** TPA will search and review all legislative proposals and amendments, as well as proposed and adopted agency regulations, to assess their potential effect on the City, with particular focus given to legislative and regulatory issues previously identified to be of interest to the City. TPA will continually provide a legislative matrix of all such items that will include the summary and status of the bill as well as the City's position and action to date.
3. **Draft Legislation and Amendments:** TPA will draft proposed legislation and amendments as required to promote the City's agenda.
4. **Promote the City's Legislative Platform:** TPA will advocate for the City's position on legislative, regulatory, and programmatic matters of interest utilizing the following methods:
 - Preparation and distribution of position letters, talking points, and briefing packets
 - Orientation sessions with key legislators that represent the City
 - Direct briefing sessions with legislators, staff, administration, and agency officials of interest and relevance to the City's agenda
 - Preparation and submittal (written and verbal) of testimony on behalf of the City at legislative committee meetings and agency hearings
 - Focused advocacy on federal and state budget and appropriations opportunities
 - Ongoing follow-up sessions from previous meetings to ensure commitments and deliverables are being met
 - Constant communication and feedback with the City to ensure decisions and actions are made on a timely and effective basis
5. **Coordinate Federal and State Advocacy Trips:** In order to elevate the City's presence in Sacramento and Washington, DC, TPA will organize trips to both Capitols for City representatives (Council Members, City Manager, Executive Staff, Department Heads) to meet with local legislators, as well as legislators that serve on committees with purview over City-related municipal issues. To ensure these trips are successful, TPA will set up strategy calls, schedule meetings, prepare briefing materials, brief Members and Staff in advance, attending meetings, and handle all follow up generated by the meetings.

- 6. Strengthen and Maintain Relationships with Federal and California Legislature, Executive Branch, and Agencies:** TPA maintains strong working relationships with the Governor, Legislature, and Agencies of the state government that are most relevant to municipal interests; similar with relevant Members and Agencies in the federal government. TPA will leverage this extensive network of relationships not only to advance the immediate agenda of the City, but also to ensure the City has relevant relationships for effective long-term support of the City's agenda.
- 7. Provide Progress Reports:** TPA will confer regularly with the City on its agenda via a schedule and format mutually agreed to by the City and TPA. Furthermore, TPA will provide timely electronic reports on the status of legislation and related matters such as bill language and committee analyses. Depending upon the preference of the City, TPA can provide regular written reports on a monthly or quarterly basis, as well as an annual report giving an overview of the work completed and a forecast of important issues in the upcoming legislative year. In addition to written reports, TPA can be available for in-person reports as requested by the City Manager, as well as participate in regular planning and coordination meetings with the City.
- 8. Prepare and File State and Federal Lobbying Disclosure Reports:** TPA will prepare and file for the City all applicable lobbying disclosure reports as required by the California Secretary of State as well as federal lobbying disclosure reports with the Clerks of both houses of Congress.

SECURE FUNDING FOR THE PRIORITY PROJECTS OF THE CITY

- 1. Develop Grant Funding Strategy:** Pursuant to the results of the On-Boarding process outlined above, TPA will coordinate with the City Manager and his designees to develop a strategic funding strategy that serves the needs of the City's priority projects. The strategy developed by TPA will list the City projects, outline multiple funding options for each project, and develop a comprehensive work plan and timeline for each project.
- 2. Identify, Research, and Monitor Grant Funding Opportunities:** TPA will utilize list-serve subscription programs, funding workshops, agency canvassing, and other networking tactics to ensure every potential opportunity is identified and reviewed for relevance with the City's projects. TPA will then share these opportunities with the City for further assessment and determination if a grant application is warranted. The City will also receive a matrix grant programs that is updated regularly as new opportunities arise.
- 3. Grant Application Development and Submittal:** TPA will assist the City with the development, drafting, submission, and follow-up of their grant applications. This support will include strategic assistance such as letters of support from key stakeholders and other materials to make the application as compelling and competitive as possible. TPA will also leverage relationships with relevant officials in various funding agencies to ensure that City grant applications are aligned with the goals of the specific grant program and that the applications are well-crafted and well-positioned for funding.
- 4. Post-Award Grant Administration and Compliance:** TPA will also assist as needed with post-award administration and compliance for all grant applications submitted by TPA on behalf of the City. This includes interface with the granting agency, providing support as needed for the drafting and submission of required reports, evaluations, and other tasks. With respect to any proposal that is not awarded funds, TPA will follow-up with granting agencies to get feedback on how to prepare a more competitive and successful application for the next round of funding.

CLIENT SERVICE TEAM



Christopher Townsend, President

- 33 years of legislative and public policy experience and 18 years as the Founder and President of TPA
- Provides strategic guidance and advocacy support for every client, including municipalities
- Maintains relationship with Governor Jerry Brown dating back to his first campaign for Governor in 1974, his role as Chair of the California Democratic Party, and his tenure as Mayor of Oakland, where TPA served as his State advocacy firm
- Continues to add to his widespread network of bi-partisan relationships with Members of the Legislature, Administration, and their staff
- Expertise in funding public infrastructure, local governance, and natural resources



Richard Harmon, Central California Director

- 20 years of legislative and public policy experience
 - Director, Townsend Public Affairs
 - District 10 Director, California Department of Transportation
 - Deputy Director for Legislative and Local Government Affairs, California Department of Transportation
 - Chief of Staff, Assembly Member Bonnie Garcia
- Has represented 25 municipalities and counties during his six-year tenure at TPA
- Significant policy expertise in transportation policy, planning, and infrastructure (including CTC, Caltrans, HSR), local government, strategic growth council, and economic development
- Widespread bi-partisan relationships with the Administration, Members of the Legislature, and staff
- Responsible for significant State and federal grant funding wins for public entity clients throughout the State



Sharon Gonsalves, Senior Associate

- A decade of experience in State Capitol
 - Senior Associate, Townsend Public Affairs
 - Legislative Director, Senator Anthony Cannella
 - Capitol Director, Assembly Member Diane Harkey
 - Legislative Director, Assembly Member Bonnie Garcia
- Strong relationships with Members and Staff of the Legislature, State



Water Resources Control Board, Department of Water Resources, and California Water Commission

- Expertise in major issues including water policy and infrastructure, energy, natural resources, and agriculture



Gary Rogers, Associate

- Former educator with experience as a grant writer for consulting firms on behalf of local public agencies throughout California
- Secured millions in competitive dollars for public sector clients from federal, State, and private funding sources
- Provided grant funding services for numerous municipal clients throughout California in the funding areas of public safety, parks and recreation, water policy and infrastructure, transportation, energy, economic development, and housing and community development



Kristen Carpentier, Associate

- Expertise in grant writing and funding advocacy at the federal level
- Command of the federal legislative and regulatory process on behalf of public entity clients throughout California
- Management of the federal grant writing process, including the drafting and development of applications, submission, and follow up advocacy
- Policy experience in public safety, transportation, education, and water policy and infrastructure

Casey Elliott
State Capitol Director



Policy Expertise

- Municipal Strategies
- Water Policy & Infrastructure
- Community Facilities
- Economic Development

Niccolo De Luca
Senior Director



Policy Expertise

- Public Safety
- Parks & Recreation
- Municipal Legislation & Advocacy
- Cultural Resources
- Grant Writing

Cori Williams
Senior Associate



Policy Expertise

- Water Policy & Infrastructure
- Municipal Strategies
- Transportation
- Community Facilities
- Economic Development
- Grant Writing

Jessica Fernandez
Senior Associate



Policy Expertise

- Energy
- Housing & Community Development
- Education
- Grant Writing

Sophia Sadaat
Associate



Policy Expertise

- Municipal Legislation & Advocacy
- Housing & Economic Development
- Grant Writing

Chelsea Vongehr
Associate



Policy Expertise

- Housing & Economic Development
- Education
- Grant Writing
- Municipal Legislation

Alex Gibbs
Associate



Policy Expertise

- Municipal Legislation
- Municipal Advocacy
- Public Safety
- Labor Relations
- Grant Writing

Eric O'Donnell
Associate



Policy Expertise

- Water Policy & Infrastructure
- Municipal Legislation
- Natural Resources
- Grant Writing

FEE FOR SERVICES

Description of Services	Total Cost
Grant Writing and Lobbying Services	\$3,500 Per Month*
<ul style="list-style-type: none"> • Conduct Detailed Orientation 	Included
<ul style="list-style-type: none"> • Develop Legislative Platform and Strategy 	Included
<ul style="list-style-type: none"> • Identify, Analyze, and Monitor Legislation 	Included
<ul style="list-style-type: none"> • Draft Legislation and Amendments 	Included
<ul style="list-style-type: none"> • Promote the City’s Legislative Platform 	Included
<ul style="list-style-type: none"> • Coordinate Federal and State Advocacy Trips 	Included
<ul style="list-style-type: none"> • Strengthen and Maintain Relationships with Federal and California Legislature, Executive Branch, and Agencies 	Included
<ul style="list-style-type: none"> • Provide Progress Reports 	Included
<ul style="list-style-type: none"> • Prepare and File State and Federal Lobbying Disclosure Reports 	Included
<ul style="list-style-type: none"> • Develop Grant Funding Strategy 	Included
<ul style="list-style-type: none"> • Identify, Research, and Monitor Grant Funding Opportunities 	Included
<ul style="list-style-type: none"> • Grant Application Development and Submittal 	Included
<ul style="list-style-type: none"> • Post-Award Grant Administration and Compliance 	Included
<p><i>*The monthly fee includes all normal business expenses, materials, and travel costs</i></p>	



APPENDIX A: STATE LEGISLATIVE ACHIEVEMENTS

ISSUE	DESCRIPTION
AFFORDABLE HOUSING	<p>In 2010, TPA sponsored AB 1867 (Harkey) on behalf of the City of San Juan Capistrano which provides cities with additional opportunities to create affordable units through the RHNA process. The bill gives local government additional autonomy by allowing ownership units, not just rental units, to be rehabilitated and counted under the RHNA process. TPA was able to successfully work with the author, committee staff, and affordable housing advocates, to craft a measure that was beneficial to our client and could be supported by all parties. The bill was approved by the Legislature and then signed by the Governor.</p>
AIR QUALITY	<p>In 2007, TPA sponsored AB 1488 (Mendoza) on behalf of Worldwide Environmental Products. This measure required the Bureau of Automotive Repair to include light-weight diesel-powered vehicles manufactured after 1997 in the State's smog check program beginning in 2010. TPA worked closely with members of the Legislature, and key officials within the Administration, to ensure that this important measure successfully passed the Legislature and was signed by the Governor.</p>
CHARTER SCHOOL FACILITIES FUNDING	<p>In 2001, TPA in coalition with similar organizations, helped shape SB 740 (O'Connell) on behalf of several clients. This piece of legislation created the first state school facility grant program to benefit classroom-based public charter schools. SB 740 was ultimately crafted to ensure that not only schools with low-income student populations, but also schools in and benefiting low-income areas, would be eligible for the facility grant reimbursement.</p>
ENTERPRISE ZONE REGULATIONS	<p>In 2006, TPA worked in coalition with similar organizations, and on behalf of many of our clients to ensure the continuation of the Enterprise Zone program. This program provides tax credit benefits to employers who hire disadvantaged workers. TPA also successfully influenced changes to the Enterprise Zone program regulations and lobbied for legislative clarifications.</p>
HIGHER EDUCATION	<p>In 2008, TPA sponsored AB 2804 (Hayashi) on behalf of the Chabot-Las Positas Community College District. This measure added flexibility for community colleges participating in the California Solar Initiative for solar panel installation at community college sites.</p>
	<p>In 2012, TPA sponsored AB 2478 (Hayashi) on behalf of the Orange County Community College Legislative Task Force – a coalition comprised of the four community college districts in Orange County. The bill provided an incentive for veterans to attend community college in</p>



	<p>California by extending the length of time that veterans are able to access in-state tuition rates at California Community Colleges. The bill was pursued as a state solution in response to changes in federal law that would have severely restricted tuition benefits to veterans.</p>
<p>LOCAL GOVERNMENT</p>	<p>In 2007, TPA sponsored SB 558 (Cogdill) on behalf of the City of Fresno which clarified the complex laws regulating the transfer of the City’s water infrastructure to a newly formed special district. SB 558 was unanimously approved by the Legislature and secured the Governor’s signature.</p> <p>In 2008, TPA sponsored AB 2001 (Swanson), on behalf of the City of Oakland which allowed local governments to establish whistle-blower hotlines and additional provisions to protect their identity.</p> <p>In 2010, TPA was successful in amending AB 191 (Committee on Budget) on behalf of the City of Santa Ana, which exempted select cities from Highway User Tax Account (gas tax) deferrals, if the deferrals created a hardship for the city. This measure resulted in the State paying the City hundreds of thousands of dollars that would have otherwise been delayed under the provisions of the State budget.</p> <p>In 2011, TPA sponsored AB 184 (Swanson) on behalf of the City of Oakland. This bill gives local governments the authority to loan money to homeowners for seismic safety improvements. The bill makes seismic retrofits more affordable by providing homeowners with a financing option that removes much of the upfront expense. AB 184 enjoyed bi-partisan support in the Legislature and was one of the first bills signed by Governor Jerry Brown.</p> <p>In 2013, TPA sponsored AB 1144 (Hall) on behalf of the City of Carson authorized the City to establish a post-retirement medical program vesting schedule in accordance with the collective bargaining agreements reached between the City and their respective bargaining units. This measure helped the City of Carson address an otherwise unfunded liability, which was projected at \$48 million. Collaboration between Assembly Member Hall, the City, the local bargaining units, CalPERS, and the Legislature was crucial to the success of this legislation. TPA is proud to have played a guiding hand in strategically crafting this legislation and shepherding it through the legislative process.</p>
<p>LOCAL GOVERNMENT</p>	<p>In 2014, TPA sponsored AB 2292 (Bonta) for the City of San Leandro, which would allow the inclusion of broadband internet infrastructure in new infrastructure financing districts, which was of serious concern for</p>



	<p>future development by internet based technology companies in the area.</p> <p>In 2014, TPA sponsored SB 883 (Hancock) for the City of San Pablo and successfully secured \$3 million in legislative support for the Doctor's Medical Center in West Contra Costa County to remain open and continue to see emergency patients.</p> <p>In 2014, TPA sponsored SB 946 (Huff) on behalf of the Orange County Sanitation District (OCSD). SB 946 sought to amend the OCSD District Act by modifying the governing board of the district. This modification reflected an agreement between the City of Yorba Linda (City) and the Yorba Linda Water District (YLWD), which provided that the YLWD would assume all responsibility and liability for the lateral sewer lines within the City's boundaries. In coming to this agreement, the two entities also determined it would be appropriate to transfer governing board representation from the City to the YLWD. The OCSD has a governing board of 25 members, and provides service to approximately 2 million Orange County residents.</p> <p>In 2015, TPA sponsored AB 451 (Bonilla) on behalf of the City of Walnut Creek. AB 451 sought to enable cities and counties to adopt parking ordinances that best facilitate economic activity in their jurisdictions. The legislation clarifies the ability of cities and counties to authorize the regulation of private parking facilities by their owners and managers. TPA worked closely with Assembly Member Susan Bonilla to lead the coalition on this bill and secure the Governor's signature.</p>
<p>MILITARY BASE RE-USE</p>	<p>In 2001, TPA sponsored AB 212 (Correa) on behalf of the City of Santa Ana and the Santa Ana Unified School District. This bill provided the necessary leverage to end an ongoing dispute between concerned local government parties and led to a \$61 million mutually beneficial settlement.</p>
<p>PENSION BENEFITS REFORM</p> <p>PENSION BENEFITS REFORM</p>	<p>In 2014, TPA sponsored SB 1251 (Huff) on behalf of the City of Brea and the City of Fullerton. The two cities had been working together to facilitate a merger of their Fire Departments into one single entity, which would service both communities. In order to provide consolidated services, maximize cost savings, and maintain local control the cities must enter into a Joint Power Agreement (JPA) to fully merge the two departments. However, in their efforts to form the JPA, the cities became aware that law passed in 2013, the Public Employees' Pension Reform Act (PEPRA), prohibited employees, who would be subject to such a merger, from retaining their existing retirement benefits. In order to remedy this</p>



	<p>situation that had not been contemplated in PEPRA, SB 1251 was introduced to make a technical change that would amend state law and allow the two cities to enter into a JPA and fully merge the two departments, while ensuring that existing employees from both cities would be able to keep their retirement benefits at the rate they were hired.</p>
	<p>In 2015, TPA sponsored SB 354 (Huff) on behalf of the cities of Brea and Fullerton. The legislation provided a fix to an issue identified by CalPERS while implementing the provisions of previous legislation that allowed the cities to form a Joint Powers Authority (JPA) for fire services. While the previous legislation allowed the cities to transfer employees to the JPA while retaining their existing retirement formulas, an issue was identified that would have resulted in certain transferred employees to be classified as new employees and lose their existing retirement formula. TPA worked closely with Senator Bob Huff to coordinate the efforts of Brea and Fullerton to pursue this critical amendment to state law so that the cities could establish their JPA to create operational efficiencies and significant financial savings.</p>
<p>PUBLIC SAFETY</p>	<p>In 2007, TPA sponsored SB 67 (Perata) on behalf of the City of Oakland to crack down on “sideshow” reckless driving activities. The bill passed through both houses of the State Legislature and was signed by the Governor.</p>
	<p>In 2013, TPA sponsored AB 48 (Skinner) on behalf of the City of Oakland to help reduce violent crime and address the high number of shootings in the City. This bill makes it a crime to purchase or receive a large-capacity ammunition magazine and prohibits the sale, purchase or import of repair kits designed to convert regular ammunition magazines into illegal large-capacity magazines. AB 48 was approved by the Legislature and was signed into law by Governor Brown.</p>
	<p>In 2014, TPA sponsored SB 962 (Leno) for the City of Oakland, a bill designed to curb the theft of smart-phones, which was an epidemic in the area, by creating a “kill switch” on all new models of smart-phones that would render the devices useless once activated.</p>
<p>REDEVELOPMENT REGULATIONS</p>	<p>In 2006, TPA successfully secured an amendment to SB 1206 (Kehoe) on behalf of the City of Oakland to exclude a major redevelopment tool that the City needed for two areas it was trying to fuse into one combined</p>



	Redevelopment Area.
SCHOOL FACILITIES	In 2009, TPA sponsored AB 1080 (Skinner) on behalf of the City of Emeryville and the Emery Unified School District to allow for expanded joint-use partnerships between cities and school districts. This bill allows public agencies to efficiently use local resources for the construction of community facilities while protecting the state's investment in school facilities and respecting the safety needs of students.
TRANSPORTATION	In 2011, TPA was successful in amending AB 957 (Committee on Transportation) in the closing days of the Legislative Session to allow the State to relinquish to the City of Buena Park much of Beach Boulevard within its jurisdiction. This bill was unanimously approved by the Legislature and secured the Governor's signature, and allowed much-needed improvements and development to occur in the City.
URBAN WATER REGULATIONS	In 2003, TPA sponsored AB 2528 (Lowenthal) on behalf of the Orange County Water District, which clarified language relating to emerging contaminants. This bill passed without a single no vote, despite early opposition from the Association of California Water Agencies.
VETERANS	In 2011, TPA sponsored AB 905 (Pan) on behalf of the Veterans of Foreign Wars, Department of California, which expands options for, and prioritizes the person authorized to direct disposition indicated on the Defense Record of Emergency Data, as the person to take control of a military service member's remains should they die while on duty. AB 905 was approved by the Legislature and secured the Governor's signature.
VICTIM PROTECTION	In 2008, TPA sponsored AB 499 (Swanson) on behalf of the City of Oakland which created a pilot project in Alameda County to place sexually exploited minors accused of prostitution offenses into supervised counseling and treatment programs.
WATER DISTRICT ENABLING ACT	In 2006, TPA sponsored AB 2619 (Daucher) on behalf of the Orange County Water District which made changes that aligned governing legislation with existing best practices and current state and federal codes.

APPENDIX B: FEDERAL LEGISLATIVE ACHIEVEMENTS

ISSUE	DESCRIPTION
CULTURAL RESOURCES	<p>TPA was the driving force in helping longtime client, the Discovery Science Center (DSC), win the prestigious National Medal for Museum and Library Service, one of ten museums nationwide to receive the honor. First Lady Michelle Obama presented the award to DSC President Joe Adams in the East Room of the White House. The national medal is the nation's highest honor conferred on museums and libraries for service to the community and celebrates institutions that make a difference for individuals, families, and communities. Congresswoman Loretta Sanchez, a longtime supporter of DSC who worked with TPA to nominate it for the award, attended the ceremonies at the White House as well as a reception. The award also included a nominal financial award.</p>
HISTORIC PRESERVATION	<p>After two years of inaction by the previous federal advocate for the City of Fullerton, TPA was successful in securing the designation of a post office in Fullerton to be listed on the National Register of Historic Places.</p>
PUBLIC SAFETY	<p>TPA worked with Senator Barbara Boxer and the Department of Justice on the School Safety Enhancement Act on legislation that created a new grant program to enable schools to apply for federal funding to create school safety plans and to purchase technology to improve student safety. TPA ensured the program was put under the jurisdiction of Department of Justice's Community Oriented Policing Office. Due to TPA's close working relationship with that office, the DOJ promptly and effectively executed the program.</p> <p>In response to Oakland's public safety needs, TPA facilitated collaboration between the federal ATF, DOJ and Oakland police to remove firearms and violent criminals from Oakland's streets. "In just under 120 days, Operation Gideon resulted in the removal of over 92 firearms off the streets of Oakland," said Oakland Police Chief Howard Jordan. Over a four month period the results include 92 guns seized, 90 arrests in all, 60 face federal charges, and 30 state charges.</p>
REVENUE PROTECTION FOR LOCAL GOVERNMENTS	<p>On behalf of several California cities, TPA amended legislation - the Wireless Tax Fairness Act - to ensure that cities across California are able to raise revenue pursuant to Proposition 218. If it hadn't been amended, H.R. 1002 would have effectively overridden the will of California voters and limited their ability to modify their local wireless taxes systems. Oakland's 7.5 percent utility tax provides 13 percent of the City's general fund revenue. Activities on this effort are ongoing as tax reform continues to remain a priority for both branches of government and wireless taxes are germane to this effort.</p>
REVENUE PROTECTION FOR LOCAL	<p>TPA successfully opposed the Transient Occupancy Tax legislation, worth over \$100 million annually to California cities. On behalf of several</p>



GOVERNMENTS	municipal clients, TPA worked closely with the staff for the House Ways & Means Committee, the Senate Finance Committee, and the California Congressional Delegation to fight off efforts of online travel companies to withhold some of the transient occupancy taxes they owe to cities.
TRANSPORTATION	<p>On behalf of the City of Brea, TPA engaged the Senate Environment & Public Works Committee (including Chair Barbara Boxer and Ranking Member Jim Inhofe) to amend the Transportation Authorization Bill MAP-21 to include language supporting the Orange County Transportation Authority M-2 Environmental Mitigation Program to provide for comprehensive environmental mitigation, including a preference to mitigating environmental impacts through the use of federal funds directly deposited and shared via approved regional mitigation banks.</p> <p>TPA advocacy effort resulted in ten partial Buy America waivers for the Merced County Association of Governments. These waivers allowed five cities in Merced County to purchase ten pollution-reducing vehicles. Without the waivers, MCAG would have been prevented from using Federal dollars to make the purchases as the Federal Highway Administration’s Buy America requirement mandates that all steel and iron used in government projects be manufactured domestically. TPA coordinated a coalition of Congressional members from the San Joaquin Valley including Representatives Jim Costa, Devin Nunes, David Valadao, Tom McClintock, Jeff Denham, and Kevin McCarthy who issued delegation letter to the Secretary of Transportation advocating for the waivers.</p>
VETERANS	TPA drafted and successfully inserted language in legislation signed into law by President Obama requiring a minimum of 25 percent of funds appropriated for the Veterans Workforce Investment Program fund be used for grants to develop workforce training programs for disabled veterans.
WATER INFRASTRUCTURE	TPA assisted the Municipal Water District of Orange County in efforts to create a program to provide low interest loans for water infrastructure. The Water Infrastructure Finance and Innovation Act (WIFIA) provides loans for clean and safe water and levee infrastructure. TPA worked directly with the Environment and Public Works Committee staff on the pending Water Resources and Development Act legislation to, and the bill (S. 601) was unanimously approved by the committee.



APPENDIX C: FUNDING ACHIEVEMENTS

Policy Area	Federal Funding	State and Local Funding	Funding From All Sources
Cultural Resources	\$7 Million	\$90.4 Million	\$97.4 Million
Education	\$6.3 Million	\$170.1 Million	\$176.4 Million
Housing and Development	\$5.7 Million	\$197 Million	\$202.7 Million
Public Safety	\$40.7 Million	9.9 Million	\$50.6 Million
Recreation	\$825,000	\$65.9 Million	\$66.7 Million
Redevelopment	Not Applicable	\$66 Million	\$66 Million
Transportation	\$101.2 Million	\$118.1 Million	\$219.2 Million
Water	\$1.8 Million	\$49.3 Million	\$51.1 Million
TOTAL	\$163.4 Million	\$766.7 Million	\$930.1 Million



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Board of State and Community Corrections	City of Duarte: 2014 CalGRIP Grant	\$975,513
	City of Fresno: 2008 CalGRIP Grant	\$400,000
	City of Fullerton: 2012 CalGRIP Grant	\$500,000
	City of Garden Grove: 2008 CalGRIP Grant	\$240,000
	City of Merced: 2008 CalGRIP Grant	\$400,000
	City of Oakland: 2008 CalGRIP Grant	\$400,000
	City of Oakland: 2009 CalGRIP Grant	\$559,541
	City of Oakland: 2010 CalGRIP Grant	\$382,639
	City of Santa Ana: 2009 CalGRIP Grant	\$400,000
California Arts Council	City of Delano: Creative California Communities Program: Downtown Breezeway Project	\$30,000
	Peralta Hacienda: Creative California Communities Program: Friends/Peralta Hacienda Historical Park	\$50,000
California Cultural & Historical Endowment (CCHE)	Bowers Museum: Proposition 40/AB 716 Opportunity Grant	\$4,000,000
	California Space Authority: Planning Grant	\$150,000
	Chabot Space and Science Center: Proposition 40/AB 716 Opportunity Grant	\$1,500,000
	Chabot Space and Science Center: Planning Grant	\$171,000
	Children's Discovery Museum of San Jose: Planning Grant	\$175,000
	Children's Discovery Museum of San Jose: Proposition 40/AB 716 Opportunity Grant	\$1,000,000
	Children's Discovery Museum of San Jose: Planning Grant	\$200,000
	Children's Discovery Museum of San Jose: Project Grant	\$499,788
	City of Fullerton: Fox Theater: Project Grant	\$1,983,375
	City of Fullerton: Fox Theater: Project Grant	\$300,000
	City of Lomita: Planning Grant	\$150,000
	City of Merced: Fox Theater: Project Grant	\$1,935,000
	City of Merced: Fox Theater: Project Grant	\$400,000
	Dana Adobe Nipomo Amigos: Project Grant	\$861,167
	Dana Adobe Nipomo Amigos: Project Grant	\$330,960
	Discovery Cube of Orange County: Planning Grant	\$262,000
	Discovery Cube of Orange County: Project Grant	\$1,161,000
	Discovery Cube of Orange County: Project Grant	\$500,000
	East Bay Zoological Society (Oakland Zoo): Project Grant	\$300,000
	East Bay Zoological Society (Oakland Zoo): Project Grant	\$300,000
	Fruitvale Development Corporation: Planning Grant	\$200,000
	Kidspace Children's Museum: Project Grant	\$1,741,500
	Museum of Latin American Art: Round 3 Project Grant	\$1,239,368
	Oakland Museum of California: Project Grant	\$2,877,000
	Oakland School for the Arts: Project Grant	\$2,877,000
	Oakland School for the Arts: Project Grant	\$1,064,250
	Oakland School for the Arts: Planning Grant	\$500,000
	Orange County Clerk Recorder: Planning Grant	\$150,000
	SPUR: Planning Grant	\$250,000
	The Mexican Museum: Project Grant	\$2,400,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
California Governor’s Office of Emergency Services	City of West Hollywood: Equality in Prevention and Services for Domestic Abuse (GL) Program	\$528,999
California Infrastructure and Economic Development Bank	Orange County High School of the Arts: CIEDB Loan	\$20,000,000
California School Finance Authority and the Office of Public School Construction	Envision Schools: Proposition 55 Funded Charter School	\$14,124,484
	Envision Schools: Public Charter School Grant Program Start-up Grant- Metro	\$405,000
	Envision Schools: Public Charter School Grant Program Start-up Grant- Oakland	\$405,000
	Envision Schools: Public Charter School Grant Program Start-up Grant- Hayward	\$405,000
	Hawthorne School District: Charter School Revolving Loan	\$250,000
	Oakland School for the Arts: Proposition 55 Charter School Facility Program Grant	\$4,983,922
	Orange County Educational Arts Academy: Public Charter School Grant Program Implementation Grant	\$405,000
	Orange County High School of the Arts: CSFP Preliminary Apportionment	\$28,600,000
	Port of Los Angeles Charter High School: Proposition 55 Charter School Facility Program Grant and Loan	\$16,335,234
California State Library	City of Anaheim: Proposition 14 Library Bond Funding	\$5,669,872
	City of Fullerton: CA Library Global Languages Materials Program	\$10,000
	City of Fullerton: State Library Small Business in a Box	\$22,000
California Tax Credit Allocation Committee	City of Glendale: Garfield Gardens Allocation Award	\$554,396
CalRecycle	City of Fullerton: CIWMB- Used Oil Recycling Block Grant	\$35,486
	City of Laguna Beach: Legacy Disposal Site Abatement Partial Grant	\$750,000
Department of Education	Oakland School for the Arts: SB 740	\$44,263
	Orange County High School of the Arts: SB 740	\$11,000
	Orange County High School of the Arts: SB 740	\$100,000
	Orange County High School of the Arts: SB 740	\$273,852
	Port of Los Angeles Charter High School: Public Charter School Grant Program Planning Grant	\$35,000
	San Diego Children's Museum: SB 740	\$38,000
Department of Health	Mariposa: Department of Health “It’s Up to Us” mini-grant for Pedestrian Safety Public Education.	\$5,000
Department of Housing and Community Development	City of Bakersfield: Proposition 1C: IID Grant	\$10,800,000
	City of Brea: Housing-Related Parks Program	\$183,350
	City of Brea: Housing-Related Parks Program	\$483,650
	City of Buena Park: Housing-Related Parks Program	\$375,025
	City of Buena Park: Housing-Related Parks Program	\$358,975
	City of Carson: Housing Related Parks Program	\$278,350
	City of Dinuba: Proposition 1C: IID Grant	\$2,400,000
	City of Dinuba: Home Investment Partnership Program	\$3,100,000
	City of Emeryville: Catalyst Projects for California	\$1,350,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Department of Housing and Community Development	Sustainable Strategies Pilot Program	
	City of Emeryville: Housing-Related Parks Program	\$477,950
	City of Fresno: Proposition 1C: IID Grant	\$3,006,433
	City of Fullerton: Catalyst Projects for California Sustainable Strategies Pilot Program	\$1,350,000
	City of Garden Grove: CalHome Grant	\$600,000
	City of Hayward: Proposition 1C: TOD Grant	\$17,000,000
	City of Hayward: Proposition 1C: IID Grant	\$30,000,000
	City of Oakland: Henry Robinson Multi-service Center: Emergency Housing and Assistance Program	\$999,998
	City of Oakland: CalHome Grant	\$1,000,000
	City of Oakland: Workforce Housing Reward Program	\$1,280,992
	City of Oakland: Proposition 1C: TOD Grant: MacArthur BART Station Project	\$17,000,000
	City of Oakland: Proposition 1C: TOD Grant: Coliseum BART Station Project	\$8,485,000
	City of Oakland: Proposition 1C: TOD Grant: Lion Creek Crossing Project	\$7,527,592
	City of Oakland: Proposition 1C: IID Grant: MacArthur Transit Village Project	\$17,300,383
	City of Oakland: Proposition 1C: IID Grant: Central Business District/Uptown Project	\$9,903,000
	Emerald Fund: Proposition 1C: IID Grant	\$11,200,000
	Holliday Development: Proposition 1C: IID Grant: 5800 Third Street Project	\$10,433,280
	Holliday Development: Catalyst Projects for California Sustainable Strategies Pilot Program	\$500,000
	Nehemiah Corporation of America: Catalyst Projects for California Sustainable Strategies Pilot Program	\$1,350,000
	St. Vincent De Paul of San Diego: Proposition 1C: TOD Grant	\$6,637,597
St. Vincent De Paul of San Diego: Proposition 1C: IID Grant	\$3,089,027	
Triangle Owners Group: Proposition 1C: IID Grant: Triangle Development Area	\$23,081,360	
Department of Parks and Recreation	Boys and Girls Club of Harbor City/Harbor Gateway: Legislative Earmark for Capitol Expansion	\$75,000
	Boys and Girls Club of San Pedro: Specified Grant for Satellite Clubhouse	\$125,000
	Boys and Girls Club of San Pedro: Specified Grant for Clubhouse start-up	\$200,000
	Boys and Girls Club of San Pedro: Proposition 12: Murray-Hayden Fund Grant	\$118,000
	City of Anaheim: Proposition 40: Murray-Hayden Grant Program	\$2,499,000
	City of Brea: Land Water and Conservation Fund: The Tracks at Brea	\$550,851
	City of Brea: Land Water and Conservation Fund: The	\$214,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Department of Parks and Recreation	Tracks at Brea	
	City of Brea: Habitat Conservation Fund: The Tracks at Brea	\$200,000
	City of Dinuba: Proposition 84 Statewide Parks Grant: Dinuba Recreation and Activity Center	\$822,300
	City of Emeryville: Proposition 84 Statewide Parks Grant: Peladeau Park and Greenway	\$828,000
	City of Fullerton: Habitat Conservation Program: Laguna Lakes Trails	\$400,000
	City of Glendale: Habitat Conservation Program: Walk on the Wildside	\$52,487
	City of Glendale: Recreational Trails Program: Mountain Do Trail Project	\$172,570
	City of Glendale: Proposition 84 Statewide Parks Program: Maryland Avenue Park	\$1,724,600
	City of Imperial: Land and Water Conservation Fund: Imperial Regional Park and Equestrian Center	\$750,000
	City of Laguna Niguel: Recreational Trails: Salt Creek	\$560,000
	City of Merced: Proposition 84 Statewide Parks Program: McNamara Community Park Renovation	\$2,619,740
	City of Oakland: Proposition 84 Statewide Parks Program: West Oakland Center	\$5,000,000
	City of Oakland: Proposition 84 Statewide Parks Program: Cesar Chavez Park	\$2,250,000
	City of Oakland: Proposition 84 Statewide Parks Program: Golden Gate Recreation Center	\$5,000,000
	City of Oakland: Proposition 84 Statewide Parks Program: Durant Mini Park	\$1,000,000
	City of Oakland: Recreational Trails Program: Historic Cryer Boathouse Bay Trail Gap Closure	\$600,000
	City of Placentia: Non-Motorized Trail Grant	\$110,000
	City of Santa Ana: Proposition 84 Statewide Parks Program: Jerome Park Community Center	\$500,000
	City of Santa Ana: El Salvador Community Center: Proposition 12 Murray-Haden Grant Program	\$618,000
	City of Santa Ana: Santiago Park: Proposition 12 Urban Recreational and Cultural Centers Grant Program	\$742,500
	City of Santa Ana: Santiago Park: Proposition 12 Riparian and Riverine Habitat Grant Program	\$150,000
	City of Santa Ana: Land and Water Conservation Fund	\$75,000
	City of Santa Ana: Land and Water Conservation Fund	\$150,000
	City of Santa Ana: Madison Park Batting Cage	\$50,000
	City of Santa Ana: Recreation Department: Vans for Underserved Kids	\$60,000
	City of Santa Ana: Habitat Conservation Fund: Centennial Park Waterfowl Sanctuary	\$62,500
	City of Santa Ana: Habitat Conservation Fund: Cienega de las Ranas Habitat Restoration	\$60,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Department of Parks and Recreation	City of Santa Ana: Habitat Conservation Fund: McFadden Triangle Habitat Restoration	\$75,000
	City of Santa Ana: Habitat Conservation Program: Santiago Nature Reserve	\$100,000
	City of Santa Ana: Recreational Trails Grant: Santa Ana Golden Loop Rehabilitation Project	\$253,440
	City of Santa Ana: Recreational Trails Grant: Fairview Triangle Habitat Restoration	\$132,000
	City of Santa Ana: Proposition 84 Statewide Parks Program - Willard Intermediate Park	\$4,400,000
	City of San Juan Capistrano: Proposition 84 Nature Education Facilities Grant: Blas Aguilar Adobe	\$498,434
	City of San Pablo: Proposition 84 Statewide Parks Program: Rumrill Sports Field	\$3,000,000
	City of San Pablo: Proposition 84 Statewide Parks Program: Helms Community Center	\$3,000,000
	City of Tulare: Proposition 84 Statewide Parks Program: Mulcahy Park	\$1,108,048
	Dana Adobe Nipomo Amigos: Proposition 84 Nature Education Facilities Grant: Stories of the Rancho: Ecology, Culture, Stewardship	\$2,980,000
	Discovery Cube of Orange County : Proposition 84 Nature Education Facilities Grant: California Resource Pavilion	\$7,000,000
	Discovery Cube of Orange County : Proposition 12 Park Bond Earmark	\$10,000,000
	Discovery Cube of Orange County : General Fund Budget Earmark	\$4,000,000
	Discovery Cube of Orange County : General Fund Budget Earmark	\$2,000,000
	Discovery Cube of Orange County : General Fund Budget Earmark	\$750,000
	East Bay Zoological Society: Proposition 84 Nature Education Facilities Grant: California!	\$7,000,000
	Emerald Fund: Proposition 84 Statewide Parks Program: City Slicker Farms, West Oakland Park and Urban Farm	\$4,000,000
	Latino Health Access: Proposition 84 Statewide Parks Program: New Park and Community Center	\$3,524,000
	Oakland Museum of California: Proposition 84 Nature Education Facilities Grant: Gallery of California Natural Sciences Renovation	\$2,999,522
	Powerhouse Science Center: Proposition 84 Nature Education Facilities Grant: Earth & Space Sciences Center	\$7,000,000
Santa Barbara Museum of Natural History: Proposition 84 Nature Education Facilities Grant: California Coastal Immersion Zone	\$336,650	
Tiger Woods Foundation: Proposition 40/2001 Urban Park Act Grant Program	\$3,000,000	



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Department of Public Health	City of Glendale: FY 2007-2008 Proposition 50 Groundwater Cleanup: Hexavalent Chromium 6 Removal Research Project	\$6,000,000
	City of Santa Ana: FY 2011-12 State Budget Earmark: Diamond Park Mutual Water Company Infrastructure Improvements	\$2,000,000
Department of Transportation	City of Brea: 2008 Safe Routes to Schools (SR2S) Grant	\$150,300
	City of Brea: 2012 Safe Routes to Schools (SR2S) Grant	\$450,000
	City of Brea: 2009 Community Based Transportation Planning Grant: Brea Rails to Trails	\$80,150
	City of Brea: 2009 Bicycle Transportation Account: Brea Rails to Trails	\$1,000,000
	City of Buena Park: Community Based Transportation Planning Grant	\$199,117
	City of Carson: Community Based Transportation Grant	\$90,000
	City of Clovis: Proposition 1B State Local Partnership Program: DeWolf/Nees Av SR 168 connect	\$380,000
	City of Clovis: Proposition 1B State Local Partnership Program: Shaw/Locan improvements	\$505,000
	City of Clovis: Proposition 1B State Local Partnership Program: Bullard/Locan Av improvements	\$315,000
	City of Clovis: Proposition 1B State Local Partnership Program: Shaw Av improvements	\$243,000
	City of Delano: Active Transportation Program Grant	\$392,463
	City of Fresno: 2008 Safe Routes to Schools (SR2S) Grant	\$447,020
	City of Garden Grove: 2008 Safe Routes to Schools (SR2S) Grant	\$547,050
	City of Hayward: Statewide or Urban Transit Planning Studies Program: Transit Connector Feasibility Study	\$177,060
	City of Hayward: Caltrans Cycle 6 Highway Safety Improvement Grant Program	\$396,000
	City of Hayward: Caltrans Transportation Planning Grant	\$132,795
	City of Irvine: Caltrans Cycle 5 Highway Safety Improvement Grant Program	\$900,000
	City of Lomita: 2008 Safe Routes to Schools Grant	\$873,810
	City of Merced: 2008 Safe Routes to Schools Grant	\$779,490
	City of Merced: Proposition 1B Highway Rail Crossing Safety Grant	\$9,000,000
	City of Merced: Proposition 1B State Local Partnership Program	\$1,000,000
	City of Merced: Proposition 1B State Local Partnership Program	\$1,000,000
	City of Merced: Proposition 1B State Local Partnership Program	\$1,000,000
City of Merced: Proposition 1B State Local Partnership Program	\$400,000	



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Department of Transportation	City of Oakland: 2012 Safe Routes to Schools Grant	\$216,000
	City of Oakland: 2008 Safe Routes to Schools Grant	\$803,700
	City of Placentia: Surface Transportation Improvement Project	\$3,300,000
	City of Placentia: Traffic Congestion Relief Program	\$28,000,000
	City of Placentia: Caltrans Safe Routes to Schools Grant	\$373,000
	City of Santa Ana: Bicycle Transportation Account	\$1,000,000
	City of Santa Ana: Caltrans Active Transportation Program	\$5,424,000
	City of Santa Ana: Caltrans Active Transportation Program	\$2,366,000
	City of Santa Ana: Caltrans Active Transportation Program	\$3,729,000
	City of San Pablo: Environmental Justice Grant	\$200,000
	City of South San Francisco: Caltrans Active Transportation Program	\$868,000
	City of Tulare: 2008 Safe Routes to Schools Grant	\$156,500
	City of Tulare: Proposition 1B Highway Rail Crossing Safety Grant	\$11,293,000
	City of Tulare: Proposition 1B Highway-Railroad Crossing Safety Account	\$7,156,000
	City of Tulare: Proposition 1B Highway-Railroad Crossing Safety	\$3,381,000
	City of Tulare: Prop 1B Highway Rail Crossing Safety	\$987,174
	City of Tulare: Proposition 1B: State Route 99 /Cartmill Avenue Interchange project	\$7,000,000
	Highland Fairview: Proposition 1B State Local Partnership Program Grant	\$1,000,000
	Highland Fairview: Proposition 1B State Local Partnership Program Grant	\$1,000,000
	Mariposa County: 2012 Safe Routes to Schools Grant	\$448,000
Mariposa County: Transportation Planning Grant	\$100,000	
Department of Water Resources	City of Anaheim: 2005 Local Groundwater Assistance Grant	\$250,000
	City of Placentia: Proposition 13 Urban Water Conservation Program Grant	\$58,298
	Municipal Water District of Orange County: Proposition 50, Chapter 6 (a) Ocean Desalination	\$1,000,000
	Municipal Water District of Orange County: Proposition 50, Chapter 6 (a) Ocean Desalination	\$1,500,000
	Orange County Sanitation District: Proposition 84 IRWMP: Sludge Dewatering, Odor Control, and Primary Sludge	\$1,000,000
	Orange County Water District: Proposition 13 Ground Water Replenishment System	\$30,000,000
	Orange County Water District: Proposition 84 IRWMP: Groundwater Replenishment System/Flow Equalization	\$1,000,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Governor’s Office of Business and Economic Development	CAMEO: CA Employment Training Panel: Small Business Pilot Program	\$200,000
Labor and Workforce Development Agency	CAMEO: CA LWDA - Employment Training Panel (ETP) towards Renaissance Entrepreneurship Center	\$49,400
Managed Risk Medical Insurance Board	City of San Pablo: Major Risk Medical Insurance Program	\$3,000,000
Natural Resources Agency and Strategic Growth Council	City of Brea: Proposition 84 Urban Greening Project Grant	\$500,000
	City of Brea: Proposition 84 Urban Greening Grant	\$950,000
	City of Clovis: Proposition 84 Sustainable Communities Planning Grant	\$295,500
	City of Colton: Proposition 84 Sustainable Communities Grant Program	\$228,181
	City of Emeryville: Proposition 84 Urban Greening Project	\$49,569
	City of Merced: Proposition 84 Sustainable Communities Planning Grant	\$251,345
	City of Rocklin: Environmental Enhancement and Mitigation Program	\$245,000
	City of Tulare: Environmental Enhancement and Mitigation	\$143,831
	City of Tulare: Environmental Enhancement and Mitigation Program	\$330,000
	City of Tulare: Environmental Enhancement and Mitigation Program	\$458,260
	Land Conservancy of San Luis Obispo: Environmental Enhancement and Mitigation Program	\$262,145
Oakland Redevelopment Agency	Temescal/Telegraph Community Association: Oakland Neighborhood Projects Initiative	\$72,489
Orange County Transportation Authority	Bolsa Chica: M2 Environmental Mitigation Program	475,000
Orange County Waste and Recycling Authority	Discovery Cube of Orange County: AB 939 Community Outreach and Education Grant	\$3,600,000
Sierra Business Council	Mariposa County: Sierra Nevada Partnership Grant Program-Greenhouse Gas (GHG) Emissions Inventory	\$25,000
State Water Resources Control Board State Water Resources Control Board	City of Tehachapi: Clean Water Revolving Fund, Wastewater Treatment Facility Upgrades	\$3,000,000
	Orange County Sanitation District: SWRCB Consolidated Grant Program	\$250,000
Local and Other	Chelsea Investment Corporation: Local RDA funds for the Senior Transit Village	\$855,000
	Children's Museum of Orange County: Children and Families Commission of Orange County Grant	\$3,500,000
	Children's Museum of Orange County: Pacific Life Foundation: Capital Grant	\$100,000
	City of Aliso Viejo: OCTA TEA Enhancement Grant	\$500,000
	City of Antioch: Contra Costa Water District Creek	\$2,500,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Local and Other	Remediation Loan: Marley Creek	
	City of Brea: Southern California Association of Governments (SCAG) MPO Grant – Tracks at Brea	\$2,557,000
	City of Brea: Southern California Association of Governments (SCAG) MPO Grant- Segment 4	\$2,484,000
	City of Brea: OCTA TDA Funding-Brea Rails to Trails	\$500,000
	City of Brea: OCTA Funding-Bicycle Corridor Improvement Program	\$836,150
	City of Buena Park: Public Safety: Budget Earmark	\$75,000
	City of Buena Park: 2015 AQMD AB 2766 Subvention Funds	\$429,262
	City of Citrus Heights: Sacramento Area Council of Governments (SACOG): Community Design Program	\$3,000,000
	City of Merced: Stewardship Council Parks Grant	\$200,000
	City of Oakland: Public Safety: Budget Earmark	\$2,000,000
	City of Oakland: Redevelopment Agency Dissolution Savings	\$44,000,000
	City of Orange Cove: Lowe’s Charitable and Educational Foundation	\$50,000
	City of Placentia: OCTA Contribution to On-Trac	\$3,500,000
	City of Placentia: OCTA Funding- Metrolink	\$2,500,000
	City of Placentia: OCTA Funding- Metrolink (Environmental Funding)	\$81,000
	City of Santa Ana: Delhi Community Center: General Fund Earmark	\$800,000
	City of Santa Ana: Delhi Community Center: CYA Grant	\$2,200,000
	City of Santa Ana: Healthy Community Fund- Eddie West Field	\$900,000
	City of Santa Ana: Santa Ana Zoo Commissary	\$40,000
	City of Santa Ana: Tierras de las Pampas- Anteaters Exhibit, Santa Ana Zoo	\$150,000
	City of Santa Ana: Redevelopment Agency Dissolution Savings	\$22,000,000
	City of San Juan Capistrano: OCTA M2 Environmental Mitigation Program Round 1	\$1,500,000
	Craft and Folk Art Museum: Los Angeles County Supervisor Burke Discretionary Funds	\$50,000
	Discovery Cube of Orange County : Children and Family Commission of Orange County-Capacity Building Grant	\$250,000
	Discovery Cube of Orange County : Phase One Funding residual-Proposition 40 retention funds-CMLA/EAC Project	\$1,254,700
	Discovery Cube of Orange County : MWD OC Education Program Partnership	\$1,068,000
	Discovery Cube of Orange County : MWD Community Partnering Program Grant	\$50,000
	Discovery Cube of Orange County : OC Children & Families Commission- Sesame Street Workshop	\$200,000
	Discovery Cube of Orange County : County of Orange	\$150,000



FUNDING ACHIEVEMENTS

State Funding Source	Description	Amount
Local and Other	Urban Runoff Grant	
	Discovery Cube of Orange County : CFCOC Proposition 10	\$4,000,000
	Discovery Cube of Orange County : Proposition K Bond and Bond Interest Monies- General Fund revenue-CMLA/EAC Project	\$5,000,000
	Discovery Cube of Orange County : Proposition K-Phase one Funding Residual-CMLA/EAC Project	\$500,000
	Discovery Cube of Orange County : Municipal Improvement Corporation of Los Angeles (MICLA) contribution	\$4,700,300
	Discovery Cube of Orange County and Orange County Water District: Education Partnership	\$1,500,000
	Discovery Cube of Orange County: Orange County Vector Control District Grant	\$1,000,000
	East Bay Zoological Society: Alameda First 5- Community Support Grant for Zoo to Community Program	\$50,000
	Friends of Oakland Parks and Rec: Stewardship Council Youth Infrastructure Grant	\$150,000
	Fruitvale Development Corporation: Alameda County First 5- 1 time only grants (info tech/capital improvements)	\$12,060
	Great Park Corporation: 2012 AQMD Major Event Center Program	\$45,000
	Habitot Children's Museum: Alameda County First 5- 1 time only grants (info tech/capital improvements)	\$27,811
	Habitot Children's Museum: Alameda County First 5- Community Grant for Family Engagement Project	\$150,000
	Mission San Juan Capistrano: TEA Transportation Grant Funding- Metrolink Transportation Mitigation	\$759,000
	Orange County High School for the Arts: Santa Ana Redevelopment Agency Contribution	\$1,695,000
	Powerhouse Science Center: Sacramento County First 5	\$249,185
	Santa Ana Unified School District: Romero Cruz School- Playground Equipment	\$80,000
	Santa Ana Unified School District: Santiago Elementary School PTA-Playground Equipment	\$80,000
	Santa Ana Unified School District: Citizens-in-action Community Technology Center	\$50,000
	Santa Ana Unified School District: Cash Settlement with City of Tustin pursuant to AB 212 (Correa)	\$60,000,000
Rancho Santiago Community College District: Cash Settlement with City of Tustin pursuant to AB 212 (Correa)	\$15,000,000	
Rancho Santiago Community College District: State Budget Earmark for Phillips Hall at Santa Ana College	\$70,000	
Total State Funding Achievements		\$766,708,328



FUNDING ACHIEVEMENTS

Federal Funding Source	Description	Amount
Army Corp of Engineers	City of Merced: Appropriation Earmark: Black Rascal Creek Flood Control	\$500,000
	City of Garden Grove: Appropriation Earmark: Yockey-Newland Storm Drain	\$500,000
	City of Mission Viejo: Ferrocarril Permanent Slope Repairs	\$850,000
	Municipal Water District of Orange County: MWDOC Desalination Facility	\$875,000
Center for Disease Control	Latino Health Access: Youth Obesity Prevention Program	\$150,000
Department of Agriculture	Orange County Great Park: Farmers Market Promotion Program	\$22,500
Department of Education	Children's Discovery Museum of San Jose: Fund for the Improvement of Education: Student Partners Reaching Kid	\$119,000
	Children's Discovery Museum of San Jose: Fund for the Improvement of Education: Student Partners Reaching Kids	\$120,000
	Emery Unified School District: GEAR-UP Grant (Gaining Early Awareness and Readiness for Undergraduate Programs)	\$1,152,000
	Envision Schools: Fund for the Improvement of Education	\$250,000
	Envision Schools: Fund for the Improvement of Education	\$243,000
	Envision Schools: Fund for the Improvement of Education	\$190,000
	Oakland School for the Arts: Fund for the Improvement of Education	\$409,000
	Santa Ana College: Veterans Upward Bound Grant	\$1,250,000
	San Pedro Bay Port Technology Center	\$250,000
	Tiger Woods Foundation: Fund for the Improvement of Education	\$250,000
Department of Energy	Discovery Cube of Orange County: Appropriation Earmark	\$2,000,000
Department of Health and Human Services	Emery Unified School District: Family Counseling Programs and Early Childhood Development	\$250,000
	Emery Unified School District: Emeryville Youth Wellness and Parenting Center	\$190,000
	Chabot Las Positas Community College District: Increased Health Related Opportunities for Bay Area Students	\$114,000
	Rancho Santiago Community College District: Public Medical Education Complex	\$234,000
	Rancho Santiago Community College District: Medical Nursing Center	\$238,000
Department of Homeland Security	City of Oakland: Staffing for Adequate Fire and Emergency Response program (SAFER):	\$7,782,240
Department of Housing and Urban Development	City of Merced: Rehabilitation of Historic Merced Theater	\$237,000
	City of Merced	\$500,000
	Fruitvale Development Corporation	\$150,000
	Fruitvale Development Corporation: Fruitvale Cultural and Performing Arts Center	\$200,000
Department of Housing and	Fruitvale Development Corporation: Fruitvale Cultural and	\$190,000



FUNDING ACHIEVEMENTS

Urban Development	Performing Arts Center	
	Fruitvale Development Corporation: Fruitvale Cultural and Performing Arts Center	\$250,000
	Great Park Design Studio: Hanger Restoration	\$475,000
	Museum of Latin American Art	\$500,000
	Museum of Latin American Art	\$121,250
	Museum of Latin American Art	\$75,000
	Mission San Juan Capistrano: Budget Earmark Reinstatement	\$225,000
	Oakland School for the Arts	\$600,000
Department of Justice	City of Brawley: FY13 COPS Grant	\$425,235
	City of Dinuba: COPS Grant	\$543,842
	City of Dinuba: FY 15 COPS Grant	\$125,000
	City of Garden Grove: Automated Report Writing System	\$94,000
	City of Garden Grove: Automated Report Writing System	\$200,000
	City of Gustine: FY13 COPS Grant	\$202,489
	City of Hayward: COPS Grant	\$3,602,644
	City of Hayward: FY13 COPS Grant	\$250,000
	City of Merced: COPS Grant	\$320,471
	City of Merced: COPS Grant	\$1,501,880
	City of Oakland: COPS Grant	\$10,700,000
	City of Oakland: FY13 COPS Grant	\$4,515,730
	City of Oakland: FY14 COPS Grant	\$1,875,000
	City of Oakland: FY 15 COPS Grant	\$1,875,000
	City of Tulare: COPS Grant	\$1,174,592
	City of Turlock: FY14 COPS Grant	\$500,000
Tiger Woods Foundation	\$2,000,000	
Department of Labor	Coast Community College District: ARRA Workforce Development: Coastline	\$207,360
	Coast Community College District: Department of Labor: ARRA Workforce Development: Golden West	\$309,847
	City of Emeryville: ETA: East Bay Green Jobs Project	\$200,000
	Women's Economic Ventures	\$190,000
Department of Transportation	City of Antioch: Member High-Priority Project	\$16,000,000
	City of Antioch: National Corridor Infrastructure Improvement Program	\$20,000,000
	City of Atwater: Buy America Waivers	\$131,272
	City of Brea: Safe Routes to School, Tracks at Brea	\$273,600
	City of Brea: Congestion Mitigation and Air Quality (CMAQ)-MAP-21 for Bicycle Corridor Improvement Program	\$999,272
	City of Dinuba: Appropriation Earmark: CNG Fueling Station Expansion	\$779,200
	City of Dos Palos: Buy America Waivers	\$94,000
	City of Gustine: Buy America Waivers	\$94,000
	City of Livingston: Buy America Waivers	\$110,662
	City of Los Banos: Buy America Waivers	\$726,102
	City of Oakland: Federal American Recovery and Reinvestment Act (ARRA)-Domain Awareness Center	\$2,900,000



FUNDING ACHIEVEMENTS

Department of Transportation	City of Oakland: Port Security Grant-Domain Awareness	\$2,000,000
	City of Oakland: TIGER Discretionary Grant program	\$15,000,000
	City of Placentia: Regional and National Significance	\$38,750,000
	City of Torrance: Appropriation: Bus and Bus Facilities: South Bay Regional Intermodal Transit Centers	\$266,666
	Discovery Cube of Orange County: Appropriation Earmark: Park and Ride Facility	\$750,000
	Discovery Cube of Orange County: Appropriation Earmark: Park and Ride Facility	\$300,000
	Discovery Cube of Orange County : SAFETEA-LU Federal Grant	\$320,000
	Mariposa County: Safe Routes to School: Mariposa Elementary	\$341,200
	Mariposa County: Safe Routes to School: Mariposa Elementary	\$302,770
	Merced County: Buy America Waivers	\$410,000
	Museum of Latin American Art: Bus and Bus Facilities	\$1,670,000
	Environmental Protection Agency	City of Orange: EPA Brownfield Clean up Grant
City of Brea: EPA Brownfield Clean up Grant		\$141,085
City of Brea: EPA Revolving Loan Fund		\$1,000,000
City of Brea: EPA Brownfield Clean up Grant		\$600,000
FEMA	City of Brea/Fullerton: AFG Grant	\$137,920
	City of Emeryville: FEMA PDM: Seismic Retrofit of Emery Secondary Gymnasium	\$600,000
	City of Emeryville: FEMA PDM: Disaster Mitigation	\$600,000
	City of Hayward: AFG Grant	\$417,660
	City of Hesperia: AFG Grant	\$57,000
	City of Merced: AFG Grant	\$188,115
	City of Oakland: AFG Grant	\$471,249
	City of Oakland: AFG Grant	\$789,360
	City of Oakland: AFG Grant	\$11,928
	City of Tulare: AFG Grant	\$123,600
	City of Palm Springs: AFG Grant	\$201,431
Institute of Library and Museum Services	Bowers Museum	\$250,000
	Discovery Cube of Orange County : Medal of Service	\$5,000
	Craft and Folk Art Museum: Cultural Democracy Program	\$82,000
	Habitot Children's Museum: Museums for America Grant	\$71,790
	Kidspace Children's Museum	\$249,000
	Oakland Museum of California: Technology Initiative for Educational Outreach	\$250,000



FUNDING ACHIEVEMENTS

NASA	Discovery Cube of Orange County : NASA Academic Programs	\$1,000,000
	Rancho Santiago Community College District: Tessman Planetarium: NASA Academic Programs	\$750,000
National Endowment for the Arts	City of Laguna Beach: Arts Work Grant	\$25,000
Small Business Administration	California Association for Micro Enterprise Opportunity: Program for Investment in Microentrepreneurs (PRIME)	\$750,000
Total Federal Funding Achievements		\$163,465,962



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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA APPROVING
A CONTRACT WITH TOWNSEND PUBLIC
AFFAIRS FOR GRANT WRITING AND
LOBBYING SERVICES**

RESOLUTION NO. 16-41

WHEREAS, based on demographic data pertaining to employment, median income, population, and other qualifying criteria, the City of Mendota is ideally suited to be competitive for an array of grant opportunities; and

WHEREAS, the City Council, in adopting the City's budget for FY 2016-2017, has made financial provisions for staff to retain a grant consultant; and

WHEREAS, the service proposed to be provided by Townsend Public Affairs, made part hereof by reference, will allow the City to apply for a wide range of grants and have access to federal and state lawmakers and their staffs; and

WHEREAS, upon reviewing the attached proposal, the City Council has independently determined that Townsend Public Affairs can provide the services needed to apply for grants on behalf of the City for the purpose of obtaining additional funds to ensure the general welfare of the residents of Mendota.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota that the City Council hereby approves a contract with Townsend Public Affairs.

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 14th day of June, 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: June 10, 2016

TO: Honorable Mayor and City Council Members

FROM: Vince DiMaggio, City Manager
John P. Kinsey, City Attorney

SUBJECT: Second Reading and Adoption of Proposed Ordinance No. 16-05: An Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana

ISSUE:

Consideration of an ordinance that would provide a comprehensive update to Chapter 8.36 of the Mendota Municipal Code, including provisions (i) prohibiting the cultivation or medical marijuana; (ii) prohibiting the location of medical marijuana dispensaries within the City; (iii) prohibiting the delivery of medical marijuana; (iv) clarifying the City's enforcement of any violations of Chapter 8.36; and (v) providing further amendments needed to clarify the regulation of medical marijuana within the City.

BACKGROUND:

In 1996, California voters approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes. In 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card.

In late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"). The Act is effective as of January 1, 2016. The Act provides a statewide program for the licensing and regulation of commercial cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of marijuana. The Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and the City may adopt

ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether.

Previously, the Act contained provisions suggest that, if a city did not have a zoning ordinance expressly addressing cultivation, the State would become the sole licensing and regulatory authority for that activity effective March 1, 2016. That deadline, however, has now been removed by recent legislation signed by the Governor on February 2, 2016.

The Act also provides that if a city does not have an ordinance in effect that expressly bans medical marijuana delivery in conjunction with a dispensary before the State begins issuing licenses, the State will be the sole regulatory body and delivery will be allowed with just a State dispensary license. It is not immediately clear when the State will be ready to issue licenses.

As a result of the foregoing, City Staff has been exploring potential amendments to the City of Mendota Municipal Code concerning the cultivation and delivery of medical marijuana, and the location of medical marijuana dispensaries in the City.

On February 9, 2016, the City Council voted to adopt a Resolution of Intention to initiate amendments to Chapter 8.36 of the Mendota Municipal Code that would (i) prohibit the establishment and/or operation of medical marijuana dispensaries, including mobile dispensaries; (ii) prohibit the indoor or outdoor cultivation of marijuana; (iii) prohibit the delivery of marijuana anywhere within the City's boundaries; and (iv) make certain other clarifying changes to the existing text of Chapter 8.36.

City Staff prepared a proposed Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana (the "Proposed Ordinance").

On March 2, 2016, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 15, 2016, regular meeting. At the March 15, 2016, meeting, the Planning Commission conducted a public hearing, and recommended that the City Council approve the Proposed Ordinance.

The City Council subsequently continued its public hearing on the Proposed Ordinance to May 10, 2016.

On April 27, 2016, the City published notice in the Firebaugh Mendota Journal advising that the City Council would conduct a public hearing on the Proposed Ordinance at its May 10, 2016, regular meeting.

DISCUSSION:

Staff is recommending that the City Council conduct a first reading of the Proposed Ordinance amending Chapter 8.36 of the Mendota Municipal Code which, if enacted, would (i) prohibit the establishment and/or operation of medical marijuana dispensaries, including mobile dispensaries; (ii) prohibit the indoor or outdoor cultivation of marijuana; (iii) prohibit the

delivery of marijuana anywhere within the City's boundaries; and (iv) make certain other clarifying changes to the existing text of Chapter 8.36. City Staff also recommended that the City Council enact the Proposed Ordinance at the next available meeting.

Staff also recommends that the City Council find the Proposed Ordinance is not subject to environmental review under the California Environmental Quality Act.

Purpose and Intent of the Medical Marijuana Urgency Ordinance

In recommending the prohibition of marijuana dispensaries, and the delivery and cultivation of marijuana, as well as related activities, staff is making no judgment on whether individuals obtain some medical benefit from marijuana. The sole purpose of the Ordinance would be to protect the City's residents, business owners, and visitors from the detrimental secondary effects that such activities can create. The adoption of this Ordinance would allow the City to retain local control over the regulation of commercial medical marijuana activities. Adoption of a prohibition now will afford the City the opportunity to see how the State's regulatory structure develops and what unintended consequences, if any, may arise from implementation of the state program.

Secondary Effects of Medical Marijuana Activities

Much of the criminal activity associated with marijuana dispensary operations is due to the fact that federal law still classifies marijuana as a Schedule I drug, considered one of the most dangerous controlled substances along with heroin, LSD, Ecstasy and others. As long as it remains so classified, banks face severe monetary penalties or even closure, and individual bankers can be criminally prosecuted and banned from the industry, if they assist dispensary owners with opening and maintaining bank accounts. As a result, dispensaries must generally operate as a cash-only business. The Los Angeles Times recently reported that the "\$700-million-a-year cannabis industry run[s] almost entirely on cash." (See Exhibit "B.") With so much cash moving around, it is perhaps no surprise that dispensaries and related marijuana activities are a magnet for crime. In addition to robberies at dispensaries, grow houses have been broken into, and the Times reported that gangs in Denver have targeted couriers moving dispensary cash around the city.

Even a very cursory web search confirms that dispensaries are particularly vulnerable to criminal activity: in 2015 alone, at least three Los Angeles dispensaries were robbed; security guards at two of them were injured and an employee was injured at the third. A security guard was shot and killed at a San Bernardino dispensary in February. And an armed robbery of a dispensary in Upland in January 2015 led to a stand-off with the SWAT team at a nearby apartment building.

The City of Mendota Police Department, the County of Fresno, and the Fresno County Sheriff, have each determined that medical marijuana cultivation poses a threat to the public peace, health and safety. Many medical marijuana grows have recently emerged in Fresno County, which are visible to the public, including children and youths. Some of these grows contain booby-trap devices that threaten severe bodily harm or death to those who attempt to access

them. There is also a threat of violent crime due to the size, location, and monetary value of these mature medical marijuana grows.

Proposed Features of the Potential Ordinance

Staff's proposed amendments to Chapter 8.36 of the Mendota Municipal Code would prohibit the establishment and operation of a medical marijuana dispensary anywhere within the City's boundaries, regardless of the zone, adopted specific plan, overlay zone or any other development or use classification of the property. The Amendments would also prohibit the indoor and outdoor cultivation of marijuana, and the delivery of marijuana from a fixed or mobile dispensary to another person within the City. The Amendments would also make certain changes to clarify Chapter 8.36 and its implementation.

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

Motion to waive further reading of Ordinance No. 16-05.

Adopt Ordinance No. 16-05: An Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana

Attachments

Ex. "A": [Proposed] Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana

Ex. "B": *Limited by U.S. banking rules, pot businesses rely on bags of cash and armed guards,* Los Angeles Times, December 19, 2015.

Ex. "C": City Council, City of Mendota, Resolution No. 16-08, Resolution of Intention to Initiate an Amendment to Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana

Ex. "D": Planning Commission, City of Mendota, Resolution No. 16-02

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
AMENDING CHAPTER 8.36 OF THE MENDOTA
MUNICIPAL CODE RELATING TO THE
ESTABLISHMENT AND OPERATION OF
MEDICAL MARIJUANA DISPENSARIES,
THE INDOOR AND OUTDOOR CULTIVATION
OF MEDICAL MARIJUANA, AND THE
DELIVERY OF MEDICAL MARIJUANA**

ORDINANCE NO. 16-05

WHEREAS, in 1996, the People of the State of California approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card; and

WHEREAS, in late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"), which provides a statewide program for the licensing and regulation of commercial medical cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of medical marijuana; and

WHEREAS, the Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and therefore the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether; and

WHEREAS, the Act further provides that if a city does not have an ordinance in effect that expressly prohibits the delivery of medical marijuana in conjunction with a dispensary before the State begins issuing licenses, the State will be the sole regulatory body for that activity and delivery will be permissible with just a State license; and

WHEREAS, the City Council takes legislative notice that the use, possession, cultivation, distribution and sale of marijuana remain illegal under the Controlled Substances Act ("CSA," 21 U.S.C. Section 841), and that federal courts have recognized that despite California laws, marijuana is deemed to have no accepted

medical use and the federal government may properly enforce the CSA in California; and

WHEREAS, in light of the continuing conflict between state and federal law, the City must resolve for itself whether, as a land use matter, cultivation of medical marijuana, delivery of medical marijuana, medical marijuana dispensaries, and related activities should be permitted, regulated or prohibited; and

WHEREAS, the City Council concurs with the City of Mendota Police Department, the County of Fresno, and the Fresno County Sheriff, who have determined that medical marijuana cultivation poses a threat to the public peace, health and safety. Many medical marijuana grows have recently emerged in Fresno County, which are visible to the public, including children and youths. Some of these grows contain booby-trap devices that threaten severe bodily harm or death to those who attempt to access them. There is also a threat of violent crime due to the size, location, and monetary value of these mature medical marijuana grows.

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors;

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City;

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery;

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants;

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime;

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing and distribution activities;

WHEREAS, based on the foregoing and other evidence, medical marijuana

grows can create a nuisance that threatens the safety and property of nearby landowners and their families.

WHEREAS, nothing in Chapter 8.36 of the Mendota Municipal Code shall be deemed to conflict with federal law, as contained in the Controlled Substances Act, 21 U.S.C. § 841, or to license any activity that is prohibited under the act except as mandated by state law.

WHEREAS, nothing in Chapter 8.36 of the Mendota Municipal Code shall be construed to (i) allow persons to engage in conduct that endangers others or causes a public nuisance; (ii) allow the use of marijuana for non-medical purposes; or (iii) allow any activity relating to the cultivation, distribution, or consumption of marijuana that is illegal under state or federal law.

WHEREAS, the City Council finds and declares that it is necessary to retain local control over the regulation of medical marijuana activities in order to protect public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENDOTA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 8.36 of the Mendota Municipal Code is amended in its entirety to read as follows:

8.36.010 – Purpose & intent.

It is the purpose and intent of this Chapter 8.36, pursuant to Section 25123(d) of the Government Code to immediately prohibit the cultivation and delivery of medical marijuana to preserve the public peace, health, safety and general welfare of the citizens of the City of Mendota. It is also the purpose and intent of this Chapter 8.36 to continue in effect the City of Mendota’s prohibition of medical dispensaries and limitations on the places where medical marijuana may be consumed.

8.36.020 – Relationship with other laws.

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to, any activity that is regulated by federal or state law to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the City Council that this chapter shall be interpreted to be compatible and consistent with federal and state enactments and in furtherance of the purposes which those enactments express. It is the intention that the provisions of this chapter will supersede any other provisions of this Mendota Municipal Code found to be in conflict.

8.36.030 – Definitions.

Notwithstanding any other provision in the Mendota Municipal Code, for purposes of this Chapter 8.36, the following terms shall have the following meanings:

“Collective or cooperative cultivation” means the association within California of qualified patients, persons with valid identification cards, and the designated primary caregivers of patients and persons with identification cards to cultivate medical marijuana.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, storing or trimming of medical marijuana.

“Delivery” means the commercial transfer of medical marijuana from a dispensary to a qualified patient, primary caregiver or person with an identification card, as defined in Section 11362.7 of the California Health & Safety Code, through any means of transport or delivery service. “Delivery” also includes the use by a medical marijuana dispensary, as defined herein, of any technology platform that enables qualified patients or primary caregivers to arrange for or facilitate the transfer of medical marijuana by a dispensary.

“Medical marijuana” or “medical cannabis” means “medical cannabis” as defined in Section 19300.5, subdivision (ag) of the California Business & Professions Code.

“Medical marijuana dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is offered, provided, sold, made available or otherwise distributed to a qualified patient, primary caregiver, or person with an identification card, as defined in Section 11362.7 of the California Health & Safety Code. For purposes of this section, the following do not constitute a “medical marijuana dispensary” so long as they comply with this section, the Mendota Municipal Code and all other applicable laws, and hold a current and valid state license duly issued in accordance with the applicable California law:

- a. A clinic, as defined in Section 1200 of the Health & Safety Code;
- b. A health care facility, as defined in Section 1250 of the Health & Safety Code;
- c. A residential care facility for persons with chronic life-threatening illness, as defined in Section 1568.01 of the Health & Safety Code;
- d. A residential care facility for the elderly, as defined in Section 1569.2 of the Health & Safety Code;
- e. A home health agency, as defined in Section 1727 of the Health & Safety Code, or a hospice that operates in accordance with Section 1726 of the Health & Safety Code; and
- f. A pharmacy, as defined in Section 4037 of the Business and Professions Code.

“Person” means any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however formed.

8.36.040 – Regulations applicable to the consumption of medical marijuana.

No person shall smoke, ingest, or otherwise consume medical marijuana in the city of Mendota unless such person is a qualified patient or person with an identification card, and such smoking, ingesting or consumption occurs entirely within that person's principal place of residence or on the premises of that person's principal place of residence but out of public view. "Out of public view" shall mean out of view from public rights-of-way where members of the public are lawfully entitled to be. The phrase "inside a private residence" shall mean inside habitable areas and shall include garages, whether attached or detached, and other accessory buildings.

8.36.050 – Medical Marijuana Dispensaries, Cultivation and Delivery.

The following prohibitions apply to all property within the City's boundaries, regardless of the zone, adopted specific plan, overlay zone or any other development or use classification or other designation of the property:

1. It is unlawful for any person, to establish or operate, or to allow, cause, create, suffer or permit the establishment or operation of a medical marijuana dispensary.
2. It is unlawful for any person to engage in the indoor or outdoor cultivation of medical marijuana, or to allow, cause, create, suffer or permit the indoor or outdoor cultivation of medical marijuana.
3. It is unlawful for any person to deliver medical marijuana to another person, or to allow, cause, create, suffer or permit the delivery of medical marijuana to another person.

8.36.060 – Violation and enforcement

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by Title 1, Chapter 1.20 of this code. Additionally, as a nuisance *per se*, any violation of this chapter shall be subject to injunctive relief, payment to the city of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, civil penalties as set by the city council by resolution and any other relief or remedy available at law or equity. The city may also pursue any and all remedies and actions available and applicable under local and state laws for any violations of this chapter.

The Mendota Police Department, with administrative assistance from the city manager's office, shall have primary responsibility for enforcement of the provisions of this chapter; however, nothing herein shall limit the ability of the City's designated code enforcement officer to enforce the provisions of this chapter as may be necessary from time-to-time.

Nothing in this chapter shall be construed as imposing on the enforcing officer or the city of Mendota any duty to issue any notice to abate, nor to abate, nor to take any other action with regard to any violation of this chapter, and neither the enforcing officer nor

the city of Mendota shall be held liable for failure to issue an order to abate, nor for failure to abate, nor for failure to take any other action with regard to any violation of this chapter.

8.36.070 – Severability

If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

SECTION 2. 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 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Mendota hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. 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 5. 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 6. 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 24th day of May, 2016 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 14th day of June, 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

Nation

Limited by U.S. banking rules, pot businesses rely on bags of cash and armed guards



Kristi Kelly owns Good Meds, a medical marijuana company. Banks face prosecution for working with marijuana dispensaries, forcing businesses like Kelly's to operate almost entirely on cash. (David Kelly / For The Times)

By **David Kelly**

DECEMBER 19, 2015, 3:00 AM | REPORTING FROM DENVER

The Fourth Corner Credit Union occupies a prime spot in downtown Denver, not far from the state Capitol. It has a big safe, four teller windows, drive-up service and a banner out front that says, "The Fourth Corner Credit Union Coming Soon."

But there's a problem.

The Federal Reserve Bank of Kansas City, which oversees Denver, has refused Fourth Corner's request for a "master account," essentially a bank account allowing it to do business.

"You can't have a bank chartered by the state of Colorado and then nullified by the federal government," said Mark Mason, an attorney for the credit union.

Unless the Fed simply doesn't like the customers.

And in this case, the customers work in the cannabis trade. Fourth Corner hopes to be the first financial institution in the nation catering exclusively to the marijuana business.

But although pot is legal here, it remains a Schedule 1 controlled substance along with LSD and heroin in the eyes of the federal government. That means any bank working with the weed business faces prosecution.

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"Banks face a number of risks if they choose to serve the industry, up to and including closure of their institutions," said Amanda Averch, director of communications for the Colorado Bankers Assn.

"Regulators can impose civil money penalties, cease-and-desist orders, fines and can ban bankers from their careers for life."

Political remedies are being considered but major roadblocks remain, leaving the \$700-million-a-year cannabis industry running almost entirely on cash. Bags of it are taken to grocery stores to buy money orders to pay staff. Houses are rented and filled with safes full of cash. Phony bank accounts are created and then shut down when the money arrives reeking of pot.

Nearly everyone in the marijuana business has had bank accounts closed.

"So far we have lost 25 bank accounts," said Kristi Kelly, owner of the Good Meds medical marijuana dispensaries near Denver. "Our biggest area of exposure is what we do with our cash. Then how do we pay our bills? We are not talking about \$20 but five- and six-figure bills."

Those who can have hired armed private security to guard the product and ferry cash around Colorado in armored vans.

The guards are often former military personnel with combat experience in Iraq and Afghanistan.

On a recent morning, Tom Morton, a towering former Marine, cruised through a warren of faceless warehouses in North Denver before pulling into a side alley, walking up a few steps and ringing a bell.

The doors opened, revealing a bright, cavernous room with dozens of workers busily tending marijuana plants as tall as summer corn. An alcove flickered with 48 cameras trained on every employee.

Morton, 27, is a supervisor with the security company Helix TCS, checking on Travis Dombrowski, 26, a

guard who carries a semiautomatic pistol on his hip.

"I feel comfortable that I can defend the people here from any threat that comes through that door," Dombrowski said.

Morton nodded.

"Travis and I served together in Afghanistan. I know I can trust him with my life," he said. "I know in a gunfight he won't back down."

The day before, Morton was driving \$20,000 in cash and 50 pounds of pot around Denver in a van, a guard toting an AR-15 assault rifle perched in the back.

"It's totally legal," he said. "But it feels sketchy."

Criminals have targeted dozens of pot businesses. Earlier this year, shots were fired during two robberies. In another incident, a man crashed a pick-up through a grow house and chopped down \$15,000 worth of plants. And then there was a gang preying on couriers moving cash around the city.

No one has been killed, but many believe it's just a matter of time. And that's what got 26-year-old Alex Mason thinking.

He had a lot of friends in the marijuana industry and was appalled at the obstacles they faced conducting a legitimate business. So he and his father, Mark Mason, came up with the idea of a credit union servicing the cannabis business. They assembled a staff, a chief executive and a board of directors, and last year they received a state charter.

"Forget whether you are for or against cannabis, there is no rational argument to keep it an all-cash economy," said credit union Executive Vice President Mark Goldfogel. "There is no scenario where black marketing cash from a legal business is sustainable."

According to Mark Mason, the situation pushes the cannabis industry to the margins of legality.

"Most have figured out a workaround to get money to the state and others through friends or under management companies," he said. "But it all comes very close to the textbook definition of money laundering."

Mason has filed suit against the Federal Reserve for denying the credit union a master account and a hearing is set for Dec. 28 in federal court here.

A Fed spokesman declined comment.

Last year, the Obama administration issued new guidelines for banks wishing to do business with marijuana dealers that lessened the threat of prosecution but didn't offer immunity from it.

According to the Colorado Bankers Assn., 12 small banks are now working with the cannabis industry on a limited basis, but they have been warned by federal regulators not to expand those accounts, which are being closely monitored.

Blue Line Protection Group, a security firm, is doing compliance checks for such banks to ensure their cannabis clients are obeying the law.

"We know the dispensary owners, what questions to ask and how much cash and product they produce," said Blue Line Vice President Michael Jerome. "We do on-site compliance for the banks and they provide accounts for the businesses."

Blue Line is also opening a 12,000-square foot fortified "vaulting and cash processing facility" to safeguard their clients' money.

Kelly, the dispensary owner, recently opened an account with a bank that asked not to be identified. She knows it could be shut at any time.

"When my first account was closed I felt indignant," she said, "like I was being discriminated against."

It reminded Kelly of her grandmother, who had moved from China to Washington and stuffed her mattress with money because no one would give her a bank account.

"So these Chinese immigrants got together and opened their own credit union," she said. "I think there are some interesting parallels here. History has shown we can get through this, that we can remedy historical inequities."

The best solution may be an act of Congress.

Lawmakers including Colorado Sens. Michael Bennet, a Democrat, and Cory Gardner, a Republican, have introduced legislation giving marijuana businesses access to banking while barring regulators from punishing banks who legally work with them.

It's supported by the Colorado banking industry and Gov. [John Hickenlooper](#), a Democrat who opposed marijuana legalization.

But until something changes, dispensary owners and growers will continue to play hide-and-seek with criminals and rely on outfits such as Helix to protect their crops and cash.

In Greenwood Village, just south of Denver, Zachary Venegas monitored the movement of his security guards across the region from his office. If one of their unmarked vans carrying cash or marijuana veers off course, he's instantly alerted.

Venegas is a West Point graduate and former infantry officer who has owned security businesses in Africa and the Middle East before becoming chief executive of Helix. Nearly all his employees are former members of the military.

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"We are all comfortable in a mission-oriented culture," he said.

Still, he believes it's just a matter of time before a major crime targeting the cannabis industry results in significant casualties.

"A lot of people are saying, 'Well, let's just see how it goes,' as if there's not an actual threat," he said. "But I think the illegal side is out there just watching and waiting to strike."

Kelly is a special correspondent.

ALSO

[Tesla Motors receives \\$39 million in sales tax incentives from state](#)

[Northern California woman found dead at home was possibly killed by her 2 dogs](#)

[San Bernardino shooter's friend Enrique Marquez accused of fraud in \\$200-per-month marriage](#)

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A version of this article appeared in print on December 19, 2015, in the News section of the Los Angeles Times with the headline "Legal pot shops are a high-risk business to banks" — [Today's paper](#) | [Subscribe](#)

This article is related to: [John Hickenlooper](#)

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

**RESOLUTION OF INTENTION TO INITIATE
AN AMENDMENT TO CHAPTER 8.36 OF THE
MENDOTA MUNICIPAL CODE RELATING
TO THE ESTABLISHMENT AND OPERATION
OF MEDICAL MARIJUANA DISPENSARIES,
THE INDOOR AND OUTDOOR CULTIVATION
OF MEDICAL MARIJUANA, AND THE DELIVERY
OF MEDICAL MARIJUANA**

RESOLUTION NO. 16-08

WHEREAS, in 1996, the People of the State of California approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card; and

WHEREAS, in late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"), which provides a statewide program for the licensing and regulation of commercial medical cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of medical marijuana; and

WHEREAS, the Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and therefore the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether; and

WHEREAS, the City Council takes legislative notice that the use, possession, cultivation, distribution and sale of marijuana remain illegal under the Controlled Substances Act ("CSA," 21 U.S.C. Section 841), and that federal courts have recognized that despite California laws, marijuana is deemed to have no accepted medical use and the federal government may properly enforce the CSA in California; and

WHEREAS, in light of the continuing conflict between state and federal law, the City must resolve for itself whether, as a land use matter, cultivation of medical marijuana, delivery of medical marijuana, medical marijuana dispensaries, and related activities should be permitted, regulated or prohibited; and

WHEREAS, the City Council concurs with the City of Mendota Police Department, the County of Fresno, and the Fresno County Sheriff, who have determined that medical marijuana cultivation poses a threat to the public peace, health and safety. Many medical marijuana grows have recently emerged in Fresno County, which are visible to the public, including children and youths. Some of these grows contain booby-trap devices that threaten severe bodily harm or death to those who attempt to access them. There is also a threat of violent crime due to the size, location, and monetary value of these mature medical marijuana grows; and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors; and

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City; and

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing and distribution activities; and

WHEREAS, based on the foregoing and other evidence, medical marijuana grows can create a nuisance that threatens the safety and property of nearby landowners and their families; and

WHEREAS, based on the foregoing concerns, following the passage of the Act, City Staff commenced a review of its existing ordinances relating to medical marijuana, which are located at Chapter 8.36 of the of the Mendota Municipal Code; and

WHEREAS, following its review of Chapter 8.36, the City has determined that it is in the City's best interest to consider the potential prohibition of (i) the cultivation of medical marijuana, (ii) the delivery of medical marijuana; and (ii) medical marijuana dispensaries within the City; and

WHEREAS, Section 17.08.040 of the Mendota Municipal Code provides the procedure for the enactment of amendments to the City's Zoning Code, which is located at Title 17 of the Mendota Municipal Code; and

WHEREAS, although the Chapter 8.36 is not located in Title 17, the regulation of certain aspects of medical marijuana, including cultivation and dispensaries, imposes potential regulations on land use, and therefore the City in an abundance of caution is employing the procedures set forth in Section 17.08.040 to consider an amendment to Chapter 8.36 of the Mendota Municipal Code; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council."

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Mendota hereby authorizes Staff to proceed with the preparation of a comprehensive update to Chapter 8.36 of the Mendota Municipal Code to (i) prohibit the cultivation or medical marijuana; (ii) prohibit the location of medical marijuana dispensaries within the City; (iii) prohibit the delivery of medical marijuana; (iv) clarify the City's enforcement of any violations of Chapter 8.36; and (v) provide any further amendments needed to clarify the regulation of medical marijuana within the City.

BE IT FURTHER RESOLVED that the Secretary shall schedule a public hearing before the Planning Commission on the proposed amendments to Chapter 8.36 of the Mendota Municipal Code no less than ten (10) days nor more than forty (40) days after 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 9th day of February, 2016, by the following vote:

AYES: 4 – Mayor Silva, Mayor Pro Tem Valdez, Councilors Amador and Castro.
NOES: 0
ABSENT: 1 – Councilor Riofrio.
ABSTAIN: 0


Matt Flood, City Clerk



**PLANNING COMMISSION
OF THE CITY OF MENDOTA
FRESNO COUNTY, CALIFORNIA**

RESOLUTION NO. PC 16-02

**A RESOLUTION OF THE CITY OF MENDOTA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MENDOTA ADOPT
AN ORDINANCE AMENDING CHAPTER 8.36 OF THE MENDOTA MUNICIPAL
CODE RELATING TO THE ESTABLISHMENT AND OPERATION OF MEDICAL
MARIJUANA DISPENSARIES, THE INDOOR AND OUTDOOR CULTIVATION OF
MEDICAL MARIJUANA, AND THE DELIVERY OF MEDICAL MARIJUANA.**

WHEREAS, on February 9, 2016, the City Council voted to adopt a Resolution of Intention to Initiate an Amendment to Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana (the "Resolution of Intention"); and

WHEREAS, although the Chapter 8.36 is not located in Title 17, the regulation of certain aspects of medical marijuana, including cultivation and dispensaries, imposes potential regulations on land use, and therefore the City in an abundance of caution is employing the procedures set forth in Section 17.08.040 to consider an amendment to Chapter 8.36 of the Mendota Municipal Code; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council"; and

WHEREAS, City Staff has prepared a proposed Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana, a copy of which is attached hereto as Exhibit "A" (the "Proposed Ordinance"); and

WHEREAS, on March 2, 2016, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 15, 2016, regular meeting; and

WHEREAS, on March 15, 2016, the Planning Commission conducted a duly-noticed public hearing on the Proposed Ordinance; and

WHEREAS, Staff has reviewed the Proposed Ordinance, and has determined that the approval of the Proposed 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. Staff has also determined that, alternatively, the Proposed 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.

WHEREAS, Section 17.08.040(H) of the Mendota Municipal Code provides that the City Council shall hold a public hearing on the proposed amendments "not less than ten days nor more than forty (40) days after the filing of the commission's resolution by the council," and that notice of said council hearing "shall be given as provided in Section 17.08.040(F)."

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Mendota hereby recommends to the City Council approval of the Proposed Ordinance, attached hereto and made a part of this resolution as Exhibit "A."

BE IT FURTHER RESOLVED that the Planning Commission finds the approval of this ordinance is not subject to 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 Planning Commission 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.

BE IT FURTHER RESOLVED that the Secretary shall file this Resolution No. PC 16-02 with the City Council, and shall schedule a public hearing before the City Council on the Proposed Ordinance no less than ten (10) days nor more than forty (40) days after the adoption of this resolution. The Secretary shall also provide notice of the City Council hearing as provided under Section 17.08.040 of the Mendota Municipal Code no later than 10 days before the hearing.

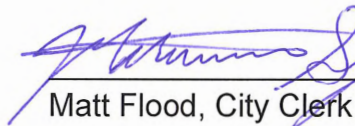
PASSED AND ADOPTED by the Planning Commission of the City of Mendota at a regular meeting held on the 15th of March, 2016, upon a motion by Commissioner Escobedo, a second by Vice-Chairperson Quintanar, and by the following vote:

AYES: 5 – Chairperson Luna, Vice-Chairperson Quintanar, Commissioners Escobedo, Espinoza, and Gamez.
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Commissioner Garcia.

ATTEST:



Juan Luna, Chair



Matt Flood, City Clerk



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 MAY 2016
DATE: JUNE 14, 2016

In the month of May Code Enforcement focused on the issues typically faced during the warmer months such as substandard housing (especially individuals living in trailers, sheds, garages, etc.) public nuisances, water conservation, etc.

We also worked on a significant case, 643 Riofrio, in which various individuals had constructed makeshift shelters or had otherwise illegally inhabited structures on this property. Regular meetings with the owner's representative were conducted with the Police and Building Departments to coordinate the efforts to keep the property as secure as possible while going through the eviction process. Code Enforcement continues to remain vigilant and partners with the Police Department to ensure that these groups do not inhabit other places illegally within our community.

Water conservation continues to be an important focus as well as some other points that we continue to emphasize to the public:

- For stage two water conservation, any decorative or recreational device that needs water to run and does not have a pump to recycle the water is prohibited. This includes fountains, inflatable water slides, etc.
- The new Noise Permit process is much stricter than the previous process when it comes to the volume of the music. Now when people receive a permit to have music, it does not mean that they can play it as loud as they want. The permit will have the decibel limit written on it.
- When residents wish to report Code Enforcement issues, the best option is to call dispatch at (559) 655-4294. This ensures that the complaint is documented appropriately and a response is made. They are free to call City Hall and follow up with the Code Enforcement Supervisor on an issue.

Attached is the monthly update on citations given out during the month of May.

Address	Type of Case	1st Notice	2nd Notice	Deadline	Status
671 LOZANO ST	PARKED ON LAWN	5/3/2016	N/A	N/A	CLEARED
207 I ST	TRUCK PARKING NOT PERMITTED	5/3/2016	N/A	N/A	CITED
665 LOZANO ST	WATER CONSERVATION	5/3/2016	N/A	N/A	WRITTEN WARNING
874 PUCHEU ST	WATER CONSERVATION	5/4/2016	N/A	N/A	WRITTEN WARNING
912 E. NINTH ST LOS ANGELES	NO BUSINESS LICENSE	5/4/2016	N/A	N/A	CITED
280 BLACK AVE	NO BUSINESS LICENSE	5/4/2016	N/A	N/A	CITED
188B N. MADERA AVE KERMAN	NO BUSINESS LICENSE	5/4/2016	N/A	N/A	CITED
316 BLANCO ST	WATER CONSERVATION	5/4/2016	N/A	N/A	WRITTEN WARNING
SOUTH BASS LOT	ILLEGAL INHABITING	5/5/2016	N/A	N/A	CLEARED
1097 QUINCE ST	NO RV PARKING PERMITTED	5/5/2016	N/A	N/A	CLEARED
221 FLEMING ST	PARKED ON LAWN	5/5/2016	N/A	N/A	CLEARED
663 LOZANO ST	PARKED ON THE SIDEWALK	5/5/2016	N/A	N/A	CITED
280 BLACK AVE	WATER CONSERVATION	5/6/2016	N/A	N/A	CITED
5515 E. INYO ST FRESNO CA	NO BUSINESS LICENSE	5/6/2016	N/A	N/A	CITED
1203 P.O. BOX SAN JOAQUIN	EXPIRED REG/ PARKED 18" AWAY FROM CURB	5/6/2016	N/A	N/A	CITED
900 TRINITY AVE CHOWCHILLA	PARKED 18" AWAY FROM CURB	5/6/2016	N/A	N/A	CITED
737 PUCHEU ST	PARKED 18" AWAY FROM CURB	5/7/2016	N/A	N/A	CITED
205 SANTA CRUZ ST	WATER CONSERVATION	5/7/2016	N/A	N/A	WRITTEN WARNING
27721 MAPLERIDGE CHESTERFIELD MI	NO BUSINESS LICENSE	5/7/2016	N/A	N/A	CITED
616 S CORNELIA, FRESNO	NO BUSINESS LICENSE	5/8/2016	N/A	N/A	CITED
860 W WOODWARD, FRESNO	NO BUSINESS LICENSE	5/8/2016	N/A	N/A	CITED
250 MCCABE ST	PARKED ON LAWN	5/9/2016	N/A	N/A	CITED
645 LOZANO ST	PARKED ON LAWN	5/9/2016	N/A	N/A	CITED
647 PEREZ ST	PARKED IN DISABLED SPACE	5/11/2016	N/A	N/A	CITED
500 BLACK AVE	WATER CONSERVATION	5/11/2016	N/A	N/A	WRITTEN WARNING
328 GOMEZ ST	WATER CONSERVATION	5/11/2016	N/A	N/A	WRITTEN WARNING
100 SECOND APT 43	PARKED LESS THAN 15FT FROM FIRE HYDRANT	5/12/2016	N/A	N/A	CITED
661 FOURTH ST	PARKED ON LAWN	5/12/2016	N/A	N/A	CITED
720 OLLER ST	SHOPPING CARTS	5/14/2016	N/A	N/A	CITED
1840 SEVENTH ST	SHOPPING CARTS	5/14/2016	N/A	N/A	CLEARED
647 PEREZ ST	ILLEGALLY PARKED	5/14/2016	N/A	N/A	CITED
654 LOZANO APT 805	PARKED IN ALLEYWAY	5/14/2016	N/A	N/A	CITED
1000 SECOND ST APT 38	PARKED IN RED ZONE	5/14/2016	N/A	N/A	CITED

P.O BOX 448, MENDOTA	PARKED LESS THAN 15FT FROM FIRE HYDRANT	5/14/2016	N/A	N/A	CITED
204 LOCUST AVE	YARD SALE SIGNS	5/14/2016	N/A	N/A	WRITTEN WARNING
623 HAVEY RD, HANFORD	NO BUSINESS LICENSE	5/14/2016	N/A	N/A	CITED
1832 NINTHTH ST	PARKED ON LAWN	5/14/2016	N/A	N/A	CITED
3931 S FAIRFAX FIREBAUGH	PARKED ON LAWN	5/16/2016	N/A	N/A	CITED
1840 SEVENTH ST	SHOPPING CARTS	5/16/2016	N/A	N/A	CLEARED
5757 PACIFIC AVE, STOCKTON	NO BUSINESS LICENSE	5/16/2016	N/A	N/A	CITED
190 SORENSEN AVE	72 HOUR NOTICE FOR ABANDONED VEHICLE	5/17/2016	N/A	N/A	CLEARED
190 SORENSEN AVE	72 HOUR NOTICE FOR ABANDONED VEHICLE	5/17/2016	N/A	N/A	CLEARED
314 GOMEZ ST	PARKED 18" AWAY FROM CURB	5/17/2016	N/A	N/A	CITED
151 STRAW ST	SUBSTANDARD FENCING	5/17/2016	N/A	N/A	CLEARED
1093 EASTSIDE DR, FIREBAUGH	72 HOUR NOTICE FOR ABANDONED VEHICLE	5/19/2016	N/A	N/A	CLEARD
1093 EASTSIDE DR, FIREBAUGH	EXPIRED REGISTRATION	5/19/2016	N/A	N/A	CITED
256 SAN PEDRO ST	PARKED ON LAWN	5/19/2016	N/A	N/A	CITED
202 I ST	ACCUMULATED WASTE	5/21/2016	N/A	N/A	CLEARED
807 KATE ST	SUBSTANDARD FENCING	5/21/2016	N/A	N/A	PENDING
615 DE LA CRUZ	NO CONDITIONAL USE PERMIT	5/21/2016	N/A	N/A	CITED
529 J ST	WATER CONSERVATION	5/22/2016	N/A	N/A	WRITTEN WARNING
142 ELM AVE	WATER CONSERVATION	5/22/2016	N/A	N/A	WRITTEN WARNING
560 BLACK AVE	PARKED 18" AWAY FROM CURB	5/23/2016	N/A	N/A	CITED
202 SORENSEN AVE	WATER CONSERVATION	5/23/2016	N/A	N/A	WRITTEN WARNING
200 DERRICK AVE	SIGNS/BANNERS	5/23/2016	N/A	5/24/2016	CLEARED
1740 NINTH ST	PARKED IN ALLEYWAY	5/23/2016	N/A	N/A	CITED
1000 SECOND ST APT 15	PARKED ON LAWN	5/25/2016	N/A	N/A	CITED
654 LOZANO APT 902	PARKED IN DISABLED SPACE	5/25/2016	N/A	N/A	CITED
585 I ST	ILLEGAL INHABITING	5/25/2016	N/A	N/A	CLEARED
108 KATE CT.	SUBSTANDARD FENCING	5/26/2016	N/A	N/A	PENDING
206 SANTA CRUZ ST	GARAGE CONVERSION	5/26/2016	N/A	N/A	CLEARED
807 S KATE ST	SUBSTANDARD FENCING	5/26/2016	N/A	N/A	PENDING
629 LOZANO ST	PARKED ON LAWN	5/26/2016	N/A	N/A	CITED
756 PUCHEU ST	PARKED ON LAWN	5/26/2016	N/A	N/A	CITED
649 S KATE ST	PARKED IN REDZONE	5/27/2016	N/A	N/A	CITED
436 OLLER ST	TRUCK PARKING NOT PERMITTED	5/27/2016	N/A	N/A	CITED
511 OXNARD ST	PARKED ON LAWN	5/27/2016	N/A	N/A	CLEARED

280 MCCABE AVE	PARKED ON LAWN	5/27/2016	N/A	N/A	CITED
666 LOLITA ST	YARD SALE SIGNS	5/28/2016	N/A	N/A	CITED
316 J ST	PARKED ON LAWN	5/28/2016	N/A	N/A	CITED
1957 JENNINGS ST	PARKED ON LAWN	5/28/2016	N/A	N/A	CITED
1108 SIXTH ST	72 HOUR NOTICE FOR ABANDONED VEHICLE	5/28/2016	N/A	N/A	CLEARED
654 PUCHEU ST	WATER CONSERVATION	5/28/2016	N/A	N/A	WRITTEN WARNING
11841 S. HENDERSON APT 1 CARUTHERS	PARKED ON LAWN	5/28/2016	N/A	N/A	CITED
257 SANTA CRUZ ST	WATER CONSERVATION	5/29/2016	N/A	N/A	WRITTEN WARNING
295 VALENZUELA ST	WATER CONSERVATION	5/29/2016	N/A	N/A	WRITTEN WARNING
654 LOZANO APT 606	TRUCK PARKING NOT PERMITTED	5/30/2016	N/A	N/A	CITED
1006 TENTH ST	SUBSTANDARD FENCING	5/30/2016	N/A	N/A	CLEARED
1096 PACHECO RD, FIREBAUGH	PARKED ON LAWN	5/30/2016	N/A	N/A	CITED
720 OLLER ST	SHOPPING CARTS	5/30/2016	N/A	N/A	CITED



Mendota Police Department Memorandum

Date: June 1, 2016
To: Vince DiMaggio, City Manager
Mendota City Council Members
From: Gregg L. Andreotti, Chief of Police
Subject: Monthly Report for May 2016

Significant Cases:

Vehicle stop found the driver to be intoxicated. He was arrested for DUI and when searched cocaine was discovered in his possession. He was eventually cited and released to a sober adult.

Vehicle burglary in the alley behind a local church. Victim noticed the window was broken and her wallet was missing. Suspect unknown.

Hub cap theft on Rios. Victim noticed the items missing in the morning hours. Suspect unknown.

Identity theft. Victim reported unknown suspect(s) attempted to open credit card accounts in her name.

Vehicle stop on Oller found the driver to be intoxicated. He was arrested for DUI and transported to Jail.

Passenger from the above vehicle stop exited the vehicle and urinated in the roadway. He was found to be intoxicated and arrested. He was transported to Jail.

Report of a suspicious person behind city hall. Officers located the person who exhibited signs of being under the influence of methamphetamine. A meth pipe and methamphetamine was found in her possession. She was arrested and transported to Jail.

Subject check at Hwy33/Bass. He was found to have an outstanding warrant. He was arrested, cited and released.

Subject check at Hwy33/Bass. He was FI'ed for information.

Non-injury hit and run traffic collision in a store parking lot. Witnesses informed officers the driver causing left the scene on foot. He was located by officers and arrested. He was found to have a suspended CDL. He was cited and released.

Vehicle burglary on Holmes resulted in an unknown suspect stealing the victim's radar detector.

Non-injury traffic collision on Oller/3rd. Driver causing did not yield right of way. All parties remained on scene for police.

Subject check on Oller discovered an outstanding warrant. He was arrested and transported to Jail.

Petty theft of tools from the bed of a truck parked at a local business. Suspect is unknown.

Report of a stolen vehicle from Naples/2nd Street. Suspect unknown.

Subject check at a local school discovered marijuana in the student's possession. He was arrested, cited and released to his guardian. He was also discovered to be listed and a missing person and was removed from the system.

Deceased person at a residence on Naples. Investigation determined the death was from natural causes. Coroner responded.

Non-injury traffic collision at 7th and Oller. Drivers remained on scene.

Vehicle check in an alley on Rio Frio discovered it was the stolen vehicle from earlier in the day. The vehicle was occupied by a driver who admitted the vehicle was stolen. She was arrested and transported to Jail.

Dog complaint on Sorenson discovered the dog owner had an active warrant for his arrest. He was arrested and transported to Jail.

Vandalism to a vehicle on Oller. Unknown subject broke out the back window of the victim's car.

A delivery person reported his company I-pad was stolen as he was delivering items to a business in Mendota. No suspects known.

Patrol check of the property by Hwy33/Bass where trespassers had been living discovered a prior trespasser, who was admonished a few days prior, back on the property. Per standing authorization from the property owner, the trespasser was arrested, cited and released.

Vehicle stop for the driver driving the wrong way. She was found to be unlicensed and intoxicated. She was arrested for DUI, cited and released to a sober family member.

Bicycle stop discovered the rider was in possession of a meth pipe and methamphetamine. He was arrested, cited and released.

Bicycle stop discovered the rider had an active arrest warrant. He was arrested, cited and released.

Vehicle stop determined the driver was intoxicated and on probation for narcotic violation and open to search. Open containers and a meth pipe were discovered in the vehicle. The driver was arrested for DUI and transported to CRMC for a blood draw prior to Jail. Probation also authorized a violation.

Report of an unwanted person on private property on 6th Street. Officers contacted the person and discovered she was in possession of two meth pipes. Property owner did not want to press trespassing charges. She was arrested on the paraphernalia charges, cited and released. Additionally, she was identified by a theft victim as the suspect in the theft. Stolen property was located in her possession. She was also arrested on these charges, cited and released.

Unknown suspicious person sitting in the reporting party's vehicle on Lolita Street. She was contacted by Officers and found to have property from the vehicle in her possession. She was arrested for theft and transported to Jail.

Report of possible vandalism on Oller. Suspect reportedly hit a door to a business. Officers contacted him and discovered he was intoxicated. He was arrested and transported to Jail.

Vehicle stop at 7th and Oller. The passenger was found to be in possession of an open container, exhibited signs of intoxication and refused to sign the citation. He was arrested and transported to MPD where he eventually agreed to sign the citation and was released.

Non-injury hit and run on Lozano. Unknown suspect side swiped victim's vehicle while it was parked thus causing damage.

Bicycle stop at 5th and Naples discovered an active warrant for the rider. She was cited and released.

Subject check at a local park discovered outstanding warrants for the person's arrest. He was arrested, cited and released.

Victim reported her vehicle's rear license plate was stolen by an unknown suspect sometime during the prior day.

Subject check at a local park discovered a meth pipe in his possession. He was arrested, cited and released.

Property owner reported an abandoned vehicle parked blocking his driveway. Officers located meth pipes, scale, cell phones in plain view within the vehicle. The registered owner was contacted and reported he sold the vehicle two months ago. The responsible party could not be located and the vehicle was stored. Incident to the storage, a backpack containing a BB gun, bandana and pills was located.

Vehicle burglary in the parking lot of a local business. The victim reported an unknown suspect entered her vehicle and removed her stereo. No forced entry noted.

Vehicle stop at 2nd/I Street discovered the driver was driving on a suspended CDL and had active warrants for his arrest. As he was being dealt with the passenger was witnessed hiding an item discovered to be methamphetamine. Meth pipes were also found. Both were arrested and transported to Jail.

Report of vandalism to a vehicle on Kate Street. Victim said an unknown suspect scratched the paint on her vehicle.

Subject check on 7th/Oller discovered he was affiliated to a local street gang. He was FI'ed for information.

Theft of a dog from the city animal kennel. Unknown suspect entered the facility and removed a dog.

During a civil standby at a residence on 4th Street officers discovered an active warrant and a meth pipe on one of the parties. He was arrested and transported to Jail.

Subject check of a person at 7th/Stamoules. He was found to have an outstanding warrant for his arrest. He was cited and released.

Subject check at the Farmer's Market discovered two persons were affiliated with a local street gang. They were FI'ed for information.

Vehicle stop discovered the driver was driving on a suspended CDL for DUI. He was also in possession of a case of beer, but was not consuming any. He was cited and released.

Report of a fight at the Farmer's Market. Two juveniles were involved in the disturbance. The subject causing left prior to officers being contacted. The victim was turned over to her parents.

Bicycle stop at 7th and Tule Street. The rider passively resisted by not following directions. He was found to be intoxicated and on probation with a condition not to consume alcohol. He was arrested for DUI on a bicycle and transported to Jail.

Vehicle theft in progress at 8th/Oller resulted in officers contacting the suspect in the vehicle. She was found attempting to start the ignition. She was arrested and transported to Jail.

Subject check at a local school discovered he was gang affiliated. He was FI'ed for information.

Officers assisted Sheriff Deputies at a homeless encampment along the railroad tracks by the city limits. Officers discovered a subject had outstanding warrants. He was cited and released.

Subject check at 7th and Rio Frio discovered him to be in possession of marijuana. He was cited and release.

Non-injury traffic collision at Belmont/9th Street. Driver causing attempted to make a u-turn in front of moving traffic. All drivers exchanged information.

Non-injury hit and run traffic collision by Barbosa and Bass Avenues. Driver causing left after hitting the victim's vehicle. Surveillance camera in the area captured image of the suspect vehicle which led to identification.

Report of two juveniles fighting at a local school. Both were arrested, cited and released to parents.

Large group of students fighting outside the campus of a local school. Six were arrested, cited and released to parents.

Vehicle stop at Bass and Barbosa discovered the driver was not licensed and had an outstanding warrant. He was cited and released.

Vehicle stop of a dirt bike at 2nd/Bass discovered the bike was unregistered and the driver was not licensed. He was cited and released.

Vehicle stop at 9th/Oller discovered the driver's CDL was suspended and he was found to be intoxicated. He was arrested for DUI, cited and released to a sober adult.

Report of threats and brandishing of a large knife on Puchue. The suspect was located and arrested and the weapon recovered from his vehicle. He was transported to Jail.

Warrant arrest on Rios Street. Suspect was related to a prior investigation. After being interviewed he was transported to Jail.

Vehicle stop on Hwy 180 /Gullian Parkway discovered the driver's CDL was suspended for DUI. He was found to be intoxicated and arrested for DUI then transported to Jail.

Assault reported at a residence on Kate. Victim was hit by the suspect while at the residence. He was arrested and transported to Jail.

Unwanted subject at a residence on Gomez. He was seen jumping a fence and detained by officers who discovered he was intoxicated. He was arrested and transported to Jail.

Vehicle stop at Peach and Belmont discovered the driver has a suspended CDL for DUI and was again intoxicated. He was arrested for DUI, cited and turned over to a sober family member.

Subject check in an alley along Rio Frio discovered he was in possession of an open container of alcohol and had outstanding warrants for his arrest. He was arrested, cited and released.

Report of an assault at a residence on Oller. The suspect hit several persons in the residence. He was arrested and transported to Jail.

Victim reported an unknown subject hit him in the face as he walked on 2nd/I Street. The victim could not provide any further information.

Vehicle stop at 8th and Belmont discovered the driver had an outstanding warrant for his arrest. He was arrested, cited and released.

Subject check at Marie/2nd discovered he was in possession of methamphetamine. He was arrested, cited and released. A gang affiliated FI was also completed for information.

Reckless driver on Hwy 33 north of Lozano. She was found to be disoriented and turned over to EMS for transportation to St. Agnes Hospital.

Subject check at Naples/6th Street discovered an active warrant. She was cited and released.

Subject check in an alley along Rio Frio discovered an active warrant. She was cited and released.

Vehicle stop discovered the driver had an active warrant. She was cited and released.

Report of a subject riding a dirt bike in a city owned sports area. He was contacted and discovered to be unlicensed. He was cited and released to his parent.

Subject check at 2nd/Marie of known wanted subject. All warrants were confirmed and he was cited and released.

Non-injury traffic collision on Puchue that involved an assault. Unknown suspect cut off victim vehicle causing minor damage. Suspect then hit victim prior leaving the scene.

Theft of vehicle radar from unlocked vehicle parked at local medical office. Suspect unknown.

Subject check at 7th/Tule discovered an outstanding warrant. He was arrested, cited and released.

Subject check at 11th/Oller of known narcotic user. He was FI'ed for information.

Theft from vehicle parked behind a local mini mart. Victim had her purse removed by unknown suspect.

Subject check at 2nd/L Street of a prior resident who recently returned. Subject has prior gang ties. He was FI'ed for information.

Subject check at 4th/I Street of person who claimed to be homeless. He was FI'ed for information.

Non-injury hit and run on Puchue Street. Unknown suspect vehicle hit victim vehicle while it was parked.

Known suspect entered a local Laundromat, opens coin box with a tool and then steal coins. Video surveillance captured the incident. Case is ongoing.

Subject check on 2nd Street. He was FI'ed for information.

Vehicle stop at Marie/9th Street discovered outstanding warrants for the driver. She was cited and released.

Vehicle stop at Barboza and Bass discovered the driver was intoxicated. He was arrested for DUI, cited and released to a sober family member. The family member was also found to have an active warrant. She was cited and released.

Restraining order violation on Maria Street. Restrained person was released from jail days prior for violating the same order. He was found by officers at the protected address and again arrested. He was transported to Jail.

Non-injury traffic collision on 9th by Naples. Both drivers remained on scene and were licensed.

Vehicle stop at 8th/Puchue Street discovered the driver was intoxicated. He was arrested for DUI and subsequently transported to Jail

Subject check at a location on Rio Frio. He was discovered smoking Meth from a pipe. He was arrested, cited and released.

Subject check on 3rd/Oller discovered he was intoxicated. He was arrested for public intoxication and transported to Jail.

Vehicle stop discovered the driver was intoxicated. He was arrested for DUI and subsequently turned over to a sober family member.

Vehicle stop by Oller and 9th discovered a passenger had outstanding warrants for his arrest. He was arrested and transported to Jail.

Non-injury traffic collision into a canal on Hwy 33 N/O the City Limits. Evidence showed the vehicle veered off the road in the city and then entered the canal located in the County. Sheriff's Dive Team assisted in searching the vehicle and preparing it for removal from the canal. No one located. The responsible contacted Police the next day and reclaimed his vehicle.

Report of an unwanted subject at a residence on Lolita. Officers discovered a person had been assaulted. Officers located the suspect at a residence in Firebaugh. He was arrested and transported to Jail.

Vehicle stop at Marie and 5th discovered a warrant for the driver's arrest. He was cited and released.

Two subjects were checked at Lolita/6th. Both had outstanding warrants and were arrested. One was cited and released the other was transported to Jail.

Subject check west of the city yard discovered eleven outstanding warrants. She was arrested and cited out on all the misdemeanors. She was turned over to Dos Palos PD on an outstanding felony warrant from Merced County.

Non-injury hit and run in a parking lot on Garcia Street. The suspect was identified and contacted. He admitted to hitting a parked car and then fleeing. He was issued a citation and released.

Vehicle stop on Barboza/Perez. Officers observed a baggie of drugs on the driver's lap. He admitted to the possession and was also found to have an active warrant. He was arrested, cited and released.

Subject arrested on outstanding body-attachment warrant and transported to court.

Victim reported she was attacked by a known suspect who stole her bicycle from her. Suspect was located in possession of the bicycle and arrested. He was transported to Jail and the property was returned to the victim.

Vehicle stop by Rio Frio and Jennings discovered an outstanding warrant for the passenger who was also on probation. He was transported to Jail.

Report of an intoxicated female holding a small child while walking on Jennings Street. Officers contacted her and she was found to be intoxicated and unable to care for herself or the child. While arresting her she resisted officers and needed to be physically placed into the patrol vehicle. The child was turned over to his father. She was transported to Jail.

Theft of metal from a local Park. Suspect unknown.

Damage to local business' vehicle lights and gauges on Oller. Suspect unknown.

Theft of a license plate from a vehicle on Lozano Street.

While conducting a follow up investigation at a residence on Naples, officers discovered three people using drugs. All three were arrested. The two juveniles were turned over to their parents and an adult was transported to Jail.

Report of an assault at a residence on Rios. The known suspect hit the victim in the face. The suspect was gone upon officers arrival.

Subject check on Amador and Oxnard discovered active warrants for his arrest. He was cited and released.

Restraining order violation on Marie Street. Restrained person was at the protected residence. Suspect ran from officers, but was quickly arrested. He was transported to Jail.

Report of a disturbance at a residence on Perez. Suspect pushed the victim and then resisted officers. He was arrested and transported to Jail.

Report of vandalism to a residence on Tuft Street. Unknown suspect broke a rear window to the residence.

Subject check on 8th Street discovered warrants for his arrest. He was arrested, cited and released.

Subject check on Black Street discovered outstanding warrants for his arrest. He was arrested, cited and released.

Vandalism and theft from a vehicle on Naples Street. Unknown suspect damaged the rear tail lights to a truck and stole its license plate.

Vehicle stop on 2nd Street discovered active warrants for his arrest. He was cited on out of county warrants and arrested and transported to Jail on Fresno warrants.

Subject check on 7th Street discovered warrants for his arrest. He was cited and released.

Restraining order violation on Gaxiola. Restrained party arrived to the protected person's residence. He was contacted by officers, arrested and transported to Jail.

Vehicle stop on Sorenson found the driver to be intoxicated. Arrest warrants were also discovered. He was arrested for DUI and transported to Jail.

Vehicle stop on Derrick discovered the driver's CDL was suspended and she had outstanding warrants. During a search of the vehicle stolen property was located. She was arrested, and transported to Jail. Follow-up discovered many items stolen out of Chowchilla. CPD contacted and confirmed the theft.

Vehicle stop on 3rd/Oller found the driver's CDL to be suspended and the vehicle registration expired over a year. The driver was arrested, cited and released. His father arrived to remove items from the vehicle. The father was found to have an outstanding warrant and was also arrested, cited and released.

Report of a disturbance at a residence on Gregg Ct. discovered the suspect threw an object and hit the victim. The suspect fled prior to officers arriving and is outstanding.

Subject check on Oller/7th discovered a meth pipe in his possession. He was arrested, cited and released.

Vehicle stop at Quince/8th Street discovered the driver was unlicensed. He refused to sign the citation and was arrested and transported to Jail.

Officer attempted to contact a subject on Puchue who is a known drug user. The subject fled from officers who caught up with him on Quince. He was found to be in possession of methamphetamine, arrested and transported to Jail.

Report of a vehicle theft on Quince. Suspect is unknown.

Report of a residential burglary on Inez Street. Unknown suspect entered through a window and stole jewelry.

Report of a disturbance at a residence on Gregg Ct. As officers attempted to keep subjects apart, one subject pulled away from officers and attempted to attack the other. Officers physically restrained the suspect and arrested him. He was transported to Jail.

Report of a disturbance on Quince Street discovered the suspect threatened to kill the victim with a knife. The suspect has priors for the same violation. He was contacted, arrested and transported to Jail.

Verbal disturbance on Holmes Street discovered the subject causing had an outstanding warrant. He was arrested, cited and released.

Purse theft from an unlocked vehicle parked at a local store. Surveillance video captured the incident. Investigation is ongoing.

Bicycle stop by Oller/9th Street. The rider is a known drug user and was FI'ed for information.

Bicycle stop resulted in finding a meth pipe in the rider's possession. He was cited and released.

Subject check on Oller discovered he associated with a local gang. He was FI'ed for information.

Strategic Planning:

- Fresno Sheriff's Office furnished vehicle equipment for the up-fit and replacement parts to patrol vehicles at no cost to the city.
- Personnel participated in Range Training
- New patrol vehicle graphics were finalized.
- Arrangements are progressing with Avenal Prison for future vehicle painting.

Personnel Information:

- Jose Arciga was hired as a Police Sergeant and completed FTO and Supervisor training.
- Reserve Police Officer Matt Kawana accepted a Temporary Full-Time Police Officer position and entered the FTO program.
- Applications are being accepted and reviewed to fill Reserve Police Officer positions

M E M O R A N D U M

DATE: June 10, 2016
TO: City Council, City of Mendota
CC: Vince DiMaggio, City Manager, City of Mendota
FROM: John P. Kinsey, City Attorney
RE: Fresno County Grand Jury Report

I have enclosed for your review a copy of a Fresno County Grand Jury Report issued earlier this week, entitled *Selma Unified Changes Come at a Steep Price*. I will be discussing this article briefly during my Attorney Report on June 14, 2016.

Enclosure

SELMA UNIFIED CHANGES COME AT A STEEP PRICE

SUMMARY

Violation of the Ralph M. Brown Act by members of the Selma Unified School District Board of Trustees was alleged in the original complaint to the Grand Jury.

A six-month investigation expanded the scope of inquiry to governance of the district before and after the release of the district superintendent from his contract, which had been extended just over two months earlier. In its review, the Grand Jury found numerous examples of trustees ignoring the board's own policy manual and Code of Ethics about their authority, unduly stressing district staff and acting independently without board authorization.

Citizens reacted to the superintendent's dismissal -- and the unbudgeted costs associated with that action -- by organizing a recall election in which the three trustees who formed the ouster majority were unseated and three new trustees were voted onto the board.

During the recall campaign, the Board of Trustees hired a new superintendent, who most recently has worked with the newly organized board in what appears to be a more collegial, collaborative and respectful partnership between trustees and district administrators.

COMPLAINT

The Fresno County Civil Grand Jury is charged with observing and reporting upon the operations – but not the curriculum – of local school districts. That includes, but is not limited to, assessing administrative policies and management (California Penal Code §933.5) and is intended to ensure that the public's business is being conducted properly and publicly.

A Grand Jury investigation provides citizens impartial facts, findings and recommendations. The citizens alone, however, have the responsibility to weigh the Grand Jury's information and decide what – if any – action should result.

The Grand Jury also is a guardian of the Ralph M. Brown Act (California Government Code §§54950 - 54963), which protects the public's right to know about how local governments conduct business. If citizens are concerned about possible violations of the Brown Act, they can ask the Grand Jury to assess compliance.

The Grand Jury received a complaint alleging a Brown Act violation among the elected members of the Selma Unified School District Board of Trustees prior to a special meeting February 3, 2015 at which the district superintendent was released from his contract.

During its preliminary investigation, the Grand Jury concluded that it was necessary to expand its inquiry to include policy compliance of Selma Unified School District trustees and its impact on the district and its employees.

METHODOLOGY

The Grand Jury reviewed Selma Unified School District Board of Trustees meeting agendas, audio and minutes, media reports, the district policy manual, social media posts and conducted interviews with an extensive list of witnesses. The Grand Jury also subpoenaed several hundred pages of emails and documents, which were promptly provided by Selma Unified, and scrutinized documentation from Grand Jury witnesses. Government Code §54950-94593 regarding the Brown Act was researched as were materials from the California School Boards Association. The Grand Jury conducted Internet research regarding Education Code sections and student performance standards.

BACKGROUND

The 2010 United States Census reported that the City of Selma had a population of 23,219, of whom 18,014 persons (77.6 percent) identified as Hispanic or Latino. There were 6,416 households, of which 3,411 (53.2 percent) had children under the age of 18 living in them. The Census report found 21.9 percent of the general population lives under the poverty line.

The Selma Unified School District operates eight elementary schools, one middle school, one continuation/adult school and one high school, serving 6,447 students enrolled in 2014-2015, of whom 5,750 were Hispanic/Latino (89.1 percent). Twenty-nine percent of the students speak a second language, with Spanish being the most common (1,696 students). The graduation rate for the district varies from 92 to 94 percent.

Although curriculum and student performance test scores are not within Grand Jury purview, the data were investigated as indicating motivation for certain actions by elected trustees and district administrators.

In evaluating the general performance of Selma Unified schools, the Grand Jury determined there are many frequently changing policies and programs that affect how student achievement is measured. The most significant changes occurred during the tenure of the superintendent who was released February 3, 2015:

- In 2012, Senate Bill 1458 called for significant amendments to the composition of the state's high school Academic Performance Index (API).
- In 2013, Assembly Bill 484 suspended the state's Standardized Testing and Reporting program. The purpose was to allow schools time to prepare for the new Smarter Balanced Assessments, which are aligned with federal Common Core standards, and to transition to the new California Assessment of Student Performance and Progress.
- In 2014, most of the California Standards Tests program was suspended, so testing and API data would differ in the 2015-2016 school year.

The Selma Unified School District Local Education Agency Plan, updated for the 2015-2016 school year, reflects that the district is trying to adjust to curriculum and assessment changes mandated in recent years by the California Board of Education and legislative action.

This plan is relevant to the Grand Jury, because it is typically prepared by the superintendent in consultation with the Board of Trustees. Performance goals and improvements outlined in the plan help determine priorities for funding during the school year.

During the Grand Jury's investigation, the Selma Unified website was redesigned in December 2015, resulting in public access to some archives -- previously available to the public -- being removed, including district Local Education Agency Plans for prior years.

In 2011, the Selma Unified School District switched from at-large election of Board of Trustees members to electing trustees from five areas in which each trustee must reside. Boundaries were drawn to approximately equalize the number of residents and registered voters and putting each incumbent trustee in an area where he or she resided.

In 2012, the area system took effect and the first election was conducted. One trustee area was on that ballot and the incumbent polled 54.1 percent of the vote. Turnout was 62.6 percent of eligible voters. Just two years later, there was an election in three trustee areas and voter turnout ranged from 38 to 45.9 percent. Two incumbents and one challenger were elected, effectively creating a new majority within the five members of the Board of Trustees beginning in December 2014.

The Grand Jury investigated the impact of actions by the Selma Unified School District Board of Trustees before and after the 2014 election, the ouster of the superintendent in 2015, the 2015 trustee recall election and events that followed.

INVESTIGATION

At the time the Grand Jury received its complaint regarding the Selma Unified School District Board of Trustees, several actions had taken place within the community:

- In a February 3, 2015 special Board of Trustees meeting, the superintendent was released from his contract on a 3-2 vote.
- Members of the public, dissatisfied with that action, petitioned for a recall election against the three trustees who voted for termination. (That election was conducted November 3, 2015.)
- The Board of Trustees appointed a district administrator as interim superintendent.
- The Board of Trustees conducted a search and hired a new superintendent, who began with Selma Unified July 28, 2015.

The Grand Jury's investigation sought answers to these questions:

- Did any member of the Board of Trustees discuss with other trustees their voting intention regarding termination in advance of the February 3, 2015 meeting?
- Did trustees discuss costs associated with the superintendent's release prior to taking action?
- Was board policy followed regarding the replacement of the superintendent?

Information received during a preliminary review, prompted the Grand Jury to expand the scope of its investigation. To help report readers differentiate among the Selma Unified School District trustees whose actions are detailed, but not to disclose identity, it became necessary to label each trustee by randomly assigned letters (i.e. Trustee A, D, etc.).

Among the allegations the Grand Jury investigated were:

- Trustees discussing un-agendized items during closed sessions.
- Trustee A incurring legal costs to the district without informing other trustees or receiving authorization to do so.
- Trustees A and B repeatedly contacting management and administrative staff by phone, email and in person, causing mental anguish and creating a climate of fear among employees.
- Trustee A flooding the district's interim superintendent with requests for data and analysis that consumed staff time, had been previously delivered electronically rather than in print, were sometimes redundant and were not discussed publicly at subsequent board meetings.
- Trustees A, B and E exceeding their authority through directives to staff and demands for action.
- Trustees A and B making unannounced visits to classrooms and campuses to intimidate employees, thereby failing to follow district policies and procedures for visits to campuses.
- Trustees A, B and E involving themselves in staff disciplinary matters, directing administrators to take specific actions based on unconfirmed information and disregarding district policies about limitations on trustee duties.

SUPERINTENDENT CONTRACT EXTENSION, SEATING A NEW TRUSTEE

The superintendent, whose termination prompted the Brown Act complaint to the Grand Jury, had been employed in that capacity by the Selma Unified School District since 2007. He had worked in other administrative capacities in the district prior to employment as superintendent.

The Board of Trustees evaluated the superintendent's performance annually. A satisfactory evaluation in each of two consecutive school years automatically extended the employment contract for two years effective on July 1 of the third consecutive year, not to exceed a state-allowed maximum of four years.

The Board of Trustees' most-recent evaluation of the superintendent occurred October 28, 2014, when there was a consensus that the evaluation was positive, according to minutes of the meeting.

On November 4, 2014, two incumbent trustees were re-elected and one was defeated. Witnesses testified that the incoming board member's motivation to run was that schools were failing, because nine of Selma Unified's 11 schools did not meet API standards and the superintendent must be held personally accountable.

At a Board of Trustees meeting November 18, 2014, before the official canvass of election results, the trustee-elect (Trustee E) spoke during public comments seeking to delay consideration of the superintendent's contract extension until he could be sworn in and could vote on it. Witnesses testified that Trustee A nodded and gestured to the trustee-elect before his comments.

Witnesses testified to the Grand Jury that the trustee-elect had a relationship with Trustee A before and during the campaign to join the Board of Trustees. They were observed together multiple times on the Jackson Elementary School campus and at back-to-school nights.

Witnesses said they sat together on the field during Selma High School commencement ceremonies in 2014 (several months before the election) at the invitation of Trustee A. Witnesses

told the Grand Jury that the honor of being seated on the field typically is reserved for administrative staff and special dignitaries.

Trustees A and B moved to table consideration of the superintendent's contract extension. Their motion failed and the extension was approved on a 3-2 vote (Trustees A and B opposed).

There was Grand Jury testimony that Trustee E did not express reservations about the superintendent's performance prior to the November 2014 election. However, Trustee E did speak with the superintendent before the election about relatively innocuous matters including recreational equipment on a campus and about food options for the district's after-school program.

The Grand Jury confirmed that Trustee E, who had not attended trustee board meetings previously, began attending the meetings in February 2014, speaking at one meeting about the removal of tetherballs at one school site, but not of any reservations about the superintendent.

Witnesses said Trustee A had spoken in public about his dislike of the superintendent and had consistently voted against the superintendent's contract extensions.

There was conflicting testimony that Trustee A spoke to Trustee E only *after* the election to find out who he was and where he stood on Selma Unified.

Grand Jury witnesses and emails indicated there was conflict between the superintendent and Trustees A and B, and Trustee E after taking office. All three directed or asked the superintendent and top administrators to approve building construction and/or school-site improvements not sought by the full Board of Trustees. Witnesses said the three commented negatively about district personnel in closed session even though such discussion was not on the agenda.

Witnesses testimony corroborated by email evidence showed that the superintendent had reminded trustees of their responsibilities and limitations as spelled out in the district's policy and procedures manual and the Board's Code of Ethics, which all trustees sign.

At the December 9, 2014 Board of Trustees organizational meeting, Trustee A was elected board president, a role that typically involves greater contact with the superintendent than other trustees enjoy. The board president also conducts meetings and is a ceremonial leader and spokesperson for the district at various community and district events.

SUPERINTENDENT EMPLOYMENT DISCUSSION AND CONTRACT RELEASE

Witnesses said Trustee A requested a meeting with the superintendent at approximately 4 p.m. January 29, 2015 and that Trustee E was at the district office at the same time to discuss new leadership. (Witnesses disagree on whether the two were at the same place at the same time coincidentally.)

Trustee A and the superintendent met in the superintendent's office, witnesses told the Grand Jury, and the superintendent was informed that trustees had decided to move in a different direction so he would be released from his contract. Witnesses said that when pressed by the superintendent about the full board's feelings, Trustee A indicated his confidence that the majority of trustees agreed.

The Grand Jury was unable to verify the specifics of the conversation. However, Trustees A, B and E had previously expressed publicly their dissatisfaction with the superintendent.

After leaving the superintendent's office, witnesses told the Grand Jury that Trustees A and E met in the parking lot and Trustee E did not meet with the superintendent as originally planned. What the two trustees discussed in the parking lot is unknown to the Grand Jury.

Witnesses said Trustee A consulted the district's legal counsel directly for advice on how to call a special meeting of the Board of Trustees on February 3, 2015. In doing so, the Grand Jury was told, Trustee A simultaneously cut off communication between administrators and legal counsel. The abrupt access removal made it impossible for staff to follow Trustee A's order to post an agenda until the trustee was contacted and a staff member received direction from legal counsel.

The special meeting agenda was posted Friday, January 30, 2015, with one action item: "Employee Discipline/Dismissal/Release/Non-Re-election (Government Code 54957)."

Trustee A was not authorized publicly by the Board of Trustees to take this action.

Although the individual employee was not named on the agenda, witnesses said that rumors circulated quickly throughout the district that the superintendent's tenure was the purpose of the meeting.

Minutes for the February 3, 2015 meeting listed signatures of 150 individuals on a sign-up sheet, but witness and media accounts put the estimated crowd at 200-300 people -- mostly supporters of the superintendent. Grand Jury witnesses said citizens' anger -- expressed directly to trustees and on social media -- made some trustees fearful of physical violence.

Witnesses told the Grand Jury that Trustee D proposed to Trustee A in advance of the meeting that a bigger venue was needed to accommodate the anticipated larger-than-usual audience. District staff forwarded emails and information about calls seeking a larger meeting place to Trustee A and other trustees.

When Trustee C made a motion at the meeting to change the venue, citing a fire marshal request, it was defeated 3-2 (Trustee D was also in the minority) without discussion and the special meeting continued.

The Board of Trustees meeting room, located within the Selma Unified District Office, typically has 18-20 chairs available to the public. Multiple citizens spoke during public comment that declining to change the venue to a larger space was disrespectful to citizens left to stand for hours in the cold.

Forty-six citizens spoke during the nearly two-hour public comments segment of the special meeting -- all but two of whom favored the superintendent's retention. The meeting agenda said public comments would be limited to 30 minutes overall and no more than 3 minutes per speaker, but limits "are at the discretion of the board president." Trustee A waived the 30-minute total and asked Trustee E keep time on individual speakers so they could speak for 3 minutes apiece.

Selma Unified records audio from the public portions of its trustees' meetings.

The audio recording reviewed by the Grand Jury indicates multiple citizens said the superintendent was beloved in the community, especially with students.

Citizens shared stories of how the superintendent campaigned at local businesses for donations to meet student needs and worked with law enforcement to improve campus safety and student/officer relations. His attendance and approachability at school functions and athletic events was a highlight to students and parents, speakers said. Others shared memories of the superintendent paying for classroom needs from his own pocket.

The cost of the buy-out was a recurring theme during public comment. Parents and teachers were heard on the audio file expressing concern that the funds would be better applied to student services. Multiple speakers mentioned a buy-out price tag of \$250,000 and also said that a wrongful termination lawsuit was likely.

Many citizens expressed the opinion that termination would not be in the best interest of the students or teachers whom they said were finally starting to experience stability and trust under the superintendent's leadership.

There was no discussion by the board members before the trustees moved into closed session and the superintendent left the meeting.

There was conflicting witness testimony about the length of the closed session, but agreement that there was only brief discussion before the trustees voted that did not include consideration of the contract buy-out cost.

The trustees reconvened in public session and announced the superintendent's release had been approved on a 3-2 vote. Trustees A and E, who had met the previous week at the superintendent's office, and Trustee B formed the majority.

Witnesses said the superintendent was provided no specific reason for his ouster, nor was the Grand Jury. Multiple witnesses stated that trustees did not set, nor communicate standards to evaluate the superintendent's work performance, as was required by board policy 2110(a): "The Board shall clarify expectations and goals for the Superintendent at the beginning of every evaluation year."

However, conflict existed between some trustees and the superintendent, and among trustees themselves, the Grand Jury was told, with issues stretching back several years.

The Selma Unified superintendent serves at the will of the Board of Trustees and the employment contract can be terminated at the board's discretion. Canceling the contract did not constitute a firing and did not imply wrongdoing by the superintendent. It did, however, trigger a separation clause and its financial ramifications to which citizens referred in the special meeting.

THE COST OF SEPARATION

Witnesses told the Grand Jury that some trustees were not aware of the precise cost of terminating the superintendent's contract. However, public records of the February 3, 2015 special meeting indicate the trustees were reminded by community members of estimated costs prior to the vote.

The cost to buy out the superintendent's contract totaled \$296,940. Approximately \$18,000 was paid from the district's budget reserve, with the remainder from the 2014-2015 and 2015-2016 annual budgets.

An interim superintendent who served the district from February 10, 2015 until July 27, 2015, was paid the difference between usual salary and the superintendent's salary for the hours spent performing superintendent duties. That was an unbudgeted expense of \$40,213.

Also unbudgeted was the cost of hiring the search firm to recruit candidates for superintendent. The district paid \$18,500 to the search firm. There were additional costs to send trustees to one candidate's district outside the area and to pay expenses of candidates coming for interviews.

Legal costs for the district also took a drastic upward turn starting in February 2015. As of February 24, 2015, legal counsel was present at almost all Board of Trustees meetings. Between travel time and the duration of the meeting, the presence of legal counsel at meetings is a cost to the district of approximately \$919 per meeting.

Counsel billed the district \$9,183 for legal advice about the former, interim and new superintendents, the superintendent search, contracts, reviewing documents, researching Brown Act violation allegations, issues relating to the recall and political activities of district staff.

The district also paid counsel more than \$4,000 advising district staff and reviewing documents in response to the Grand Jury's investigation.

The direct costs to the district that the Grand Jury could account for regarding the superintendent's termination totaled \$377,174, significantly more than the amount mentioned by citizens at the February 3, 2015 special board meeting.

The total does *not* include \$55,781 billed by the Fresno County Clerk/Registrar of Voters for conducting the recall election, nor does it include any district costs associated with interviewing or vetting superintendent candidates.

The financial impact on the district of releasing the superintendent that could be verified by the Grand Jury totaled \$432,955, with impact on operations budgets in two fiscal years and on the district's reserve fund.

STRAINED RELATIONSHIPS

Witness testimony and emails obtained by the Grand Jury painted a portrait of a difficult work relationship between top administrators and Trustees A and B that became increasingly strained beginning in the summer of 2014 and escalated after Trustee E was elected November 4, 2014.

The Grand Jury reviewed emails sent by Trustees A and B directly to administrative staff that were often outside any trustee's scope of authority, weren't authorized by the Board of Trustees, weren't directed to the proper administrator, weren't based on personal expertise, and/or did not consider financial impacts for the district.

Witnesses told the Grand Jury that responding to trustees' requests and directives consumed considerable staff time and district resources and sometimes duplicated materials previously provided. However, the Grand Jury found that in emails exchanged between district staff and all

trustees, staff responses were usually quick and respectful, even when emails came in late at night, on weekends or at other personally inconvenient times.

Following are some examples of trustee requests during the 2014-15 school year:

- Trustee A instructed the assistant superintendent with responsibility for personnel to discipline a staff member based upon a rumor that proved to be false. (The request was not authorized by the Board of Trustees.)
- Shortly after the November 2014 election, Trustee A directed the same administrator to take action against a principal for declining to “lock down” the school campus due to an unverified incident. (Witnesses told the Grand Jury that Selma Police investigators advised against the lockdown.)
- Trustee A directed the assistant superintendent to conduct a review “to examine the culture of a school site with regard to staff interaction” based on unsubstantiated reports of conflict between the principal and teachers. (The request was not authorized by the Board of Trustees.)
- Trustee A, with no building trades background, directed the superintendent to replace ovens, flooring, roofing, furniture, doors, playground structures and other equipment at schools he visited. (Costs did not factor in the directive, which also was not requested by the Board of Trustees.)
- Trustee A directed the superintendent to provide a larger library building for a campus. (The action was not authorized by the Board of Trustees.)
- Trustee A became personally involved in multiple employee and student discipline actions upon which he could be expected to vote in an appeal. (The Board of Trustees did not authorize his involvement.)
- Trustee A sent emails to the superintendent, with copies to all board members, accusing the superintendent of not providing status updates on work requests and the location of various district equipment. (The Grand Jury determined that the superintendent had previously provided the information to the trustee.)
- Trustee A directed the superintendent to contact him directly each time campus repairs were completed so he could inspect them. (The trustee was not authorized by the Board of Trustees to do such inspections.)
- Trustee A repeatedly requested documentation be printed on short notice although the information was available online or previously provided. One such request was that more than 700 pages be made available.
- Trustee A requested historical data from multiple sources, some of which was not within the district’s purview to collect, and then repeatedly asked staff how quickly the items would be provided. (Board meeting minutes do not reflect that the data items were subject of public discussion.)
- Trustee A copied and pasted selected unreferenced sections of the District’s 1,702-page policy manual in email directives to district staff.
- Trustee A directed the superintendent to purchase two golf carts, smart phones, 26 two-way radios for the high school “safety staff” and radios for the middle school. (The trustee did not suggest how the purchases would be paid and the request was not authorized by the board.)
- Trustee A requested comprehensive reports on district vehicles: precise location of vehicles at the time of the request, model years, license plate numbers, repair invoices, all costs for the vehicles, any insurance coverage applied, vehicle mileage, duration of time vehicle was driven by each employee and when future repairs on the vehicles would be completed. (No reason for the request was provided and the request was not authorized by the Board of Trustees in public session.)

- Trustee A asked to inspect the district's vision and hearing testing equipment, a list of the training sessions and conferences all district nurses had attended, the number of students tested in the current and prior year (sorted by grade level) and what information was given to parents about test results. (The trustee was not authorized to inspect medical equipment and the Board of Trustees did not request nurse or student data)
- Trustee A, who visited multiple classrooms on campuses without advising anyone of the reason or outcome, instructed the superintendent to report to the board all classrooms the superintendent visited, what was learned, how the district would prepare for Common Core implementation and various district student assessment needs. (The trustee gave this directive without authorization from the Board of Trustees.)
- Trustee A repeatedly involved himself in trying to manage the superintendent's personal time, telling the superintendent not to attend district or school functions or field trips off the clock. The trustee expressed frustration to other trustees after learning that the superintendent attended certain school activities. The trustee also criticized the superintendent's involvement in community organizations, suggesting it was taking time away from work. (The superintendent is authorized by the Board of Trustees to represent the district in the community.)

The Grand Jury learned that when one staff member's work vehicle became subject to Trustee A's repeated inquiries, the employee volunteered to surrender the vehicle, telling the administrator, "I am sorry that your time is being spent on this item rather than dealing with more important issues."

Some facilities requests submitted by Trustee A were declined or not given top priority because they did not affect student safety or enhance education, the Grand Jury was told.

An example reviewed by the Grand Jury was an email Trustee A submitted to the superintendent and assistant superintendent listing unbudgeted facilities repairs and directing that work be expedited on a particular campus. The email list included his reasoning as to why Trustee A wanted the work done:

- Ceiling tiles described as a distraction and giving "a look of poverty."
- Vinyl flooring in different colors that should be changed to one color so students didn't "internalize poverty."
- Discolored wood flooring that made "students feel they are not important."
- Urgent replacement of library carpeting because it made "a loud noise when walked on."

District emails confirmed the trustee continued to argue the importance of the repairs with the superintendent as well as the assistant superintendent despite being cautioned about the cost and the need to complete urgent repairs on other campuses.

The superintendent counseled trustees on multiple occasions regarding the proper procedure for routing concerns and also warned them about limitations on their authority as trustees.

A trustee was cautioned via email by the superintendent that his signed District Governance Team Code of Ethics indicated a trustee was "never to exercise authority as a board member except when acting in a meeting with the full Board or as delegated authority by the Board." The superintendent also directed the trustee to the Board bylaws, which require all trustees to "understand the distinction between Board and staff roles, and refrain from performing any management responsibility of the Superintendent and staff" (Board Bylaws 9005(a) #7).

Documents reviewed by the Grand Jury indicate repeated trustee involvement also continued in staff discipline requests in spite of warnings from the superintendent and assistant superintendent regarding the Board's involvement in preliminary personnel actions. Witnesses told the Grand Jury that the trustees were overreaching in their requests for specific personnel discipline despite receiving cautionary advice dating back to 2012.

Board agendas and minutes, as well as testimony from multiple witnesses, confirmed that all Selma Unified trustees received training about their roles and authority. Presentations and workshops coordinated by district administrators, district legal counsel and consultants were provided, as was training at California School Boards Association conferences.

District correspondence and witness testimony confirmed that Trustees A and B, however, made repeated demands on district administrators and were admonished by the superintendent for crossing authority boundaries that had been the subject of training.

The frequency and intensity of the email exchanges between Trustees A and B and the administrative staff significantly increased following the November 2014 election, in which witnesses said that Trustee A publicly campaigned for Trustee E against an incumbent.

CITIZEN INVOLVEMENT AND COMMENCEMENT OF RECALL PROCESS

Trustee A's scheduling of a special meeting to terminate the superintendent brought a quick -- and negative -- response from some community members.

January 31, 2015, the day after the Selma Unified School District agenda was posted for the February 3, 2015 special meeting, citizens started a Facebook page to advocate for retaining the superintendent. Facebook posts, media accounts and witness testimony make clear that citizens were aware the superintendent's tenure was the subject of the special board meeting, although the agenda didn't say so.

Facebook posts also referred to a rumor that the district's assistant superintendents and possibly other district staff were to be terminated. That rumor was repeated by Grand Jury witnesses and described as a "hit list" that made some district employees fearful they would lose their jobs because they had prior disagreements with Trustees A, B and E.

Several Facebook posts drew attention to the potential cost of buying out the superintendent's contract and suggested that citizens opposed to that action to contact all trustees (listing their email addresses and phone numbers). Witnesses testified that citizens did contact trustees.

Opponents of the superintendent's termination were urged to attend the special meeting and express their opinion. The day before the meeting, there were repeated Facebook calls for citizens to tell trustees the meeting room was too small to accommodate the anticipated crowd and that the meeting should be moved.

Facebook posts also reflect efforts to attract news media to the meeting. Two newspapers and three television stations reported on the meeting and on recall chants and comments that followed the vote to release the superintendent from the contract.

After Trustees A, B and E voted to terminate superintendent's contract on February 3, the title of the citizen-run Facebook page became "Quality Education in Support of Selma Recall." Within a

week of the February 3, 2015 special meeting, Facebook posts began promoting recall of the trustees who voted to terminate the superintendent's contract.

Recall papers were served on Trustees A, B and E at a board meeting March 10, 2015. After petitions were circulated, returned and certified, the Fresno County Elections Department set the election date for November 3, 2015.

HIRING A NEW SUPERINTENDENT

A Selma Enterprise report published February 5, 2015 quoted Trustee A from an interview on February 4, 2015, the day after the special meeting, stating that he had contacted individuals willing to serve as the new superintendent within the past couple of days. The newspaper reported that Trustee A said he was considering interim superintendent candidates and looking into search firms to recruit a permanent superintendent.

Multiple witnesses told the Grand Jury it appeared that Trustee A had begun a search for a replacement superintendent in advance of the February 3, 2015 special meeting, but that allegation could not be verified. Emails, however, indicated that in the days following the superintendent's termination, Trustee A contacted several firms to launch the search for a new superintendent.

Board Policy 2120(b) calls for the entire board to collaboratively participate in the search for a superintendent. No Grand Jury witness could remember any time Trustee A was given the authority to independently do so.

Late at night on February 6, 2015, Trustee A emailed to the assistant superintendent responsible for human resources the information the trustee had received while independently initiating the superintendent search process.

The administrator, who had conducted an estimated 1,000 employee searches over the years, was directed by Trustee A in emails to "take over" the quest for a new superintendent. However, Trustee A remained closely involved, although never publicly authorized by the Board of Trustees:

- February 7, 2015, Trustee A emailed a presenter at the previous December's California School Boards Association's annual education meeting seeking a handout from her presentation: "The Superintendent Search Process and the Role of the Executive Assistant." Trustee A's email said he missed the presentation while attending the conference in San Francisco two months prior.
- February 12, 2015, the requested material was emailed to Trustee A and was forwarded to the assistant superintendent, also working as interim superintendent by then.
- February 12, 2015, Trustee A sent an email to the interim superintendent detailing how the recruitment and selection process should be conducted. The email was a series of random phrases quoted from board policy. The email indicates Trustee A planned to offer other advice on the superintendent selection process in the future.
- February 12, 2015, Trustee A directed the interim superintendent to coordinate a search-firm presentation to the board.
- February 25, 2015 Trustee A sent an email with more suggestions on search-firm presentations.

The interim superintendent coordinated presentations by search firms before the Board of Trustees, but the trustees were divided on how fast the search process would be. Trustees C and D felt the process was being rushed, the Grand Jury was told, in an effort to quell public discontent with the superintendent's ouster and make a recall less likely.

Four firms made proposals to the Board of Trustees on March 10, 2015; and one was selected at a cost of \$18,500 and the screening and interview process went forward.

Witnesses said two trustees -- one who voted to terminate the previous superintendent and one who voted for his retention -- visited the area in which the ultimately successful candidate worked and agreed that she should be hired in Selma Unified.

A new superintendent was selected and approved by the Board of Trustees by a 5-0 vote on July 21, 2015.

ESCALATION OF CONFLICT

Witness testimony, corroborated by news reports and social media posts, indicated some participants and vocal supporters of the recall effort were Selma Unified support staff, teachers and administrators.

In an email, Trustee A challenged the interim superintendent about whether it was legal for teachers or students to discuss the recall on campus. The Grand Jury was told there was debate about whether this constituted censorship, but there seemed to be agreement that political activities should not take place on school campuses.

However, Grand Jury witnesses said Trustees A, B and E campaigned to retain their board seats at back-to-school nights, which take place on campus.

Witnesses told the Grand Jury that Trustee A visited staff break rooms at school campuses and demanded that any paraphernalia related to the recall be removed.

Trustees A, B and E took notice of staff members' personal vehicles displaying recall support stickers and repeatedly contacted the interim superintendent, directing her to take action. Testimony indicated the interim superintendent asked employees to park vehicles with political stickers off campus and they did so.

The Grand Jury was told that one piece of recall support material was left on a school copying machine, but the interim superintendent quickly addressed the situation, passing along to school principals copies of regulations prohibiting use of district equipment for political activities.

Some teachers who spoke in favor of the recall at Board of Trustees meetings received unannounced classroom inspections by Trustee A shortly after, which witnesses said was intimidating.

Emails obtained by the Grand Jury and corroborated by witnesses indicated that Trustees A, B and E monitored the actions of spouses and family members of recall supporters around town and/or online. There was testimony that the trustees discussed who had recall support signs in their front yards. District staff with family members who expressed recall support, witnesses said, were the subject of targeted personnel requests to district administrators.

The rumored list of administrators targeted for termination did not abate, adding to distress felt by some employees, the Grand Jury was told.

Witnesses said one site administrator hired personal legal counsel after discovering that Trustees A and B had paid more visits to that campus than to any other district school.

Witnesses also told the Grand Jury that Trustee A sat in a vehicle in the parking lot of one campus observing custodians through binoculars and watched teachers and parents for extended periods at school sites after the recall campaign began.

Witness testimony and emails indicate that Trustee A also followed some staff and their family members around town. Emails obtained by the Grand Jury indicate the trustee contacted the interim superintendent to determine if a particular teacher reported to work on the same day Trustee A observed the teacher shopping midday and “did not appear sick.”

Grand Jury testimony was that Trustee A saw the teacher in the same car the trustee had previously observed parked at a school. Trustee A drove to the school and confirmed the car was not in the parking lot. The teacher Trustee A surveilled was the spouse of a district administrator rumored to be on the board majority’s list of staff targeted for termination, the Grand Jury was told.

BOARD DISCORD

Grand Jury testimony indicated that Trustee D sent numerous requests to Trustee A, asking that the rumor of administrators targeted by the trustee majority for termination be placed on the agenda for discussion so the community could be assured that the rumor was false. The Grand Jury was told there was no response to the requests and meeting minutes confirmed the topic was not discussed publicly.

A request by Trustee D to Trustee A for more time to review the search firms contacted by Trustee A also went nowhere, the Grand Jury was told.

Tensions between Trustees A, C and D were ongoing, witnesses told the Grand Jury, characterizing Trustee A’s behavior toward Trustee D in particular as “hostile,” “rude” and “disrespectful,” and that the lack of collegiality was longstanding.

For example, at the May 13, 2014 Board of Trustees meeting Trustee D’s spouse was recommended for a lateral transfer to a newly created position. Trustee A’s motion to deny the transfer, supported by Trustee B, was defeated on a 2-3 vote.

Witnesses testified that Trustee A challenged the legality of a trustee voting for a spouse and legal counsel advised that Trustee D could vote because the personnel move was a lateral transfer without a salary increase.

The transfer was then approved on a 3-2 vote (opposed by Trustees A and B). Witnesses told the Grand Jury that Trustees A and B raised no objections to the employee’s qualifications.

Trustee A was described by witnesses as unwilling to let the issue go. Fourteen months later, Trustee A ordered the interim superintendent to seek a new opinion from legal counsel other than

the district's usual firm. Trustee A's demand was made without authorization by the Board of Trustees.

The second opinion was sent to the interim superintendent July 16, 2015. There was no subsequent public discussion of the matter and the employee continued in the new position.

The additional legal opinion, independently requested by Trustee A, cost the district \$6,566.92.

CHALLENGES TO RECALL

After the superintendent's termination, multiple witnesses testified and emails reflected, trust was seriously lacking in almost all relationships between Trustees A, B, E and district staff. Partly that was because of a perception that district employees supported the recall campaign.

A document obtained by the Grand Jury reports that on June 19, 2015, Trustees A, B and E, accompanied by a lawyer, visited the Fresno County Clerk/Registrar of Voters Office seeking to prevent the recall election from proceeding because:

- The "intent to recall" petitions did not comply with a state-issued guide to recall elections.
- Some petition signatures didn't include road type or city and ZIP code in addresses.
- Two signatures were incomplete.
- Petitions were circulated by people who lived outside trustee areas targeted for recall.
- An initial was missing from one trustee's name.
- Typographical errors were published in a newspaper.

In a letter June 23, 2015, responding to Trustee A, B, and E's claims, the County Clerk/Registrar of Voters concluded there was no basis to discontinue the recall process.

On July 10, 2015, Trustees B and E filed complaints with the Fresno County District Attorney's Public Integrity Unit requesting an end to the recall because of various discrepancies between the official notification of recall election and a newspaper legal notice published March 25, 2015.

The discrepancies included the lack of a boldface headline on the notice; substitution of "out" for "our;" misidentification of one trustee's area; listing the superintendent's severance payout at \$264,000; and omission of the word "has." Trustee B also challenged two of 10 signatures on the recall petition as incomplete.

No public action was taken on the complaints.

Three months later, on October 14, 2015, the Trustees A, B and E filed suit against the Fresno County Clerk/Registrar of Voters seeking an injunction to prevent the recall election scheduled for November 3, 2015. The suit referenced some of the same issues listed above, including a typographical error and the challenge of two signatures on one petition.

It also challenged one of the driving forces in the recall campaign- that Trustees A, B and E worked in concert before the superintendent was released. The suit said, "Neither [Trustee A] nor [Trustee B] had supported the last extension of [the superintendent's] contract, so this decision was unsurprising and consistent with what the voters who elected the new Board majority expected to happen."

Nine days after filing suit, the plaintiffs petitioned the Superior Court for dismissal, which was granted with prejudice, permanently closing the case. There was no explanation for the dismissal request nor subsequent public comment by Trustees A, B and E about it that the Grand Jury was able to verify.

CHALLENGING WORK ENVIRONMENT OF INTERIM SUPERINTENDENT

Multiple witnesses testified that working in an atmosphere of mistrust was stressful and made it difficult to focus on their work.

From February 10, 2015, until the commencement of the new superintendent's contract in July 2015, an interim superintendent led the Selma Unified administration. The individual whom trustees appointed was a long-time district administrator, described by witnesses as well-regarded. Witnesses also told the Grand Jury that she was considered by some trustees as a logical candidate for permanent superintendent.

Incidents involving Trustees A and B in the months before and after the interim superintendent's appointment, witnesses told the Grand Jury, made her uncertain of her future in the district.

Trustee A emailed links to national news articles to the interim superintendent, requesting opinions and feedback on the articles. Some of the articles were titled "How to Build Trust in Schools" and "Social Media Guidelines for School Administrators." At the about same time Trustee A sent those articles, the Grand Jury was told, Trustee B accused the interim superintendent's spouse of making derogatory remarks about him on social media.

Trustee A also sent the following items to the interim superintendent during her short tenure:

- An email directing the interim superintendent to give Campus Security Officers (CSOs) more training, promote part-time officers to full time and to hire more CSOs for the continuation school to deal with challenges of student gang members. The email also directed the superintendent to gather data regarding suspension and expulsion rates and "surveys of students, parents and teachers on the sense of safety and school connectedness." Data, the email said, was to be used to keep the CSOs "strong." The trustee's email did not request an assessment of costs for training and salaries. Trustees had not discussed the directive publicly.
- Requests for a count of all two-way radios and how many were in use (although school was in recess at the time); a draft of a software contract proposal; a timeline for the high school's transition to all free meals; new Local Control Funding Formula regulations on eligibility; an update on Medical Administrative Activities billings; a copy of all agendas and minutes for the Valley Regional Occupational Program as soon as available; an analysis of the high school woodshop class; and a decision about who should be the authorized agent for each school district's agreements.
- A directive that the interim superintendent, who had been in that capacity only 15 days, to be personally responsible for all community forum presentations explaining the Local Control Funding Formula and Local Control Accountability Plan (LCAP) to the public.
- A request emailed late on a Saturday night three weeks later asked for a personal briefing on the interim superintendent's presentations with information on how the district would establish goals and meet them in specific subgroups of stakeholders. The email indicated that the proportional responsibility and burden of implementation rested with the interim superintendent. The interim superintendent replied the next morning, which was a Sunday.

- A request on a Friday night for an opinion about whether the former superintendent should attend district athletic events. Trustee A learned from a campus Twitter feed of the former superintendent's presence at a basketball game, the Grand Jury was told. The former superintendent had forged relationships during his 16 years in the district and was not restricted by his separation agreement, but the trustee wanted the district's legal counsel alerted, which triggered an opinion for which the district was billed.
- Directed that information be provided from an expelled student's file, including homework assigned and whether it was completed. Although the process had already been completed and legal notices served, Trustee A said that a district representative should visit the student's home to discuss the expulsion process with the parents.

Multiple witnesses testified that Trustee A had a history of rude, undermining, disrespectful and disdainful behavior toward the interim superintendent during board meetings dating back several years to her service as the assistant superintendent responsible for personnel and curriculum. There was a drastic increase in strain after Trustee E was elected in November 2014, multiple witnesses told the Grand Jury.

The assistant superintendent had previously received board approval to attend the annual California School Boards Association annual education conference in December 14-16, 2014 in San Francisco. On November 19, 2014, Trustee A visited the assistant superintendent's office to inquire why such attendance was necessary. Trustee A argued any necessary training could be conducted elsewhere and that the assistant superintendent had already attended the conference multiple times. The assistant superintendent had attended the California School Boards Association conference only once and had talked about how valuable the training was.

The Grand Jury reviewed an email written by the assistant superintendent to Trustee A and copied to the superintendent about the challenge to attending the conference. The email said that when Trustee A was asked why attendance at the conference was being challenged, the answer was, "Things change."

In the email, the assistant superintendent said the exchange had caused emotional and physical distress. The assistant superintendent also stated in the email that since the entire board approved attendance, it could vote to rescind approval, but the district would forfeit the enrollment fee. Trustee A was elected to serve as board president two months later.

After the assistant superintendent was appointed interim superintendent, Trustee A began sending a steady stream of messages containing directives and questions, replying to which consumed substantial staff time, witnesses told the Grand Jury. During this same time period, the interim superintendent's employment contract was up for renewal.

Witnesses testified that the interim superintendent was aware her name was rumored to be at the top of the board majority's list of possible terminations and expressed this to Trustee A. The Grand Jury was told that in spite of a fearful work environment, the interim superintendent maintained focus on the district's 500-plus employees and more than 6,000 students.

The interim superintendent determined that the stress of a continued working relationship with an adversarial board was too great and did not apply for the permanent position. An email sent from Trustee A to the interim superintendent stated "why not let the general public know of your decision. What comes to mind is the teacher and her family who attended the May 12th Board meeting asking that you be given the Superintendent position. Moreover, the people circulating

the recall petition tell voters by signing the petition would ensure you keep the superintendent position.”

It is unclear why the trustee attempted to involve the interim superintendent in the politics of the recall campaign or what impact the trustee expected this information to have on the community.

In addition to responding promptly to the Trustee A’s frequent directives and requests, the interim superintendent continued to perform the assistant superintendent duties. During the district’s peak hiring season, the interim superintendent was also coordinating the hiring of a new superintendent, creating and implementing a new employee evaluation set of standards, and preparing the district’s state-mandated reports.

Date and time stamps on emails obtained by the Grand Jury indicate that the interim superintendent received emails late at night and replied back within hours, even on weekends and holidays. Witnesses testified that the interim superintendent spent a significant amount of time on nights and weekends at the district office.

Grand Jury review of district emails indicated that on Sunday night, May 31, 2015, Trustee A launched a series of requests to the interim superintendent that witnesses said required substantial staff time to fulfill.

First was a five-item request for material about the Local Control and Accountability Plan’s (LCAP) concentration and supplemental grant funds and the “total amount to be spent in 2015-16 using the concentration and supplemental fund.” Trustee A’s email asked the interim superintendent to:

- “Determine aspirational targets for supplemental and concentration grant funds using aspirational per student figures and applicable student counts.
- “What did our district spend on program services that served unduplicated students last year/2014-15?
- “Compare how much the district spent last year 2014-15 to how much should the district spend at full implementation.
- “How much funding is the state providing this year 2015-16 school year to fund the gap/additional funds?
- “How much does the district need to spend to achieve proportionality/equally (sic) in this year 2015-16?”

The California Department of Education says LCAP is part of the Local Control Funding Formula implemented by the state in 2013 to “create funding targets based on student characteristics and provide greater flexibility to use these funds to improve student outcomes.” The goal was to give local school districts more control over how state funding is spent by developing plans for how the money would best be utilized.

Since the program was relatively new, the review and analysis of data and available funds was a process the district’s administration was involved in year-round and the trustee had received updates on the program three months prior.

No explanation was given in Trustee A’s email for the request to compile the data or for the urgency with which response was required; nor was there any justification to the interim superintendent for Trustee A’s other email requests made within 5 days of the LCAP data request, which included:

- A list of students, teachers, administrators, staff and parents attending the senior graduates' field trip, what vehicles would be taken, and the specific reason each unregistered student was not attending.
- A reporting template detailing the success and challenges of the senior trip to Disneyland's Grad Nite "to experience vicariously" the excursion experience.
- Instructions to pursue testing of all 10th grade students with the PSAT.
- Update parking signs throughout the district in partnership with legal counsel.
- To discipline a principal observed by the trustee leaving campus during the school day for one hour to travel home and back.
- To assist in correcting a campus security officer that the trustee thought drove a district golf cart too fast.
- To assist the trustee in reorganizing classroom assignments for independent study programs to larger rooms to facilitate more student interaction.
- To assist the trustee in dealing with an elementary school principal who was "giving staff and teachers a big headache."
- A revised organizational chart.
- To draft a superintendent search timeline and distribute updated versions and interview schedule to all trustees.

As the school year ended, Trustee A's demands for data continued, including:

- A list of all seniors classified as English Learners and their graduation status.
- The number of students enrolled in summer classes at the adult school.
- An analysis of AB97 and how the district would maintain compliance.

Trustee A seldom provided a reason with a directive, and most did not result in public discussion at board meetings. The Grand Jury was told that no other board member expressed a request for similar data or sent so many requests for information or action to the interim superintendent.

Emails indicate Trustee B contacted the interim superintendent on a Saturday at 3:07 p.m., and then sent a second email 7 minutes later asking why there had been no reply. The incident that the trustee claimed to need immediate attention had been handled and voted upon three months prior, the Grand Jury was told.

In July 2015, the interim superintendent told Trustee A that because of the volume of requests, the multiple requests could not be fulfilled. The trustee replied that the earlier requests should be disregarded. Three days later, Trustee A began sending the interim superintendent new requests.

Requests to the superintendent from trustees for historical information are not uncommon, witnesses told the Grand Jury. However, documents reviewed by the Grand Jury show that the requests for data, information and updates were voluminous during the interim superintendent's tenure, and quickly ceased once the new superintendent was hired.

The Grand Jury observed that messages from Trustee A to the interim superintendent were demanding and sometimes unpleasant. They ignored established protocols for trustee communications with staff.

The volume and tone of messages from Trustees A, B and E changed when the new superintendent came aboard, replaced by praise, an offer to meet for lunch or coffee and willingness to be flexible on appointments and projects. The assistant superintendents noticed a

drop-off in the volume of messages, directives and demands for reports and documents from trustees, the Grand Jury was told.

Trustee E told the new superintendent in an email, "It has been a lot of work to arrive here...it was all worth it."

POLICY VIOLATIONS

The Grand Jury was told by multiple witnesses that Trustees A and B were verbally abusive to other trustees and staff. Multiple witnesses testified that prior to legal counsel more frequently attending Board of Trustees meetings, closed-session discussions often strayed from the published agenda.

Witnesses testified items suitable for public session were discussed in closed session. In some cases, votes were taken, but not reported out to the public.

Legal counsel began attending meetings of the Board of Trustees shortly after the superintendent was released. The Grand Jury was told that counsel advised that closed sessions were not in compliance with Brown Act requirements about sticking to the adopted agenda and reporting all votes in public session.

As a consequence, witnesses said, closed sessions were brought into statutory compliance. To accommodate trustees' desire to speak on some issues that do not require board action, the district instituted time for comments in the open session of board meetings.

Grand Jury testimony indicated the district administration historically prepared and submitted items to the board for approval, but Trustee B disagreed with that practice and wanted trustees to initiate action items upon which the body would vote. The trustee's opinion was in contradiction to the board policy manual's direction for placing operational items on the agenda.

Board policy was flouted in other ways, the Grand Jury learned.

There was testimony that Trustee A failed to provide advance notice of frequent campus visits and, sometimes, did not advise office staff where on campus he was going, violating campus visitation policies -- some intended for the security of students. Many of those visitation policies had been formalized since 2010 in the board policy manual (Section 1250(a) and AR 1250(a)).

The Grand Jury was told that providing advance notice of a trustee visit would allegedly give schools time to "stage" appearances. Testimony alleged this had happened when the Selma mayor accompanied Trustee B on a campus visit in which the mayor notified the school of his impending visit as required by with district policy.

The Grand Jury was told that Trustee A carried a clipboard during unannounced visits, and sat in the back of classrooms taking notes to intimidate teachers. Multiple witnesses testified that Trustee A visited all campuses often, performed site inspections and used binoculars to conduct surveillance of school janitors from a parked vehicle.

The Grand Jury's request to review email exchanges between the trustees revealed that no Selma Unified trustee had a district email account, raising concerns about accountability, security and privacy. Instead, trustees conducted board business under their personal email accounts.

A review of some email exchanges between staff and trustees available on the district server included sensitive information such as identifying students and teachers in the district to whom the information applied. Trustee E's email account was actually registered to a spouse, raising additional concern about access to sensitive emails by someone who had not sworn to uphold policies or state law.

Email exchanges among the trustees could not be reviewed by the Grand Jury because they were stored on individual trustees' electronic equipment, outside the server of the school district. As a consequence, the Grand Jury could not investigate the alleged Brown Act violations regarding the superintendent's termination via their email correspondence. Similarly, the Grand Jury was not able to determine whether serial meetings might have been conducted electronically in violation of the statute.

Although the Grand Jury was not able to corroborate timelines or direct exchanges by the majority, numerous witnesses indicated the superintendent's termination seemed too well orchestrated for there to have not been advance discussion by Trustees A, B and E.

Witnesses told the Grand Jury that Trustee A sent an email to the rest of the board after the superintendent's termination, soliciting opinions about a suitable replacement.

California Government Code 54952.2 states, "A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board." The Grand Jury was unable to corroborate the testimony because it had no access to trustees' email accounts.

The routing of trustee concerns continued to remain an issue across the administration of both permanent and interim superintendents. Trustees were directed by administrators to channel concerns directly to the superintendent to review and delegate. They were also instructed to contact the superintendent for updates, if necessary.

Trustees A and B, however, sent continued requests outside the chain of command. When the district employee did not reply directly to the trustees, the superintendent was contacted by the trustees and told to take action against the employee. The Grand Jury was told that all trustees were made aware of the proper procedures for routing requests.

Board Bylaws §9012(a) states: "Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process."

Witness testimony and email exchanges indicate that some board operating procedures were unwritten, such as respecting the time commitment certain board actions require. The Grand Jury was told there was agreement among trustees that agenda items likely to be discussed longer than 15 minutes should be agreed upon in advance. It was unclear how such a consensus could be obtained before a meeting without violating Brown Act strictures.

Because it wasn't specifically proscribed, some trustees used board meetings as platforms to speak for extended periods on items relevant only to that trustee.

A superintendent also referred to a board practice (not policy) regarding trustee requests for large amounts of data and reports, requiring time for staff to fulfill. The superintendent indicated that such requests should be agreed upon by the board majority as necessary or relevant.

Witness testimony confirmed by emails indicated Trustees A and B were not conscientious of staff time when making requests and did not identify why information was needed or if any other board member wanted or had requested the information. With no procedure in place, the Grand Jury was told, staff occasionally was overwhelmed trying to fulfill trustee requests while performing their regular job duties.

Testimony indicated that trustees were advised by superintendents to follow district policy when they directly received complaints or concerns from parents. Policy indicated for parents with issues or questions to contact teachers, principals or the superintendent directly so their concern can be addressed promptly. Trustees A and B submitted parent concerns directly to administrators instead, the Grand Jury was told, delaying resolution while the issue was referred to the appropriate individual for response.

Trustees A and B also directed district staff to advise them of all steps in the resolution process and what was said or written to parents, creating an extra reporting step for staff. Some trustees sent emails copied to multiple parties accusing administrators of not responding to parent concerns. The Grand Jury was told that most issues were resolved within 48 hours and parents were satisfied with the outcome.

Witnesses said Trustee A referred to complaints from unidentified parents and anonymous complaints and letters as the source of requests for district action, leaving district administrators uncertain what level of action should be reported upon and to whom, the Grand Jury was told.

The most prevalent violation confirmed by the Grand Jury was a lack of cohesiveness amongst the trustees, with some acting independently on a regular basis.

Board Bylaws section 9200 (a) states:

“The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate. Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.”

The Board Bylaws section 9005(a) #8 states trustees shall: “Understand that authority rests with the Board as a whole and not with individuals.”

Board Bylaws Section 9005(b) adds:

“Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

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

Examples provided in previous sections of this report indicate that Trustees A and B repeatedly disregarded board bylaws.

RECALL ELECTION RESULTS

The campaign to recall Selma Unified School District trustees first appeared on the advocates' Facebook page, February 1, 2015 -- the day after the page was created. There was public talk of a recall during and after the Board of Trustees special meeting February 3, 2015, when Trustees A, B and E voted to remove the superintendent. The 3-2 decision came just over two months following a positive evaluation and contract extension for the superintendent.

A major concern of recall advocates was the cost of terminating the superintendent's contract and its impact on district programs for students. Trustees A, B and E declined to discuss publicly their reasons for taking action against the superintendent, citing their obligation to treat personnel issues confidentially. The Selma Unified Governance Code of Ethics, signed by each trustee, requires board members to “keep confidential information confidential.” Trustee B said publicly that the recall election shouldn't proceed because trustees couldn't defend their actions due to their oath of confidentiality.

The targeted trustees and recall advocates both said that their chief concern was Selma Unified's children and the future success of them and the district.

Witnesses told the Grand Jury that the social media campaign mentioned earlier in this report was not the only way the recall effort was made known. Citizen conversations, newspaper articles, billboards, letters to the editor, yard signs, door-to-door campaigning and parent-club advocacy made the community aware of the recall, the Grand Jury was told.

Facebook posts against Trustees A, B and E and advocating those running to replace them continued until November 3, 2015. On that date, voters recalled Trustees A, B and E and elected their replacements.

Despite the level of public awareness, fewer than 24 percent of 6,710 eligible voters went to the polls in the three applicable areas. The range of 32.8 percent in one area to 18.1 percent in

another indicates a decrease from the 2014 trustee election in which 38-45 percent of voters participated in the three areas.

The new trustees were elected in 2015 with support of 10.4, 10.8 and 19.7 percent of the aggregated total electorate in the three areas.

The Selma Unified School District was billed \$55,781.32 by the Fresno County Elections Office for conducting the election.

The Facebook page's final post occurred November 17, 2015 – the night the newly elected trustees were sworn in (Trustees F, G and H).

MOVING FORWARD

Grand Jury witnesses said the new trustees were aware of divisions in the community resulting from the many months of negative campaigning during the recall. Witnesses testified that the superintendent's ouster was outrageous, retaliatory and like mourning the loss of someone they knew.

Witnesses described the general attitude of district staff and teachers after the recall as one of relief, liberation and no longer being threatened with firing.

The Grand Jury also was told that new trustees who attended the California School Boards Association annual meeting in December 2015 were advised that a board that works well together 80 percent of the time has higher test scores than one that is disruptive and does not work well together.

That advice comes from the association's "Governance Brief," which says: "School boards ensure success for all students by making decisions that fulfill legal mandates and align district systems and resources to ensure the long-term fiscal stability of the district. To do this, boards must act collectively and openly, be guided by community interests, and informed by recommendations of the superintendent and professional staff."

Witnesses told the Grand Jury the new superintendent enjoyed unanimous support from the 2016 board and had quickly developed a positive rapport with the Selma community.

The Grand Jury was advised that the new superintendent is taking steps to facilitate positive working relationships amongst trustees and with staff, beginning with training, workshops, staff retreats and weekly updates on district activities. Emails reviewed by the Grand Jury indicate the new superintendent regularly provides the trustees with guidelines for Brown Act compliance and, with support from legal counsel, tries to ensure the trustees remain aware they must operate as a collective body.

Grand Jury witnesses said trustees and administrators want extensive and frequent training. As this report was written, Trustees F, G and H had attended the California School Board Association's annual education conference, Facilities/Bond and Governance Leadership workshops and multiple guided tours of Selma Unified school sites. There also had been a preliminary review of the Brown Act and the Board Policy Manual.

Emails reviewed by the Grand Jury indicate Trustee F has been proactive in reviewing conflict-of-interest policies and sought guidance on concerns on district financial items due to personal employment and that of a spouse. The superintendent and legal counsel also expressed via email their willingness to evaluate future questions to ensure applicable board policies and statutes are followed.

The Grand Jury was told that Trustee G's goals included an update to the Board Policy Manual, improved graduation rates, increased student safety and keeping staff momentum going with the implementation of good ideas. The Grand Jury also heard testimony that Trustee G was taking initiative in becoming familiar with the district's Positive Behavior Interventions and Supports (PBIS) discipline protocols and the role and authority of a board trustee.

Testimony to the Grand Jury indicated that Trustee H wanted to make sure current technology and advanced classes were available to students and that specific needs of the adult/continuation students is addressed.

Some issues from the previous board majority continue to impact the new board. Trustee B has become a frequent, public critic of Trustees C, D, F, G and H in letters to the editor and in meetings of the school board. Testimony to the Grand Jury indicated Trustee B continues to make demands of administrators and trustees rather than the superintendent on items he was not able to successfully complete while on the board.

Emails obtained by the Grand Jury indicate the district administration referred to the board's own policy manual in advising trustees about the proper routing of concerns they had or came from other citizens, as well as appropriate responses.

Multiple witnesses testified to a mutual agreement among the 2016 trustees to follow CSBA guidelines about putting aside personal issues and differences and working together in partnership with district professional staff to advance the interests of the district's children.

Shared goals of the 2016 Board of Trustees mentioned during testimony included a bond measure for athletic and educational facilities, establishing a Boys and Girls Club (It opened April 29, 2016.), test-score improvement and enhanced educational opportunities for students.

Witnesses testified that the newly constituted board wanted to create harmony, promote open communication and establish a common vision for the administration, parents and teachers.

FINDINGS

F01) The Board of Trustees did not communicate clear or measurable goals to the superintendent during his 2008-2015 tenure.

F02) A meeting took place between the superintendent and Trustee A in which the superintendent was informed the board wanted to go in a new direction. Five days later, the superintendent was released from contract on a 3-2 vote.

F03) The Grand Jury did not prove or disprove that Trustees A, B and E had communicated about releasing the superintendent before the February 3, 2015 special meeting and in violation of the Brown Act. Lack of access to trustee personal email accounts and phone records leaves the level of their interaction -- if any -- outside the board room unresolved.

F04) No evidence of wrongdoing was given to the Grand Jury or the public against the former superintendent, who served as an at-will employee.

F05) Trustee A initiated an independent search to replace the released superintendent without authorization from the Board of Trustees, a task that the Board Policy manual states is to be performed by the entire board.

F06) The community's dissatisfaction with the superintendent's release and the trustees who supported it resulted in Trustees A, B and E being recalled in November 2015.

F07) The total cost that could be verified by the Grand Jury of releasing the superintendent from his contract was \$377,147, of which \$80,234 was for acting pay to the interim superintendent, an employment search firm, legal costs, and other expenditures. The recall election in November 2015 cost the school district an additional \$55,781. The total figure calculated by the Grand Jury was \$432,955.

F08) Limited political activities advocating the recall took place on district campuses and were the subject of complaints by Trustees A, B and E, each of which was addressed by district administrators quickly and with cooperation from employees.

F09) The work environment for district staff and administrators was permeated by fear of termination or other retaliation during the months following the superintendent's termination and ending with the November 3, 2015 recall election.

F10) Board policies that define specific roles and authority of trustees were violated on numerous occasions, most frequently by Trustees A and B, who were deeply involved in personnel and student discipline matters which they could later have been obligated to adjudicate.

F11) Trustees A, B and E issued disciplinary directives -- unauthorized by the Board of Trustees -- to district administrators, sometimes based on rumors that proved false.

F12) Frequent and wide-ranging requests and directives from Trustee A to district administrators -- independent of Board of Trustees authorization -- created an unnecessarily stressful work environment.

F13) Trustees A and B, who publicly made the security of students a high priority, violated district policies regarding campus visits and ignored procedures in place to ensure student safety.

F14) Trustees A, B and E surveilled and shared information regarding the personal activities of district staff and administrators, a practice that increased during the months leading up to the recall election.

F15) Trustees A and B misrouted constituent concerns to administrators although told by the superintendent repeatedly about the routing process described in the Board Policy Manual.

F16) Trustee A submitted requests for facility repairs with illogical justification expressing no concern about cost and without board authorization.

F17) Poor communication, disrespect, verbal abuse and lack of collegiality toward fellow trustees, district staff, and administrators by Trustee A were a violation of board policy and ignored California School Boards Association guidelines.

F18) Trustee A independently directed the interim superintendent to contact with a law firm other than district counsel to review another trustee's right to vote on an item that occurred 14 months prior, costing the district more than \$6,500.

F19) Selma Unified School District trustees are not issued secure email accounts. During 2014 and most of 2015, trustees used personal, unencrypted email accounts (one shared with a spouse) to conduct district business about students, employee discipline and other private/confidential information. By May 2016, Trustees F, G and H had Selma Unified email accounts, but Trustees C and D used personal accounts.

F20) No board policy exists to restrict or prohibit trustee-demanded items that use large amounts of staff time/resources from being requested. No board policy exists to prohibit a trustee from conducting a lengthy discussion of items only relevant to that trustee during board meetings.

F21) Prior to legal counsel's presence at Board of Trustees meetings, un-agendized items were regularly discussed during closed sessions, and items voted upon during closed session were not reported out to the public as required by statute.

F22) The district website was redesigned in December 2015 and access to some public data archives were lost and unavailable to the Grand Jury.

F23) The Selma Unified Board Policy Manual is more than 1,700 pages, making it difficult for new trustees to be trained promptly. The current format is difficult to navigate efficiently.

RECOMMENDATIONS

R01) The Board of Trustees and the district administration must work together to set clear, measurable and attainable goals for the Selma Unified School District and spell out in annual evaluations the performance expectations for its leadership team. (F01, F17)

R02) Trustees should be issued secure email addresses to conduct district business and also secured district email accounts for public access by students, parents and constituents. (F03, F19)

R03) Trustees should familiarize themselves with the campus visitation policy and follow it to ensure student safety and to establish trust with school-site staff. (F13, F14, F16)

R04) Trustees should learn and follow the correct routing procedures for complaints from constituents and facilities requests. (F12, F15, F16)

R05) Trustees should refrain from becoming involved in personnel matters, especially discipline, except as their authority is defined in district board policies. (F08, F09, F10, F11, F21)

R06) Trustees should be continually reminded by the superintendent and the board president of their responsibility to act as a collective, collaborative and collegial body, and not as individuals, as outlined in the Board Policy Manual. (F01, F05, F10, F11, F12, F16, F17, F18)

R07) Trustees must be considerate of staff time and resources when submitting requests for data and the superintendent should reserve the right to decline or postpone individual requests if they interfere with district operations. (F09, F10, F12, F20)

R08) The district shall provide and ensure all administrative staff and trustees attend adequate training with regards to boardsmanship, conflict of interest, the Brown Act and district policies. (F03, F05, F10, F12, F13, F15, F17, F21, F23)

R09) An abridged version of the district board policy manual with the sections most relevant to trustees should be provided to new trustees before they are seated and reviewed as part of trustee training on a regular basis thereafter. (F23)

R10) The superintendent, the board president, and citizens should emphasize to trustees the importance of representing the needs of residents in the areas they represent, while also considering the needs of the district as a whole. (F06, F07)

REQUEST FOR RESPONSES

Pursuant to Penal Code 933(c) and 933.05, the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

RESPONDENTS

Dr. Tanya Fisher, Superintendent, Selma Unified School District
Findings F08-F23, Recommendations R01-R10

Jennifer Winter, President, Selma Unified School District Board of Trustees
Findings F01-F23, Recommendations R01-R10

REFERENCES

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Selma Unified Board Policy Manual

Selma Unified Board of Trustees Agendas and Meeting Minutes

Emails requested and received from Selma Unified School District

Financial documents requested and received from Selma Unified School District

Legal documents requested and received from Selma Unified School District

Training documents requested and received from Selma Unified School District
Interview testimony from multiple witnesses