



AGENDA SPECIAL MEETING

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem
Minerva Pineda, Council Member

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

TUESDAY, MARCH 21, 2017 - 6:30 P.M.
Orange Cove Council Chambers
633 6th Street, Orange Cove, California 93646

A. CALL TO ORDER/WELCOME

Roll Call
Invocation
Flag Salute

B. CONFIRMATION OF AGENDA

C. PRESENTATION

1. Presentation by Genoveva Islas, Director of Cultiva La Salud, regarding Access to Healthy Food and Physical Activity Opportunities

D. CONSENT CALENDAR

2. City Warrants for the month of February 2017
3. Council Minutes of February 22, 2017
4. Council Minutes of March 8, 2017
5. Approving the purchase of a shed from Tuff Shed for the Police Department in the amount of \$5,560.65
6. Approve Addendum No. 1 Employment Agreement for Police Chief City of Orange Cove

E. ADMINISTRATION

City Manager:

7. **SUBJECT:** Consideration and Discussion regarding The Solid Waste AB 939 MOU Resolution from Fresno County

Recommendation: Council to consider approving Resolution No. 2017-09 Authorizing the Designation of the AB 939 MOU Committee to serve in the Capacity and perform the functions of the LTF in order to Facilitate the Development of AB 939 related plans and program s that are best accomplished and coordinated on a Regional Basis

Mayor and City Councilmembers:

8. **SUBJECT:** Consideration and Discussion regarding a Loitering Ordinance

Recommendation: Council give staff direction

F. PUBLIC FORUM

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

G. CITY MANAGER'S REPORT

9. Update report on City Projects

H. CITY ATTORNEY'S REPORT

I. CITY COUNCIL COMMUNICATIONS

J. ADJOURNMENT

ADA Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at

(559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at cityoforange Cove.com.

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the City Council has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove City Council, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Council has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

GENERAL RULES OF DECORUM

While any meeting of the City Council is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the City Council as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the City Council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or

- repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.
3. A person, other than members of the Council and the person, who has the floor, shall not be permitted to enter into the discussion unless requested by the Mayor to speak.
 4. Members of the City Council may not interrupt a person who has the floor and is making public comments. Members of the City Council shall wait until a person completes his or her public comments before asking questions or commenting. The Mayor shall then ask Councilmembers if they have comments or questions.
 5. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.

ENFORCEMENT OF DECORUM RULES (Resolution No. 2012-16)

While the City Council is in session, all persons must preserve order and decorum. A person who addresses the City council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The Mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Mayor or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Council may overrule the Mayor if the majority of the Council believes the Mayor or other presiding officer is not applying the rules of decorum appropriately.



MINUTES

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem

Gilbert Garcia, Council Member

Minerva Pineda, Council Member

Josie Cervantes, Council Member

WEDNESDAY, FEBRUARY 22, 2017 - 6:30 P.M.

Orange Cove Council Chambers

633 6th Street, Orange Cove, California 93646

A. CALL TO ORDER/WELCOME

COUNCIL PRESENT: Mayor Victor P. Lopez
Mayor Pro Tem Diana Guerra Silva (absent)
Councilmember Gilbert Garcia (absent)
Councilmember Minerva Pineda
Councilmember Josie Cervantes

STAFF PRESENT: City Manager Samuel A. Escobar
City Attorney, Dan McCloskey
Police Chief, Marty Rivera
City Clerk June V. Bracamontes

INVOCATION: City Clerk June V. Bracamontes

FLAG SALUTE: Mayor Victor P. Lopez

B. CONFIRMATION OF AGENDA

Add two items to Agenda to order alarm Scada System and ERS Industrial Service Repair for Plant B due to the water issue emergency

Upon the motion by Councilwoman Pineda and seconded by Councilwoman Cervantes, due to the water issue emergency. (Yes vote: Lopez, Pineda and Cervantes)

C. PRESENTATION

1. Presentation by Krista Riggs, Supervising Librarian, regarding the Children's Music Concert on March 10, 2017 at Eaton Park and services provided to our community

Ms. Krista Riggs, Supervising Librarian, presented to Council the request to use Eaton Park for a Children's Music Concert on March 10, 2017 and services provided to the community of Orange Cove.

D. CONSENT CALENDAR

2. City Warrants for the month of January 2017
3. Approve usage of Eaton Park on March 10, 2017 for a Children's Music Concert requested by the Fresno County Public Library
4. Council approve by minute order to fix the meeting date of the regular City Council meeting of March 8, 2017 at 6:30 pm as the time to consider Vesting Tentative Tract Map No. 6116, Joe Serna Estates II.

Upon the motion by Councilwoman Pineda and seconded by Councilwoman Cervantes, Council approved the Consent Calendar as presented. (Yes vote: Lopez, Pineda and Cervantes)

E. ADMINISTRATION

City Engineer:

5. **SUBJECT:** Consideration and Discussion regarding Reimbursement Resolution and Resolution Pledging Revenues from the Sewer Fund for Repayment of Financing Debt for the Wastewater Treatment Plant Tertiary Upgrade and Effluent Recycling Project.

Recommendation: Staff recommends that the City Council adopt the attached resolutions for the financing for the Wastewater Treatment Plant (WWTP) Tertiary Upgrade Project as follows:

- a. Reimbursement Resolution No. 2017-05

Upon the motion by Councilwoman Cervantes and seconded by Councilwoman Pineda, Council approved Resolution No. 2017-05 adopting the financing for the Wastewater Treatment Plant Tertiary Upgrade Project. (Yes vote: Lopez, Pineda and Cervantes)

- b. Resolution 2017-06 Pledging Revenues from the Sewer Fund for Repayment of Financing

Upon the motion by Councilwoman Cervantes and seconded by Councilwoman Pineda, Council approved Resolution No. 2017-06 Pledging Revenues from the Sewer Fund for Repayment of Financing (Yes vote: Lopez, Pineda and Cervantes)

Chief of Police:

6. **SUBJECT:** Consideration and Discussion regarding the purchase of cameras and equipment for the Water Treatment Plant

Recommendation: Council to consider approving the cameras and equipment for the Water Treatment Plant in the amount of \$17,595.58

Upon the motion by Councilwoman Cervantes and seconded by Councilwoman Pineda, Council to approve the cameras and equipment for the Water Treatment Plant in the amount of \$17,595.58 (Yes vote: Lopez, Pineda and Cervantes)

City Manager:

7. **SUBJECT:** Consideration and Discussion regarding the Agreement between the City of Orange Cove and CalWorks

Recommendation: Council to consider approving the Agreement between the City of Orange Cove and CalWorks

Upon the motion by Councilwoman Cervantes and seconded by Mayor Lopez, Council approved the Agreement between the City of Orange Cove and CalWorks as presented. (Yes vote: Lopez, Pineda and Cervantes)

ADDITION TO AGENDA:

8. **Approval of Purchase Order of \$32,673 for the SCADA System Computer that monitors the Water Treatment Plant**

Upon the motion by Councilwoman Pineda and seconded by Councilwoman Cervantes, Council approved the Purchase Order in the amount of \$32,673 for the SCADA System Computer that monitors the Water Treatment Plant

9. Water Treatment Plant B ERS Industrial Services to repair filters.

Upon the motion by Councilwoman Cervantes and seconded by Councilwoman Pineda, Council approve the cost of \$46,853 to repair the filters to the Water Treatment Plant B by ERS Industrial Services

F. PUBLIC FORUM

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

None

G. CITY MANAGER'S REPORT

None

H. CITY ATTORNEY'S REPORT

SUBJECT: Update report on the Posting of Notice Hearing regarding the amendment to travel policy

Recommendation: Informational Item Only

Mayor requested to take this item off the Agenda

I. CITY COUNCIL COMMUNICATIONS

Councilwoman Josie Cervantes:
Nothing to report.

Councilwoman Minerva Pineda:
Nothing to report.

Mayor Victor P. Lopez:

Mayor Lopez met with U.S. Dianne Feinstein Chief of Staff explained about the reverse osmoses and couldn't afford it. Bring to Senator Feinstein to support to go after the funding for JPA Temperance flat. Costa, Valadao, very supportive

Attended a meeting with the League of California Cities. Issue was about grants available for innovated programs to be funding. Energy conservation and saving. Recommended Council to attend.

Information item regarding immigrant community and strongly believe supporting the immigrants. City clerk read a copy of resolution from the County of Monterey. Congratulated Mr. John Campbell the new Superintendent. Prepare letter to him starts July 1, 2017.

Mayor would like to present Mr. Juan Garza with a plaque for his many years of service with KCUSD.

Mayor re-opened the meeting presented a plaque to Josie Cervantes for her next 4 years for public service.

J. ADJOURNMENT

Mayor Lopez adjourned the City Council Meeting at 7:23 p.m.

RESPECTFULLY SUBMITTED:

June V. Bracamontes, City Clerk
City of Orange Cove

PRESENTED TO COUNCIL:

DATE: _____

ACTION: _____



MINUTES

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem
Minerva Pineda, Council Member

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

WEDNESDAY, MARCH 8, 2017 - 6:30 P.M.
Orange Cove Council Chambers
633 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

COUNCIL PRESENT: Mayor Victor P. Lopez
Mayor Pro Tem Diana Guerra Silva
Councilmember Gilbert Garcia
Councilmember Minerva Pineda (Absent)
Councilmember Josie Cervantes (Absent)

STAFF PRESENT: City Manager Samuel A. Escobar
City Attorney, Dan McCloskey
Police Chief, Marty Rivera
City Clerk June V. Bracamontes

INVOCATION: Mayor Pro Tem Diana Guerra Silva

FLAG SALUTE: Mayor Victor P. Lopez

B. Confirmation of Agenda

No changes

C. Presentation

1. Presentation by the Robotics Class from Orange Cove High School.

On behalf of the Orange Cove Students and Staff, Principal Angel Durazo thanked Council for their generous contribution to softball team and lucky run.

Ms. Garner from the Orange Cove Robotics team presented to Council their on-going activities. Participated in the MESA at Fresno State and last year took 1st, 2nd and 3rd. Currently skill with USA with all CT courses which include engineering in robotics. Two teams took urban thru an obstacle course. Took 1st and 2nd place Skill with USA. Students had to do a presentation and advancing to State in April located in San Diego

Students from the Engineering and Robotics presented to Council their interest and how they first became involved more hands on. Will learn how to install solar panels. Robotics started with Legos went to regionals and won. First time with EV3 learn more about wiring. Major Construction Manager.

2. Presentation by Dr. Matthew Milnes, Regional Dental Director pertaining to BMX team agreement proposal.

Mr. Phillip Alonzo from Hanford involved with BMX and very much interested in getting the Orange Cove facility up and going for the kids. Sanction and will provide insurance will take care of the BMX Park twice a week and will place the BMX Park in a Magazine.

Mayor and Council very supportive.

D. Consent Calendar

3. City Council Minutes of February 8, 2017.
4. Approval of Facility use request submitted by City Employee for a 90th Birthday Celebration on October 2017.
5. Approval of facility use request submitted by City Employee for a Quinceanera celebration on Saturday, December 2, 2017.
6. Approval of facility application request submitted by OC Chamber of Commerce for use of James Eaton Park, for Orange Cove Blossom Festival on Saturday, April 1st.

Upon the motion by Councilman Garcia and seconded by Mayor Pro Tem Silva, Council approved the Consent Calendar as presented. (Yes Vote: Lopez, Silva and Garcia) (Absent: Pineda and Cervantes)

E. Administration

City Engineer:

7. **SUBJECT:** Consideration and Discussion regarding the Contract for Temporary Water Services between the United States Bureau of Reclamation and City of Orange Cove.

Recommendation: Council to consider approving Resolution No. 2017-07 Contract for Temporary Water Services between the United States Bureau of Reclamation and City of Orange Cove and shall remain in effect through February 28, 2018.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilman Garcia, Council approved Resolution No. 2017-07 Contract for Temporary Water Services between the United States Bureau of Reclamation and City of Orange Cove and shall remain in effect through February 28, 2018. (Yes Vote: Lopez, Silva and Garcia) (Absent: Pineda and Cervantes)

8. **SUBJECT:** Consideration and Discussion regarding the Vesting Tentative Map for Tract No. 6116, Joe Serna Estates II.

Recommendation: Council to consider adopting Resolution No. 2017-08 approving a Vesting Map for Tract No. 6116, to subdivide an existing 0.78-acre lot into five lots that can be sold for home sites

Upon the motion by Mayor Pro Tem Silva and seconded by Councilman Garcia, Council approved Resolution No. 2017-08 approving a Vesting Map for Tract No. 6116, to subdivide an existing 0.78-acre lot into five lots that can be sold for home sites. (Yes Vote: Lopez, Silva and Garcia) (Absent: Pineda and Cervantes)

Chief of Police:

9. **SUBJECT:** Monthly Activity Report.

Recommendation: Informational Item Only.

Police Chief Rivera presented the following updates:

- *Current Status on the Department Staff.
- *Restorative Justice Program up and running.
- *Explorer going good increase to 12
- *BSCC Grant pay will the intervention training.
- *Camera installed at the Water plant.
- *Events lucky run March 18
- *Chamber April 1st will start on the parade.
- *Church Easter Procession on April 14th.
- *Crime Stats for February 2017

At the next City Council Meeting under Consent will place recommendation for a police shed at the P.D.

City Manager:

10. **SUBJECT:** Consideration and Discussion regarding the BMX Team Proposal between the City of Orange Cove and Hanford BMX Race Team nonprofit corporation.

Recommendation: Council to consider giving direction to negotiate agreement with Hanford BMX Race Team nonprofit corporation to form a regular BMX race program in Orange Cove.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilman Garcia, Council approved to negotiate agreement with the Hanford BMX Race Team non-profit corporation to form a regular BMX race Program in Orange Cove contingent for the City Attorney to review as form then have City Manager sign agreement. (Yes Vote: Lopez, Silva and Garcia) (Absent: Pineda and Cervantes)

Mayor and City Councilmembers:

11. **SUBJECT:** Consideration and Discussion regarding the Resolution pertaining to City of Orange Cove Welcoming immigrants and refugees.

Recommendation: Council to consider approving the Resolution of the City of Orange Cove Welcoming immigrants and refugees.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilman Garcia, Council approved the Resolution of the City of Orange Cove welcoming immigrants and refugees as presented. (Yes Vote: Lopez, Silva and Garcia) (Absent: Pineda and Cervantes)

F. Public Forum

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

None

G. City Manager's Report

City Manager met with Mr. Will Marshal of EDA and the Grant Application submitted needed more information and will include Booth Ranch and Adventist.

Gary Serrato and Ms. Sally Tripp to meet tomorrow regarding a bigger project FID to include the city of Orange Cove to have access to the water.

H. City Attorney's Report

City Attorney Dan McCloskey gave an update report to City Council regarding the California Supreme Court: Public Officials and Employees Communication on Private Devices and Accounts maybe Public Records Subject to Disclosure as follows:

On March 2, the California Supreme Court decided a landmark case concerning the California Public Records Act ("CPRA," Government Code §§ 6250 *et seq.*), which is expected to have wide-ranging administrative, operational and financial impacts on public agencies. The issue concerned whether e-mails and text messages, sent or received on private electronic devices or personal accounts used by public officials and their staffs, were subject to production under the CPRA. The Court held that such communications, if they relate to the conduct of public business, are subject to the CPRA and may be public records subject to disclosure. (*City of San Jose v. Superior Court (Smith)* (March 2, 2017, S218066).)

I. City Council Communications

Councilman Gilbert Garcia:
Nothing to report.

Mayor Pro Tem Diana Guerra Silva:
Nothing to report.

Mayor Victor P. Lopez:
Mayor Lopez was invited has a guest speaker at the Naturalization and Citizenship Ceremony at Orange Cove Library.

Attended the JPA Meeting to discuss up-coming water issues. JPA is doing an outstanding job supported by Feinstein, Valadao and Costa. This is a 3 billion project and been working on this for 12 years. Having a meeting this Friday which will include CVP. Will be setting up a luncheon with the speaker Murillo to visit Orange Cove.

J. Closed Session:

- 12. Public Employee Performance Evaluation pursuant to Government Code Section 54957
 - a. Title: Chief of Police
- 13. Conference with Legal Counsel (Anticipated Litigation pursuant to Government Code Section 54956.9(a)
Property: 279, 278, 299 Park Blvd. Orange Cove, CA
APN 378-083-24

Council, City Manager and City Attorney went into closed session at 7:18 pm

K. Reconvene City Council Meeting:

Mayor Victor P. Lopez reconvened City Council Meeting at 7:45 p.m. and announced no reportable action taken in Closed Session.

L. Adjournment

Mayor Victor P. Lopez adjourned the City Council Meeting at 7:45 p.m.

RESPECTFULLY SUBMITTED:

June V. Bracamontes, City Clerk
City of Orange Cove

PRESENTED TO COUNCIL:

DATE: _____

ACTION: _____



Marty Rivera
Chief of Police

ORANGE COVE POLICE DEPARTMENT
550 Center Street Orange Cove California 93646
Ph: 559-626-5106 / Fax: 559-626-7565
Email: marty.rivera@oc-pd.com

Date: March 8, 2017

Title: Recommendation for Council to consider approving the purchase of a shed for the police department.

Submitted: Marty Rivera
Chief of Police

Recommendation:

The police department has run out of space. We generate lots of reports that must be kept for several years. We often need to access them for various reasons such as when someone asks for information from them needed for court, U-Visas and other things.

For the past several years these reports have been placed into a wood shed behind the police department building. That space was filled up a couple of years ago. We also had a room in the building where we kept reports and other equipment. The fire department then requested that room so that they could use it to sleep at nights when on duty. The room was given to the fire department. Since then, we have been sharing a C-Train with the fire department.

The fire department's employees often go into the C-Train to get some of their own equipment and in doing so our boxes filled with filed reports get knocked to the floor and then get mixed up and or trampled and left there.

We are asking for a shed that records can use to keep reports in a manner in which they can be obtained when necessary without having to move boxes around to find them.

Total cost: \$ 5,560.65

Fiscal Impact

The cost of the shed will come from police department general funds.

Prepared by:
Marty Rivera Chief of Police

Approved by:
_____ **City Manager**

PRIDE

HONOR

PROFESSIONALISM



Your local Tuff Shed showroom
 30460 Road 69
 Goshen,
 Your Tuff Shed will be built at
 2431 S. SARAH
 Fresno, CA 93706
 US

Created Date 2/28/2017
 Quote Number 00039255

Prepared By Albert Mahler
 Phone (559) 651-2705
 Email amahler@tuffshed.com

Contact Name Orange Cove Police Department Marty Rivera
 Phone 559-626-5106
 Email marty.rivera@oc-pd.com

Ship To Address 550 Center Street
 Orange Cove, CA 93646
 US

Line Item Description	Sales Price	Quantity	Subtotal	Total Price
Pro Tall Barn 8x16 Painted	\$4,772.90	1.00	\$4,772.90	\$4,772.90
Misc - Security Package (single)	\$55.00	1.00	\$55.00	\$55.00
Shelving/Loft - Overhead Loft ("starting at" price)	\$4.15	32.00	\$132.80	\$132.80
Vent - Gable End Vent (12"x12" - metal)	\$50.00	2.00	\$100.00	\$100.00
Delivery	\$100.00	1.00	\$100.00	\$100.00

Total Price \$5,160.70
 Sales Tax \$399.95
 Grand Total \$5,560.65

Customer Signature _____

Date _____

Pricing Disclaimer: Prices shown are subject to change without notice, do not reflect custom quote selections or any local taxes, and will be verified at time of order. In the case of a pricing discrepancy, the market-specific prices shown in the TUFF SHED point-of-sale system take precedent. While TUFF SHED makes every effort to ensure correct information is included in the online Build-A-Quote process, TUFF SHED is not responsible for technical malfunction of any telephone network, telephone or data lines, computer on-line systems, servers, internet providers, computer equipment, or software that may result in a pricing error or other discrepancy with the online Build-A-Quote. Your purchase may be subject to local taxes for which you will be charged at the time of purchase. Additional delivery charges and/or sales taxes may apply. Price based on level lot and does not include delivery, options, engineering fees and building permit

**ADDENDUM NO. 1
EMPLOYMENT AGREEMENT FOR POLICE CHIEF
CITY OF ORANGE COVE**

The City of Orange Cove ("CITY") and Marty Rivera ("POLICE CHIEF") agree to amend the Employment Agreement for Police Chief and enter this Addendum No. 1 to Employment Agreement as follows:

WHEREAS, CITY and POLICE CHIEF entered an Employment Agreement ("Agreement") effective December 16, 2013; and

WHEREAS, CITY AND POLICE CHIEF desire to update and amend the Agreement.

AGREEMENT

SECTION 1. Section 5a of the Agreement is amended to read as follows:

- a. Employee shall be paid an annual base salary of \$110, 000 effective January 1, 2017.

SECTION 2. Section 5b of the Agreement is amended to read as follows:

- b. The City Council will continue to review EMPLOYEE'S performance after the first year and throughout the life of the Agreement as necessary but in no event not less than once a year prior to EMPLOYEE'S anniversary date of December 16. The City Council will consider salary and benefit modifications based on employee's performance and as CITY finances may allow.

IN WITNESS HEREOF, the CITY has caused this Addendum No. 1 to Agreement for Employment of City Manager to be signed in its behalf by its Mayor and duly attested by its City Clerk, and EMPLOYEE has signed and executed this Agreement on the date written below.

DATED: _____

Samuel A. Escobar, City Manager

DATED: _____

Marty Rivera, Police Chief

ATTEST:

June Bracamontes, CITY CLERK

APPROVED AS TO FORM:

Dan McCloskey, CITY ATTORNEY



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

March 6, 2017

Sam Escobar
City Manager
City of Orange Cove
633 Sixth Street
Orange Cove, CA 93646

SUBJECT: Restructuring of the current Integrated Waste Management Local Task Force to the AB 939 Memorandum of Understanding Committee

Dear Mr. Escobar:

The County of Fresno is seeking the assistance of the City in the process of restructuring the Integrated Waste Management Local Task Force (LTF). This is due to the recent dissolution of the Fresno-Clovis Metropolitan Solid Waste Commission (FCMSWC) and the West County Solid Waste Planning Committee (WCSWPC), whose members partially make up the LTF. The County is requesting the City to take the attached Resolution, to restructure the LTF, to City Council for approval pursuant to the requirements of AB 939 and attached PRC Section 40950.

County staff has prepared the attached items for your use in this process. Please feel free to send to City Counsel for review and edit to comply with the City's format. These documents will provide the details for you to format a Council report and resolution to receive approvals and a concurrence with the action proposed. The following documentation is attached for your use:

1. Draft Council Agenda Item with a Resolution to designate the current AB 939 MOU Committee to serve in the capacity and perform the functions of the LTF.
2. A copy of State Public Resources Code (PRC) Section 40950 which stipulates the requirement for the LTF.

For your edification, staff has provided the following background information:

Fresno-Clovis Metropolitan Solid Waste Commission (FCMSWC) and West County Solid Waste Planning Committee (WCSWPC)

Recently, the Fresno-Clovis Metropolitan Solid Waste Commission (FCMSWC) composed of the Cities of Fresno and Clovis and Fresno County, as well as the West County Solid Waste Planning Committee (WCSWPC) comprised of the Cities of Coalinga, Firebaugh, Huron, Kerman, Mendota, and San Joaquin and Fresno County, both met and approved the dissolution of the Commission and Committee unanimously through mutual agreement. Understanding membership to the LTF was partially made up from members of the FCMSWC, WCSWPC and other committees and that this Commission and Committee are being dissolved, another representative committee needs to serve in this capacity and perform the functions of the LTF.

Integrated Waste Management Local Task Force (LTF)

The California Integrated Waste Management Act of 1989 (Assembly Bill 939, Sher, Chapter 1095, Statutes of 1989 [AB 939]), required that each County form an LTF to review and approve the local and countywide planning documents developed pursuant to AB 939. Fresno County's LTF was formed in 1990 and met regularly to review the local Source Reduction and Recycling Elements (SRREs), Household Hazardous Waste Elements (HHWEs), Non-Disposal Facility Elements (NDFEs), Countywide Integrated Waste Management Plan (IWMP) and Countywide Siting Element (CSE). The LTF reviews amendments to the local and countywide planning documents and the Five-Year Countywide Plan Update.

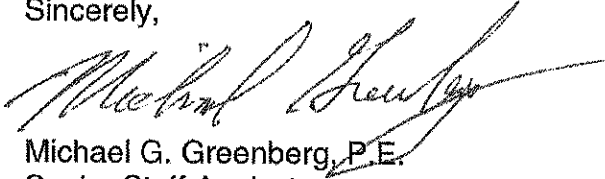
AB 939 MOU Committee

The County, in coordination with the 15 incorporated cities, adopted an AB 939 Memorandum of Understanding (MOU) in 1993 to clarify the responsibilities of the County in on-going planning and implementation of countywide solid waste programs. The MOU created an "AB 939 MOU Committee" which includes a representative of each of the jurisdictions within the County and functions as a countywide planning agency for regional solid waste and recycling programs and activities. As discussed, membership to the LTF was partially made up from members of the FCMSWC, WCSWPC and other committees and now that this Committee is being dissolved, another representative committee needs to serve in this capacity and perform the functions of the LTF. During a recent AB 939 MOU Committee Meeting on October 12, 2016, the committee members unanimously voted for the LTF to be restructured into the AB 939 MOU Committee.

The dissolution of the FCMSWC and WCSWPC and consolidation of LTF activities through the countywide AB 939 MOU Committee will aid in the efficient management of countywide solid waste programs.

We are hoping that the City can move forward in an expeditious manner so that we can receive the approved resolution by April 20, 2017, 45 days from the date of this letter. Please call me if you need additional time and if you have any questions. Thank you.

Sincerely,



Michael G. Greenberg, P.E.
Senior Staff Analyst

- c Clara Camarena, City of Orange Cove
- Steven E. White, Director, Public Works and Planning, Fresno County
- John R. Thompson, Deputy Director, Public Works and Planning, Fresno County
- Sally Lopez, Principal Staff Analyst, Public Works and Planning, Fresno County

Attachments
File

CITY COUNCIL AGENDA ITEM

SUBJECT: Approve the designation of the Assembly Bill 939 Memorandum of Understanding Committee as the Integrated Waste Management Local Task Force

RECOMMENDED ACTION(S):

- 1. Approve the resolution restructuring of the current Integrated Waste Management Local Task Force and authorizing the designation of the Assembly Bill 939 Memorandum of Understanding Committee to serve in the capacity and perform the functions of the Fresno County Integrated Waste Management Local Task Force. Authorize the City Manager or his designee to coordinate the process with the County of Fresno and the 15 incorporated cities.**

The County of Fresno and the Cities within the County are concurrently addressing the same request. The recommended actions will allow the City to begin the process to coordinate with the partnering jurisdictions to restructure the current Integrated Waste Management Local Task Force (LTF) and to authorize the designation of the Assembly Bill (AB) 939 Memorandum of Understanding (MOU) Committee (AB 939 MOU Committee) to serve in the capacity and perform the functions of the Fresno County LTF. The consolidation of activities through the existing AB 939 MOU Committee will aid in the efficient management of countywide state-mandated programs and plans (e.g., education, public outreach, household hazardous waste (HHW) management programs, and Non-Disposal Facility Plan updates, etc.).

ALTERNATIVE ACTION(S):

The City may deny or postpone recommended action No. 1, which will limit the ability of the County to establish an Integrated Waste Management Local Task Force (LTF), and impede the City to adhere to the AB 939 Non-Disposal Facility Element (NDFE) requirements.

FISCAL IMPACT:

There is no Net City Cost associated with the recommended action.

DISCUSSION:

The City participates in various commissions and committees that were created to

provide cooperation between public agencies to manage solid waste programs and facilities.

- Integrated Waste Management Local Task Force (LTF)
- AB 939 Memorandum of Understanding Committee (AB 939 MOU Committee)

Integrated Waste Management Local Task Force (LTF)

The California Integrated Waste Management Act of 1989 (Assembly Bill 939, Sher, Chapter 1095, Statutes of 1989 [AB 939]), required that each County form an Integrated Waste Management Local Task Force (LTF). The LTF reviews and approves the local and countywide planning documents (e.g., Source Reduction and Recycling Elements (SRREs), Household Hazardous Waste Elements (HHWEs), Non-Disposal Facility Elements (NDFEs), Countywide Integrated Waste Management Plan (IWMP) and Countywide Siting Element (CSE)), which were developed to comply with AB 939 regulations. Fresno County's LTF was formed in 1990 and was comprised of fifteen members. The membership included nine members appointed by the Board of Supervisors (two members representing environmental concerns; two solid waste hauler representatives; one landfill operator, who is not one of the County contracted hauler representatives; one recycling representative; and three at-large members representing the public); two members appointed by the Fresno-Clovis Metropolitan Solid Waste Commission (FCMSWC); two members appointed by the Southeast Regional Solid Waste (SER) Commission; and two members appointed by the West County Solid Waste Planning Commission (WCSWPC). As the FCMSWC and WCSWPC are currently being dissolved, and because of the difficulty to assemble such a diverse group, staff is recommending that the LTF be restructured to incorporate jurisdictional representatives who have a vested interest in meeting State-mandated goals.

In 1993, the County, in coordination with the 15 incorporated cities, adopted an AB 939 Memorandum of Understanding (MOU) in 1993 to address State-mandated solid waste programs, develop plans, and clarify the responsibilities of the County in on-going planning and implementation of regional countywide programs. The MOU created an "AB 939 MOU Committee" which includes a representative of each of the jurisdictions within the County and functions as a countywide planning agency for regional solid waste and recycling programs and activities.

Staff recommends that the City approve the attached resolution, which provide for the authorization, and approval of the designation of the AB 939 MOU Committee to serve in the capacity and perform the functions of the Fresno County Integrated Waste Management Local Task Force (LTF). These actions will allow the City to continue to implement countywide Assembly Bill (AB) 939 and other State-mandated programs and plans, which include education, public outreach, and household hazardous waste (HHW) management programs under the existing Assembly Bill 939 Memorandum of

Understanding Committee (AB 939 MOU Committee). Upon approval of the recommended action, staff will begin the process to coordinate with the various partnering jurisdictions as required.

RESOLUTION NO. 2017-09

**A RESOLUTION OF THE CITY OF
ORANGE COVE AUTHORIZING THE DESIGNATION
OF THE AB 939 MOU COMMITTEE TO SERVE IN THE
CAPACITY AND PERFORM THE FUNCTIONS OF THE LTF,
IN ORDER TO FACILITATE THE DEVELOPMENT OF
AB 939-RELATED PLANS AND PROGRAMS THAT ARE
BEST ACCOMPLISHED AND COORDINATED ON A
REGIONAL BASIS**

WHEREAS, the California Integrated Waste Management Act of 1989 (Assembly Bill 939, Sher, Chapter 1095, Statutes of 1989) (AB 939) requires each city and county in the State to prepare and implement a jurisdiction-specific plan to divert 50% of solid waste generated within its jurisdiction from disposal; and

WHEREAS, the State of California has established a goal of 75% source reduction, recycling, and composting by 2020; and

WHEREAS, required programs include Source Reduction, Recycling, Composting, Hazardous Waste Management and Public Education that are best coordinated on a regional basis; and

WHEREAS, new State rules are currently being promulgated pursuant in Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016 [SB 1383]) that will increase the need for regional programs to reduce methane generation by diverting 50% of organics from landfill by 2020 and 75% by 2025; and

WHEREAS, AB 939 authorized the County of Fresno, along with the fifteen (15) incorporated cities within the County, to join together to prepare and implement plans and programs to establish integrated management of solid waste on a regional basis; and

WHEREAS, sub-regional solid waste management plans and programs had previously been implemented by the Fresno-Clovis Metropolitan Solid Waste Commission (FCMSWC) and the West County Solid Waste Planning Committee (WCSWPC), but can be coordinated more efficiently on a countywide basis; and

WHEREAS, AB 939 requires the designation of an Integrated Waste Management Local Task Force (LTF) for reviewing local and regional plans, which was formed by action of the Board in 1990 in accordance with the provisions of Public Resources Code Section 40950; and

WHEREAS, on July 24, 1990 the County Board of Supervisors approved formation of a LTF utilizing members of the FCMSWC and WCSWPC for the preparation of the County Integrated Waste Management Plan; and

WHEREAS, the participating jurisdictions have expressed a desire to dissolve the FCMSWC and the WCSWPC, restructure the current LTF and designate the existing AB 939 MOU Committee to serve in the capacity and perform the functions of the LTF; and

WHEREAS, the County of Fresno and the cities within the County previously have formed the AB 939 MOU Committee to oversee ongoing planning and implementation of countywide programs; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Orange Cove, State of California;

1. Approves the restructuring of the LTF, and recognizes that this action is subject to and conditioned upon the subsequent concurrence of a majority of the cities which contain a majority of the population of the incorporated area of the County, in accordance with the provisions of Public Resources Code Section 40950(b), hereby authorizes the designation of the AB 939 MOU Committee to serve in the capacity and perform the functions of the LTF, in order to facilitate the development of AB 939-related plans and programs that are best accomplished and coordinated on a regional basis.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly and regularly adopted and passed by the City Council of the City of Orange Cove, California at a regular meeting held on the _____, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

Deputy City Clerk

PUBLIC RESOURCES CODE

SECTION 40950

40950. (a) On or before March 1, 1990, and every five years thereafter, each county, which is not a city and county, shall convene a task force to assist in coordinating the development of city source reduction and recycling elements prepared pursuant to Chapter 2 (commencing with Section 41000), the county source reduction and recycling element prepared pursuant to Chapter 3 (commencing with Section 41300), and to assist in the preparation of the countywide siting element prepared pursuant to Chapter 4 (commencing with Section 41700).

(b) The membership of the task force shall be determined by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county, except in those counties which have only two cities, in which case the membership of the task force is subject to approval of the city which contains the majority of the population of the incorporated area of the county. The task force may include representatives of the solid waste industry, environmental organizations, the general public, special districts, and affected governmental agencies.

(c) To ensure a coordinated and cost-effective regional recycling system, the task force shall do all of the following:

(1) Identify solid waste management issues of countywide or regional concern.

(2) Determine the need for solid waste collection and transfer systems, processing facilities, and marketing strategies that can serve more than one local jurisdiction within the region.

(3) Facilitate the development of multijurisdictional arrangements for the marketing of recyclable materials.

(4) To the extent possible, facilitate resolution of conflicts and inconsistencies between or among city and county source reduction and recycling elements.

(d) The task force shall develop goals, policies, and procedures which are consistent with guidelines and regulations adopted by the board, to guide the development of the siting element of the countywide integrated waste management plan.