



AGENDA

Victor P. Lopez, Mayor

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

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

WEDNESDAY, OCTOBER 11, 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. Administration

City Engineer:

- 1. SUBJECT:** Consideration and Discussion regarding the Streets Capital Improvement Program and SB 1 Project Designation

Recommendation: Council to give direction to Staff and consider Resolution No. 2017-36 adopting SB 1 Project Designation Resolution

- 2. SUBJECT:** Consideration and Discussion regarding applications to COG for Federal Transportation Funds and Resolution for Timely Use of Funds

Recommendation: Council to approve the submission of applications to the Fresno County Council of Governments (COG) for the listed projects and adopt the attached Resolution No. 2017-37 Supporting AB1012 "Timely Use of Funds"

Mayor and City Councilmembers:

3. **SUBJECT:** Consideration and Discussion regarding a letter to the Armando Quintero, Chair of the California Water Commission

Recommendation: Council to consider approving the Letter to Armando Quintero, Chair of the California Water Commission to voice opposition to the Proposition 1 Water Storage and Investment Program funding application for the Semitropic's Water Storage District's proposed Tulare Lake Storage and Floodwater Protection Project

D. 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.

E. City Manager's Report

F. City Attorney's Report

G. City Council Communications

H. 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 cityoforangecove.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.



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Streets Capital Improvement Program and SB 1 Project Designation
Attachments: Tables, Maps and Resolution

RECOMMENDATION:

Council review the Capital Improvement Program (CIP) and give direction to Staff and adopt the SB 1 Project Designation Resolution

EXECUTIVE SUMMARY:

The FY 17-18 update of the Streets CIP is presented for review by the Council. The new Gas Tax legislation, SB 1, which provides additional funding to the city requires an initial designation for a project to use those funds and annual reporting thereafter.

BACKGROUND:

CAPITAL IMPROVEMENT PROGRAM

The City maintains an active CIP to utilize all of the Local, State and Federal streets funding that is available. These funds are used not only for ongoing street maintenance operations by the Public Works Department, but also major street reconstruction projects. The City receives annual funding from Gas Taxes, Transportation Development Act (TDA) and Measure C that can be used for street maintenance. In addition the City receives Federal Highway funds through Fresno COG to be used for street maintenance on federal-designated collector streets, generally the half-mile streets and both East and West Railroad Avenues. Federal funds require matching local funds.

The local streets selected for reconstruction are taken from the list developed in 2011 and scheduled according to repairing the worst streets first. We have completed three local street maintenance projects thus far and three more are included in the five-year plan.

Prepared by: _____

Approved by: *[Signature]*

REVIEW: City Manager: *[Signature]*

Finance: *[Signature]*

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

- _____ Consent
- _____ Info Item
- _____ Action Item
- _____ Department Report
- _____ Redevelopment Agency

- _____ Public Hearing
- _____ Matter Initiated by a Council Member
- _____ Other
- _____ Continued to: _____

In addition to street maintenance the City also uses its street funds to repair hazardous sidewalks. Certain federal transportation funding is also designated for pedestrian/bicycle trails or new sidewalk construction. The City has completed several successful projects using this type of funding.

Attached are the following tables and diagrams:

Table 1 - A summary of the proposed street and sidewalk projects. The amounts shown are the total amounts for the projects, regardless of funding.

Table 2 - The breakdown of funding sources and differentiation of local and federal funding.

Map 1 - Proposed projects and ones that have been completed to date.

SB 1 – GAS TAX PROJECT

The Governor signed Senate Bill 1 this year that increased gas taxes paid at the pump to provide additional funding for street maintenance and repairs. The City's portion for this fiscal year is \$53,169. The following fiscal year the amount to be received increases to \$158,000. In order to receive funding the city must submit a list of projects proposed to receive funding and have that funding included in the budget. Additionally, the city must report annually how the funds have been spent to the California Transportation Commission.

Since this is the first year and the new taxes not be effective until November 1, the report of the proposed use of funds is due October 16, 2107. Apportionments to the City will begin in mid-January. Projects that are eligible are: 1) Road Maintenance and Rehabilitation, 2) Safety Projects, 3) Active Transportation, pedestrian and bicycle safety projects and 3) Traffic Control Devices.

Since the portion for this year is relatively small, Staff proposes to use the funds this year to repair sidewalks the North side of Park Boulevard from Center Street to 6th Street. We can use additional local funding to bring the project up to the \$150,000 budget for additional blocks as far as the funds will allow. A report on the Park Blvd. sidewalk conditions is attached.

REASON FOR RECOMMENDATION:

A five-year program allows the City to plan the use of its transportation funds in the most efficient manner. SB 1 funding requires additional reporting to the State on use of funds.

FISCAL IMPACT:

The Local Transportation Funds can only be used for street maintenance. TDA and Gas Tax Funds can be saved up from year to year to be used for large projects. The City must account for the use of Measure C funds every year. Use of Federal funds is tightly controlled by Caltrans and may be lost if they are not used in a timely manner.

ALTERNATIVES:

The Council may provide alternate direction.

ACTIONS FOLLOWING APPROVAL:

Projects for FY 17-18 will be added to the budget.

CONFLICT OF INTEREST:

None.

TABLE 1
CITY OF ORANGE COVE
STREETS - FIVE YEAR CAPITAL IMPROVEMENT PROGRAM
 October 11, 2017

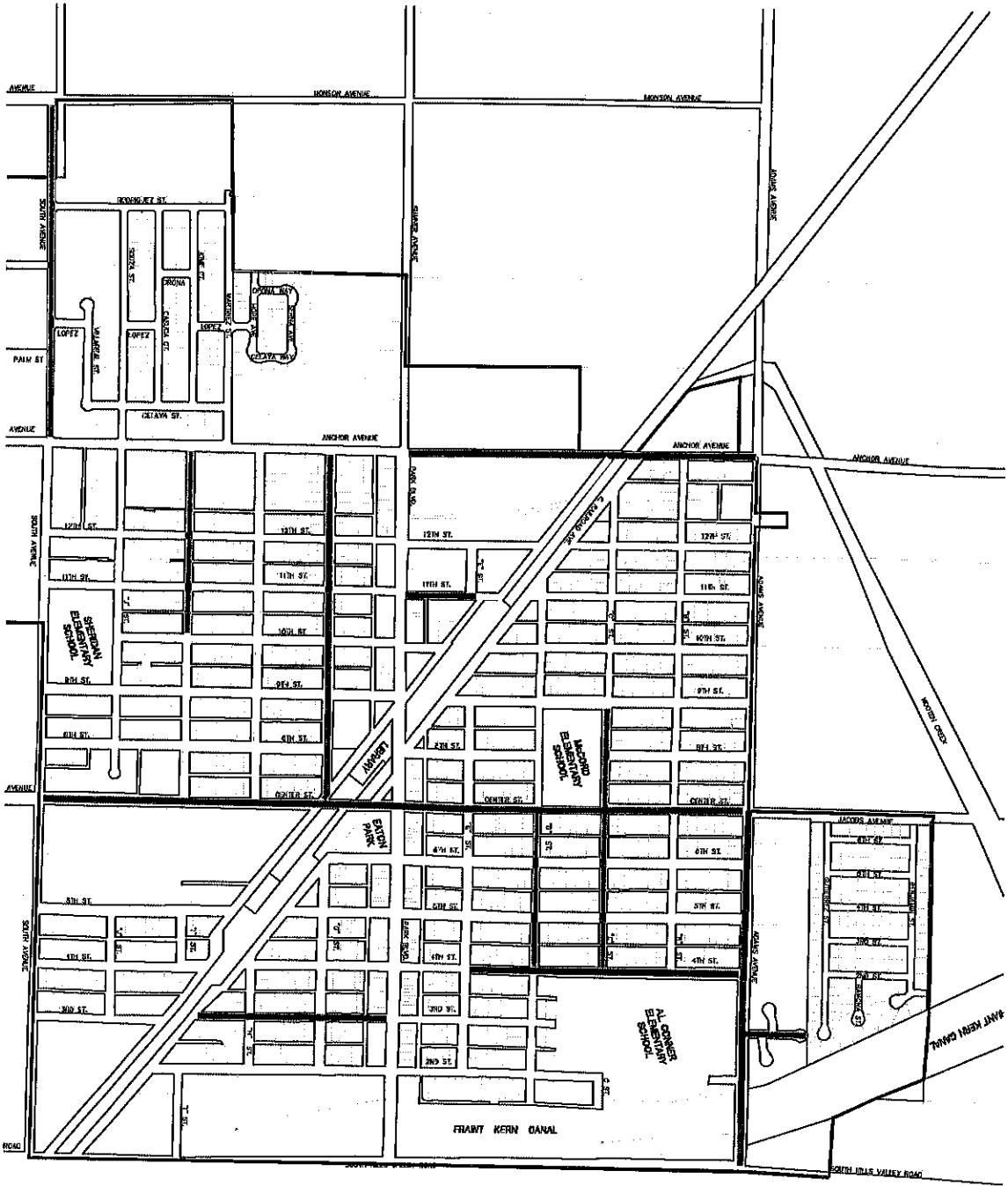
PROJECT SUMMARY

	17/18	18/19	19/20	20/21	21/22
CITY FUNDED PROJECTS					
Sidewalk Repair	\$150,000		\$150,000		\$150,000
Local Street Projects					
Park Blvd. & Anchor Ave.	\$684,000				
Fourth Street from E St. to Adams Ave.		\$150,000	520,000		
H Street from 8th to 11th, 10th Street from I to H and I Street from 8th to Center			\$45,000	\$205,000	\$200,000
West Railroad from Anchor to 11th				\$30,000	\$385,000
Sub-total Local Projects	\$834,000	\$150,000	\$715,000	\$235,000	\$735,000
STATE & FEDERAL PROJECTS WITH CITY MATCH FUNDING					
RSTP Anchor Ave. Reconstruction Anchor Ave. from Park to Adams					
CMAQ Sidewalks Third Street Third St. from Railroad to Park	\$26,000				
CMAQ Center Street Trail Connection Trail Crossing at Center St. south of Park					
RSTP Adams Ave. - FKC to Hills Valley Rd. Reconstruct Adams Avenue from Friant-Kern Canal to Hills Valley Road.	\$10,000	\$145,700			
ATP - Safe Routes to Schools Curb bulbouts and lighted crosswalks	\$32,000	\$215,000			
RSTP Adams Ave. - Center St. to Fourth St.	\$33,600	\$354,100			
Sub-total State & Federal Projects	\$101,600	\$714,800	\$0	\$0	\$0
Total	\$935,600	\$864,800	\$715,000	\$235,000	\$735,000

TABLE 2
CITY OF ORANGE COVE
STREETS - FIVE YEAR CAPITAL IMPROVEMENT PROGRAM
October 11, 2017

	17/18	18/19	19/20	20/21	21/22
BEGINNING BALANCES					
Local Transportation Funds	\$453,145	\$65,872	\$440,334	\$307,269	\$643,380
REVENUE					
Local Transportation Funds					
56 - 2103 Gas Tax	\$36,915	\$40,606	\$41,012	\$41,422	\$41,836
56 - 2105 Gas Tax	\$53,589	\$53,589	\$54,125	\$54,666	\$55,213
52 - 2106 Gas Tax	\$37,166	\$37,166	\$37,538	\$37,913	\$38,292
53 - 2107 Gas Tax	\$69,229	\$69,229	\$69,921	\$70,621	\$71,327
54 - 2107.5 Gas Tax	\$3,000	\$3,000	\$3,030	\$3,060	\$3,091
Loan Repayment	\$10,549	\$10,549	\$10,549	\$0	\$0
Road Maint & Rehab - SB 1	\$53,169	\$158,382	\$159,966	\$161,565	\$163,181
28 -TDA Art. 3 & 8	\$303,043	\$306,073	\$309,134	\$312,226	\$315,348
27 - Measure C	\$290,067	\$292,968	\$295,897	\$298,856	\$301,845
Total LTF Revenue	\$856,727	\$971,562	\$981,172	\$980,329	\$990,133
Less P.W. Operations Budget	(380,000)	(389,500)	(399,238)	(409,218)	(419,449)
FY Total LTF Available for Construction	\$476,727	\$582,062	\$581,935	\$571,111	\$570,684
Reimbursements Received for Federal Projects					
Sub-total Fed Reimbursements	\$0	\$0	\$0	\$0	\$0
Total Available for Construction	\$476,727	\$582,062	\$581,935	\$571,111	\$570,684
EXPENDITURES					
City Projects					
Sidewalk Repair Park Blvd. & Anchor Ave.	\$150,000		\$150,000		\$150,000
Fourth Street - Adams to E		\$150,000	\$520,000		
H Street from 8th to 11th, 10th Street from I to H & I Street from 8th to Center			\$45,000	\$205,000	\$200,000
West Railroad Ave. - Anchor to 11th				\$30,000	\$385,000
Local Match for State & Federal Projects					
RSTP Anchor Ave. Adams to Park (015)					
CMAQ Sidewalks Third Street (017)	\$26,000				
CMAQ Center Street Trail Connection					
RSTP Adams Ave. - FKC to Hills Valley Rd.		\$17,000			
RSTP Adams Ave. - Center St. to 4th St.	\$4,000	\$40,600			
Sub-total City Projects	\$864,000	\$207,600	\$715,000	\$235,000	\$735,000
ENDING BALANCE					
Local Transportation Funds	\$65,872	\$440,334	\$307,269	\$643,380	\$479,063
STATE & FEDERAL FUNDING					
CMAQ Sidewalks Third Street (017)					
CMAQ Center Street Trail Connection (016)					
RSTP Adams Ave. - FKC to Hills Valley Rd.	\$10,000	\$128,700			
ATP-Safe Routes to School	\$32,000	\$215,000			
RSTP Adams Ave. - Center St. to 4th St.	\$29,600	\$313,500			
Total State & Federal Funding	\$71,600	\$657,200	\$0	\$0	\$0

Total Spending = \$935,600 \$864,800 \$715,000 \$235,000 \$735,000



**CITY OF
"ORANGE COVE"
STREET PROJECTS**

- LEGEND:**
- 2018
 - 2019
 - 2020
 - 2021
 - COMPLETED PROJECT

SCALE 1" = 800'
0' 400' 800'



**YAMABE & HORN
ENGINEERING, INC.**

OCTOBER 11, 2017

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CITY OF ORANGE COVE
PARK BOULEVARD SIDEWALK CONDITION REPORT

RANK (Worst First)	PARK BLVD. LOCATION	LIMITS		CONDITION
		FROM	TO	
1	NORTH	CENTER	SIXTH	SOME POOR CONDITION - SOME EXCESSIVE CROSS SLOPE - DOOR RAMP
2	NORTH	FIFTH	FOURTH	SOME POOR CONDITION - EXCESSIVE CROSS SLOPE - TRIP & FALL HAZARD
3	SOUTH	SIXTH	FIFTH	SOME POOR CONDITION - ALL EXCESSIVE CROSS SLOPE
4	NORTH	THIRD	SECOND	GOOD CONDITION - ALL EXCESSIVE CROSS SLOPE - STEEP DROP AT CURB - BAD SLOPE
5	NORTH	SIXTH	FIFTH	SOME POOR CONDITION - ALL EXCESSIVE CROSS SLOPE
6	NORTH	FOURTH	THIRD	SOME POOR CONDITION - DOOR RAMP
7	SOUTH	FOURTH	THIRD	SOME POOR CONDITION - SOME EXCESSIVE CROSS SLOPE
8	SOUTH	FIFTH	FOURTH	SOME POOR CONDITION - SOME EXCESSIVE CROSS SLOPE
9	SOUTH	THIRD	SECOND	GOOD CONDITION - SOME EXCESSIVE CROSS SLOPE
10	SOUTH	CENTER	SIXTH	GOOD CONDITION - ALL EXCESSIVE CROSS SLOPE

NOTES:

- POOR CONDITION = Cracked sidewalk or spalling concrete.
- EXCESSIVE CROSS-SLOPE = Side Slope greater than ADA allowable 1/4" per foot.
- TRIP & FALL HAZARD = Lifted walk offset more than 1/2" vertically.
- DOOR RAMP = Exit from door does not meet ADA requirement.
- BAD SLOPE = Longitudinal slope greater than ADA allowable 5%.

RESOLUTION NO. 2017-36

A RESOLUTION OF THE COUNCIL OF THE CITY OF ORANGE COVE, CALIFORNIA,
DESIGNATING A PROJECT FOR THE ROAD REPAIR AND ACCOUNTABILITY ACT OF
2017 AND INCLUDING THE PROJECT IN THE FY 2017-2018 BUDGET

WHEREAS, On April 27, 2017 the Governor signed Senate Bill 1 (SB1) known as the Road Repair and Accountability Act of 2017 to address basic road maintenance, rehabilitation and critical safety needs; and

WHEREAS, SB1 contains requirements for reporting to the California Transportation Commission annually both proposed and completed projects; and

WHEREAS, the City Council has received a report from the City Engineer regarding the need for repair of the sidewalks in the Park Boulevard commercial district to enhance safety and meet the requirements of the Americans with Disabilities Act; and

WHEREAS, The City Council wishes to include a project in the Fiscal Year 2017-2018 City of Orange Cove Budget to utilize SB1 funds.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Orange Cove, California, as follows:

1. The above recitals are true and correct and are adopted as the findings of the City Council.
2. For the purposes of meeting the requirements of SB1 the City Council designates a sidewalk repair project on the North side of Park Boulevard from Center Street to Sixth Street for the use of its allocated SB1 funds.
3. The revenue and expenditure for the project shall be included in the City of Orange Cove Budget for Fiscal Year 2017-2018.
4. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.
5. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

This resolution was adopted at a Regular Meeting of the City Council of the City of Orange Cove held on October 11, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor

ATTEST:

June Bracamontes, City Clerk



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Applications to COG for Federal Transportation Funds and
 Resolution for Timely Use of Funds
Attachments: Maps and Resolution

RECOMMENDATION:

Staff recommends that the Council approve the submission of applications to the Fresno County Council of Governments (COG) for the listed projects and adopt the attached resolution supporting AB1012 "Timely Use of Funds".

EXECUTIVE SUMMARY:

COG has called for applications for Federally-funded street projects for the 20-21 and 21-22 fiscal years. Funding is available in the Surface Transportation Block Grant (STBG) and Congestion Mitigation and Air Quality (CMAQ) programs.

BACKGROUND:

The Fresno Council of Governments administers Federal Funding for local transportation projects. A portion of the funding is allocated to either "Lifeline" or "Regional Bid" for two programs as follows:

1. STBG – Street Reconstruction – Typical street paving rehabilitation projects.
2. CMAQ – Congestion Mitigation and Air Quality – Projects that reduce traffic congestion and air pollution.

The amount of funding for "Lifeline" projects is divided among all of the cities and the county based on population. Orange Cove's share for the STBG Lifeline amount is \$162,217. Orange Cove's

Prepared by: GH

Approved by: [Signature]

REVIEW: City Manager: [Signature]

Finance: [Signature]

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

- _____ Consent
- _____ Info Item
- _____ Action Item
- _____ Department Report
- _____ Redevelopment Agency

- _____ Public Hearing
- _____ Matter Initiated by a Council Member
- _____ Other
- _____ Continued to: _____

share for the CMAQ Lifeline amounts is \$83,925.

The "Regional Bid" projects will divide \$11.5 million for STBG and \$20.8 million in CMAQ, and are competitively scored among all of the cities and county projects. If cities submit more than one application, the projects must be prioritized.

COG has called for project applications to be submitted by November 16 for STBG and November 30 for CMAQ. Applications for Lifeline projects will be submitted later after the results of the competitive projects is known.

A Council resolution supporting the timely use of funds is required. STBG projects are required to be on Collector streets which are typically the half-mile streets and both East and West Railroad Avenues. Local streets are not eligible. CMAQ funds may be used on any street as long as there is a reduction in pollution.

Staff has developed a list of projects to submit as candidate projects. The proposed projects are shown on the attached diagram and the estimated costs as follows:

STBG "Regional Bid" – Street Reconstruction

1. West Railroad Avenue – Anchor Ave. to 12th St. Install street lights and reconstruct pavement, \$495,000. This section of street was judged to be one of the worst streets among the collector streets. No curb or gutter is included.
2. West Railroad Avenue – Center Street to Fifth Street. Reconstruct pavement and install street lights, \$408,000.

CMAQ "Regional Bid" – Congestion Relief and Air Quality.

1. Sidewalk Installation - Fourth St. from B St. to Park Blvd. Construct sidewalks where they do not exist. Install ADA ramps at all corners, \$254,000. These sidewalk will provide safe access to Conner Elementary School.
2. Sidewalk Installation – The west side of 9th St. from D St. to C St. Construct sidewalks where they do not exist. Install ADA ramps at all corners, \$100,000. These sidewalks will provide safe access to McCord Elementary School.

When more than one project is submitted for a particular category, then the city must rank the projects in order of preference. The Regional Bid projects are listed in the recommended order of priority.

Attached are maps showing the location of previously funded projects and another showing the proposed projects for Council information.

REASON FOR RECOMMENDATION:

Staff believes that the recommended projects address the needs of the City and will have the highest chance of scoring well.

FISCAL IMPACT:

All of the Federal Highway projects require a local match of 11.47% from local gas tax, Measure C and Transportation Funds. The proposed projects are in future fiscal years which gives us time to plan for the expenditures.

ALTERNATIVES:

Council may direct Staff to consider other projects.

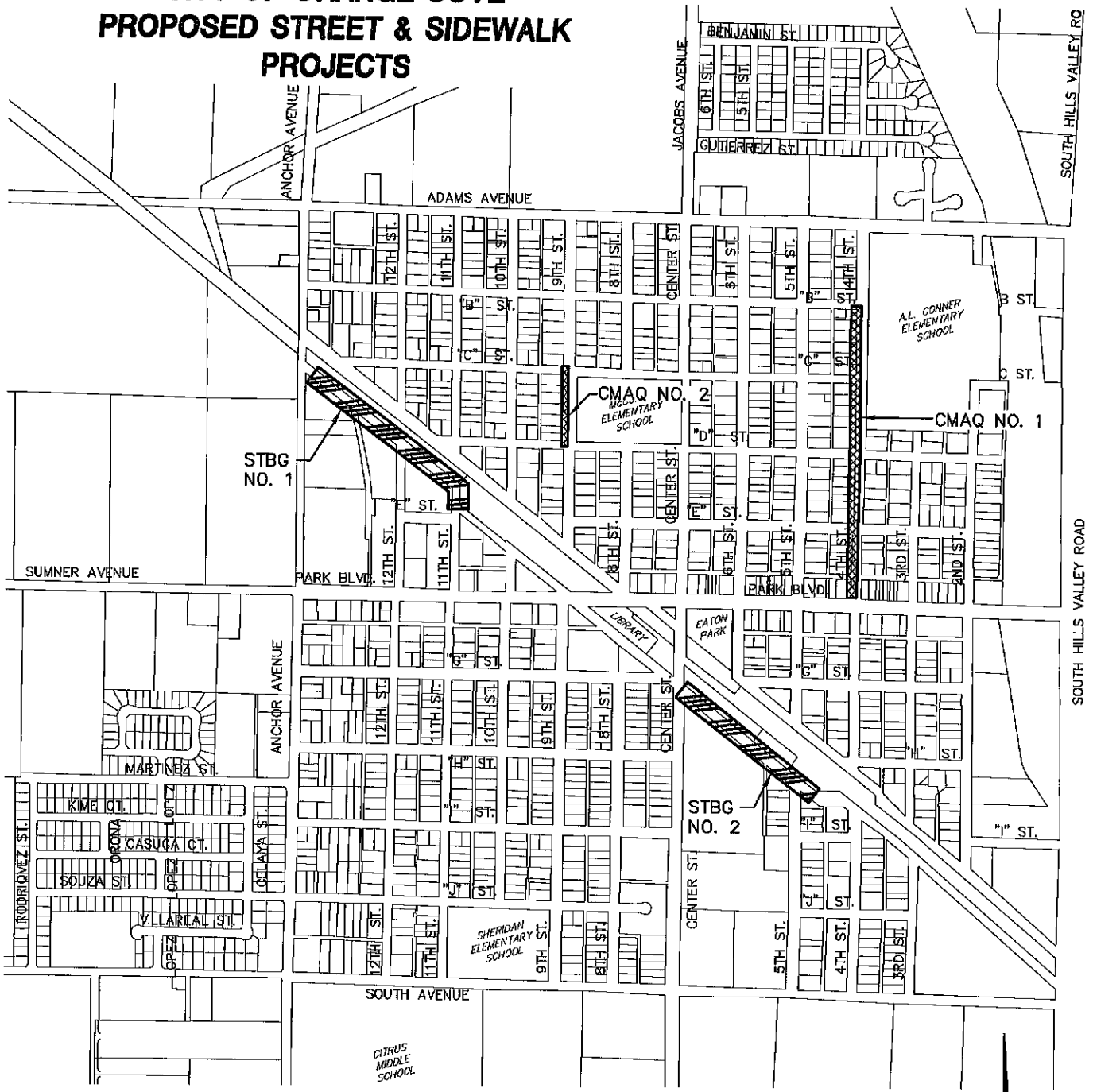
ACTIONS FOLLOWING APPROVAL:

Staff will prepare applications and submit them to Fresno Council of Governments.

CONFLICT OF INTEREST:

None.

CITY OF ORANGE COVE PROPOSED STREET & SIDEWALK PROJECTS



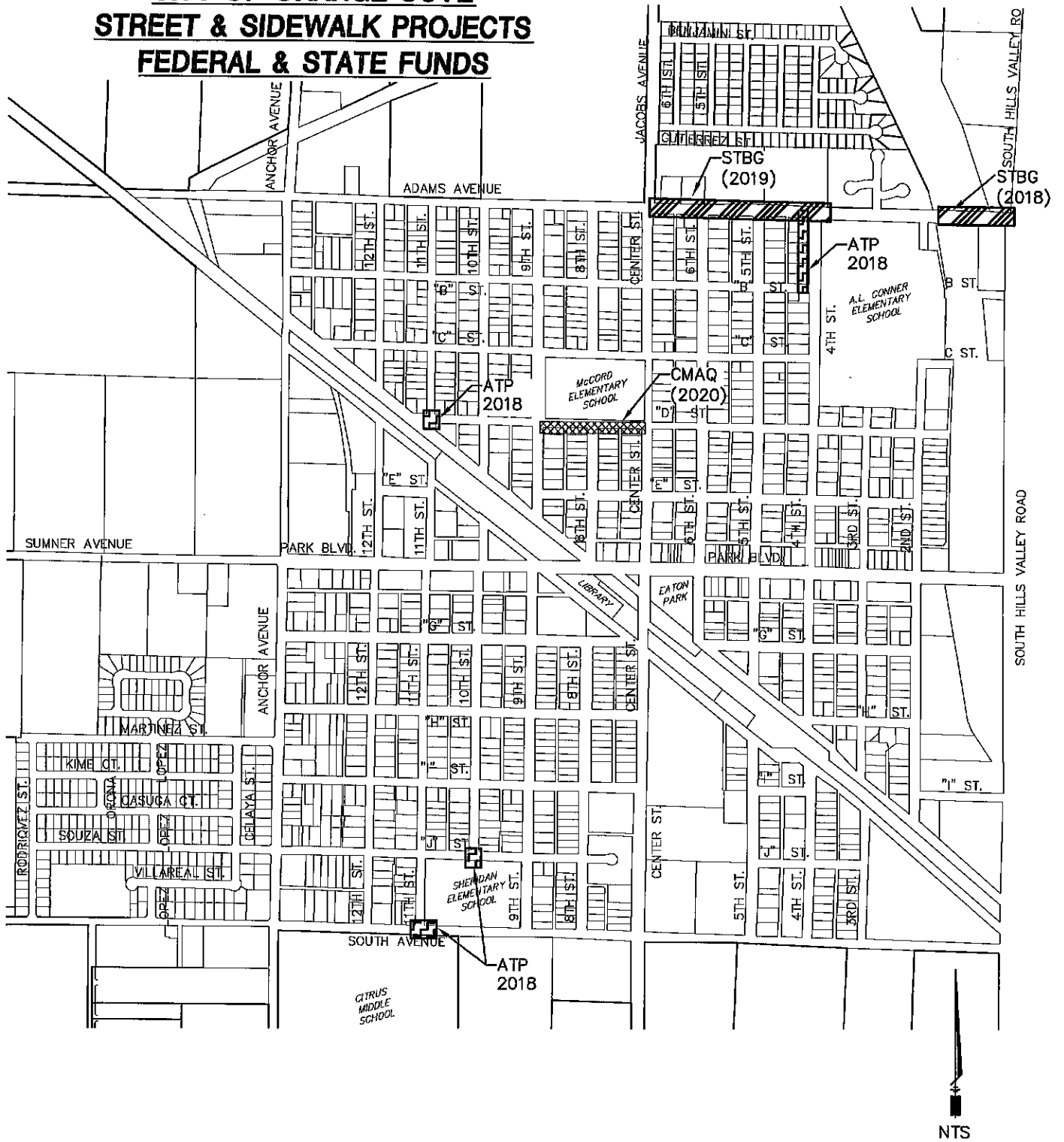
LEGEND

- CMAQ = NEW SIDEWALKS
- RSTP = STREET RECONSTRUCTION FEDERAL FUNDS



OCTOBER 11, 2017

CITY OF ORANGE COVE STREET & SIDEWALK PROJECTS FEDERAL & STATE FUNDS



LEGEND

CMAQ = NEW SIDEWALKS

LOCAL = STREET RECONSTRUCTION
(YEAR) LOCAL STREET FUNDS

STBG = STREET RECONSTRUCTION
FEDERAL FUNDS

ATP = SAFE ROUTES
TO SCHOOL

OCTOBER 11, 2017

RESOLUTION NO. 2017-37

A RESOLUTION OF THE COUNCIL OF THE CITY OF ORANGE COVE, CALIFORNIA,
SUPPORTING AND IMPLEMENTING AB1012
“TIMELY USE OF FUNDS”

WHEREAS, AB 1012 has been enacted into State law in part to provide for the “timely use” of State and Federal funding; and

WHEREAS, the City of Orange Cove is able to apply for and receive Federal and State funding under the Federal Surface Transportation Act; and

WHEREAS, the City of Orange Cove desires to ensure that its projects are delivered in a timely manner to preclude the Fresno Region from losing those funds for non-delivery; and

WHEREAS, it is understood by the City of Orange Cove that failure for not meeting project delivery dates for any phase of a project may jeopardize federal or state funding to the Region, and

WHEREAS, the City of Orange Cove must demonstrate dedicated and available local matching funds.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Orange Cove, California, as follows:

1. The above recitals are true and correct and are adopted as the findings of the City Council.
2. The City Council hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded.
3. The failure to meet project delivery deadlines may be deemed as sufficient cause for the Council of Fresno County Governments Policy Board to terminate an agency’s project and reprogram Federal/State funds as deemed necessary.
4. The City Council does direct its management and engineering staffs to ensure all projects are carried out in a timely manner as per the requirements of AB1012 and the directive of the City Council
5. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity,

unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

6. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

This resolution was adopted at a Regular Meeting of the City Council of the City of Orange Cove held on October 11, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor

ATTEST:

June Bracamontes, City Clerk

TEMPLATE to be adapted—deadline to mail is October 31, 2017

Use Agency/City/District Letterhead

September/October __, 2017

The Honorable Armando Quintero
Chair, California Water Commission
P. O. Box 942836
Sacramento, CA 94236-0001

Dear Chairman Quintero:

On behalf of _____ (***provide the City, County, District or constituent entity***) I/we write to voice opposition to the Proposition 1 Water Storage and Investment Program funding application for the Semitropic Water Storage District's proposed Tulare Lake Storage and Floodwater Protection Project ("Project"). The Department of Water Resources has determined that the Kings Basin is critically over-drafted. Semitropic's Project proposes to usurp fully-appropriated waters of the Kings River for which it has no right or license¹, to export water from the critically over-drafted watershed and drought-stricken, disadvantaged communities to offset the excess groundwater pumping of lands by the Project's proponents. Semitropic does not even own the land it proposes for Project funding, but only has a flood interest therein. The Semitropic Project would export Kings River waters to Kern County and southward, via the California Aqueduct. California Water Code section 11460, the Watershed of Origin law, specifically prohibits the export of Kings River water via the California Aqueduct for the Project. The Project seeks State funding to take waters needed from a State-declared critically over-drafted basin for use outside of said basin's watershed.

With California's adoption of the Sustainable Groundwater Management Act ("SGMA"), the Kings River Basin and its 7 Groundwater Sustainability Agencies (GSA) are among the first in California to have organized and are diligently working on finalizing their groundwater management plans well ahead of schedule and ahead of their other state-wide counterparts. The critical component of those plans to achieve groundwater sustainability in the Kings River Basin (from which the Semitropic Project seeks to take Kings River waters) is the use of Kings River waters by the GSA's in the Kings River Basin to achieve the goals required by the Act. Section 10720.9 of SGMA indicates that the State, including the State Water Commission, should consider the SGMA mandate for basins like the Kings River Basin, to achieve groundwater sustainability prior to considering plans (like the Semitropic Project) that would take surface waters out of the Watershed of Origin or its historic basin before allowing the full adoption and implementation of the groundwater management plans by the Kings River Basin and its sub-basins².

The Kings River waters that are the subject of the Semitropic Project are necessary to meet the beneficial needs of the watershed of origin serving Fresno, Kings, and Tulare Counties, and their communities; and, depriving those communities and their GSA's the waters of the Kings River as proposed by the Semitropic

¹ the Kings River has been declared fully appropriated since 1967 when the State Water Resources Control Board issued Decision 1290

² SGMA § 10720.9 *All relevant state agencies, including, but not limited to, the board, the regional water quality control boards, the department, and the Department of Fish and Wildlife, shall consider the policies of this part, and any groundwater sustainability plans adopted pursuant to this part, when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent* – a process that will entail addressing historic groundwater deficits via water recharge projects that will require the use of Kings River surface waters for groundwater recharge to achieve groundwater balance.

Project would deprive water users within the Kings River watershed of waters necessary to meet those needs, as the full yield of the Kings River is necessary to sustaining the productive agricultural counties of Fresno, Kings, and Tulare. Depriving these counties and GSA sub-basins of Kings River waters will negatively impact the regional economy and unfairly impact the region's 93 disadvantaged communities.

The Semitropic Project proposal virtually ignores the negative impacts to these three (3) counties that will result if the Project is permitted to take Kings River waters out of its watershed which, in addition, would forever preclude the ability of this watershed to achieve groundwater sustainability or SGMA compliance without access to its own watershed's surface water supply—the Kings River.

The undersigned endorses the findings and declarations of its County that the fully appropriated water resources of the Kings River are vital and necessary to regional compliance with the Sustainable Groundwater Management Act, and will support present and future actions to fully protect those rights.

Sincerely,

(Name and title/representative capacity)