



**Tuesday, October 10, 2017 / 6:30 PM / City Hall / 405 East El Monte Way, Dinuba**

<b>District 1</b>	<b>District 2</b>	<b>District 3</b>	<b>District 4</b>	<b>District 5</b>
Emilio Morales Council Member	Maribel Reynosa Council Member	Scott Harness Mayor	Kuldip Thusu Vice Mayor	Linda Launer Council Member

All attendees are advised that electronic devices must be powered off upon entering the Council Chambers.

## **1. OPENING CEREMONIES**

- 1.1. Welcome and Call to Order
- 1.2. Invocation
- 1.3. Pledge of Allegiance

## **2. AGENDA CHANGES OR DELETIONS**

*To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54956.8.*

## **3. PRESENTATIONS/CEREMONIAL MATTERS**

- 3.1. Meri Trevino, Human Resources Technician II, Retiring (MM)
- 3.2. 2018 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) Scenario Development, Benjamin Kimball, TCAG Staff

## **4. REQUEST TO ADDRESS COUNCIL**

*This portion of the meeting is reserved for any person who would like to address the Council on any item that is not on the agenda. Please be advised that State law does not allow the City Council to discuss or take any action on any issue not on the agenda. The City Council may direct staff to follow up on such item(s). Speakers may be limited to three (3) minutes. If there is any person wishing to address the City Council at this time please approach the podium and state your name and nature of the request.*

## **5. CONSENT CALENDAR**

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

### **5.1. SUBJECT**

**City Council Meeting Minutes, September 26, 2017 (LB)**

**RECOMMENDATION**

Council review and approve the draft City Council meeting minutes dated September 26, 2017.

**5.2. SUBJECT**

**Request for Excused Absence - Mayor Scott Harness (LB)**

**RECOMMENDATION**

Council approve the request for excused absence from Mayor Harness for the meeting dated September 26, 2017.

**5.3. SUBJECT**

**Proclamation No. 2017-09 Red Ribbon Week, October 23 - October 31, 2017 (LB)**

**RECOMMENDATION**

Council adopt Proclamation No. 2017-09 in recognition of Red Ribbon Week, October 23 through October 31, 2017.

**5.4. SUBJECT**

**Resolution No. 2017-38 Road Repair and Accountability Act (SB 1) Proposed Project List and Budget Amendment (RY)**

**RECOMMENDATION**

Council adopt Resolution 2017-38, approving the SB 1 proposed project list and budget amendment to increase appropriations in newly created Fund 207, Road Repair and Accountability Act 2017 (SB 1), for the 2017/18 fiscal year Budget and modify the Capital Improvement Program as prescribed to satisfy the program objectives and statutory requirements of the Road Repair and Accountability Act of 2017 (SB 1).

**5.5. SUBJECT**

**Resolution No. 2017-39 Approving Benefit Guidelines for Administrative, Professional and Confidential Employees to Comply with CalPERS Regulations and Audit Finding (MM)**

**RECOMMENDATION**

Council adopt Resolution No. 2017-39 approving the Benefit Guidelines for Administrative, Professional and Confidential employees to comply with California Public Employees' Retirement System (CalPERS) regulations and audit findings.

**5.6. SUBJECT**

**Resolution No. 2017-40 Amending Resolution No. 2017-24 to Revise the 2017/18 Salary Schedule (MM)**

**RECOMMENDATION**

Council adopt Resolution No. 2017-40 amending Resolution No. 2017-24 to

revise the 2017/18 salary schedule.

**5.7. SUBJECT**

**Action of Planning Commission, October 3, 2017 (BB)**

**RECOMMENDATION**

For informational purposes only. No action required.

**6. WARRANT REGISTER**

**6.1. SUBJECT**

**Warrant Register September 30; October 7, 2017 (MM)**

**RECOMMENDATION**

Council approve Warrant Register as presented.

**7. PUBLIC HEARING**

**7.1. SUBJECT**

**2017 Community Development Block Grant (CDBG) Application - Potential Projects for Inclusion (BB)**

**RECOMMENDATION**

Council conduct a public hearing to solicit citizen input in connection with a possible application for funding under the 2017 Community Development Block Grant (CDBG) Program.

**8. DEPARTMENT REPORTS**

**8.1. SUBJECT**

**Agreement with CEIS for Placement of Digital Marquee Sign (DJ)**

**RECOMMENDATION**

Council to approve an Agreement with Community Electronic Information Signage (CEIS) for the placement of a digital marquee sign and authorize the City Manager or designee to execute the agreement.

**9. MAYOR/COUNCIL REPORTS**

**10. CITY MANAGER COMMUNICATIONS**

**11. CITY STAFF COMMUNICATIONS**

**12. CLOSED SESSION**

**12.1. Liability Claim (MM)**

Pursuant to Government Code Section 54956.95; Claimant(s): Michael Soto and Luz Ruelas. Agency Claimed Against: City of Dinuba.

**12.2. Conference With Real Property Negotiators (LP)**

Pursuant to GC 54956.8; Property APN 012-290-049  
Agency Negotiator(s): Luis Patlan, City Manager; Daniel James, IT Manager  
Under Negotiation: Terms

**12.3. Conference With Real Property Negotiators (LP)**

Pursuant to GC 54956.8; Property APN 017-290-014; 015  
Agency Negotiator(s) Luis Patlan, City Manager; Daniel James, IT Manager  
Under Negotiation: Terms

**13. ADJOURNMENT**

This agenda was posted at least 72 hours prior to the regular meeting per GC Section 54954.2(a). A Citizens' Packet regarding this meeting is available at the City Clerk's Office located at City Hall, 405 East El Monte Way, Dinuba CA 93618.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the meeting, please contact the City Clerk's Office at 559-591-5900. Please provide at least 48 hours notification prior to the meeting to allow staff to make reasonable arrangements. (28 CFR 35.102-35.104 ADA Title II)

559.591.5900 / FAX 559.591.5902 . e-mail address: [info@dinuba.ca.gov](mailto:info@dinuba.ca.gov). [www.dinuba.org](http://www.dinuba.org)





## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Linda Barkley, City Clerk

**Subject:** Meri Trevino, Human Resources Technician II, Retiring (MM)

### **RECOMMENDATION**

### **EXECUTIVE SUMMARY**

### **OUTSTANDING ISSUES**

### **DISCUSSION**

### **FISCAL IMPACT**

### **PUBLIC HEARING**



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Benjamin A. Kimball, TCAG Staff

**By:** Linda Barkley, City Clerk

**Subject:** 2018 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) Scenario Development, Benjamin Kimball, TCAG Staff

### RECOMMENDATION

Council receive information from TCAG staff in regard to the 2018 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) Scenario Development.

### EXECUTIVE SUMMARY

The Regional Transportation Plan (RTP) is a 20-year planning document that TCAG updates at least once every four years. It is the highest level and most comprehensive planning document prepared by TCAG. The 2018 RTP will outline transportation improvements and other related planning elements through the year 2042. Planned transportation improvements must be financially constrained, based on funding estimates, and performance measures should be defined. The RTP must be finalized by July 2018.

### OUTSTANDING ISSUES

None.

### DISCUSSION

As part of the Sustainable Communities Strategy (SCS) process, three growth scenarios are being developed to compare how different growth influences and policies can impact greenhouse gas emissions and the transportation system. This scenario becomes the foundation of the SCS analysis that complements the RTP.

The three scenarios have been presented to the TCAG Board (Attachments A, B &

C). The next step is to present the information to the public as part of public outreach. The public is invited to take the survey and return it to TCAG so the information can be incorporated into the analysis. The selected locations for public outreach are listed below.

- September 13-16: Tulare County Fair
- September 18: Tulare County Association of Governments Board Meeting
- October 2: Visalia City Council Meeting 7:00pm
- October 3: Tulare City Council Meeting 7:00pm
- October 3: Tulare County Board of Supervisors Meeting 9:00am
- October 3: Porterville City Council Meeting 5:30pm
- October 5: Visalia Sales Yard (all day)
- October 6: Lindsay Farmer's Market (all evening)
- October 8: Cutler-Orosi Flea Market (all day)
- October 9: Woodlake City Council Meeting 6:30pm
- October 9: Pixley Town Council Meeting 7pm
- October 9: Farmersville City Council Meeting 6:00pm
- October 10: Dinuba City Council Meeting 6:30pm
- October 10: Lindsay City Council Meeting 6:00pm
- October 10: Exeter City Council Meeting 7:00pm

Under federal regulations, the RTP and its supporting documents must be final by July of 2018. There is some risk in adopting the RTP close to this deadline. However, the potential schedule delays or necessary development of responses to comments will most likely be due to state requirements; specifically the Sustainable Communities Strategy and California Environmental Protection Act (CEQA) challenges. Federal funding sources are not likely to be affected, or are unlikely to be affected for an extended period of time, if this type of delay were to occur.

## **FISCAL IMPACT**

None.

## **PUBLIC HEARING**

None required.

## **ATTACHMENTS:**

- A. Trend Scenario
- B. Blueprint
- C. Blueprint Plus Scenario
- D. Survey



# Trend Scenario

Attachment A

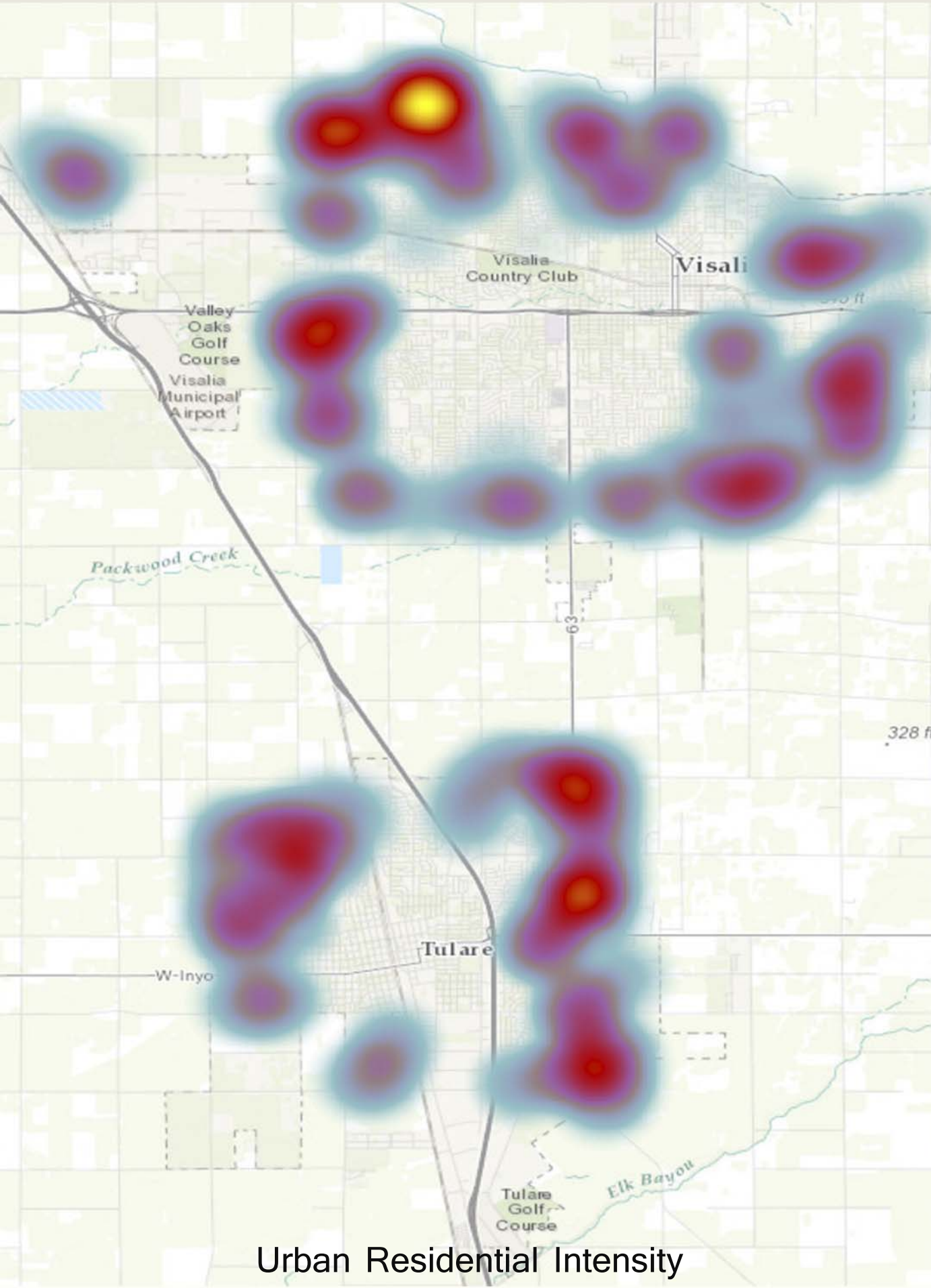
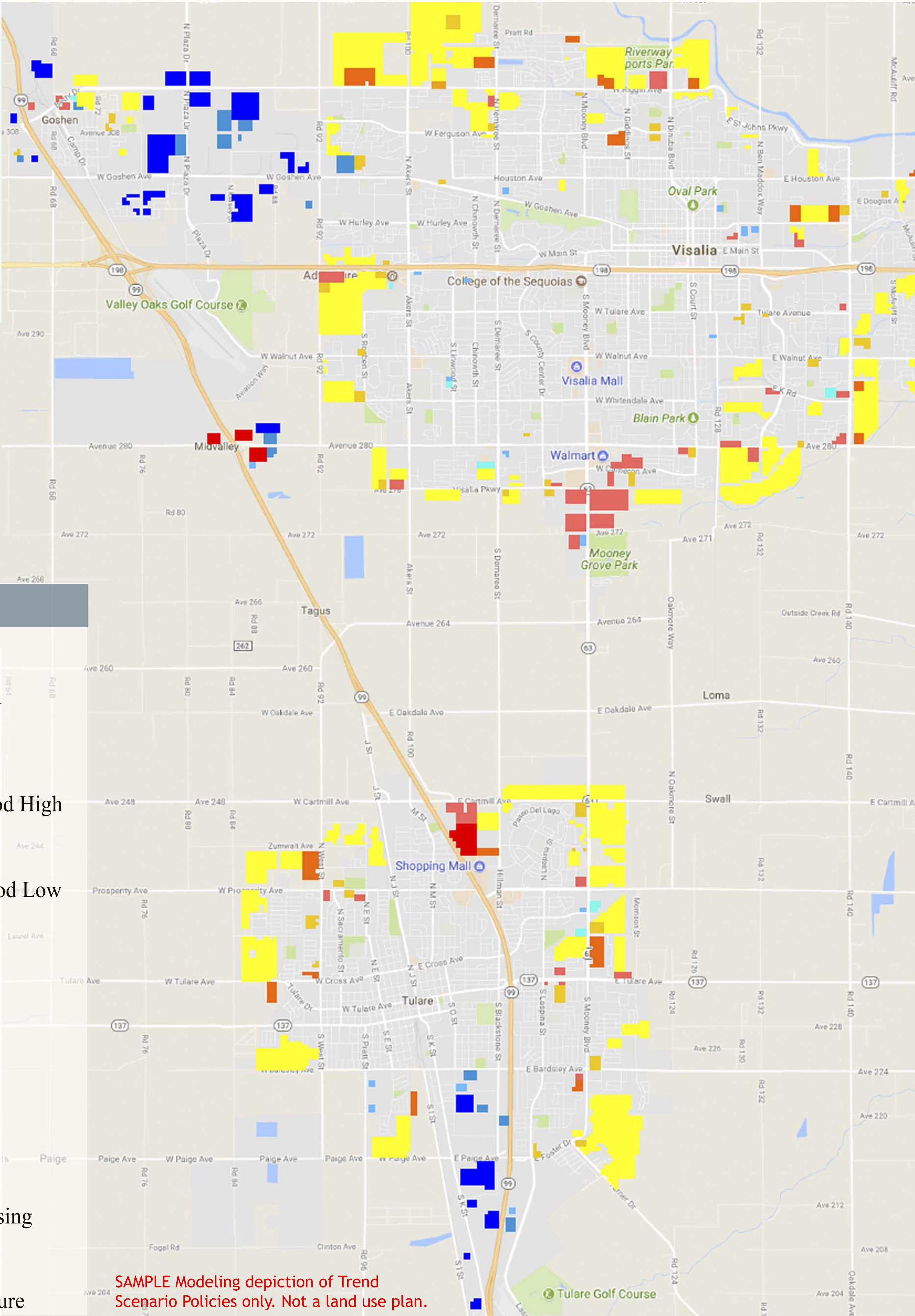
2042



The **Trend** scenario shows a land use forecast based on designations from existing local agency general plans and linear trends in growth on a sub-regional basis. This means that the projected pattern of development will be generally consistent with the development pattern seen currently. It should be noted however that local general plans include policies that will move the Trend scenario to some extent away from a pure extrapolation of current development types and densities.

GHG Reductions  
**17.3 %**  
per Capita

Urban Residential Density  
**4.9** Units/Acre

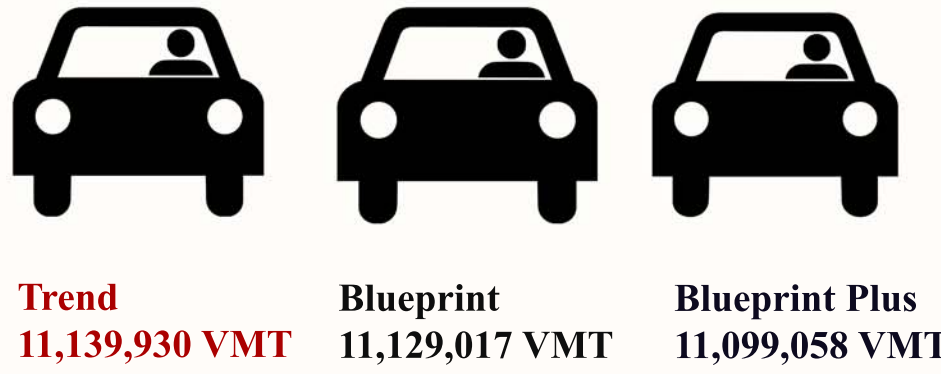
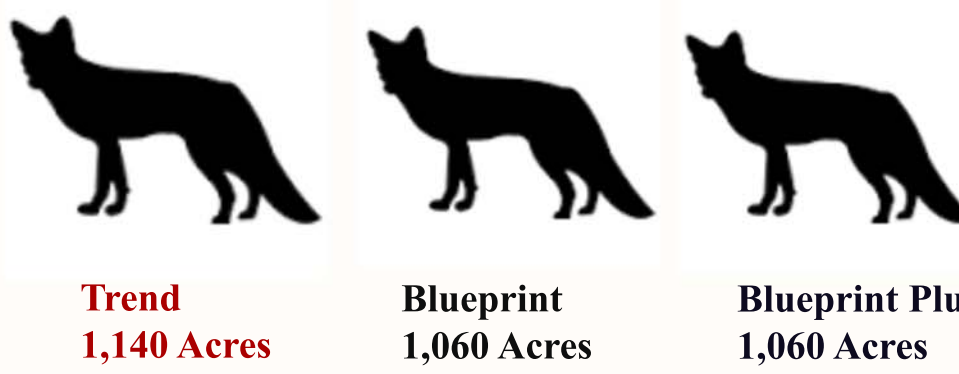
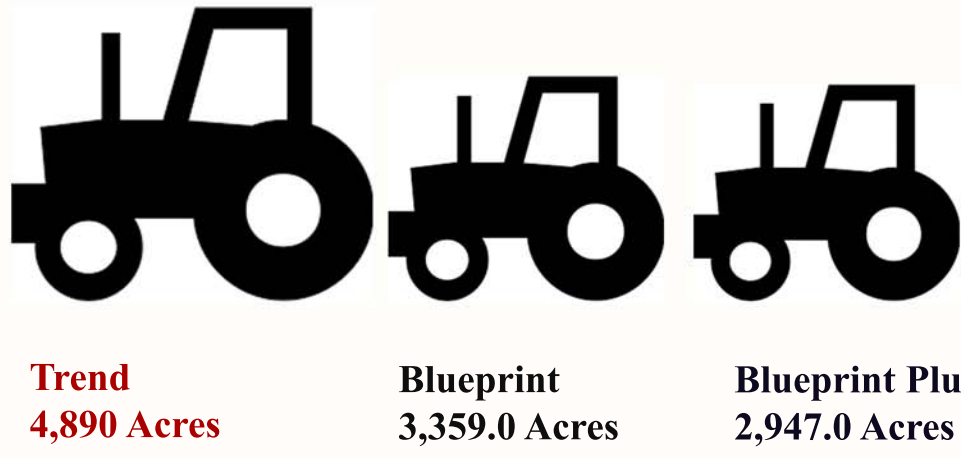
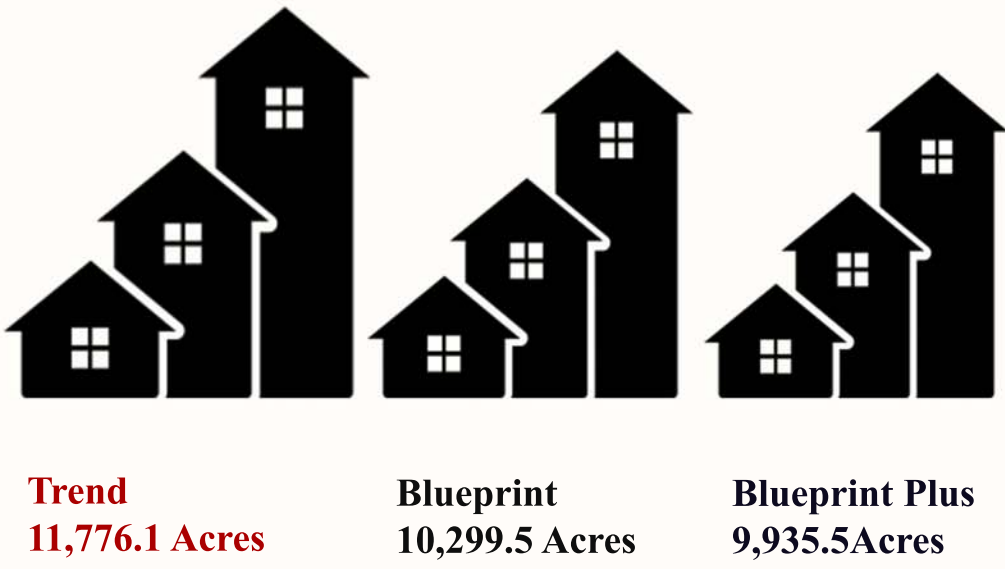


New Developed Acres Consumed

Prime Ag Land Consumed

Critical Habitat Land Consumed

Vehicle Miles Traveled per Household

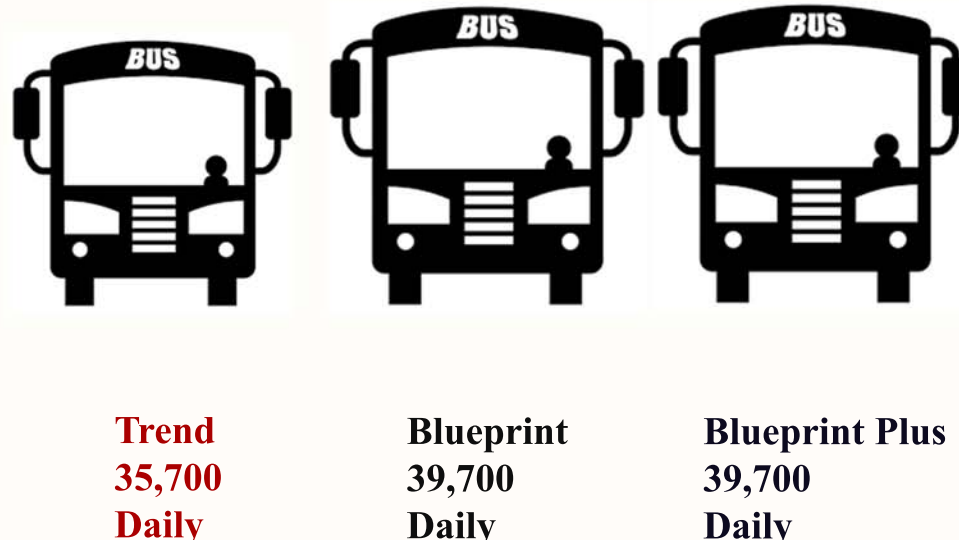
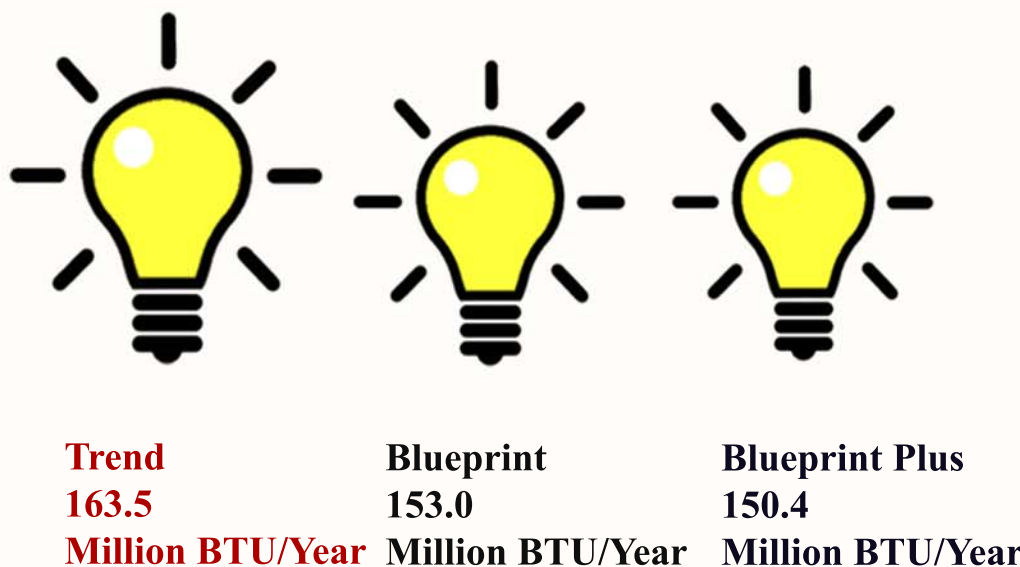
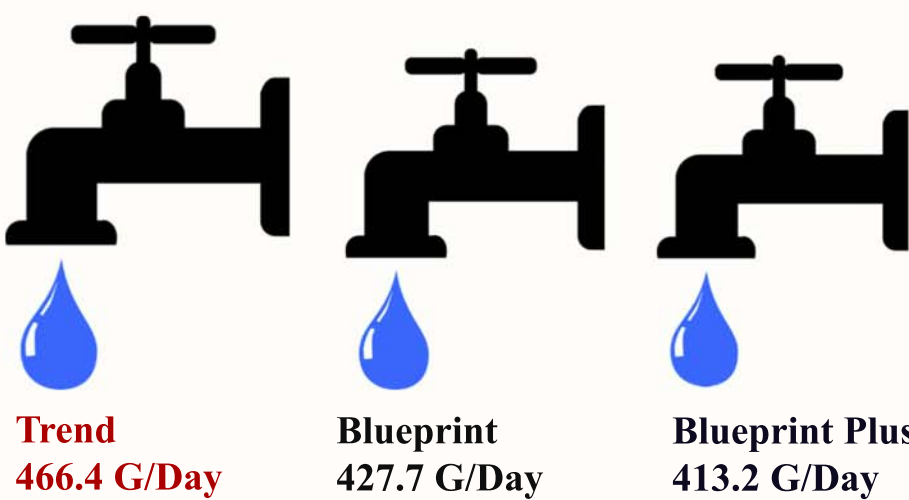
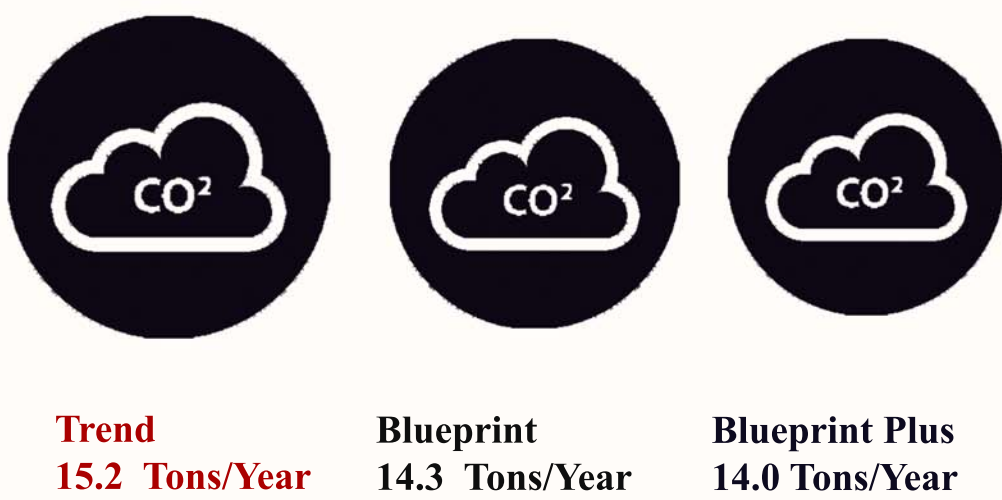


CO2 Emissions per Household

Water Consumption per Household

Energy Use per Household

Transit Ridership





# Blueprint Scenario

Attachment B

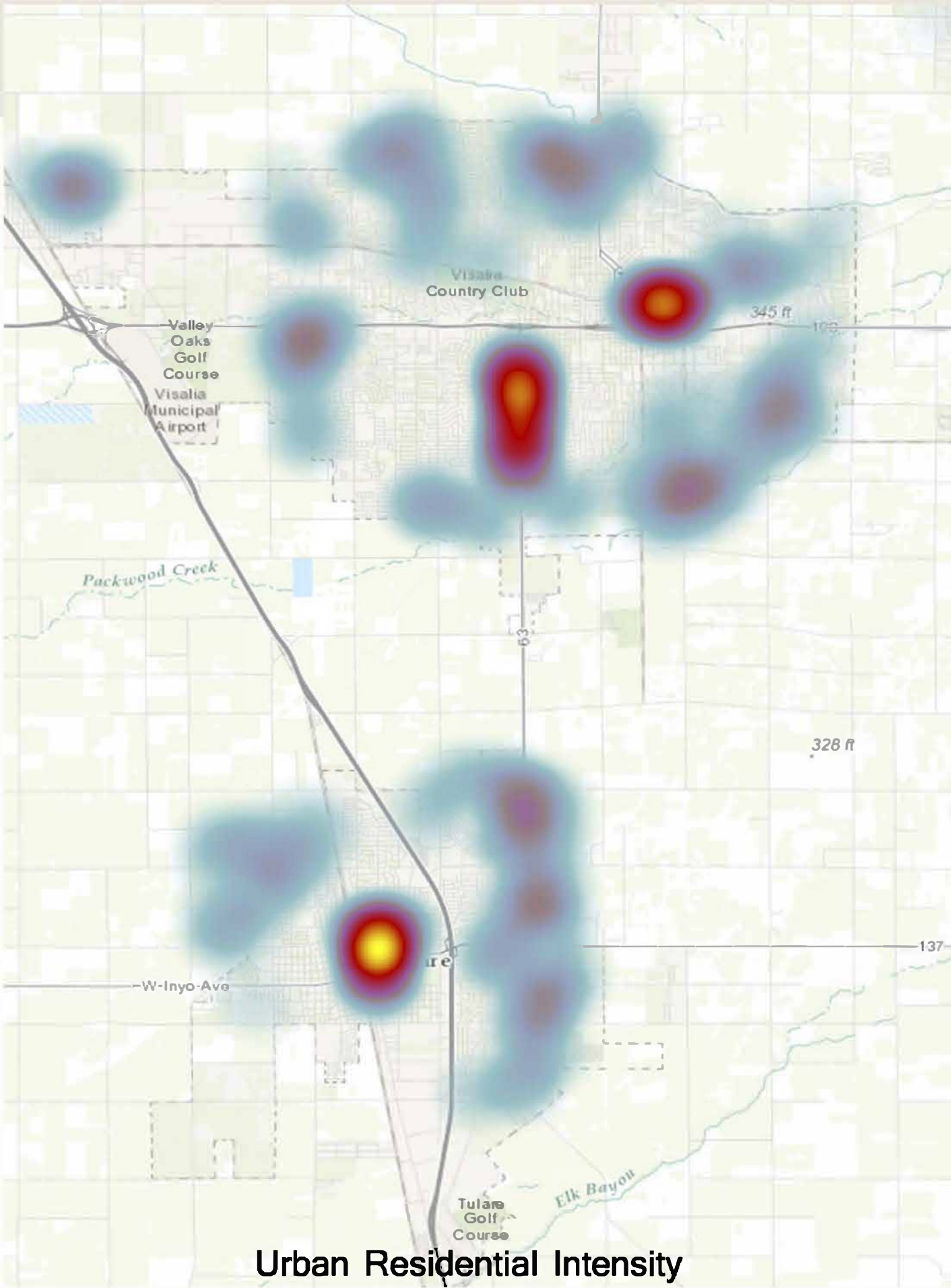
2042



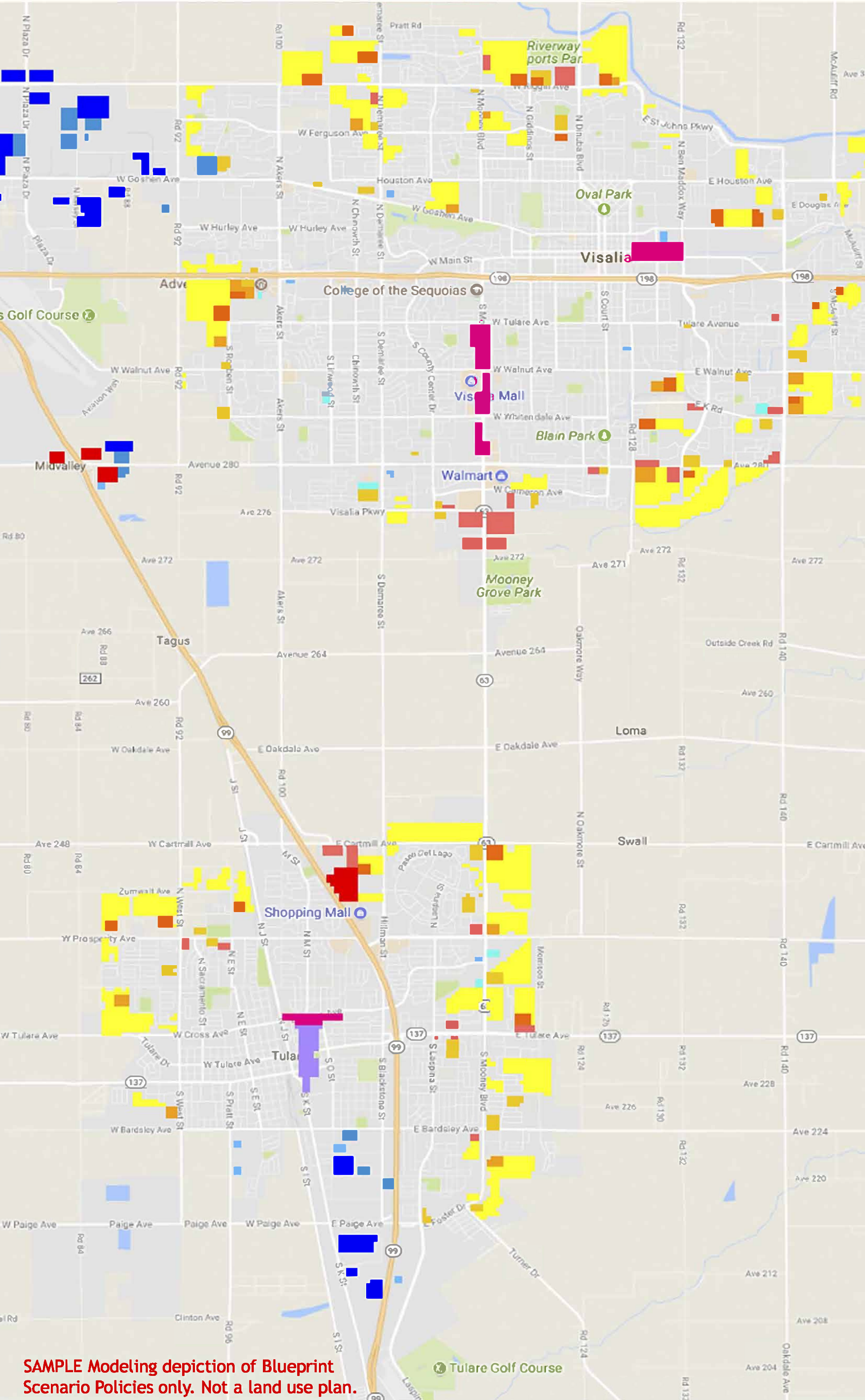
The Blueprint scenario is based on the application of the development principles adopted as part of the 2009 Tulare County Regional Blueprint. Primary among these principles is an objective of 25% higher overall density for new development compared to the Trend scenario and an increased emphasis on transit.

GHG Reductions  
**17.8 %**  
per Capita

Urban Residential Density  
**6.1** Units/Acre



Symbol	Development Type
[Dark Blue]	Downtown
[Dark Blue]	Downtown Residential
[Purple]	Town Center
[Purple]	Town Neighborhood
[Purple]	Small Downtown
[Orange]	Compact Neighborhood High
[Orange]	Main Street
[Orange]	Mixed-Use Corridor
[Orange]	Compact Neighborhood Low
[Yellow]	Suburban Multifamily
[Yellow]	Suburban Residential
[Yellow]	Large Lot Residential
[Light Green]	Mobile Homes
[Light Green]	Office Park
[Light Green]	Public Office
[Light Green]	Medical Office
[Light Green]	Hotel
[Light Green]	Activity Center
[Light Green]	Regional Retail
[Light Green]	Arterial Commercial
[Light Green]	Industrial & Warehousing
[Light Green]	University District
[Light Green]	Lower Educational
[Light Green]	Estate Home Agriculture



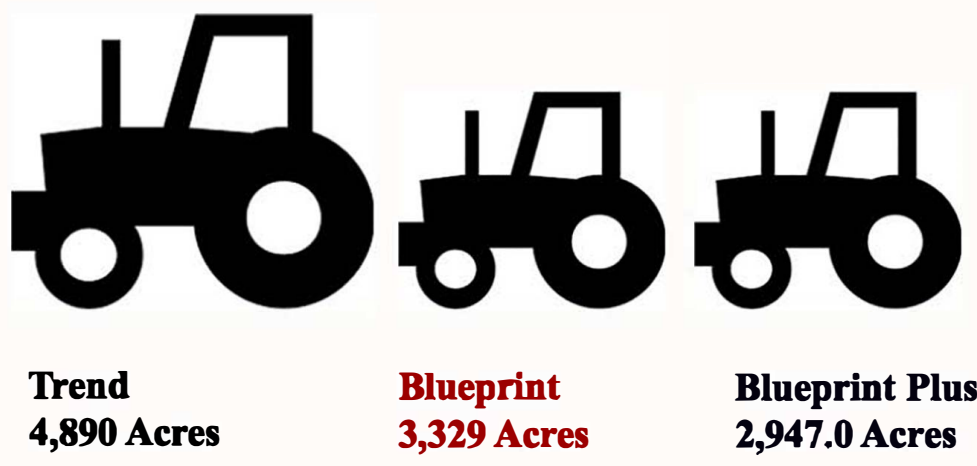
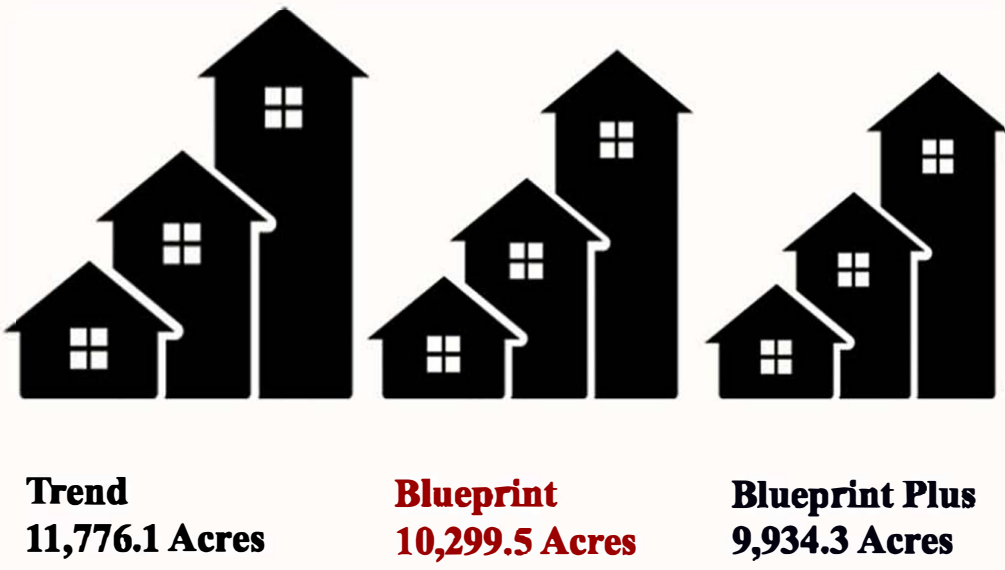
SAMPLE Modeling depiction of Blueprint Scenario Policies only. Not a land use plan.

New Developed Acres Consumed

Prime Ag Land Consumed

Critical Habitat Land Consumed

Vehicle Miles Travel per Household

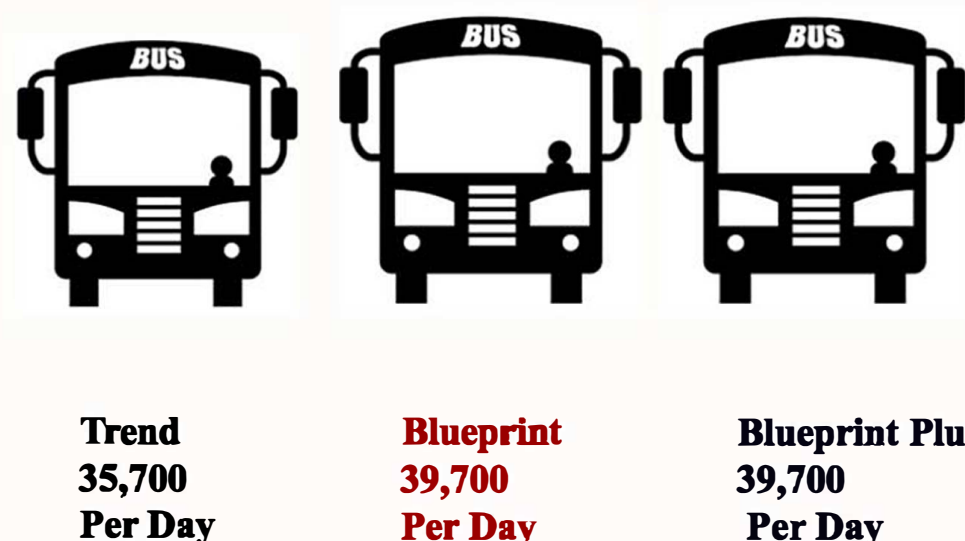
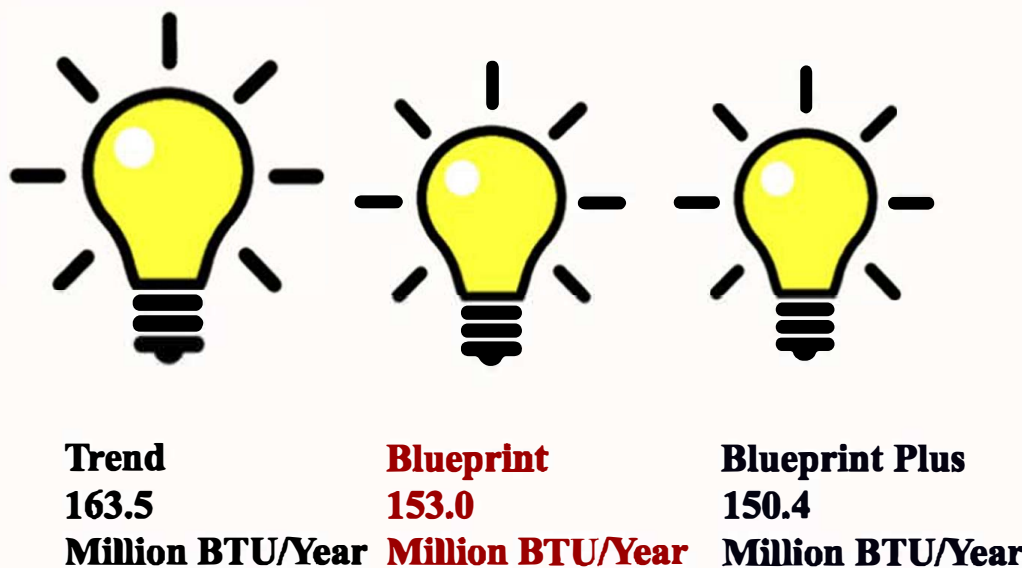
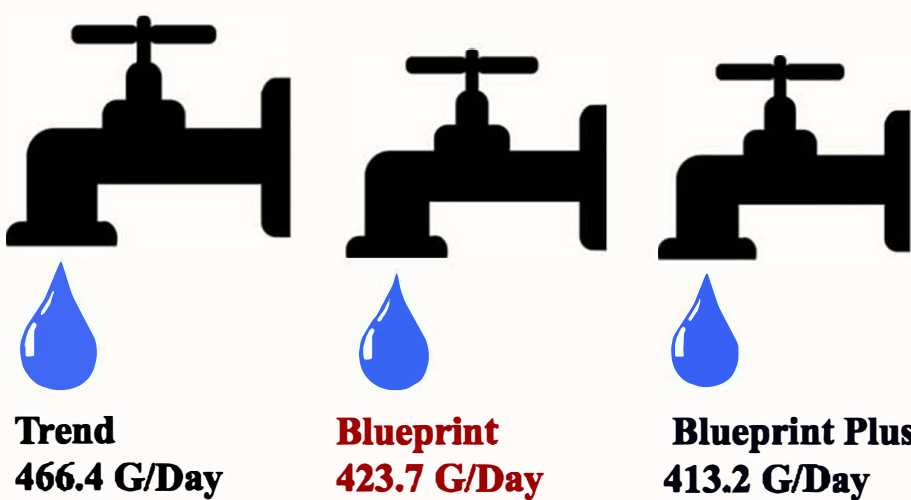
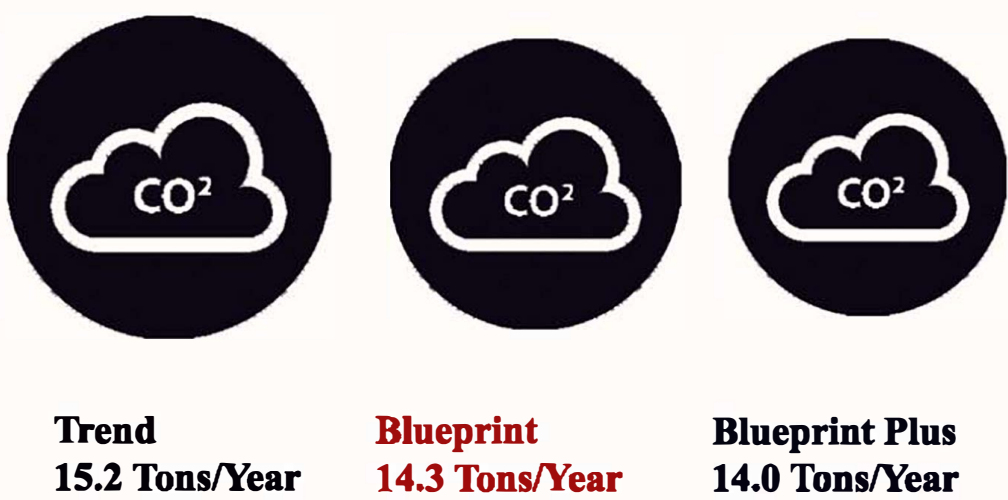


Energy Use per Household

Water Consumption per Household

CO2 Emissions per Household

Transit Ridership





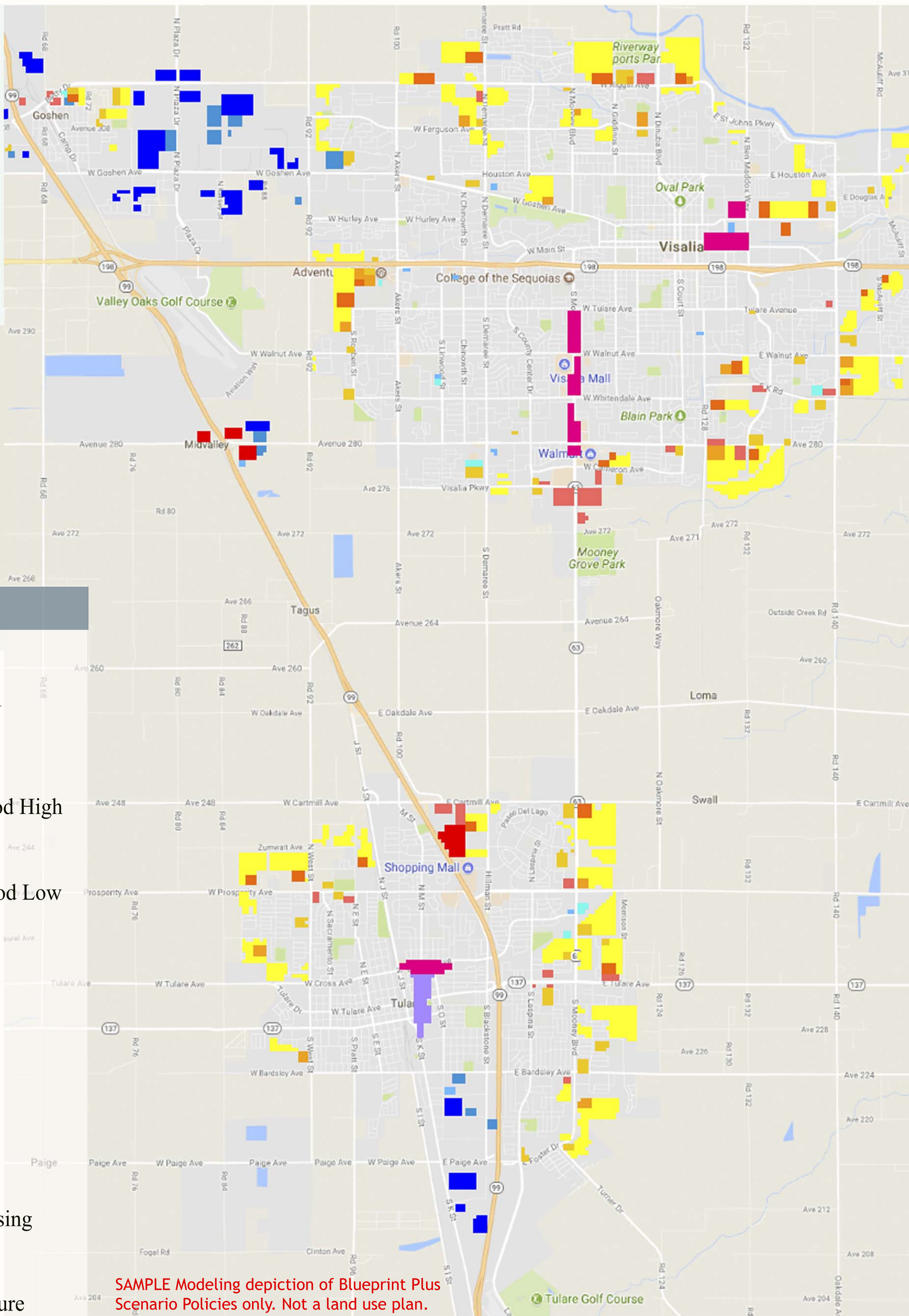
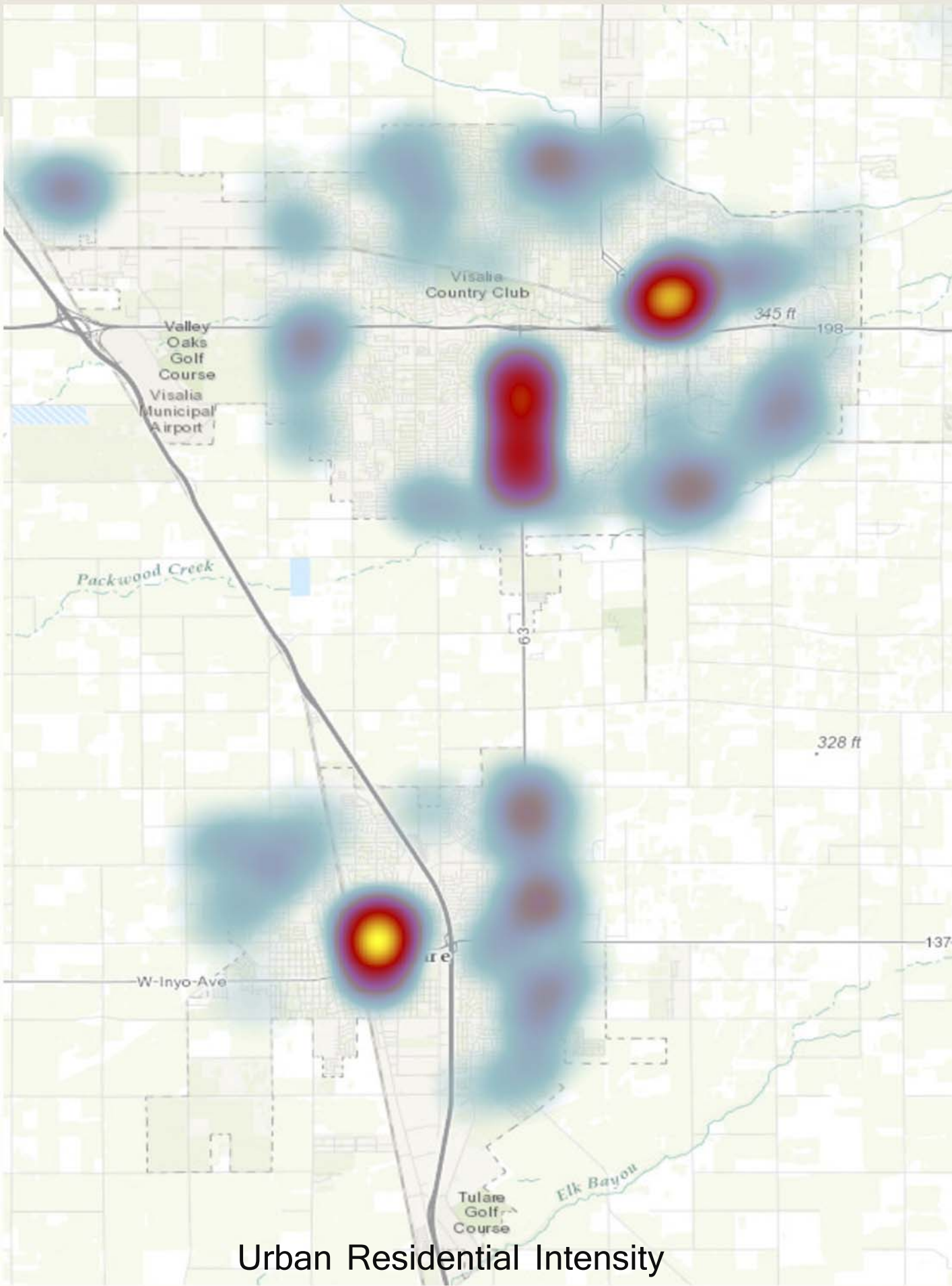
# Blueprint Plus Scenario



The **Blueprint Plus** scenario was requested by the RTP Roundtable to explore the ramifications of a change in future development patterns more pronounced than that envisioned by the Regional Blueprint. Blueprint Plus has an objective of overall density of new development 5% higher than Blueprint (30% higher than Trend) and a maximum feasible emphasis on transit and active transportation modes.

GHG Reductions  
**18.0 %**  
per Capita

Urban Residential Density  
**6.5** Units/Acre



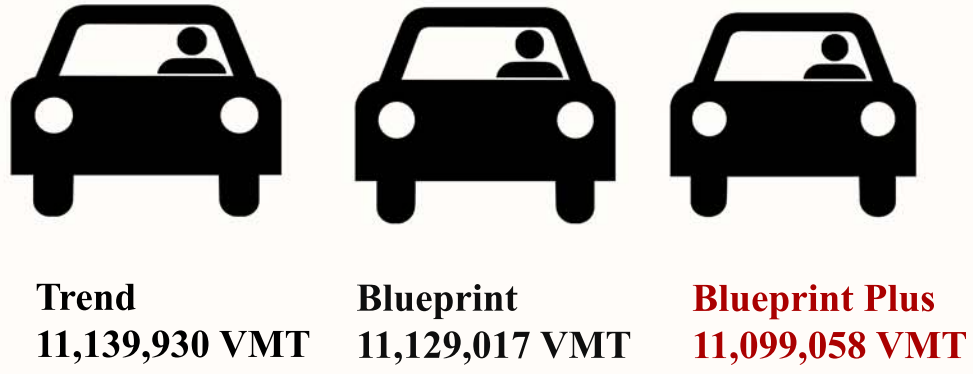
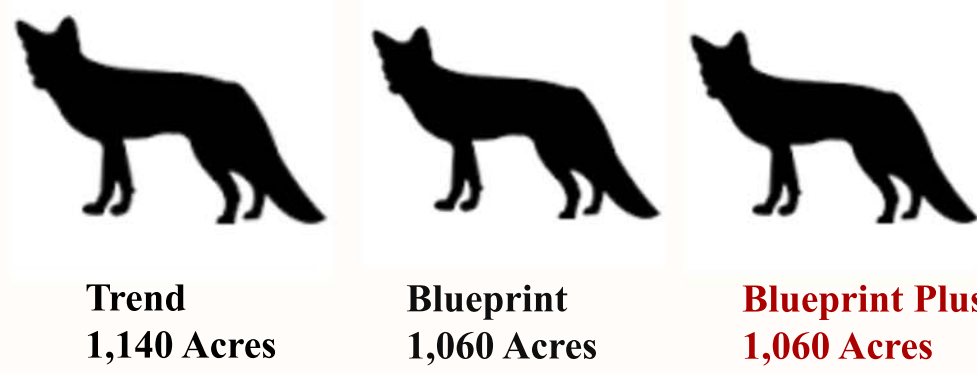
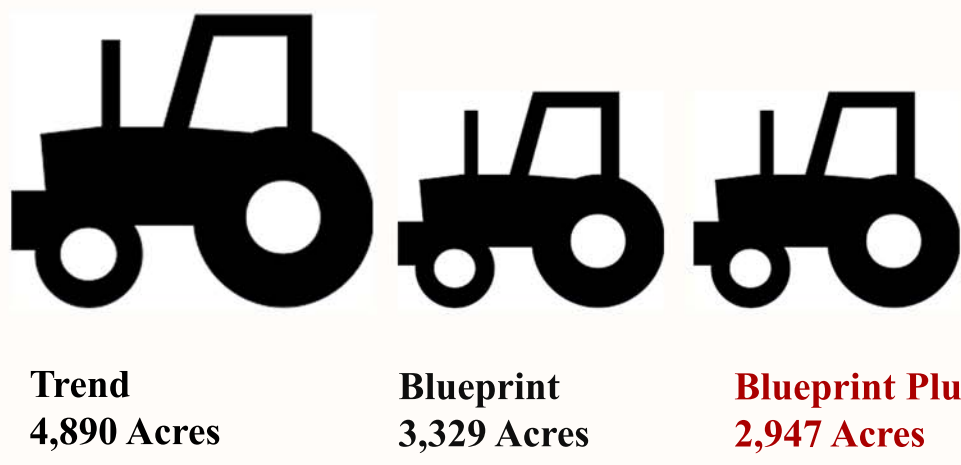
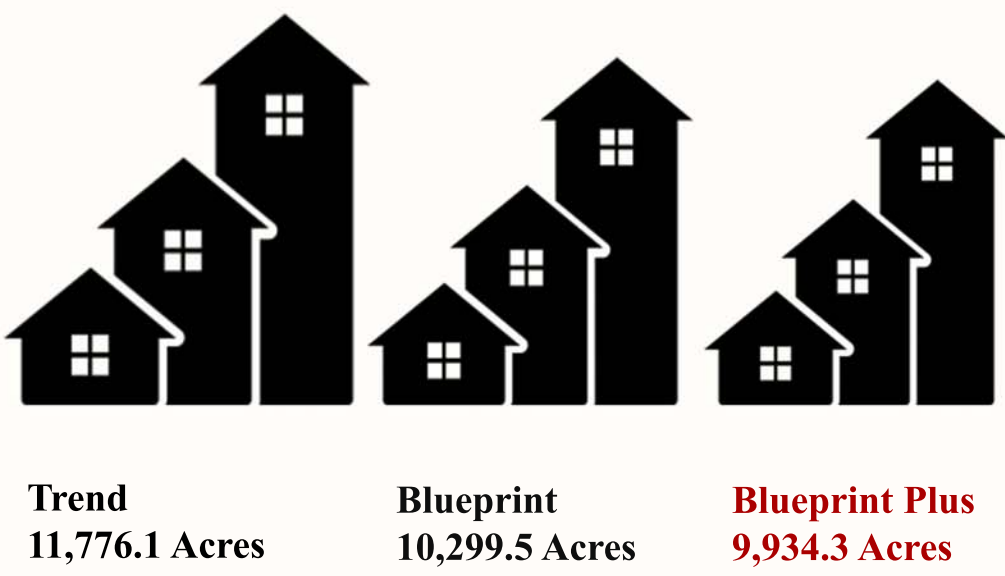
SAMPLE Modeling depiction of Blueprint Plus Scenario Policies only. Not a land use plan.

New Developed Acres Consumed

Prime Ag Land Consumed

Critical Habitat Land Consumed

Vehicle Miles Traveled per Household

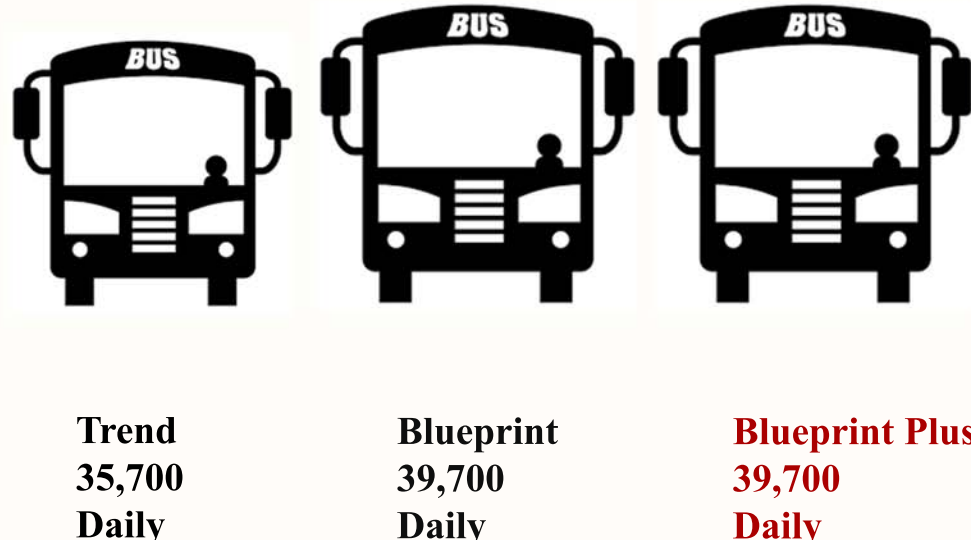
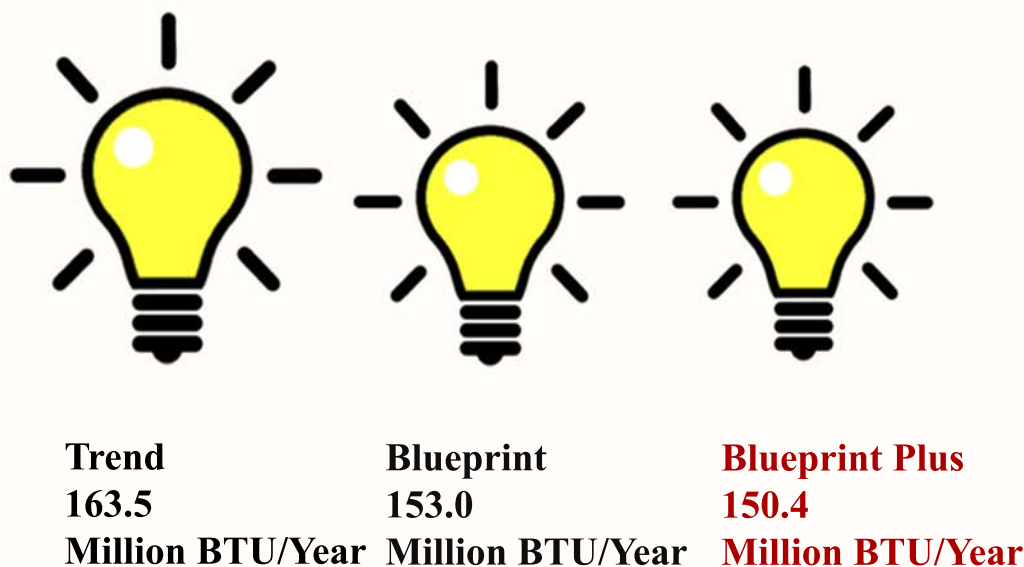
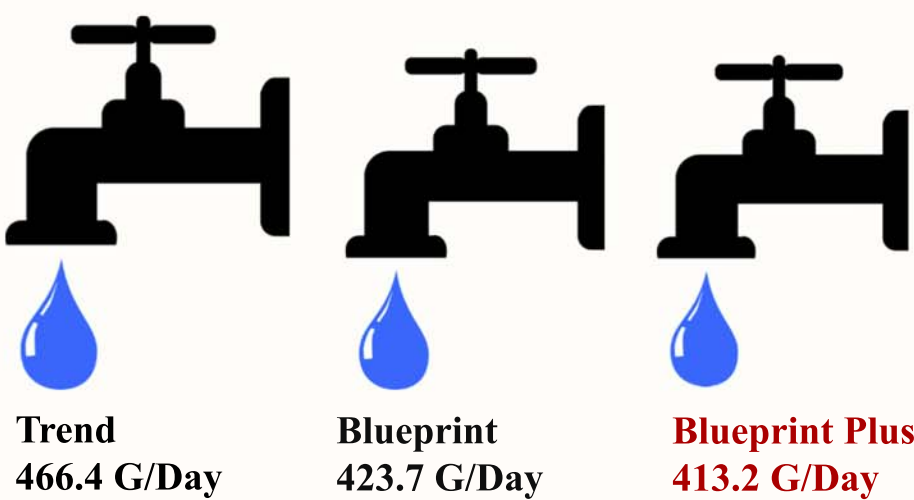
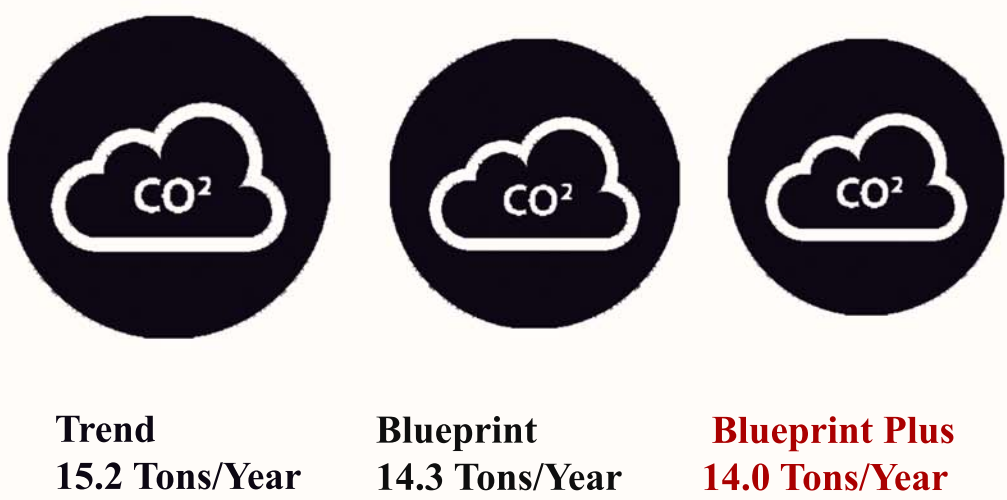


CO2 Emissions per Household

Water Consumption per Household

Energy Use per Household

Transit Ridership







# REGIONAL TRANSPORTATION PLAN

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

## ABOUT YOU:

What is your age?

- ☐ 0 - 17 years
- ☐ 18 – 34 years
- ☐ 35 – 65 years
- ☐ Over 65 years

How many people live in your home?

- ☐ One
- ☐ Two
- ☐ Three
- ☐ Four
- ☐ Five
- ☐ Six or more

What type of home do you live in?

- ☐ Single Family Detached
- ☐ Single Family Attached (Duplex, etc.)
- ☐ Apartment
- ☐ Mobile Home

How do you usually get around?

- ☐ Drive Alone
- ☐ Drive with others (carpool)
- ☐ Public Transit
- ☐ Bicycle
- ☐ Walking

## ABOUT THE REGION

What is the most important priority for the Tulare County Region?

- |   |                                      |
|---|--------------------------------------|
| <input type="radio"/> Economy/Jobs                  | <input type="radio"/> Environment    |
| <input type="radio"/> Ag Land Preservation          | <input type="radio"/> Housing        |
| <input type="radio"/> Infrastructure (water, power) | <input type="radio"/> Public Health  |
| <input type="radio"/> Education                     | <input type="radio"/> Transportation |

What is the second most important priority for the Tulare County Region?

- |   |                                      |
|---|--------------------------------------|
| <input type="radio"/> Economy/Jobs                  | <input type="radio"/> Environment    |
| <input type="radio"/> Ag Land Preservation          | <input type="radio"/> Housing        |
| <input type="radio"/> Infrastructure (water, power) | <input type="radio"/> Public Health  |
| <input type="radio"/> Education                     | <input type="radio"/> Transportation |

What are the two biggest barriers to using public transit?

- |  |  |
|--|--|
| <input type="radio"/> Doesn't stop near my home. | <input type="radio"/> Doesn't go where I need. |
| <input type="radio"/> Doesn't come often enough. | <input type="radio"/> Doesn't run late enough. |
| <input type="radio"/> Not reliable.              | <input type="radio"/> Too crowded.             |
| <input type="radio"/> Not safe.                  | <input type="radio"/> Other                    |

The RTP Should:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Encourage more homes near jobs:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage more jobs near homes:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protect open space and farmland:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage water saving development:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Include many transportation choices:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce air pollution:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce greenhouse gases:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Which RTP/SCS Development Scenario do you prefer?

- ☐ Trend
 ☐ Blueprint
 ☐ Blueprint Plus



# PLAN DE TRANSPORTE REGIONAL

ASOCIACIÓN DE GOBIERNOS DEL CONDADO DE TULARE

## SOBRE USTED:

¿Cuántos años tienes?

- ☐ 0 - 17 años
- ☐ 18 - 34 años
- ☐ 35 - 65 años
- ☐ más de 65 años

¿Cuántas personas viven en su hogar?

- ☐ uno
- ☐ dos
- ☐ tres
- ☐ cuatro
- ☐ cinco
- ☐ seis o más

¿Cuál es tu tipo de vivienda?

- ☐ Casa sola
- ☐ Unidades de viviendas múltiples (Duplex, etcetera.)
- ☐ Apartamento
- ☐ Casa móvil

Generalmente, ¿Cuál es su modo de transporte?

- ☐ Maneja solo
- ☐ Maneja con varias personas (carpool)
- ☐ Transporte público
- ☐ Bicicleta
- ☐ Caminar

## SOBRE LA REGION

¿Cuál es la prioridad más importante del Condado de Tulare?

- ☐ Economía/empleo
- ☐ Preservación de tierra de Ag
- ☐ Infraestructura (agua, energía)
- ☐ Educación
- ☐ Medio ambiente
- ☐ Vivienda
- ☐ Salud pública
- ☐ Transporte

¿Cuál es la segunda prioridad más importante del Condado de Tulare?

- ☐ Economía/empleo
- ☐ Preservación de tierra de Ag
- ☐ Infraestructura (agua, energía)
- ☐ Educación
- ☐ Medio ambiente
- ☐ Vivienda
- ☐ Salud pública
- ☐ Transporte

¿Cuáles son los dos problemas más importantes del transporte público?

- ☐ No hay parada cerca de mi casa.
- ☐ No llega con suficiente frecuencia.
- ☐ No es confiable.
- ☐ No es seguro.
- ☐ No va donde yo voy.
- ☐ No corre lo suficiente tarde.
- ☐ Demasiado lleno de gente.
- ☐ Otros

	Muy de acuerdo	Estoy de acuerdo	Neutral	No esta de acuerdo	Muy en desacuerdo
El RTP debe:					
Fomentar la construcción de casas cerca del trabajo:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alentar a más puestos de trabajo cerca de las casas:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proteger espacios abiertos y tierras de cultivo:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Apoyar el desarrollo de ahorro de agua:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Incluir más opciones de transporte:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducir la contaminación atmosférica:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducir los gases de invernadero:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

¿Qué escenario de desarrollo del RTP/SCS prefieres?

- ☐ Tendencia
- ☐ Blueprint
- ☐ Blueprint Mas





## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Linda Barkley, City Clerk

**Subject:** City Council Meeting Minutes, September 26, 2017 (LB)

### **RECOMMENDATION**

Council review and approve the draft City Council meeting minutes dated September 26, 2017.

### **EXECUTIVE SUMMARY**

None.

### **OUTSTANDING ISSUES**

None.

### **DISCUSSION**

None.

### **FISCAL IMPACT**

None.

### **PUBLIC HEARING**

None required.

### **ATTACHMENTS:**

City Council Meeting Minutes, September 26, 2017



## **City Council Regular Meeting Agenda**

**September 26, 2017  
MINUTES**

### **COUNCIL MEMBERS PRESENT:**

Reynosa, Launer, Thusu, Morales

### **COUNCIL MEMBERS ABSENT:**

Harness

### **STAFF MEMBERS PRESENT:**

Barkley, Beltran, Hurtado, James, Jenner, Moreno, Patlan, Popovich, Thompson, Yamabe

#### **1. Work Session - 6:00 pm**

##### **1.1. Fiscal Year 2017/18 Water & Sewer Rates Update (BB)**

The Work Session began at 6:00 pm.

Director Beltran presented information in regard to water and sewer rates for 2017-18 fiscal year. Beltran presented information in regard to increasing the rates by the minimum amount per Council's previous direction.

The Council discussed the future of utility rates and the factors affecting them.

#### **2. OPENING CEREMONIES 6:30 pm**

##### **2.2. Welcome and Call to Order**

The meeting was called to order at 6:30 pm.

##### **2.3. Invocation**

The invocation was led by Chaplain Garcia.

##### **2.4. Pledge of Allegiance**

The Pledge of Allegiance was led by Barbara Thiesen.

#### **3. AGENDA CHANGES OR DELETIONS**

*To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54956.8.*

#### **4. PRESENTATIONS/CEREMONIAL MATTERS**

**4.1. Scott Widaman, Utility Worker III, Retired (BB)**

Director Beltran presented Scott Widaman who retired from service with the City of Dinuba on September 15, 2017. Vice Mayor Thusu presented him with a parchment signed by the City Council and city staff. He also presented him with a gift card.

**5. REQUEST TO ADDRESS COUNCIL**

*This portion of the meeting is reserved for any person who would like to address the Council on any item that is not on the agenda. Please be advised that State law does not allow the City Council to discuss or take any action on any issue not on the agenda. The City Council may direct staff to follow up on such item(s). Speakers may be limited to three (3) minutes. If there is any person wishing to address the City Council at this time please approach the podium and state your name and nature of the request.*

Ruth Padilla was present representing Western Regional Wall Committee, announced that a benefit dinner will take place on Saturday, September 30 at Dinuba Memorial Hall, 5 to 8 pm. The dinner will benefit The Wall.

Barbara Thiesen was present to share information about the annual Dinuba Unified School District Fall Fiesta to be held Saturday September 30 beginning at 5 pm.

Thiesen also shared the annual Red Ribbon Week celebration is slated for October 23 through the 31st.

Brandi Nus-Villegas was present to share news about the Tulare County Child Abuse Prevention Agency. She invited the community to the Agency's annual Cynthia Lockart-Mummary Conference on Monday, October 30 from 8:30 am to 5 pm. The event will be held at the Wyndham Inn in Visalia to bring awareness to impoverished families in Tulare County.

**6. CONSENT CALENDAR**

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

**6.1. SUBJECT**

**Dinuba Sunrise Rotary Club Request for Sponsorship for 10th Annual Benefit Golf Tournament on October 7, 2017 (LB)**

**RECOMMENDATION**

Council approve Platinum Sponsorship in the amount of \$1,000 for the Tenth Annual Dinuba Sunrise Rotary Club Benefit Golf Tournament on October 7, 2017.

**6.2. SUBJECT**

**Proclamation No. 2017-07 National Fire Prevention Week October 8 -14, 2017 (LB)**

**RECOMMENDATION**

Council to adopt Proclamation No. 2017-07 in observance of National Fire Prevention Week, October 8 - 14, 2017.

**6.3. SUBJECT**

**City Council Meeting Minutes, September 12, 2017 (LB)**

**RECOMMENDATION**

Council consider and approve September 12, 2017 meeting minutes.

**6.4. SUBJECT**

**2017 Red Ribbon Night Event (SH)**

**RECOMMENDATION**

Council approve the use of Dinuba SportsPlex and waive the \$225 rental fee for the 2017 Red Ribbon Night Event scheduled for Monday, October 23, 2017.

**6.5. SUBJECT**

**Request for Excused Absence - Council Member Linda Launer, September 12, 2017 (LB)**

**RECOMMENDATION**

Council excuse the absence of Council Member Launer from the meeting held on September 12, 2017.

**6.6. SUBJECT**

**Resolution No. 2017-37 in Support of the National Park System (LB)**

**RECOMMENDATION**

Council adopt Resolution No. 2017-37 supporting the National Park System and requesting that the congress provide reliable funding for ongoing park maintenance.

A motion was made by Council Member Morales, second by Council Member Launer, to approve the Consent Calendar as presented.

Ayes: Launer, Morales, Reynosa, Thusu  
Absent: Harness

**7. WARRANT REGISTER**

**7.1. SUBJECT**

**Warrant Register September 15 & 22, 2017 (MM)**

## **RECOMMENDATION**

Council consider and approve the Warrant Register as presented.

A motion was made by Council Member Morales, second by Council Member Reynosa, to approve the Warrant Register as presented.

Ayes: Launer, Morales, Reynosa, Thusu  
Absent: Harness

## **8. DEPARTMENT REPORTS**

### **8.1. SUBJECT**

#### **Fire Truck Ride for DUSD Fall Fiesta Auction (CT)**

## **RECOMMENDATION**

Council approve the Fire Department to allow Dinuba Unified School District to auction a fire station tour and fire truck ride at the school's Fall Fiesta Fundraiser.

Chief Thompson reported that high school staff Ms. Pennebaker approached him with an idea to auction off a fire truck ride and fire station tour for four people to help the school district raise money at their Fall Fiesta event. Thompson reported that risk management approved of the item as long as appropriate waivers are signed in conjunction.

A motion was made by Council Member Reynosa, second by Council Member Morales, to approve a fire truck ride and fire station tour for four people be auctioned off to raise money at the school district's Fall Fiesta fundraiser event.

Ayes: Launer, Morales, Reynosa, Thusu  
Absent: Harness

### **8.2. SUBJECT**

#### **Wireless Marketing Agreement with 5 Bars, LLC (BB)**

## **RECOMMENDATION**

Council approve a Wireless Marketing Agreement between the City of Dinuba and 5 Bars, LLC, and authorize the City Manager to execute the agreement for a master plan and marketing strategy for wireless communication facilities and infrastructure.

Planner Tech Carrillo presented a request that the Council approve the proposed agreement with 5 Bars, LLC in light of SB 649 recently adopted by the California legislature and authorize the City Manager to execute the agreement. Carrillo explained that SB 649 allows that contracts already in place prior to the law's effective date would be allowed to retain control over small cell site placement on city infrastructure.

Council Member Launer asked about the terms of the agreement. City Attorney Jenner explained that the contract will be conducted in increments of 5 years.

A motion was made by Council Member Morales, second by Council Member Launer, approve a Wireless Marketing Agreement between the City of Dinuba

and 5 Bars, LLC and authorize the City Manager to Execute the agreement for a master plan and marketing strategy for wireless communication facilities and infrastructure.

Ayes: Launer, Morales, Reynosa, Thusu  
Absent: Harness

### **8.3. SUBJECT**

#### **Civic Day for Campus Life Youth Mentorship Program (LP)**

#### **RECOMMENDATION**

Council receive information on the Civic Day for the Campus Life Youth Mentorship Program scheduled for Wednesday, October 25 from 9:30am to 1pm.

City Manager Patlan shared that a Civic Day event is planned and will be held on October 25 beginning at City Hall and ending at the Campus Life facility on Perry Avenue. Patlan explained the event is in conjunction with Pastor Al Serna of Campus Life Ministries and his associate Josue Ambreu to help expose at-risk youth to local government and share with them services available are to them through the City. Students are in the 7th & 8th grade.

Patlan invited the Council to the event to address the students as to their roles on the City Council.

## **9. MAYOR/COUNCIL REPORTS**

Council Member Reynosa shared that she attended the Raisin Day Festival and Kiwanis Multi-Cultural event recently.

Council Member Launer shared that she attended an awards assembly where the Reedley College Scholarship Committee awarded several students from Dinuba with scholarships.

Council Member Morales shared that he attended the Raisin Day Festival at Vuich Park.

Vice Mayor Thusu shared he attended the Kiwanis Multi-Cultural event.

## **10. CITY MANAGER COMMUNICATIONS**

None.

## **11. CITY STAFF COMMUNICATIONS**

Chief Thompson reported the City was awarded the Assistance to Fire Fighters Grant in the amount of \$175,000. Thompson also reported the the Alta Healthcare District Board purchased a new ambulance for the City.

## **12. CLOSED SESSION**

The closed session item was not discussed but will be heard at a future meeting.

**12.1. Liability Claim (MM)**

Pursuant to Government Code Section 54956.95; Claimant(s): Michael Soto and Luz Ruelas. Agency Claimed Against: City of Dinuba.

**13. ADJOURNMENT**

The meeting adjourned at 7:04 pm.



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Linda Barkley, City Clerk

**Subject:** Request for Excused Absence - Mayor Scott Harness (LB)

### **RECOMMENDATION**

Council approve the request for excused absence from Mayor Harness for the meeting dated September 26, 2017.

### **EXECUTIVE SUMMARY**

None.

### **OUTSTANDING ISSUES**

None.

### **DISCUSSION**

None.

### **FISCAL IMPACT**

None.

### **PUBLIC HEARING**

None required.





## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Linda Barkley, City Clerk

**Subject:** Proclamation No. 2017-09 Red Ribbon Week, October 23 - October 31, 2017 (LB)

### **RECOMMENDATION**

Council adopt Proclamation No. 2017-09 in recognition of Red Ribbon Week, October 23 through October 31, 2017.

### **EXECUTIVE SUMMARY**

None.

### **OUTSTANDING ISSUES**

None.

### **DISCUSSION**

None.

### **FISCAL IMPACT**

None.

### **PUBLIC HEARING**

None.

### **ATTACHMENTS:**

Proclamation No. 2017-09

# PROCLAMATION 2017-09

## *CITY OF DINUBA*

*"Together, A Better Community"*

### **"National Red Ribbon Week"**

**October 23 – 31, 2017**

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, National Family Partnership (NFP) is sponsoring the **National Red Ribbon Campaign®** offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

WHEREAS, The **National Red Ribbon Campaign®** will be celebrated in many communities in America during "**RED RIBBON WEEK®**", October 23 - 31, 2017; and

WHEREAS, This year's theme is **Your Future is Key, So Stay Drug Free**, and

WHEREAS, Business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week long campaign.

NOW, THEREFORE, BE IT RESOLVED, that I, Scott Harness, Mayor of the City of Dinuba do hereby proclaim October 23 – 31, 2017 as **RED RIBBON WEEK®** and encourage our citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free city.

IN WITNESS THEREOF, I have hereunto set my hand and caused the great seal of the City of Dinuba to be affixed, on this 10th day of October two-thousand-seventeen.

\_\_\_\_\_  
Scott Harness, Mayor

Attest:

\_\_\_\_\_  
Linda Barkley, City Clerk





## City Council Staff Report

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Department: ENGINEER/PLANNING

October 10, 2017

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**To:** Mayor and City Council

**From:** Ronald Yamabe, P.E., City Engineer

**Subject:** Resolution No. 2017-38 Road Repair and Accountability Act (SB 1)  
Proposed Project List and Budget Amendment (RY)

### RECOMMENDATION

Council adopt Resolution 2017-38, approving the SB 1 proposed project list and budget amendment to increase appropriations in newly created Fund 207, Road Repair and Accountability Act 2017 (SB 1), for the 2017/18 fiscal year Budget and modify the Capital Improvement Program as prescribed to satisfy the program objectives and statutory requirements of the Road Repair and Accountability Act of 2017 (SB 1).

### EXECUTIVE SUMMARY

Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017, provides additional funding through a combination of taxes and fees for the purpose of addressing basic road maintenance, rehabilitation and critical safety needs on the State's roadway network.

The anticipated amount of funding for 2017-18 that the City will receive is \$140,000. Future funding is estimated to be \$400,000/ year for next 9 years.

With the new funding available to cities and counties, additional reporting is required, including a proposed project list with various project details. The project list must be accompanied by a Resolution adopted by the City Council. This staff report is meant to provide the required project and budgetary information needed to satisfy the funding and reporting requirements.

### OUTSTANDING ISSUES

There is an effort to qualify an initiative to repeal the gas tax increase (SB 1) approved by the State Legislature and signed by the Governor. Proponents have until June 2018 to obtain the requisite number of signatures to qualify the initiative for

the November 2018 ballot.

## **DISCUSSION**

On April 28, 2017 the Governor signed Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017. To address the basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system, SB 1:

- Increases per-gallon fuel excise taxes; and
- Increases diesel fuel sales taxes and vehicle registration fees; and
- Provides for inflationary adjustments to tax rates in future years.

Beginning November 1, 2017, the State Controller will deposit various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding will be apportioned by formula to eligible cities and counties pursuant to Streets and Highways Code (SHC) Section 2032 (h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

In order to be eligible for this funding, recipient cities and counties must:

- Develop and submit a list of projects to the California Transportation Commission (CTC) each fiscal year;
- Develop and submit a project expenditure report to the CTC each fiscal year; and
- Comply with all requirements including reporting requirements for RMRA funding.

Although the bill was signed on April 28, the reporting requirements were only just approved by the CTC in mid-August. The first milestone for recipient cities and counties is to submit their project lists to the CTC by October 16, 2017. The proposed project lists must be accompanied by a Resolution adopted by the City Council at a regular public meeting.

The Dinuba Capital Improvement Program (CIP) budget was adopted on June 13, 2017, as part of the regular city budget. The estimated revenue increases from SB 1 will be accounted for in newly created Fund 207, Road Repair and Accountability Act 2017 (SB 1). The new RMRA funds will be distributed to the City in much the same way that the Gas Tax revenues currently are. Since the final reporting guidelines were issued after the adoption of the budget, Staff has prepared this staff report and supporting documentation to ensure that the project list meets the requirements of SB 1. Staff recommends that a budget amendment be approved which appropriates \$140,000 for the following three (3) projects:

1. Pamela Avenue Reconstruction from Lillie to Quail Run - \$80,000.

2. 'M' Street Curb, Gutter and Sidewalk from Tulare to Fresno - \$15,000.
3. Downtown Traffic Circle Rehabilitation (5 Locations) - \$45,000.

Staff recommends that the following back-up projects be included in the list submitted to the State.

- Second Avenue Curb, Gutter & Sidewalk from Tulare to Fresno - \$15,000
- Olive Avenue Reconstruction from Crawford to Randle - \$170,000
- Kamm Avenue Grind and Overlay from Alta to College - \$600,000
- Monte Vista Ave. from El Monte to 740 Feet South - \$120,000

Resolution No. 2017-38 (Attachment 'A') includes 'Exhibit 1' a budget amendment revising the appropriations for the three (3) projects as outlined above and, 'Exhibit 2' the list of proposed projects.

The RMRA program guidelines are intended to provide cities flexibility and discretion in selecting the needed road rehabilitation projects within their cities. Therefore, it should be noted the City is not obligated to adhere to the submitted project list and has full discretion to amend or revise the list of projects as needed.

## **FISCAL IMPACT**

The Road Maintenance and Rehabilitation Account (RMRA) revenues of \$139,314 will be added to newly created Fund 207.

## **PUBLIC HEARING**

None

## **ATTACHMENTS:**

A. Resolution No. 2017-38 with Exhibits 1 & 2

## Attachment 'A'

### RESOLUTION NO. 2017-38

#### A RESOLUTION OF THE CITY OF DINUBA AMENDING THE 2017-18 BUDGET TO INCORPORATE A LIST OF PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Dinuba are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Dinuba must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$140,000 in RMRA funding in Fiscal Year 2017-18 from SB 1; and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduce vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, restoring roads before they fail also reduces construction time which results in less air pollution from heavy equipment and less water pollution from site run-off; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, for the purposes of transparency of reporting, it is necessary to appropriate the funding for the Pamela Reconstruction, 'M' Street Curb and Gutter and Downtown Traffic Circle Rehabilitation projects to the newly created Fund 207, Road Repair and Accountability Act 2017 (SB 1).

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Dinuba, State of California:

1. The foregoing recitals are true and correct;

2. The capital improvement program (CIP) budget for fiscal year 17-18 is amended to incorporate the following list of projects planned to be funded with Road Repair and Accountability Act 2017 (SB 1) revenues:

<b>Project Name</b>	<b>Project Description</b>	<b>i</b>	<b>Estimated Useful Life</b>	<b>Anticipated Year of Construction</b>
Pamela Avenue Reconstruction – Lillie to Quail Run	Street Reconstruction	Between Lillie and Quail Run	20 years	2018
‘M’ Street from Tulare to Fresno Streets	Install curbs, gutters and sidewalks	Between Tulare and Fresno Streets	50 years	2018
Downtown Traffic Circle Rehabilitation	Replace defective asphalt concrete adjacent to traffic circles	Tulare & ‘N’ Tulare & ‘L’ Tulare & ‘K’ Fresno & ‘L’ Kern & L	50 years	2018

3. The capital improvement program (CIP) budget for fiscal year 17-18 is amended as shown in Attachment 2 and is shown in full in Attachment 3.

\* \* \* \* \*

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 for the City of Dinuba, California, at a regular meeting held on the 10th day of October, 2017, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN (RECUSAL):	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

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Linda Barkley, City Clerk

## Exhibit '1'



# REQUEST FOR BUDGET AMENDMENT

<b>Requested by: Public Works</b>		<b>Budget Amounts</b>	
<b>Account Numbers:</b>	<b>Fund Name Description</b>	<b>Increase</b>	<b>Decrease</b>
<b>Revenues:</b>			
207.413.1060	Road Repair and Accountability Act 2017 (SB1)	\$140,000	
<b>Appropriations:</b>			
207.70.709.680.1250	Pamela Reconstruction		\$80,000
207.70.709.680.1251	M St. Curb & Gutter		\$15,000
207.70.709.680.1252	Traffic Circle Rehabilitation		\$45,000
<b>Reason(s) for Budget Amendment:</b>			
This amendment is necessary to comply with SB 1 requirements.			
Department Manager _____		Date _____	
<b>Approval Required Budget Amendment:</b>			
Financial Director _____		Date _____	
Signature			
City Manager _____		Date _____	
Signature			
City Council: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		Date _____	



## Exhibit '2'

### SB 1 - ROAD REPAIR AND ACCOUNTABILITY ACT PROGRAM LIST OF PROPOSED PROJECTS

#### DRAFT

PROJECT	LIMITS	DESCRIPTION	ESTIMATED COST	
<b><u>Road Rehab</u></b>				
Kamm Avenue Road Improvements	Road 70 to West City Limits	Grind and Overlay		
Kamm Avenue Road improvements	Evans Street to Alta Avenue	Grind and Overlay		
Kamm Avenue Road Improvements	Crawford to East City Limits	Grind and Overlay		
Alta Avenue	Franklin to Nebraska	Grind and Overlay/Reconstruct		
Nebraska Avenue	Alta to Crawford	Grind and Overlay/north shoulder stabilization		
Nebraska/ Crawford	Intersection	Grind and Overlay		
Olive Way	Crawford east to Randle	Grind and Overlay		
El Monte Way	Crawford to east City Limits	Grind and Overlay		
Sierra Way	Monte Vista to Alta	Grind and Overlay		
Tulare/H Street Intersection	Intersection north side	Pavement shoving/grind&overlay		
Monte Vista	EMW/Walmart Driveway	Overlay/Slurry Seal		
West Pamela Lane	Quail Run to Lillie Avenue	Grind and Overlay		
North Euclid Avenue	Bloomingle to W. Saginaw	Grind and Overlay		
Downtown Concrete Intersections	All approaches	Pavement shoving/grind&overlay		
<b><u>Reconstruction</u></b>				
Alta Avenue	Nebraska to Northern City Limits	Reconstruction		
Griggs	Alta east to end of road	Reconstruction/full infrastructure	\$	813,000
Peony	Alta west to end of road	Reconstruct/ROW Acquisition	\$	871,000
Road 74	Sierra to Kamm Avenue	Reconstruction	\$	400,000
Dickey	EMW/end of street	Reconstruction/Curb&Gutter/Storm Drain Imp		
<b><u>Rail Crossings</u></b>				
Ventura Street Extension	M Street to Uruapan	Railroad Crossing/reconstruction	\$	889,000
Saginaw Extension	Saginaw Avenue	Railroad Crossing/reconstruction		
<b><u>Half-Street Infill/Widening</u></b>				
Euclid Avenue	Roosevelt School	Widening/Curb&Gutter	\$	304,000
Crawford Avenue	Golden Way south / park side	Reconstruction/Curb&Gutter	\$	470,000
Second Avenue west side	Sierra/Academy			
West Northway	Alice/Gladys			
Wylie Avenue	W.Sierra Way/dead end			
Terrace Drive - North side	Terrace east to dead end			
Sycamore - east side	Roe/Sycamore			
Roe Avenue - north side	Sycamore/Whitney			
Dickey Avenue - east side	EMW/end of road			
O Street - east side	Ventura/Vassar			
First Avenue - west side	east end of Dinuba High School			



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Margarita Moreno, Administrative Services Director

**By:** Maria Alaniz, Human Resources Manager

**Subject:** Resolution No. 2017-39 Approving Benefit Guidelines for Administrative, Professional and Confidential Employees to Comply with CalPERS Regulations and Audit Finding (MM)

### RECOMMENDATION

Council adopt Resolution No. 2017-39 approving the Benefit Guidelines for Administrative, Professional and Confidential employees to comply with California Public Employees' Retirement System (CalPERS) regulations and audit findings.

### EXECUTIVE SUMMARY

The City's Administrative, Professional and Confidential Benefit Guidelines have been updated to meet the CalPERS requirement to identify an Out of Class Pay (special compensation) in a written labor policy or agreement.

### OUTSTANDING ISSUES

None.

### DISCUSSION

In 2016, CalPERS conducted a routine public agency review to determine whether the City complied with applicable sections of the California Government Code, California Public Employees' Pension Reform Act of 2013, California Code of Regulations and its contract with CalPERS.

The City's Administrative, Professional and Confidential Benefit Guidelines did not include condition for payment of Out of Class Pay. The City did have a provision for Out of Class Pay but it did not identify the amount of the payment for this pay. CalPERS requires the written labor policy and agreement contain the conditions of payment of, including but no limited to, the eligibility for, and amount of, the special

compensation.

Staff has added the correct wording to the Administrative, Professional and Confidential Benefit Guidelines to meet the requirement. By adopting Resolution No. 2017-39 enclosed herein as Attachment 'A', the City will have met CalPERS audit findings and approved the Administrative, Professional and Confidential Benefit Guidelines.

These amendments do not change any approved employee pay or benefit.

## **FISCAL IMPACT**

None.

## **PUBLIC HEARING**

None.

## **ATTACHMENTS:**

A. Resolution No. 2017-39  
Exhibit 'A' Administrative Benefit Guidelines  
Exhibit 'B' Professional Benefit Guidelines  
Exhibit 'C' Confidential Benefit Guidelines

**RESOLUTION No. 2017-39**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DINUBA,  
APPROVING THE AMENDMENT OF THE BENEFIT GUIDELINES FOR ADMINISTRATIVE, PROFESSIONAL  
AND CONFIDENTIAL EMPLOYEES TO COMPLY WITH CALPERS REGULATIONS AND AUDIT FINDINGS**

WHEREAS, the amending of the City's Benefit Guidelines for Administrative, Professional and Confidential employees, were necessary in response to a public agency review conducted by CalPERS; and;

WHEREAS, it is intent of this Resolution to ratify these amendments to meet the qualifications of the City's public agency review and to meet all requirements of the Government Code and California Code of Regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Dinuba, California, that the Benefit Guidelines for Administrative, Professional and Confidential employees as follows:

- A. Exhibit "A" Administrative Benefit Guidelines
- B. Exhibit "B" Professional Benefit Guidelines
- C. Exhibit "C" Confidential Benefit Guidelines

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Dinuba this 10<sup>th</sup> day of October, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Scott Harness, Mayor

ATTEST:

---

Linda Barkley, City Clerk

**BENEFIT GUIDELINES**  
**DINUBA CITY ADMINISTRATIVE EMPLOYEES**

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## INSURANCE

HEALTH INSURANCE: The City shall provide each employee a description of the current health insurance plan.

The City agrees to make sufficient contribution on a monthly basis towards health insurance costs to maintain the current benefit levels of the existing medical insurance coverage. The contribution shall increase by the CPI (Consumer Price Index, All Urban Consumers, U.S. City Average, December to December). Employee contributions may be made on a pre-taxable basis.

In the event that the City makes available alternate medical insurance plans, employees may elect to enroll into one of those plans during the open enrollment period. Employees will then be required to pay the premium, if any, that is specified at the time for that particular coverage.

DENTAL/VISION: Commencing July 1, 2006, the employee will bear the cost above \$100.00. The City shall provide each employee a description of the current dental and vision insurance plan.

TERM LIFE INSURANCE: The City shall provide term life insurance at least equal to the current policy in the amount of two times the employee's annual salary up to \$350,000. The City shall also provide coverage of accidental death or dismemberment benefits.

SHORT-TERM DISABILITY: The City shall provide employees with short-term disability at least equivalent to the current policy of up to 60% of employee's weekly earnings with a 60-day waiting period.

LONG-TERM DISABILITY: The City shall provide employees with long-term disability insurance at least equivalent to coverage of the current policy of up to 60% of employee's monthly earnings with a 180-calendar-day waiting period.

STATE DISABILITY INSURANCE: This group elects to participate in the State Disability Insurance (SDI) Program for disability insurance with all costs associated with the program borne solely by the employee. SDI is administered by the State of California Employment Development.

UNEMPLOYMENT INSURANCE: The City pays the cost of Unemployment Insurance to provide employees a weekly income when out of work through no fault of the employee (layoff).

INDUSTRIAL INJURY OR ILLNESS: Industrial injury or illness benefits shall be payable in situations where employee's absence is due to industrial injury or illness as provided in California Worker's Compensation Law and City policies.

RETIREE HEALTH INSURANCE/MEDICARE SUPPLEMENT: Employees retiring from the City with at least 15 years of continuous full-time service to the City of Dinuba shall have 75% of their City employee medical/prescription plan premium, including dependent coverage, paid by the City. See details under "Forfeiture of Sick Leave" section.

City pays 100% for retirees for the City of Dinuba's approved Medicare Supplement and RX plan. Retiree must have at least 15 years of continuous full-time service to the City and have maintained continuous coverage under the City of Dinuba's health insurance plan.

The City to discontinue city-paid contributions toward contributions toward Retiree Health and the Medicare Supplement for full-time employees hired on or after 7/1/13. Employees hired on or after 7/1/13, upon retirement, may continue insurance benefits subject to the provisions in Forfeiture of Sick Leave (a).

## RETIREMENT

Employees shall be provided retirement benefits under the California Public Employees Retirement System (CALPERS).

<b><u>Employee Classification</u></b>	<b><u>Retirement Program</u></b>
Classic Miscellaneous	2% @ 55 Plan
Classic Public Safety	2% @ 50 Plan
PEPRA Miscellaneous	2% @ 62 Plan
PEPRA Public Safety	2.7% @ 57 Plan

### **Employee Contributions towards retirement:**

#### **Classic Miscellaneous:**

Employee Paid Member Contribution	6%
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#### **Classic Public Safety:**

Employee Paid Member Contribution	9%
Employee Cost Share of City's PERS Cost	.5%

#### **PEPRA Miscellaneous:**

Employee Paid Member Contribution	6.25%
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#### **PEPRA Public Safety:**

Employee Paid Member Contribution	11.5%
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Under Public Employees' Pension Act (PEPRA), for "new members" on or after January 1, 2013, will pay the full employee contribution, which will be one-half the normal rate as determined by CalPERS.

Specific details regarding these retirement plans are available to employees from either the Payroll or Human Resources Departments. The City shall provide each employee with a description of the retirement plan covering their classification.

## SICK LEAVE

STATEMENT OF POLICY: Sick leave shall not be considered as a privilege which an employee may use at his/her own discretion, but shall be granted only for bona fide necessity as defined herein.

### ELIGIBILITY OF SICK LEAVE:

- a) All regular and probationary full-time employees upon completion of 30 calendar days of continuous service shall be eligible for sick leave with pay.
- b) Employees accrue sick leave from the first day of employment and may use sick leave as it accrues, in accordance with City policy.
- c) Temporary or part-time employees shall not be eligible for sick leave with pay, under this policy. Refer to the Paid Family Leave.

ACCRUAL OF SICK LEAVE: Sick leave shall be accrued and credited biweekly from the first day of employment by all regular full-time employees who are on a pay status. Sick leave shall accrue at the rate of four (4) hours per pay period (based on 26 pay periods/year).

SICK LEAVE INCENTIVE: In addition to current accrual rates for Sick Leave, employees reaching the following anniversaries will also receive incentive hours credited to the sick leave accrual balance on July 1<sup>st</sup> of each year as follows:

<u>Years of Service</u>	<u>Incentive Hours</u>
5-9 years	16 hours
10-14 years	32 hours
15+ years	48 hours

The anniversary date must be reached in the fiscal year prior to July 1<sup>st</sup>.

ACCUMULATION OF SICK LEAVE: Sick leave may be accumulated by all full-time employees for an unlimited number of days.

HOLIDAYS WITHIN SICK LEAVE: Observed holidays occurring during sick leave shall not be counted as a day of sick leave.

DEPLETION OF SICK LEAVE: If the employee is unable to return to work at the end of this period, he/she must request further medical leave which will be subject to approval by the City Manager. If further leave is granted, the employee must notify the City of his/her intent to return to work every 30 days. If further leave is not granted, the employee's service with the City shall be considered terminated. Refer to Leave of Absence without Pay.

Disability retirement from City service shall be subject to the terms and conditions of the City's retirement system.



**FORFEITURE OF SICK LEAVE:** Employees leaving City service shall forfeit all accumulated sick leave except:

- a) Upon retirement, an employee may choose to be paid for up to 60 days of accumulated sick leave at employee's rate of pay at retirement; or to cash in total sick leave accumulation at employee's rate of pay at retirement and put the money in trust with the City to be used to pay medical and dental insurance and Administrative Employees' life insurance premiums (at City's rate) until retiree becomes entitled to Medicare or to be paid for up to 30 days of accumulated sick leave at employee's rate of pay at retirement and place the remainder in trust. If amount is exceeded before entitlement to Medicare, retiree has the option of paying the premiums to the City for insurance coverage or dropping coverage. If money in the employee's trust account is not depleted prior to entitlement to Medicare, the money shall be removed from the trust account and revert back to City use.
- b) When separating because of disability, the termination date shall be the date of exhaustion of sick leave.
- c) An employee with a minimum of five years of continuous service shall be entitled to 50% of up to 60 days of accumulated sick leave with a maximum of 30 paid days at employee's current rate of pay.

**ILLNESS WHILE ON VACATION:** An employee who becomes ill while on vacation may have such period of illness charged to his/her accumulated sick leave instead of to vacation provided that:

- a) Immediately upon return to duty, the employee submits to the City Manager a written request for sick leave and a written statement signed by the employee's physician stating the nature and dates of the illness;
- b) The Personnel Officer/City Manager approves the granting of such leave.

**DEDUCTION OF SICK LEAVE:** Sick leave shall be deducted at the rate of one hour sick leave for each hour absent; less than one hour used will be charged as one full hour. After one full hour off, time in less than one-half hour increments will be charged to the last full hour; time in more than one-half hour increments will be charged to the next hour.

**EVIDENCE OF ILLNESS:** A physician's certificate will be required after being absent five work-days. A physician's certificate may be required regardless of length of absence at the request of the City Manager.

**USAGE OF SICK LEAVE:** Sick leave may be used as needed and approved, to the point of depletion, at which time the employee will no longer receive pay for sick leave. Sick leave may be taken for:

- a) an employee's personal illness or disability;
- b) medical, dental or vision examinations or treatment of the employee, immediate family, or domestic partner as defined in Section 297 of the California Family Code;
- c) care of an ill or injured member of immediate family or domestic partner;
- d) death of a member of immediate family, domestic partner, or close relative (leaves should not exceed five working-days for any one death).

## VACATION LEAVE

**VACATION ACCRUAL:** Each full-time regular and probationary employee shall accrue and have vested vacation leave with pay as follows:

1-2 years of service	3.08 hours biweekly	10 days/year
3-6 years of service	4.62 hours biweekly	15 days/year
7+ years of service	6.15 hours biweekly	20 days/year

Vacation time accrues from the date of hire at biweekly rates consistent with the above schedule.

**USE OF VACATION:** Vacation time may be taken in increments of one-hour when approved by the City Manager.

**SCHEDULING OF VACATION:** Vacation scheduling shall be done departmental with regard to the employee's desires and needs. However, vacations shall be scheduled and approved by the City Manager so as to not interfere seriously with or impair departmental efficiency. Seniority will be considered should there be a conflict of dates within the City.

**HOLIDAYS WITHIN VACATION LEAVE:** If a holiday falls within a scheduled vacation period, vacation hours will not be charged against employee.

**ILLNESS WITHIN VACATION LEAVE:** Employees who become ill or injured during annual vacation leave may have such periods of illness charged to his/her accumulated sick leave instead of vacation provided the requirements are met as stated in the "Sick Leave" rule.

**MAXIMUM ACCRUAL OF VACATION:** Vacation time may not exceed an accumulated amount of 240 hours beyond January 1<sup>st</sup> of any calendar year.

In the last quarter of each calendar year, Administrative Services shall provide a list for each department showing the number of accumulated hours of vacation which each employee will have on January 1<sup>st</sup> of the next calendar year. The City Manager shall review with each employee the number of hours accrued by the employee. If the amount accrued exceeds the limits specified above, the employee shall take the excess vacation accumulation before January 1<sup>st</sup> of the next calendar year. If the employee chooses not to take the vacation in excess of the accrued limit, he/she will forfeit it unless the City Manager approves carrying over the excess due to unusual circumstances.

**VACATION & LEAVES OF ABSENCE:** No personal leave of absence without pay for more than one day shall be granted as long as the employee has accumulated vacation.

**PAYMENT FOR VACATION LEAVE UPON SEPARATION:** Employees who terminate or retire shall be paid for any accrued vacation at the employee's current rate of pay.

**VACATION BUY-BACK:** On a fiscal year basis, July through June, employees may cash out actual vacation leave time provided the following conditions are met:

- a) Accumulated vacation time shall be in excess of 240 hours;

VACATION BUY-BACK (Con't):

- b) Cash-out shall be at a ratio of one week vacation (five consecutive working days) per one week vacation cash-out, up to a maximum of two weeks per year;
- c) Requests for vacation cash-out shall be approved by the City Manager no later than two weeks before the start of the vacation leave; forwarded to the payroll no later than two weeks before the start of the approved vacation leave.

## HOLIDAYS

The following holidays are to be recognized by the City:

- a) Independence Day (July 4)
- b) Labor Day (First Monday in September)
- c) Veteran's Day (November 11)
- d) Thanksgiving Day (Fourth Thursday in November)
- e) Day after Thanksgiving
- f) Christmas Eve
- g) Christmas Day
- h) New Year's Day
- i) Martin Luther King (Third Monday in January)
- j) President's day (Third Monday in February)
- k) Memorial Day (Last Monday in May)
- l) Two floating holidays to be accrued on July 1 and used before June 30 of the following year.

If any of the foregoing holidays fall on a Saturday, the preceding Friday shall be observed as a holiday. If any of the foregoing holidays fall on a Sunday, the Monday following shall be observed as a holiday.

To earn holiday pay, an employee must be on paid status the work day before and after the holiday.

Employees may choose to take floating holidays at any time during the fiscal year subject to City Manager approval. These holidays do not accumulate beyond a fiscal year and must be taken as actual time off.

Employees hired after July 1<sup>st</sup> shall receive credit for floating holidays on a pro-rated basis.

## LEAVES WITH PAY

All employees shall be granted leaves of absence with pay for the following:

Jury Duty: Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided the employee remits to the City all fees received for such duties other than employee's expenses and mileage within 30 calendar days from termination of the jury service.

Subpoenas: Employees who are subpoenaed to appear as witness in behalf of the City shall be granted leaves of absence with pay from their assigned duties until released. The employee shall remit all fees received for such appearances to the City within 30 calendar days from the termination of his/her service (employee's expenses and mileage are not considered fees).

Court Appearances: Employees who must appear in court resulting from their official duties shall be granted leaves of absence with pay from their assigned duties until released by the court.

Military: Refer to the Military Leave Policy #96-05.

Administrative Leave: At the beginning of each fiscal year, administrative employees shall be granted eleven (11) days of administrative leave to be used when the employee's work schedule permits. Administrative employees must have prior approval of the City Manager. There will be no accumulation of administrative leave beyond the fiscal year in which it was granted and there shall be no pay off for administrative leave not taken should employee separate from City service. Employees entering City service after July 1<sup>st</sup> shall be granted administrative leave on a pro-rated basis.

Administrative Leave Cash-Out Provision: Exempt employees may cash-out up to three days (24 hours) of administrative leave in a fiscal year provided the following conditions are met:

- a) At least 40 hours (5 days) of administrative leave shall be taken prior to or concurrent with requesting cash-out.
- b) No more than 24 hours of administrative leave cash-out shall be taken per fiscal year.
- c) Only one cash-out request shall be made per fiscal year.
- d) Requests shall be submitted to the City Manager no later than March 15<sup>th</sup>.
- e) Approved requests shall be forwarded to payroll no later than two weeks prior to the effective date of the cash-out.

## LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay may be granted in case of emergency or need, or where such absence would not be contrary to the best interests of the City. Such leaves should be regarded as a privilege and not a right. There should also be the expectation that the employee will return to City employment at the expiration of such leave. For leaves that qualify for protected leave status (Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), Pregnancy Disability Leave (PDL), etc.), employees must exhaust all available accrued leave before requesting leave without pay.

### PROCEDURE TO REQUEST LEAVE OF ABSENCE:

- 1) Employee shall submit a written request for leave to the City Manager;
- 2) Requested leaves of less than 30 working-days may be approved in writing by the City Manager; requested leaves of 30 or more working-days must have City Manager's approval and in no case shall an unpaid leave of absence exceed six (6) months.

LEAVE OF ABSENCE LESS THAN 30 WORKING-DAYS: When a leave of absence is less than 30 working-days, there is no adjustment to employee's benefits, seniority or anniversary date.

LEAVE OF ABSENCE 30 WORKING-DAYS OR MORE: An employee on a leave of absence of 30 or more working-days:

- 1) ceases to accrue sick leave and vacation time on the 30th day;
- 2) loses all insurance benefits beginning on the first day of the next month after the month in which the 30th day falls. The employee may keep the policy in force by paying the City for the cost of the insurance premium;
- 3) shall have his/her seniority status adjusted to allow for the time over 30 days spent on leave;
- 4) shall have his/her anniversary date set back by the number of days spent on leave from the 30th day;
- 5) shall not have such leave considered as a "break in service" in regard to continuous service for pay off of sick leave upon separation from City service;
- 6) in no case shall a leave of absence exceed six (6) calendar months,.

RETURNING TO WORK AFTER LEAVE OF ABSENCE: Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration or within five (5) working-days after notice to return to duty shall be cause for discharge. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address shall be reasonable notice of termination.

## EDUCATIONAL ASSISTANCE

A voluntary vocational training program is available to all employees and is designed to give employees incentive to improve skills within the job classification held and to improve work performance. Regular full-time employees are eligible for class(es) or course(s) that are work related and/or working towards a degree from an accredited school.

**TUITION REIMBURSEMENT:** Prior to registration of course(s), the class(es) must be approved in writing by the City Manager or designee (City Manager requires approval of the City Council) to qualify for this benefit.

The City will issue the allowance in two (2) payments; 1st payment at the time of registration and the 2nd payment after proof of satisfactory completion of course(s) from an accredited school. The 1st payment may be requested in the amount of \$60.00 or the estimated expenses of tuition and books, whichever is less, and must be approved by the City Manager or designee. The advancement will be paid back by employee or deducted through a payroll deduction set by the City if for some reason the employee is unable to attend the classes or if canceled. An expense report will be turned in along with receipts to justify actual expenses to a maximum amount of \$500/fiscal year.

Classes required by the City shall be paid for by the City.

## SALARY

DEFERRED COMPENSATION: The City shall contribute the following amounts per pay period pay toward deferred compensation.

1-4 years of service	\$108.15 per pay period
5-10 years of service	3.5% of base salary
11+ years of service	4.5% of base salary

OUT OF CLASSIFICATION PAY(Acting Pay): Employees shall receive five (5%) percent out-of-class for performing the majority of their assigned duties at levels significantly above their current job classification for a period exceeding thirty (30) calendar days.



## MISCELLANEOUS

AMBULANCE SERVICE: City to accept insurance consignment as payment in full for ambulance services rendered for all full-time employees, their dependents (dependents as specified in insurance coverage), and retirees covered under the City's medical plan.

COMMUNITY INVOLVEMENT: The City encourages administrative employees to become involved in local community affairs. The City will make a reasonable amount of time available for this type of involvement if in the opinion of the City Manager this involvement is beneficial to the City and the employee.

EMPLOYEE ASSISTANCE PROGRAM (EAP): The EAP is extended as a benefit to all employees and their immediate families. EAP assessment and referral sessions and counseling provided by the EAP office are limited to the current policy. Services not provided by the EAP office or EAP counseling provided beyond the current policy are at the expense of the employee.

LICENSES & CERTIFICATES: Licenses and certificates required by the City shall be paid for by the City.

NOTARY SERVICE: Employees are granted free notary service; this service is provided at City Hall and at various City departments.

SEVERANCE PAY: As stated in the individual employee's agreement.

UNIFORMS: Administrative employees who are public safety employees shall be reimbursed for uniform purchases in amounts not exceeding \$700/year for Fire Chief and \$800/year for Police Chief. To be eligible for this benefit employee must wear uniform 50% of the time.

VEHICLE ALLOWANCE/CITY VEHICLES: Unless stated otherwise in the individual employee's agreement, Administrative employees receive \$121.46 per pay period for 26 pay periods. Administrative employees that are assigned a city-provided vehicle are not eligible for vehicle allowances.

WELLFITNESS INCENTIVE: Employees who successfully complete the Safety Cash Value Reimbursement Program will receive a maximum of \$350 for full-time employees and \$200 for part-time employees to be payable in December. This program is designed to promote employees' overall health and well-being by completing an annual physical, dental exam, vision exam, certifying the non-use of a tobacco substance, attending designed city trainings and by receiving a city provided flu shot. Refer to the Safety Cash Value Reimbursement Policy.

**BENEFIT GUIDELINES**  
**DINUBA CITY PROFESSIONAL EMPLOYEES**

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## INSURANCE

HEALTH INSURANCE: The City shall provide each employee a description of the current health insurance plan.

The City agrees to make sufficient contribution on a monthly basis towards health insurance costs to maintain the current benefit levels of the existing medical insurance coverage. The contribution shall increase by the CPI (Consumer Price Index, All Urban Consumers, U.S. City Average, December to December). Employee contributions may be made on a pre-taxable basis.

In the event that the City makes available alternate medical insurance plans, employees may elect to enroll into one of those plans during the open enrollment period. Employees will then be required to pay the premium, if any, that is specified at the time for that particular coverage.

DENTAL/VISION: Commencing July 1, 2006, the employee will bear the cost above \$100.00. The City shall provide each employee a description of the current dental and vision insurance plan.

TERM LIFE INSURANCE: The City shall provide term life insurance at least equal to the current policy in the amount of two times the employee's annual salary up to \$350,000. The City shall also provide coverage of accidental death or dismemberment benefits.

SHORT-TERM DISABILITY: The City shall provide employees with short-term disability at least equivalent to the current policy of up to 60% of employee's weekly earnings with a 60-day waiting period.

LONG-TERM DISABILITY: The City shall provide employees with long-term disability insurance at least equivalent to coverage of the current policy of up to 60% of employee's monthly earnings with a 180 calendar-day waiting period.

STATE DISABILITY INSURANCE: This group elects to participate in the State Disability Insurance (SDI) Program for disability insurance with all costs associated with the program borne solely by the employee. SDI is administered by the State of California Employment Development.

UNEMPLOYMENT INSURANCE: The City pays the cost of Unemployment Insurance to provide employees a weekly income when out of work through no fault of the employee (layoff).

INDUSTRIAL INJURY OR ILLNESS: Industrial injury or illness benefits shall be payable in situations where employee's absence is due to industrial injury or illness as provided in California Worker's Compensation Law and City policies.

RETIREE HEALTH INSURANCE/MEDICARE SUPPLEMENT: Effective January 1, 2005, employees retiring from the City with at least 15 years of continuous full-time service to the City of Dinuba shall have 75% of their City employee medical/prescription plan premium, including dependent coverage, paid by the City. See details under "Forfeiture of Sick Leave" section.

City pays 100% for retirees for the City of Dinuba's approved Medicare Supplement and RX plan. Retiree must have at least 15 years of continuous full-time service to the City and have maintained continuous coverage under the City of Dinuba's health insurance plan.

The City to discontinue city-paid contributions towards Retiree Health Insurance and the Medicare Supplement for full-time employees hired on or after 7/1/13. Employees hired on or after 7/1/13, upon retirement may continue insurance benefits subject to the provisions under Forfeiture of Sick Leave (a).

## RETIREMENT

Employees shall be provided retirement benefits under the California Public Employees Retirement System (CALPERS).

<b><u>Employee Classification</u></b>	<b><u>Retirement Program</u></b>
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### **Employee Contributions towards retirement:**

#### **Classic Miscellaneous:**

Employee Paid Member Contribution	6%
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#### **Classic Public Safety:**

Employee Paid Member Contribution	9%
Employee Cost Share of City's PERS Cost	.5%

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Employee Paid Member Contribution	6.25%
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#### **PEPRA Public Safety:**

Employee Paid Member Contribution	11.5%
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Under Public Employees' Pension Act (PEPRA), for "new members" on or after January 1, 2013, will pay the full employee contribution, which will be one-half the normal rate as determined by CalPERS.

Specific details regarding these retirement plans are available to employees from either the Payroll or Human Resources Departments. The City shall provide each employee with a description of the retirement plan covering their classification.

## SICK LEAVE

STATEMENT OF POLICY: Sick leave shall not be considered as a privilege which an employee may use at his/her own discretion, but shall be granted only for bona fide necessity as defined herein.

### ELIGIBILITY OF SICK LEAVE:

- a) All regular and probationary fulltime employees upon completion of 30 calendar days of continuous service shall be eligible for sick leave with pay.
- b) Employees accrue sick leave from the first day of employment and may use sick leave as it accrues, in accordance with City policy.
- c) Temporary or part-time employees shall not be eligible for sick leave with pay, under this policy. Refer to the Paid Family Leave.

ACCRUAL OF SICK LEAVE: Sick leave shall be accrued and credited biweekly from the first day of employment by all regular full-time employees who are on a pay status. Sick leave shall accrue at the rate of four (4) hours per pay period (based on 26 pay periods/year).

SICK LEAVE INCENTIVE: In addition to current accrual rates for Sick Leave, employees reaching the following anniversaries will also receive incentive hours credited to the sick leave accrual balance on July 1<sup>st</sup> of each year as follows:

<u>Years of Service</u>	<u>Incentive Hours</u>
5-9 years	16 hours
10-14 years	32 hours
15+ years	48 hours

The anniversary date must be reached in the fiscal year prior to July 1<sup>st</sup>.

ACCUMULATION OF SICK LEAVE: Sick leave may be accumulated by all full-time employees for an unlimited number of days.

HOLIDAYS WITHIN SICK LEAVE: Observed holidays occurring during sick leave shall not be counted as a day of sick leave.

DEPLETION OF SICK LEAVE: If the employee is unable to return to work at the end of this period, he/she must request further medical leave which will be subject to approval by the City Manager. If further leave is granted, the employee must notify the City of his/her intent to return to work every 30 days. If further leave is not granted, the employee's service with the City shall be considered terminated. Refer to leave of Absence without Pay.

Disability retirement from City service shall be subject to the terms and conditions of the City's retirement system.

**FORFEITURE OF SICK LEAVE:** Employees leaving City service shall forfeit all accumulated sick leave except:

- a) Upon retirement, an employee may choose to be paid for up to 60 days of accumulated sick leave at employee's rate of pay at retirement; or to cash in total sick leave accumulation at employee's rate of pay at retirement and put the money in trust with the City to be used to pay medical and dental insurance and Professional' life insurance premiums (at City's rate) until retiree becomes entitled to Medicare; or to be paid for up to 30 days of accumulated sick leave at employee's rate of pay at retirement and place the remainder in trust. If amount is exceeded before entitlement to Medicare, retiree has the option of paying the premiums to the City for insurance coverage or dropping coverage. If money in the employee's trust account is not depleted on prior to entitlement to Medicare, the money shall be removed from the trust account and revert back to City use.
- b) When separating because of disability, the termination date shall be the date of exhaustion of sick leave.
- c) An employee with a minimum of five years of continuous service shall be entitled to 50% of up to 60 days of accumulated sick leave with a maximum of 30 paid days at employee's current rate of pay.

**ILLNESS WHILE ON VACATION:** An employee who becomes ill while on vacation may have such period of illness charged to his/her accumulated sick leave instead of to vacation provided that:

- a) Immediately upon return to duty, the employee submits to the Department Director a written request for sick leave and a written statement signed by the employee's physician stating the nature and dates of the illness;
- b) The Department Director recommends and the Personnel Officer/City Manager approves the granting of such leave.

**DEDUCTION OF SICK LEAVE:** Sick leave shall be deducted at the rate of one hour sick leave for each hour absent; less than one hour used will be charged as one full hour. After one full hour off, time in less than one-half hour increments will be charged to the last full hour; time in more than one-half hour increments will be charged to the next hour.

**EVIDENCE OF ILLNESS:** A physician's certificate will be required after being absent five work-days. A physician's certificate may be required regardless of length of absence at the request of the Department Director or City Manager.

**USAGE OF SICK LEAVE:** Sick leave may be used as needed and approved, to the point of depletion, at which time the employee will no longer receive pay for sick leave. Sick leave may be taken for:

- a) an employee's personal illness or disability;
- b) medical, dental or vision examinations or treatments of the employee, immediate family, or domestic partner as defined in Section 297 of the California Family Code;
- c) care of an ill or injured member of immediate family or domestic partner;
- d) death of a member of immediate family, domestic partner, or close relative (leaves should not exceed five working-days for any one death).

## VACATION LEAVE

VACATION ACCRUAL: Each full-time regular and probationary employee shall accrue and have vested vacation leave with pay as follows:

1-5 years of service	3.08 hours biweekly	10 days/year
6-10 years of service	4.62 hours biweekly	15 days/year
11-15 years of service	5.23 hours biweekly	17 days/year
16+ years of service	6.15 hours biweekly	20 days/year

Vacation time accrues from the date of hire at biweekly rates consistent with the above schedule.

USE OF VACATION: Vacation time may be taken in increments of one-hour when approved by the Department Manager.

SCHEDULING OF VACATION: Vacation scheduling shall be done departmental with regard to the employee's desires and needs. However, vacations shall be scheduled and approved by the Department Director so as to not interfere seriously with or impair departmental efficiency. Seniority will be considered should there be a conflict of dates within the department.

HOLIDAYS WITHIN VACATION LEAVE: If a holiday falls within a scheduled vacation period, vacation hours will not be charged against employee.

ILLNESS WITHIN VACATION LEAVE: Employees who become ill or injured during annual vacation leave may have such periods of illness charged to his/her accumulated sick leave instead of vacation provided the requirements are met as stated in the "Sick Leave" rule.

MAXIMUM ACCRUAL OF VACATION: Vacation time may not exceed an accumulated amount of 240 hours beyond January 1<sup>st</sup> of any calendar year.

In the last quarter of each calendar year, Administrative Services shall provide a list for each department showing the number of accumulated hours of vacation which each employee will have on January 1<sup>st</sup> of the next calendar year. The Department Director shall review with each employee the number of hours accrued by the employee. If the amount accrued exceeds the limits specified above, the employee shall take the excess vacation accumulation before January 1<sup>st</sup> of the next calendar year. If the employee chooses not to take the vacation in excess of the accrued limit, he/she will forfeit it unless the Department Director approves carrying over the excess due to unusual circumstances.

VACATION & LEAVES OF ABSENCE: No personal leave of absence without pay for more than one day shall be granted as long as the employee has accumulated vacation.

PAYMENT FOR VACATION LEAVE UPON SEPARATION: Employees who terminate or retire shall be paid for any accrued vacation at the employee's current rate of pay.

VACATION BUY-BACK: On a fiscal year basis, July through June, employees may cash out actual vacation leave time provided the following conditions are met:

- a) Accumulated vacation time shall be in excess of 240 hours;

VACATION BUY-BACK (Con't):

- b) Cash-out shall be at a ratio of one week vacation (five consecutive working days) per one week vacation cash-out, up to a maximum of two weeks per year;
- c) Requests for vacation cash-out shall be approved by the employee's Department Director no later than two weeks before the start of the vacation leave; forwarded to the payroll no later than two weeks before the start of the approved vacation leave.



## HOLIDAYS

The following holidays are to be recognized by the City:

- a) Independence Day (July 4)
- b) Labor Day (First Monday in September)
- c) Veteran's Day (November 11)
- d) Thanksgiving Day (Fourth Thursday in November)
- e) Day after Thanksgiving
- f) Christmas Eve
- g) Christmas Day
- h) New Year's Day
- i) Martin Luther King (Third Monday in January)
- j) President's day (Third Monday in February)
- k) Memorial Day (Last Monday in May)
- l) Two floating holidays to be accrued on July 1<sup>st</sup> and used before June 30<sup>th</sup> of the following year.

If any of the foregoing holidays fall on a Saturday, the preceding Friday shall be observed as a holiday. If any of the foregoing holidays fall on a Sunday, the Monday following shall be observed as a holiday.

To earn holiday pay, an employee must be on paid status the work day before and after the holiday.

Employees may choose to take floating holidays at any time during the fiscal year subject to departmental approval. These holidays do not accumulate beyond a fiscal year and must be taken as actual time off.

Employees hired after July 1<sup>st</sup> shall receive credit for floating holidays on a pro-rated basis.

## LEAVES WITH PAY

All employees shall be granted leaves of absence with pay for the following:

Jury Duty: Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided the employee remits to the City all fees received for such duties other than employee's expenses and mileage within 30 calendar days from termination of the jury service.

Subpoenas: Employees who are subpoenaed to appear as witness in behalf of the City shall be granted leaves of absence with pay from their assigned duties until released. The employee shall remit all fees received for such appearances to the City within 30 calendar days from the termination of his/her service (employee's expenses and mileage are not considered fees).

Court Appearances: Employees who must appear in court resulting from their official duties shall be granted leaves of absence with pay from their assigned duties until released by the court.

Military: Refer to the Military Leave Policy #96-05.

Administrative Leave: At the beginning of each fiscal year, professional employees shall be granted nine (9) days of administrative leave to be used when the employee's work schedule permits and with prior approval of the employee's Department Director and City Manager. There will be no accumulation of administrative leave beyond the fiscal year in which it was granted and there shall be no pay off for administrative leave not taken should employee separate from City service. Employees entering City service after July 1<sup>st</sup> shall be granted administrative leave on a pro-rated basis.

Administrative Leave Cash-Out Provision: Exempt employees may cash-out up to three days (24 hours) of administrative leave in a fiscal year provided the following conditions are met:

- a) At least 40 hours (5 days) of administrative leave shall be taken prior to or concurrent with requesting cash-out.
- b) No more than 24 hours of administrative leave cash-out shall be taken per fiscal year.
- c) Only one cash-out request shall be made per fiscal year.
- d) Requests shall be submitted to the department director no later than March 15<sup>th</sup>.
- e) Approved requests shall be forwarded to payroll no later than two weeks prior to the effective date of the cash-out.

## LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay may be granted in case of emergency or need, or where such absence would not be contrary to the best interests of the City. Such leaves should be regarded as a privilege and not a right. There should also be the expectation that the employee will return to City employment at the expiration of such leave. For leaves that qualify for protected leave status (Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), Pregnancy Disability Leave (PDL), etc.), employees must exhaust all available accrued leave before requesting leave without pay.

### PROCEDURE TO REQUEST LEAVE OF ABSENCE:

- 1) Employee shall submit a written request for leave to the his/her Department Director;
- 2) Department Director shall make a recommendation on granting the leave to the City Manager;
- 3) Requested leaves of less than 30 working-days may be approved in writing by the Department Director; requested leaves of 30 or more working-days must have City Manager's approval and in no case shall an unpaid leave of absence exceed six (6) months.

LEAVE OF ABSENCE LESS THAN 30 WORKING-DAYS: When a leave of absence is less than 30 working-days, there is no adjustment to employee's benefits, seniority or anniversary date.

LEAVE OF ABSENCE 30 WORKING-DAYS OR MORE: An employee on a leave of absence of 30 or more working-days:

- 1) ceases to accrue sick leave and vacation time on the 30th day;
- 2) loses all insurance benefits beginning on the first day of the next month after the month in which the 30th day falls. The employee may keep the policy in force by paying the City for the cost of the insurance premium;
- 3) shall have his/her seniority status adjusted to allow for the time over 30 days spent on leave;
- 4) shall have his/her anniversary date set back by the number of days spent on leave from the 30th day;
- 5) shall not have such leave considered as a "break in service" in regard to continuous service for pay off of sick leave upon separation from City service;
- 6) in no case shall a leave of absence exceed six (6) calendar months.

RETURNING TO WORK AFTER LEAVE OF ABSENCE: Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration or within five (5) working-days after notice to return to duty shall be cause for discharge. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address shall be reasonable notice of termination.

## EDUCATIONAL ASSISTANCE

A voluntary vocational training program is available to all employees and is designed to give employees incentive to improve skills within the job classification held and to improve work performance. Regular full-time employees are eligible for class(es) or course(s) that are work related and/or working towards a degree from an accredited school.

**TUITION REIMBURSEMENT:** Prior to registration of course(s), the class(es) must be approved in writing by the Department Director and City Manager or designee to qualify for this benefit.

The City will issue the allowance in two (2) payments; 1st payment at the time of registration and the 2nd payment after proof of satisfactory completion of course(s) from an accredited school. The 1st payment may be requested in the amount of \$60.00 or the estimated expenses of tuition and books, whichever is less, and must be approved by the Department Director and City Manager or designee. The advancement will be paid back by employee or deducted through a payroll deduction set by the City if for some reason the employee is unable to attend the classes or if canceled. An expense report will be turned in along with receipts to justify actual expenses to a maximum amount of \$500/fiscal year.

Classes required by the City shall be paid for by the City.

## SALARY

DEFERRED COMPENSATION: The City shall contribute the following amounts per pay period toward deferred compensation.

1-4 years of service	\$53.80 per pay period
5-10 years of service	3.5% of base salary
11+ years of service	4.5% of base salary

OUT OF CLASSIFICATION PAY (Acting Pay): Employees shall receive five (5%) percent out-of-class pay for performing the majority of their assigned duties at levels significantly above their current job classification for a period exceeding thirty (30) calendar days.

## MISCELLANEOUS

AMBULANCE SERVICE: City to accept insurance consignment as payment in full for ambulance services rendered for all full-time employees, their dependents (dependents as specified in insurance coverage), and retirees covered under the City's medical plan.

COMMUNITY INVOLVEMENT: The City encourages Professional employees to become involved in local community affairs. The City will make a reasonable amount of time available for this type of involvement if in the opinion of the City Manager this involvement is beneficial to the City and the employee.

EMPLOYEE ASSISTANCE PROGRAM (EAP): The EAP is extended as a benefit to all employees and their immediate families. EAP assessment and referral sessions and counseling provided by the EAP office are limited to the current policy. Services not provided by the EAP office or EAP counseling provided beyond the current policy are at the expense of the employee.

LICENSES & CERTIFICATES: Licenses and certificates required by the City shall be paid for by the City.

NOTARY SERVICE: Employees are granted free notary service; this service is provided at City Hall and at various City departments.

UNIFORM ALLOWANCE: Professional employees who are public safety employees shall be reimbursed for uniform purchases in amounts not exceeding \$700/year for Battalion Fire Chief and \$800/year for Police Lieutenant. Said Uniform Allowance is for the maintenance and replacement of the uniform. The Allowance shall be paid twice a year, in July and January based on a fiscal year. The Allowance is paid in advance; employees leaving employment before the end of the six-month advancement period shall reimburse the City on a pro-rated basis; the reimbursement shall be deducted from employee's last paycheck.

WELLFITNESS INCENTIVE: Employees who successfully complete the Safety Cash Value Reimbursement Program will receive a maximum of \$350 for full-time employees and \$200 for part-time employees to be payable in December. This program is designed to promote employees' overall health and well-being by completing an annual physical, dental exam, vision exam, certifying the non-use of a tobacco substance, attending designed city trainings and by receiving a city provided flu shot. Refer to the Safety Cash Value Reimbursement Policy.

**BENEFIT GUIDELINES**  
**DINUBA CITY CONFIDENTIAL EMPLOYEES**

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## INSURANCE

HEALTH INSURANCE: The City shall provide each employee a description of the current health insurance plan.

The City agrees to make sufficient contribution on a monthly basis towards health insurance costs to maintain the current benefit levels of the existing medical insurance coverage. The contribution shall increase by the CPI (Consumer Price Index, All Urban Consumers, U.S. City Average, December to December). Employee contributions may be made on a pre-taxable basis.

In the event that the City makes available alternate medical insurance plans, employees may elect to enroll into one of those plans during open enrollment period. Employees will then be required to pay the premium, if any, that is specified at the time for that particular coverage.

DENTAL/VISION: Commencing July 1, 2006, the employee will bear the cost above \$100.00. The City shall provide each employee a description of the current dental and vision insurance plans.

TERM LIFE INSURANCE: The City shall provide term life insurance at least equal to the current policy in the amount of two times the employee's annual salary up to \$350,000. The City shall also provide coverage of accidental death or dismemberment benefits.

SHORT-TERM DISABILITY: The City shall provide employees with short-term disability at least equivalent to the current policy of up to 60% of employee's weekly earnings with a 60-day waiting period.

LONG-TERM DISABILITY: The City shall provide employees with long-term disability insurance at least equivalent to coverage of the current policy of up to 60% of employee's monthly earnings with a 180 calendar-day waiting period.

STATE DISABILITY INSURANCE: This group elects to participate in the State Disability Insurance (SDI) Program for disability insurance with all costs associated with the program borne solely by the employee. SDI is administered by the State of California Employment Development.

UNEMPLOYMENT INSURANCE: The City pays the cost of Unemployment Insurance to provide employees a weekly income when out of work through no fault of the employee (layoff).

INDUSTRIAL INJURY OR ILLNESS: Industrial injury or illness benefits shall be payable in situations where employee's absence is due to industrial injury or illness as provided in California Worker's Compensation Law and City policies.

RETIREE HEALTH INSURANCE/MEDICARE SUPPLEMENT: Effective January 1, 2005, employees retiring from the City with at least 15 years of continuous full-time service to the City of Dinuba shall have 75% of their City employee medical/prescription plan premium, including dependent coverage, paid by the City. See details under "Forfeiture of Sick Leave" section.

City pays 100% for retirees for the City of Dinuba's approved Medicare Supplement and RX plan. Retiree must have at least 15 years of continuous full-time service to the City and have maintained continuous coverage under the City of Dinuba's health insurance plan.

The City to discontinue city-paid contributions towards Retiree Health Insurance and the Medicare Supplement for full-time employees hired on or after 7/1/13. Employees hired on or after 7/1/13, upon retirement may continue insurance benefits subject to the provisions under Forfeiture of Sick Leave (



## RETIREMENT

Employees shall be provided retirement benefits under the California Public Employees Retirement System (CALPERS).

<u>Employee Classification</u>	<u>Retirement Program</u>
Classic Miscellaneous	2% at 55 Plan
PEPRA Miscellaneous	2% @ 62 Plan

### Employee Contributions towards retirement:

#### **Classic Miscellaneous:**

Employee Paid Member Contribution	6%
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#### **PEPRA Miscellaneous:**

Employee Paid Member Contribution	6.25%
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Under Public Employees' Pension Act (PEPRA), for "new members" on or after January 1, 2013, will pay the full employee contribution, which will be one-half the normal rate as determined by CalPERS.

Specific details regarding these retirement plans are available to employees from either the Payroll or Human Resources Departments. The City shall provide each employee with a description of the retirement plan covering their classification.

## SICK LEAVE

STATEMENT OF POLICY: Sick leave shall not be considered as a privilege which an employee may use at his/her own discretion, but shall be granted only for bona fide necessity as defined herein.

### ELIGIBILITY OF SICK LEAVE:

- a) All regular full-time and probationary employees upon completion of 30 calendar days of continuous service shall be eligible for sick leave with pay.
- b) Employees accrue sick leave from the first day of employment and may use sick leave as it accrues in accordance with City policy.
- c) Temporary or part-time employees shall not be eligible for sick leave with pay.

ACCRUAL OF SICK LEAVE: Sick leave shall be accrued and credited biweekly from the first day of employment by all regular full-time employees who are on a pay status. Sick leave shall accrue at the rate of four (4) hours per pay period (based on 26 pay periods/year).

ACCUMULATION OF SICK LEAVE: Sick leave may be accumulated by all full-time employees for an unlimited number of days.

SICK LEAVE INCENTIVE: In addition to current accrual rates (13 days annually), June 30 of each year, if the sick leave balance is at a certain level, then additional hours of leave will be added on July 1<sup>st</sup>. Eligibility is renewed each year; the additional days are not granted if the leave balance falls below the incentive level.

Sick leave accrual balances of 500 hours as of June 30 shall have 16 hours added to the balances on July 1<sup>st</sup>.

Sick leave accrual balances of 1,000 hours as of June 30 shall have 32 hours added to the balances on July 1<sup>st</sup>.

Effective July 1, 2006, employees with more than 10 years of service with City of Dinuba will receive 16 additional hours to be added to their sick leave balances.

HOLIDAYS WITHIN SICK LEAVE: Observed holidays occurring during sick leave shall not be counted as a day of sick leave.

DEPLETION OF SICK LEAVE: If the employee is unable to return to work at the end of this period, he/she must request further medical leave which will be subject to approval by the City Manager. If further leave is granted, the employee must notify the City of his/her intent to return to work every 30 days. If further leave is not granted, the employee's service with the City shall be considered terminated. Refer to Leave of Absence without Pay.

Disability retirement from City service shall be subject to the terms and conditions of the City's retirement system.

**FORFEITURE OF SICK LEAVE:** Employees leaving City service shall forfeit all accumulated sick leave except:

- a) Upon retirement, an employee may choose to be paid for up to 60 days of accumulated sick leave at employee's rate of pay at retirement; or to cash in total sick leave accumulation at employee's rate of pay at retirement and put the money in trust with the City to be used to pay medical and dental insurance premiums (at City's rate) until retiree becomes entitled to Medicare. If amount is exceeded before entitlement to Medicare, retiree has the option of paying the premiums to the City for insurance coverage or dropping coverage. If money in the employee's trust account is not depleted prior to entitlement to Medicare, the money shall be removed from the trust account and revert back to City use.
- b) When separating because of disability, the termination date shall be the date of exhaustion of sick leave.
- c) An employee with a minimum of five years of continuous service shall be entitled to 50% of up to 60 days of accumulated sick leave with a maximum of 30 paid days at employee's current rate of pay.

**ILLNESS WHILE ON VACATION:** An employee who becomes ill while on vacation may have such period of illness charged to his/her accumulated sick leave instead of to vacation provided that:

- a) Immediately upon return to duty, the employee submits to the Department Director a written request for sick leave and a written statement signed by the employee's physician stating the nature and dates of the illness;
- b) The Department Director recommends and the Personnel Officer/City Manager approves the granting of such leave.

**DEDUCTION OF SICK LEAVE:** Sick leave shall be deducted at the rate of one hour sick leave for each hour absent; less than one hour used will be charged as one full hour. After one full hour off, time in less than one-half hour increments will be charged to the next hour.

**EVIDENCE OF ILLNESS:** A physician's certificate will be required after being absent five work-days. A physician's certificate may be required regardless of length of absence at the request of the Department Director or City Manager.

**USAGE OF SICK LEAVE:** Sick leave may be used as needed and approved, to the point of depletion, at which time the employee will no longer receive pay for sick leave. Sick leave may be taken for:

- a) an employee's personal illness or disability, including pregnancy;
- b) medical or dental examinations or treatment of the employee, immediate family, or domestic partner as defined in Section 297 of the California Family Code;
- c) care of an ill or injured member of immediate family or domestic partner;
- d) death of a member of immediate family, domestic partner or close relative (leaves should not exceed five working-days for any one death).

## VACATION LEAVE

VACATION ACCRUAL: Each full-time regular and probationary employee shall accrue and have vested vacation leave with pay as follows:

1-5 years of service	3.08 hours biweekly	10 days/year
6-10 years of service	4.62 hours biweekly	15 days/year
11-15 years of service	5.23 hours biweekly	17 days/year
16+ years of service	6.15 hours biweekly	20 days/year

Vacation time accrues from the date of hire at biweekly rates consistent with the above schedule.

USE OF VACATION: Vacation time may be taken in increments of one-hour when approved by the Department Manager.

SCHEDULING OF VACATION: Vacation scheduling shall be done departmental with regard to the employee's desires and needs, however, vacations shall be scheduled and approved by the Department Director so as to not interfere seriously with or impair departmental efficiency. Seniority will be considered should there be a conflict of dates within the department.

HOLIDAYS WITHIN VACATION LEAVE: If a holiday falls within a scheduled vacation period, vacation hours will not be charged against employee.

ILLNESS WITHIN VACATION LEAVE: Employees who become ill or injured during annual vacation leave may have such periods of illness charged to his/her accumulated sick leave instead of vacation provided the requirements are met as stated in the "Sick Leave" rule.

MAXIMUM ACCRUAL OF VACATION: Vacation time may not exceed an accumulated amount of 160 hours beyond January 1<sup>st</sup> of any year.

In the last quarter of each calendar year, Payroll shall provide a list for each department showing the number of accumulated hours of vacation which each employee will have on January 1<sup>st</sup> of the next calendar year. The Department Director shall review with each employee the number of hours accrued by the employee. If the amount accrued exceeds the limits specified above, the employee shall take the excess vacation accumulation before January 1<sup>st</sup> of the next calendar year. If the employee chooses not to take the vacation in excess of the accrued limit, he/she will forfeit it unless the Department Director approves carrying over the excess due to unusual circumstances.

VACATION & LEAVES OF ABSENCE: No personal leave of absence without pay for more than one day shall be granted as long as the employee has accumulated vacation.

PAYMENT FOR VACATION LEAVE UPON SEPARATION: Employees who terminate or retire shall be paid for any accrued vacation at the employee's current rate of pay.

VACATION BUY-BACK: On a fiscal year basis, July through June, employees may cash out actual vacation leave time provided the following conditions are met:

- a) Accumulated vacation time shall be in excess of 240 hours;

VACATION BUY-BACK (Con't):

- b) Cash-out shall be at a ratio of one week vacation (five consecutive working days) per one week vacation cash-out, up to a maximum of two weeks per year;
- c) Requests for vacation cash-out shall be approved by the employee's Department Director no later than two weeks before the start of the vacation leave; forwarded to the Financial Services Manager no later than two weeks before the start of the approved vacation leave.

## HOLIDAYS

The following holidays are to be recognized by the City:

- a) Independence Day (July 4)
- b) Labor Day (First Monday in September)
- c) Veteran's Day (November 11)
- d) Thanksgiving Day (Fourth Thursday in November)
- e) Day after Thanksgiving
- f) Christmas Eve
- g) Christmas Day
- h) New Year's Day
- i) Martin Luther King (Third Monday in January)
- j) President's day (Third Monday in February)
- k) Memorial Day (Last Monday in May)
- l) Two floating holidays to be accrued on July 1<sup>st</sup> and used before June 30<sup>th</sup> of the following year.

If any of the foregoing holidays fall on a Saturday, the preceding Friday shall be observed as a holiday. If any of the foregoing holidays fall on a Sunday, the Monday following shall be observed as a holiday.

To earn holiday pay, an employee must be on paid status the work day before and after the holiday.

Employees may choose to take floating holidays at any time during the fiscal year subject to departmental approval. These holidays do not accumulate beyond a fiscal year and must be taken as actual time off.

Employees hired after July 1<sup>st</sup> shall receive credit for floating holidays on a pro-rated basis.

## LEAVES WITH PAY

All employees shall be granted leaves of absence with pay for the following:

Jury Duty: Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided the employee remits to the City all fees received for such duties other than employee's expenses and mileage within 30 calendar days from termination of the jury service.

Subpoenas: Employees who are subpoenaed to appear as witness in behalf of the City shall be granted leaves of absence with pay from their assigned duties until released. The employee shall remit all fees received for such appearances to the City within 30 calendar days from the termination of his/her service (employee's expenses and mileage are not considered fees).

Court Appearances: Employees who must appear in court resulting from their official duties shall be granted leaves of absence with pay from their assigned duties until released by the court.

Military: Refer to the Military Leave Policy #96-05.

## LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay may be granted in case of emergency or need, or where such absence would not be contrary to the best interests of the City. Such leaves should be regarded as a privilege and not a right. There should also be the expectation that the employee will return to City employment at the expiration of such leave. For leaves that qualify for protected leave status (Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), Pregnancy Disability Leave (PDL), etc.), employees must exhaust all available accrued leave before requesting leave without pay.

### PROCEDURE TO REQUEST LEAVE OF ABSENCE:

- 1) Employee shall submit a written request for leave to his/her Department Director;
- 2) Department Director shall make a recommendation on granting the leave to the City Manager;
- 3) Requested leaves of less than 30 working-days may be approved in writing by the Department Director; requested leaves of 30 or more working-days must have City Manager's approval and in no case shall an unpaid leave of absence exceed six (6) months.

LEAVE OF ABSENCE LESS THAN 30 WORKING-DAYS: When a leave of absence is less than 30 working-days, there is no adjustment to employee's benefits, seniority or anniversary date.

LEAVE OF ABSENCE 30 WORKING-DAYS OR MORE: An employee on a leave of absence of 30 or more working-days:

- 1) ceases to accrue sick leave and vacation time on the 30th day;
- 2) loses all insurance benefits beginning on the first day of the next month after the month in which the 30th day falls. The employee may keep the policy in force by paying the City for the cost of the insurance premium;
- 3) shall have his/her seniority status adjusted to allow for the time over 30 days spent on leave;
- 4) shall have his/her anniversary date set back by the number of days spent on leave from the 30th day;
- 5) shall not have such leave considered as a "break in service" in regard to continuous service for pay off of sick leave upon separation from City service;
- 6) in no case shall a leave of absence exceed six (6) calendar months, except when taken under the Family Leave Policy.

RETURNING TO WORK AFTER LEAVE OF ABSENCE: Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration or within five (5) working-days after notice to return to duty shall be cause for discharge. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address shall be reasonable notice of termination.



## EDUCATIONAL ASSISTANCE

A voluntary vocational training program is available to all employees and is designed to give employees incentive to improve skills within the job classification held and to improve work performance. Regular full-time employees are eligible for class(es) or course(s) that are work related and/or working towards a degree from an accredited school.

TUITION REIMBURSEMENT: Prior to registration of course(s), the class(es) employee must be approved in writing by the Department Director and City Manager or designee to qualify for this benefit.

The City will issue the allowance in two (2) payments; 1st payment at the time of registration and the 2nd payment after proof of satisfactory completion of course(s) from an accredited school. The 1st payment may be requested in the amount of \$60.00 or the estimated expenses of tuition and books, whichever is less, and must be approved by the Department Director and City Manager or designee. The advancement will be paid back by employee or deducted through a payroll deduction set by the City if for some reason the employee is unable to attend the classes or if canceled. An expense report will be turned in along with receipts to justify actual expenses to a maximum amount of \$500/fiscal year.

Classes required by the City shall be paid for by the City.

## OVERTIME

POLICY: It is the policy of the City that overtime work be kept to the minimum consistent with protection of life, property and the efficient operation of the departments and activities of the City. No employee will be scheduled for or paid overtime as a means of increasing his/her earnings above the limits imposed by the approved salary range of the employee's position, nor shall the employees of a department be scheduled for overtime on a continuing basis. The basis of overtime is to provide a means of meeting occasional emergencies on a temporary basis without hiring additional employees.

Overtime shall be approved in advance by the Department Director.

OVERTIME COMPENSATION: Compensation for overtime earned shall be paid at a rate of time and one-half for each period of overtime except where compensatory time off is granted in accordance with current laws. Overtime compensation shall be at time and one-half for paid status time over 40 hours each work week. (Paid status includes all paid leaves.)

Employees on a standard work week shall be compensated for overtime worked as stated above. All employees called back will receive a minimum of two-hour increment overtime.

COMPENSATORY TIME: Employees may accumulate compensatory time off (CTO) to a maximum of 160 hours.

Employees shall provide at least five (5) working days notice to the Department Director when requesting CTO. The Department Director has the discretion to waive the 5-day notice. The employee agrees to consult with the Department Director to make sure that staffing needs will be met.

## SALARY

### SALARY ADJUSTMENT:

Effective July 1, 2017, 1.25% COLA

CLASSIFICATION PLAN: The Classification Plan shall be maintained and reviewed.

CONFIDENTIAL PAY: Employees shall receive three (3%) percent for Confidential Pay for positions that are classified as confidential and have confidential duties. The confidential positions must be designated by City.

OUT OF CLASSIFICATION (Acting Pay): Employees shall receive five (5%) percent out-of-class pay for performing the majority of their assigned duties at levels significantly above their current job classification for a period exceeding thirty (30) calendar days.

## MISCELLANEOUS

AMBULANCE SERVICE: City to accept insurance consignment as payment in full for ambulance services rendered for all full-time employees, their dependents (dependents as specified in insurance coverage), and retirees covered under the City's medical plan.

EMPLOYEE ASSISTANCE PROGRAM (EAP): The EAP is extended as a benefit to all employees and their immediate families. EAP assessment and referral sessions and counseling provided by the EAP office are limited to the current policy. Services not provided by the EAP office or EAP counseling provided beyond the current policy are at the expense of the employee.

LICENSES & CERTIFICATES: Licenses and certificates required by the City shall be paid for by the City.

NOTARY SERVICE: Employees are granted free notary service; this service is provided at City Hall and at various City departments.

WELLFITNESS INCENTIVE: Employees who successfully complete the Safety Cash Value Reimbursement Program will receive a maximum of \$350 for full-time employees and \$200 for part-time employees to be payable in December. This program is designed to promote employees' overall health and well-being by completing an annual physical, dental exam, vision exam, certifying the non-use of a tobacco substance, attending designed city trainings and by receiving a city provided flu shot. Refer to the Safety Cash Value Reimbursement Policy.



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Margarita Moreno, Administrative Services Director

**By:** Brenda Garcia, Human Resources Technician II

**Subject:** Resolution No. 2017-40 Amending Resolution No. 2017-24 to Revise the 2017/18 Salary Schedule (MM)

### RECOMMENDATION

Council adopt Resolution No. 2017-40 amending Resolution No. 2017-24 to revise the 2017/18 salary schedule.

### EXECUTIVE SUMMARY

The City's salary schedule for fiscal year 2017/18 has been revised to include the positions of Accounting Technician I (Y-Rated Range), Senior Accountant and Senior Planner.

### OUTSTANDING ISSUES

None.

### DISCUSSION

On June 13, 2017 Council adopted Resolution No. 2017-24 approving the 2017/18 salary schedule. The positions of Accounting Technician I (Y-Rated Range), Senior Accountant and Senior Planner were omitted and need to be included in the salary schedule. Any revisions to the salary schedule must be approved by Council, by adopting Resolution No. 2017-40 enclosed herein as Attachment 'A', the city will comply with the requirements of the Government Code and California Public Employees' Retirement System (CalPERS).

### FISCAL IMPACT

None.

### PUBLIC HEARING

None.

**ATTACHMENTS:**

A. Resolution No. 2017-40

**RESOLUTION NO. 2017-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DINUBA, CALIFORNIA,  
AMENDING RESOLUTION NO. 2017-24 APPROVING THE REVISION TO THE  
2017/18 SALARY SCHEDULE**

**WHEREAS**, Resolution No. 2017-24 was adopted by City Council on June 13, 2017, adopting the 2017/18 salary schedule; and

**WHEREAS**, it is the intent of this Resolution to include the positions of Accounting Technician I (Y-Rated Range), Senior Accountant and Senior Planner to the 2017/18 salary schedule;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Dinuba, State of California, does hereby amend Resolution No. 2017-24 to revise the 2017/18 salary schedule, as follows:

A. Exhibit 'A' FY 2017/18 Position and Salary Ranges

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Dinuba this 10<sup>th</sup> day of October, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Scott Harness, Mayor

ATTEST:

---

Linda Barkley, City Clerk

## Exhibit 'A'

City of Dinuba

FY 2017/2018 Positions & Salary Ranges  
\*Effective 7/1/17 - 6/30/18

Title	Salary Range	Monthly Range Steps					Group
		A	B	C	D	E	
Accountant I	135	4,663	4,895	5,141	5,399	5,668	Professional
Accountant II	140	4,900	5,145	5,403	5,673	5,957	Professional
Accounting Technician I	97	3,335	3,505	3,678	3,853	4,036	Classified
Accounting Technician I (Y-Rated Range)	97Y	3,366	3,543	3,729	3,926	4,132	Classified
Accounting Technician II	102	3,506	3,682	3,866	4,059	4,261	Classified
Administrative Assistant I	110	3,798	3,986	4,186	4,395	4,614	Classified
Administrative Assistant II	115	3,989	4,189	4,400	4,621	4,851	Classified
Administrative Services Director	196	8,556	8,984	9,435	9,904	10,400	Administrative
Associate Engineer	160	5,982	6,280	6,594	6,923	7,268	Professional
Billing Clerk	90	3,112	3,268	3,429	3,601	3,784	Classified
Billing/Collections Supervisors	140	4,900	5,145	5,403	5,673	5,957	Professional
Building Inspector/Code Enforcement Officer	115	3,989	4,189	4,400	4,621	4,851	Classified
Building Official	164	6,234	6,535	6,861	7,204	7,564	Professional
Business Manager	160	5,982	6,280	6,594	6,923	7,268	Professional
Cashier/Customer Service Rep.	83	2,903	3,047	3,201	3,361	3,528	Classified
City Clerk	181	7,370	7,738	8,126	8,531	8,960	Administrative
City Engineer	223	11,192	11,752	12,340	12,958	13,607	Administrative
City Manager	228	11,764	12,363	12,971	13,619	14,298	Administrative
Code Inspector	115	3,989	4,189	4,400	4,621	4,851	Classified
Community Service Officer	86	2,991	3,140	3,296	3,461	3,636	Classified
Deputy City Clerk	120	4,018	4,217	4,427	4,649	4,883	Professional
Dispatcher	92	3,367	3,537	3,713	3,899	4,094	Police
Engineer/Paramedic	159	6,229	6,540	6,867	7,211	7,571	Fire
Events Coordinator	107	3,686	3,870	4,065	4,266	4,481	Classified
Evidence Technician	85	2,961	3,108	3,264	3,428	3,598	Classified
Fire Battalion Chief	180	7,297	7,661	8,044	8,447	8,869	Professional
Fire Captain	172	7,089	7,444	7,816	8,207	8,617	Fire
Fire Chief	196	8,556	8,984	9,435	9,904	10,400	Administrative
Fire Inspector	115	3,989	4,189	4,400	4,621	4,851	Classified
Firefighter I/EMT-B	138	5,054	5,307	5,572	5,851	6,144	Fire
Firefighter I/Paramedic	153	5,868	6,161	6,469	6,793	7,133	Fire
Fiscal Analyst I	130	4,437	4,657	4,891	5,136	5,394	Professional
Fiscal Analyst II	140	4,900	5,145	5,403	5,673	5,957	Professional
Fleet & Facilities Maintenance Supervisor	130	4,633	4,863	5,109	5,363	5,632	Classified
Grounds Maintenance Worker I	88	3,050	3,203	3,364	3,531	3,707	Classified
Grounds Maintenance Worker II	100	3,436	3,608	3,791	3,979	4,177	Classified
Grounds Maintenance Worker III	113	3,914	4,108	4,312	4,530	4,754	Classified
Human Resources Analyst I	130	4,437	4,657	4,891	5,136	5,394	Professional
Human Resources Manager	174	6,874	7,218	7,578	7,958	8,355	Professional
Human Resources Technician I	104	3,577	3,754	3,943	4,142	4,349	Confidential
Human Resources Technician II	114	3,952	4,149	4,356	4,574	4,803	Confidential
Information Technology/Records Manager	160	5,982	6,280	6,594	6,923	7,268	Professional
Leutenant	180	7,297	7,661	8,044	8,447	8,869	Professional
Management Analyst	150	5,413	5,685	5,968	6,266	6,581	Professional
Mechanic I	110	3,798	3,986	4,186	4,395	4,614	Classified
Mechanic II	120	4,196	4,403	4,624	4,854	5,098	Classified
Mechanic Helper	100	3,436	3,608	3,791	3,979	4,177	Classified
Meter Reader	88	3,050	3,203	3,364	3,531	3,707	Classified
Parks & Community Services Director	190	8,060	8,462	8,885	9,331	9,799	Administrative
Parks Supervisor	125	4,407	4,630	4,860	5,102	5,358	Classified
Payroll Technician II	102	3,506	3,682	3,866	4,059	4,261	Confidential
Planner I	125	4,221	4,432	4,654	4,886	5,131	Professional
Planner II	135	4,663	4,895	5,141	5,399	5,668	Professional
Police Chief	190	8,060	8,462	8,885	9,331	9,799	Administrative
Police Officer	148	5,770	6,057	6,362	6,677	7,011	Police
Public Improvements Inspector	126	4,451	4,675	4,909	5,154	5,411	Classified
Public Works Director	201	8,993	9,443	9,915	10,410	10,930	Administrative
Public Works Superintendent	160	5,982	6,280	6,594	6,923	7,268	Professional
Public Works Supervisor	145	5,151	5,408	5,678	5,963	6,261	Professional
Records Tech./Customer Service Rep.	85	2,961	3,108	3,264	3,428	3,598	Classified
Recreation Coordinator	107	3,686	3,870	4,065	4,266	4,481	Classified
Recreation Supervisor	125	4,221	4,432	4,654	4,886	5,131	Professional
Senior Accountant	145	5,151	5,408	5,678	5,963	6,261	Professional
Senior Accounting Technician	107	3,686	3,870	4,065	4,266	4,481	Classified
Senior Center Coordinator	107	3,686	3,870	4,065	4,266	4,481	Classified
Senior Center Supervisor	115	3,989	4,189	4,400	4,621	4,851	Classified
Senior Fiscal Analyst	150	5,413	5,685	5,968	6,266	6,581	Professional
Senior Planner	150	5,413	5,685	5,968	6,266	6,581	Professional
Senior Wastewater Treatment Plant	108	3,722	3,910	4,105	4,309	4,524	Classified
Sergeant	168	7,038	7,389	7,757	8,147	8,554	Police
Sports Coordinator	107	3,686	3,870	4,065	4,266	4,481	Classified
Utility Worker I	88	3,050	3,203	3,364	3,531	3,707	Classified
Utility Worker II	103	3,542	3,717	3,905	4,100	4,303	Classified
Utility Worker III	113	3,914	4,108	4,312	4,530	4,754	Classified
Wastewater Treatment Plant Operator	98	3,370	3,540	3,714	3,900	4,096	Classified
Wastewater Treatment Plant Operator Trainee	88	3,050	3,203	3,364	3,531	3,707	Classified
Wastewater Treatment Plant Superintendent	159	5,919	6,216	6,528	6,854	7,197	Professional
Wastewater Treatment Plant Supervisor	150	5,413	5,685	5,968	6,266	6,581	Professional
Water Quality Technician	105	3,612	3,794	3,982	4,182	4,391	Classified

Revised 10/10/17





## City Council Staff Report

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Department: PUBLIC WORKS

October 10, 2017

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**To:** Mayor and City Council

**From:** Blanca Beltran, Public Works Director

**By:** Cristobal Carrillo, Planner II

**Subject:** Action of Planning Commission, October 3, 2017 (BB)

### RECOMMENDATION

For informational purposes only. No action required.

### EXECUTIVE SUMMARY

The Planning Commission took the following actions at the meeting:

- The Planning Commission approved the minutes of the June 6, 2017 Planning Commission Meeting.
- The Planning Commission held a public hearing for Application No. 2017-08, a Time Extension request for a Conditional Use Permit/Variance to establish a convenience store/gas station with alcohol sales and a setback reduction. The site is located at 42767 Road 80. The request was submitted by Manuel Vidales (Owner). Staff stated the Dinuba Municipal Code permits up to three one year extensions, and this would be the Applicants third request. Public comment was e-mailed by Tom Payseno, Operations Manager for Calpine Containers, citing concerns about homeless activity and fire incidents at and near the project site. The Commission echoed the concerns by Payesno, and also cited the lack of progress made by the Applicant to complete the project. After deliberation the Commission unanimously approved a continuance to November 7, 2017 to allow the Applicant an opportunity to attend the hearing and provide comment.

### OUTSTANDING ISSUES

None.

## **DISCUSSION**

None.

## **FISCAL IMPACT**

None.

## **PUBLIC HEARING**

None.



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Linda Barkley, City Clerk

**Subject:** Warrant Register September 30; October 7, 2017 (MM)

### **RECOMMENDATION**

Council approve Warrant Register as presented.

### **EXECUTIVE SUMMARY**

None.

### **OUTSTANDING ISSUES**

None.

### **DISCUSSION**

None.

### **FISCAL IMPACT**

None.

### **PUBLIC HEARING**

None required.

### **ATTACHMENTS:**

A. WR 09.30.17

B. WR 10.07.17



# Accounts Payable Invoice Report

Payment Date Range 09/24/17 - 09/30/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor <b>1060 - A &amp; E Industrial Cleaning Equipment Corp.</b>									
32108	REPAIR TO PRESSURE WASHER	Paid by Check #14414		09/12/2017	09/29/2017	09/29/2017		09/29/2017	370.98
	Vendor <b>1060 - A &amp; E Industrial Cleaning Equipment Corp.</b> Totals					Invoices	1		\$370.98
Vendor <b>72 - A-C Electric Company</b>									
39613	RESERVIOR REPAIRS	Paid by Check #14415		09/06/2017	09/29/2017	09/29/2017		09/29/2017	1,829.70
	Vendor <b>72 - A-C Electric Company</b> Totals					Invoices	1		\$1,829.70
Vendor <b>79 - AD Group DBA Shelton Turnbull</b>									
351426	September 2017	Paid by Check #14416		09/15/2017	09/29/2017	09/29/2017		09/29/2017	25.00
	Vendor <b>79 - AD Group DBA Shelton Turnbull</b> Totals					Invoices	1		\$25.00
Vendor <b>1284 - Adams Ashby Group, Inc.</b>									
2122	Adams Ashby Randle Project Grant Administrator	Paid by Check #14417		09/01/2017	09/29/2017	09/29/2017		09/29/2017	1,785.00
	Vendor <b>1284 - Adams Ashby Group, Inc.</b> Totals					Invoices	1		\$1,785.00
Vendor <b>263 - Advantek Benefit Administrators</b>									
09/14/17	Funding request	Paid by Check #14418		09/14/2017	09/29/2017	09/29/2017		09/29/2017	19,019.52
09/21/2017	Funding request	Paid by Check #14418		09/21/2017	09/29/2017	09/29/2017		09/29/2017	27,606.99
	Vendor <b>263 - Advantek Benefit Administrators</b> Totals					Invoices	2		\$46,626.51
Vendor <b>66 - Alta Pump Company</b>									
15022	Fy 17/18-L&L-Vicaya Subdivision-Seal/Chamber kit	Paid by Check #14419		09/13/2017	09/29/2017	09/29/2017	09/15/2017	09/29/2017	1,597.84
	Vendor <b>66 - Alta Pump Company</b> Totals					Invoices	1		\$1,597.84
Vendor <b>351 - Anthem Blue Cross</b>									
Ref. D171663	Overpayment on account	Paid by Check #14420		09/19/2017	09/29/2017	09/29/2017		09/29/2017	1,006.20
	Vendor <b>351 - Anthem Blue Cross</b> Totals					Invoices	1		\$1,006.20
Vendor <b>844 - Arrowhead Scientific Inc.</b>									
99875	Evidence supplies	Paid by Check #14421		09/15/2017	09/29/2017	09/29/2017		09/29/2017	205.01
	Vendor <b>844 - Arrowhead Scientific Inc.</b> Totals					Invoices	1		\$205.01
Vendor <b>17 - AT&amp;T</b>									
93910625628/17	Bowling Alley	Paid by Check #14423		08/11/2017	09/29/2017	09/29/2017		09/29/2017	131.13
23845182149/17	Telephone	Paid by Check #14422		09/07/2017	09/29/2017	09/29/2017		09/29/2017	66.89
93910372779/17	Telephone	Paid by Check #14424		09/10/2017	09/29/2017	09/29/2017		09/29/2017	24.61
93910544729/17	Telephone	Paid by Check #14424		09/10/2017	09/29/2017	09/29/2017		09/29/2017	40.66
93910544739/17	Telephone	Paid by Check #14424		09/10/2017	09/29/2017	09/29/2017		09/29/2017	.15
93910544749/17	Telephone	Paid by Check #14424		09/10/2017	09/29/2017	09/29/2017		09/29/2017	43.06
93910544759/17	Telephone	Paid by Check #14423		09/10/2017	09/29/2017	09/29/2017		09/29/2017	19.59
93910544769/17	Telephone	Paid by Check #14423		09/10/2017	09/29/2017	09/29/2017		09/29/2017	21.55
93910544779/17	Telephone	Paid by Check #14424		09/10/2017	09/29/2017	09/29/2017		09/29/2017	21.28



# Accounts Payable Invoice Report

Payment Date Range 09/24/17 - 09/30/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 17 - AT&amp;T</b>									
93910544789/17	Telephone	Paid by Check #14424		09/10/2017	09/29/2017	09/29/2017		09/29/2017	21.28
93910544619/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	31.44
93910544669/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	20.55
93910544679/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	38.77
93910544689/17	gang hotline	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	18.44
93910544699/17	We Tip Hotline	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	18.44
93910544709/17	9391054470 9/10/17	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	21.51
93910544719/17	9391054471 9/10/17	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	18.44
93910544799/17	9391054479 9/10/17	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	20.34
93910547389/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	(17.71)
93910547419/17	Telephone	Paid by Check #14424		09/11/2017	09/29/2017	09/29/2017		09/29/2017	289.52
93910547429/17	9391054742 9/10/17	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	160.34
93910547449/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	219.55
93910547569/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	378.88
93910625629/17	Telephone	Paid by Check #14423		09/11/2017	09/29/2017	09/29/2017		09/29/2017	61.94
Vendor 17 - AT&T Totals							Invoices	24	\$1,670.65
<b>Vendor 861 - Axon Enterprise, Inc.</b>									
SI1501047	Taser batteries	Paid by Check #14425		09/18/2017	09/29/2017	09/29/2017		09/29/2017	1,299.69
Vendor 861 - Axon Enterprise, Inc. Totals							Invoices	1	\$1,299.69
<b>Vendor 65 - Banner Pest Control</b>									
181943	Professional Services	Paid by Check #14426		09/05/2017	09/29/2017	09/29/2017		09/29/2017	75.00
182129	Professional Services	Paid by Check #14426		09/18/2017	09/29/2017	09/29/2017		09/29/2017	75.00
Vendor 65 - Banner Pest Control Totals							Invoices	2	\$150.00
<b>Vendor 557 - Linda Barkley</b>									
Education 2017	Reimb. Education fees	Paid by Check #14427		09/20/2017	09/29/2017	09/29/2017		09/29/2017	150.00
Reimburs 9/20/17	Safety Reimbursement - Sunglasses	Paid by Check #14427		09/20/2017	09/29/2017	09/29/2017		09/29/2017	73.00
Vendor 557 - Linda Barkley Totals							Invoices	2	\$223.00
<b>Vendor 328 - Bernard Professional Transcription Services</b>									
DQ1703326	Transcription services	Paid by Check #14428		09/21/2017	09/29/2017	09/29/2017		09/29/2017	40.00
Vendor 328 - Bernard Professional Transcription Services Totals							Invoices	1	\$40.00
<b>Vendor 116 - BSK Analytical Laboratories</b>									
A722724	WATER SAMPLE TESTING	Paid by Check #14429		09/12/2017	09/29/2017	09/29/2017		09/29/2017	108.00
A722725	WATER SAMPLE TESTING	Paid by Check #14429		09/12/2017	09/29/2017	09/29/2017		09/29/2017	343.00
A723524	WATER SAMPLE TESTING	Paid by Check #14429		09/19/2017	09/29/2017	09/29/2017		09/29/2017	318.00
A723596	WATER SAMPLE TESTING	Paid by Check #14429		09/20/2017	09/29/2017	09/29/2017		09/29/2017	530.00
Vendor 116 - BSK Analytical Laboratories Totals							Invoices	4	\$1,299.00



# Accounts Payable Invoice Report

Payment Date Range 09/24/17 - 09/30/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor <b>80 - California Business Machines</b>									
184964	Contractual	Paid by Check #14430		09/20/2017	09/29/2017	09/29/2017		09/29/2017	676.28
		Vendor <b>80 - California Business Machines</b> Totals				Invoices	1		\$676.28
Vendor <b>131 - CalTronics</b>									
2352326	Fax machine	Paid by Check #14431		09/18/2017	09/29/2017	09/29/2017		09/29/2017	582.85
		Vendor <b>131 - CalTronics</b> Totals				Invoices	1		\$582.85
Vendor <b>725 - CDW Government</b>									
KDB6873	Office Supplies	Paid by Check #14432		09/12/2017	09/29/2017	09/29/2017		09/29/2017	1,496.22
		Vendor <b>725 - CDW Government</b> Totals				Invoices	1		\$1,496.22
Vendor <b>246 - Central San Joaquin Valley Risk Management Auth.</b>									
RMA-2018-0080	CDI140 2017/18 2nd Qtr Deposits	Paid by Check #14433		09/15/2017	09/29/2017	09/29/2017		09/29/2017	298,253.00
		Vendor <b>246 - Central San Joaquin Valley Risk Management Auth.</b> Totals				Invoices	1		\$298,253.00
Vendor <b>52 - Chicago Title</b>									
Manning3974	Reconveyance Fees - John Manning 253 N H St., Dinuba, CA 93618	Paid by Check #14434		09/26/2017	09/29/2017	09/29/2017		09/29/2017	80.00
		Vendor <b>52 - Chicago Title</b> Totals				Invoices	1		\$80.00
Vendor <b>1238 - Coleman &amp; Horowitz, LLP</b>									
343550	Coleman & Horowitz Ave 416 Legal fees	Paid by Check #14435		08/31/2017	09/29/2017	09/29/2017		09/29/2017	1,852.05
		Vendor <b>1238 - Coleman &amp; Horowitz, LLP</b> Totals				Invoices	1		\$1,852.05
Vendor <b>232 - Courier Printing and Village Printer</b>									
C25264	Supplies	Paid by Check #14436		09/12/2017	09/29/2017	09/29/2017		09/29/2017	48.83
C25268	Office Supplies	Paid by Check #14436		09/18/2017	09/29/2017	09/29/2017		09/29/2017	423.16
		Vendor <b>232 - Courier Printing and Village Printer</b> Totals				Invoices	2		\$471.99
Vendor <b>855 - Delray Tire and Retreading, Inc.</b>									
500038752	TIRES FOR PW	Paid by Check #14437		09/08/2017	09/29/2017	09/29/2017		09/29/2017	835.86
		Vendor <b>855 - Delray Tire and Retreading, Inc.</b> Totals				Invoices	1		\$835.86
Vendor <b>374 - DiBuduo &amp; DeFendis Insurance Brokers, LLC</b>									
39866	LINDBAR-01 Notary and E & O Bonds	Paid by Check #14438		09/19/2017	09/29/2017	09/29/2017		09/29/2017	88.00
		Vendor <b>374 - DiBuduo &amp; DeFendis Insurance Brokers, LLC</b> Totals				Invoices	1		\$88.00



# Accounts Payable Invoice Report

Payment Date Range 09/24/17 - 09/30/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor 270 - Dinuba Donut									
000107	Supplies	Paid by Check #14439		09/23/2017	09/29/2017	09/29/2017		09/29/2017	41.45
		Vendor 270 - Dinuba Donut Totals				Invoices	1		\$41.45
Vendor 810 - Dinuba Paint Store									
5647	PAINT FOR THE PARKS DEPT	Paid by Check #14440		09/19/2017	09/29/2017	09/29/2017		09/29/2017	114.32
		Vendor 810 - Dinuba Paint Store Totals				Invoices	1		\$114.32
Vendor 341 - Dinuba Tires LLC									
70246	TIRES FOR BUS 10	Paid by Check #14441		09/15/2017	09/29/2017	09/29/2017		09/29/2017	45.00
70251	TIRES FOR U03	Paid by Check #14441		09/19/2017	09/29/2017	09/29/2017		09/29/2017	350.00
		Vendor 341 - Dinuba Tires LLC Totals				Invoices	2		\$395.00
Vendor 62 - Ed Dena's Auto Center									
203779CVR	MODULE FOR PD32	Paid by Check #14442		09/06/2017	09/29/2017	09/29/2017		09/29/2017	777.15
CTCS255038	AIR BAG FOR T16	Paid by Check #14442		09/15/2017	09/29/2017	09/29/2017		09/29/2017	57.50
203972CVR	SENSOR FOR BUS 6	Paid by Check #14442		09/19/2017	09/29/2017	09/29/2017		09/29/2017	72.92
		Vendor 62 - Ed Dena's Auto Center Totals				Invoices	3		\$907.57
Vendor 16 - Ernest Packaging Solutions									
216413	Fy 17/18-Parks-Supplies	Paid by Check #14443		09/15/2017	09/29/2017	09/29/2017	09/25/2017	09/29/2017	1,064.61
		Vendor 16 - Ernest Packaging Solutions Totals				Invoices	1		\$1,064.61
Vendor 527 - Everbank Commercial Finance, Inc.									
4706963	5050N Copier	Paid by Check #14444		09/13/2017	09/29/2017	09/29/2017		09/29/2017	243.67
		Vendor 527 - Everbank Commercial Finance, Inc. Totals				Invoices	1		\$243.67
Vendor 35 - Federal Express Corporation									
5-931-26633	POSTAGE FOR PART ORDERED	Paid by Check #14445		09/15/2017	09/29/2017	09/29/2017		09/29/2017	30.99
		Vendor 35 - Federal Express Corporation Totals				Invoices	1		\$30.99
Vendor 825 - G & K Services, Co.									
6258154018	Cleaning Supplies	Paid by Check #14446		09/20/2017	09/29/2017	09/29/2017		09/29/2017	88.77
		Vendor 825 - G & K Services, Co. Totals				Invoices	1		\$88.77
Vendor 18 - The Gas Company									
109549659679/17	Utilities	Paid by Check #14447		09/01/2017	09/29/2017	09/29/2017		09/29/2017	15.30
086574247129/17	Utilities	Paid by Check #14447		09/07/2017	09/29/2017	09/29/2017		09/29/2017	5,075.46
		Vendor 18 - The Gas Company Totals				Invoices	2		\$5,090.76
Vendor 252 - Geil Enterprises, Inc.									
331365	Fy 17/18-CS/CPR-Oct-Dec 2017-Burglar-Fire Alarm	Paid by Check #14448		10/01/2017	09/29/2017	09/29/2017	09/20/2017	09/29/2017	363.00



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 252 - Geil Enterprises, Inc.</b>									
331366	CNG FIRE ALARM MONITORING	Paid by Check #14448		10/01/2017	09/29/2017	09/29/2017		09/29/2017	270.00
331623	Cust# 9909	Paid by Check #14448		10/01/2017	09/29/2017	09/29/2017		09/29/2017	377.00
Vendor 252 - Geil Enterprises, Inc. Totals							Invoices	3	\$1,010.00
<b>Vendor 712 - Golden State Overnight</b>									
3443155	POSTAGE FEES	Paid by Check #14449		09/15/2017	09/29/2017	09/29/2017		09/29/2017	33.32
Vendor 712 - Golden State Overnight Totals							Invoices	1	\$33.32
<b>Vendor 379 - Guardian EMS Products</b>									
5758087	Supplies	Paid by Check #14450		09/18/2017	09/29/2017	09/29/2017		09/29/2017	219.47
5758188	Supplies	Paid by Check #14450		09/18/2017	09/29/2017	09/29/2017		09/29/2017	124.99
5758365	Supplies	Paid by Check #14450		09/19/2017	09/29/2017	09/29/2017		09/29/2017	517.55
5758996	Supplies	Paid by Check #14450		09/22/2017	09/29/2017	09/29/2017		09/29/2017	337.92
Vendor 379 - Guardian EMS Products Totals							Invoices	4	\$1,199.93
<b>Vendor 139 - Henry Schein Inc.</b>									
45416537	Supplies	Paid by Check #14451		09/13/2017	09/29/2017	09/29/2017		09/29/2017	503.76
Vendor 139 - Henry Schein Inc. Totals							Invoices	1	\$503.76
<b>Vendor 174 - Howard's Pest Control</b>									
0261053	Fy 17/18-Sportsplex-Pest control serv for building	Paid by Check #14452		09/05/2017	09/29/2017	09/29/2017	09/25/2017	09/29/2017	87.00
0261086	PEST CONTROL AT WWTP	Paid by Check #14452		09/05/2017	09/29/2017	09/29/2017		09/29/2017	35.00
0261132	Repairs/Maintenance	Paid by Check #14452		09/05/2017	09/29/2017	09/29/2017		09/29/2017	47.00
0261220	Fy 17/18-Parks-Pest Control svc @ delgado/kc park	Paid by Check #14452		09/05/2017	09/29/2017	09/29/2017	09/25/2017	09/29/2017	36.00
0261222	Fy 17/18-Parks-Pesst control service @ vuich park	Paid by Check #14452		09/12/2017	09/29/2017	09/29/2017	09/25/2017	09/29/2017	55.00
0261381	Customer No. KA1088	Paid by Check #14452		09/15/2017	09/29/2017	09/29/2017		09/29/2017	105.00
Vendor 174 - Howard's Pest Control Totals							Invoices	6	\$365.00
<b>Vendor 1237 - Hub International Insurance Services, Inc.</b>									
003	Fy 17/18-Hub Insurance for 9/29/17 rental at rec cntr	Paid by Check #14453		09/25/2017	09/29/2017	09/29/2017	09/25/2017	09/29/2017	107.40
Vendor 1237 - Hub International Insurance Services, Inc. Totals							Invoices	1	\$107.40
<b>Vendor 133 - J &amp; D Lighting &amp; Alarm</b>									
86876	Fy 17/18-Parks-Annual monit fee for 855 E El Monte	Paid by Check #14454		09/14/2017	09/29/2017	09/29/2017	09/21/2017	09/29/2017	120.00
Vendor 133 - J & D Lighting & Alarm Totals							Invoices	1	\$120.00
<b>Vendor 43 - Jack's Refrigeration Inc.</b>									
28891	AC REPAIR SENIOR CENTER	Paid by Check #14455		08/03/2017	09/29/2017	09/29/2017		09/29/2017	146.00





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<b>Vendor 43 - Jack's Refrigeration Inc.</b>									
28845	AC REPAIR FOR PD	Paid by Check #14455		09/12/2017	09/29/2017	09/29/2017		09/29/2017	821.62
Vendor 43 - Jack's Refrigeration Inc. Totals							Invoices	2	\$967.62
<b>Vendor 472 - Jacobson James &amp; Associates</b>									
1708.4062	Jacobson James Remediation	Paid by Check #14456		09/07/2017	09/29/2017	09/29/2017		09/29/2017	3,725.80
	Tosco Bulk Plant								
1708.4063	Jacobson James Remediation Gas	Paid by Check #14456		09/07/2017	09/29/2017	09/29/2017		09/29/2017	5,620.31
	n Save								
1708.4064	SENTINEL WELL MONITORING -	Paid by Check #14456		09/07/2017	09/29/2017	09/29/2017		09/29/2017	1,706.03
	AUGUST 2017								
Vendor 472 - Jacobson James & Associates Totals							Invoices	3	\$11,052.14
<b>Vendor 6 - Jim Manning Dodge Inc.</b>									
138655DOR	WINDSHIELD WIPER MOTOR FOR	Paid by Check #14457		09/15/2017	09/29/2017	09/29/2017		09/29/2017	261.00
	PD14								
138669DOR	SEAL CRANK FOR PD37	Paid by Check #14457		09/15/2017	09/29/2017	09/29/2017		09/29/2017	20.15
138693DOR	OIL SEAL FOR PD37	Paid by Check #14457		09/19/2017	09/29/2017	09/29/2017		09/29/2017	5.83
Vendor 6 - Jim Manning Dodge Inc. Totals							Invoices	3	\$286.98
<b>Vendor 5 - Jorgensen &amp; Co.</b>									
5688386	ANNUAL FX SERVICE - SENIOR	Paid by Check #14458		09/13/2017	09/29/2017	09/29/2017		09/29/2017	122.56
	CENTER								
5689123	Service	Paid by Check #14458		09/18/2017	09/29/2017	09/29/2017		09/29/2017	159.70
Vendor 5 - Jorgensen & Co. Totals							Invoices	2	\$282.26
<b>Vendor 387 - Keller Ford Lincoln</b>									
50099148	VISOR FOR BUS 8	Paid by Check #14459		09/15/2017	09/29/2017	09/29/2017		09/29/2017	100.36
Vendor 387 - Keller Ford Lincoln Totals							Invoices	1	\$100.36
<b>Vendor 216 - Key Design Locksmithing</b>									
14455	Transit Center- MV1 & Custodian	Paid by Check #14460		09/18/2017	09/29/2017	09/29/2017		09/29/2017	37.98
	Keys								
Vendor 216 - Key Design Locksmithing Totals							Invoices	1	\$37.98
<b>Vendor 796 - L.N. Curtis &amp; Sons</b>									
INV126121	Wrench/Battery	Paid by Check #14461		09/08/2017	09/29/2017	09/29/2017		09/29/2017	252.92
INV128121	Uniforms	Paid by Check #14461		09/19/2017	09/29/2017	09/29/2017		09/29/2017	120.96
Vendor 796 - L.N. Curtis & Sons Totals							Invoices	2	\$373.88
<b>Vendor 1181 - McCormick, Kabot, Jenner &amp; Lew</b>									
10570	Legal Services (lawyers)	Paid by Check #14462		08/25/2017	09/29/2017	09/29/2017		09/29/2017	1,485.16



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<b>Vendor 1181 - McCormick, Kabot, Jenner &amp; Lew</b>									
10572	Retainer for August 2017	Paid by Check #14462		08/25/2017	09/29/2017	09/29/2017		09/29/2017	3,300.00
Vendor 1181 - McCormick, Kabot, Jenner & Lew Totals							Invoices	2	<u>\$4,785.16</u>
<b>Vendor 1334 - Metro Traffic Data, Inc.</b>									
1565	Metro Traffic Data Citywide Traffic Controls	Paid by Check #14463		08/15/2017	09/29/2017	09/29/2017		09/29/2017	5,345.00
Vendor 1334 - Metro Traffic Data, Inc. Totals							Invoices	1	<u>\$5,345.00</u>
<b>Vendor 22 - Moore Twining Associates Inc.</b>									
7133673	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
7133675	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
7133677	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
7133678	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
7133679	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
7133681	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
7133682	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	80.00
7133684	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	128.00
7133685	WATER SAMPLE TESTING	Paid by Check #14464		09/21/2017	09/29/2017	09/29/2017		09/29/2017	88.00
Vendor 22 - Moore Twining Associates Inc. Totals							Invoices	9	<u>\$824.00</u>
<b>Vendor 610 - Evan Morgan</b>									
Reimb 2017 Medic	Reimbursement	Paid by Check #14465		09/26/2017	09/29/2017	09/29/2017		09/29/2017	200.00
Vendor 610 - Evan Morgan Totals							Invoices	1	<u>\$200.00</u>
<b>Vendor 814 - National Business Furniture</b>									
MK489676-TDQ	Office Supplies	Paid by Check #14466		09/19/2017	09/29/2017	09/29/2017		09/29/2017	527.47
Vendor 814 - National Business Furniture Totals							Invoices	1	<u>\$527.47</u>
<b>Vendor 142 - Office Depot BSD</b>									
959410724001	Office Supplies	Paid by Check #14467		09/01/2017	09/29/2017	09/29/2017		09/29/2017	58.50
959411168001	Office Supplies	Paid by Check #14467		09/01/2017	09/29/2017	09/29/2017		09/29/2017	12.12
Vendor 142 - Office Depot BSD Totals							Invoices	2	<u>\$70.62</u>
<b>Vendor 1248 - One Team Sporting Goods, Inc.</b>									
PR-010	Fy 17/18-Sports-Soccer League 2017 uniforms	Paid by Check #14468		09/15/2017	09/29/2017	09/29/2017	09/21/2017	09/29/2017	4,961.43
Vendor 1248 - One Team Sporting Goods, Inc. Totals							Invoices	1	<u>\$4,961.43</u>
<b>Vendor 76 - Pacific Gas &amp; Electric</b>									
220142834899/17	Utilities	Paid by Check #14472		09/08/2017	09/29/2017	09/29/2017		09/29/2017	21.57
250971736429/17	Utilities	Paid by Check #14469		09/08/2017	09/29/2017	09/29/2017		09/29/2017	79.02
284878382879/17	Utilities	Paid by Check #14472		09/08/2017	09/29/2017	09/29/2017		09/29/2017	10.46



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<b>Vendor 76 - Pacific Gas &amp; Electric</b>									
600855929179/17	Utilities	Paid by Check #14469		09/08/2017	09/29/2017	09/29/2017		09/29/2017	20.37
602118118769/17	Utilities	Paid by Check #14472		09/08/2017	09/29/2017	09/29/2017		09/29/2017	1,748.84
610825188069/17	Utilities	Paid by Check #14472		09/08/2017	09/29/2017	09/29/2017		09/29/2017	1,115.50
860727324979/17	Utilities	Paid by Check #14473		09/08/2017	09/29/2017	09/29/2017		09/29/2017	21.36
672472110629/17	Utilities	Paid by Check #14470		09/10/2017	09/29/2017	09/29/2017		09/29/2017	76.08
676638777019/17	Utilities	Paid by Check #14470		09/10/2017	09/29/2017	09/29/2017		09/29/2017	20.34
774843071199/17	Utilities	Paid by Check #14473		09/10/2017	09/29/2017	09/29/2017		09/29/2017	23.61
169314496949/17	Utilities	Paid by Check #14469		09/11/2017	09/29/2017	09/29/2017		09/29/2017	362.48
183409121309/17	Utilities	Paid by Check #14470		09/11/2017	09/29/2017	09/29/2017		09/29/2017	10.51
339630846049/17	Utilities	Paid by Check #14472		09/11/2017	09/29/2017	09/29/2017		09/29/2017	10.75
516730856049/17	Utilities	Paid by Check #14470		09/11/2017	09/29/2017	09/29/2017		09/29/2017	72.66
874409527919/17	Utilities	Paid by Check #14471		09/11/2017	09/29/2017	09/29/2017		09/29/2017	10.51
945914183259/17	Utilities	Paid by Check #14473		09/11/2017	09/29/2017	09/29/2017		09/29/2017	10.52
294652070089/17	Utilities	Paid by Check #14472		09/12/2017	09/29/2017	09/29/2017		09/29/2017	145.85
502735657349/17	Utilities	Paid by Check #14470		09/12/2017	09/29/2017	09/29/2017		09/29/2017	39.89
731427487119/17	Utilities	Paid by Check #14473		09/12/2017	09/29/2017	09/29/2017		09/29/2017	3,026.83
847471995159/17	Utilities	Paid by Check #14471		09/12/2017	09/29/2017	09/29/2017		09/29/2017	69.21
155771097459/17	Utilities	Paid by Check #14469		09/13/2017	09/29/2017	09/29/2017		09/29/2017	916.24
831902407279/17	Utilities	Paid by Check #14473		09/13/2017	09/29/2017	09/29/2017		09/29/2017	21.25
954874984799/17	Utilities	Paid by Check #14471		09/14/2017	09/29/2017	09/29/2017		09/29/2017	63.58
432339024699/17	Utilities	Paid by Check #14472		09/15/2017	09/29/2017	09/29/2017		09/29/2017	76.27
723267973799/17	Utilities	Paid by Check #14471		09/15/2017	09/29/2017	09/29/2017		09/29/2017	16,049.40
854359817429/17	Utilities	Paid by Check #14473		09/15/2017	09/29/2017	09/29/2017		09/29/2017	243.74
901837373539/17	Utilities	Paid by Check #14473		09/15/2017	09/29/2017	09/29/2017		09/29/2017	1,099.23
917922255339/17	Utilities	Paid by Check #14471		09/15/2017	09/29/2017	09/29/2017		09/29/2017	1,071.17
919617675889/17	Utilities	Paid by Check #14473		09/15/2017	09/29/2017	09/29/2017		09/29/2017	65.85
Vendor 76 - Pacific Gas & Electric Totals						Invoices	29		\$26,503.09
<b>Vendor 553 - Pinnacle Public Finance, Inc.</b>									
13928	Logos Software	Paid by Check #14474		09/25/2017	09/29/2017	09/29/2017		09/29/2017	89,322.96
Vendor 553 - Pinnacle Public Finance, Inc. Totals						Invoices	1		\$89,322.96
<b>Vendor 29 - Quad Knopf Inc.</b>									
89657	QK CDBG Land Use Strategic Plan	Paid by Check #14475		09/07/2017	09/29/2017	09/29/2017		09/29/2017	2,868.70
89662	QK Dinuba on call Planning	Paid by Check #14475		09/07/2017	09/29/2017	09/29/2017		09/29/2017	1,250.80
89671	QK Dinuba GIS	Paid by Check #14475		09/07/2017	09/29/2017	09/29/2017		09/29/2017	230.77
Vendor 29 - Quad Knopf Inc. Totals						Invoices	3		\$4,350.27
<b>Vendor 38 - Buttonwillow Nursery Reedley Irrigation System</b>									
RIS-POS02-34	DRIP SYSTEM EMITTERS	Paid by Check #14476		09/15/2017	09/29/2017	09/29/2017		09/29/2017	38.31
Vendor 38 - Buttonwillow Nursery Reedley Irrigation System Totals						Invoices	1		\$38.31



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 349 - RES COM Pest Control</b>									
1564525	Professional Services	Paid by Check #14477		09/18/2017	09/29/2017	09/29/2017		09/29/2017	44.00
		Vendor 349 - RES COM Pest Control Totals				Invoices	1		<u>\$44.00</u>
<b>Vendor 656 - John Robison</b>									
Pleasanton 10/17	per diem SBSLI course	Paid by Check #14478		09/01/2017	09/29/2017	09/29/2017		09/29/2017	229.00
		Vendor 656 - John Robison Totals				Invoices	1		<u>\$229.00</u>
<b>Vendor 1336 - SC Communications, Inc.</b>									
6478	Six detective radios	Paid by Check #14479		06/30/2017	09/29/2017	09/29/2017		09/29/2017	16,384.73
		Vendor 1336 - SC Communications, Inc. Totals				Invoices	1		<u>\$16,384.73</u>
<b>Vendor 42 - Scout Specialties</b>									
110622	Fy 17/18-Sports-Athletic Striping paint	Paid by Check #14480		09/07/2017	09/29/2017	09/29/2017	09/15/2017	09/29/2017	70.96
110634	Fy 17/18-Parks-Athletic striping paint	Paid by Check #14480		09/07/2017	09/29/2017	09/29/2017	09/15/2017	09/29/2017	65.05
110801	Fy 17/18-Sports-Athletic Striping paint	Paid by Check #14480		09/14/2017	09/29/2017	09/29/2017	09/15/2017	09/29/2017	238.27
		Vendor 42 - Scout Specialties Totals				Invoices	3		<u>\$374.28</u>
<b>Vendor 742 - Staples Credit Plan</b>									
2193654 9/15/17	Office Supplies	Paid by Check #14481		09/15/2017	09/29/2017	09/29/2017		09/29/2017	97.57
		Vendor 742 - Staples Credit Plan Totals				Invoices	1		<u>\$97.57</u>
<b>Vendor 189 - Terminix International</b>									
368559896	Professional Services	Paid by Check #14482		09/09/2017	09/29/2017	09/29/2017		09/29/2017	14.00
		Vendor 189 - Terminix International Totals				Invoices	1		<u>\$14.00</u>
<b>Vendor 846 - Thomson Reuters - West</b>									
836804915	Publications & Subscriptions	Paid by Check #14483		09/04/2017	09/29/2017	09/29/2017		09/29/2017	75.96
		Vendor 846 - Thomson Reuters - West Totals				Invoices	1		<u>\$75.96</u>
<b>Vendor 1304 - TJKM</b>									
0046437	TJKM Signal Synch Design	Paid by Check #14484		08/31/2017	09/29/2017	09/29/2017		09/29/2017	3,372.50
		Vendor 1304 - TJKM Totals				Invoices	1		<u>\$3,372.50</u>
<b>Vendor 729 - Tulare Regional Medical Center</b>									
88991989 090417	blood analysis billing	Paid by Check #14486		09/04/2017	09/29/2017	09/29/2017		09/29/2017	1,095.00
		Vendor 729 - Tulare Regional Medical Center Totals				Invoices	1		<u>\$1,095.00</u>



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Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 440 - Tyco Intergrated Security</b>									
29273544	Contractual	Paid by Check #14487		09/09/2017	09/29/2017	09/29/2017		09/29/2017	316.37
		Vendor 440 - Tyco Intergrated Security Totals				Invoices	1		<u>\$316.37</u>
<b>Vendor 1041 - UPS</b>									
0000Y64A59377	Shipping	Paid by Check #14488		09/16/2017	09/29/2017	09/29/2017		09/29/2017	14.23
		Vendor 1041 - UPS Totals				Invoices	1		<u>\$14.23</u>
<b>Vendor 273 - US Bank</b>									
869360131734	Fuels	Paid by Check #14499		08/24/2017	09/08/2017	09/08/2017		09/27/2017	116.70
		Vendor 273 - US Bank Totals				Invoices	1		<u>\$116.70</u>
<b>Vendor 154 - USA Bluebook</b>									
362500	PROBE CABLE	Paid by Check #14489		09/08/2017	09/29/2017	09/29/2017		09/29/2017	572.86
		Vendor 154 - USA Bluebook Totals				Invoices	1		<u>\$572.86</u>
<b>Vendor 129 - Valley Industrial &amp; Family Medical Group</b>									
332590	Chastain	Paid by Check #14490		09/15/2017	09/29/2017	09/29/2017		09/29/2017	100.00
		Vendor 129 - Valley Industrial & Family Medical Group Totals				Invoices	1		<u>\$100.00</u>
<b>Vendor 101 - Valley Soil &amp; Forest Products</b>									
31191	FILL SAND	Paid by Check #14491		09/07/2017	09/29/2017	09/29/2017		09/29/2017	379.75
		Vendor 101 - Valley Soil & Forest Products Totals				Invoices	1		<u>\$379.75</u>
<b>Vendor 354 - Verizon Wireless</b>									
9792699463	September 2017	Paid by Check #14492		09/12/2017	09/29/2017	09/29/2017		09/29/2017	195.17
		Vendor 354 - Verizon Wireless Totals				Invoices	1		<u>\$195.17</u>
<b>Vendor 27 - The Visalia Times-Delta</b>									
TD0054706 092917	Monthly subscription	Paid by Check #14493		09/29/2017	09/29/2017	09/29/2017		09/29/2017	16.50
		Vendor 27 - The Visalia Times-Delta Totals				Invoices	1		<u>\$16.50</u>
<b>Vendor 104 - Vision Service Plan</b>									
October 2017	12 003055 0002	Paid by Check #14494		09/20/2017	09/29/2017	09/29/2017		09/29/2017	3,187.10
		Vendor 104 - Vision Service Plan Totals				Invoices	1		<u>\$3,187.10</u>
<b>Vendor 549 - Wal-Mart</b>									
2443 9/9/17	Supplies	Paid by Check #14495		09/09/2017	09/29/2017	09/29/2017		09/29/2017	214.39
2450 9/16/17	Supplies	Paid by Check #14496		09/16/2017	09/29/2017	09/29/2017		09/29/2017	50.88
		Vendor 549 - Wal-Mart Totals				Invoices	2		<u>\$265.27</u>
<b>Vendor 1067 - Yamabe &amp; Horn Engineering Inc.</b>									
38450	Y & H Dinuba General Services	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	4,387.50



# Accounts Payable Invoice Report

Payment Date Range 09/24/17 - 09/30/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
Vendor <b>1067 - Yamabe &amp; Horn Engineering Inc.</b>									
38451	Y & H Ridge Creek Engineering Support	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	3,450.00
38452	Y & H Bike Lane Proj Eng Support	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	135.00
38453	Y & H Kern Street Storm Drain	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	600.00
38454	Y & H ave 416 Engineering Support	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	2,160.00
38455	Y & H Randle Ave Street Project	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	270.00
38456	Y & H El Monte Way Englehart Ave right Turn	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	1,072.50
38457	Y & H Signal Synch Engineering support	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	472.50
38458	Y & H CNG Fuel Expan Ph II	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	877.50
38459	Y & H Marquis Subdivision	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	1,620.00
38460	Y & H Kamm -Greene HSIP	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	810.00
38461	Y & H College Ave SJVR Crossing Imprv	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	270.00
38462	Y & H roosevelt Park Comm Cntr Restroom Remodel	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	1,786.25
38463	Y & H SB1 Street Projects	Paid by Check #14497		09/18/2017	09/29/2017	09/29/2017		09/29/2017	540.00
Vendor <b>1067 - Yamabe &amp; Horn Engineering Inc. Totals</b>						Invoices	14		\$18,451.25
Vendor <b>1313 - Yezpe Plumbing</b>									
04082	GAS LEAK REPAIR	Paid by Check #14498		09/13/2017	09/29/2017	09/29/2017		09/29/2017	528.00
Vendor <b>1313 - Yezpe Plumbing Totals</b>						Invoices	1		\$528.00
Grand Totals						Invoices	185		\$569,641.15



# Accounts Payable Invoice Report

Payment Date Range 10/01/17 - 10/07/17

Report By Vendor - Invoice

Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 522 - Allstar Towing</b>									
34718	VEHICLE ABATEMENT-7911 PEONY DR	Paid by Check #14500		09/06/2017	10/06/2017	10/06/2017		10/06/2017	160.00
Vendor 522 - Allstar Towing Totals							Invoices	1	\$160.00
<b>Vendor 790 - Shayen Ashley</b>									
Ed. Reimb.9/2017	Reimbursment	Paid by Check #14501		10/02/2017	10/06/2017	10/06/2017		10/06/2017	205.00
Vendor 790 - Shayen Ashley Totals							Invoices	1	\$205.00
<b>Vendor 17 - AT&amp;T</b>									
93910544639/17	Telephone	Paid by Check #14502		09/11/2017	10/06/2017	10/06/2017		10/06/2017	20.34
93910547459/17	Telephone	Paid by Check #14502		09/11/2017	10/06/2017	10/06/2017		10/06/2017	74.31
939105473699/17	Communications	Paid by Check #14502		09/20/2017	10/06/2017	10/06/2017		10/06/2017	197.08
Vendor 17 - AT&T Totals							Invoices	3	\$291.73
<b>Vendor 289 - AT&amp;T Mobility LLC</b>									
2872350721999/17	Telephone	Paid by Check #14504		09/16/2017	10/06/2017	10/06/2017		10/06/2017	93.04
8287427059/17	Telephone	Paid by Check #14505		09/16/2017	10/06/2017	10/06/2017		10/06/2017	232.42
8320953579/17	Telephone	Paid by Check #14506		09/16/2017	10/06/2017	10/06/2017		10/06/2017	125.60
9932121129/17	Monthly iPad service	Paid by Check #14503		09/16/2017	10/06/2017	10/06/2017		10/06/2017	32.01
Vendor 289 - AT&T Mobility LLC Totals							Invoices	4	\$483.07
<b>Vendor 748 - Bankcard Center</b>									
2360 9/14/17	Miscellaneous	Paid by Check #14507		09/14/2017	10/06/2017	10/06/2017		10/06/2017	1,753.45
6502 9/14/17	Miscellaneous	Paid by Check #14507		09/14/2017	10/06/2017	10/06/2017		10/06/2017	1,791.64
8025 9/14/17	Miscellaneous	Paid by Check #14507		09/14/2017	10/06/2017	10/06/2017		10/06/2017	636.62
Vendor 748 - Bankcard Center Totals							Invoices	3	\$4,181.71
<b>Vendor 1246 - Block and Company, Inc.</b>									
I4582898	MONEY BAGS	Paid by Check #14508		09/14/2017	10/06/2017	10/06/2017		10/06/2017	310.59
Vendor 1246 - Block and Company, Inc. Totals							Invoices	1	\$310.59
<b>Vendor 116 - BSK Analytical Laboratories</b>									
A721411	WATER SAMPLE TESTING	Paid by Check #14509		08/25/2017	10/06/2017	10/06/2017		10/06/2017	121.00
Vendor 116 - BSK Analytical Laboratories Totals							Invoices	1	\$121.00
<b>Vendor 739 - Business Card</b>									
7424 9/15/17	Supplies	Paid by EFT #530		09/15/2017	10/06/2017	10/06/2017		10/06/2017	52.69
Vendor 739 - Business Card Totals							Invoices	1	\$52.69
<b>Vendor 84 - California Police Chief's Association</b>									
9394	Advanced Exec. Assistant Course - Azalia Chavez	Paid by Check #14510		09/27/2017	10/06/2017	10/06/2017		10/06/2017	525.00
Vendor 84 - California Police Chief's Association Totals							Invoices	1	\$525.00



# Accounts Payable Invoice Report

Payment Date Range 10/01/17 - 10/07/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 8 - City of Dinuba</b>									
Petty Cash 9/17	Reimbursement	Paid by Check #14511		09/29/2017	10/06/2017	10/06/2017		10/06/2017	369.00
PDPETTYCASH10/17	Petty Cash Reimbursement	Paid by Check #14512		10/02/2017	10/06/2017	10/06/2017		10/06/2017	230.00
Vendor 8 - City of Dinuba Totals							Invoices	2	\$599.00
<b>Vendor 170 - Comcast</b>									
0191269 9/22/17	Communications	Paid by Check #14513		09/22/2017	10/06/2017	10/06/2017		10/06/2017	212.24
Vendor 170 - Comcast Totals							Invoices	1	\$212.24
<b>Vendor 1273 - Cook's Communications Corp.</b>									
134416	Radios	Paid by Check #14514		09/25/2017	10/06/2017	10/06/2017		10/06/2017	3,079.94
Vendor 1273 - Cook's Communications Corp. Totals							Invoices	1	\$3,079.94
<b>Vendor 1221 - Daniel Cruz Barragan</b>									
DBC BOOT REIMBUR	BOOT ALLOWANCE FOR DANIEL BARRAGAN CRUZ	Paid by Check #14515		09/28/2017	10/06/2017	10/06/2017		10/06/2017	200.00
Vendor 1221 - Daniel Cruz Barragan Totals							Invoices	1	\$200.00
<b>Vendor 85 - Dinuba Lions Club</b>									
September 2017	Dues & Subscriptions	Paid by Check #14516		10/03/2017	10/06/2017	10/06/2017		10/06/2017	94.00
Vendor 85 - Dinuba Lions Club Totals							Invoices	1	\$94.00
<b>Vendor 280 - Entersect</b>									
917EP31191	September 2017 Online Access	Paid by Check #14517		09/30/2017	10/06/2017	10/06/2017		10/06/2017	79.00
Vendor 280 - Entersect Totals							Invoices	1	\$79.00
<b>Vendor 36 - Ewing Irrigation Products</b>									
4124840	Fy 16/17-Parks-Supplies	Paid by Check #14518		09/21/2017	10/06/2017	10/06/2017	09/28/2017	10/06/2017	62.76
4124841	Fy 17/18-Parks-Supplies	Paid by Check #14518		09/21/2017	10/06/2017	10/06/2017	09/29/2017	10/06/2017	55.25
4124842	Fy 17/18-Parks-Supplies	Paid by Check #14518		09/21/2017	10/06/2017	10/06/2017	09/29/2017	10/06/2017	34.12
4124843	Fy 17/18-Parks-Supplies	Paid by Check #14518		09/21/2017	10/06/2017	10/06/2017	09/29/2017	10/06/2017	76.95
Vendor 36 - Ewing Irrigation Products Totals							Invoices	4	\$229.08
<b>Vendor 1339 - Flavor Tree, LLC</b>									
Appraisal fee	Family Tree Farms	Paid by Check #14519		09/28/2017	10/06/2017	10/06/2017		10/06/2017	5,000.00
Vendor 1339 - Flavor Tree, LLC Totals							Invoices	1	\$5,000.00
<b>Vendor 825 - G &amp; K Services, Co.</b>									
6258156608	Transit 09/27/2017	Paid by Check #14520		09/27/2017	10/06/2017	10/06/2017		10/06/2017	61.01
Vendor 825 - G & K Services, Co. Totals							Invoices	1	\$61.01





# Accounts Payable Invoice Report

Payment Date Range 10/01/17 - 10/07/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 18 - The Gas Company</b>									
126315560039.17	Senior Center Gas Chrgs 8/3 - 9/5/17	Paid by Check #14521		09/28/2017	10/06/2017	10/06/2017		10/06/2017	5.14
Vendor 18 - The Gas Company Totals							Invoices	1	\$5.14
<b>Vendor 242 - Green Box Rentals, Inc.</b>									
51053	Fy 17/18-Parks-Mo storage container vuich park	Paid by Check #14522		09/28/2017	10/06/2017	10/06/2017	09/28/2017	10/06/2017	81.38
51083	Fy 17/18-Parks-Mo storage container vuich park	Paid by Check #14522		09/29/2017	10/06/2017	10/06/2017	09/29/2017	10/06/2017	70.53
Vendor 242 - Green Box Rentals, Inc. Totals							Invoices	2	\$151.91
<b>Vendor 379 - Guardian EMS Products</b>									
5759218	Supplies	Paid by Check #14523		09/25/2017	10/06/2017	10/06/2017		10/06/2017	226.80
Vendor 379 - Guardian EMS Products Totals							Invoices	1	\$226.80
<b>Vendor 139 - Henry Schein Inc.</b>									
45554510	Supplies	Paid by Check #14524		09/18/2017	10/06/2017	10/06/2017		10/06/2017	184.10
Vendor 139 - Henry Schein Inc. Totals							Invoices	1	\$184.10
<b>Vendor 1150 - Hoffman Security</b>									
341911	Senior Center Secuity Monitoring 10/1 - 10/31/17	Paid by Check #14525		09/20/2017	10/06/2017	10/06/2017		10/06/2017	99.00
Vendor 1150 - Hoffman Security Totals							Invoices	1	\$99.00
<b>Vendor 974 - InfoSend, Inc.</b>									
125200	Printing and Postage Utility Billing August 2017	Paid by Check #14526		08/31/2017	10/06/2017	10/06/2017		10/06/2017	4,088.92
Vendor 974 - InfoSend, Inc. Totals							Invoices	1	\$4,088.92
<b>Vendor 636 - Abel Iriarte</b>									
Reim. repairs	cellphone repair	Paid by Check #14527		09/25/2017	10/06/2017	10/06/2017		10/06/2017	220.92
Vendor 636 - Abel Iriarte Totals							Invoices	1	\$220.92
<b>Vendor 5 - Jorgensen &amp; Co.</b>									
5689916	fire extinguishers service	Paid by Check #14528		09/20/2017	10/06/2017	10/06/2017		10/06/2017	462.84
Vendor 5 - Jorgensen & Co. Totals							Invoices	1	\$462.84
<b>Vendor 160 - Mid Valley Publishing Inc.</b>									
0012684 2017	Publications & Subscriptions	Paid by Check #14529		09/22/2017	10/06/2017	10/06/2017		10/06/2017	25.00
Vendor 160 - Mid Valley Publishing Inc. Totals							Invoices	1	\$25.00



# Accounts Payable Invoice Report

Payment Date Range 10/01/17 - 10/07/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 591 - Silvia Munoz</b>									
Ed. Reimb. 8/17	Fall 2017	Paid by Check #14530		09/29/2017	10/06/2017	10/06/2017		10/06/2017	638.76
Vendor 591 - Silvia Munoz Totals							Invoices	1	\$638.76
<b>Vendor 60 - National Fire Protection Assoc.</b>									
7075332Y	Prevention Week 2017	Paid by Check #14531		09/14/2017	10/06/2017	10/06/2017		10/06/2017	328.16
Vendor 60 - National Fire Protection Assoc. Totals							Invoices	1	\$328.16
<b>Vendor 142 - Office Depot BSD</b>									
961551142001	Office Supplies	Paid by Check #14532		09/11/2017	10/06/2017	10/06/2017		10/06/2017	336.31
962825791001	Supplies	Paid by Check #14532		09/14/2017	10/06/2017	10/06/2017		10/06/2017	119.35
962980356001	Office Supplies - Office Depot	Paid by Check #14532		09/15/2017	10/06/2017	10/06/2017		10/06/2017	325.39
963038358001	DVD/CD	Paid by Check #14532		09/15/2017	10/06/2017	10/06/2017		10/06/2017	139.12
963038517001	cd envelopes	Paid by Check #14532		09/15/2017	10/06/2017	10/06/2017		10/06/2017	12.17
963454779001	Office Supplies	Paid by Check #14532		09/18/2017	10/06/2017	10/06/2017		10/06/2017	226.91
964038978001	Transit- deposit bags, pens, clips	Paid by Check #14532		09/19/2017	10/06/2017	10/06/2017		10/06/2017	64.59
964412010001	Office Supplies	Paid by Check #14532		09/20/2017	10/06/2017	10/06/2017		10/06/2017	189.80
Vendor 142 - Office Depot BSD Totals							Invoices	8	\$1,413.64
<b>Vendor 76 - Pacific Gas &amp; Electric</b>									
338077954239/17	Utilities	Paid by Check #14533		09/18/2017	10/06/2017	10/06/2017		10/06/2017	1,866.33
238356094239/17	Utilities	Paid by Check #14533		09/19/2017	10/06/2017	10/06/2017		10/06/2017	140.17
316657841909/17	Utilities	Paid by Check #14533		09/19/2017	10/06/2017	10/06/2017		10/06/2017	1,159.57
594966555039/17	Utilities	Paid by Check #14533		09/19/2017	10/06/2017	10/06/2017		10/06/2017	27.46
8869695643259/17	Utilities	Paid by Check #14533		09/19/2017	10/06/2017	10/06/2017		10/06/2017	1,818.18
Vendor 76 - Pacific Gas & Electric Totals							Invoices	5	\$5,011.71
<b>Vendor 7 - Pena's Disposal Services</b>									
334268	Fy 17/18-Parks-Disposal service @ vuich park	Paid by Check #14534		09/25/2017	10/06/2017	10/06/2017	09/26/2017	10/06/2017	612.92
Vendor 7 - Pena's Disposal Services Totals							Invoices	1	\$612.92
<b>Vendor 419 - Penguin Management, Inc.</b>									
46354	eDispatch 2018	Paid by Check #14535		10/01/2017	10/06/2017	10/06/2017		10/06/2017	1,128.00
Vendor 419 - Penguin Management, Inc. Totals							Invoices	1	\$1,128.00
<b>Vendor 33 - R &amp; S Erection of Fresno County</b>									
7381	Door Repair	Paid by Check #14536		10/02/2017	10/06/2017	10/06/2017		10/06/2017	1,865.00
Vendor 33 - R & S Erection of Fresno County Totals							Invoices	1	\$1,865.00



# Accounts Payable Invoice Report

Payment Date Range 10/01/17 - 10/07/17

Report By Vendor - Invoice

Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 656 - John Robison</b>									
LA 11/2017	SBSLI Class	Paid by Check #14537		09/01/2017	10/06/2017	10/06/2017		10/06/2017	280.00
			Vendor 656 - John Robison Totals			Invoices	1		<u>\$280.00</u>
<b>Vendor 1337 - Soapman of Kern County PBE Inc.</b>									
46679	soap for units	Paid by Check #14538		08/25/2017	10/06/2017	10/06/2017		10/06/2017	130.20
			Vendor 1337 - Soapman of Kern County PBE Inc. Totals			Invoices	1		<u>\$130.20</u>
<b>Vendor 431 - Sparkletts</b>									
5080520 092117	bottled water service	Paid by Check #14539		09/21/2017	10/06/2017	10/06/2017		10/06/2017	234.94
9406519100117	Fy 17/18-CS-Water & coller rental at rec center	Paid by Check #14539		10/01/2017	10/06/2017	10/06/2017	09/29/2017	10/06/2017	22.18
9407662100117	Fy 17/18-Parks-Water and cooler rental for vuich prk	Paid by Check #14539		10/01/2017	10/06/2017	10/06/2017	09/29/2017	10/06/2017	51.14
			Vendor 431 - Sparkletts Totals			Invoices	3		<u>\$308.26</u>
<b>Vendor 214 - Stericycle, Inc.</b>									
3003990393	October 2017	Paid by Check #14540		10/01/2017	10/06/2017	10/06/2017		10/06/2017	114.94
			Vendor 214 - Stericycle, Inc. Totals			Invoices	1		<u>\$114.94</u>
<b>Vendor 86 - SWRCB</b>									
OIT I 2017	OIT I APPLICATION FOR JOSEPH GAXIOLA	Paid by Check #14541		10/02/2017	10/06/2017	10/06/2017		10/06/2017	170.00
			Vendor 86 - SWRCB Totals			Invoices	1		<u>\$170.00</u>
<b>Vendor 49 - Tulare County</b>									
180223	Transit Tcat punch passes #03351-03400	Paid by Check #14542		09/21/2017	10/06/2017	10/06/2017		10/06/2017	680.00
			Vendor 49 - Tulare County Totals			Invoices	1		<u>\$680.00</u>
<b>Vendor 307 - Tulare County Consolidated Ambulance Dispatch, Inc</b>									
DFD-2017-09	September 2017	Paid by Check #14543		10/01/2017	10/06/2017	10/06/2017		10/06/2017	6,047.00
			Vendor 307 - Tulare County Consolidated Ambulance Dispatch, Inc Totals			Invoices	1		<u>\$6,047.00</u>
<b>Vendor 273 - US Bank</b>									
340058858	Senior Center Copier Lease	Paid by Check #14544		09/20/2017	10/06/2017	10/06/2017		10/06/2017	282.15
340466077	Copy machines	Paid by Check #14545		09/25/2017	10/06/2017	10/06/2017		10/06/2017	2,900.60
			Vendor 273 - US Bank Totals			Invoices	2		<u>\$3,182.75</u>
<b>Vendor 154 - USA Bluebook</b>									
357322	AMONIA NITROGEN FOR WWTP	Paid by Check #14546		09/01/2017	10/06/2017	10/06/2017		10/06/2017	25.81
			Vendor 154 - USA Bluebook Totals			Invoices	1		<u>\$25.81</u>



# Accounts Payable Invoice Report

Payment Date Range 10/01/17 - 10/07/17  
Report By Vendor - Invoice  
Summary Listing

Invoice Number	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Net Amount
<b>Vendor 354 - Verizon Wireless</b>									
9792471833	monthly cellphone/modem service	Paid by Check #14547		09/10/2017	10/06/2017	10/06/2017		10/06/2017	2,101.46
Vendor 354 - Verizon Wireless Totals							Invoices	1	\$2,101.46
<b>Vendor 27 - The Visalia Times-Delta</b>									
TD1126859 103117	SUBSCRIPTION FOR PW	Paid by Check #14548		10/01/2017	10/06/2017	10/06/2017		10/06/2017	15.50
TD0029603 2017	Publications & Subscriptions	Paid by Check #14548		10/03/2017	10/06/2017	10/06/2017		10/06/2017	195.43
Vendor 27 - The Visalia Times-Delta Totals							Invoices	2	\$210.93
<b>Vendor 549 - Wal-Mart</b>									
5851 9/16/17	Transit Center 09/17	Paid by Check #14549		09/16/2017	10/06/2017	10/06/2017		10/06/2017	34.82
Vendor 549 - Wal-Mart Totals							Invoices	1	\$34.82
<b>Vendor Cristina Espino</b>									
Ref D171604	Refund Payment	Paid by Check #14550		09/25/2017	10/06/2017	10/06/2017		10/06/2017	100.30
Vendor Cristina Espino Totals							Invoices	1	\$100.30
<b>Vendor FIELD VINE, INC.</b>									
2017-398	REFUND FOR PERMIT FEES - JOB CANCELLED	Paid by Check #14551		09/26/2017	10/06/2017	10/06/2017		10/06/2017	229.50
Vendor FIELD VINE, INC. Totals							Invoices	1	\$229.50
Grand Totals							Invoices	75	\$45,963.85



## City Council Staff Report

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Department: PUBLIC WORKS

October 10, 2017

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**To:** Mayor and City Council

**From:** Blanca Beltran, Public Works Director

**By:** George Avila, Business Manager

**Subject:** 2017 Community Development Block Grant (CDBG) Application -  
Potential Projects for Inclusion (BB)

### RECOMMENDATION

Council conduct a public hearing to solicit citizen input in connection with a possible application for funding under the 2017 Community Development Block Grant (CDBG) Program.

### EXECUTIVE SUMMARY

The City of Dinuba is eligible to apply for up to \$5,000,000 in grant funding through the Community Development Block Grant (CDBG) Program. Pursuant to Federal regulations, the City is required to hold a public hearing to provide citizens an opportunity to make their comments known regarding what types of eligible activities (projects) they would like the City to apply for. Upon accepting public comment, the City Council will direct staff on what project to move forward with. Prior to submitting the application, a second public hearing will be held to provide citizens another opportunity to voice their opinions regarding this matter. A completed application is due to the state by 5:00 PM on December 1, 2017.

### OUTSTANDING ISSUES

None.

### DISCUSSION

On September 1, 2017 the State of California's Department of Housing and Community Development (HCD) released a Notice of Funding Availability (NOFA) for the 2017 Community Development Block Grant (CDBG) Program. A total of \$35,000,000 is available for this round of funding (see Attachment 'A'). The City of Dinuba is designated a "non-entitlement" jurisdiction and therefore does not receive

an annual allocation of CDBG funds. Instead, the City must compete for funding with the other 130 non-entitlement jurisdictions in the State of California. Eligible activities or projects must meet one or more of the three national objectives listed in CDBG federal statutes:

1. Benefit to low and moderate income persons;
2. Prevention or elimination of slums and blight; or
3. Meeting an urgent community need which poses an immediate threat to the health and welfare of the community (State designates when the "urgent need" objective is allowed for a NOFA)

The selected project must also fall under one of the designated funding categories. The 2017 NOFA allows jurisdictions to apply for a maximum of two activities with total funding not to exceed \$5,000,000. The identified funding categories are: 1) Public Improvements 2) Public Facility 3) Public Service 4) Planning and Technical Assistance 5) Housing and 6) Business Assistance or Microenterprise Assistance.

Current state guidelines have established a 50% expenditure rule. This rule essentially means that no jurisdiction can apply for additional funding unless at least 50% of all previously awarded funds have been expended. In 2016, the City of Dinuba was awarded \$1.4 million for the Randle Avenue Improvements project. At this point, the City has not yet satisfied the 50% threshold requirement. Fortunately, the 2017 NOFA includes a 50% expenditure rule waiver. The state will allow jurisdictions to apply for additional funding even if the 50% threshold requirement is not met if the agency can demonstrate that it is pursuing funding for a "shovel-ready" project. This waiver only applies to the "public improvements" funding category. This means that the City cannot apply for any CDBG Programs (e.g. housing and planning and technical assistance) in this round of funding.

In order to be deemed "shovel-ready" a project would need to be in construction within 12 months of contract award and the following documentation must be submitted along with the funding application:

1. Site control
2. Funding plan
3. Evidence of engineering procurement
4. Preliminary project plans/specifications
5. Project budget and schedule
6. List of local permits

In an effort to provide Council with a list of potential projects, staff has reviewed Council adopted policies, the Capital Investment Program (CIP), and relevant master plans. After reviewing these documents it was determined that very few projects would be eligible for this funding application given that the City is subject to the 50% waiver process, meaning that the project must be shovel ready. Upon review it appears that the project with the best chance of award is the Kern Street Storm Drain Improvements Project. This project would address many of the flooding issues in the downtown area and in the adjoining neighborhoods. This project has been part of the CIP for many years and is approximately 80% designed. Completing the remaining design and getting this project ready to bid can be done relatively quickly if funding is

secured. It is currently estimated that the project will require the full \$5 million.

Upon receiving direction from the City Council. Staff will work with the grant writer selected for this project and will prepare the required funding application. Before submitting the application the City is required to hold a second public hearing to consider testimony from citizens once again. A resolution will be presented at that time and the application will be finalized. The second public hearing is tentatively scheduled for November 14, 2017.

## **FISCAL IMPACT**

The cost to prepare the funding application is approximately \$6,000 and will be covered with CDBG general administration money allocated to the City through the 2015 CDBG award. No local funds will be needed.

## **PUBLIC HEARING**

The public hearing notice was published in the Dinuba Sentinel on September 28, 2017.

## **ATTACHMENTS:**

A. CDBG Notice of Funding Availability

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FINANCIAL ASSISTANCE**

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833

P. O. Box 952054, Sacramento, CA 94252-2054

(916) 263-2771 / FAX (916) 263-2762

[www.hcd.ca.gov](http://www.hcd.ca.gov)

September 1, 2017

**MEMORANDUM FOR:** All Potential Applicants and Other Interested Parties**FROM:** Kathryn Amann, Acting Deputy Director  
Division of Financial Assistance**SUBJECT: NOTICE OF FUNDING AVAILABILITY (NOFA) FOR 2017  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM (CDBG)**

The California Department of Housing and Community Development (Department) is pleased to announce the availability of approximately **\$35,000,000** in federal Community Development Block Grant (CDBG) funding of which approximately **\$27,000,000** is allocated for funding year 2017 to the State from the Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended.

This NOFA applies to State CDBG non-entitlement cities and counties applying for funding under Community Development (CD) activities, Special Allocations for Economic Development (ED), Colonia, and Native American Communities.

*\*The 2017 CDBG NOFA will be available for download from the Department website at [California Department of Housing and Community Development \(HCD\)](http://www.hcd.ca.gov) on September 1, 2017.*

The complete 2017 CDBG NOFA original application and one USB flash drive, that includes a copy of the application with signatures, must be **received no later than December 1, 2017 (Friday) at 5:00 p.m.** Pacific Standard Time (PST), by U.S. Mail or private courier. Applications **will not be accepted** after 5:00 p.m. on December 1, 2017, or **accepted if hand-delivered**. Please note that Economic Development Over-the-Counter (ED OTC) applications are not subject to the above deadline.



The Department has scheduled application training workshops for non-entitlement applicants in September–October 2017. The workshop schedule will be sent to those subscribed to the Department’s CDBG mailing list. To receive workshop notification and other important CDBG information, you must subscribe to the CDBG mailing list. To subscribe, please click on the link [CDBG Mailing List](#) and complete the form. Your information will be made a part of the electronic mailing list.

Should you need immediate assistance, please contact the following CDBG NOFA Unit staff. Otherwise, please forward all questions or concerns to [CDBG@hcd.ca.gov](mailto:CDBG@hcd.ca.gov).

Charles Gray, Manager NOFA Unit	(916) 263-1014	Charles.Gray@hcd.ca.gov
Diane Moroni, Representative NOFA Unit	(916) 263-1675	Diane.Moroni@hcd.ca.gov
Jim Miwa*, Representative NOFA Unit	(916) 263-1644	Jim.Miwa@hcd.ca.gov

*\*For CDBG Over-the-Counter projects, please contact Jim Miwa.*

Attachment

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)**

**2017 Notice of Funding Availability**



**State of California  
Governor Edmund G. Brown Jr.**

**Alexis Podesta, Secretary Business, Consumer Services  
and Housing Agency**

**Ben Metcalf, Director  
Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833

Telephone: (855) 333-CDBG (2324) / Fax: (916) 263-2764

Website: [CDBG Current NOFA](http://CDBGCurrentNOFA)

NOFA Section Email: [CDBGNOFA@hcd.ca.gov](mailto:CDBGNOFA@hcd.ca.gov)

**September 2017**

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# OVERVIEW

## A. NOTICE OF FUNDING AVAILABILITY (NOFA)

The California Department of Housing and Community Development (Department) is pleased to announce the availability of approximately **\$35,000,000** in federal Community Development Block Grant (CDBG) funding of which approximately **\$27,000,000** is allocated for funding year 2017 to the State from the Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended.

This NOFA applies to CDBG-eligible activities funded under the Community Development (CD) Allocation and Special Allocations for Economic Development (ED), Colonia, and Native American communities that are non-federally recognized tribes. Funding under each of the following activities and special allocations will primarily benefit low- and moderate-income persons/households in California:

### **Community Development**

1. Housing Assistance
2. Public Facilities
3. Infrastructure and Infrastructure in Support of Housing
4. Public Services
5. Planning and Technical Assistance

### **Special Allocations**

1. Economic Development (Business Assistance and Microenterprise Assistance)
2. Native American Communities
3. Colonias

Upon receipt of funding availability, the Department will apply the statutory percentage requirements for each funding category followed by the percentage formula using the aggregate request of all applications for each activity and the actual amount of available funds. The amount of funds available for Planning and Technical Assistance (PTA), as announced in this NOFA, shall be allocated between CD and ED applications.

In the event of a tie, applications will be ranked by jurisdiction-wide poverty levels, pursuant to tiebreaker criteria in Section 7078(d) (7).

For example, if the aggregate amount of funding requests for Public Facilities is 25 percent of the total amount of funding requested overall, then 25 percent of the NOFA funding will be made available for Public Facilities activity awards.

### **1. Economic Development (ED)**

California Health and Safety Code 50827 and State CDBG Regulations, Section 7062.1, requires the Department to set-aside 30 percent of the net annual federal CDBG award for ED activities. CDBG Fed Regulations (Section 570.494(b)(1)) require that CDBG funds are committed within 15 months of the State signing its HUD

grant agreement. All unused ED funds must roll to the CD activity category for award prior to the 15-month federal deadline. The 30 percent set-aside for ED funding in this NOFA is approximately **\$10,500,000**. The Department shall set aside approximately **\$600,000** for ED PTA activities (see *subsection 5* below), and the remainder will fund Enterprise Fund (Business Assistance and Microenterprise activities) and Over-the-Counter (OTC) activities. For more information, see *What's New in the NOFA, Subsection D*.

## 2. **Community Development (CD)**

The CD activity amount is estimated to be approximately **\$22,900,000**. The CD activity category amount is the balance of funds remaining after subtracting from the annual HUD allocation both the individual set-asides (ED, Native American, and Colonia) and the State's allowed administration funding. This amount includes **\$600,000** being set-aside for CD PTA activities (see *subsection 5* below).

## 3. **Colonias**

Section 916 of the National Affordable Housing Act of 1990, as amended, established an annual set-aside for activities benefiting the residents of Colonias. In accordance with direction from HUD, the State will set aside five percent of the net annual federal allocation in this NOFA estimated to be **\$1,300,000** for eligible Colonia activities. Unused Colonias funding will roll to the CD activity category for funding under this NOFA.

## 4. **Native American (NA)**

Pursuant to Health & Safety Code Section 50831 and State CDBG Regulations, Section 7062, the State annually sets aside 1.25 percent of its net annual federal CDBG award for grants for non-federally recognized tribes within non-entitlement areas of the State. The Native American set-aside amount for this NOFA is expected to be approximately **\$332,000**. Any unused NA funding will roll to the CD activity category for funding under this NOFA.

## 5. **Planning and Technical Assistance (PTA)**

Approximately **\$1,200,000** is available for PTA activities under this NOFA. The Department anticipates this amount will be available for CD and ED PTA grants.

PTAs must meet a national objective of Low/Mod Area benefit (LMA) and be tied to an activity that has "proposed beneficiaries" if implemented. In limited ED cases, the national objective Slum/Blight may be used; however, applicants are strongly encouraged to contact the Department through the [CDBGNOFA@hcd.ca.gov](mailto:CDBGNOFA@hcd.ca.gov) inbox, requesting a review of their situation for any PTA applications that are not LMA.

**Note:**

- *The Department reserves the right, at its sole discretion, to rescind, suspend or amend this NOFA and any or all of its provisions. If such an action occurs, the Department will notify interested parties via its Listserv email tool and website.*
- *It is the applicant's responsibility to ensure that the application submitted is clear, complete and accurate. After the application submittal deadline, CDBG may request clarifying information, provided that such information does not affect the competitive ranking of the application. No information will be solicited or accepted if such information results in a competitive advantage to an applicant. No applicant may appeal the Department's evaluation of another applicant's application.*

## **B. AUTHORIZING LEGISLATION AND REGULATIONS**

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The CDBG Program is authorized by the Housing and Community Development Act of 1974 (HCDA) as amended<sup>1</sup>, and Subpart 1 of the Federal Community Development Block Grant regulations<sup>2</sup>. The requirements of the State CDBG Program are in Health and Safety Code, Sections 50825-50834, and Title 25 of the California Code of Regulations (25 CFR), Sections 7050-7126.

**Note:** *The HCDA was codified as Title 42 of the United States Code, Section 5301, et. seq.; thus, those citations are interchangeable and cite the same statute language. For example, the citation of HCDA 105(a)(22) and 42 USC 5305(a)(22) are references to the same statute language.*

## **C. APPLICATION TIMELINES**

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### **1. Key Dates**

NOFA and Application Release	September 1, 2017
ED Over-the-Counter (OTC) Open Date	September 1, 2017
<b>Applications due to HCD by 5:00 P.M.</b>	<b>December 1, 2017</b>
Awards Announced (non-ED OTC applications)	March 1, 2017
ED Over-the-Counter (OTC) Close Date	June 30, 2018*

\*based on Funding Availability

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<sup>1</sup> Title I of the Housing and Community Development Act of 1974 as amended. 42 U.S.C. 5301 et seq., Federal Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

<sup>2</sup> Title 24 Code of Federal Regulations (CFR), Part 570, Subpart I.

## **2. 2017 CDBG NOFA Application Submittal**

The complete 2017 CDBG NOFA original application and one USB flash drive, that includes a copy of the application with signatures, must be ***received no later than December 1, 2017 (Friday) at 5:00 p.m.*** Pacific Standard Time (PST), by U.S. Mail or private courier. Applications ***will not be accepted*** after 5:00 p.m. on December 1, 2017.

- a) Facsimiles, late, incomplete, revisions to, and electronically transmitted application packages **will not be accepted**.
- b) **Personal deliveries are not accepted.** Please contact the Department if delivery is not completed by fault of the private courier/US Mail.

### **Forward the 2017 CDBG NOFA application to the following address:**

Department of Housing and Community Development  
Division of Financial Assistance  
**NOFA AWARD SECTION (CDBG PROGRAM)**  
2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833

***ED OTC applications are not subject to the above deadline.***

## **3. Initial Application Review Process**

- a) The Department will conduct a preliminary review of each application to determine whether the application meets all applicant threshold eligibility criteria.
- b) If an application does not meet all the applicant threshold eligibility criteria, the Department will send a disqualification letter based on the threshold criteria.
- c) Once the pool of eligible applications has been determined, the competitive scoring process commences. Pursuant to 25 CCR 7070 in State regulations, where a description or analysis includes quantified information, the source of the information and the method of computation must be described. If the Department determines that the methods of computation are inaccurate or misleading, it may, after consultation with the applicant, adjust this information during the evaluation process. There will be no further contact between the application review staff and the applicants until the award list has been finalized.
- d) Applications that meet all of the threshold criteria will be reviewed for activity eligibility. If an activity is deemed ineligible, that specific activity in the application will not be scored, though other eligible activities in the application will be scored.
- e) Only eligible activities from eligible applicants will be rated and ranked.



- f) Once all rating and ranking is completed, the award list will be compiled and the Department will call each applicant to inform them of whether or not they were awarded funding.

#### **4. How to Contact the NOFA Unit**

If you have any questions regarding the 2017 CDBG NOFA, the application, its process or other issues, please submit all inquiries to the CDBG NOFA Unit staff via the email inbox at [CDBGNOFA@hcd.ca.gov](mailto:CDBGNOFA@hcd.ca.gov). Please allow one week for a response. Should your concern need immediate attention, please contact the following staff:

Charles Gray, Manager NOFA Unit	(916) 263-1014	Charles.Gray@hcd.ca.gov
Diane Moroni, Representative NOFA Unit	(916) 263-1675	Diane.Moroni@hcd.ca.gov
Jim Miwa*, Representative NOFA Unit	(916) 263-1644	Jim.Miwa@hcd.ca.gov

*\*For CDBG Over-the-Counter projects, please contact Jim Miwa.*

## ***WHAT'S NEW in This Year's NOFA***

The 2017 CDBG NOFA includes the following changes that allow the Department to manage the program within current resources.

### **1. Application Submittal Process**

Applications must be delivered via mail carrier service such as U.S. Postal Service, UPS, FedEx or other carrier services that provide date stamp verification confirming delivery to the Department.

### **2. Request for Waiver of the 50 Percent Expenditure Rule (Chapter 552 of 2016)**

As enacted, Chapter 552 of 2016 (Assembly Bill 723) allows applicants to request waivers from the Department's Director to the 50 Percent Expenditure Rule (Rule). The Rule states an applicant shall be ineligible for any additional CDBG funds unless the applicant has expended at least 50 percent of CDBG funds awarded for any standard agreement executed in 2012 or later.

If approved by the Department Director, the Request for Waiver allows jurisdictions to be considered eligible to apply for 2017 CDBG project funding, even though they have not met the Rule. Program activities are not eligible for a waiver. Waivers will only be considered for jurisdictions that submit applications for a project only activity **and** meet either of the following criteria:

- Received 2016 Special Drought and/or Disaster NOFA awards, **or**
- Demonstrate the project is "shovel ready" referenced in *Appendix N*, Request for Waiver of 50 percent Expenditure Rule.

For more information, see page 16 of the NOFA for application eligibility and the *50 Percent Expenditure Rule*.

For more information, see page 18 on the request for waiver and approval process for the *50 Percent Expenditure Rule* created by Chapter 552, Statutes of 2016 (AB 723).

### **3. Application and Activity Grant Limits**

The Department decreased the number of activities per application from three to two per application. Further, the Department increased the CDBG application funding limit and increased the funding amount for eligible activities as referenced in the [2017 CDBG Funding Limits Chart](#), and found in *Section A, Funding and Activity Limits*, page 10, and summarized as follows:

The maximum application limit increased from \$2,000,000 to \$5,000,000, excluding applications for ED OTC projects, Colonias and Native American communities' set-asides.

Activity limits were revised as follows:

Public Improvement projects, Infrastructure in Support of New Housing, and Public Facilities projects: \$5,000,000.

Multifamily Rehabilitation (five units or more), with or without acquisition: \$3,000,000.

Housing Program Activities: \$1,000,000.

Public Services: \$500,000.

Planning and Technical Assistance (PTA): \$100,000, one planning activity only.

#### 4. **Public Service Programs**

Public service program funding can be requested under both the competitive or supplemental portions of the application. If requested in the competitive portion, public service programs are limited to two programs, and considered one activity.

Because public services can be funded under the competitive and supplemental portions (see Supplemental Activities, subsection 5 below) of the application, the number of public service programs is limited to three programs per application.

#### 5. **Supplemental Activities**

**For the 2017 CDBG NOFA, the Department will allow applicants to propose one CDBG eligible activity as a Supplemental Activity.**

Allowing supplemental activities to be requested during the application process provides a tool by which the applicant may expend available Program Income (PI) funds first on either a supplemental activity or grant-funded activities. If PI is spent first on grant-funded activities, then any remaining balance of funds in the grant-funded activity can be spent on a supplemental activity identified in the contract. Therefore, at the end of the milestone expenditure period, all PI and grant funds may be expended prior to contract expiration and reduce the need to disencumber grant funds.

One public service activity is allowed as a Supplemental Activity for this NOFA. Previously, the Department implemented a process by which an eligible activity could be included in the application identified as a “Supplemental Activity”. These activities are in a separate part of the application and are not competitively rated or ranked. Supplemental Activities must be submitted in the original application and will be reviewed only for eligibility and that they meet a National Objective.

The Department will allow grantees to use PI on any of the activities identified in the contract, either awarded or approved supplemental. On-hand PI may be expended on an approved Supplemental Activity that is ready to commence and has cleared general and special activity-specific conditions. After all PI funds are expended, the grant funds are available to expend on any remaining awarded activities in the contract.

Supplemental Activities will be identified as such in the grant contract. Applicants must fill out the proper Supplemental Activity forms and the Supplemental Activities must be stated in the public participation hearing notice and the applicant's resolution from the governing body.

#### **6. State Objective Points**

By State CDBG Regulations, Section 7078, Evaluation Criteria, up to a total of one hundred (100) points can be awarded to address priority state objectives. For this 2017 CDBG NOFA, disaster long term planning and furthering outreach for fair housing are priority activities and will be scored as follows:

Up to one-hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.

Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g., households across the income and employment spectrum, ethnically and racially diverse households).

For Scoring Details and State Objective criteria, see Appendices L and O, respectively.

#### **7. OMB Super Circular Updates**

On December 26, 2013, Office of Management and Budget (OMB) created Super Circular regulations, which are in 2 CFR Part 200. The Super Circulars supersede, consolidate and streamline requirements from several pre-existing OMB Circulars, including Procurement and Cost Principles, Audits of States, Local Government and other items. The Department has updated this NOFA, particularly in sections that address A-133 Audit requirements and procurement practices, to include information about relevant OMB Super Circulars.

The Super Circular standards are generally consistent with existing requirements.

#### **8. Capacity Scoring for Submission of Program Income Reports**

According to California State CDBG Regulations, Evaluation Criteria (Section 7078) Capacity Scoring allows up to 200 points maximum for this category. Of these, a sub-category, Reporting and Recordkeeping Capacity, accounts for up to 70 points. In prior years the full 200 points have been awarded. New to this NOFA, Capacity scoring points will be awarded for Reporting and Recordkeeping.

For scoring details, see Appendix L.

## 9. **NOFA Application Inquiries**

For consistency and transparency, the Department requires that 2017 NOFA and application inquiries must be submitted through the CDBG NOFA email, [\*\*CDBG NOFA@HCD\*\*](mailto:CDBGNOFA@HCD). All questions submitted to the CDBG NOFA inbox will be reviewed, researched and FAQ's will be posted on the HCD website.

All inquiries shall include contact information for follow-up or clarification. Please allow one week for responses to be posted. When at all possible, inquiries will be answered through the weekly postings. If there is an immediate need, please contact NOFA Unit staff as referenced on page 5.

NOFA inquiries will only be accepted until November 17<sup>th</sup> to allow for response and posting time for review prior to the December 1, 2017 application due date.

## **FUNDING PARAMETERS**

### **A. FUNDING AND ACTIVITY LIMITS**

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#### **Activity Limits**

1. Jurisdictions may submit only one application; apply for up to two activities and one Supplemental Activity. This includes any combination of two activities from the following list: Housing, Public Improvements (i.e., Infrastructure), Public Facilities, Public Services, Enterprise Fund, and PTA.

**Note:** *ED OTC activities, Colonia, and Native American activities are separate and not counted in the two activity maximum or the maximum funding cap of \$5,000,000.*

2. A “Combo Program” of Housing Rehabilitation and Homeownership Assistance counts as one activity.
3. The Multi-Family Residential Rehabilitation (five or more units) activity allows for only one project.
4. An Enterprise Fund “Combo Program” of Business Assistance (BA) and Microenterprise (ME) counts as one activity.
5. Within the application maximum of two activities, the applicant can only apply for one PTA activity, either an ED or CD study.

PTA requests included in an application with other activities will be eligible for funding if a jurisdiction scores high enough to be funded on one or more of the competitively scored activities. If a jurisdiction is not funded for any of the scored activities, it will not be funded for the PTA activity.

6. A Public Service activity application may be comprised of no more than two eligible Public Service programs.

#### **Maximum Award Limits for Each Allocation and Activity**

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Maximum total grant award limit is \$5,000,000, including all activities except ED OTC, Colonia, and Native American. ED OTC is a stand-alone application subject to the ED OTC limits noted below and in Appendix E - ED OTC Application Process.

##### **1. Enterprise Fund (EF) Activity**

**Business Assistance (BA) and Micro-enterprise (ME):** This NOFA allows a single activity to be funded for up to \$500,000. It also allows a combination of BA and ME activities to be funded for up to \$500,000, in any combination of funding under the EF set-aside.

## **2. Economic Development Over-the-Counter (ED OTC) Funding**

Per 25 CCR 7062.1(c)(2) of the State CDBG Regulations, awards from the ED OTC Component to a single city or county in a single program year shall not exceed \$3,000,000, regardless of the number of applications. The State statute (Health and Safety Code 50832) provides flexibility on the amount of ED OTC funding which can be awarded to a jurisdiction by allowing multi-year funding and allowing the ED OTC award limit to be waived based upon available economic development funds after September 1 of each year, referenced in State CDBG Regulations, Section 7062.1 (6). TED OTC applications have a minimum funding request is \$300,000.

## **3. Housing Activity**

A maximum of \$1,000,000 encompassing the two housing program categories listed below or up to \$3,000,000 for one Multi-Family Housing project (with or without acquisition):

- a) Housing Rehabilitation Program– (1-4 Units) (HR) or Homeownership Assistance Program (HA), or Housing Combo - HA and HR, up to \$1,000,000.
- b) Housing Project - Multi-Family Rental (5 or more Units) Rehabilitation with or without Acquisition, up to \$ \$3,000,000.
- c) Housing Project - Acquisition of Real Property - for Multi-Family Housing Projects, up to \$3,000,000.

## **4. Public Improvements or Public Improvements In-Support-Of Housing New Construction (PIHNC) Activity**

A maximum of \$5,000,000 is allowed and only one project per application.

## **5. Public Facility Activity**

A maximum of \$5,000,000 is allowed and only one project per application.

## **6. Public Service Activity**

A maximum of \$500,000 may be requested for up to two separate public service programs (which includes code enforcement programs). An application containing up to two public service programs counts as one activity in the application.

## **7. Planning and Technical Assistance Activity**

Up to \$100,000 in funding is available for a PTA activity. Only one planning activity per application as allowed for this NOFA. The dropdown menu in the Application Summary for PTAs makes it clear if the PTA being applied must be a CD-PTA (20A) or an ED-PTA (20A).

PTAs must meet a national objective of Low/Mod Area (LMA) benefit and be tied to an activity that has “proposed beneficiaries” if implemented. In limited Economic Development circumstances, Slum/Blight may be used; however, applicants should forward inquiry to the CDBG NOFA email, [CDBG NOFA@HCD](mailto:CDBG_NOFA@HCD).

#### 8. **Colonias and Native American Communities Allocations**

Applications have the same maximums as noted in all activities above and are in **addition** to any CD or ED activity applications. They are not subject to the \$ 5,000,000 award limit. If a jurisdiction is funded for ED and/or CD activities, plus a Native American or Colonia award, the funding may be in excess of \$ 5,000,000.

The total number of activities awarded may be more than two; however, all awarded activities will be contained in one contract. Activities funded must be expended within 36 months of award letter date. In addition, the 50 percent rule applies to all activities under the contract. The Request for Waiver will be considered for these awardees.

#### 9. **Use of Program Income (PI) for Activities in an Application**

Due to HUD’s PI rules, all PI must be expended prior to drawing down grant funds and may **not** be “set aside” to fund a particular activity awarded in the contract. To use PI on a grant-funded activity, the Department will compare the amount of local PI available, as reported on the Semi-Annual PI Report and the Funds Request, and require PI to be expended first. After all PI has been expended, grant funds may be drawn down.

If a Revolving Loan Fund (RLF) has been established, then RLF funds will be expended first, if the awarded activity has the same program activity as is contained in the approved RLF.

It is important that jurisdictions review and thoroughly understand Program Income Management Memo 14-05, [PI Management Memo 14-05](#). PI expenditures (current balance and future revenue) must be planned for and scheduled as part of implementing activities under a grant activity. If there are outstanding questions or you require further clarification, please forward your inquiry to the CDBG NOFA email, [CDBG NOFA@HCD](mailto:CDBG_NOFA@HCD) prior to November 17, 2017.

#### **Limited Number of Awards**

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When there are more funds requested than are available, each activity, **except** for ED-OTC applications, will be competitively rated and ranked. **PTA applications will not be scored**, but will be ranked via the tie-breaker process, if the PTA activity is oversubscribed. Funding will be awarded to applicants that score the highest in each specific activity, until the funding available for that activity is exhausted.



## B. PROGRAM ADMINISTRATIVE AND ACTIVITY DELIVERY COSTS

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### General Administrative Expenses

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General Administrative (GA) costs include staff and overhead costs required for overall contract and program management. All awarded activities (other than ED OTC) allow up to 7.5 percent of the total funds awarded for reasonable GA expenses related to the administration of the CDBG Program. This is the same as previous years' calculation method and although there is a detailed discussion of the calculations below, the Summary Application Form is in an Excel format and will calculate these amounts automatically.

### Calculation of General Administration (GA)

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Below is the formula to calculate 7.5 percent GA based on the amount of activity funding being requested, including Activity Delivery (AD). GA is calculated on the amount of dollars being requested for each activity, not the entire application. Examples of the calculation are below:

**Formula:**

Activity Total divided by 1.075 = Activity \$ Amount (including AD)  
Activity Total – Activity \$ Amount = GA

**Total Application Example:**

Application amount of \$5,000,000  
 $\$5,000,000 / 1.075 = \$4,651,163$  available for all Activities (including AD)  
 $\$5,000,000 - \$4,651,163 = \$348,837$  GA  
  
Verification:  $\$348,837 / \$4,651,163 = 7.5\%$   
Also:  $\$4,651,163 + \$348,837 = \$5,000,000$

**Single Activity Example:**

Application for a \$1,000,000 Housing Rehab Program Activity:  
 $\$1,000,000 / 1.075 = \$930,232.60$  available for Activity (including AD)  
 $\$1,000,000 - \$930,232.60 = \$69,767.44$  GA  
  
Verification:  $\$69,767.44 / \$930,232.60 = 7.5\%$   
Also:  $\$930,232.60 + \$69,767.44 = \$1,000,000$

**Note:** In the application review process, a GA amount will be calculated for each activity. However, in the final contract, only one total amount for GA will appear. During the scoring process, it will not be known what the GA award will be since an applicant may or may not be funded for all of the requested activities. Therefore, the Department will calculate the GA for each activity, and add the GA for all the awarded activities. This will result in the amount of GA awarded to the grantee.

### ED OTC General Administration Expenses

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GA is calculated at 7.5 percent of requested activity funds (see formula above), not to exceed \$100,000, unless there is a written request submitted for an exception to this maximum including supporting documentation and approved in writing by the Department.

## Activity Delivery (AD) Expenses

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A portion of the grant award may be used to pay for the actual costs associated with the delivery of the proposed activity. AD includes costs associated with staff and overhead directly involved with carrying out the activity.

Allowable AD amounts vary depending on the activity category. Maximum amounts/percentages for activities with separate AD budget are as follows:

- Housing Rehabilitation Program (1-4 Units): up to 19 percent
- Multi-Family Housing Rehab Project (5 or more units): up to 15 percent, or \$50,000 (whichever is less)
- Homeownership Assistance: up to 8 percent
- Multi-Family Housing (Acquisition only) up to 8 percent
- Enterprise Fund: Micro Loan/Grant Program: up to 15 percent
- Enterprise Fund: Business Assistance Program: up to 15 percent
- Public Facilities or Public Improvement Projects: up to 12 percent

The following activities incorporate AD costs into the activity budget:

- Enterprise Fund: Micro TA or Support Program: Included in program costs
- ED Over-the-Counter Project: Included in project costs
- Public Service Program: Included in program costs
- PTA: Included in GA costs

**Note:** AD costs are calculated as a percentage of the actual activity amount after GA funds are subtracted. Please note that the formula is similar to the method of calculating GA, wherein AD dollars are based only on the actual activity funding amount. The allowable percentage for each activity category is turned into a numerical “factor,” by which the Activity Funding amount is divided. The quotient is the amount used solely for the activity, which is then subtracted from the Actual Activity Funding Amount (Total Request less GA), and the result is the Allowable AD Amount.

**Formula:**

Activity Total – GA = Activity Funds / AD % Factor = Remaining Activity Amount  
Activity Funds – Remaining Activity Amount = Allowable AD Amount

**AD Percentage Factors – By Activity:**

Enterprise Fund Micro Financing or BA Activities:	1.15%
Housing Rehabilitation Program:	1.19%
Homeownership Assistance:	1.08%
Public Facilities and Public Improvements:	1.12%

**Single Activity Example:**

For a \$1,000,000 Homeownership Assistance Program with Activity Delivery costs of 8%, AD will be calculated in the Summary Application using the formula above, as follows:

$\$1,000,000 - \$69,767$  (7.5% GA using 1.075 Factor) =  $\$930,233$ ; activity funds including AD.  
 $\$930,233 / 1.08$  (AD Factor for HA Activity) =  $\$861,326$ ; available solely for the HA Activity.

$\$930,233 - \$861,326 = \$68,907$ ; allowable AD Amount

Verification:  $\$68,906 / \$861,326 = 8\%$

Also:  $\$861,326 + \$68,907 = \$930,233$  Activity Amount; and,  
 $\$930,233 + \$69,767$  GA =  $\$1,000,000$

- *As noted above, the final amount of GA awarded in a contract will be based on activities awarded and will be shown in the contract as a total amount for GA rather than an amount tied to any specific activity.*
- *In the event AD costs are drawn down in the course of implementing an activity, and ultimately the activity does not proceed to its completion and a National Objective is not achieved by the contract expiration date, all expended Activity Funds and Activity Delivery Funds must be returned to the State.*

### **Activity Delivery Costs for Housing Combination Program**

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The AD costs for the Housing Combination Program will be calculated based on the activity amounts being applied for under each program (HA and HR) using the maximums noted above. If the applicant is awarded funding for a Combo Program, and decides during the term of the grant to transfer funds between the two activities, then the AD allocations will be re-calculated based on activity funds at the time of transfer approval. If AD remains because the AD percentage is less, the remaining AD funds may be added to the activity amount or be disencumbered.

## **C. NOFA APPLICATION WORKSHOPS**

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The Department will present NOFA workshops in locations around the State in September 2017.

The workshops are designed to review and discuss the NOFA and its components, to assist eligible applicants on important program topics, and discuss how best to assemble and submit a complete application.

Eligible applicants are strongly encouraged to review the NOFA and Application Forms prior to attending a workshop. It is highly recommended that applicants arrive at the workshops with a complete set of NOFA documents and the appropriate Application Forms. The Department will not provide electronic or hard copies of these documents.

NOFA training announcement and registration information will be released separately from this NOFA by the NOFA Unit staff.

## D. ELIGIBLE APPLICANTS, AREAS AND THRESHOLD

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### Eligible Applicants

#### 1. CDBG - Non-Entitlement Cities and Counties

In general, incorporated cities with populations of less than 50,000 and counties with an unincorporated area population of less than 200,000 persons are eligible to participate in the State CDBG Program. The following exceptions apply:

- *If a city with a population of less than 50,000 has entered into a three-year Urban County Cooperation Agreement, that city cannot participate in the State CDBG Program until the expiration of the Agreement.*
- *If a city with a population of less than 50,000 has been declared to be the central city of a Standard Metropolitan Statistical Area (SMSA), it cannot participate in the State CDBG program because it is entitled to receive CDBG funds directly from HUD.*
- *If a jurisdiction is presently debarred, proposed for debarment, suspended, or declared ineligible pursuant to Title 24 CFR, Part 24 and 48 CFR Part 9, Subpart 9.4, the jurisdiction cannot participate in the CDBG Program.*

A listing of the population eligible non-entitlement cities and counties for the CDBG Program is located in **Appendix A**. Jurisdictional debarment status may be obtained by conducting a search at the *System for Award Management* website. A copy of the search is required and must be included in the application. The Excluded Parties List System (**EPLS**) was replaced by the System for Award Management (**SAM**).

The Department will not award any CDBG funds to applicants that are debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from participation from federally-assisted programs.

**Appendix A** also provides the poverty index and the percentage of low- and moderate-income persons for each eligible jurisdiction.

#### 2. Application Eligibility - 50 Percent Expenditure Rule

Pursuant to State CDBG Regulation 25 CCR 7060(a)(3), an applicant with one or more open CDBG contracts, for which the expenditure deadline established in the contract has not yet passed, shall be ineligible to apply for additional CDBG funds unless the applicant has expended at least 50 percent of all CDBG funds awarded. The 50 percent expenditure regulation is known as “The 50 Percent Rule.” ***The requirements of this regulation do not apply to ED OTC contracts.***

Simply put, if a jurisdiction has not yet expended 50 percent of ***all*** funds awarded in ***all*** open contracts, except for ED OTC, the jurisdiction is not eligible to apply for additional CDBG funds. This 50 Percent Rule does not apply to grant contracts that are past their

36-month expenditure milestone since they can no longer draw any grant funds. Jurisdictions with grant contracts that are past their expenditure milestone date are encouraged to submit grant contract closeout documents prior to application submittal.

**Note:** *If a contract passes the 36-month milestone and receives an extension, then the 50 percent Rule is applicable.*

***“Expended” definition: For purpose of the 50 percent Rule, the term expended means that by the NOFA application due date, the work is complete, the invoice has been paid by the applicant, and a Funds Request for reimbursement has been received by the Department. The Department may request evidence of the above to ensure compliance with the 50 Percent Rule.***

**Some examples of expended can include:**

- a) Escrow has closed on a homebuyer assistance loan **and the applicant has the final HUD-1 Settlement Statement; or,**
- b) The work on a single-family rehabilitation project has been completed, inspected, and approved by the applicant and the homeowner, the invoice has been paid, and a funds request for reimbursement has been received by the Department.

### **3. Applying the 50 Percent Rule**

- The 50 Percent Rule applies to contracts awarded under the 2012 CDBG NOFA and later, with the exception of ED OTC. As an example, if a grantee was awarded \$50,000 for PTAs, \$1,500,000 for an infrastructure project, with a total contract amount of \$1,550,000, the grantee must have expended a minimum of \$775,000 (50 percent of the total \$1,550,000) by the 2017 NOFA application due date.
- Because certain jurisdictions are eligible to receive funds greater than the maximum grant award, it is important to note that if a grantee receives Community Development, Economic Development, Native American, and Colonias funds, they will be all-inclusive in one contract. The jurisdiction is still required to expend 50 per cent of its contract award before being eligible to apply again.

For example, if a jurisdiction receives an award for \$1,500,000 for a Public Improvement Project, \$500,000 for a Business Assistance Program, and \$600,000 under the Native American Allocation, the jurisdiction is in contract for \$2,600,000; therefore, must have expended \$1,300,000 (50 percent) to be eligible to apply for any additional CDBG funding, with the exception of ED OTC.

- The 50 Percent Rule applies to all CDBG contracts, excluding ED OTC contracts that have not passed their expenditure deadline at the time of the NOFA application due date. If there are two “active” contracts, the jurisdiction would need to add both contracts together and divide by two to get to the amount to be expended prior to the application due date.

#### 4. **Request for Waiver of the 50 Percent Expenditure Rule**

For the 2017 CDBG NOFA, Chapter 552, Statutes of 2016 (AB 723) allows the Director to waive the 50 percent Expenditure Rule, under given circumstances. Waivers will only be granted to those applicants that timely submit a Request for Waiver Form and either:

- a) Received a 2016 Special Drought and/or Disaster NOFA award; **or**
- b) Submit an application to fund a “**shovel ready**” project (see Appendix N)

The Request for Waiver Form is located in the *CDBG Application*, Subsection H, *Tab 12* (Request for Waiver to the 50 Percent Expenditure Rule).

Under no circumstances shall a waiver be granted for a shovel ready project without it being requested as part of the 2017 CDBG application. For waiver requirements and instructions, **see Appendix N**.

#### **Eligible Areas**

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##### 1. **Eligibility Issues Related to Serving Areas Outside a Jurisdiction’s Boundaries**

Given the CDBG Final Rule at 24 CFR 570.486(b) and (c) posted below, the Department issued [CDBG Management Memo 13-06](#), which details the federal language and the resulting associated Department policy. Please review the Memo to ensure eligibility of a proposed activity serving areas outside a jurisdiction’s boundaries.

Final Rule at 24 CFR 570.486(b) and (c):

**“(b) Activities serving beneficiaries outside the jurisdiction of the unit of general local government** - Any activity carried out by a recipient of State CDBG program funds must significantly benefit residents of the jurisdiction of the grant recipient, and the unit of general local government must determine that the activity is meeting its needs in accordance with section 106(d)(2)(D) of the Act. For an activity to significantly benefit residents of the recipient jurisdiction, the CDBG funds expended by the unit of general local government must not be unreasonably disproportionate to the benefits to its residents.”

**“(c) Activities Located in Entitlement Jurisdictions** - Any activity carried out by a recipient of State CDBG program funds in entitlement jurisdictions must significantly benefit residents of the jurisdiction of the grant recipient, and the State CDBG recipient must determine that the activity is meeting its needs in accordance with Section 106(d)(2)(D) of the Act. For an activity to significantly benefit residents of the recipient jurisdiction, the CDBG funds expended by the unit of general local government must not be unreasonably disproportionate to the benefits to its residents. In addition, the grant cannot be used to provide a significant benefit to the entitlement jurisdiction, unless the entitlement grantee provides a meaningful contribution to the project.”

Housing and Community Development Act, 106(d)(2)(D) states:

*“To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs.”*

It is incumbent upon each applicant to provide proposed beneficiary documentation showing that their citizens will significantly benefit from the activity being applied for. As part of the eligible activities review process, the Department will review the documentation to ensure all activities meet the above requirements.

## 2. **Native American Set-Aside - Eligible Areas and Activities**

Eligible jurisdictions may apply for Native American Set-Aside funds in addition to any other CDBG activity funding in this NOFA without invoking the program funding caps. Jurisdictions are encouraged to include activities benefiting eligible Native American communities in their application for CDBG funds. These communities must be properly identified to be eligible. Requests for funding under the Native American Set-Aside must be included in the jurisdiction’s application and, if awarded, will be included in the same grant contract as all other activities/funding awarded.

- a) Pursuant to State CDBG Regulation, Section 7062, grant funds may be awarded to “eligible applicants for identifiable geographic areas within eligible cities and counties comprised of high concentrations of Native Americans not recognized as Indian Tribes, as defined in Section 102(a)(17) of the Act.”
- b) Eligible cities/counties may apply for Native American Set-Aside funds on behalf of **non-federally recognized** Native American communities up to the maximum activity amount available, as defined in this NOFA, for Housing activities or Public Infrastructure in support of new or existing housing.
- c) Further, pursuant to State CDBG Regulation, Section 7062 “identifiable geographic areas comprised of high concentrations of Native Americans” means: “identifiable geographic areas comprised of no less than 51 percent Native Americans not recognized as an Indian Tribe by the Act. An identifiable geographic area may be defined by locally accepted social, historical, physical, political, or past programmatic boundaries.” Additionally, the identifiable geographic area cannot be located on a Rancheria of a federally-recognized Tribe.
- d) Eligible activities are limited to housing and infrastructure that supports housing. Pursuant to California Health and Safety Code 50831, the Department shall utilize these funds *for the same purposes as those specified in Section 50828.* Section 50828 states that *not less than 51 percent of the funds be used for the purpose of providing or improving housing opportunities for person and family of low or moderate-income, or for purposes directly related to the provision or improvement of housing opportunities for persons and families of low or moderate-income, including, but not limited to the construction of infrastructure.*



- e) Applicants applying for Special Allocation of Native American Set Aside funds are encouraged to submit an inquiry, by November 17, 201, to HCD NOFA staff, [CDBG NOFA@HCD](mailto:CDBG_NOFA@HCD) to confirm the targeted community and proposed activity are eligible.

***Note:*** *If funding for this set-aside is not fully awarded, funds will be reallocated to fund additional Community Development activities.*

### 3. **Colonias Set-Aside - Eligible Areas and Activities**

Eligible jurisdictions which contain Colonia communities, as defined by the National Affordable Housing Act of 1990, may apply for these funds. A “Colonia” is:

- a) Any identifiable community that is located within 150 miles of the border between the United States and Mexico, **except** within any standard metropolitan statistical area that has a population exceeding 1,000,000; **and**,
- b) Any identifiable community that is designated by the State in which it is located as Colonias.
- c) Any identifiable community that is determined to be a Colonia on the basis of objective criteria, including the lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; **and**,
- d) Any identifiable community that was in existence and generally recognized as a Colonia before the enactment of the National Affordable Housing Act of 1990.

In compliance with HUD’s CPD Notice 12-008, the availability of Colonia Set-Aside funds pursuant to this NOFA is limited to eligible jurisdictions that propose eligible Colonia-specific activities within designated Colonias that directly improve residential concerns associated with: (1) a lack of potable water; (2) lack of adequate sewage systems; and, (3) lack of decent, safe and sanitary housing.

All other eligible activities may be applied for from the CD allocation and may be carried out within Colonia boundaries, provided the Colonia area is also an eligible non-entitlement area and the activities meet the National Objectives of Low/Mod or Low/Mod Area benefit.

### **Threshold Requirements**

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Pursuant to State CDBG Regulations, Section 7060, in order to be eligible to submit a funding application, an applicant shall have met the following requirements at the time of application submittal:

- 1. City or county must be a Non-Entitlement Jurisdiction (see Appendix A for list of Non-entitlement jurisdictions), or must not currently be party to an Urban County Agreement or participate in or be eligible to participate in the HUD administered CDBG Entitlement Program.



2. The applicant shall submit all the application information required in State CDBG Regulations, 7062.1, 7070, 7072 and 7078, as applicable for the activities and funding allocations being requested.

By the NOFA application due date, the applicant must demonstrate to the satisfaction of the Department that it is in compliance with the State and federal submittal requirements of OMB Super Circular and Circular A-133, Single Audit Report.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) [2 CFR 200.501](#) requires non-federal entities that expend \$750,000 or more in Federal awards in a fiscal year to have a single or program-specific audit conducted for that fiscal year. Guidance on determining Federal awards expended is provided in [2 CFR 200.502](#). The dollar threshold was previously \$500,000 under OMB Circular A-133 for fiscal years beginning prior to December 26, 2014.

Local Governments that expend \$750,000 or more in federal funds during the fiscal year are required to submit an *OMB A-133 Single Audit Report* and *OMB Super Circular*, [2 CFR Part 200](#), [2 CFR — Part 200](#), audit compliance package to the California State Controller's Office (SCO).

Jurisdictions that are exempt from filing an A-133 Audit because the level of federal funds they expend is below the threshold must submit with their CDBG application a copy of the letter to SCO notifying of their exempt status. The SCO has [more information](#) on the required content of the letter.

*It is strongly recommended that each applicant check with SCO to confirm receipt of a complete A-133 submission by the NOFA application due date, and that the submission is properly reflected on SCO's status list.*

Per the State Administrative Manual (SAM) Section 20070, the State Controller's Office (SCO) is the Pass-Through Entity for California and is responsible for coordinating Single Audit compliance with local governments for all Pass-Through Federal Funding (State CDBG Program funding is pass-through funding). SCO determines if the submitted A-133 is complete.

*For purposes of eligibility under this NOFA, the Department requires that a "complete" A-133 be submitted to the SCO for the most recently ended fiscal year.*

The OMB Super Circulars 2 CFR Part 200, consolidate OMB Circular A-133 requirements in 200.331. This section addresses pass-through funds requirements, and most of the requirements are the same.

*For more information, access SCO at [http://www.sco.ca.gov/aud\\_single\\_audits.html](http://www.sco.ca.gov/aud_single_audits.html).*

**Applicants deemed by SCO to be out of compliance with the A-133 submission requirement by the application filing deadline for this NOFA will not be eligible for funding.**

3. Pursuant to State CDBG Regulation, Section 7080, applications must be in compliance with federal CDBG Public Participation regulations to be eligible for funding. Refer to Appendix D for requirements and sample governing body resolutions.
4. The applicant must have complied with all the requirements listed in Health and Safety Code Sections 50829 and 50830 regarding Housing Element law. State regulations 25 CCR 7060 allow jurisdictions to be eligible applicants when they have (1) submitted their draft housing element to the Department for comment, (2) received and considered findings, and (3) adopt the housing element by the application due date. Pursuant to the law, CDBG will not reject an application based on either the content of the housing element or the Department's findings on the element, except as may otherwise be provided in Section 50830 of the Health and Safety Code. The determination of housing element compliance will be made by the Department's Division of Housing Policy Development (HPD).

The Department strongly recommends contacting Paul McDougall, Section Chief, HPD, at (916) 263-7420 or [Paul.McDougall@hcd.ca.gov](mailto:Paul.McDougall@hcd.ca.gov) to verify housing element compliance with CDBG requirements. For Housing Element and Growth Control Requirements, refer to **Appendix B**.

## E. ELIGIBLE ACTIVITIES

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### Overview

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- Pursuant to the Housing and Community Development Act of 1974 [HCDA Section 105(a)], CDBG funds may be used for activities as discussed below.
- For an activity to be eligible, it must be a HUD eligible activity as outlined and defined in the subsections below, and must also meet a National Objective, pursuant to 24 CFR 570.483.
- PTA is an eligible activity and may be applied for and funded for either ED or CD purposes. Details on planning activity eligibility are discussed in Funding Parameters Section, Item E (13).

### 1. Ineligible Activities

The general rule is that any activity that is not authorized under the provisions of 42 U.S. Code (USC) 5305 is ineligible to be assisted with CDBG funds.

This section identifies specific activities that are ineligible and provides guidance in determining the eligibility of other activities frequently associated with housing and community development.

a) The following activities may not be assisted with CDBG funds:

- 1) ***Buildings or portions thereof used for the general conduct of government*** cannot be assisted with CDBG funds. This does not include, however, the removal of architectural barriers involving any such building. Also, where

acquisition of real property includes an existing improvement which is to be used in the provision of a building for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible, provided such acquisition meets a National Objective.

- 2) **General government expenses:** Except as otherwise specifically authorized in this subpart or under, *OMB Super Circular*, [2 CFR — Part 200](#), expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.
  - 3) **Political activities:** CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally assisted with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.
- b) CDBG may not fund the following activities unless authorized under provisions in Special Economic Development (and in some cases Public Services) as otherwise specifically noted herein.
- 1) **Purchase of equipment:** The purchase of equipment with CDBG funds is generally ineligible.
    - (i) **Construction equipment:** The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to *OMB Super Circular* [2 CFR — Part 200](#), as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible since it is an integral part of a public facility.
    - (ii) **Fire protection equipment:** Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible.
    - (iii) **Furnishings and personal property:** The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase or to pay depreciation or use allowances (in accordance with *OMB Super Circular*, [2 CFR — Part 200](#), as applicable for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as firefighting equipment, or when such items constitute all or part of a public service.

- 2) **Operating and maintenance expenses:** The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program. For example, the use of CDBG funds to pay the allocable costs of operating and maintaining a facility used in providing a public service would be eligible, even if no other costs of providing such a service is assisted with such funds. Examples of ineligible operating and maintenance expenses are:
- (i) Maintenance and repair of publicly owned streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking, and other public facilities and improvements. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of potholes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs; and
  - (ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.
- 3) **New housing construction:** For the purpose of this paragraph, certain provisions of site improvements, public improvements and housing pre-construction costs are not considered as activities to subsidize or assist new residential construction and therefore are eligible. These include activities in support of the development of low- or moderate-income housing including clearance and site assemblage. CDBG funds **may not** be used for the construction of new permanent residential structures or for any program to subsidize or assist such new construction, except:
- (i) As provided under the last resort housing provisions set forth in 24 CFR Part 42;
  - (ii) As authorized under 42 USC 5305(2) that will meet the National Objectives of Low/Mod Housing (LMH) or Limited Clientele (LMC).
- 4) **Income payments:** The general rule is that CDBG funds may not be used for income payments. For purposes of the CDBG Program, “income payments” means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities, but excludes emergency grant payments made over a period of up to three consecutive months to the provider of such items or services on behalf of an individual or family.

### **1. Enterprise Fund**

#### **a. Business Financial Assistance Program**

Funds under this activity are provided to eligible for-profit businesses as loans. Projects funded under this program fall under HUD's Special Economic Development Activities as per HCDA 105(a)(17). Eligible loans are underwritten with standards and documentation similar to those used by private commercial lenders including credit scores, equity contributions, historic income, projected income, collateral, and debt coverage. In addition, loans must be underwritten using HUD underwriting standards per 24 CFR 570.482(e). Businesses funded can be existing or startup companies. Loan funds are restricted to certain eligible activity costs as listed below.

##### **1) Eligible Uses of Funds**

- Paying for program marketing, loan threshold review, federal overlay compliance, business underwriting and loan approval (referred to as activity delivery and subject to public benefit standard).
- Financing of working capital to pay for marketing costs, operating expenses, and inventory.
- Financing of furniture, fixtures, and equipment (FF&E). Also, purchase and installation of manufacturing equipment.
- Financing of interior and exterior repairs and property improvements to owner and renter occupied commercial properties (including permits, engineering, and architectural costs). These improvements may include American with Disabilities Act (ADA) accessibility improvements.
- Financing real property acquisition costs.
- Financing of demolition and reconstruction or repair of blighted buildings where the business will operate.
- Financing may be used for refinancing existing business indebtedness.
- Financing of relocation costs of any displaced persons due to project development are also eligible under this program.
- Financing of some offsite public improvements.

## 2) **Ineligible Uses of Funds**

- Projects that do not meet any Public Benefit or National Objective standard.
- Projects that assist housing development.
- Projects which are “speculative in nature”, high risk, with no firm basis for sales projections and loan repayment.
- Payment of project costs incurred prior to loan approval and National Environmental Policy Act (NEPA) review completion.
- Projects which violate HUD job pirating prohibition (using CDBG funds to encourage a business to move from one labor market to another).

*Reference: ED Assistance to For-Profit Business: HCDA 105(a)(17)*

### b. **Microenterprise (ME) Assistance Program**

Funds under this activity may be provided as three different services to eligible ME persons and businesses. ME activities can provide (1) Technical Assistance Services; (2) Financial Assistance; and, (3) Support Services. Eligible ME businesses and persons, once qualified, are eligible for these three services for up to three years, per 24 CFR 570.483(b)(2)(iv). MEs can be funded as existing or start-up companies. Financial assistance must be provided only after underwriting and confirmation that the ME participant and their business are financially viable. Costs for the three services are restricted to certain eligible activity costs as listed below.

#### 1) **Eligible Use of Funds**

Technical Assistance (must be an income-qualified participant using the Department's current [Income Self Certification Form](#) posted on its website):

- One example: Technical Assistance classes, which provide business training and capacity building.
- Technical Assistance may be provided in the form of one-on-one training to help businesses develop financial management tools and inventory controls for their company or help develop a specific marketing plan. This does not include one-on-one application preparation for financial assistance noted below.

Financial Assistance (must be an income-qualified participant using the Part 5 method):

- Using grant or loan financing to pay for working capital or to pay for marketing costs, operating expenses, and inventory.

- Financing for furniture, fixtures, and equipment (FF&E). Also, purchase and installation of equipment.
- Financing for payment of interior repairs and property improvements to owner and renter occupied commercial properties (including permits, engineering and architectural costs). These improvements may include ADA accessibility improvements.
- Funds for relocation of any displaced persons due to CDBG project development are also eligible under this program.
- Assistance to non-profit agencies, only for the purpose of real property acquisition and/or construction.

Support Services Assistance (must be an income-qualified participant using the Department's [Income Self Certification Form](#) :

- Funds for payment of transportation costs to allow ME participants to travel to and from classes and technical assistance.
- Funds for payment of child care services to support the ME Program participant in attending technical assistance activities.

## **2) Ineligible Uses of Funds**

- Projects that assist development of housing.
- Payment of project costs incurred prior to NEPA review completion.
- Financial assistance to persons/families above 80 percent Adjusted Median Income (AMI) by county, adjusted for household size.
- Assistance to a business with more than five (5) employees including the owners.

*Reference: HCDA 105(a)(22)*

## **2. Economic Development Over-the-Counter (OTC)**

ED OTC funding is provided to a specific project and as a CDBG-eligible activity, normally falls under HUD's Special Economic Development Activities.

*Reference: HCDA 105(a)(14) and 105(a)(17)*

An OTC project can consist of financial assistance to a single business or a large number of assisted businesses served by common infrastructure. The most common form of an OTC project is a single business with a single project where funds are provided as a loan from the jurisdiction/grantee to an eligible borrower. The more complex OTC project occurs when OTC funds are used to pay for infrastructure

improvements in support of a commercial development (shopping center or industrial park) that has multiple businesses. All businesses associated with or served by the infrastructure must be underwritten and qualified as part of the CDBG OTC funding proposal.

a. **Eligible Uses of Funds**

- Financing may be used to cover any offsite public improvements required as part of project development.
- Financing may be used for working capital to pay for marketing costs, operating expenses and inventory.
- Financing may be used for furniture, fixtures and equipment (FF&E). Also, purchase and installation of manufacturing equipment.
- Financing may be used for payment of interior and exterior repairs and property improvements to owner and tenant occupied commercial properties (including permits, engineering and architectural costs). These improvements may include ADA accessibility improvements.
- Financing may be used for payment of demolition and reconstruction or repair of blighted buildings where the business will operate.
- Financing may be used for refinancing existing indebtedness.
- Financing used for relocation of any displaced persons due to CDBG project development funding is also eligible under this program.

b. **Ineligible Uses of Funds**

- Projects that do not meet any Public Benefit or National Objective.
- Projects that assist housing development.
- Projects speculative in nature with no firm basis for sales projections and loan repayment.
- Project costs incurred prior to NEPA review completion.
- Projects which violate HUD job pirating prohibition (using CDBG funds to encourage a business to move from one labor market to another).

**Note:** Financing to non-profits is limited to payment for acquisition of real property or construction costs.

GA costs for an ED - OTC application is capped at 7.5 percent of the requested activity funds, but not to exceed \$100,000, unless there is a written request submitted for an exception to this maximum with supporting documentation and approved in writing by the Department.



## **Community Development**

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### **Housing Definitions for Single-Family Residential and Multi-Family Residential**

Single-Family Residential, as applied to eligible **program** activities such as Housing Rehabilitation program, is defined as one to four residential unit(s) on a single property.

Multi-Family Residential applies to the eligible **project** activities of Multi-Family Housing (MFH) Rehabilitation and MFH Acquisition/Rehabilitation, and is defined as five residential units or more on a single property or within a single development complex.

While the number of units served is an important aspect of the distinction between Single-Family and MFH activities, the more important distinctions, from an eligibility and compliance standpoint are that:

- Housing Rehabilitation and Homeownership Assistance are programs where, at the time of application, there are no specific addresses assigned to the funding and guidelines are required.
- Multi-Family Housing Acquisition and/or Rehabilitation are project activities where, at the time of application, there is a specific address assigned to the funding and no guidelines are needed, but more involved oversight by the Department is required (e.g., underwriting, feasibility studies, expanded environmental review, Davis-Bacon, etc.).

These are critical differences when applying for these activities, as the application requirements and scoring criteria are significantly different. Programs require Program Guidelines to be submitted as part of the application, whereas Projects do not. Please follow the instructions in the Application for these activities and provide the specific documents and information required.

#### **1. Housing Project - Property Acquisition for Multi-Family Housing**

##### **a. Eligible Uses of Funds**

This activity is intended only for the acquisition of property for the purposes of housing projects. If the applicant is interested in non-housing property acquisition, the applicant should apply under the activity that corresponds to the proposed use of the property (i.e., when proposing to acquire a public facility or the land upon which to build one, the applicant should apply under the Public Facility activity).

Eligible uses of funds include the following:

- Acquisition of existing rental housing, the majority (51 percent) of units of which are occupied by low- or moderate-income residents.
- Resident purchase, with or without rehab, of mobile home parks.

- Acquisition of vacant land as part of an affordable housing development project.
- Temporary and permanent relocation costs provided to existing tenants/“persons”, e.g., business, non-profit, farm, or family, displaced by an assisted project, and can be provided as grant funds to a project that is using CDBG funding for development costs.

*Reference: Section 105(a)(1) of the Housing and Community Development Act of 1974.*

**Note:** For this activity, the correct application to use is the *Housing Rehabilitation Project – Multi-Family Application Form*. **Further, this activity can only be eligible if the acquisition results in housing units being built that are occupied by low/mod beneficiaries such that a National Objective will be met.**

#### b. **Ineligible Uses of Funds**

- Acquisition of property that is to be donated or sold for less than the purchase price to the same entity from which the property was originally purchased.
- Acquisition of newly-constructed housing or an interest in the construction of new housing, **unless** such housing is already constructed and for sale on the open market at the time that a commitment is made to use CDBG funds for such a purchase.
- A jurisdiction providing CDBG funding as a grant to a rental housing project owner to pay for eligible CDBG project acquisition or site improvement costs. This includes a “forgivable loan”, which is considered a grant by the Department.

## 2. **Housing Program - Homeownership Assistance (HA)**

#### a. **Eligible Uses of Funds**

Housing Assistance programs provide direct assistance to Low- or Moderate-Income (LMI) homebuyers for the acquisition of an existing housing unit. New housing units must be completed prior to the homebuyer submitting an offer to purchase. **Low/Mod is defined as total income that is at or below 80 percent of Area Median Income (AMI) adjusted for family size.**

Assistance may be used to:

- Subsidize interest rates and mortgage principal amounts;
- Finance the acquisition by Low/Mod homebuyers of housing that will be occupied by the homebuyers;
- Acquire guarantees for mortgage financing obtained by Low/Mod homebuyers from private lenders;
- Provide up to 50 percent of any down payment required from the Low/Mod

homebuyer; or,

- Pay reasonable closing costs incurred by Low/Mod homebuyers.

b. **Ineligible Uses of Funds**

- HA that would benefit a *non*-Low/Mod person or household or assistance to a homebuyer that does not occupy the home.
- HA on a unit that is not yet built, and would thus be considered *housing new construction*. HA under CDBG is intended for existing homes, not new construction.

*Reference: HCDA 105(a)(24)*

3. **Housing Rehabilitation Program (1-4 units) (HR)**

a. **Eligible Uses of Funds**

- Financing of the costs of repairs and general property improvements to owner- and renter-occupied units, including repair or replacement of principal fixtures and components of existing structures (e.g., the heating system).
- Demolition and reconstruction of dwelling units (under certain, limited circumstances).
- Loans for refinancing existing indebtedness secured by a property rehabilitated with CDBG funds, if such financing is determined by the grantee to be necessary or appropriate to achieve the locality's community development objectives.
- Water or sewer laterals from the main water line to the dwelling if done in conjunction with the rehabilitation of the unit itself, regardless if the main water line or any part of the lateral is located in a public right of way.
- Installation of water meters, if done in conjunction with the rehabilitation of the unit itself.
- Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, wall and attic insulation, and conversion/modification/replacement of heating and cooling equipment, including the use of solar energy equipment.
- Improvements to increase the efficient use of water through such means as water saving faucets, water saving showerheads, and the repair of water leaks.

- Temporary relocation payments for homeowners are optional and, if allowed, must be explained in program guidelines. Temporary relocation payments are required for tenants that need a motel short term apartment and/or require storage services during rehabilitation or construction. Tenants not allowed to return to their original units will be eligible for permanent relocation benefits, so loan documents should mandate that landlord allow tenants to return. Relocation payments are available for projects that use CDBG funds for project development costs.

**b. Ineligible Uses of Funds**

- Any action that results in what would be considered *housing new construction*.
- Creation of a secondary housing unit attached to a primary unit.
- Installation of luxury items, such as a swimming pool.
- Costs of equipment, furnishings or other personal property which are not integral structural fixtures, such as a window air conditioner, washer or dryer, etc.
- Labor costs for owners to rehabilitate their own property.
- Assistance to homeowners that would benefit a non-Low/Mod person or household.
- A jurisdiction providing CDBG funds as a grant to a rental housing project owner to pay for eligible CDBG project construction costs. This includes, “forgivable loan” which is considered by the Department as a grant.

**c. Other Considerations**

The HR (1-4 Units) activity is a **program** involving single-family residential properties that are one to four units.

HR programs require guidelines adopted in accordance with required citizen participation and a formal resolution by the governing body of the jurisdiction.

Further, should the jurisdiction choose to include tenant-occupied HR in their program, the guidelines **must** separate out the rules for renter-occupied units (also called owner-investor) and owner-occupied units.

*Reference: HCDA 105(a)(1), 105(a)(4)*

**4. Housing Projects - Multi-Family Rental Rehabilitation - with or without Acquisition**

**a. Eligible Uses of Funds**

- Financing of the costs of repairs and general property improvements to renter-occupied units, including repair or replacement of principal fixtures and components of existing structures (e.g., the heating system).

- Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds, if such financing is determined by the grantee to be necessary or appropriate to achieve the locality's community development objectives.
- Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, wall and attic insulation, and conversion/modification/replacement of heating and cooling equipment, including the use of solar energy equipment.
- Improvements to increase the efficient use of water through such means as water saving faucets and showerheads and the repair of water leaks.
- Conversion of commercial properties into housing units.
- Conversion of a non-residential structure (closed school building, closed military facility, etc.) to residential (adaptive reuse).
- Projects with at least 51 percent of the units occupied by or restricted for Low/Mod households.
- Temporary and permanent relocation costs provided to existing tenants / "persons" e.g., business, non-profit, farm or family, displaced by an assisted project, can be provided as grant funds to the project when CDBG funds are used for development costs.

**b. Ineligible Uses of Funds**

- Installation of luxury items, such as a swimming pool.
- Costs of equipment, furnishings, or other personal property that are not integral structural fixtures, like a window air conditioner, washer or dryer, etc.
- Labor costs for owners to rehabilitate their own property.
- Projects with less than 51 percent of the units occupied by or restricted for low/mod households.
- A jurisdiction providing CDBG funds as a grant to a project developer to pay for eligible CDBG project costs. This includes, "forgivable loan" which is considered by the Department as a grant.

**c. Other Considerations**

Housing Projects - Multi-Family (MFH) are for properties with five or more units, and formal *program guidelines* are not applicable. There must be a clear need for CDBG funds for a MFH project. As stated in this NOFA and corresponding application package, only one MFH Rehab project is allowed per application.

*Reference: HCDA 105(a)(1), 105(a)(4)*

## 5. Housing – Combo – Applying for both Homeownership Assistance (HA) and Housing Rehabilitation (1-4 Units) (HR)

### a. Eligible Uses of Funds

This activity allows jurisdictions to apply for funding for both HA and HR Programs. It provides greater flexibility by allowing grantees to transfer CDBG funds between the two programs without having to execute a formal contract amendment. Grantees will need to inform the Department in writing each time funds are moved, and written approval for transfer between the two programs will be required.

For details on eligible and ineligible activities, please refer to the aforementioned HA and HR sections.

***Note:*** The “Combo” program is merely a means to apply for both programs together; however, both programs cannot be used on the same address. In other words, CDBG funds cannot be used to acquire, rehabilitate and resell 1-4 Unit properties. **Furthermore, a housing combination program application requires forms and supporting documentation for both activities.**

### b. Ineligible Uses of Funds

For ineligible activities, please refer to the HA and HR sections.

*Reference: HCDA 105(a)(4) and HCDA 105(a)(24)*

## 6. Housing - Housing New Construction

### a. Very Limited Eligible Uses of Funds

For the State CDBG Program, the Housing and Community Development Act (HCDA) of 1974, as amended, states that any activity not specifically listed in section 105 is not eligible. Thus, the construction of new, permanent, housing structures is **ineligible** for CDBG assistance, except under the following limited circumstances:

Construction of **last resort** housing is when a jurisdiction is providing a displaced person with a comparable replacement dwelling unit, and this can only be accomplished by new construction. Last resort housing provisions are set forth in federal regulations Title 24 CFR, Part 42, Subpart I, [24 CFR Part 42](#). Documentation demonstrating the efforts to relocate individuals must be submitted with the application if last resort housing or displacement is part of the application.

***Note:*** Generally, activities in support of housing new construction projects are eligible under Public Improvements In-Support-of Housing New Construction or purchase of real property, or abatement/demolition activities required for the project.

b. **Other Considerations**

- **Project Completion:** Construction of all housing units must be completed and the housing units must be occupied **prior to the expiration of the CDBG Grant Agreement.**
- Conversion of a non-residential structure to residential (adaptive reuse) is not considered a housing new construction activity, and is eligible under Multi-Family Housing project.

*Reference: HCDA 105(a)(4), 105(a)(6)*

7. **Public Improvements**

a. **Eligible Uses of Funds**

The costs of construction, reconstruction, rehabilitation, or installation of a public improvement project, including water and sewer facilities, flood and drainage facilities, street improvements (including sidewalks, curbs, and gutters), and utilities.

*For Public Improvements to be eligible under the Community Development funding category, the project must be located in and serve a predominantly residential area. The applicant must attach a map indicating the use of all properties in the service area of the project.*

b. **Ineligible Uses of Funds**

- Costs of operating and maintaining public improvements.
- Costs of purchasing construction equipment.

*Reference: HCDA 105(a)(2)*

8. **Public Improvements In-Support-Of Housing New Construction (PIHNC)**

a. **Eligible Uses of Funds**

- The following are eligible uses of CDBG funds in conjunction with the actual construction of new permanent housing: Off-site improvements such as utilities, streets, curbs and gutters, sidewalks, and flood and drainage improvements are eligible only where specifically required as a condition of the housing project approval and where the improvement is necessary to the development.

If the proposed improvements are not a ***Condition of Approval***, then the activity will be deemed a non-specific Public Improvement Project and the applicant should use the Public Improvement application for that activity rather than PIHNC. The non-specific Public Improvement application will be evaluated for eligibility and scored based on area benefit.

b. **Ineligible Uses of Funds**

- Costs of operating and maintaining public improvements.
- Costs of purchasing construction equipment.
- Off-site improvements that are not a condition of approval for the new housing development.
- On-site improvements.

c. **Other Considerations**

Project Completion: The construction of all housing units must be completed and the housing **must be occupied** (regardless of any other funding sources in the project) **prior to the expiration of the CDBG Standard Agreement.**

*Reference: HCDA 105(a)(2)*

9. **Public Facilities**

a. **Eligible Uses of Funds**

- Acquisition, rehabilitation, or new construction of buildings and grounds used to provide one or more eligible CDBG public service: Public services, such as employment training, health services, education, recreation, nutrition, shelter, day care, temporary housing, and fire protection. For a public facility to be eligible, it must be used for public purposes, or provide eligible public services as described in this section.
- The acquisition of real property (including air rights, water rights, easements, rights-of-way, and other interests therein) is eligible if the property meets any of the following criteria:
  - Blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth;
  - Appropriate for rehabilitation or conservation activities; **or**,
  - The acquisition of land for use as a park serving primarily a residential neighborhood that is predominantly low- to moderate-income.
- Temporary Housing: For housing-related activities to be eligible as a Public Facility, both the facility and the services therein must be designed for use in providing temporary shelter for persons having special needs. Such shelters would include, but not be limited to, nursing homes, convalescent homes, and shelters for victims of domestic violence, shelters and transitional facilities for the homeless, halfway houses for runaway children or drug offenders or parolees, group homes for the developmentally disabled, and seasonal housing for migrant farmworkers.



- Permanent relocation costs can be provided to existing tenants / “persons” (e.g., business, non-profit, farm or family, displaced by an assisted project, and can be provided as grant funds to the project). Projects must be using CDBG funds for development costs.

***Note:*** *Costs for design features which promote the energy efficiency of the proposed Public Facility activity may be included.*

- If a public facility contains multiple uses, including both eligible and ineligible uses, it can still receive CDBG assistance if:
  - *The portion of the building which will house the eligible uses will occupy a designated and specific area demonstrated by building drawings/plans; and*
  - *The applicant can determine the costs attributable to the portion of the facility proposed for assistance as separate and distinct from the overall costs of the multi-use building.*

#### b. **Ineligible Uses of Funds**

- Buildings used for the general operation of local government are not eligible as public facilities, except that the removal of architectural barriers from such buildings is an eligible activity (see note below regarding Section 504 compliance).
- The costs of maintaining or operating a public facility, including furniture fixtures, are not eligible as a public facility activity, but may be eligible under a public service program activity.
- Refinancing loans on existing public facility buildings is not an eligible use of CDBG funds, unless the refinancing takes place in conjunction with the rehabilitation of the building.
- Permanent housing.
- Time-sharing of eligible and non-eligible uses for the same space.
- A jurisdiction providing CDBG funds as a grant to a project developer to pay for eligible CDBG project costs. This includes, “forgivable loan” which is considered by the Department as a grant.

#### c. **Other Considerations**

**Use Limitation Agreement:** For property acquired or improved in whole or in part using CDBG funds, a Use Limitation Agreement will be required to be in effect for at least five years after the close out of the CDBG contract to ensure that the eligible public services will continue to be provided.

*Reference: HCDA 105(a)(2)*

**Note: Government Building Exception: Section 504 Compliance:**

Rehabilitation of buildings used for the general operation of local government is not eligible **unless the rehabilitation is to remove architectural barriers** and must comply with the requirements detailed in Section 504 of the Rehabilitation Act of 1973, including obtaining a certificate of compliance from the architect documenting that the facility meets Section 504 accessibility requirements (see **Appendix G**).

*Reference: Section 504 of the Rehabilitation Act of 1973 and HCDA 105(a)(5).*

## **10. Public Services**

### **a. Eligible Uses of Funds**

CDBG funds may be used to provide public services including labor, supplies, materials and other costs. Funding operating and maintenance costs in the facility providing the service is allowed under this category. Public Services include, but are not limited to:

- Child Care
- Health Care
- Crime Prevention
- Job Training
- Recreation Programs
- Education Programs
- Fair Housing Counseling
- Credit Counseling Services
- Public Safety Services
- Services for Senior Citizens
- Services for Homeless Persons, including Coordinated Entry activities
- Drug and Alcohol Abuse Counseling and Testing
- Transportation Services
- Nutrition Services
- Energy Conservation Counseling and Testing
- Emergency Assistance Payments
- Neighborhood Cleanup

### **b. Ineligible Uses of Funds**

- Political Activities
- Religious Services
- Governmental Operations
- Ongoing Grants or Non-emergency payments to individuals for the food, clothing, rent, utilities or other income payments (subsistence payments) beyond three months
- Activities for the general promotion of the community, e.g. a 100-year anniversary celebration

### c. Other Considerations

**Limited Funding for Public Service Activities.** Federal statute [42 USC 5305(a)(8)] limits the expenditure of **public service funds to no more than 15 percent** of the State's annual CDBG funding award from HUD and is calculated each year based on actual public service expenditures.

Federal statute allows for the use of CDBG funds for Public Services only under any of the following four circumstances:

- 1) The service must be **new**, in that it has not been provided before, or has been discontinued for more than 12 months prior to the final filing date of the application;
- 2) The proposed service must show a **quantifiable increase** in the level of service with the costs having never been incurred or paid for by a funding source; or
- 3) The service is **currently funded with CDBG grant funds** and the service will remain at substantially the same level; or
- 4) The service was previously **funded by another source and that source is no longer available. The loss of this funding must be documented in the application.** *The applicant will be required to show that CDBG funds are not being substituted for other state or local funds and that the loss of current funding is out of the applicant's control. CDBG funding may not supplant other state and local funding. If the applicant intends to apply under this eligibility, please call your CDBG Representative to discuss prior to preparing the application.*

*Reference: HCDA 105(a)(8)*

## 11. Code Enforcement

Code enforcement is defined as a process whereby local governments gain compliance with ordinances and regulations regarding health and housing codes, land-use and zoning ordinances, design standards, and uniform building and fire codes. Code enforcement may only take place in primarily residential areas where 51 percent of the residents are low- and moderate-income.

**Note:** *Code Enforcement is not a Public Service Activity. It is a stand-alone activity under 42 USC 5305(a)(3) with IDIS Matrix Code 15. However, CDBG State Regulations allow for this activity to be considered a Public Services and scored accordingly, like job training programs.*

## **12. Jurisdiction-wide Code Enforcement**

Grantees may not use CDBG funds to pay for code enforcement in every area or neighborhood or **for a grantee's entire jurisdiction** (e.g., city- or county-wide). In addition, Code Enforcement **cannot** qualify under the Slums & Blight National Objective – it can only qualify under Low/Mod Area Benefit, provided that it is well documented (see Application for required documentation).

### **a. Eligible Uses of Funds**

- CDBG funds may be used to provide Code Enforcement of state and/or local codes.
- It *must only pay* for the *enforcement* of state and/or local codes which is limited to staff salaries for Code Enforcement Officers issuing citations for code violations.

### **b. Ineligible Uses of Funds**

- Costs of correcting code violations; and
- Code Enforcement work outside of the defined residential service area.

### **c. Other Considerations**

To be eligible, the Code Enforcement Activity must:

- Only be carried out in *deteriorating or deteriorated areas* where such enforcement, together with public or private improvements, rehabilitation or services to be provided, *may be expected to arrest the decline of the area*.
- Clearly *identify measurable outcomes* and be *supported by documented success*.
- CDBG-funded code enforcement activities can trigger the Uniform Relocation Act (URA) and its Section 104(d) if the follow-up activity involves the acquisition, rehabilitation or demolition of property with other federal or *private funding*, and requires that individuals move on a temporary or permanent basis. Applicants engaging in Code Enforcement activities that may or will cause the relocation and displacement of persons must provide a project-specific relocation plan. This plan must outline how they will manage the relocation and displacement activities for the project and estimate what relocation benefits will be required.

*Reference: HCDA 105(a)(3)*

### 13. Planning and Technical Assistance (PTA)

#### a. Eligible Uses of Funds

CD planning studies focus on research, analysis, and planning for community needs concerning housing, public improvements, community facilities, public services, and local planning issues. PTA funds can be used for planning activities to support homeless prevention and rapid rehousing activities such as Point in Time Count, planning for coordinated entry, planning for improved data collection, and other costs eligible under the categories listed below. Planning study final products must show a connection to assisting with an eligible CDBG activity that, if implemented, meets a National Objective.

ED planning studies focus on business development and job creation or retention through analysis of business development opportunities. ED planning grants also help develop analysis of needs and impediments to growth of local businesses (lack of infrastructure or financing). Planning grants for ED can assist in the development of long term local economic development strategies, like County Economic Development Strategies (CEDS) required by Federal Economic Development Agency (EDA). Downtown economic development plans to guide the growth and revitalization of a downtown area are also eligible and could qualify as helping to develop a BA program for the downtown area which would create jobs for Low/Mod persons.

Planning-only grants or activities can meet the Low/Mod Income Benefit objective if it can be shown that at least 51 percent of the persons who would benefit from implementation of the plan are Low/Mod-income persons. Such a determination is not dependent on the planned-for activity or project actually being implemented at some point.

*Reference: 24 CFR 570.483(b)(5). Meeting Low/Mod Income benefit for planning grants includes use of "Limited Clientele".*

Per HCDA 105(a)(12), PTA funding may only be spent on:

- Studies
- Analysis
- Data gathering
- Preparation of plans
- Identification of action that will implement plans
- Preliminary plans and specifications, and/or
- Comprehensive plans

Comprehensive planning is allowed if the planning is carried out in a geographic area in which 51 percent or more of the residents are Low/Mod-income as documented by the federal census or income survey completed within the last five years, and the applicant can document that the comprehensive plan will primarily benefit Low/Mod-income persons.

**Note: Grant/application writing, including ED OTC activities, is not an eligible use of PTA funding.**

Further, *the application must document* that the work-product to be produced by the PTA award, if implemented, **will** meet the National Objective of Low/Mod Benefit. The Department will evaluate each PTA for eligibility based on the application's supporting documentation confirming the PTA will meet one of the National Objectives.

If awarded, the work product produced by the PTA award **must:**

- 1) meet either the Low/Mod Area, Limited Clientele, or other Low/Mod qualification;
- 2) be consistent with the work product applied for in the PTA application; and
- 3) be submitted to the Department at time of grant closeout.

The activity may be deemed ineligible and funding shall be returned to the Department if the work-product produced by the PTA grant is:

- 1) not consistent with the work-product approved in the original application;
- 2) not as described in the contract;
- 3) if implemented, will not meet a National Objective; or,
- 4) is not submitted at the time of grant closeout.

Grant writing may be funded through a jurisdiction's GA funding; **however, CDBG GA can only be spent on preparing applications for federal funding.**

Under HCDA Section 105(a) (14), planning activities may also be carried out by public or private nonprofit entities. Applicants are directed to forward PTA eligible activity inquiries to CDBG NOFA Unit staff through the email address at [\*\*CDBG NOFA@HCD\*\*](mailto:CDBG_NOFA@HCD).

**b. Ineligible Uses of Funds**

- 1) Planning and capacity building activities do not include:
  - Final engineering, architectural plans and design costs related to a project (for example, detailed engineering specifications and working drawings);
  - The costs of implementing plans, including grant application preparation; or,
  - Providing technical assistance to a non-profit for capacity building.

2) In addition, the list below gives examples of activities that are ineligible, with possible exceptions. Applicants are directed *to forward PTA eligible activity inquiries to CDBG NOFA Unit staff through the email address at [CDBG NOFA@HCD](mailto:CDBG.NOFA@HCD)*.

- **Ineligible: Income Survey** costs. The cost of conducting an Income Survey is not an eligible CDBG cost.
- **Ineligible: Housing Element** preparation for jurisdictions in which fewer than 51 percent of residents are Low/Mod as documented by the federal American Census Survey (ACS) census data.

**Exception:** *Costs incurred for the preparation of that portion of the Housing Element in which affordable housing is addressed is eligible.*

*Reference: HCDA 105(a)(12); HCDA 105(a)(14); and, HCDA 105(a)(19)*

c. **Other Considerations**

**Cash Match Requirements** - The PTA activity requires local matching funds to be committed to the activity, per Health and Safety Code Section 50833. Per 25 CCR Section 7058(a)(5)(A), all jurisdictions applying for a PTA activity will be required to commit **five percent** of the total funding amount - including GA - as a required cash match. For more information on this requirement, see **Appendix I** and the PTA activity section of the Application.

## **F. SUPPLEMENTAL ACTIVITIES**

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If the applicant submits an application for an eligible Supplemental activity, any contract funds that are supplanted by PI funds may be used to fund Supplemental Activities.

For the 2017 NOFA **only one** Supplemental Activity may be requested. A Supplemental Activity may be requested by filling out the Supplemental Activity tab on the Application Summary, and submitting the Supplemental Activity Form and any required documentation that corresponds to the type of activity being requested (Project or Program). Public service programs are eligible as a Supplemental Activity; however, only one public service program is allowed as a Supplemental Activity. Supplemental Activities cannot include Planning Activities. The reason for this is that Planning Activities are part of the GA expenditure cap. Supplemental Activities are not applicable to ED OTC applications.

The Department will review these documents for eligibility and confirm that a National Objective will be met. If the activities are determined to be eligible and will meet a National Objective when implemented, they will be added to the grant contract. Once part of the contract, the grantee may choose to spend PI first on a supplemental activity or competitively awarded activities, as long as PI is spent prior to drawing down grant funds.

### ***Important Considerations:***

1. Supplemental Activity must be an eligible activity and meet a National Objective; otherwise they will not be added to the grant contract.
2. Supplemental Activity must be able to be completed by the end of the expenditure milestone period of the contract.
3. Supplemental Activity applied for must be included, by name, in the applicant's citizen participation process prior to application submittal.

## **G. NATIONAL OBJECTIVES AND DOCUMENTING BENEFICIARY REQUIREMENTS**

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### **Meeting a National Objective**

According to 24 CFR Section 570.483, to be eligible for funding, every CDBG-funded activity must meet one of the following three National Objectives of the program. The National Objectives are:

- *Benefit to low- and moderate-income persons;*
- *Prevention or elimination of slums or blight; or,*
- *Urgent Need, which is meeting other community development needs having a particular urgency because of existing conditions that pose a serious and immediate threat to the health or welfare of the community (requires state or federal disaster declaration) and other financial resources are not available to meet such needs.*

The most commonly used is the benefit to low- and moderate-income individuals or households, which is allowable for both CD and ED activities. Elimination and prevention of slums and blight on a spot basis is only allowed for certain ED project activities.

For more information of the State CDBG Program, see the HUD Guide to National Objectives and Eligible Activities at [HUD Guide to National Objectives and Eligible Activities for State CDBG](#).

***If an eligible activity is not documented in the application as meeting one of the allowable CDBG National Objectives, then the activity will be deemed ineligible and the jurisdiction will be ineligible for funding of that activity.*** As such, the application must clearly document how the CDBG National Objective will be met.

There are four ways to meet the National Objective to benefit low-to-moderate income households based on the proposed activities. Benefit can be based on area benefit; serving a limited clientele; involving housing; and involving employment (jobs). Each of these methods is designed to document that households benefiting from CDBG eligible activities are at or below the Department's annual published limits of 80 percent or less of county median income, adjusted for family size. Below is a description of how documentation for meeting the National Objective to benefit low- and moderate-income persons is achieved.



Refer to **Appendix F** for the National Objective Matrix. The Department encourages applicants to review and print this document.

## 1. **Benefit to Low- and Moderate-Income Persons (Low/Mod)**

Beginning in July 2014, HUD began using the ACS data to calculate Low/Mod percentages by census tract/block groups and by Census Designated Place. The data for eligible cities and counties is in **Appendix A**.

For those service areas that are not jurisdiction-wide and that do not fall within the census tract/block group(s) model, HUD provides “2016 LMISD by State” based on the 2006-2010 ACS and can be found at <https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-block-groups-places>. This provides low/mod data for Census Designated Place (CDP) areas. HUD’s LMISD Map Application can be found [here](#) and HUD’s updated LMISD Excel data files are posted at [HUD’s Low/Mod Summary Data](#) page. For more details on defining service area, see **Appendix J**.

Seventy percent of all CDBG funding must be spent for the benefit of persons, families or households with incomes at or below 80 percent of their county’s median income, adjusted for family size. The criteria for how an activity may be considered to benefit LMI persons are divided into four subcategories: Low/Mod Area (LMA); Limited Clientele (LMC); Low/Mod Housing (LMH); and Low/Mod Job (LMJ); detailed below.

Further, there is also a ***restriction on benefit to moderate-income persons***. The regulations require grant recipients to ensure that moderate-income persons are not benefitted to the exclusion of low-income persons (see 24 CFR 570.483(b)). This does not mean that each CDBG-assisted activity must involve both low- and moderate-income beneficiaries. However, it does mean that the grant recipient’s CDBG program, as a whole, must *primarily benefit low-income persons*, and that moderate-income persons do not benefit to the exclusion of low-income persons.

### a. **Low/Mod Subcategories**

#### 1) **Low/Moderate-Income Area (LMA) Benefit**

An LMA Benefit activity is an activity that is available to benefit all the residents of an area that is primarily residential. In order to qualify as addressing the National Objective of benefit to Low/Mod persons on an area basis, the activity must serve the needs of Low/Mod persons residing in an area where at least 51 percent of the residents are Low/Mod persons. The benefits of this type of activity are available to all residents in the area regardless of income.

#### **Examples of LMA Benefit activities include:**

- Public Infrastructure Projects
- Public Facilities
- Public Services

For detailed information on determining Service Area, see **Appendix J**.

**Note:** Applicants using this National Objective will be required to submit a map of the service area should the service area be greater or lesser than the jurisdictional boundaries.

2) **Low/Moderate-Income Limited-Clientele (LMC)**

A LMC activity is an activity that provides benefit to a specific group of persons rather than everyone in an area generally.

To qualify under this subcategory, a LMC activity **must meet one** of the following tests:

- a) Exclusively benefit a clientele who are generally **presumed** by HUD to be principally Low/Mod persons, such as:
- Abused Children
  - Elderly Persons
  - Battered Spouses
  - Homeless Persons
  - Adults Meeting the Bureau of Census' Definition of Severely Disabled Adults, such as Illiterate Adults, Persons Living with AIDS, Migrant Farm Workers.

For further details, see <http://www.census.gov/prod/2012pubs/p70-131.pdf>.

**Note:** This presumption may be challenged if there is substantial evidence that the Low/Mod persons in the actual group are most likely not principally Low/Mod persons.

- b) Be a Public Service/Facility that is not open to all. For example, Youth Services or a Youth facility, or other income qualified beneficiary activity. In this instance, see *Income Calculation and Determination Guide for Federal Programs* on the Department's website at [Income Manual](#), Chapter 7 - Self-Certification.
- c) Be of such nature and in such location that it may be reasonably concluded that the activity's clientele will primarily be *Low/Mod* persons. For example, a day care center designed to serve residents of a public housing complex.
- d) Be an activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of Census' definition of "severely disabled," **provided** it is restricted to the extent practicable, to the removal of such barriers by assisting:
- The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under LMA benefit criteria;

- The rehabilitation of privately-owned nonresidential building or improvement that does not qualify under the LMA benefit criteria or the LMJ criteria; or
  - The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under the LMH criteria.
- e) Be a Microenterprise (ME) Assistance activity carried out in accordance with HCDA 105(a)(22) or 24 CFR 570.482(c) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are Low/Mod persons.

**Note:** *Once a person is determined to be Low/Mod, he/she may be presumed to continue to qualify as such for up to a three-year period, but only when the activity is ME Technical Assistance or Services.*

**Other Important Considerations Regarding ME:** The benefit types for ME Program services are divided into indirect benefit and direct benefit, and each have different income eligibility requirements and different income documentation requirements for beneficiaries of the program services.

**Indirect Benefit:** ME Technical Assistance and Support Services. Support Services provide indirect benefit; and, as such, the service beneficiaries must be documented as income eligible using the Department's Income Self-Certification Form in *Income Calculation and Determination Guide for Federal Programs* on the Department's website at [Income Manual](#). This is similar to Public Service activities funded under CD funding category.

**Direct Benefit:** ME Financial Assistance (loans and grants) are considered direct benefit; and, as such, each beneficiary must be documented as income eligible using the Part 5 process as detailed in the *Income Calculation and Determination Guide for Federal Programs* on the Department's website at [Income Manual](#). ME Financial Assistance income documentation using Part 5 is the same process as that used for HR activities funded under the CD funding category.

**Documentation:** Prior to providing services or funding to a ME Program participant, an original signed income Self-Certification Form or completed Part 5 Income Qualification eligibility process must be in the project file. Additionally, evidence of five or few employees, including the owners, must be in the file.

**Important Tip:** Should the indirect benefit (Technical Assistance) result in direct benefit (Financial Assistance) at a later date, the self-certifications from the indirect benefit activity are no longer sufficient, and each financially assisted beneficiary must be subject to full Part 5 Income Qualification.

### 3) **Low/Mod-Income Housing (LMH)**

HCDA 105(c)(3) requires that an activity which assists in the acquisition, construction or improvement of permanent, residential structures, and HA, may qualify as benefiting Low/Mod persons only to the extent that the housing is occupied by Low/Mod persons. Thus, for an activity under housing to qualify under the Low/Mod Benefit National Objective, it must result in housing that will be **occupied** by a Low/Mod household upon completion.

The housing can be **either** owner- or renter-occupied and can be a single-family or a multi-family structure. When housing is to be rented in order for a dwelling unit to be considered to benefit a Low/Mod household, it must be occupied by the household at **affordable rents** [24 CFR 570.483(b)(3)].

Further, LMH benefit is based on *households*, not *persons*. Thus, **total household income** must be at or below 80 percent of median income for the residing county, adjusted for family size.

#### **Examples of activities that must meet LMH benefit standards include:**

- Acquisition of property to be used for permanent housing;
- Rehabilitation of permanent housing;
- Conversion of nonresidential structures into permanent housing;
- Assistance to a household to enable it to acquire ownership of a home (HA); and,
- Hookups to connect residential structures to water and sewer systems.

**Occupancy Rule:** Occupancy of the assisted housing by Low/Mod households under LMH is determined using the following general rules:

- All assisted single unit structures must be occupied by LMI households;
- An assisted *two-unit* structure (duplex) must have *at least one* unit occupied by a Low/Mod household; and,
- An assisted structure containing *more than two units* must have *at least 51 percent* of the units occupied by Low/Mod households.

#### **Other Considerations:**

Condominiums - Where rehabilitation of one or more units in a multi-family building are individually owned, such as a condominium, rehabilitation is limited to the particular unit(s) and shall not involve rehabilitation of any property held as common area ownership.

### **Important Tips:**

- For any Housing Activity, Low/Mod benefit is based on using LMH National Objective in compliance with Part 5 Income Determination, using the [Income Manual](#). Housing activities that are considered *programs* (HR 1-4 units, and HA) must address this requirement in their Guidelines as a program requirement.
- Tenant Occupied Units (1-4 units or multi-family projects) must use the income self-certification process for tenants occupying the units at the time of application to verify that at least 51 percent of the tenants will meet the LMH requirement. Once “assisted,” the units, at occupancy, must meet the full Part 5 Income Qualification requirement until the Rent Limitation Agreement terminates.
- Eligibility for HA at HCDA 105(a)(24) requires that only Low/Mod households be assisted. No other, less restrictive National Objective may be used for this activity.

#### **4) Low/Mod Income Jobs (LMJ)**

This National Objective applies *only* to ED BA (BA) – which includes both EF BA activities and ED OTC projects (the only differences, essentially, are the sizes of the loans/grants, and the application process.). ME, as noted above, is 100 percent LMC, so job creation/retention is not necessary.

ED BA activities are generally undertaken for the purpose of job creation or retention; thus, most of the time, job creation or retention activities are classified as eligible under one of several economic development-oriented eligibility categories.

Per HCDA 105(c)(1), one of the ways that LMI can be met is to “Involve the employment of persons, the majority (51 percent) of whom are Low/Mod persons,” which is what allows the LMJ National Objective subcategory to meet the LMI requirement.

### **Examples of Activities That Could Be Expected to Create or Retain Jobs:**

- EF BA or OTC project that finances the expansion of a plant or factory (job creation).
- EF BA or OTC project for financial assistance to a business which has publicly announced its intention to close; but, through the CDBG ED loan, can update its machinery and equipment and thus remain open instead (job retention).
- OTC project upgrading an access road to serve a new distribution warehouse being built by a firm.

A *LMJ activity* is one which creates or retains permanent jobs. At least 51 percent of these, on a full-time equivalent (FTE) basis, must be either held by Low/Mod persons (retention) or held by Low/Mod persons at the time of being hiring (creation).

#### **What Jobs Can Be Counted:**

- Part-time jobs must be converted to full-time equivalents (FTE). State regulation 24 CCR Section 7054 Definitions, “Permanent job” allows for a maximum of two part-time jobs to be aggregated to one FTE.
- Only permanent FTE job count consists of job hours equal to 1,750 hours for full time, 875 hours for part-time and must be considered permanent. No temporary jobs will counted for job creation.
- Seasonal jobs are considered to be permanent for this purpose only if the season is long enough for the job to be considered the employee’s principal occupation.

**Note:** *Jobs indirectly created or retained by an assisted activity may not be counted.*

#### **Jobs “Held By” Low/Mod Persons:**

A job is considered to be held by a Low/Mod person if the person is a member of a family whose income falls at or below 80 percent of county median income, adjusted for family size, *at the time their employment commences* (job creation). The entire family’s income must be counted.

#### **Special Rules for Retained Jobs:**

In order to consider jobs *retained* as a result of CDBG assistance, there must be clear and objective evidence that permanent jobs will be lost without CDBG assistance. For these purposes, “clear and objective” evidence that jobs will be lost can include:

- Evidence that the business has issued a notice to affected employees or made a public announcement to that effect.
- Analysis of relevant financial records which clearly and convincingly shows that the business is likely to have to cut back employment in the near future without the planned intervention.
- To meet the LMJ standard, at least 51 percent of the retained jobs must be known to be held by Low/Mod persons at the time CDBG assistance is provided.

**Note:** In both retained and created jobs, the [Income Manual](#) must be used by using the Self-Certification Income Forms.

**Provisions for Aggregating Jobs:** See Application Review and Evaluation Section, Public Benefit Requirements.

## 5) **Low/Mod Benefit Scoring for Applications**

In scoring activities that are 100 percent income-qualified or LMC, Need/Benefit will be scored based on jurisdiction-wide HUD Low/Mod percentage. These percentages are listed in **Appendix A**.

If the jurisdiction uses a service area that is greater or less than the applicant's jurisdictional boundaries, for the purpose of proving LMA eligibility (51 percent or greater Low/Mod percentage) on activities that are not 100 percent income-qualified or LMC, the Department will score Need and Benefit on the same service area; and, therefore, the applicant will be required to submit maps and Low/Mod data per HUD's Low/Mod data at the Census Tract and Block Group levels. For more information on HUD's Low/Mod data, see **Appendix H**.

When the service area (Low/Mod area) is the whole jurisdiction, the Department will use the jurisdictional data within **Appendix A**.

## **Documentation Requirements**

Each application must contain a discussion of how the proposed project will principally benefit the Low/Mod-Income group. The Department has provided jurisdiction-wide Low/Mod information in **Appendix A**. For activities using LMA benefit (for service area other than jurisdiction-wide), applicants should use HUD Low/Mod data by census tract and census block group (see **Appendix H**), or a valid income survey to document benefit. Links to the HUD website are provided at the end of **Appendix A** and in **Appendix H**.

**Note:** The use of Income Surveys may not be acceptable documentation of meeting Low/Mod Area (LMA). Applicants are strongly encouraged to discuss the Income Survey that will be used by the applicant to meet the National Objective of LMA by submitting an inquiry to the CDBG NOFA Unit staff at [CDBG NOFA@HCD](mailto:CDBG_NOFA@HCD).

## 2. **Prevention/Elimination of Slums and Blight**

The State CDBG Program allows this National Objective to be used generally in conjunction with Special ED activities under an OTC project. HUD is very careful to make clear that this National Objective results in clearly eliminating specific conditions of blight, physical decay, or environmental contamination. Spot blight is for specific projects not located in an area that has been designated as blighted.

**Note:** The State defines Slum and Blight at [Health and Safety Code Sections 33030-33039](#).

a. **Slums & Blight – Area Basis**

Currently, the Department will not allow Slums & Blight National Objective to be used on an Area-wide Basis for any activity.

b. **Slums & Blight – Spot Basis (Aid in the Prevention or Elimination of Slums or Blight (24 CFR 570.483(c)(2))**

Examples of Activities Designed to Address Blight on a Spot Basis:

- Historic preservation of a blighted public facility;
- Demolition of a vacant, deteriorated, abandoned building; or,
- Removal of environmental contamination or other public hazard from a property to enable it to be redeveloped for a specific use.

The elimination of specific conditions of blight or deterioration on a spot basis is to be used for the prevention of blight, on the premise that such action(s) serve to prevent the spread of blight to adjacent properties or areas.

To comply with the National Objective of Elimination or Prevention of Slums or Blight on a Spot Basis (i.e., outside a slum or blight area), an activity must meet the following criteria:

- 1) The activity must be designed to eliminate specific conditions of blight or physical decay, not located in a designated slum or blighted area; and,
- 2) The activity must be limited to one of the following:
  - Acquisition (see Other Considerations)
  - Clearance/demolition
  - Relocation
  - Historic Preservation
  - Rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety.

*Reference: 24 CFR 570.483(c)(2)*



## **Other Important Considerations**

To be considered **detrimental to public health and safety**, a specific condition must pose a threat to the public in general. Public improvements cannot qualify under this standard, except for rehabilitation of public buildings (other than buildings for the general conduct of local government) and historic preservation or public property that is blighted.

As a general rule, National Objective compliance for the acquisition of real property must be based on the use of the property after the acquisition takes place. The initial determination is based on the *planned* use of the property, but the final determination is based on the *actual* use. **However**, when a property is acquired for the purpose of *clearance* to remove specific conditions of blight or physical decay, the **clearance is considered to be the actual use** of the property; but, any subsequent use made of the property following clearance, must be considered to be a “change of use” under 24 CFR 570.489(j).

In this case, the CDBG-funded ED project must not be in a documented area of blight. However, the project must be formally documented as blighted (i.e., having serious health and safety violations) by the jurisdiction. In addition, the CDBG funds must pay for the correction of the code violations and eliminate the blighted conditions. This is a way to use the elimination of slums and blight on a project by project basis. Department staff should be consulted as part of making a final determination of project compliance with this National Objective.

## **Documentation**

a) For **Spot Blight**, the application must include:

- Documentation that the project site meets HUD’s definition of blighted; and
- Documentation that the CDBG funds will pay to eliminate the project’s blighted conditions.

b) It is highly recommended that the documentation include, but not be limited to, date-stamped photographs showing the condition(s).

### **3. Urgent Need**

As noted at the beginning of this section, Urgent Need is now an eligible National Objective per 25 CFR 570.483(d) under this NOFA. The Department addresses Urgent Need in real-time on a case-by-case basis rather than only once a year under an annual NOFA. If an applicant intends to use Urgent Need in their application, please consult with HCD NOFA staff, prior to November 17, 2017, at [CDBG\\_NOFA@HCD](mailto:CDBG_NOFA@HCD).

To comply with the National Objective of meeting community development needs having a particular urgency, an activity must be designed to alleviate existing conditions which the local government certifies and State determines:

- Pose a serious and immediate threat to the health or welfare of the community;
- Are of recent origin or recently became urgent;
- The local government is unable to finance the activity on its own; and
- Other sources of funding are not available to carry out the activity, as certified by both the Department and the jurisdiction.

*Reference: 24 CFR 570.483(d)*

#### 4. **National Objective Specific to PTA Activities**

PTA activity funds must be spent on studies that meet the CDBG National Objective listed below, as required by federal statutes and regulations. Any PTA activity must document compliance with:

- a. Benefit to Low- or Moderate-Income (Low/Mod) Persons or Households, specifically for planning only grants that are not associated with a specific project. By documenting that at least 51 percent of the persons who would benefit from the implementation of the plan being studied by the PTA are Low/Mod income, the planning study will meet Low/Mod National Objective. In some cases, a community wide study may benefit the community as a whole, so Low/Mod Area Benefit (LMA) must be documented. In other cases, the study may be for persons under presumed benefit or “limited clientele” (e.g. homeless or farmworkers or seniors) whom are categorized as Low/Mod persons. **Note:** LMJ cannot be used as the National Objective for ED PTA.

#### **Documentation**

Each application must contain a discussion of how the proposed study would principally benefit the Low/Mod-income group. For activities using LMA benefit, applicants should refer to **Appendix H**, Census Tract/Block Group data, or to prepare a valid income survey, reference, [\*\*CDBG Grants Management Manual\*\*](#).

#### **Beneficiaries**

Beneficiaries may be measured using people, housing units, households, or jobs. The type of beneficiary associated with an activity is stated within each specific Activity Application Package. When defining who the beneficiaries are, please also include a breakdown by Non-Low/Mod Income, Low/Mod Income, Very Low Income, and Extremely Low-Income, as requested in the Application.

- **Non-Low/Mod Income** refers to individuals or households whose incomes are above 80 percent of county area median household income, adjusted for family size.

- **Low/Mod Income** refers to individuals or households whose incomes are between 80 and 51 percent of county area median household income, adjusted for family size.
- **Very Low Income** refers to individuals or households whose incomes are between 50 and 31 percent of county area median household income, adjusted for family size.
- **Extremely Low Income** refers to individuals or households whose incomes are below 30 percent of county area median household income, adjusted for family size.

Beneficiaries of grant funding must receive the benefit prior to expiration of the grant contract. The funded project or program must be benefitting the intended beneficiaries prior to contract expiration in order to demonstrate that the National Objective benefit has been met.

In order to meet the National Objective benefit for PIHNC, the housing units to be serviced by the infrastructure must be occupied. Completion of the infrastructure construction is not sufficient to meet benefit. Additionally, the completion of a facility in which no services are provided prior to the expiration of the grant contract shall be considered to have no National Objective benefit.

a. **Determination of LMJ Beneficiaries**

The Public Benefit requirement is met through the creation or retention of full-time (1,750 hours per year) and/or two part-time aggregated jobs yielding a full-time equivalent (FTE), such that the activity does not exceed a \$35,000 per job created/retained ratio. This is an aggregation required by State regulation, Title 25, CCR Section 7054, Definitions, "Permanent job".

**Documentation of ED Beneficiaries:** BA and ME program applications do not require that documentation of beneficiaries be submitted at time of application. Beneficiaries of these programs are not known at time of application. According to the ME and BA Program Guidelines, documentation of beneficiaries is required after funding award and general conditions are cleared for eligible projects.

b. **Determination of Low/Mod Beneficiaries**

- 1) Each application must provide information on the proposed beneficiaries for each activity.
- 2) Beneficiaries whose incomes are 80 percent or less of the county median income, adjusted for family size, are determined to be Low/Mod.

Department charts showing county median incomes based on family size can be found at [2017 Income Limits](#).

c. **Presumed Benefit (Limited-Clientele)**

HUD has determined that some beneficiaries are generally presumed to be principally low- and moderate-income persons. The following exclusively served groups of persons are presumed to be Low/Mod:

- *Severely disabled adults\* – (very low-income)*
- *Illiterate adults – (very low-income)*
- *Persons living with AIDS – (very low-income)*
- *Battered spouses – (very low-income)*
- *Abused children – (extremely low-income)*
- *Migrant farmworkers – (very low-income)*
- *Homeless persons – (extremely low-income)*

*Activities that benefit seniors are also presumed to have Low/Mod benefit and are discussed in Subsection d, below.*

\*Defined as: Adults meeting the Bureau of the Census Current Population Reports definition of “severely disabled”.

**Note:** *Presumed benefit may be challenged if there is substantial evidence that the persons in the actual group that the activity is to serve are most likely not principally Low/Moderate-income persons.*

d. **Documenting Beneficiaries in NOFA Applications**

Each Activity Application Package has a section for Documentation of Beneficiaries. When filling out an activity application, please complete the tables as required. The table shown on the next page is the same as what is in each application. Each proposed activity must show the intended beneficiaries by income category, as noted below. An activity must benefit all residents of the intended service area who are income qualified up to 80 percent of the county area median income (AMI), adjusted for family size. An activity cannot solely benefit only one specific level of Low/Mod beneficiary listed above. Thus, an activity cannot only benefit the 51-80 percent Low/Mod Group in the service area.

Further, in the instance of senior citizen activities, beneficiary income levels are counted as follows:

- Seniors (60 years old and above) – If assistance is to acquire, construct, convert, and/or rehabilitate a senior center, or to pay for providing senior services located at a senior citizen center, for reporting purposes, this group is considered Low/Mod (51-80 percent AMI).
- Seniors (60 years old and above) – If assistance is for other public services exclusively for seniors that are provided away from a senior citizen center (such as a Meals-on-Wheels program), for reporting purposes, this group is considered Very Low Income (31 to 50 percent AMI).

- If an activity serves a combination of these groups, estimate the number under each group and report those numbers under the appropriate income levels.

If an activity assists seniors for housing, HUD defines 'seniors' as 62 years and older. If you have questions about meeting the presumed Limited-Clientele national objective for different activity types, [please click this link to review CDBG Management Memo 15-01](#). This memo reviews the State CDBG program and Senior Activities.

<b><u>81% AND ABOVE</u></b> <b><u>(Non-Low/Mod)</u></b>	<b><u>BETWEEN 51 - 80%</u></b> <b><u>(Low/Mod)</u></b>	<b><u>BETWEEN 31 - 50%</u></b> <b><u>(Very Low Income)</u></b>	<b><u>AT OR BELOW 30%</u></b> <b><u>(Extremely Low Income)</u></b>	<b><u>TOTALS</u></b> <b><u>Number of People</u></b>
<b>-A-</b>	<b>-B-</b>	<b>-C-</b>	<b>-D-</b>	<b>-E-</b>

### **Explanation of Income Levels:**

Box A - Non-Low/Mod: Enter the proposed number of beneficiaries with incomes 81 percent and above (non-Low/Mod) of the county median income. If CDBG funds will be used on a project where non-Low/Mod will benefit, then show those non-Low/Mod numbers on this chart. If non-Low/Mod will not benefit from a CDBG activity, enter a zero in column A.

Box B - Low/Mod: Enter the proposed number of beneficiaries with incomes between 51 and 80 percent of the county AMI.

Box C - Very Low Income: Enter the proposed number of beneficiaries with incomes between 31 and 50 percent of the county AMI. Applicants may not enter a zero in this column. Proposed activities may not exclude benefit to the Very Low Income group.

Box D - Extremely Low Income: Enter the proposed number of beneficiaries with incomes less than 30 percent of the county AMI.

Box E - Totals: Enter the total number of beneficiaries.

Contact the CDBG NOFA Unit staff through the email address at [CDBG NOFA@HCD](mailto:CDBGNOFA@HCD), to determine how this may apply to your activity.

**>>For further instructions on Beneficiaries, refer to the Application Instructions<<**

# APPLICATION REVIEW AND ACTIVITY EVALUATION

## A. PUBLIC BENEFIT REQUIREMENTS

ED Projects are required to meet **both** the Low/Mod Jobs (LMJ) National Objective *and* Public Benefit requirements. However, some Business Assistance (BA) (which includes ED OTC) are not required at the time of application to create jobs, if the project can meet the National Objective using area benefit (LMA). If you have questions regarding Public Benefit requirements, please review Appendix E (ED OTC Application Process) or contact Jim Miwa at [Jim.Miwa@hcd.ca.gov](mailto:Jim.Miwa@hcd.ca.gov) or (916) 263-1644.

### 1. **Public Benefit for Special ED Activities (Assistance to For-Profit Businesses) and Over-the-Counter Projects**

The Public Benefit requirement for these CDBG ED activities is typically met through documenting the creation or retention of one permanent full-time equivalent job position for each \$35,000 in CDBG funds provided directly to an ED project. Public Benefit standard is separate from National Objective standards, so it will apply to an ED project regardless of which of the three National Objectives the project is meeting. A permanent full-time equivalent (FTE) position is defined in state regulation Title 25 CCR Section 7054. Definitions, under “Permanent job” as the number of annual hours worked by a staff in that position, specifically defined as 1,750 hours per year. An FTE may be made of up to two permanent part-time job positions, where each part time position requires at least 875 hours annually. Owners of the company cannot be included in the count for number of jobs being created. Seasonal jobs are considered to be permanent for this purpose only if the season is long enough for the job to be considered the employee’s principal occupation.

Public Benefit standard applies to all project costs, loan origination soft costs (often referred to as “activity delivery”) and project implementation hard costs. This is true for both BA and OTC projects. As such, sources and uses tables for ED projects need to include both soft and hard costs and all these costs are subject to the current Public Benefit standard of providing up to \$35,000 in CDBG assistance per each new permanent full-time position created or retained by the business.

It is important to understand that Public Benefit standard compliance happens at the loan origination stage. Based on the financial underwriting of the ED project, the jurisdiction documents the “proposed” Public Benefit standard, not to exceed the \$35,000 maximum. After loan execution and project completion, if the “actual” Public Benefit standard is less than proposed, then there is not a risk of CDBG repayment by the jurisdiction for non-compliance (as long as some Public Benefit was achieved and a national objective was met). However, if the jurisdiction originates a number of ED loans and a significant number of those loans do not meet the proposed Public Benefit standard, then the Department may review the jurisdiction’s project underwriting process to determine why most projects are not meeting the proposed Public Benefit standard.

Additionally, it is important for jurisdictions to be aware, that **in addition to the \$35,000 per job requirement**, the federal regulations allow ED Public Benefit to be calculated in another way for a business providing goods or services, as follows below in Section 2, *For the Aggregate Activity Calculation*.

## 2. For the Aggregate Activity Calculation

On a project proposing to meet the Low/Mod Area (LMA) Benefit (i.e., providing goods or services to residents within its service area, which is documented as primarily LMA), the Public Benefit calculation is based on the number of Low/Mod persons being served. Specifically, CDBG assistance of up to \$350 per Low/Mod person in the service area may be provided to the business.

Because of the risk of repayment of CDBG funds for Special ED Projects, the Department holds these projects to a higher level of financial feasibility review than other project activities. The Department requires applicants using CDBG funds for Special ED Activities to assist with the expansion or retention of for-profit businesses to document how the loan program or OTC project will ensure compliance with HUD Public Benefit and National Objective requirements.

For applications requesting BA funds, the Department shall require submittal of BA Program Guidelines that includes language requiring compliance with Public Benefit and National Objectives. The program guidelines shall describe how the local loan program administrator shall implement processes to document compliance of each project.

ED OTC applicants must develop their project application and complete the project underwriting by qualified jurisdiction/applicant staff. The Department will provide technical assistance during the underwriting process, and will review and approve the final loan package and underwriting and analyses.

## 3. Documentation

Documentation of Public Benefit requires the business be profitable. Projecting and documenting the potential success of a business is critical in determining the proposed business will meet the Public Benefit requirement. At a minimum, three to five years of projections are required as part of the application package. If assumptions about future growth of the business are not properly calculated and documented during the underwriting process, the business may be unable to support the permanent full-time job positions required in order to meet the Public Benefit requirement. As a result, the Department oversees CDBG ED underwriting process.

## **ACTIVITY EVALUATION CRITERIA AND SCORING POINTS**

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### 1. Overview of Method for Scoring Applications

Applications that have passed eligibility threshold review are rated according to the criteria in the State CDBG Regulations, Section 7078.



- Applications will be evaluated for activity eligibility based on documentation of meeting National Objective and Beneficiary requirements.
- Each application will be scored using an individual activity scoring system, which will rate and rank each activity against applications for the same activity. No blending of scores for multiple activities will take place.
- For applications that request more than one activity within a single activity category (i.e., Housing Combo, more than one Public Service or EF Combo), each individual activity will be scored; then, all the scores in that category will be averaged together to get a single category score (i.e., the scores for the ME application and BA application will be averaged together to come up with one total EF score). Averaging will occur only in the categories of Housing, Public Services and EF, as applicable.
- A jurisdiction will be awarded or denied funding based on scores for each activity. For example, it is possible to be awarded funds for one activity, but not another.
- Points for this funding round will be awarded in four main scoring categories:
  - Need
  - Readiness
  - Jurisdictional Capacity/Past Performance
  - State Objectives
- Each of the four scoring categories will be applied to all activities in the application, although the type and weighting of the criteria within each category may differ for each activity.
- State CDBG Regulations state that an application can receive a maximum of 1,000 points per Activity, depending whether the Activity has State Objective points or not. This includes EF applications.  
For Scoring criteria, refer to **Appendix L**.

### ***Economic Development – Enterprise Fund***

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Applications may seek funding for one of the following: BA Program, ME Assistance Program, or both. A combined application will be scored using the scores for both BA and ME added together and averaged, regardless of the dollar amounts for each activity.

Each application will be:

- *Evaluated and scored;*
- *Assigned a numerical score; and,*
- *Ranked against all the other EF applications that have been scored.*



### **Need/Benefit: (Up to 400 Points)**

Need (up to 350 points out of 400) – includes unemployment percentage and market analysis.

Benefit (up to 50 points out of 400) – includes poverty percentage.

### **Readiness: (Up to 300 Points)**

Readiness includes program description, description of program operators, and program operator status (what their role will be).

### **State Objectives: (Up to 100 Points maximum)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.
2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g., households across the income and employment spectrum, ethnically and racially diverse households).

***For scoring details and State Objective criteria, see Appendices L and O, respectively.***

### **Jurisdictional Capacity – Up to 200 Points**

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Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy, and cooperation/compliance in clearing monitoring and/or audit findings. **This score will be determined for each applicant and will be added to each activity scored for a total applicant score.**

***Note:*** In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.

***For scoring details, see Appendix L.***

### **Economic Development – Over-the-Counter**

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**Appendix E** of this 2017 NOFA provides an overview of the OTC application process. For further detail, see **Appendix E** of this NOFA.

## ***Community Development***

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Criteria for evaluating applications includes (1) Threshold Review; and, (2) Review for Activity Eligibility. Threshold Review results in a determination of jurisdictional eligibility. Eligible applicants/applications will then receive an activity eligibility review and scoring.

Threshold requirements are listed in the Funding Parameters Section, *Eligible Applicants, Areas and Threshold*. Documentation supporting compliance with these requirements must be included in all applications, regardless of the activities requested.

Applications proposing eligible activities which meet a National Objective will be reviewed based on their proposed activities. The threshold review and evaluation/scoring process will produce a proposed funding list for each activity, with applicants listed according to their score, from highest to lowest. The Department will fund approved requests based on highest scores in each activity.

The Department ***will not*** score or fund applications if ***all*** activities in the application are found to be ineligible. However, if some of the activities in the application are eligible, the Department may, at its sole discretion, disregard ineligible activities and continue to score the eligible activities.

The Department may apply a tie-breaker process (if needed) to the PTA activity to determine PTA funding order, eligibility, and amounts. This process will be followed until all funds in the PTA activity allotment have been exhausted. There is no guarantee that all PTA applications will be funded, either fully or partially.

### **1. Scoring Criteria and Totals**

The process of scoring includes the following:

- Points will be awarded in four main categories: Need, Readiness, and Jurisdictional Capacity/Past Performance, and State Objective points.
- Each category will be applied to all activities, although the type and weighting of the criteria within each category may differ for each activity.

Discussion of the point allocations is below. Additional details regarding scoring and the documentation required to substantiate each criterion are explained in **Appendix L** and each activity Application.

## **Homeownership Assistance (HA)**

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### **Need/Benefit: (Up to 400 Points)**

Need (up to 250 out of 400 points) – includes overcrowding and home ownership rate for HA.

Benefit (up to 150 out of 400 points) – includes Low/Mod percentage (jurisdiction-wide only) and poverty percentage (jurisdiction-wide only). The applicant pool will set the range of points for Low/Mod and poverty.

### **Readiness: (Up to 300 Points)**

Readiness includes activity specific operator experience, adopted program guidelines, and waiting list of pre-screened applicants.

### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of general and special conditions, jurisdictional capacity, timely and accurate reporting, and cooperation/compliance in clearing monitoring and/or audit findings.

***Note:*** In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.

**For scoring details, see Appendix L.**

### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.
2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g. households across the income and employment spectrum, ethnically and racially diverse households).

**For scoring details and State Objective criteria, see Appendices L and O, respectively.**

## **Housing Rehabilitation (1-4 Units) (HR)**

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### **Need/Benefit: (Up to 400 Points)**

Need (up to 250 out of 400 points) – includes overcrowding and age of housing.

Benefit (up to 150 out of 400 points) – includes Low/Mod percentage (jurisdiction-wide only) and poverty percentage (jurisdiction-wide only). The applicant pool will set the range of points for Low/Mod & Poverty.

### **Readiness: (Up to 300 Points)**

Readiness includes activity specific operator experience, adopted program guidelines, and waiting list of pre-screened applicants.

### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy, and cooperation/compliance in clearing monitoring and/or audit findings.

**Note:** *In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.*

***For scoring details, see Appendix L.***

### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning and other planning policies and procedures.
2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g., households across the income and employment spectrum, ethnically and racially diverse households).

***For scoring details and State Objective criteria, see Appendices L and O, respectively.***

## ***Housing Project – Multifamily Housing Acquisition, Rehabilitation or Acquisition and Rehabilitation***

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**Note:** *Multifamily Housing projects may not be included in a Housing Combo program. A Multifamily Housing application cannot include more than one project.*

### **Need/Benefit: (Up to 400 Points)**

Need (up to 250 out of 400 points) – includes overcrowding and rental vacancy rate.

Benefit (up to 150 out of 400 points) – includes jurisdiction-wide Low/Mod percentage.

### **Readiness: (Up to 300 Points)**

Readiness includes activity specific operator experience, all funding in place and site control.

### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy, and cooperation/compliance in clearing monitoring and/or audit findings.

**Note:** *In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.*

***For scoring details, see Appendix L.***

### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.
2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g., households across the income and employment spectrum, ethnically and racially diverse households).

***For scoring details and State Objective criteria, see Appendices L and O, respectively.***

## **Public Improvements**

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**Note:** *Scoring for public improvement projects will be on a sliding scale like previous years. Cease & Desist or Boil Water Order documentation gets full points.*

### **Need/Benefit: (Up to 400 Points)**

Need (up to 250 out of 400 points) – includes points for severity of health and safety threat.

Benefit (up to 150 out of 400 points) – includes Low/Mod percentage for either the jurisdiction-wide or target area, and poverty percentage, jurisdiction-wide.

**Note:** *The applicant pool will set the point range for both Low/Mod percentage and poverty percentage.*

***For further details, see Appendix L.***

### **Readiness: (Up to 300 Points)**

Readiness includes point accumulation for activity specific operator experience/experienced in-house staff ready to start the procurement process, project approval status, site control, and all funding in place.

### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy. Also includes cooperation/compliance in clearing monitoring and/or audit findings.

**Note:** *In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.*

***For scoring details, see Appendix L.***

### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.
2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g. households across the income and employment spectrum, ethnically and racially diverse households).

***For scoring details and State Objective criteria, see Appendices L and O, respectively.***

### ***Public Improvements in Support of Housing New Construction***

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#### **Need/Benefit: (Up to 400 Points)**

Need (up to 250 out of 400 points) – includes condition of approval for the project, and renter overpayment, vacancy rate, overcrowding, and Council of Governments (COG) Data.

Benefit (up to 150 out of 400 points) – includes jurisdiction-wide Low/Mod percentage and poverty percentage.

**Note:** *The applicant pool will set the point range for both Low/Mod percentage and poverty percentage.*

#### **Readiness: (Up to 300 Points)**

Readiness includes activity specific operator experience/ experienced in-house staff ready to start the procurement process, project approval status, site control, and all funding being in place.

#### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy. Also includes cooperation/compliance in clearing monitoring and/or audit findings.

**Note:** *In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.*

***For scoring details, see Appendix L.***

#### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.



2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g. households across the income and employment spectrum, ethnically and racially diverse households).

***For scoring details and State Objective criteria, see Appendices L and O, respectively.***

## ***Public Facilities***

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### **Need/Benefit: (Up to 400 Points)**

Need (up to 300 out of 400 points) – score includes severity of problem, extent of solution, and third party documentation supporting both.

Benefit (up to 100 out of 400 points) – includes Low/Mod percentage in the service area, and poverty percentage, jurisdiction-wide.

### **Readiness: (Up to 300 Points)**

Readiness includes activity specific operator experience/ experienced in-house staff ready to start the procurement process, project approval status, site control, and all funding being in place.

### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy, and cooperation/compliance in clearing audit findings.

**Note:** *In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.*

***For scoring details, see Appendix L.***

### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.



2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g. households across the income and employment spectrum, ethnically and racially diverse households).

***For scoring details and State Objective criteria, see Appendices L and O, respectively.***

### **Public Services (and Code Enforcement)**

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#### **Need/Benefit: (Up to 400 Points)**

Need (up to 300 out of 400 points) – score includes severity of problem, extent of solution and third party documentation supporting both.

Benefit (up to 100 out of 400 points) – includes Low/Mod percentage in the service area and poverty percentage, jurisdiction-wide.

#### **Readiness: (Up to 300 Points)**

Readiness includes point accumulation for operator experience/program readiness, and site control of facility for service; or, means to conduct the service.

#### **Capacity/Performance: (Up to 200 Points)**

Capacity/Performance includes timely clearance of special conditions, jurisdictional capacity, report timeliness and accuracy, and cooperation/compliance in clearing monitoring and/or audit findings.

**Note:** *In previous CDBG application scoring, applicants received the full 200 points for Capacity. For this years' 2017 NOFA, applicants shall be awarded 130 Capacity points of the possible 200 maximum; however, the remaining 70 points will only be awarded for timely submission of the three 2016 Program Income reports: Semi-annual 1, Semi-annual 2, and the Annual Report.*

***For scoring details, see Appendix L.***

#### **State Objectives: (Up to 100 Points)**

1. Up to one hundred (100) State Objective points shall be awarded for Disaster Resiliency Long-Term Planning to incentivize local jurisdictions to incorporate hazard mitigation and disaster resiliency planning into their general plan, zoning, and other planning policies and procedures.
2. Up to one hundred (100) State Objective points shall be awarded for jurisdictions that incorporate additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including

special needs populations, disadvantaged communities, and a variety of socio-economic groups (e.g. households across the income and employment spectrum, ethnically and racially diverse households).

***For Scoring details and State Objective criteria, see Appendices L and O, respectively.***

**Note:** Code Enforcement scoring uses the scoring categories above; but, applies points to different applicable criteria where appropriate.

### ***Planning and Technical Assistance***

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**Only one planning study may be funded under this grant agreement, not to exceed \$100,000.**

Applicants may apply for the PTA activity in addition to the two maximum activities applied for within the application. A PTA activity cannot be funded unless an activity is funded.

The cash match required for all applicants, per Title 25, Section 7058(a)(5)(A), is five percent of the total amount requested. See **Appendix I** for more information on the Cash Match requirement.

### ***PTA Tie Breaker Process***

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In the event of over-subscription for the PTA activity, a tie breaker process will be used. Specifically, PTA applications will be ranked according to jurisdiction-wide poverty levels. This may occur for PTA applications for one activity in a multi-activity application.

In the event PTAs are not over-subscribed, any funds remaining in the CD and/or ED PTA funding category will be rolled over to the respective allocation. The funds will, thereafter, be prorated into the activities in the same percentages as the overall demand for activity funding.

# AWARD ANNOUNCEMENTS AND GRANT IMPLEMENTATION

## A. AWARD ANNOUNCEMENTS

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The Department anticipates Awards will be announced within 90 days of the application deadline. Until awards are announced, the CDBG staff will be unable to discuss the status of a jurisdiction's application.

Unsuccessful applicants will have the opportunity to request, **within 60 days from the award announcement date**, an exit interview to discuss their application score. Applications and Agreements are public information and are available for review upon request. Applicants are advised that information submitted to the Department may be made available to the public under the Public Records Act.

## B. GRANT CONTRACT PROCESSING AND RELEASE OF FUNDS

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**Standard Agreement:** All funded applications will receive a Standard Agreement (Agreement). The Agreement will contain information about the terms and General Conditions, as well as Special Conditions (activity specific) of the award. Per AB 325, the Department will provide an Agreement for the Grantee to sign/execute within 60 days of funding award.

**Release of General Administration Funds:** Applicants may be permitted to incur GA costs upon receiving their award letter only if they have first requested and obtained written approval from Department.

**Release of Activity Funds:** *Grantees must obtain written clearance of the General Conditions Checklist for each activity funded under the Agreement, including any special conditions or environmental requirements, prior to incurring CDBG eligible costs. These General Conditions Checklists are a complete and final list of items that need to be addressed before starting an activity. The restriction on incurring costs also applies to non-CDBG funds being used on an activity. Beginning any program or project activity prior to obtaining written clearance from the Department may cause the activity to become ineligible.*

**Term of Agreement:** The Agreement shall expire no later than 60 months from the effective date of Agreement; however, the contract expenditure deadline for all activities under the Agreement will be no more than 36 months from the effective date of the Agreement.

## **PROGRAM REQUIREMENTS**

### **A. FEDERAL OVERLAYS**

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The CDBG Program is administered under the rules and regulations promulgated primarily in Title 24 of the Code of Federal Regulations (CFR), Part 570. These primary regulations are known as the Federal Overlays, and form the basis of the programmatic requirements. The Department incorporates all Federal Overlays into the State CDBG Program, and the regulations in Part 570 are translated into required actions on the part of all grantees of the State Program.

The link to 24 CFR Part 570 is: [24 CFR Part 570](#)

This list gives a summarized explanation of the Federal Overlays:

1. Environmental Standards (based on National Environmental Policy Act of 1969 [NEPA]);
2. Labor Standards (Davis-Bacon and Related Laws);
3. Achieving a HUD National Objective;
4. Public Participation Requirements;
5. Fair Housing and Affirmatively Furthering Fair Housing;
6. Equal Opportunity and Non-Discrimination in Federal Grant Programs;
7. Federal Procurement Guidelines;
8. National Flood Insurance Program Compliance;
9. Relocation and Displacement Requirements;
10. Employment and Contracting Opportunities;
11. Lead-Based Paint Requirements;
12. No Use of Debarred, Ineligible or Suspended Contractors or Subrecipients;
13. Uniform Administrative Requirements and Cost Principles;
14. Conflict of Interest Prohibitions;
15. Compliance with the Architectural Barriers Act and the Americans with Disabilities Act;
16. Compliance with Eligibility Restrictions for Certain Resident Aliens;
17. Federal Reporting Requirements; and
18. Grant and Subrecipient Monitoring Requirements.

### **B. PUBLIC RECORDS ACT**

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Applications and Agreements are public information and are available for review upon request. Applicants are advised that information submitted to the Department may be made available to the public under the Public Records Act.

### **C. RELOCATION PLAN REQUIREMENT**

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Applicants engaging in project-specific activities that may or will cause the temporary or permanent relocation and displacement of persons must provide a project-specific relocation plan as part of meeting General Conditions Checklist, i.e. prior to start of the

project activity. Applicant should include relocation costs in project budget and sources and uses. They are also encouraged to provide General Information Notices (GIN) to persons that may be displaced if the activity in the grant application is funded. This plan must outline how the grantee will enforce and manage the project's temporary relocation and displacement activities for the project and estimate what relocation benefits will be required so those benefit costs can be included in the project's development budget.

## D. PROCUREMENT

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Pursuant to 24 CFR Section 570.489(g), all grantees must comply with federal procurement requirements. The Department will review the grantee's procurement documents for services (i.e., administrative sub-contractor, Davis Bacon consultant) at time of monitoring. Please reference CDBG [Procurement Chapter 8](#) in the grant management manual.

The OMB Super Circulars, 2 CFR Part 200.317-200.326, cover procurement standards. HUD states that these standards are generally consistent with the previous requirements. [This link to the electronic Code of Federal Regulations \(e-CFR\)](#) lists the Super Circulars.

Grantees are advised to contact the Department or defer to the CDBG Procurement Chapter in the grant management manual when determining what they will need for proper procurement requirements.

## E. FEDERAL DEBARMENT AND SUSPENSION

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Pursuant to 24 CFR, Part 5, all CDBG grantees are required to verify they and their principals, or any/all persons, contractors, consultants, businesses, sub-recipients, etc., that are conducting business with the grantee are not presently debarred, proposed for debarment, suspended, declared ineligible, or voluntarily excluded from participation in the covered transaction or in any proposal submitted in connection with the covered transaction. Debarment status may be obtained by conducting a search at the *System for Award Management* website. A copy of the search is required and must be included in the application. The Excluded Parties List System (**EPLS**) was replaced by the System for Award Management (**SAM**).

Applicants must verify they are excluded parties list using the **System for Award Management (SAM)**. Verification requires that the search results be printed and maintained as evidence. In the event that the search results indicate a prior or current debarment or suspension of the applicant, include the printout in the application.

The Department will not award any CDBG funds to applicants that are debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from participation from federally-assisted programs.



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Daniel James, Interim Assistant City Manager

**Subject:** Agreement with CEIS for Placement of Digital Marquee Sign (DJ)

### RECOMMENDATION

Council to approve an Agreement with Community Electronic Information Signage (CEIS) for the placement of a digital marquee sign and authorize the City Manager or designee to execute the agreement.

### EXECUTIVE SUMMARY

On September 17, 2017 staff presented a proposed agreement with CEIS for the placement of a digital marquee sign on city-owned property located at the east end of the entrance to the Ridge Creek Golf Course. After some discussion, the Council directed staff to meet with the Chamber of Commerce and Ed Dena's Auto Center to solicit their input on the digital sign since both share equal interest in the existing electronic marquee sign. Staff met with both parties and they are supportive of the proposed new digital sign.

### OUTSTANDING ISSUES

None.

### DISCUSSION

Staff met with Sandy Sill, Executive Director of the Dinuba Chamber of Commerce and Ed Dena, owner of Ed Dena's Auto Center to solicit their input on the proposed digital marquee sign. Both supported the proposed sign but suggested that language be added to the agreement with CEIS that would give local businesses first priority to advertise on the marquee sign.

Staff discussed this with CEIS and they agreed to include the following language in the agreement:

"City of Dinuba businesses and organizations shall maintain first priority for advertising time over competitors outside of the City sphere of influence. Should a local business waive the opportunity to advertise, advertising shall be open to non-local competitors."

CEIS stated that is their goal to support and encourage local businesses success which in turn helps them grow their digital sign program to other cities. The amended Agreement with CEIS is enclosed herein as Attachment 'A'.

Several possible locations were considered for the location of the electronic billboard. Staff and CEIS narrowed the list to two sights, both of which are owned by the City. The other sights were privately owned. Site 1 is located at the southeast corner of El Monte Way and Ridge Creek Drive. Site 2 is located on the east side of Alta Ave. at the southern end of the Alta Mission subdivision just south of Kamm Ave. A site map and location mock-ups are enclosed herein as Attachment 'B'.

After reviewing the two sites, staff and CEI agreed that Site 1 is the preferred site. This site is at the entrance to the Ridge Creek Golf course on the western entrance to the City. W. El Monte Way is the main entry route to the City's primary commercial corridor and would serve as a welcoming monument for travelers entering Dinuba from Highway 99, Kingsburg, Reedley, Parlier and Selma. There is existing power and water to serve the marquee sign and landscaping at the base. Site 2 is located at the southern entrance to Dinuba. The entrance to this area is less developed and has fewer vehicles per day.

Although staff is recommending Site 1, the City Council may chose to approve either Site 1 or 2.

## **FISCAL IMPACT**

The City would incur minor costs to supply electrical connection to the marquee sign. The City is expected to receive an annual lease payment of \$3,500 from CEIS with a 2% annual escalator.

## **PUBLIC HEARING**

None required.

## **ATTACHMENTS:**



Attachment 'A': CEIS Agreement  
Attachment 'B' - Proposed Sites

## **OPERATING AGREEMENT**

THIS OPERATING AGREEMENT ("Agreement") is entered into by and between the City of Dinuba, Ca. ("City") and CEIS, LLC ("CEIS").

### **RECITALS**

WHEREAS the City recognizes the need for gateway signage and the benefits of using such signage to communicate information of interest to the general public, including Amber Alerts and other emergency public safety messages;

WHEREAS CEIS desires to operate signs in the City.

WHEREAS the Parties desire to enter into this Agreement to leverage their strengths and meet their goals.

Therefore, in light of the foregoing and based upon the exchange of valuable consideration by and between the Parties to this Agreement, the Parties hereby agree as follows:

At its own expense, CEIS will construct FREE Gateway signs located at approved locations by the City Officials.

The signs shall possess the following characteristics.

- Each sign shall include a static portion displaying the message "Welcome to the City of Dinuba."
- The signs shall also include separate portions with one or more sign faces each measuring no more than 150 square feet in area. Such faces may utilize electronic LED-type technology at the discretion of CEIS and at CEIS' expense; and
- The signs will each stand no more than 25 feet in height, as measured from grade or road grade, whichever is greater.

All costs, expenses, and liabilities incurred in conjunction with the construction of, operation of, and maintenance of the signs, including the installation of mutually agreeable landscaping surrounding the signs, shall be paid by CEIS and, at all times, CEIS shall be the owner of the signs. City shall provide electrical connection to the site at its own expense, CEIS shall then have its own meter and pay all utility costs.

The City grants to CEIS the exclusive license to locate the signs on designated City approved locations either City owned property or private property for a term of 20 years, during which time CEIS shall have the exclusive right as well as the obligation to operate the signs. During the 20-year term, CEIS shall be responsible for operating and maintaining the signs. All costs associated with the operation of the signs during the 20-year term shall be paid by CEIS. This Agreement may be renewed for a successive 10-year renewal terms upon the provision of written notice to CEIS by the City at least 90 days prior to expiration of the initial term or any renewal term hereof.

For signs located on City property, the City shall receive from CEIS a minimum annual rent payment of \$3,500.00 for each sign location, with a 2% increase per year. Land rent payments on private parcels shall be as negotiated with the property owner and CEIS.

CEIS agrees to operate the signs in accordance with the following conditions:

- All portions of the signs shall be kept in an attractive and well-maintained state; however, all landscaping surrounding any sign on City property shall be maintained by the City.
- Any electronic messages on the sign shall change no more frequently than every eight seconds, with message changes being accomplished in two seconds or less;
- Any electronic faces shall be equipped with the appropriate technology to handle power outages;
- Every month, CEIS shall donate, at no cost to the City, at least 14% of the available space in the signs' advertising rotation for messages of the City's choosing. The City shall be allowed this free advertising for the entire tenure of CEIS' operation of the signs but the City can never sell the space for financial payments or other commercial gain;
- At no cost to the City, CEIS will reasonably assist the City in designing up to six digital images in each calendar year for the messages that the City wishes to display;
- It is agreed that CEIS, shall be granted the right to negotiate with private property owners to establish a Gateway Sign along on city property zoned either commercial or industrial in accordance to all applicable regulations of the CALTRANS rules regarding such signage. This Gateway Sign will have a maximum LED face not to exceed 150 square feet per side. Pylon Style sign not to exceed 25 feet height above road grade of highway. Sign shall encompass the words WELCOME TO DINUBA.
- The signs shall be made available as soon as possible after receiving notice from any City law enforcement agency for display of emergency public safety messages, to include Amber Alerts for missing children or persons, disaster evacuation guidance, or other emergency situations. Such messages shall be promptly included in the advertising rotation and shall remain in effect for 24 hours or such lesser time as requested by law enforcement; and
- The signs shall never contain obscene material nor advertise any adult matter, tobacco products, or questionable morally objective type messages. The City shall not otherwise restrict the content of the signs, which may advertise nonprofit/charitable causes, commercial messages, governmental and noncommercial messages, and other copy of CEIS' choosing. All advertising shall comply with the City's Guidelines Regulating Advertising for the City of Dinuba Facilities.
- City of Dinuba businesses and organizations shall maintain first priority for advertising time over competitors outside of the City sphere of influence. Should a local business waive the opportunity to advertise, advertising shall be open to non-local competitors.

In the event that City-controlled trees or vegetation grow to visually obscure or obstruct access to the signs, CEIS is authorized, with prior approval of the City, which shall not be unreasonably withheld, to trim or remove such new growth at its own expense.

CEIS shall obtain, and keep in full force and effect at all times during the term of this agreement, comprehensive general liability insurance, automobile insurance and workers compensation insurance during the Term of the Agreement in sufficient the following amounts: Contractor shall maintain with insurers licensed to do business in the State of California and which are satisfactory to the City as approved by the City Business Administrator, the following insurance:

- (a) Comprehensive general public liability insurance against claims for bodily injury, death and property damage to combined single limit amount of not less than \$3,000,000.00;
- (b) Workers' Compensation Insurance coverage of the full statutory liability of Contractor;
- (c) Employer's Liability Insurance in the full statutory amount required by California law;
- (d) Comprehensive Automotive Liability Insurance against claims for bodily injury, death or property damage in combined single limit amount of not less than \$500,000.00;
- (e) CEIS shall provide certificates of insurance naming the City of Dinuba as additional insured parties. No insurance policy may be canceled or discontinued during the life of contract without providing the City of Dinuba with 30 day's written notice of cancellation.

If the area of a sign location is taken by eminent domain, the affected sign may be relocated by subsequent agreement of the parties. Moreover, if signs are damaged by an act of God or otherwise, CEIS shall be permitted to repair the damage.

If at any point the electronic faces wear out or become outdated, CEIS shall be entitled to replace them with newer technology so long as the height and size of the signs' faces are not increased.

During the term of this Agreement, should the use of the signs be prohibited, limited or restricted by the terms of any regulation, ordinance or zoning resolution, or blocked by a new building, CEIS, at CEIS' option, may terminate this Agreement by giving the City 60 days' notice in writing of its election to do so.

In the event the agreement is terminated, it is the sole responsibility of CEIS to complete the removal of the sign and monument structure in a timely fashion.

These terms shall be binding on all successors or assigns of CEIS and the benefits of this Agreement shall be assignable by CEIS, with prior approval of the City, which shall not be unreasonably withheld.

CEIS to the fullest extent permitted by law, shall defend, indemnify and save harmless the City, its officers, agents and employees and each and every one of them, against and from all liabilities, judgments, threatened, pending or completed actions, suits, demands for damages or costs of every kind and description actually and reasonably incurred (including reasonable attorneys' fees and court costs) including without implied limitations, liabilities for damage to property or liabilities for injury or death of an person (including liabilities for damage property or liabilities for injury or death of the officers, agents and employees of the City) resulting from the CEIS's performance of this Agreement or through any act or omission on the part of CEIS or any of its officers, agents or employees in any manner related to the services provided under this Agreement.

CEIS shall obtain and maintain all permits, licenses and approvals required to perform this Agreement during the Term of this Agreement. CEIS shall comply with all applicable laws, rules, regulations, and ordinances and codes, with respect to the performance of its obligations under the Agreement. The Parties further agree that: (i) this instrument may be executed in separate counterparts and shall become effective when such separate counterparts have been exchanged among the parties; (ii) no presumption against or in favor of any person or party shall apply due to the drafting of this document; (iii) this Agreement constitutes the entire agreement between the Parties and this Agreement shall not be modified by either party by oral representation made before or after the execution of this Agreement; and (iv) all modifications of this Agreement must be in writing and signed by the Parties.

The Parties acknowledge that the terms of this Agreement have been read, that its provisions are fully understood, that it has been approved by each of them, and that same has been fully signed by them as their free act, by individuals who have the requisite authority to do so, and shall be binding upon all Parties upon execution.

REVIEWED, APPROVED, AND ACCEPTED BY:

DATED: \_\_\_\_\_, 2017. By: \_\_\_\_\_  
On Behalf of the City of Dinuba, California  
Its: \_\_\_\_\_

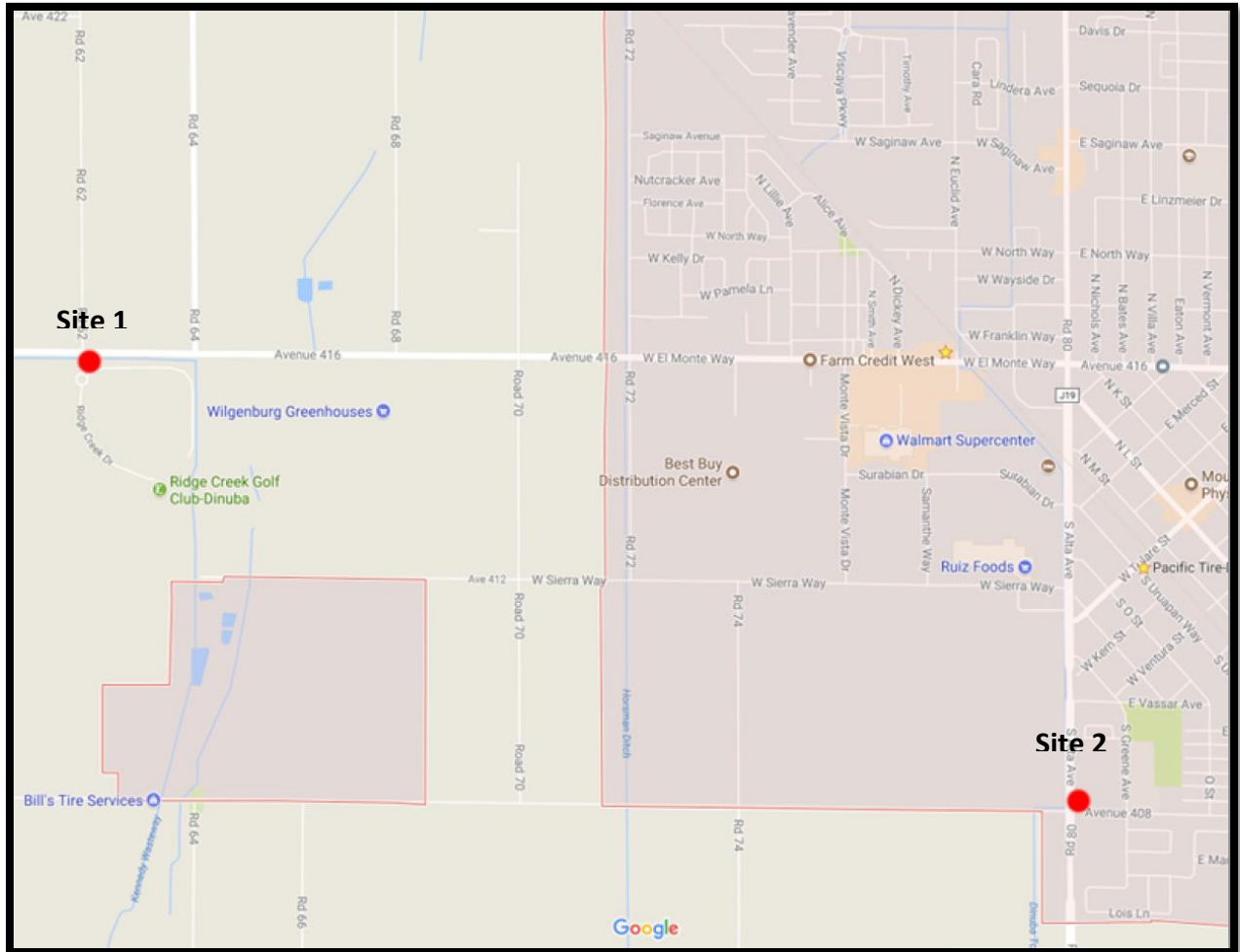
REVIEWED, APPROVED, AND ACCEPTED BY:

DATED: \_\_\_\_\_, 2017. By: \_\_\_\_\_  
On Behalf of CEIS  
Its: \_\_\_\_\_

## Attachment 'B'

### Digital Marquee Sign

### Location Map of Proposed Site



Site 1 – Ridge Creek Golf Drive on W. El Monte



Site 2 – Alta Mission Subdivision on S. Alta Avenue







## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Linda Barkley, City Clerk

**Subject:** Liability Claim (MM)

### RECOMMENDATION

Pursuant to Government Code Section 54956.95; Claimant(s): Michael Soto and Luz Ruelas. Agency Claimed Against: City of Dinuba.

### EXECUTIVE SUMMARY

None.

### OUTSTANDING ISSUES

None.

### DISCUSSION

None.

### FISCAL IMPACT

None.

### PUBLIC HEARING

None required.



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council

**From:** Luis Patlan, City Manager

**By:** Linda Barkley, City Clerk

**Subject:** Conference With Real Property Negotiators (LP)

### RECOMMENDATION

Pursuant to GC 54956.8; Property APN 012-290-049  
Agency Negotiator(s): Luis Patlan, City Manager; Daniel James, IT Manager  
Under Negotiation: Terms

### EXECUTIVE SUMMARY

None.

### OUTSTANDING ISSUES

None.

### DISCUSSION

None.

### FISCAL IMPACT

None.

### PUBLIC HEARING

None required.



## City Council Staff Report

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Department: CITY MANAGER'S OFFICE

October 10, 2017

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**To:** Mayor and City Council  
**From:** Luis Patlan, City Manager  
**By:** Linda Barkley, City Clerk  
**Subject:** Conference With Real Property Negotiators (LP)

### RECOMMENDATION

Pursuant to GC 54956.8; Property APN 017-290-014; 015  
Agency Negotiator(s) Luis Patlan, City Manager; Daniel James, IT Manager  
Under Negotiation: Terms

### EXECUTIVE SUMMARY

None.

### OUTSTANDING ISSUES

None.

### DISCUSSION

None.

### FISCAL IMPACT

None.

### PUBLIC HEARING

None required.