



CITY *of* CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

May 12, 2025

6:00 PM

Council Chamber

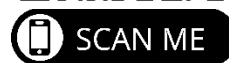
In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

The Clovis City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you are able to attend in person; you may submit written comments as described below; and you may view the meeting which is webcast and accessed at www.cityofclovis.com/agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/agendas at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

CAMPAIGN CONTRIBUTION PROHIBITIONS AND MANDATORY DISCLOSURE – Pursuant to Government Code section 84308, a Councilmember shall not accept, solicit, or direct a campaign contribution of more than \$500 from any party or their agent, or from any participant or their agent, while a proceeding involving a license, permit, contract, or other entitlement for use is pending before the City or for 12 months after a final decision is rendered in that proceeding. Any Councilmember who has received a campaign contribution of more than \$500 within the preceding 12 months from a party or their agent, or from a participant or their agent, must disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use their official position to influence the decision.

Pursuant to Government Code section 84308, subdivision (e), any party to a covered proceeding before the City Council is required to disclose on the record of the proceeding any campaign contribution, including aggregated contributions, of more than \$500 made within the preceding 12 months by the party or their agent to any Councilmember. The disclosure shall be made as required by Government Code Section 84308, subdivision (e)(1) and California Code of Regulations, Title 2, section 18438.8. No party or their agent, and no participant or their agent, shall make a campaign contribution of more than \$500 to any Councilmember during the covered proceeding or for 12 months after a final decision is made in that proceeding. The foregoing statements do not constitute legal advice, and parties and participants are urged to consult with their own legal counsel regarding the applicable requirements of the law.

CALL TO ORDER

FLAG SALUTE - Councilmember Basgall

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation Recognizing the Lifesaving Actions of Jeremy Brandl.
2. Presentation of Proclamation Recognizing the Lifesaving off-duty actions of Captain Brian Torosian.

PUBLIC COMMENTS - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 3 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

CONSENT CALENDAR - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

3. Administration - Approval - Minutes from the May 5, 2025, Special Closed Session Meeting, and Minutes from the May 5, 2025, Regular Council Meeting
4. Administration - Adopt - **Ord. 25-07**, Adding Chapter 4.4.1 to Title 4 of the Clovis Municipal Code Pertaining to adopting the Designation of Fire Hazard Severity Zones and Reflected in the FHSZ Map. (Vote: 5-0)
5. Administration – Approval – Rescind the award to Ingram Technologies, LLC, and award the Request for Proposals and approve the purchase of thirty (30) Mobile Data Computers to LEHR Upfitters, LLC, in the amount of \$175,106.45.
6. Finance – Receive and File – Investment Report for the Month of November 2024.
7. Finance – Receive and File – Treasurer’s Report for the Month of November 2024.
8. General Services – Approval – Res. 25-____, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Professional and Technical Employees Association.
9. General Services – Approval – Res. 25-____, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Employees Association.
10. Planning and Development Services – Approval – Bid Award for CIP 25-03 Peg Bos Plaza to Dave Christian Construction Co., Inc., in the amount of \$129,715.50; and Authorize the City Manager to execute the contract on behalf of the City.
11. Planning and Development Services – Approval – Bid Award for CIP 24-02 Alluvial Avenue Street Improvements to Dave Christian Construction Company, Inc., for the amount of \$795,342.75; and Authorize the City Manager to Execute the Contract on behalf of the City.

ADMINISTRATIVE ITEMS - Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

12. Consider Approval – City of Clovis Youth Commission Revised Bylaws and Receive the Annual Report Update from the Youth Commission.

Staff: Chad McCollum, Economic Development, Housing and Communications Director / Briana Parra, City Clerk / Avereet Samra, Co-Chair / Alian Marriaga, Co-Chair

Recommendation: Approve

13. Consider Approval – consider the following actions related to various legislation.
 - a. Consider providing a letter of Support for Senate Bill 496 (Hurtado) Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.
 - b. Consider providing a letter of Support for Senate Bill 554 (Jones) Law enforcement: immigration enforcement.
 - c. Consider providing a letter of Support for Senate Bill 329 (Blakespear) Alcohol and drug recovery or treatment facilities: investigations.
 - d. Consider providing a letter of Support for Assembly Bill 492 (Valencia) Alcohol and drug programs: licensing.
 - e. Consider providing a letter of Support for Assembly Bill 424 (Davies) Alcohol and other drug programs: complaints.
 - f. Consider providing a letter of Opposition for Senate Bill 79 (Wiener) Planning and zoning: housing development: transit-oriented development.
 - g. Consider providing a letter of Opposition for Assembly Bill 942 (Calderon) Net energy metering: eligible customer-generators: tariffs.

h. Consider providing a letter of Opposition for Assembly Bill 647 (Gonzalez) Housing Development Approvals: Residential Units.

Staff: Paul Armendariz, Interim Assistant City Manager

Recommendation: Approve

14. Consider Approval - Res. 25-____, Approving an Updated (Reduced) Water Major Facilities Development Impact Fee Schedule and providing a description of fees to be requested for County Adoption.

Staff: Thad Avery, City Engineer

Recommendation: Approve

PUBLIC HEARINGS - A public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

15. Consider Actions related to Annexation of Territory (Annexation #75, MFRDR 2023-1 – Northeast Corner Alluvial/Sunnyside, SPR 2021-001 – Northeast Corner Shaw/DeWolf) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

a. Consider Approval - Res. 25-____, A Resolution annexing territory (Annexation #75) (MFRDR 2023-1 – Northeast Corner Alluvial/Sunnyside, SPR 2021-001 – Northeast Corner Shaw/DeWolf) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #75) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

b. Consider Approval - Res. 25-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

Staff: Jay Schengel, Finance Director

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL COMMENTS

CLOSED SESSION - A “closed door” (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

16. Government Code Section 54956.9, Subdivision (d)(4)
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Deciding whether to initiate litigation
One potential case

17. Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Andy Haussler, Paul Armendariz, Amy Hance,
Jay Schengel, Scott Cross
Employee organization: All bargaining units

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION

ADJOURNMENT

FUTURE MEETINGS

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

May 19, 2025
June 2, 2025
June 9, 2025
June 16, 2025

CITY of CLOVIS

Proclamation

Honoring the Lifesaving Actions of Jeremy Brandl

***WHEREAS**, on March 14, 2025, Mr. Jeremy Brandl found his neighbor and friend Mr. Clay Groeffsema unresponsive, pulseless, and in cardiac arrest in his home; and*

***WHEREAS**, Mr. Brandl assisted with critical care by providing mouth-to-mouth resuscitation until Clovis Fire Engine 43 and American Ambulance arrived; and*

***WHEREAS**, due to the emergency care assistance of Mr. Brandl, off-duty fire Captain Brian Torosian, Clovis Fire Engine Company 43, and American Ambulance, the patient regained a pulse; and*

***WHEREAS**, due to the heroic efforts of Mr. Brandl and others, the patient made an amazing recovery and can continue to be a farmer, non-profit organization founder, husband, and father.*

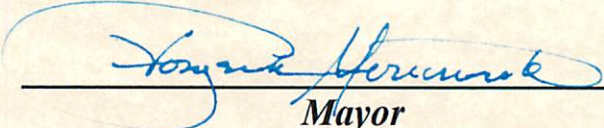
***NOW, THEREFORE, BE IT RESOLVED**, that the Clovis City Council, on behalf of the citizens of Clovis, does hereby honor and commend the heroic actions taken by*

Jeremy Brandl

for his lifesaving actions that occurred on March 14, 2025.

***IN WITNESS THEREOF**, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 12th day of May, 2025.*





Mayor

CITY of CLOVIS

Proclamation

Honoring the Off-Duty Lifesaving Actions of Captain Brian Torosian

WHEREAS, on March 14, 2025, Clovis Fire Captain Brain Torosian urgently responded to the home of his neighbor while off-duty; and

WHEREAS, Captain Torosian found his neighbor Mr. Clay Groefsema unresponsive, pulseless, and in cardiac arrest in his home; and

WHEREAS, demonstrating exceptional professionalism and composure, Captain Torosian immediately initiated CPR and was assisted by others to provide care; and

WHEREAS, the care rendered resulted in the patient regaining a pulse and recovering further at St. Agnes Medical Center; and

WHEREAS, due to the selfless and swift actions of Captain Torosian and others, the patient made an amazing recovery and can continue to be a farmer, non-profit organization founder, husband, and father.

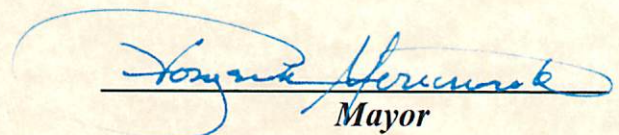
NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council, on behalf of the citizens of Clovis, does hereby honor and commend the heroic actions taken by

Captain Brian Torosian

for his lifesaving actions that occurred on March 14, 2025.

IN WITNESS THEREOF, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 12th day of May, 2025.




Mayor

CLOVIS CITY COUNCIL SPECIAL MEETING

May 5, 2025

5:00 P.M.

Council Chamber

Meeting called to order by Mayor Mouanoutoua at **5:00**

Roll Call: Present: Councilmembers Ashbeck, Basgall, Bessinger, Mayor Pro Tem Pearce, and Mayor Mouanoutoua

CLOSED SESSION - 5:00 p.m.

Upon call, there was no public comment.

GOVERNMENT CODE SECTION 54957.6

Conference With Labor Negotiators

Agency Designated Representatives: Andy Haussler, Paul Armendariz, Amy Hance, Jay Schengel, Scott Cross

Employee Organization: All Bargaining Units

RECONVENE INTO OPEN SESSION AT 6:00 P.M. AND REPORT FROM CLOSED SESSION AT 6:02 P.M.

No action taken.

Mayor Mouanoutoua adjourned the Special Closed Session meeting of the Council to May 5, 2025, Regular Meeting.

Meeting adjourned: 6:02 p.m.

Mayor

City Clerk

CLOVIS CITY COUNCIL MEETING

May 5, 2025

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Mouanoutoua at 6:02
Flag Salute led by Councilmember Ashbeck

Roll Call: Present: Councilmembers Ashbeck, Basgall, Bessinger, Mayor Pro Tem Pearce
Mayor Mouanoutoua

PRESENTATION – 6:03

6:03 – 1 - Presentation of Proclamation declaring May as Bike Month.

6:10 – 2 - Presentation and update by the Measure C Committee on Measure C Renewal.

PUBLIC COMMENTS – 6:20

Bill Scott, resident, commended Mayor Mouanoutoua for his leadership in resolving the recent Clovis recycling contract controversy and presented him with a proclamation of thanks.

Eric Rollins, resident, requested the Council explore becoming a charter city to assert more local control against state mandates.

Steven Trevino, resident, expressed concern about the dangers of bull riding at the Clovis Rodeo.

Bill Rogers, resident, announced that the Vietnam War memorial replica, the Wall That Heals, will be coming to Clovis in October 2025.

CONSENT CALENDAR 6:30

Upon call, there was no public comment.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

3. Administration - Approval - Minutes from the April 21, 2025, Council Meeting.
4. Administration - Receive and File – Business Organization of Old Town (BOOT) Third Quarter Report, January through March 2025.
5. Planning and Development Services – Approval – Bid Award for CIP 23-28 Barstow Avenue Street Improvements to Dave Christian Construction Company, Inc. in the amount of \$788,312.00; and Authorize the City Manager to execute the contract on behalf of the City.
6. Planning and Development Services – Approval – Final Acceptance for CIP 21-18 Clovis Avenue Street Improvements for a final contract cost \$773,190.34.
7. Police - Approval – Annual Review and approval of Clovis Police Department Military Equipment Policy 706, Annual Military Equipment Use Report, and Renewal of Ordinance 22-03 in compliance with AB 481.

COUNCIL ITEMS – 6:31

6:31 – ITEM 8 - Consider Approval – Reappointment of Brandon Bedsted to the Planning Commission for a term ending May 2029.

Upon call, there was no public comment.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

PUBLIC HEARINGS – 6:32

6:32 ITEM 9 - Consider various actions related to the Big Dry Creek Canal Improvements Project at Letterman Park.

Upon call, there was no public comment.

ITEM 9a. Consider Approval – **Res. 25-39**, Amending the 2019-2020, 2023-2024, and 2024-2025 Community Development Block Grant (CDBG) Action Plans and the 2016-2020 Consolidated Plan to provide Community Development Block Grant (CDBG) and CDBG-Coronavirus Program funds to the Big Dry Creek Canal Improvements Project at Letterman Park in the amount of \$187,000.00, for the prevention of the spread of Coronavirus by increasing the capacity for social distancing.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

ITEM 9b. Consider Approval – **Res. 25-40**, Amend the 2024-2025 Community Investment Program Budget for Parks Improvements, to include Big Dry Creek Canal Improvements Project at Letterman Park in the amount of \$187,000.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

6:43 ITEM 10 - Consider Approval – **Res. 25-41**, Adoption of the City of Clovis 2025-2026 Annual Action Plan for the expenditure of Community Development Block Grant Funds.

Steven Trevino, resident, asked if the organization represented by the young women accepts donations and how the public can help support them.

Leticia Campos, Chief Programs Officer at the Marjaree Mason Center, explained that the organization accepts donations, provided details on drop-off locations and hours, and highlighted the availability of an online wish list for priority items.

Dr. Jeni-Ann Kren, resident, asked about allocation. expressed concern about potential federal funding cuts to CDBG allocations and asked how the city would respond if funding were significantly reduced or eliminated.

Motion for approval by Councilmember Ashbeck, seconded by Mayor Pro Tem Pearce. Motion carried by unanimous vote.

7:03 ITEM 11 - Consider various actions related to the Fire Hazard Severity Zones (FHSZ) as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178.

Upon call, there was no public comment.

ITEM 11a - Consider Approval - **Res. 25-42**, Adopting findings and designated fire severity zones by the California State Fire Marshal's Office (CSFM) as identified within the local response area (LRA).

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

ITEM 11b - Consider Introduction – **Ord. 25-07**, Adding Chapter 4.4.1 to Title 4 of the Clovis Municipal Code Pertaining to adopting the Designation of Fire Hazard Severity Zones and Reflected in the FHSZ Map.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

7:14 ITEM 12 - Consider items associated with fees under the Planning and Development Services Department and find that the project is exempt from further environmental review under Section 15061(b)(3) of the California Environmental Quality Act Guidelines. City of Clovis, applicant.

Upon call, there was no public comment.

ITEM 12a. Consider Approval - **Res. 25-43**, Approving an increase to the Building Division Hourly Rate for services.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Basgall. Motion carried by unanimous vote.

ITEM 12b. Consider Approval - **Res. 25-44**, Approving the 2025 City of Clovis Planning Division fee schedule.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Basgall. Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 7:25

City Manager Haussler highlighted the success of the recent Trail Fest event in gathering community feedback for the General Plan Update. He announced a low-cost microchip and vaccine clinic at Clovis Animal Services, Saturday, May 10, 2025, an upcoming General Plan

workshop on Thursday, May 8, 2025, and encouraged members of the community to apply for the Clovis Youth Commission and the Measure Y Oversight Committee.

COUNCIL COMMENTS – 7:26

There was a consensus of the Council to send a letter of opposition, on behalf of the Council, to Senate Bill 549 (Newman), the Gaming: Tribal Nations Access to Justice Act.

CLOSED SESSION – 7:47

ITEM 13 - Government Code Section 54956.9(D)(2) Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation One Potential Case

ITEM 14 - Government Code Section 54957.6 Conference with Labor Negotiators Agency Designated Representatives: Andy Haussler, Paul Armendariz, Amy Hance, Jay Schengel, Scott Cross, Employee Organization: All Bargaining Units

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION

No action taken.

ADJOURNMENT

Mayor Mouanoutoua adjourned the meeting of the Council to May 12, 2025.

Meeting adjourned: 9:05 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 12, 2025

SUBJECT: Administration - Adopt - **Ord. 25-07**, Adding Chapter 4.4.1 to Title 4 of the Clovis Municipal Code Pertaining to adopting the Designation of Fire Hazard Severity Zones and Reflected in the FHSZ Map. (Vote: 5-0)

ATTACHMENTS: None.

This item was approved for introduction on May 5, 2025, with a unanimous vote.

Please direct questions to the City Manager's office at 559-324-2060.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 12, 2025

SUBJECT: Administration – Approval – Rescind the award to Ingram Technologies, LLC, and award the Request for Proposals and approve the purchase of thirty (30) Mobile Data Computers to LEHR Upfitters, LLC, in the amount of \$175,106.45.

ATTACHMENTS: 1. April 14, 2025 Staff Report

RECOMMENDATION

For the City Council to rescind the award to Ingram Technologies, LLC, for the thirty-two (32) Mobile Data Computers in the amount of \$181,578.50 and instead Award the Request for Proposals (RFP) and approve the purchase of thirty (30) Mobile Data Computers to LEHR Upfitters LLC in the amount of \$175,106.45.

EXECUTIVE SUMMARY

Included in the 2024-2025 Budget are funds to purchase replacement Mobile Data Computers (MDCs). The MDCs increase efficiencies and provide connectivity to various applications and needed information while performing their duties in the field.

Staff went out with a Request for Proposals (RFP) from vendors using the City's online bidding system in March 2025, and received fifteen (15) responses. On April 14, 2025, staff recommended, and Council awarded, the RFP to Ingram Technologies, LLC. Thereafter, Ingram informed City staff that they were unable to perform. Staff is recommending the award to Ingram be rescinded and instead awarded to LEHR Upfitters, LLC, as they submitted the next lowest priced, responsible and complete proposal.

BACKGROUND

Every police vehicle and fire engine are outfitted with Mobile Data Computers (MDC) to receive and send information on calls assigned to the officer or fire fighter.

In an effort to better serve the public by keeping officers on the street doing their duties, all MDCs are being standardized to a laptop configuration. This is consistent with what other public safety agencies across the nation have adopted. Utilizing laptop computers have helped achieve the following benefits:

- Reduced amount of down time.
- Easier to exchange laptops from one vehicle to the next.
- Repair costs have been greatly reduced.
- Has reduced cost of deployment.
- Allowed for consistent environmental conditions for computers.

Staff requested proposals from vendors using the City's online bidding system on March 4, 2025, and received fifteen (15) responses.

The total cost for the thirty (30) units including tax, shipping and a five-year warranty, was as follows:

Vendor	Per Unit Cost	Total
Ingram Technologies, LLC	\$5,622.26	\$168,667.75
LEHR Upfitters OpCo, LLC	\$5,836.88	\$175,106.45
Kijero, LLC	\$6,070.67	\$182,120.00
TAILORBIRD VENTURES	\$6,165.73	\$184,971.90
Southern Computer Warehouse, Inc.	\$6,218.39	\$186,551.70
Hypertec USA, Inc.	\$6,384.00	\$191,520.00
Axelliant, LLC	\$6,387.79	\$191,633.60
IT Devices Online, Inc.	\$6,789.34	\$203,680.18
Questivity, Inc.	\$6,802.10	\$204,062.89
Kambrian Corporation	\$6,811.47	\$204,343.97
Zones, LLC	\$6,830.09	\$204,902.59
EIDIM Group, Inc. dba EIDIM AV Technology	\$6,936.03	\$208,080.90
googoz.com, Inc.	\$6,969.71	\$209,091.32
Software Information Resource Corp.	\$7,132.01	\$213,960.24
AVAVA ZAINOUBA, LLC	\$7,544.94	\$226,348.20

On Monday April 14, 2025, the City Council awarded the RFP to Ingram Technologies, LLC, and approved the purchase of thirty-two (32) mobile data computers in the amount of \$181,578.50. Thereafter, Ingram informed City staff that they had made a mistake in their proposal, were unable to provide the equipment and withdrew their proposal.

Based on available funding, and to avoid further confusion, staff is keeping the number of units at 30, which is consistent with what was included in the RFP.

Staff recommends that the award to Ingram be rescinded as non-responsive and instead award the RFP to LEHR Upfitters, LLC, as they submitted the next lowest priced, responsible and complete proposal.

FISCAL IMPACT

The cost per unit increased by \$214.62, but by limiting the purchase to 30 instead of 32, the overall expenditure is \$6,472.05 less. There are sufficient funds allocated in the Information Technology Division budget for the purchase of these Panasonic Toughbook laptops.

REASON FOR RECOMMENDATION

The City has standardized on Panasonic Laptops for vehicles as they have proven to be very reliable and able to stand up to the rigors of the mobile work environment. Additionally, LEHR was awarded the Mobile Data Computer RFP in 2024. They have verified that they are able to honor the pricing they provided and working with them again will ensure cost-certainty and a consistent level of service.

ACTIONS FOLLOWING APPROVAL

Staff will purchase the budgeted Panasonic Laptops. As the Laptops arrive, they will be setup and installed in the vehicles for immediate use.

CONFLICT OF INTEREST

None.

Prepared by: Jesse Velez, IT Deputy Director

Reviewed by: City Manager *AV*



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: April 14, 2025

SUBJECT: Administration – Approval – Award the Request for Proposals and approve the purchase of thirty-two (32) Mobile Data Computers to Ingram Technologies, LLC, for \$181,578.50.

ATTACHMENTS: None.

RECOMMENDATION

For the City Council to Award the Request for Proposals (RFP) and approve the purchase of thirty-two (32) Mobile Data Computers to Ingram Technologies, LLC, for \$181,578.50.

EXECUTIVE SUMMARY

Included in the 2024-2025 Budget are funds to purchase replacement Mobile Data Computers (MDCs). The MDCs increase efficiencies and provide connectivity to various applications and needed information while performing their duties in the field.

Staff went out with a Request for Proposals (RFP) from vendors using the City's online bidding system in March 2025 and received fifteen responses. Ingram Technologies, LLC, submitted the lowest priced and complete proposal.

BACKGROUND

Every police vehicle and fire engine are outfitted with Mobile Data Computers (MDC) to receive and send information on calls assigned to the officer or fire fighter.

In an effort to better serve the public by keeping officers on the street doing their duties, all MDCs are being standardized to a laptop configuration. This is consistent with what other public safety agencies across the nation have adopted. Utilizing laptop computers have helped achieve the following benefits:

- Reduced amount of down time.
- Easier to exchange laptops from one vehicle to the next.
- Repair costs have been greatly reduced.
- Has reduced cost of deployment.
- Allowed for consistent environmental conditions for computers.

Staff requested proposals from vendors using the City's online bidding system on March 4, 2025, and received fifteen (15) responses.

To ensure an 'apples to apples' comparison and to not exceed available funding, staff requested pricing on thirty (30) Panasonic Toughbook laptops, keyboards, and docking stations. The total cost for the thirty units including tax, shipping and a five-year warranty, was as follows:

Vendor	Total
Ingram Technologies, LLC	\$168,667.75
LEHR Upfitters OpCo, LLC	\$175,106.45
Kijero, LLC	\$182,120.00
TAILORBIRD VENTURES	\$184,971.90
Southern Computer Warehouse, Inc.	\$186,551.70
Hypertec USA, Inc.	\$191,520.00
Axelliant, LLC	\$191,633.60
IT Devices Online, Inc.	\$203,680.18
Questivity, Inc.	\$204,062.89
Kambrian Corporation	\$204,343.97
Zones, LLC	\$204,902.59
EIDIM Group, Inc. dba EIDIM AV Technology	\$208,080.90
googoz.com, Inc.	\$209,091.32
Software Information Resource Corp	\$213,960.24
AVAVA ZAINOUBA, LLC	\$226,348.20

Ingram Technologies, LLC, submitted the lowest priced responsible proposal.

Based on the above comparison and available funding, staff is recommending the purchase of thirty-two (32) Panasonic Toughbook laptops from Ingram Technologies LLC for an amount of \$181,578.50.

FISCAL IMPACT

There are sufficient funds allocated in the Information Technology Division budget for the purchase of these Panasonic Toughbook laptops.

REASON FOR RECOMMENDATION

The City has standardized on Panasonic Laptops for vehicles as they have proven to be very reliable and able to stand up to the rigors of the mobile work environment.

ACTIONS FOLLOWING APPROVAL

Staff will purchase the budgeted Panasonic Laptops. As the Laptops arrive, they will be setup and installed in the vehicles for immediate use.

CONFLICT OF INTEREST

None.

Prepared by: Jesse Velez, IT Deputy Director

Reviewed by: City Manager AA

Attachment 1



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 12, 2025

SUBJECT: Finance – Receive and File – Investment Report for the Month of November 2024.

ATTACHMENTS:

1. Distribution of Investments
2. Monthly Investment Transactions
3. Certificates of Deposit
4. Municipal Securities
5. Corporate Securities
6. Graph of November 30, 2024 Treasury Rates

RECOMMENDATION

Staff recommends that the City Council receive and file the Investment Report for the Month of November 2024.

EXECUTIVE SUMMARY

Attached is the Investment Report for the month of November 2024. Shown in Attachment 1 is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Attachment 2 reflects the monthly investment transactions for the month of November 2024. Attachment 3 lists the certificates of deposit. Attachment 4 lists the municipal securities. Attachment 5 lists the corporate securities. Attachment 6 is a graph of Treasury rates on November 30, 2024.

The investment of the City's funds is performed in accordance with the adopted Investment Policy. Funds are invested with the following objectives in mind:

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.

3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.
4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90-day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates, the City of Clovis portfolio return may be less than that of the annualized 90-day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90-day Treasury bill. The current 90-day Treasury bill rate (annualized) is 5.22%. The rate of return for the City of Clovis portfolio is 3.68%. The goal for the City of Clovis investment return is 120% of the 90-day Treasury bill rate. The current rate of return is 71% of the Treasury bill rate.

The Finance Department began investing in corporate securities in February 2024 to provide additional diversification and yield to the portfolio. To date, 21 corporate securities have been purchased at a net book value of \$40,735,231 as of November 30, 2024. Their average yield is 4.42%, which is roughly 37 basis points higher than current yields on 5-year Treasury bonds.

In accordance with the Investment Policy, the investment period on each investment is up to three years and can be extended to five years with the City Manager's approval. As of November 2024, the average investment life of the City's investment portfolio is 1.87 years.

Current Investment Environment and Philosophy

During the month of November 2024, the federal funds rate target range was 4.50%-4.75%. On November 30, 2024, the Treasury yield curve decreased from 3-month to 10-year notes.

Certificates of Deposit (CD's)

The City purchases both negotiable and non-negotiable Certificates of Deposit (CD's). Although negotiable CD's can be traded, it is the City's policy to buy and hold all CD's. Negotiable CDs are held by U.S. Bank, a third-party custodian. Non-negotiable CDs are held in the City's safe.

Purchases and Maturities

- 0 government securities were purchased.
- 1 government securities matured.
- 3 certificates of deposit totaling \$750,000 were purchased.
- 3 certificates of deposit totaling \$750,000 matured.
- 0 municipal securities were purchased.
- 0 municipal securities were called or matured.
- 2 corporate securities were purchased.

- 0 corporate securities were called or matured.

Market Environment

- During November, the federal funds target rate range was at 4.50%-4.75%.
- On November 30, the yield curve decreased from 3-month to 10-year notes. See Attachment 6, Graph of Treasury Rates on November 30, 2024.

BACKGROUND

State law (Government Code Section 53646(b)) requires that the City Treasurer provide quarterly reports on their investment activities to their governing body.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Finance report is for information only and no action is required.

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

CONFLICT OF INTEREST

None.

Prepared by: Angela Papazian, Deputy Finance Director

Reviewed by: City Manager AA

City of Clovis
Distribution of Investments
As of November 30, 2024

AGENDA ITEM NO. 6.

	COST	NET BOOK VALUE	MARKET VALUE *	YIELD TO MATURITY	STATED INTEREST RATE	INVEST DATE	MATURITY DATE	DAYS TO MATURITY FROM 11/30/2024
GOV'T SECURITIES								
FHLB	1,595,506	1,729,600	1,729,431	4.515%	0.500%	11/16/22	12/30/24	30
FNMA	1,857,400	1,982,580	1,981,380	4.415%	0.500%	03/23/23	02/24/25	86
FNMA	930,300	991,399	990,950	4.338%	0.520%	03/23/23	02/25/25	87
FHLB	932,200	991,465	990,540	4.328%	0.625%	03/23/23	02/27/25	89
FHLB	3,980,000	3,998,357	3,972,160	1.922%	1.750%	02/28/22	02/28/25	90
FHLB	4,000,000	4,000,000	3,972,400	2.750%	2.750%	04/25/22	04/25/25	146
FAMCMTN	3,947,600	3,990,473	3,906,200	1.121%	0.750%	12/16/21	07/28/25	240
FHLB	5,000,000	5,000,000	4,976,800	3.600%	3.600%	08/30/22	08/28/25	271
FAMCMTN	4,948,500	4,989,808	4,857,650	0.869%	0.600%	10/14/21	09/08/25	282
FHLB	871,150	919,962	915,990	3.886%	0.500%	04/26/23	11/25/25	360
FHLB	4,963,000	4,989,977	4,780,550	0.750%	0.580%	09/08/21	02/11/26	438
FHLB	3,922,000	3,977,022	3,829,080	1.229%	0.750%	12/16/21	02/24/26	451
FHLB	2,751,000	2,886,687	2,865,660	3.916%	0.790%	05/17/23	03/16/26	471
FFCB	4,967,500	4,988,024	4,707,900	1.075%	0.940%	10/14/21	09/28/26	667
FHLB	3,649,200	3,845,444	3,767,880	3.342%	1.150%	06/29/22	10/28/26	697
FHLB	5,988,000	5,995,242	5,652,600	1.291%	1.250%	11/24/21	11/24/26	724
FHLB	5,127,757	5,053,006	4,771,450	1.580%	2.125%	01/20/22	12/11/26	741
FHLB	4,043,250	4,280,889	4,180,243	3.397%	1.020%	06/29/22	02/24/27	816
FHLB	4,550,000	4,777,724	4,665,397	3.173%	1.020%	08/17/22	02/24/27	816
FHLB	3,695,200	3,860,945	3,802,019	2.564%	0.900%	03/31/22	02/26/27	818
FHLB	6,072,400	6,402,951	6,305,229	3.737%	0.900%	01/19/23	02/26/27	818
FHLB	5,247,000	5,581,269	5,496,088	4.329%	0.900%	02/16/23	02/26/27	818
FHLB	5,050,770	5,354,026	5,300,658	3.971%	1.000%	12/14/22	02/26/27	818
FHLB	4,000,000	4,000,000	3,834,840	2.375%	2.375%	03/08/22	03/08/27	828
FFCB	5,160,000	5,448,881	5,393,100	3.996%	0.830%	03/23/23	02/22/28	1,179
FHLB	355,160	364,666	361,724	4.123%	1.125%	01/18/24	02/25/28	1,182
FFCB	2,123,750	2,223,742	2,258,200	4.812%	1.000%	09/27/23	03/02/28	1,188
FHLB	1,893,209	1,982,856	2,018,973	5.018%	1.000%	10/18/23	03/10/28	1,196
FHLB	3,124,500	3,084,604	3,035,730	3.553%	4.500%	05/17/23	03/10/28	1,196
FFCB	626,780	642,038	638,848	4.121%	1.370%	01/18/04	03/22/28	1,208
FFCB	6,102,000	6,069,378	5,940,480	3.501%	3.875%	04/26/23	04/25/28	1,242
FFCB	5,354,250	5,398,138	5,400,725	4.349%	3.740%	06/14/23	04/27/28	1,244
FFCB	2,955,000	2,967,644	2,982,360	4.814%	4.470%	07/12/23	06/22/28	1,300
FFCB	2,641,500	2,715,910	2,696,370	4.130%	1.230%	12/20/23	07/13/28	1,321
FHLMC	853,500	886,027	893,450	4.601%	1.100%	11/15/23	07/27/28	1,335
FNMA	848,800	882,351	890,020	4.613%	1.000%	11/15/23	07/28/28	1,336
FHLB	882,500	906,570	897,830	4.117%	1.300%	12/20/23	08/04/28	1,343
FHLB	2,981,700	2,985,888	3,060,120	4.892%	4.750%	10/18/23	09/08/28	1,378
FHLMC	842,300	875,682	883,590	4.614%	1.000%	11/15/23	10/19/28	1,419
SECURITIES TOTAL	<u>\$ 128,834,681</u>	<u>\$ 132,021,224</u>	<u>\$ 129,604,615</u>					
LAIF		<u>\$ 58,646,660</u>	<u>\$ 58,646,660</u>					
Municipal Issuance		<u>\$ 57,389,326</u>	<u>\$ 56,842,923</u>					
Corporate Securities		<u>\$ 40,735,231</u>	<u>\$ 40,952,509</u>					
Sweep Account (Union Bank)		<u>\$ 6,114,594</u>	<u>\$ 6,114,594</u>					
TOTAL CD'S		<u>\$ 32,000,000</u>	<u>\$ 32,116,358</u>					
TOTAL INVESTMENTS		<u>\$ 326,907,035</u>	<u>\$ 324,277,659</u>					

* Market values for securities obtained from US Bank.

City of Clovis
Monthly Investment Transactions
As of November 30, 2024

AGENDA ITEM NO. 6.

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
MidAmerican Energy	Corp	Purchase	1,500,000	1,450,050	3.650%	11/20/24	04/15/29
Unilever Cap Corp	Corp	Purchase	1,500,000	1,350,000	2.125%	11/22/24	09/06/29
True Sky Cr Un	CD	Purchase	250,000	250,000	4.100%	11/06/24	11/08/27
Workers Cr Un	CD	Purchase	250,000	250,000	4.100%	11/22/24	11/22/27
San Francisco Fed Cr Un	CD	Purchase	250,000	250,000	4.250%	11/27/24	11/27/28
FHLB	Gov. Sec.	Maturity	5,000,000	4,999,549	1.050%	11/15/24	11/15/24
UBS Bank USA	CD	Maturity	250,000	250,000	0.650%	11/18/24	11/18/24
Morgan Stanley Bank	CD	Maturity	250,000	250,000	5.000%	11/18/24	11/18/24
Webbank Salt Lake	CD	Maturity	250,000	250,000	0.650%	11/29/24	11/29/24

PORTFOLIO DATA

Current Month (11/24)

	Book	Market
CD'S	\$ 32,000,000	\$ 32,116,358
Gov't Securities*	132,021,224	129,604,615
Municipal Securities	57,389,326	56,842,923
Corporate Securities	40,735,231	40,952,509
LAIF	58,646,660	58,646,660
Sweep Account (Union Bank)	6,114,594	6,114,594
TOTAL	\$ 326,907,035	\$ 324,277,659

Prior Month (10/24)

	Book	Market
CD'S	\$ 32,000,000	\$ 32,185,920
Gov't Securities*	136,873,526	134,328,806
Municipal Securities	57,303,416	56,678,797
Corporate Securities	37,932,539	38,022,820
LAIF	58,646,660	58,646,660
Sweep Account (Union Bank)	9,179,666	9,179,666
TOTAL	\$ 331,935,807	\$ 329,042,669

Three Months Previous (08/24)

	Book	Market
CD'S	\$32,500,000	\$32,668,768
Gov't Securities*	136,266,024	134,401,543
Municipal Securities	56,954,370	56,748,450
Corporate Securities	35,830,493	36,476,220
LAIF	57,959,324	57,959,324
Sweep Account (Union Bank)	12,462,171	12,462,171
TOTAL	\$331,972,382	\$ 330,716,476

Six Months Previous (05/24)

	Book	Market
CD'S	\$32,000,000	\$31,646,538
Gov't Securities*	141,808,163	137,255,049
Municipal Securities	57,132,240	55,727,322
Corporate Securities	23,816,029	23,618,720
LAIF	57,312,667	57,312,667
Sweep Account (Union Bank)	29,051,998	29,051,998
TOTAL	\$341,121,097	\$ 334,612,294

One Year Previous (11/23)

	Book	Market
CD'S	\$19,245,000	\$18,599,372
Gov't Securities*	133,263,676	126,769,132
Municipal Securities	51,805,000	47,365,936
Corporate Securities	-	-
LAIF	74,905,243	74,905,243
Sweep Account (Union Bank)	20,638,225	20,638,225
TOTAL	\$ 299,857,144	\$ 288,277,908

*Adjusted Quarterly for Premium/Discount Amortization

City of Clovis
Certificates of Deposit
As of November 30, 2024

AGENDA ITEM NO. 6.

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 11/30/24	INTEREST FREQUENCY
Medallion Bank Salt Lake City	250,000	249,477.50	0.900%	12/20/21	12/20/24	20	QUARTERLY
Beal Bank	250,000	248,855.00	0.950%	01/19/22	01/15/25	46	QUARTERLY
Mountain Amer Fed	250,000	249,297.50	3.450%	08/31/22	02/28/25	90	QUARTERLY
Barclays Bk	250,000	248,070.00	1.700%	03/09/22	03/10/25	100	QUARTERLY
Goldman Sachs Bk	250,000	248,035.00	1.650%	03/09/22	03/10/25	100	QUARTERLY
Safra National Bk	250,000	248,047.50	2.000%	03/23/22	03/24/25	114	QUARTERLY
Pentagon Federal Cr Un	250,000	247,972.50	2.000%	03/28/22	03/28/25	118	QUARTERLY
Beal Bank	250,000	248,072.50	2.200%	04/06/22	04/02/25	123	QUARTERLY
JP Morgan Chase	250,000	248,215.00	2.500%	04/08/22	04/08/25	129	QUARTERLY
First Natl Bank	250,000	247,957.50	2.200%	04/12/22	04/11/25	132	QUARTERLY
One Community Bank	250,000	248,195.00	2.700%	04/29/22	04/29/25	150	QUARTERLY
Americu Credit Union	250,000	248,267.50	2.800%	05/02/22	05/02/25	153	QUARTERLY
Synchrony Bank Retail	250,000	248,415.00	3.100%	05/20/22	05/20/25	171	QUARTERLY
Connexus Credit Union	250,000	248,280.00	3.000%	05/26/22	05/27/25	178	QUARTERLY
Bmo Harris Bank	250,000	248,272.50	3.150%	06/17/22	06/17/25	199	QUARTERLY
Saco Biddeford	250,000	247,867.50	2.850%	06/17/22	06/17/25	199	QUARTERLY
Baxter Credit Union	250,000	248,552.50	3.400%	06/28/22	06/30/25	212	QUARTERLY
Capital One Bank	250,000	248,440.00	3.350%	06/29/22	06/30/25	212	QUARTERLY
American First Cr Un	250,000	248,202.50	3.250%	07/15/22	07/15/25	227	QUARTERLY
Trustone Financial Cr Un	250,000	248,160.00	3.250%	07/19/22	07/21/25	233	QUARTERLY
American Natl Bank	250,000	247,862.50	3.100%	07/27/22	07/28/25	240	QUARTERLY
TCM Bank	250,000	248,270.00	3.350%	07/28/22	07/28/25	240	QUARTERLY
Generations Bank	250,000	248,337.50	3.400%	08/03/22	08/04/25	247	QUARTERLY
Direct Fed Credit	250,000	248,162.50	3.500%	08/17/22	08/18/25	261	QUARTERLY
Resource One Credit	250,000	248,075.00	3.300%	08/17/22	08/18/25	261	QUARTERLY
Skyone Fed Credit	250,000	248,517.50	3.600%	08/30/22	09/02/25	276	QUARTERLY
Credit Union of Texas	250,000	248,547.50	3.600%	09/14/22	09/15/25	289	QUARTERLY
Forbright Bank	250,000	248,275.00	3.500%	09/16/22	09/16/25	290	QUARTERLY
Alabama Credit Union	250,000	248,472.50	3.600%	09/20/22	09/22/25	296	QUARTERLY
Kemba Finl Credit Union	250,000	249,247.50	4.000%	09/21/22	09/22/25	296	QUARTERLY
Ally Bank Sandy Utah	250,000	249,310.00	4.050%	09/29/22	09/29/25	303	QUARTERLY
Farmers Merchants	250,000	248,755.00	3.750%	09/28/22	09/29/25	303	QUARTERLY
Jefferson Finl FCU	250,000	249,575.00	4.150%	09/29/22	09/29/25	303	QUARTERLY
Dort Finl Credit Union	250,000	249,235.00	4.000%	09/30/22	09/30/25	304	QUARTERLY
First National Bank	250,000	248,702.50	3.625%	09/30/22	09/30/25	304	QUARTERLY
Numerica Credit Union	250,000	249,825.00	4.200%	09/30/22	09/30/25	304	QUARTERLY
Vystar Credit Union	250,000	249,957.50	4.350%	09/30/22	09/30/25	304	QUARTERLY
1st Financial Bank	250,000	249,552.50	4.150%	10/13/22	10/14/25	318	QUARTERLY
Bell Bank Fargo	250,000	249,552.50	4.150%	10/13/22	10/14/25	318	QUARTERLY
Pacific Alliance	250,000	249,660.00	4.200%	10/14/22	10/14/25	318	QUARTERLY
Great Southern Bank	250,000	250,020.00	4.500%	10/20/22	10/20/25	324	QUARTERLY
American Bank	250,000	249,925.00	4.350%	10/21/22	10/21/25	325	QUARTERLY
Queensborough Natl Bank	250,000	249,775.00	4.100%	10/21/22	10/21/25	325	QUARTERLY
Public Alliance Cr Un	250,000	250,340.00	4.500%	10/25/22	10/27/25	331	QUARTERLY
First Citizens Bank	250,000	250,710.00	4.700%	10/28/22	10/28/25	332	QUARTERLY
LCA Bank Corp	250,000	250,050.00	4.400%	10/28/22	10/28/25	332	QUARTERLY
Sharonview Fed Cr Un	250,000	250,212.50	4.850%	10/31/22	10/31/25	335	QUARTERLY
United Heritage Cr Un	250,000	250,962.50	4.700%	11/04/22	11/04/25	339	QUARTERLY
Capital One Natl Assn	250,000	251,430.00	4.900%	11/16/22	11/17/25	352	QUARTERLY
Spokane Teachers Cr Un	250,000	251,660.00	5.000%	11/23/22	11/23/25	358	QUARTERLY
Morgan Stanley Private	250,000	249,927.50	4.750%	12/09/22	12/09/25	374	QUARTERLY
Community Bank Topeka	250,000	249,962.50	4.300%	12/14/22	12/15/25	380	QUARTERLY
Austin Telco Fed	250,000	251,637.50	4.950%	12/16/22	12/16/25	381	QUARTERLY
Alliant Credit Union	250,000	252,057.50	5.100%	12/30/22	12/30/25	395	QUARTERLY
First Technology Fed Cr Un	250,000	252,190.00	5.150%	06/30/23	12/30/25	395	MONTHLY
Liberty First Cr Un	250,000	250,705.00	4.550%	01/17/23	01/19/26	415	QUARTERLY
Capital Educators Fed Cr	250,000	250,705.00	4.550%	01/19/23	01/20/26	416	QUARTERLY
Manufacturers Traders	250,000	250,120.00	4.250%	01/31/23	01/23/26	419	QUARTERLY
City Natl Bank	250,000	249,842.50	4.350%	01/25/23	01/26/26	422	QUARTERLY
Coastlife Cr Un	250,000	251,040.00	4.650%	02/13/23	02/13/26	440	QUARTERLY
Achieve Finl Cr Un	250,000	251,055.00	4.650%	02/17/23	02/17/26	444	QUARTERLY
California Cr Un Glendale	250,000	250,482.50	4.500%	02/23/23	02/23/26	450	QUARTERLY
Truliant Fed Cr Un	250,000	250,965.00	4.600%	02/28/23	02/27/26	454	QUARTERLY
Pioneer Fed Cr Un Mtn Home	250,000	250,972.50	4.600%	02/28/23	03/02/26	457	QUARTERLY
Tradition Cap Bankk	250,000	250,800.00	4.600%	03/03/23	03/03/26	458	MONTHLY

City of Clovis
Certificates of Deposit
As of November 30, 2024

AGENDA ITEM NO. 6.

Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 11/30/24	INTEREST FREQUENCY
Alaska Fed Cr	250,000	251,375.00	4.650%	03/05/23	03/09/26	464	MONTHLY
Mid Carolina Credit	250,000	252,205.00	4.600%	03/13/23	03/13/26	468	MONTHLY
Blue Ridge Bank	250,000	252,182.50	4.500%	03/16/23	03/16/26	471	MONTHLY
Northwest Bank	250,000	252,257.50	4.600%	03/17/23	03/17/26	472	MONTHLY
Valleystar Credit Union	250,000	252,275.00	4.600%	03/20/23	03/20/26	475	MONTHLY
First Community Bank	250,000	252,097.50	4.500%	03/22/23	03/23/26	478	MONTHLY
Technology Credit Union	250,000	252,312.50	4.650%	03/23/23	03/23/26	478	MONTHLY
Cibc Bank	250,000	252,070.00	4.650%	03/24/23	03/24/26	479	MONTHLY
Signature Bank	250,000	252,297.50	4.500%	03/24/23	03/24/26	479	MONTHLY
Point West Credit Union	250,000	252,377.50	5.000%	04/12/23	04/13/26	499	MONTHLY
Flagstar Bank	250,000	252,447.50	4.650%	03/30/23	04/24/26	510	MONTHLY
Utah Cmnty Credit Union	250,000	251,155.00	4.600%	04/26/23	04/27/26	513	MONTHLY
Cross River Bank	250,000	251,330.00	4.650%	05/19/23	05/19/26	535	MONTHLY
Raiz FCU	250,000	251,945.00	4.650%	05/24/23	05/26/26	542	MONTHLY
Usalliance FCU	250,000	251,582.50	4.700%	05/26/23	05/26/26	542	MONTHLY
Chartway Fed Cr Un	250,000	252,375.00	4.900%	06/09/23	06/09/26	556	MONTHLY
Customers Bank	250,000	251,605.00	4.700%	06/14/23	06/15/26	562	MONTHLY
Lafayette Fed Cr Un	250,000	252,625.00	4.950%	12/13/23	06/15/26	562	QUARTERLY
Latino Cmnty Cr Un	250,000	252,515.00	4.900%	06/27/23	06/29/26	576	MONTHLY
Leaders Cr Un	250,000	252,837.50	5.000%	06/30/23	06/30/26	577	MONTHLY
Farmers Insurance	250,000	253,000.00	5.000%	07/21/23	07/21/26	598	MONTHLY
Maine Svgs FCU	250,000	253,000.00	5.000%	07/21/23	07/21/26	598	MONTHLY
Popular Bank New York	250,000	252,655.00	4.850%	09/06/23	09/04/26	643	QUARTERLY
Freedom Northwest Cr Un	250,000	254,912.50	5.350%	09/19/23	09/18/26	657	QUARTERLY
Amex National Bank	250,000	253,432.50	5.000%	09/20/23	09/21/26	660	QUARTERLY
First Gty Bank	250,000	253,975.00	5.100%	10/13/23	10/13/26	682	MONTHLY
Bridgewater Bank	250,000	254,120.00	5.100%	11/03/23	11/03/26	703	MONTHLY
Taylorsville Svgs Bk	250,000	254,120.00	5.100%	11/03/23	11/03/26	703	MONTHLY
Mountain Comm Bk	250,000	251,507.50	4.500%	12/20/23	12/21/26	751	QUARTERLY
American Bk Freedom	250,000	251,400.00	4.500%	12/22/23	12/22/26	752	QUARTERLY
Rockland Fed Cr Un	250,000	252,005.00	4.600%	12/22/23	12/22/26	752	QUARTERLY
Hughes Fed Cr Un	250,000	251,145.00	4.400%	01/29/24	01/29/27	790	QUARTERLY
MVB Bk Inc Fairmont	250,000	250,345.00	4.250%	01/31/24	01/29/27	790	QUARTERLY
Farmers & Merchants Tr Co	250,000	249,855.00	4.150%	01/30/24	02/01/27	793	QUARTERLY
Oregon Cmnty Cr Un	250,000	250,627.50	4.300%	02/09/24	02/09/27	801	MONTHLY
Valley Natl Bk	250,000	251,445.00	4.450%	02/21/24	02/22/27	814	MONTHLY
CFBank Fairlawn	250,000	251,492.50	4.450%	03/05/24	03/05/27	825	QUARTERLY
Haven Svgs Bk	250,000	251,740.00	4.500%	03/06/24	03/08/27	828	QUARTERLY
Univest Natl Bk	250,000	252,287.50	4.600%	03/13/24	03/15/27	835	QUARTERLY
First Natl Bk	250,000	252,360.00	4.600%	03/19/24	03/19/27	839	QUARTERLY
Nicolet Natl Bk	250,000	252,372.50	4.600%	03/22/24	03/22/27	842	QUARTERLY
People Bank Co	250,000	253,542.50	4.650%	03/30/23	03/30/27	850	MONTHLY
United FID Bank FSB	250,000	252,460.00	4.600%	04/12/24	04/12/27	863	QUARTERLY
Maine Cmnty Bk	250,000	253,197.50	4.700%	05/15/24	05/17/27	898	QUARTERLY
Fahey Banking Co	250,000	253,217.50	4.700%	05/21/24	05/21/27	902	QUARTERLY
Crown Bank Edina	250,000	252,937.50	4.650%	05/23/24	05/24/27	905	QUARTERLY
Gilmer Natl Bk	250,000	253,597.50	4.750%	06/07/24	06/07/27	919	QUARTERLY
First Fndtn Bk	250,000	254,457.50	4.900%	06/13/24	06/14/27	926	QUARTERLY
Empower Fed Cr Un	250,000	254,630.00	4.900%	06/26/24	06/28/27	940	QUARTERLY
Optum Bk Draper	250,000	253,345.00	4.700%	07/10/24	07/12/27	954	QUARTERLY
Generations Cmnty Fed Cr Un	250,000	249,207.50	4.000%	08/21/24	08/23/27	996	QUARTERLY
National Bk Superior	250,000	245,865.00	3.500%	10/08/24	10/08/27	1,042	QUARTERLY
True Sky Cr Un	250,000	249,985.00	4.100%	11/06/24	11/08/27	1,073	QUARTERLY
Workers Cr Un	250,000	249,987.50	4.100%	11/22/24	11/22/27	1,087	QUARTERLY
Carroll County	250,000	253,267.50	4.650%	03/30/23	03/30/28	1,216	MONTHLY
Discover Bank	250,000	252,137.50	4.350%	04/26/23	04/24/28	1,241	MONTHLY
TTCU Fed Cr Un	250,000	257,915.00	5.000%	07/26/23	07/26/28	1,334	MONTHLY
Wells Fargo Natl Bk	250,000	259,110.00	5.050%	11/14/23	11/14/28	1,445	MONTHLY
Consumers Fed Cr Un	250,000	258,670.00	5.000%	11/16/23	11/16/28	1,447	MONTHLY
San Francisco Fed Cr Un	250,000	251,840.00	4.250%	11/27/24	11/27/28	1,458	QUARTERLY
Amerasia Bk	250,000	249,517.50	4.000%	02/15/24	02/15/29	1,538	MONTHLY
USF Fed Cr Un	250,000	253,207.50	4.350%	07/30/24	07/30/29	1,703	QUARTERLY
Sallie Mae Bk	250,000	252,505.00	4.300%	07/31/24	07/31/29	1,704	QUARTERLY
Negotiable CD TOTAL	\$ 32,000,000	\$ 32,116,358					
CD TOTAL	\$ 32,000,000	\$ 32,116,358					

**City of Clovis
Municipal Securities
As of November 30, 2024**

AGENDA ITEM NO. 6.

Municipal Securities	NET BOOK VALUE	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 11/30/24	INTEREST FREQUENCY
University CA Rev Bond	996,076	993,710	4.350%	09/15/22	05/15/25	166	QUARTERLY
Antelope Valley CA Ref Bond	743,326	737,100	1.767%	05/12/22	08/01/25	244	QUARTERLY
Chabot Las Positas Cmnty Clg Bond	1,470,692	1,455,656	0.880%	04/29/22	08/01/25	244	QUARTERLY
Foothill De Anza Bond	817,466	815,895	0.906%	03/24/23	08/01/25	244	QUARTERLY
San Dieguito High School Ref Bond	982,684	982,310	1.661%	10/13/22	08/01/25	244	QUARTERLY
Santa Ana CCD Ref Bond	246,162	244,098	0.744%	05/12/22	08/01/25	244	QUARTERLY
Orange County Water Dist Ref Bond	886,095	885,834	2.095%	10/13/22	08/15/25	258	QUARTERLY
San Jose CA Txble Ser B	2,322,128	2,321,677	2.450%	10/13/22	09/01/25	275	QUARTERLY
Los Angeles CA USD Ref Bond	1,003,422	954,830	1.455%	11/15/21	07/01/26	578	QUARTERLY
Chabot Las Positas Cmnty Clg CA	3,392,886	3,323,476	1.080%	07/27/22	08/01/26	609	QUARTERLY
Chaffey CA High School Ref Bond	1,539,147	1,521,055	2.475%	06/30/22	08/01/26	609	QUARTERLY
Huntington Beach HS Dist Ref Bond	3,215,171	3,135,487	1.208%	04/29/22	08/01/26	609	QUARTERLY
Placentia Yorba USD Ref Bond	1,077,244	1,050,981	1.070%	05/31/22	08/01/26	609	QUARTERLY
San Diego CA Cmnty Ref Bond	464,018	455,486	2.299%	04/29/22	08/01/26	609	QUARTERLY
San Ramon Valley CA USD Ref Bond	2,125,000	2,017,220	1.147%	11/03/21	08/01/26	609	QUARTERLY
Sonoma Cnty Jr College Ref Bond	1,966,063	1,938,280	2.447%	06/30/22	08/01/26	609	QUARTERLY
San Diego CA Pub Facs Ref Bond	1,579,779	1,549,633	1.812%	08/18/22	10/15/26	684	QUARTERLY
CA ST Univ Rev Ref Bond	2,354,282	2,353,800	1.142%	02/17/23	11/01/26	701	QUARTERLY
El Dorado CA Irr Dist Ref Bond	1,132,824	1,107,367	1.687%	08/18/22	03/01/27	821	QUARTERLY
Rancho Santiago Cmnty Clg	2,215,957	307,664	1.106%	11/17/22	03/01/27	821	QUARTERLY
University Gen Rev Bond	558,217	2,217,478	1.316%	10/13/22	05/15/27	896	QUARTERLY
El Monte Ca Ref Bond	2,071,019	556,896	1.326%	03/24/23	06/01/27	913	QUARTERLY
Los Angeles CA Dept Wtr Ref Bond	986,203	2,056,660	5.516%	04/27/23	07/01/27	943	QUARTERLY
Colton CA Jt Uni Sch	843,425	987,760	1.603%	11/17/22	08/01/27	974	QUARTERLY
Contra Costa Ref Bond	233,512	833,140	2.163%	09/15/22	08/01/27	974	QUARTERLY
Corona Norco Ref Bond	502,987	236,980	2.297%	09/28/23	08/01/27	974	QUARTERLY
Foothill De Anza CCD	1,009,948	502,999	1.473%	12/15/22	08/01/27	974	QUARTERLY
Fremont CA Uni Sch Dist	1,111,006	1,010,570	1.113%	11/17/22	08/01/27	974	QUARTERLY
Fremont CA USD Ref Bond	324,874	1,072,478	2.000%	05/31/22	08/01/27	974	QUARTERLY
Marin CA Cmnty Clg Dist	261,055	328,052	3.330%	11/17/22	08/01/27	974	QUARTERLY
Mount San Antonio Cmnty Clg	383,252	262,152	1.139%	11/17/22	08/01/27	974	QUARTERLY
Mount San Antonio Ref Bond	2,932,667	384,523	2.329%	10/13/22	08/01/27	974	QUARTERLY
Saddleback VY Uni Ref Bond	563,492	2,865,960	2.400%	08/10/22	08/01/27	974	QUARTERLY
San Diego CA Com CD	1,350,715	563,745	2.407%	12/15/22	08/01/27	974	QUARTERLY
San Ramon Valley Ref Bond	988,898	1,333,086	3.415%	09/15/22	08/01/27	974	QUARTERLY
Santa Monica Cmnty Clg Ref Bond	427,328	976,952	3.050%	09/15/22	08/01/27	974	QUARTERLY
Sierra CA Cmnty Clg Dist	183,558	428,925	1.129%	11/17/22	08/01/27	974	QUARTERLY
William Hart CA Un High	306,877	184,140	1.174%	11/17/22	08/01/27	974	QUARTERLY
San Jose CA Txble Ser B	866,682	870,606	2.600%	10/13/22	09/01/27	1,005	QUARTERLY
Soquel Creek Cnty Ref Bond	501,220	497,127	1.445%	05/18/23	03/01/28	1,187	QUARTERLY
Gardena Calif Pension Oblig	923,302	942,970	2.663%	10/19/23	04/01/28	1,218	QUARTERLY
Beverly Hills Ref Bond	578,395	576,650	1.514%	06/15/23	06/01/28	1,279	QUARTERLY
California Health FACS	723,380	735,642	3.378%	11/16/23	06/01/28	1,279	QUARTERLY
Alameda Cnty Calif	523,658	527,828	3.519%	03/21/24	08/01/28	1,340	QUARTERLY
Desert CA Cmnty College	925,079	924,290	2.023%	01/19/24	08/01/28	1,340	QUARTERLY
Long Beach Calif Cmnty	677,838	681,251	2.337%	03/21/24	08/01/28	1,340	QUARTERLY
Redondo Beach Ref Bond	596,770	611,530	1.430%	09/28/23	08/01/28	1,340	QUARTERLY
San Ramon Valley CA Uni	1,650,683	1,660,641	1.670%	07/13/23	08/01/28	1,340	QUARTERLY
Santa Ana College Impt	1,341,201	1,351,035	1.320%	07/13/23	08/01/28	1,340	QUARTERLY
Santa Clarita CA Cmnty	909,885	910,440	1.563%	01/19/24	08/01/28	1,340	QUARTERLY
William Hart CA High	904,569	902,140	1.429%	12/21/23	08/01/28	1,340	QUARTERLY
Yosemite Calif Cmnty Clg	697,214	696,720	2.210%	12/21/23	08/01/28	1,340	QUARTERLY
Mun. Securities TOTAL	\$ 57,389,326	\$ 56,842,923					
Municipal Securities TOTAL	\$ 57,389,326	\$ 56,842,923					

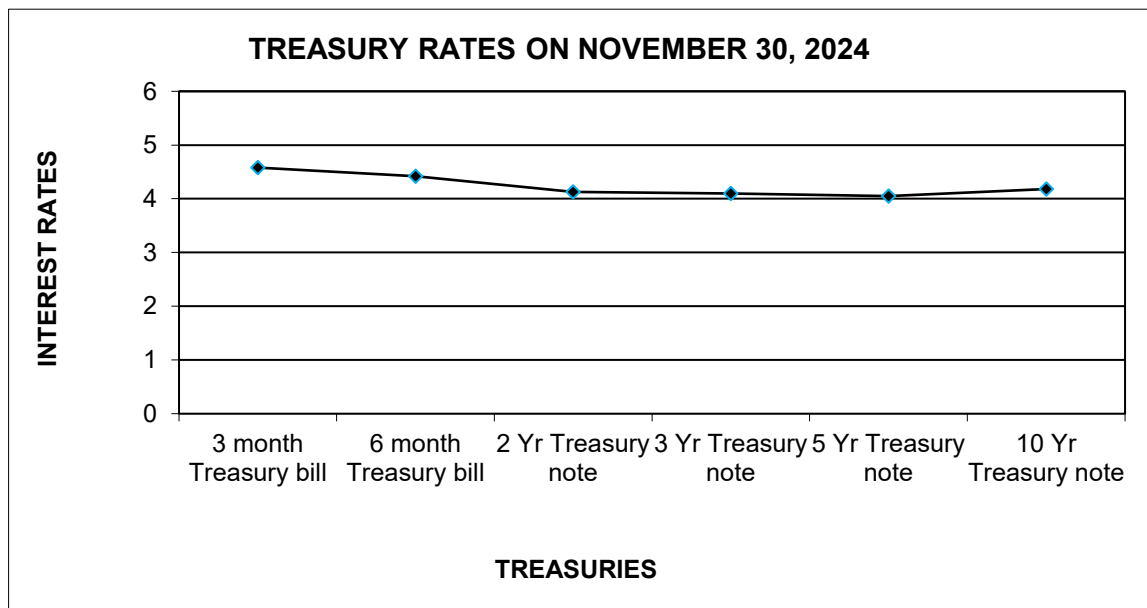
AGENDA ITEM NO. 6.

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**CITY OF CLOVIS
FINANCE DEPARTMENT
NOVEMBER 30, 2024 TREASURY RATES**

Treasury Rates as of November 30, 2024

3 month Treasury bill	4.58
6 month Treasury bill	4.42
2 Yr Treasury note	4.13
3 Yr Treasury note	4.10
5 Yr Treasury note	4.05
10 Yr Treasury note	4.18



As indicated in the above graph, treasuries decrease from 3-month to 10-year notes.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 12, 2025

SUBJECT: Finance – Receive and File – Treasurer’s Report for the Month of November 2024.

ATTACHMENTS:

1. Summary of Cash Balances
2. Summary of Investment Activity
3. Investments with Original Maturities Exceeding One Year

RECOMMENDATION

Staff recommends that the City Council receive and file the Treasurer’s Report for the Month of November 2024.

EXECUTIVE SUMMARY

Attached for the Council’s information is the Treasurer’s Report for the month ended November 30, 2024.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements, and fund balances. Attachment 1 provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. Attachment 2 summarizes the investment activity for the month and distribution, by type of investment, held by the City. Attachment 3 lists all investments with original maturities exceeding one year as of the month ended November 30, 2024.

BACKGROUND

State law (Government Code Section 41004) requires that the City Treasurer shall submit to the City Clerk each month a written report and accounting of all receipts, disbursements, and fund balances.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Finance report is for information only and no action is required.

ACTIONS FOLLOWING APPROVAL

Staff will file the report.

CONFLICT OF INTEREST

None.

Prepared by: Angela Papazian, Deputy Finance Director

Reviewed by: City Manager AA

City of Clovis
Statement of Cash Balances
As of November 30, 2024

AGENDA ITEM NO. 7.

Previous Balance		\$2,830,398.78
Deposits		32,260,419.74
Disbursements		<u>(30,169,230.57)</u>
Current Balance		<u><u>\$ 4,921,587.95</u></u>
FUNDS	BALANCE	
100 General Fund	\$ (5,899,876.30)	
201 Local Transportation	21,149,658.60	
202 Parking and Business Improvements	223,470.50	
203 Off Highway Use	75,845.63	
204 Community Facilities District 2020-1	302,612.39	
205 Senior Citizen Memorial Trust	64,334.43	
207 Landscape Assessment District	6,995,250.21	
208 Blackhorse III (95-1) Assessment District	10,100.84	
209 Blackhorse III (95-1) Assessment District 2	21,604.55	
275 HCD Block Grant Fund	770,204.91	
301 Park & Recreation Acquisition	7,869,540.98	
304 Affordable Housing	1,011,300.87	
305 Refuse Equipment Reserve	2,797,471.68	
310 Special Street Deposit Fund	56,787,558.28	
314 Housing Successor Agency	465,492.03	
402 1976 Fire Bond Redemption	25,446.16	
404 1976 Sewer Bond Redemption Fund	438,298.29	
501 Community Sanitation Fund	15,895,932.65	
502 Sewer Service Fund	37,663,120.30	
504 Sewer Capital Projects-Users	295,649.79	
506 Sewer Capital Projects-Developer	4,718,669.02	
507 Water Service Fund	45,899,364.36	
508 Water Capital Projects-Users	7,579,191.50	
509 Water Capital Projects-Developer	14,966,012.10	
515 Transit Fund	6,451,512.89	
540 Planning & Development Services	16,255,509.08	
601 Property & Liability Insurance	716,819.43	
602 Fleet Maintenance	29,148,508.82	
603 Employee Benefit Fund	20,127,804.46	
604 General Government Services	26,020,649.79	
605 Facilities Maintenance	5,027,869.40	
606 Information Technology	6,560,374.82	
701 Curb & Gutter Fund	173,146.04	
703 Payroll Tax & Withholding Fund	502,417.60	
712 Temperance/Barstow Assmt Dist (98-1)	81,643.30	
713 Shepherd/Temperance Assmt Dist (2000-1)	5,999.28	
715 Supp Law Enforcement Serv	232,678.32	
716 Asset Forfeiture	528,324.02	
720 Measure A-Public Safety Facility Tax	2,136.14	
736 SA Admin Trust Fund	1,421.40	
741 SA Debt Service Trust Fund	(135,583.78)	
747 Housing Successor Trust Fund	1,137.98	
SUBTOTALS	<u><u>\$ 331,828,622.76</u></u>	
999 Invested Funds	<u>(326,907,034.81)</u>	
TOTAL	<u><u>\$ 4,921,587.95</u></u>	

City of Clovis
Summary of Investment Activity
For the month of November 30, 2024

Balance of Investments Previous Month End		\$ 331,935,807.48
Time Certificates of Deposit Transactions		
Investments	750,000.00	
Withdrawals	(750,000.00)	
Total CD Changes		0.00
Other Changes		
Government Securities	(4,852,302.00)	
Local Agency Investment Fund	0.00	
Municipal Securities	85,910.00	
Corporate Securities	2,802,692.00	
Sweep Account	(3,065,072.67)	
Total Other Changes		(5,028,772.67)
Balance of Investments Current Month End		\$ 326,907,034.81

City of Clovis
Distribution of Investments
As of November 30, 2024

Insured CD's	32,000,000.00
Government Securities	132,021,224.10
Corporation Securities	40,735,231.00
Local Agency Investment Fund	58,646,660.11
Municipal Securities	57,389,325.55
Sweep Account	6,114,594.05
Investment Total	\$ 326,907,034.81

City of Clovis
Government Maturities Exceeding One Year
As of November 30, 2024

AGENDA ITEM NO. 7.

Institution	Face Value	Investment	Maturity	Stated Rate
		Balance At Amortized Cost		
FHLB	1,735,000.00	1,729,600	12/30/2024	0.500%
FNMA	2,000,000.00	1,982,580	2/24/2025	0.500%
FNMA	1,000,000.00	991,399	2/25/2025	0.520%
FHLB	1,000,000.00	991,465	2/27/2025	0.625%
FHLB	4,000,000.00	3,998,357	2/28/2025	1.750%
FAMCMTN	4,000,000.00	4,000,000	4/25/2025	2.750%
FAMCMTN	4,000,000.00	3,990,473	7/28/2025	0.750%
FHLB	5,000,000.00	5,000,000	8/28/2025	3.600%
FHLB	5,000,000.00	4,989,808	9/8/2025	0.600%
FHLB	980,000.00	919,962	11/25/2025	0.500%
FFCB	5,000,000.00	4,989,977	2/11/2026	0.580%
FHLB	4,000,000.00	3,977,022	2/24/2026	0.750%
FHLB	3,000,000.00	2,886,687	3/16/2026	0.790%
FHLB	5,000,000.00	4,988,024	9/28/2026	0.940%
FHLB	4,000,000.00	3,845,444	10/28/2026	1.150%
FHLB	6,000,000.00	5,995,242	11/24/2026	1.250%
FHLB	5,000,000.00	5,053,006	12/11/2026	2.125%
FHLB	4,500,000.00	4,280,889	2/24/2027	1.020%
FHLB	5,000,000.00	4,777,724	2/24/2027	1.020%
FHLB	4,000,000.00	3,860,945	2/26/2027	0.900%
FHLB	6,800,000.00	6,402,951	2/26/2027	0.900%
FHLB	5,700,000.00	5,581,269	2/26/2027	0.900%
FHLB	6,000,000.00	5,354,026	2/26/2027	1.000%
FHLB	4,000,000.00	4,000,000	3/8/2027	2.375%
FHLB	6,000,000.00	5,448,881	2/22/2028	0.830%
FHLB	400,000.00	364,666	2/25/2028	1.125%
FFCB	2,500,000.00	2,223,742	3/2/2028	1.000%
FHLB	3,000,000.00	1,982,856	3/10/2028	4.500%
FFCB	2,245,000.00	3,084,604	3/10/2028	1.000%
FFCB	700,000.00	642,038	3/22/2028	1.370%
FFCB	6,000,000.00	6,069,378	4/25/2028	3.875%
FFCB	5,500,000.00	5,398,138	4/27/2028	3.740%
FFCB	3,000,000.00	2,967,644	6/22/2028	4.470%
FFCB	3,000,000.00	2,715,910	7/13/2028	1.230%
FHLMC	1,000,000.00	886,027	7/27/2028	1.100%
FNMA	1,000,000.00	882,351	7/28/2028	1.000%
FHLB	1,000,000.00	906,570	8/4/2028	1.300%
FFCB	3,000,000.00	2,985,888	9/8/2028	4.750%
FHLMC	1,000,000.00	875,682	10/19/2028	1.000%

City of Clovis
Municipal Maturities Exceeding One Year
As of November 30, 2024

AGENDA ITEM NO. 7.

Institution	Face Value	Investment	Maturity	Stated Rate
		Balance At Amortized Cost		
UC General Revenue Bonds	1,000,000.00	996,076.00	5/15/2025	3.050%
Antelope Valley Comm Coll	750,000.00	743,325.50	8/1/2025	1.767%
Chabot Las Positas Comm Coll	1,490,000.00	1,470,692.00	8/1/2025	0.880%
Foothill De Anza Ref Bds 2021B	835,000.00	817,465.50	8/1/2025	0.906%
San Dieguito USD GO Bonds	1,000,000.00	982,684.00	8/1/2025	1.661%
Santa Ana Coll Improv Dist	250,000.00	246,161.50	8/1/2025	0.744%
Orange County Water Dist	900,000.00	886,095.00	8/15/2025	2.095%
San Jose Ca Taxable Series B	2,355,000.00	2,322,127.50	9/1/2025	2.450%
LA CUSD GO Bonds	1,000,000.00	1,003,422.00	7/1/2026	1.455%
Chabot Las Positas Comm Coll	3,505,000.00	3,392,886.00	8/1/2026	1.080%
Chaffey Joint Union HS	1,565,000.00	1,539,146.50	8/1/2026	2.475%
Huntington Beach Union HS	3,305,000.00	3,215,171.00	8/1/2026	1.208%
Placentia Yorba Linda USD	1,110,000.00	1,077,244.00	8/1/2026	1.070%
San Diego Comm Coll Dist	470,000.00	464,018.00	8/1/2026	2.299%
San Ramon Valley CUSD	2,125,000.00	2,125,000.00	8/1/2026	1.147%
Sonoma County Jr Coll Dist	2,000,000.00	1,966,063.00	8/1/2026	2.447%
San Diego Pub Facilities Dist	1,625,000.00	1,579,779.00	10/15/2026	1.812%
California St Univ Taxable 2021B	2,500,000.00	2,354,282.00	11/1/2026	1.142%
El Dorado Irrigation Dist	1,175,000.00	1,132,824.00	3/1/2027	1.687%
Rancho Santiago CC Ref 2020	335,000.00	2,215,956.50	3/1/2027	1.106%
UC Taxable Gen Bds 2020 B	2,385,000.00	558,217.00	5/15/2027	1.316%
El Monte HSD Taxable Ref 2021	600,000.00	2,071,019.00	6/1/2027	1.326%
LA Dept Wtr Pwr Rev Bonds 2010C	2,000,000.00	986,203.00	7/1/2027	5.516%
Colton CA USD Ref Bonds 2020	1,060,000.00	843,425.00	8/1/2027	1.603%
Contra Costa Comm College Dist	880,000.00	233,512.00	8/1/2027	2.163%
Corona Norco USD Ref Bond 2019	250,000.00	502,987.00	8/1/2027	2.297%
Foothill De Anza CC Taxable 2021	540,000.00	1,009,948.00	8/1/2027	1.473%
Fremont USD Alameda County	1,100,000.00	1,111,006.00	8/1/2027	1.113%
Fremont USD Taxable Ref 2021	1,140,000.00	324,873.80	8/1/2027	2.000%
Marin County Comm Coll 2016	335,000.00	261,055.00	8/1/2027	3.330%
Mount San Antonio CC 2021	285,000.00	383,251.75	8/1/2027	1.139%
Mount San Antonio Comm Coll	405,000.00	2,932,667.00	8/1/2027	2.329%
Saddleback Valley USD	3,000,000.00	563,492.00	8/1/2027	2.400%
San Diego CCD Taxable 2019	590,000.00	1,350,715.00	8/1/2027	2.407%
San Ramon Valley CUSD	1,435,000.00	988,898.00	8/1/2027	1.440%
Santa Monica Comm College Dist	1,000,000.00	427,327.50	8/1/2027	3.415%
Sierra CA CCD 2021A Ref	465,000.00	183,558.00	8/1/2027	1.129%
William Hart USD 2020 Ref	200,000.00	306,876.50	8/1/2027	1.174%
San Jose Ca Taxable Series B	910,000.00	866,682.00	9/1/2027	2.600%
Soquel Creek Wtr Ref 2020	545,000.00	501,219.50	3/1/2028	1.445%
Gardena Calif Pension Obligation	1,000,000.00	923,302.00	4/1/2028	2.663%
Beverly Hills Taxable Ref 2020B	635,000.00	578,394.50	6/1/2028	1.514%
California Health Facs Fing Au	760,000.00	723,380.00	6/1/2028	3.378%
Alameda Cnty Calif	540,000.00	523,658.00	8/1/2028	3.519%
Desert CA Cmnty College	1,000,000.00	925,079.00	8/1/2028	2.023%
Long Beach Calif Cmnty	730,000.00	677,838.00	8/1/2028	2.337%
Redondo Beach CA Uni Bond 2018	675,000.00	596,770.00	8/1/2028	1.430%
San Ramon Valley CA	1,820,000.00	1,650,683.00	8/1/2028	1.670%
Santa Ana College Impt	1,500,000.00	1,341,201.00	8/1/2028	1.320%
Santa Clarita Calif Cmnty	1,000,000.00	909,885.00	8/1/2028	1.563%
William Hart High	1,000,000.00	904,569.00	8/1/2028	1.429%
Yosemite Calif Cmnty College	750,000.00	697,214.00	8/1/2028	2.210%

City of Clovis
Corporate Maturities Exceeding One Year
As of November 30, 2024

AGENDA ITEM NO. 7.

Institution	Face Value	Investment	Maturity	Stated Rate
		Balance At Amortized Cost		
Duke Energy Carolinas LLC	2,000,000.00	1,957,137.00	11/15/2028	3.950%
Toyota MTR Cr Corp	2,000,000.00	1,993,290.00	1/5/2029	4.350%
Procter & Gamble Co	2,000,000.00	1,995,460.00	1/29/2029	4.650%
Air Products and Chemicals	2,000,000.00	2,008,326.00	2/8/2029	4.600%
Texas Instrument Inc	2,000,000.00	1,993,239.00	2/8/2029	4.600%
Cummins Inc	2,000,000.00	2,027,768.00	2/20/2029	4.900%
Bristol-Myers Squibb Co	2,000,000.00	2,003,562.00	2/22/2029	4.900%
Astrazeneca Finance LLC	2,000,000.00	1,984,283.00	2/26/2029	4.850%
Cisco Sys Inc.	2,000,000.00	2,017,182.00	2/26/2029	4.850%
Caterpillar Finl	2,000,000.00	2,018,108.00	2/27/2029	4.850%
Merck Co Inc.	2,000,000.00	1,912,298.00	3/7/2029	3.400%
Blackrock Fund Inc.	2,000,000.00	2,008,604.00	3/14/2029	4.700%
Adobe Inc	2,000,000.00	2,009,287.00	4/4/2029	4.800%
Home Depot Inc.	2,000,000.00	1,992,988.00	4/15/2029	4.900%
Midamerican Energy Co	1,500,000.00	1,450,361.00	4/15/2029	3.650%
United Health Group	2,000,000.00	1,973,705.00	4/15/2029	4.700%
Glaxosmithkline Capital	2,000,000.00	1,899,867.00	6/1/2029	3.375%
John Deere Capital	2,000,000.00	2,011,840.00	6/11/2029	4.850%
Citibank NA	2,000,000.00	2,040,269.00	8/6/2029	4.838%
Honeywell Intl Inc	2,000,000.00	2,086,800.00	9/1/2029	4.875%
Unilever Capital Corp	1,500,000.00	1,350,857.00	9/6/2029	2.125%



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: May 12, 2025

SUBJECT: General Services – Approval – Res. 25-____, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Professional and Technical Employees Association.

ATTACHMENTS: 1. Res. 25-____, and MOU

RECOMMENDATION

For the City Council to approve a resolution authorizing a successor Memorandum of Understanding (MOU) between the City of Clovis and the Clovis Professional and Technical Employees Association (CPTA), Bargaining Unit, for the term of July 1, 2025, through June 30, 2028.

EXECUTIVE SUMMARY

City negotiators have recently concluded the meet and confer process with representatives of the CPTA bargaining unit for a successor MOU. Council authorization is required to implement the proposed amendments to the CPTA MOU.

BACKGROUND

The 2022-2025 MOU between the City and CPTA expires June 30, 2025. The City's negotiating team and CPTA representatives have recently concluded negotiations for a successor MOU. A summary of the changes in the proposed MOU is below.

- Salary increases as follows:
 - FY 2025-2026: 3.0% wage increase
 - FY 2026-2027: 2.0% wage increase
 - FY 2027-2028: 2.0% wage increase
- In addition to the wage increase above, the following positions will receive market based increases as follows:
 - Associate Planner: 2.87%
 - Building Inspector: 0.57%
 - City Surveyor: 3.79%
 - Civil Engineer: 1.00%

- Engineer I: 5.95%
- Engineer II: 7.00%
- Engineering Inspector: 0.63%
- Engineering Technician: 7.00%
- GIS Analyst: 3.60%
- Permit Technician: 6.99%
- Plans Examiner: 6.21%
- Planning Technician II: 5.81%
- Senior Building Inspector: 0.44%
- Senior Engineering Inspector: 5.41%
- Senior Engineering Technician: 5.14%
- Removed cap on Certified Access Specialist Program Certificate at \$200 a month.
- Added \$75.00/month certificate pay for a Qualified SWPPP Practitioner.
- Added \$200/month certificate pay for Qualified SWPPP Developer.
- Added \$50/month certificate pay for D3/T3.
- Added \$75/month certificate pay for D4/T4.
- Increased bilingual pay stipend from \$100/month to \$150/month.

The CPTA membership ratified the terms of the proposed MOU on or about May 3, 2025.

FISCAL IMPACT

The proposed amendments to the CPTA MOU will result in an approximate increase in costs for salary and incentives of approximately \$1,900,000 over the next three (3) years, which will be budgeted during the term of the agreement.

REASON FOR RECOMMENDATION

The proposed 2025 – 2028 MOU between the City and CPTA maintains reasonable wages and working conditions related to the labor market for employees in the CPTA bargaining unit. Prior to its implementation, the proposed MOU must be approved by City Council resolution. The proposed amendments are within the financial parameters authorized by the City Council and will preserve the City's ability to attract and retain qualified personnel.

ACTIONS FOLLOWING APPROVAL

City staff and CPTA representatives will sign the proposed 2025- 2028 MOU. Staff will implement the modifications within the new MOU.

CONFLICT OF INTEREST

None.

Prepared by: Amy Hance, General Services Director

Reviewed by: City Manager AH

RESOLUTION 25-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLOVIS AND THE CLOVIS PROFESSIONAL AND TECHNICAL EMPLOYEES ASSOCIATION BARGAINING UNIT

WHEREAS, a Memorandum of Understanding exists between the City of Clovis and the Clovis Professional and Technical Employees Association (the Parties); and

WHEREAS, the Memorandum of Understanding expires on June 30, 2025; and

WHEREAS, an agreement has been reached between the Parties for a successor Memorandum of Understanding; and

WHEREAS, the proposed CPTA Memorandum of Understanding 2025 – 2028 is attached as Attachment A.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clovis hereby adopts the Memorandum of Understanding between the City of Clovis and the Clovis Professional and Technical Employees Association Bargaining Unit for the term of July 1, 2025, through June 30, 2028.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 12, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 12, 2025

Mayor

City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CLOVIS AND
THE CLOVIS PROFESSIONAL AND TECHNICAL
ASSOCIATION**

July 1, 2025, through June 30, 2028

ATTACHMENT A

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Introduction

The representatives of the City of Clovis (City) and the representatives of the Clovis Professional and Technical Association (CPTA) having met and conferred in good faith, have mutually agreed to recommend to the City Council of the City of Clovis and to the general membership of the bargaining unit that the following Memorandum of Understanding (MOU) be adopted and that the wages, hours, and other terms and conditions of employment in this exclusive agreement be implemented.

1. Unit Description

A. Recognition of Exclusive Representative: The City agrees to acknowledge, pursuant to Sections 3500 *et seq* of the California Government Code, CPTA as the exclusive recognized employee organization representing non-management, professional and technical full-time permanent and probationary employees in the listed paragraph B below, until such time as CPTA fails to obtain a majority of the vote of the employees in that bargaining unit during a decertification election. As the exclusive recognized employee organization, CPTA shall have the right and obligation to meet and confer and reach agreement with the City regarding the determination of wages, hours, and other terms and conditions of employment for employees represented by the CPTA organization. Nothing in this article shall be construed as violative of any requirement or provision of the Meyers-Milias-Brown Act.

B. Description of the Bargaining Unit: The unit shall consist of all full-time permanent and probationary employees in the following classifications:

- | | |
|---------------------------------|--|
| 1. Assistant Planner | 13. GIS Systems Analyst |
| 2. Associate Planner | 14. GIS Technician |
| 3. Building Inspector | 15. Housing Program Coordinator |
| 4. Business Workflow Analyst | 16. Permit Technician |
| 5. Business Workflow Specialist | 17. Planning Technician I |
| 6. City Surveyor | 18. Planning Technician II |
| 7. Civil Engineer | 19. Plans Examiner |
| 8. Engineer I | 20. Senior Building Inspector |
| 9. Engineer II | 21. Senior Engineering Inspector |
| 10. Engineering Inspector | 22. Senior Engineering Technician |
| 11. Engineering Technician | 23. Traffic Signal Operations Specialist |
| 12. GIS Specialist | |

C. New classifications approved by the City Council and determined to be appropriately placed within this unit shall automatically become part of this unit upon such determination and shall immediately be covered by the terms of this MOU. The City shall notify CPTA in writing whenever new classifications are assigned to the CPTA bargaining unit. Such notification shall be provided prior to Council adoption of a new classification.

D. Classification Review:

1) An employee may request classification review of the employee's position by submitting such a request, in writing, to the Department Head. Such request shall set forth the specific reasons for the classification review.

2) If the Department Head agrees that a classification review is appropriate, the Department Head shall require the employee to complete a classification review questionnaire. The employee's completed questionnaire will be reviewed by the employee's Supervisor and Department Head for completeness and accuracy. Within forty-five (45) days of the employee's submittal of a completed questionnaire, the Department Head will complete the employee's review and transmit the questionnaire to the Personnel/Risk Manager to conduct the classification review.

3) The Personnel/Risk Manager or assigned staff shall conduct the classification review and submit a report of findings and recommendations to the Department Head and City Manager. The classification review will be completed within ninety (90) days of receipt of the completed classification review questionnaire except in unusual circumstances. When unusual circumstances arise, the City and the employee will establish a mutually acceptable completion date for the classification review.

2. Purpose

It is the purpose of this MOU to provide for a harmonious relationship between the City and the employees covered by this MOU, and to provide an orderly and equitable method of resolving any differences which may arise regarding wages, hours and other terms and conditions of employment. Nothing in this MOU shall preclude City from recognizing in accordance with City policy any employee whose performance is determined by City to be outstanding.

3. City Rights

Notwithstanding any of the items agreed to herein, nothing in this MOU is intended to limit the management rights of the City, including the following specific rights:

- 1) Direct the work of its employees.
- 2) Hire, promote, demote, transfer, assign and classify employees within the City, and to determine the mission of its divisions and departments, and its budget, organization, and number of employees.
- 3) Discipline employees according to applicable regulations and MOU provisions.
- 4) Take actions as may be necessary to carry out the mission of the agency in emergencies.
- 5) Determine the methods, means and personnel by which operations are to be carried on.
- 6) Determine its budget, organization, merits, necessity and level of any activity or service provided to the public.

4. Employee Rights

Employees of the City shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Employees of the City shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City.

5. Dues Deduction/Union Access

A. Payroll deductions/union dues shall be in accordance with applicable law.

B. Union Access

The City and the Association agree on the procedures for administering Assembly Bill 119 (AB 119) Union Access for the Associations represented employees that are newly hired and for existing employees.

Access to employee new hire orientations

- At least ten (10) days prior to the new hire orientation the Union President will receive an e-mail notification of the orientation date and time. Only one notification will be sent out. The Union will be responsible for attending the orientation. Personnel will not follow up after the first notification.
- The amount of Union Representatives present during the orientation is limited to two representatives.
- Time allotted for union access during the orientation will be 15 minutes. The total time that the Union representative spends away from work shall not exceed 45 minutes.
- Orientations are usually on the 1st and 16th of the month. If the 1st or 16th is on a weekend or a holiday the orientation will be on the first working day after the 1st or 16th.
- The City will reserve the right to hold the orientations on different days in case of an unusual situation.
- If mutually agreed upon the ten (10) day notification can be reduced to allow the new hire an earlier start date.
- Orientation time may vary depending on staffing levels and number of employees attending the orientation.

Access to new hire employee personal information

Personal information on new hires will be distributed to the Union President within 30 days after date of hire as required by the law. The Union President will pick up the personal information and sign for it. Only one e-mail notification will be sent out to the Union President. The Union President will be responsible for picking up the personal information.

Access to current employee personal information

Both the City and the Association agree to waive the personal information requirement on current employees that is required to be distributed every 120 days by AB 119. Personal information will be distributed to the Association once a year. The personal information will be distributed to the Union President once per calendar year by the 15th of January.

The Union President will pick up the personal information and sign for it. Only one e-mail notification will be sent out to the Union President. The Union President will be responsible for picking up the personal information. The personal information distributed will be the information that is required by AB 119.

Opt-Out Provision

If the employee opts out and does not want their personal information distributed, the City will send the Association the employee's name, work phone, job title, and work location.

6. Non-Discrimination

The City and CPTA agree not to discriminate against any employee in accordance with applicable laws.

7. Wage Scale and Retirement Contributions

A. Wage Scale - The City shall maintain the wage scale/steps for all positions represented in this bargaining unit as found in Exhibit A, attached.

B. The City will implement the following wage increases during the term of this agreement:

1) Fiscal Year 2025 -2026: The following wage adjustments shall become effective on the first day of the first payroll period following CPTA ratification and City Council approval of this MOU.

- All positions shall receive a 3.0% wage increase.
- Associate Planner shall receive a 2.87% equity adjustment for a total increase of 5.87%.
- Building Inspector shall receive a 0.57% equity adjustment for a total increase of 3.57%.
- City Surveyor shall receive a 3.79% equity adjustment for a total increase of 6.79%.
- Civil Engineer shall receive a 1.00% equity adjustment for a total increase of 4.00%.
- Engineer I shall receive a 5.95% equity adjustment for a total increase of 8.95%.

- Engineer II shall receive a 7.00% equity adjustment for a total increase of 10.0%.
- Engineering Inspector shall receive a 0.63% equity adjustment for a total of 3.63%.
- Engineering Technician shall receive a 7.00% equity adjustment for a total of 10.0%.
- GIS Analyst shall receive a 3.60% equity adjustment for a total increase of 6.60%.
- Permit Technician shall receive a 6.99% equity adjustment for a total increase of 9.99%.
- Plans Examiner shall receive a 6.21% equity adjustment for a total increase of 9.21%.
- Planning Technician II shall receive a 5.81% equity adjustment for a total increase of 8.81%.
- Senior Building Inspector shall receive a 0.44% equity adjustment for a total of 3.44%.
- Senior Engineering Inspector shall receive a 5.41% equity adjustment for a total of 8.41%.
- Senior Engineering Technician shall receive a 5.14% equity adjustment for a total of 8.14%.

2) Fiscal Year 2026 – 2027:

- Effective July 1, 2026, all positions shall receive a 2.0% wage increase.

3) Fiscal Year 2027 – 2028:

- Effective July 1, 2027, all positions shall receive a 2.0% wage increase.

C. Retirement

1) The City shall, during the term of this agreement, pay the rate prescribed for employer contributions into the CalPERS fund in accordance with the rules and regulations governing such employer contributions. Employees shall make contributions into the CalPERS fund as provided for in 7.C.2 below. All references to “PEPRA” shall mean the Public Employees’ Pension Reform Act as enacted in 2013.

2) Employee CalPERS Contribution and PERS Cost Sharing

CalPERS Classic Employees (per 2013 PEPRA regulations)

Employee Paid Member Contribution	8.0%
Employee Cost Share of City’s CalPERS Cost	8.4%
TOTAL:	16.4%

CalPERS New Members (per 2013 PEPRA regulations)

Employee Paid Member Contribution	7.50%*
Employee Cost Share of City CalPERS Cost	<u>8.40%</u>
TOTAL:	15.90%

*Pursuant to PEPRAs regulations, the CalPERS New Member Employee Paid Member Contribution (EPMC) is subject to change and may increase. If such changes occur, the City will notify CPTA prior to implementation of any rate changes to New Employee EPMC.

3) The Employee Cost-Sharing amounts specified in 7.C.2 above shall apply to employees classified as “CalPERS Classic Employees” and to employees classified as “CalPERS New Members”, as defined by 2013 PEPRAs regulations.

4) For all employees classified as “CalPERS Classic Employees” (per 2013 PEPRAs regulations) the City will continue to provide the benefit known as “CalPERS single Highest Year Benefit” throughout the term of this agreement.

5) For all employees classified as “CalPERS New Members” (per 2013 PEPRAs regulations), the City will continue to provide the benefit known as “CalPERS 3 Year Final Compensation”.

D. Credit for Unused Sick Leave

1) The City shall continue to provide the CalPERS benefit known as CalPERS Credit for Unused Sick Leave (Govt. Code Section 20965).

E. Deferred Compensation

Unit members who have completed their initial probationary period may elect to participate in a deferred compensation program that includes a City matching contribution. The maximum match percentage indicated below is based on the employee’s base salary and calculated per pay period. Effective March 16, 2024, the matching contribution funded by the City will be placed into a 401(a) account. The City’s matching contribution will be calculated per pay period and based on pre-tax 457(b) employee contributions, post-tax Roth 457(b) contributions, or a combination of both.

However, unit employees may participate in the deferred compensation program without the City matching contribution at any time during employment. The deferred compensation program is subject to I.R.S Section 457 program rules. A unit member’s enrollment in the program shall become effective the pay period following the member’s submittal of an enrollment request. The match provided by the City is 3% of base salary, calculated per pay period. The provisions for the deferred compensation program are as follows:

City's Matching Contribution/Payment	Maximum City Payment Calculated per pay period
(City/Employee) 2:1	3%

If the maximum dollars available to the members of this unit for the contributory deferred compensation program are not utilized in any fiscal year, the remaining dollars shall be applied to health insurance rates for this unit only. The total unit wage subject to the deferred compensation matching program will be compared to the actual dollars spent by the City on the program to determine any unspent dollars available during the preceding fiscal year.

8. Health, Life, and Dental Insurance Compensation

A. The City and the CPTA agree that the City's Health Benefits Committee (HBC) shall be the exclusive representative body for the purposes of all mandatory meet and confer issues that are related to the City's health benefit plan (medical, dental, pharmacy, vision, and life insurance coverages) inclusively.

The HBC shall be convened by the City at least once each quarter to review the City's health benefit plan. The HBC shall include a member and an alternate from each of the represented City bargaining units. The represented members shall determine their own voting and conflict resolving procedures so that they can present (whenever possible) a single proposal for all their represented employees. Sufficient management staff will represent the City on the HBC as determined by the City. The City or HBC may also request to convene at other times to meet and confer as provided for in this agreement.

If any bargaining unit represented by the HBC is not in agreement with the position of the HBC as demonstrated by a negative vote of their respective affiliation membership, such bargaining unit and their designated representative(s) will meet and confer with the City to impasse prior to the implementation of any meet and confer proposals made in accordance with this agreement. The City's health benefit plan structure shall be determined through the meet and confer process between the HBC and the City. The City's health benefit plan structure is defined as the type and level of benefits.

The benefits provided under this section shall be at the minimum type and level of benefits that is no less than the minimum benefit offered by any of the program providers as listed on the 1995 Health Program Benefits Sheet distributed on February 1, 1995, provided that the benefit is competitively available in the local market. The City will select the health benefit plan vendors and set the health benefit plan rates. The City will meet and confer with the HBC regarding the impacts of vendor selection, rates, rate structure, and other plan change impacts.

The employee contribution rate will remain at 10% of the total cost of the lowest cost plan as determined by the City for the various employee, employee/family, and other tier groups as proposed. Increases or decreases in the year to year premium will be shared in the same 10% employee, 90% employer ratio for the term of this MOU unless otherwise changed through the meet and confer process with the HBC.

B. Health Premium Waiver Incentive

1) Employees who waive City medical, prescription, dental and vision coverages will receive a waiver incentive of \$420.00 per month.

2) Employees who waive medical and prescription drug coverages will receive a waiver incentive based on the following employee coverage tiers:

• Employee Only	\$362.00
• Employee + Child(ren)	\$322.00
• Employee + Spouse	\$309.00
• Employee + Spouse + Child(ren)	\$265.00

3) Employees who choose to discontinue health coverages through the City shall continue to receive City-provided life insurance coverage and employee assistance program (E.A.P.) benefits. To be eligible for this incentive, employees must: (1) notify the City's Personnel Division of their decision to discontinue health coverage during the City's annual health insurance open enrollment period; (2) annually provide evidence of being covered on another group health plan ; and (3) verify to the City that discontinuance of health coverage does not constitute a violation of any court order or other legal obligation to which the employee may be subject. In the event that an employee who has opted-out of the City's health coverage subsequently loses the employee's alternate medical coverage due to a life changing event as defined by the Consolidated Omnibus Budget Reconciliation Act (COBRA), the employee may re-enroll in the City's health coverage program. It shall be the responsibility of the employee to notify the City's Personnel Division of such a life changing event within 30 days of the event.

4) Any Changes in ACA regulations that affect cash-in-lieu benefits will require a reopener on the cash-in-lieu benefit.

C. Supplemental Life Insurance

Throughout the term of this agreement, the City shall make available to employees in this unit supplemental life insurance coverage. It is understood and agreed that the premiums for such coverage shall be paid for exclusively by the employees who elect the supplemental life insurance coverage. Payment of the premiums for this coverage shall be made through employee payroll deductions.

The City shall be responsible for selecting the life insurance provider. Prior to selecting a provider, the City shall consult with CPTA representatives.

D. State Disability Insurance

The members of CPTA agree to pay for State Disability Insurance premiums for a minimum of two calendar years in accordance with the State Unemployment Insurance Code Rules and Regulations. It is further understood by CPTA that the City allows State Disability as a non-vested benefit to be available to CPTA members provided the City does not incur a contribution obligation.

9. Holidays

A. The holidays listed below will be recognized as eight (8) hour holidays during the existence of this MOU, except for Subdivision 10, which will be recognized as a four (4) hour holiday:

1. New Year's Day (January 1)
2. Martin Luther King Jr. Day (3rd Monday in January)
3. All President's Day (3rd Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)
6. Labor Day (1st Monday in September)
7. Veteran's Day (November 11)
8. Thanksgiving Day (as declared in November)
9. Friday after Thanksgiving Day
10. The latter four (4) hours of one workday between December 24 and December 31. In order to maintain operations, Department Heads shall have discretion over scheduling which day employees select.
11. Christmas Day (December 25)
12. One (1) floating day to be used for employee birthday or any other work day selected by mutual agreement of the employee and the employer. The floating day is cumulative from year to year

B. Whenever any such above-described recognized holiday falls on a Saturday, the preceding Friday shall be considered a holiday. Whenever any such above described recognized holiday falls on a Sunday, the following Monday shall be considered a holiday.

C. Employees may request and may receive Good Friday off provided they have either adequate compensatory time off accrued, or accrued vacation time, or are granted leave without pay per the City's Personnel Rules and Regulations.

D. An employee shall be paid for each of the above holidays only when the employee is on a paid status the work day prior to and the work day immediately after the holiday. Paid status shall mean the employee is on approved vacation leave, sick leave, holiday, compensatory time off, bereavement leave, jury duty or actually at work.

10. Sick Leave

A. Employees will receive eight (8) hours sick or accident allowance for each full month of employment (based on date of hire) up to a total of ninety-six (96) hours allowance per calendar year. Such allowance is cumulative from year to year.

Sickness or accident benefit payments, including workers' compensation payments, for any work week shall not exceed an employee's normal straight time weekly earnings.

Sick Leave benefits are payable only for an employee's regularly scheduled work days on which the employee is unable to work as a result of the employee's illness or accident.

The employee may be required to furnish a doctor's certificate or other satisfactory proof of illness or accident when absent five (5) or more full days. The City may require a doctor's note that states any restrictions upon the employee's return to work.

After an employee in this unit accumulates 192 hours of unused sick leave, the employee may receive a cash payback of a portion of the unused sick leave accumulated during the previous 12 month period. The payment shall be paid once a year, on the first paycheck after November 16, and the hours available for payback shall be based on the following schedule:

Number of Sick Leave Hours Used During Preceding 12 Month Period	Number of Cash-out Hours Available	Percent of Cash-Out
0	96	50%
0+ to 8	88	45%
8+ to 16	80	40%
16+ to 24	64	35%
24+ to 32	56	30%
32+ to 40	48	25%

The remaining portion of unused sick leave hours shall continue to accumulate.

B. Medical Appointments

Employees may use earned sick leave days for medical, chiropractic, dental and therapy appointments with the approval of the Department Head or the Department Head's designee.

C. Employees who retire from the City on the regular CalPERS service retirement benefit may elect to receive a lump sum cash-out of up to 25% of their accrued sick leave balance as calculated at the time of retirement. This benefit is not applicable

to employees who leave City service under any other conditions, including employees who retire under CalPERS disability retirements. Appropriate federal/state tax withholding will be made at the time of cash-out.

11. Family Illness Leave

A. An employee shall be entitled to twenty-four (24) work hours with pay in any one (1) calendar year for the purpose of providing personal care, attendance and compassion to a member of the employee's immediate family who is suffering from an injury or illness. An employee shall be entitled to up to forty (40) work hours with pay in any one (1) calendar year if travel is required outside of California. However, the necessity for the employee's presence may, in the discretion of the City Manager or the City Manager's authorized agent, be required to be verified by a doctor's certificate.

For the purposes of this Section, "immediate family" shall include the husband, wife, registered domestic partner, mother/step, father/step, brother/step, sister/step, child/step, grandparent or legal dependent of the employee.

B. Family Illness Leave Act - The City and CPTA agree to comply with the legal requirements of "The Family and Medical Leave Act of 1993" (FMLA), as amended and "The California Family Rights Act of 1991" (CFRA), as amended (collectively referred to as the "ACTS") and detailed in the City of Clovis Administrative Memo 94-2, as amended.

All unit members have been properly noticed concerning their rights and the City's policy regarding their entitlements under the ACTS by provision of a copy Administrative Memo 94-2 as amended and that all time off for reasons covered under the ACTS (including workers' compensation absences) is designated FMLA/CFRA leave and counts towards their entitlement under both ACTS.

Employees who take leave under the ACTS on an Intermittent or Reduced Leave Schedule when their available paid leave balances have been exhausted will receive their negotiated benefits on a proportionate basis, based on the average number of hours they worked in a pay period compared to the number of hours not worked. For example, an employee who works 40 hours in an 80 hour pay period, will receive 50% accrual of sick leave and vacation time, and will be paid for one-half of a day for any holidays during that pay period.

12. Vacation

Employees in this unit shall earn vacation credit on the following basis:

<u>Years of Service</u>	<u>Accrual</u>
1 through end of year 7	5 hours posted on each pay period to a maximum of 280 hours
8 through end of year 14	6 hours posted on each pay period to a maximum of 328 hours
15 through end of year 19	6.667 hours posted each pay period to a maximum of 360 hours
20 Years or more	8 hours posted on each pay period to a maximum of 360 hours

The time at which the employee shall be granted a vacation is at the discretion of the Department Head. Employee seniority, as defined in Section 22, shall govern selection of vacation time unless the needs of the City require a deviation from this procedure.

13. Overtime

Overtime will be paid at the rate of one and one-half times the normal rate of pay for all hours actually worked in excess of eight hours in a day. Employees who work an alternate work schedule, (i.e., "4-10" or "9-80") shall earn overtime for hours actually worked in excess of their normal shift. Overtime hours must be approved in advance by the employee's supervisor.

14. Specialty Pay

A. Supervisory Pay - Employees in this Unit shall receive a salary increase equivalent to "A" step of the position being filled or a 5% salary increase, whichever is greater, above their regular salary when they are assigned by their supervisor to perform the majority of the duties of a supervisory position for at least forty (40) working hours within a seven (7) day period. All out-of-class work assignments, including the length of the assignment, shall be in accordance with CalPERS rules and regulations.

B. Certification Pay - Engineer I and II classifications who possess a Licensed Surveyor certification, or Professional Traffic Engineer license issued by the State of California shall receive an additional \$200.00 monthly. The specialty pay does not compound in the event an employee possesses more than one (1) of these certifications.

C. Employees who possess a Certified Access Specialist Program (CASP) certification shall receive an additional \$200 monthly.

D. Employees who possess a Qualified SWPPP Practitioner Certificate shall receive an additional \$75 monthly. There will be no limit on the number of Engineering Inspector class employees who can receive this specialty pay. The remaining divisions will be capped at 6 employees receiving the stipend and stipends will be given on a first completed basis.

E. Employees who possess a Qualified SWPPP Developer Certificate shall receive an additional \$200 monthly. There will be a maximum of one employee receiving the stipend in Planning and Development Services and appointment as the Legally Responsible Party shall be by the City Engineer. There will be a maximum of one (1) in Public Utilities Department and appointment shall be by the Public Utilities Department Director or their designee.

F. Employees who possess a D3/T3 Certificate will receive an additional \$50 each monthly. Employees who possess a D4/T4 Certificate will receive an additional \$75 each monthly. Employees in the Engineering and Engineering Technician classifications in the Public Utilities Department who possess a Backflow Prevention Certificate will receive an additional \$50 monthly. Employees will receive the stipend for a maximum of two certifications.

G. Employees in the Building Division who possess the Certified Building Official, or Master Code Professional certificate issued by the International Code Council shall receive an additional \$200.00 monthly. The Specialty pay does not compound in the event an employee possesses more than one (1) of these certifications/licenses.

H. Employees in Planning classifications who possess an American Institute of Certified Planners certifications shall receive an additional \$200 monthly. The Specialty pay does not compound in the event and employee possesses more than one (1) of these certifications/licenses.

I. Employees in GIS classifications who possess a Geographic Information Systems Professional certifications issued by a 3rd party GIS Certification Institute (GISCI) shall receive an additional \$50.00 monthly. The Specialty pay does not compound in the event an employee possesses more than one (1) of these certifications/licenses.

J. Bilingual Stipend - The four (4) CPTA members with the most seniority with the City who possess certified foreign language skills shall receive \$150 per month for use of those language skills as needed for work-related purposes. The City will determine if an employee possesses adequate language proficiency through a language skills certification process.

K. Cell Phone Stipend – Employees who are required by their Department Head to use a City-issued cell phone, outside of shared and pooled phones, will have the option to receive a \$25.00 monthly stipend in lieu of using the City-issued cell phone. In order to participate in this program, employees must provide their cell phone number to their Department Head or designee and agree to answer their phones for City-related business. This method of notification replaces the method of the City providing a cell phone to employees who opt to participate in this program. Employee cell phones must be able to function locally and have text messaging service and the ability to send and receive photos in addition to phone service.

15. Compensatory Time-Off

The City may allow compensatory time off (CTO) in lieu of overtime. The City shall have the choice in the manner of compensation, i.e., cash or CTO. The number of CTO hours an employee may accumulate shall be at the discretion of the employee's Department Head.

Employees shall be allowed to cash-out up to 40 hours of their accumulated CTO during the first paycheck following November 16. Employees wishing to cash-out CTO must notify the Finance Department in writing by November 15 of their desire to cash-out CTO and how many hours they wish to cash-out.

16. Bereavement Leave

A. An employee shall be entitled to forty (40) excused hours with pay on an annual basis to attend the funeral of any member of the employee's immediate family. For the purpose of this Section, the term "immediate family" shall include the husband, wife, registered domestic partner, father/step, mother/step, brother/step, sister/step, child/step, mother-in-law, father-in-law, grandparents, grandchildren, brother/sister-in-laws, son/daughter-in-laws, or legal dependents of such employee. The City will take all reasonable steps to accommodate an employee's work schedule so the employee may attend the funeral of an immediate family member. Also at the sole discretion of the City, this definition may be amended, on an individual basis to include any other relative.

B. Employees who have worked for the City at least 30 days will have five days unpaid bereavement leave based on their regular schedule. The five unpaid days do not need to be consecutive, but they must be taken within three months of the death of a covered family member. Documentation verifying the family member's death may be required. For the purposes of this section, family members shall include spouse, child, parent, sibling, grandparent, grandchild, domestic partner, and parent-in-law.

C. Employees who have worked for the City for at least 30 days have up to five (5) days of unpaid bereavement leave following a reproductive loss event including a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. The reproductive loss event applies to any person who would have been a parent as a result of the unsuccessful adoption, surrogacy, assisted reproduction, or pregnancy. The leave days do not have to be taken consecutively but must be completed within three months of the reproductive loss event.

17. Leave of Absence Without Pay

A. The City Manager may grant a permanent or probationary employee a leave of absence without pay or accrual of seniority for not to exceed three (3) consecutive months. Leaves of absence without pay may be extended at three (3) month intervals (up to a maximum of nine (9) months) upon the mutual agreement of the City and the employee involved. No such leave shall be granted except upon written request of the employee setting forth the reason for the request, and the approval will be in writing. Upon expiration of the regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee may be reinstated in the position held at the time leave was granted. Failure on the part of the employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge, in the discretion of the City Manager.

B. The Department Head may grant a permanent or probationary employee a leave of absence without pay for a period not to exceed one (1) calendar week. Such leave shall be reported to the City Manager or the City Manager's authorized representative.

18. Minimum Callback Pay

A. An employee in this unit who is called back to work outside of the employee's regularly scheduled shift shall be paid a minimum of three (3) hours at the employee's overtime rate. The employee shall have the option of choosing overtime pay or CTO as compensation for callback duty.

B. Employees required to work on a recognized holiday shall be paid a minimum of three (3) hours at the employee's overtime rate.

19. Mileage

The City shall pay the current City standard mileage reimbursement rate, as determined by the Internal Revenue Services, for use of an employee's vehicle for authorized City business. Such use shall be in conformance with City practices and policies.

20. Jury Duty

The provisions of the City's Personnel Rules and Regulations, which pertain to Jury Duty, shall be applicable to employees covered by this MOU. While serving on jury duty, employees will continue to be paid by the City on the basis of a forty (40) hour work week, at their normal rate of pay, on condition that any compensation (in excess of mileage expenses) received by the employee from the court be turned over to the City.

21. Service Recognition

Service awards are given to employees when they reach 5-year increment milestones of employment with the City of Clovis. (e.g., 5 years, 10, years, 15 years, etc.) The City shall allow employees in this unit the option to either accept the service award gift or collect the cash value of the gift. Employees will be notified when they are eligible for a service award, the cash value of the award, and will be provided a form to opt for either the gift or the cash equivalent.

Cash in lieu of a service award gift will be on an employee's regular check and is subject to regular payroll taxes.

21. Grievance Procedure

The City and CPTA agree that all parties shall utilize the existing appeals mechanism provided for within the City of Clovis' Personnel Rules and Regulations for all cases regarding discharge or suspension, unless and until appropriately modified at the initiation of the City.

Policy Statement

CPTA employees herein are encouraged to solve difficulties and problems within their department. In the event that a difficulty or grievance cannot be settled within the department, the employee is encouraged to bring the matter to the attention of the Personnel Officer.

Purpose

The purpose of this grievance procedure is to secure, at the lowest possible administrative or supervisory level, proper and equitable solutions to grievances, and to guarantee orderly succession of procedures within which solutions may be pursued. It shall be incumbent upon all City employees to follow these procedures to settle their grievances.

Definition of Terms: As used in this Section, the following words shall have the designated meanings:

1. **Grievance:** A grievance is a good faith complaint of one or a group of employees or a dispute involving the interpretation, application, or enforcement of the express terms of this MOU and all other terms and working conditions of employment.
2. **Conferee:** A conferee is an individual who, at the request of the employee, is invited to participate in a grievance conference.
3. **Aggrieved Party:** Aggrieved party is the employee or group of employees or City making the claim.
4. **Days:** The term "days" shall, except when otherwise indicated, mean calendar days when the City offices are open.

Implementation Procedures: Any grievance of a disciplinary matter may be brought before the Personnel Commission according to the manner and procedures specified in the City's Personnel Rules and Regulations, shall proceed according to the below-described manner and procedure:

- a. Level One - Oral Discussion With Immediate Supervisor: An aggrieved party shall orally present their grievance to the aggrieved party's immediate supervisor within 15 days of the occurrence of the event being grieved, or within 15 days after the employee

becomes aware of the event being grieved. The aggrieved party and the immediate supervisor should make every effort to resolve the difficulty in this manner.

b. Level Two - Personal Conference Upon Written Claim With Immediate Supervisor: an aggrieved party may then submit their claim in writing to the aggrieved party's supervisor. The written claim must be submitted to the immediate supervisor no more than fifteen (15) days past the date of the Level One discussion. This fifteen (15) day time period does not begin to run against an employee who is off duty on an approved absence, until that employee returns to duty. The parties should make every effort to resolve the difficulty in this manner. The conciliatory efforts of conferees may be utilized at this stage as a substitute for or in conjunction with the aggrieved party. The aggrieved party's written claim should state the aggrieved party's position clearly, and the background and reasons and the following items must be included:

- 1) A statement of the steps initiated by the aggrieved party to resolve the problem by informal means.
- 2) A description of the general and specific grounds for the grievance.
- 3) A listing of the specific actions and events alleged to be in violation (including witnesses).
- 4) A statement of the reasons why the specific actions identified above are in violation of this Section.
- 5) A listing of the specific actions which the aggrieved employee believes would best remedy aggrieved party's grievance.

Upon receiving the written claim, the immediate supervisor shall schedule a personal conference with the aggrieved party to resolve the grievance. If the aggrieved party is not satisfied with the results of this personal conference with their immediate supervisor, which must be announced within fifteen (15) days, the aggrieved party must then file a written complaint with the aggrieved party's department head within fifteen (15) days of receiving the notice from their immediate supervisor.

c. Level Three - Personal Conference With Department Head: An aggrieved party may appeal the Level Two decision to the aggrieved party's Department Head by filing a written complaint. Said complaint shall contain the same information as described above for the Level Two claim. It shall not be necessary to rewrite the above information. The City shall provide a form which may be used at Levels Two through Four. Upon receipt of the complaint, the Department Head shall schedule a personal conference with the aggrieved. At this conference, the attending aggrieved party and Department Head should make every effort to resolve the matter. If the aggrieved party is not satisfied with the results of this personal conference with this Department Head, which results must be announced within fifteen (15) days of the conference, the aggrieved party must then file a written appeal as provided for in Level Four.

d. Level Four – Assistant City Manager/Board of Review: The aggrieved party may appeal the decision within ten (10) days after the decision has been provided at Level Three by filing a request for a hearing. Requests for hearing and final decision before the Assistant City Manager or the Board of Review shall be made with the Personnel/Risk Manager as hereinafter described.

- 1) The request shall be in writing and shall include the same information as described in the previous claim in Level Two. This shall be in the form of a separate written request, and said request shall be accompanied by a copy of the written claim filed at Level Two and Level Three.
- 2) The Board of Review or Assistant City Manager shall have available to it all documents relating to the complaint and any City records that would be helpful in resolving the problem.
- 3) After studying the documentary evidence, the Board of Review shall conduct such hearings as it deemed necessary. At least two (2) days' notice of any scheduled hearing should be given.
- 4) Within a reasonable time after the conclusion of the hearing, the Board of Review or the Assistant City Manager shall submit the written findings of facts and written decision to both the City and the aggrieved party.
- 5) The Board of review shall be made up of three members, one selected by the aggrieved party, one selected by the City and the third selected by the first two from among those individuals currently serving on the City's Personnel Commission.

Level Five - City Manager's Decision: After receipt of the advisory findings of fact and advisory decision from Level Four, the City Manager shall investigate and confer with the parties involved. The aggrieved party, at the aggrieved party's discretion, may bring in their conferee. The City Manager shall thereafter communicate a final and conclusive decision in writing together with supporting reasons, to the aggrieved party, within twenty (20) days of concluding the investigation of the matter.

General Provisions: To facilitate this procedure, the following provisions shall apply:

- 1) Any party to a grievance may, at any point in the process outlined, have a conferee.
- 2) Any employee may serve as a conferee without fear of prejudice or reprisal of any kind being taken against such employee.

- 3) Grievance adjustment should be more concerned with “what is right” and less concerned with “who is right”. Effective adjustment of grievances requires that all parties involved conduct themselves with decorum and restraint, and that commonly accepted principles of ethical conduct be observed at all times.
- 4) All proceedings, at any level, shall be kept private and confidential, and any disposition of the case will not be made public without the prior joint and mutual agreement of the aggrieved party and the City Manager. An aggrieved party who makes any proceeding or disposition public without said prior joint and mutual agreement shall be held to have thereby waived their grievance. This shall not apply when the aggrieved party requests an opportunity to address the Council. Decisions that have City-wide implications shall be communicated to all certified personnel in an objective and impersonal manner.
- 5) The City shall keep a written record of all proceedings beginning with Level One. The parties involved shall initial and date the records at each Level, indicating their knowledge of the contents, before the grievance shall proceed to the next Level. Such signing shall not necessary indicate agreement to the factual content.
- 6) Any costs of operating the grievance procedure shall be borne jointly by the City and the aggrieved party.
- 7) By mutual written agreement, the time limit at any Level may be extended.
- 8) The conferee shall conduct their applicable duties, whenever possible, during “non-working” hours. The conferee shall only be allowed to conduct said duties during working hours if (1) there is no interference with any other employee’s job performance and (2) the conferee received no overtime compensation by the City for time so spent.

22. Lay-Off

A. The provisions of this article shall apply when the City institutes lay-off of bargaining unit employees pursuant to the City’s Personnel Rules and Regulations.

B. Statement of Intent: In the event the City should anticipate a lay-off of employees covered by this MOU, the City will notify CPTA of its intention to make lay-offs. Within ten (10) days of this notice, either party may agree to reopen this MOU to meet and confer on the topic of cost savings in an effort to avoid a lay-off. Nothing in this section relinquishes the City’s right to lay-off employees in the unit if the MOU is reopened and the parties fail to reach a mutually acceptable agreement to avoid a lay-off.

C. Notification: Employees to be laid-off shall be given at least thirty (30) calendar days' prior notice. Prior to lay-off, the City shall issue a statement to the affected employee concerning the performance of the employee. If the performance of the affected employee has been certified as "satisfactory" or better, based on the employee's last two performance evaluations, the name of the laid-off employee shall be placed on the appropriate reemployment list. If the performance of the laid-off employee is certified as not being "satisfactory" or better, the affected employee's name shall not be placed on a reemployment list.

D. Order of Layoff: Employees shall be laid-off in the inverse order of their seniority with the City, within the classifications subject to lay-off(s). The City Manager shall determine in which classifications the lay-off(s) shall occur, based on the needs of the City. Seniority shall be determined based upon date of hire to a permanent, full-time position with the City. Within each classification, employees shall be laid-off in the following order.

- a. Temporary Employees
- b. Contractual Employees
- c. Permanent Part-Time Employees
- d. Probationary Employees
- e. Permanent Employees

E. In cases where there are two or more employees in the classification from which the lay-off is to be made who have the same seniority date, such employees shall be laid-off on the basis of the last evaluation rating in the classification, provided that such rating has been on file at least thirty (30) days and no more than twenty-four (24) months prior to lay-off. In such cases, the employee(s) with the lower evaluation rating will be laid-off first.

F. Bumping: An employee designated to be laid-off may bump into the next lower classification within their classification series, provided that they have seniority over the person being bumped. An employee who is bumped shall be laid-off in the same manner as an employee whose position is abolished.

G. Reemployment List: Employees who are laid-off and who have been certified by the City as providing "satisfactory" performance or better, shall have their names placed on a reemployment list. Vacant positions in the bargaining unit shall be offered to qualified employees on the reemployment list by order of seniority, with the most senior-qualified employee recalled first. Seniority shall be determined by the length of time an employee worked for the City in a permanent, full-time position.

Names shall be maintained on the reemployment list for a period of two (2) years. Persons who decline a reemployment offer to any permanent position for which they are qualified shall be stricken from the reemployment list.

A laid-off employee who is reemployed to a position in which the laid-off employee had regular status shall not be required to serve a new probationary period but shall be required to meet minimum standards for the position. A laid-off employee who is reemployed to a position in which the laid-off employee did not have regular status shall be required to serve a new probationary period and meet the minimum standards of the position. Employees who do not pass the requisite probation in another class will be returned to the reemployment list for the class from which they were laid-off. They will be returned to the same position on the reemployment list they occupied at the time of lay-off.

Employees who are reemployed shall have their sick leave balances restored to the amount prior to lay-off, accrue vacation leave at the same rate as prior to lay-off, and be placed at the same salary step if reemployed to the same classification from which the employee was laid-off. Upon recall, the City will allow the recalled employee a reasonable period of time in which to reinstate certifications that may have lapsed during the employee's lay-off period.

Non-Discrimination: The City agrees that lay-offs shall be accomplished without regard to an otherwise-qualified employee's race, color, national origin, religion, sex, or physical disability or any other protected class as defined by law.

23. Physical Examinations

A. In the event the Department Head has reason to believe that an employee is not physically capable of performing the full duties of the employee's position, or that the employee's condition represents a danger to the employee, other employees or the public, the Department Head may immediately place that employee on sick leave, or other accrued leave, or personal leave without pay if accrued leave is exhausted, or if already on sick leave, require the employee to remain off work until cleared for full duty by the City physician or another physician designated by the City.

B. If the employee so requests, the Department Head shall, prior to implementing their decision, present the reasons for taking such action to the employee and, if the employee desires, a representative of the employee's choice.

24. Military Leave

Military leave shall be granted in accordance with the provisions of federal and state law. All employees entitled to military leave shall give the City Manager and/or the employee's authorized agent an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

Employees shall be paid their regular salary for the first 30 days of active duty within a fiscal year. Starting on the 31st day of active duty, employees will receive the difference between their military base pay and their City of Clovis pay. Military orders and wage statements will be required. See the Leave Guide for more details.

25. Professional Development

The City shall reimburse employees in the Unit for the cost of tuition, required fees (such as a health fee), required textbooks or e-books, for job-related courses leading to a college degree. To be eligible for reimbursement, the course must be related to job duties or related to a position to which an employee might reasonably aspire.

The maximum reimbursement rate will be calculated September 1 of each year as the total of eight (8) semesters full-time undergraduate tuition, including required fees, at California State University Fresno. A total of \$2,000 for required textbooks or e-books will be added to the tuition fees noted above for a grand total maximum reimbursement. Expenses for courses which began prior to July 1, 2019 will not be included in the maximum lifetime allocation.

Reimbursement under this Section shall be made under the following conditions:

- A. Employees must have completed their initial probationary period with the City.
- B. By February 28 of each year, employees must submit a written request to participate in the Educational Incentive Program including an estimate of costs to be incurred during the following fiscal year.
- C. Course work must be for an accredited college or university degree program, and have the prior approval of the Department Head. Accreditation shall be through the U.S. Department of Education unless otherwise approved by the Department Head.
- D. An employee will be eligible for reimbursement of approved expenses for either an Associates, Bachelor's or Master's degree. Fees for any combination of these degrees may be reimbursed as long as they do not exceed the employee's maximum allocation for the Educational Incentive Program.
- E. Course work must be work-related and determined by the Department Head to be of benefit to the City. Required course work as part of an approved undergraduate or master's degree program is eligible for reimbursement.
- F. Reimbursement of approved course work and related expenses shall be contingent upon the attainment of a letter grade of "C" or better, or "Pass" in a course with Pass/Fail grading. Reimbursement shall be made after the employee submits expense receipts and proof of letter grade.
- G. Fees not required for enrollment such as parking, graduation related expenses, or travel will not be reimbursed.

- H. All courses for which reimbursement is sought shall be taken while off duty and not in paid status.

26. Time Bank

A. Employees may donate two (2) hours of vacation time each year to the CPTA Administrative Board Time Bank. The hours donated to the Time Bank shall be donated on January 1 of each year. These hours may be utilized by CPTA elected officers to attend to CPTA business and educational activities. The City Finance Department will maintain records of all hours donated annually to the Time Bank. Upon request, the City Finance Department will provide CPTA with quarterly information regarding the available balance in the Time Bank and hours utilized.

B. The CPTA President shall authorize the use of Time Bank hours for the elected officers of CPTA. Hours utilized under this section shall be in minimum amounts of four (4) hour increments. For scheduled trainings, schools, etc., the CPTA President shall provide the City Manager or designee with a minimum of fourteen (14) days notice prior to requesting the use of Time Bank hours. The use of Time Bank hours that impacts assigned schedules shall be subject to the approval of the affected Department Head(s).

C. CPTA agrees to indemnify and hold harmless the City of Clovis, its officers, agents and employees from any claims or liability arising from the use of the Time Bank, including any legal or other actions taken to protest the application of this provision. It is agreed that CPTA personnel utilizing Time Bank hours shall be representing CPTA and not the City of Clovis during the time that Time Bank hours are being utilized. It is further understood that the use of Time Bank hours shall not constitute "time worked" for the purposes of computing overtime or any other payroll or employee benefit, including workers' compensation benefits.

27. Safety Equipment

Employees in the Engineer I, Engineer II, Civil Engineer, Building Inspector, Engineering Inspector, Sr. Building Inspector, Sr. Engineering Inspector classifications, or other classifications as determined by the PDS/PUD Director that are assigned to field assignments shall receive appropriate personal protective equipment pursuant to OSHA requirements.

28. Workweek

A. The workweek for all unit members shall be 168 consecutive regularly recurring hours.

B. For employees assigned to a "5 / 8" or "4 / 10" work schedule, the workweek shall begin at 0700 hours on Sunday and end at 0700 hours on the following Sunday.

C. For employees assigned to a "9 / 80" work schedule, each employee's designated Fair Labor Standards Act (FLSA) workweek (i.e., 168 regularly recurring hours) shall begin exactly four (4) hours after the start time of the employee's eight (8) hour shift on the weekday that corresponds with the employee's regular alternating day off.

29. Flexible Work Schedules

The City will analyze and respond within ninety (90) days to written proposals from CPTA regarding alternative employee work schedules. Such proposals shall be designed with the primary concerns of saving operating costs and enhancing City service levels.

30. Maintenance of Operation

CPTA agrees that for the term of this MOU neither CPTA nor any person acting in its behalf will cause, authorize, engage in, sanction, nor will any of the members of the bargaining unit take part in a strike against the City, a work stoppage, slow-down, picketing or the concerted failure to report for duty, or unauthorized absence or abstinence from the full and faithful performance of their duties of employment, including the compliance with the request of other labor organizations or bargaining units to engage in such activities.

31. Conclusively

It is understood and agreed to that all documents including but not limited to written ordinances, resolutions, policies and procedures, employee rules and merit system rules and regulations which relate to wages, hours, and other terms and conditions of employment which are presently in effect are made part of this MOU by reference. Those items set forth specifically in this MOU may be altered, changed, added to, deleted from or modified only through the voluntary, mutual consent of CPTA and the City in a written and signed amendment to this Agreement.

CPTA and the City agree that during the negotiations which resulted in this MOU, each party had an unlimited right and opportunity to make demands and proposals with respect to any subject or matter within the scope of representation, therefore, during the term of this Agreement, neither the City or CPTA shall be obligated to meet and confer on any matter:

1. Whether or not specifically referred to in this MOU;
2. Whether or not the matter was within the knowledge or contemplation of either party at the time of negotiations;
3. Whether or not the matters were proposed and later withdrawn during negotiations.

Except That: The City may change a written policy affecting wages, hours, and other terms and conditions of employment, which are incorporated by reference in this MOU. The City shall notify CPTA in writing of its intention to do so. If CPTA does not respond within ten (10) calendar days from the date of mailing of such notification, the City shall assume CPTA does not wish to meet and consult on the change in policy. In an emergency, the City retains the right to take such action immediately. CPTA will be offered the opportunity to meet and consult as soon as practicable.

32. Past Practices

Nothing contained in this MOU shall be interpreted as to imply or permit the invocation of past practice, or tradition, or accumulation vesting of any employee rights or privileges other than those expressly stated herein.

33. Release Time

Authorized CPTA representatives shall receive reasonable release time for the purposes of collective bargaining, the processing of grievances, joint problem-solving meetings between the City and CPTA, and disciplinary representation. As soon as practicable prior to the release from duties, the designated representatives shall submit a written request for release.

34. Sole Agreement

- A. The policies collected in this MOU constitute the entirety of the policies which are subject to the meet and confer obligation as agreed to by the parties.
- B. If, during its term, the parties hereto should mutually agree to modify, amend or alter the provisions of the MOU in any respect, any such change shall be effective only if and when reduced to writing and executed by the authorized representatives of the City and the Association. Any such changes validly made shall become a part of this MOU and subject to its terms.
- C. The waiver of any breach or condition of this MOU by either party shall not constitute a precedent in the future enforcement of all terms and conditions herein.
- D. In the event that any of the policies contained in this MOU should be declared by a court of competent jurisdiction to be unenforceable or illegal, that policy or set of policies shall be declared void. However, this action shall in no way invalidate the remaining policies contained in this MOU. Should a policy within the MOU become void as outlined above, either the City or the Association may institute the meet and confer process in regard to instituting a substitute item.

35. Term of MOU

This MOU shall remain in effect for the period of July 1, 2025, through June 30, 2028. The provisions of this MOU shall not, however, take effect until ratified by both the City Council of the City of Clovis and the general membership of the bargaining unit.

The City and CPTA acknowledges that all provisions of this agreement, together with those other matters within the scope of representation, are subject to renegotiating upon the expiration of this agreement to the extent provided by law.

The CPTA membership has ratified the contents of this MOU, by their affirmative vote, on or about May 1, 2025. The City Council approved the provisions of this MOU on May 12, 2025.

For CPTA:

Andrew Haussler, City Manager

Ryan Hennecke, CPTA President

Amy Hance, Lead City Negotiator

Christopher Catalano, CPTA VP

Lori Shively, City Negotiator

Nicole Ducas, CPTA Secretary

Ryan Burnett, City Negotiator

Johnny Jackson, CPTA Commissioner of
Affairs

Kevin Tuttle, City Negotiator

Rami Abunamous, CPTA Treasurer

Sarai Yanovsky, City Negotiator

Trish Densmore, CPTA Negotiator

ATTEST: _____
Briana Parra, City Clerk

Date: _____

CITY OF CLOVIS

CPTA - Monthly Salary Schedule - Effective July 1, 2025

Revised 05/06/25

3% Wage Increase PLUS Equity Adjustments (2.87% Associate Planner, 0.57% Building Inspector, 3.79% City Surveyor, 1.00% Civil Engineer, 5.95% Engineer I, 7.00% Engineer II, 0.63% Engineering Inspector, 7.00% Engineering Tech, 3.60% GIS Analyst, 6.99% Permit Tech, 6.21% Plans Examiner, 5.81% Planning Tech II, 0.44% Sr Bldg Inspector, 5.31% Senior Engineering Inspector, 5.14% Senior Engineering Tech)

Code	Position	Grade	Step 1	Step 2	Step 3	Step 4	Step 5
5126	Assistant Planner	570	6,865	7,208	7,568	7,946	8,343
5151	Associate Planner	650	7,970	8,369	8,787	9,226	9,687
5176	Building Inspector	610	6,969	7,317	7,683	8,067	8,470
5161	Business Workflow Analyst	760	9,303	9,768	10,256	10,769	11,307
5162	Business Workflow Specialist	555	6,263	6,576	6,905	7,250	7,613
5228	City Surveyor	620	10,285	10,799	11,339	11,906	12,501
5230	Civil Engineer	660	10,291	10,806	11,346	11,913	12,509
5627	Engineer I	640	8,287	8,701	9,136	9,593	10,073
5105	Engineer II	750	9,224	9,685	10,169	10,677	11,211
5526	Engineering Inspector	590	6,947	7,294	7,659	8,042	8,444
5551	Engineering Technician	450	6,037	6,339	6,656	6,989	7,338
5561	Geographic Info Sys Analyst	630	7,771	8,160	8,568	8,996	9,446
5564	Geographic Info Sys Specialist	555	6,263	6,576	6,905	7,250	7,613
5566	Geographic Info Sys Technician	390	5,155	5,413	5,684	5,968	6,266
5576	Housing Program Coordinator	780	8,467	8,890	9,335	9,802	10,292
5681	Permit Technician	355	5,869	6,162	6,470	6,794	7,134
5726	Planning Technician I	370	5,153	5,411	5,682	5,966	6,264
5751	Planning Technician II	530	6,203	6,513	6,839	7,181	7,540
5776	Plans Examiner	590	7,321	7,687	8,071	8,475	8,899
5901	Senior Building Inspector	690	8,015	8,416	8,837	9,279	9,743
5936	Senior Engineering Inspector	670	8,227	8,638	9,070	9,524	10,000
5951	Senior Engineering Technician	560	6,707	7,042	7,394	7,764	8,152
5955	Traffic Signal Operations Specialist	635	7,545	7,922	8,318	8,734	9,171

* New Position

EXHIBIT A

CITY OF CLOVIS

CPTA - Monthly Salary Schedule - Effective July 1, 2025

Revised 05/06/25

3% Wage Increase PLUS Equity Adjustments (2.87% Associate Planner, 0.57% Building Inspector, 3.79% City Surveyor, 1.00% Civil Engineer, 5.95% Engineer I, 7.00% Engineer II, 0.63% Engineering Inspector, 7.00% Engineering Tech, 3.60% GIS Analyst, 6.99% Permit Tech, 6.21% Plans Examiner, 5.81% Planning Tech II, 0.44% Sr Bldg Inspector, 5.31% Senior Engineering Inspector, 5.14% Senior Engineering Tech)

Code	Position	Grade	Step 1	Step 2	Step 3	Step 4	Step 5
5126	Assistant Planner	570	39.61	41.58	43.66	45.84	48.13
5151	Associate Planner	650	45.98	48.28	50.69	53.23	55.89
5176	Building Inspector	610	40.21	42.21	44.33	46.54	48.87
5161	Business Workflow Analyst	760	53.67	56.35	59.17	62.13	65.23
5162	Business Workflow Specialist	555	36.13	37.94	39.84	41.83	43.92
5228	City Surveyor	620	59.34	62.30	65.42	68.69	72.12
5230	Civil Engineer	660	59.37	62.34	65.46	68.73	72.17
5627	Engineer I	640	47.81	50.20	52.71	55.34	58.11
5105	Engineer II	750	53.22	55.88	58.67	61.60	64.68
5526	Engineering Inspector	590	40.08	42.08	44.19	46.40	48.72
5551	Engineering Technician	450	34.83	36.57	38.40	40.32	42.33
5561	Geographic Info Sys Analyst	630	44.83	47.08	49.43	51.90	54.50
5564	Geographic Info Sys Specialist	555	36.13	37.94	39.84	41.83	43.92
5566	Geographic Info Sys Technician	390	29.74	31.23	32.79	34.43	36.15
5576	Housing Program Coordinator	780	48.85	51.29	53.86	56.55	59.38
5681	Permit Technician	355	33.86	35.55	37.33	39.20	41.16
5726	Planning Technician I	370	29.73	31.22	32.78	34.42	36.14
5751	Planning Technician II	530	35.79	37.58	39.46	41.43	43.50
5776	Plans Examiner	590	42.24	44.35	46.56	48.89	51.34
5901	Senior Building Inspector	690	46.24	48.55	50.98	53.53	56.21
5936	Senior Engineering Inspector	670	47.46	49.83	52.33	54.95	57.69
5951	Senior Engineering Technician	560	38.69	40.63	42.66	44.79	47.03
5955	Traffic Signal Operations Specialist	635	43.53	45.70	47.99	50.39	52.91

173.3333333 Monthly hours for 40 hour work week

* New Position



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: May 12, 2025

SUBJECT: General Services – Approval – Res. 25-____, Approval of a Memorandum of Understanding between the City of Clovis and the Clovis Employees Association.

ATTACHMENTS: 1. Res. 25-____, and MOU
2. Appendix Salary Schedule

RECOMMENDATION

For the City Council to approve a resolution authorizing a successor Memorandum of Understanding (MOU) between the City of Clovis and the Clovis Employees Association (CEA) for the term of July 1, 2025, through June 30, 2028.

EXECUTIVE SUMMARY

City negotiators have recently concluded the meet and confer process with representatives of the CEA bargaining unit for a successor MOU. Council authorization is required to implement the proposed amendments to the CEA MOU.

BACKGROUND

The 2022-2025 MOU between the City and CEA expires June 30, 2025. The City's negotiating team and CEA representatives have recently concluded negotiations for a successor MOU. A summary of the changes in the proposed MOU is below.

- Salary increases as follows:
 - FY 2025-2026: 3.0% wage increase
 - FY 2026-2027: 2.0% wage increase
 - FY 2027-2028: 2.0% wage increase
- In addition to the wage increase above, the following positions will receive market based increases as follows:
 - Staff Analyst: 7.0%
- Increased the social media stipend from \$100/month to \$150/month.
- Increased the notary public stipend from \$100/month to \$150/month.
- Increased bilingual pay stipend from \$100/month to \$150/month.

The CEA membership ratified the terms of the proposed MOU on or about May 5, 2025.

FISCAL IMPACT

The proposed amendments to the CEA MOU will result in an increase in costs for salary and incentives of approximately \$770,000 over the next three (3) years, which will be budgeted during the term of the agreement.

REASON FOR RECOMMENDATION

The proposed 2025 – 2028 MOU between the City and CEA maintains reasonable wages and working conditions related to the labor market for employees in the CEA bargaining unit. Prior to its implementation, the proposed MOU must be approved by City Council resolution. The proposed amendments are within the financial parameters authorized by the City Council and will preserve the City's ability to attract and retain qualified personnel.

ACTIONS FOLLOWING APPROVAL

City staff and CEA representatives will sign the proposed 2025- 2028 MOU. Staff will implement the modifications within the new MOU.

CONFLICT OF INTEREST

None.

Prepared by: Amy Hance, General Services Director

Reviewed by: City Manager AA

RESOLUTION 25-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLOVIS AND THE CLOVIS EMPLOYEES ASSOCIATION BARGAINING UNIT

WHEREAS, a Memorandum of Understanding exists between the City of Clovis and the Clovis Employees Association (the Parties); and

WHEREAS, the Memorandum of Understanding expires on June 30, 2025; and

WHEREAS, an agreement has been reached between the Parties for a successor Memorandum of Understanding; and

WHEREAS, the proposed CEA Memorandum of Understanding 2025 - 2028 and side letters are attached as **Attachment A**.

NOW THEREFORE, BE IT RESOLVED that the City of Clovis hereby adopts the Memorandum of Understanding between the City of Clovis and the Clovis Employees Association Bargaining Unit for the term of July 1, 2025, through June 30, 2028.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 12, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 12, 2025

Mayor

City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CLOVIS AND
THE CLOVIS EMPLOYEES ASSOCIATION**

July 1, 2025, through June 30, 2028

ATTACHMENT A

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Introduction

The representatives of the City of Clovis (City), and the representatives of the Clovis Employees Association (CEA), having met and conferred in good faith, have mutually agreed to recommend to the City Council of the City of Clovis and to the general membership of the bargaining unit that the following Memorandum of Understanding (MOU) be adopted and that the wages, hours, and other terms and conditions of employment in this exclusive agreement be implemented.

1. Unit Description

1. Recognition of Exclusive Representative: The City agrees to acknowledge, pursuant to Sections 3500 *et seq.* of the California Government Code, CEA as the exclusive recognized employee organization representing regular non-management, clerical, and service, full-time permanent and probationary employees as listed below, until such time as CEA fails to obtain a majority of the vote of the employees in that bargaining unit during a decertification election. As the exclusive recognized employee organization, CEA shall have the right and obligation to meet and confer and reach agreement with the City regarding the determination of wages, hours, and other terms and conditions of employment for employees represented by the CEA organization. Nothing in this article shall be construed as violative of any requirement or provision of the Meyers-Milias-Brown Act.

2. Description of the Bargaining Unit. The unit shall consist of all full-time regular permanent and probationary employees in the following classifications:

- | | |
|-------------------------------|--|
| 1. Principal Office Assistant | 6. Recreation Specialist |
| 2. Administrative Assistant | 7. Principal Account Clerk |
| 3. Staff Analyst | 8. Senior Center Nutritional Services Worker |
| 4. Custodian | 9. Senior Custodian |
| 5. Recreation Leader | |

3. New classifications approved by the City Council and determined to be appropriately placed within this unit shall automatically become part of this unit upon such determination and shall immediately be covered by the terms of this MOU. The City shall notify CEA in writing whenever new classifications are assigned to the CEA bargaining unit. Such notification shall be provided prior to Council adoption of a new classification.

4. (1) Classification Review. An employee may request classification review of the employee's position by submitting such a request, in writing, to the Department Head. Such request shall set forth the specific reasons for the classification review.

(2) If the Department Head agrees that a classification review is appropriate, the Department Head shall require the employee to complete a classification review questionnaire. The completed questionnaire will be reviewed by the employee's supervisor and Department Head for completeness and accuracy before transmitting

to the Personnel/Risk Manager to conduct the classification review and submit a report of findings and recommendations to the Department Head and City Manager. The classification review will be completed, and the employee notified of the findings in writing within ninety (90) days of receipt of the completed classification review questionnaire, except in unusual circumstances. When unusual circumstances arise, the City and the employee will establish a mutually acceptable completion date for the classification review.

2. Purpose

It is the purpose of this MOU to provide for a harmonious relationship between the City and the employees covered by this MOU, and to provide an orderly and equitable method of resolving any differences which may arise regarding wages, hours and other terms and conditions of employment. Nothing in this MOU shall preclude the City from recognizing in accordance with City policy any employee whose performance is determined by the City to be outstanding.

3. City Rights

Notwithstanding any of the items agreed to herein, nothing in this MOU is intended to limit the management rights of the City, including the following specific rights:

1. Direct the work of its employees.
2. Hire, promote, demote, transfer, assign and classify employees within the City, and to determine the mission of its divisions and departments, and its budget, organization, and number of employees.
3. Discipline employees according to applicable regulations and MOU provisions.
4. Take actions as may be necessary to carry out the mission of the agency in emergencies.
5. Determine the methods, means and personnel by which operations are to be carried on.
6. Determine its budget, organization, merits, necessity and level of any activity or service provided to the public.

4. Employee Rights

Employees of the City of Clovis shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Employees of the City shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City.

5. Dues Deduction

Payroll deductions/dues shall be in accordance with applicable law.

6. Union Access

The City and the Association agree on the procedures for administering Assembly Bill 119 (AB 119) Union Access for the Associations represented employees that are newly hired and for existing employees.

Access to employee new hire orientations:

- At least ten days prior to the new hire orientation the Union President will receive an e-mail notification of the orientation date and time. Only one notification will be sent out. The Union will be responsible for attending the orientation. Personnel will not follow up after the first notification.
- The amount of Union Representatives present during the orientation is limited to two representatives.
- Time allotted for union access during the orientation will be 15 minutes. The total time that the Union representative spends away from work shall not exceed 45 minutes.
- Orientations are usually on the 1st and 16th of the month. If the 1st or 16th is on a weekend or a holiday the orientation will be on the first working day after the 1st or 16th.
- The City will reserve the right to hold the orientations on different days in case of an unusual situation.
- If mutually agreed upon the ten day notification can be reduced to allow the new hire an earlier start date.
- Orientation time may vary depending on staffing levels and number of employees attending the orientation.

Access to new hire employee personal information:

Personal information on new hires will be distributed to the Union President within 30 days after date of hire as required by the law. The Union President will pick up the personal information and sign for it. Only one e-mail notification will be sent out to the Union President. The Union President will be responsible for picking up the personal information.

Access to current employee personal information:

Both the City and the Association agree to waive the personal information requirement on current employees that is required to be distributed every 120 days by AB 119. Personal information will be distributed to the Association once a year. The personal information will be distributed to the Union President once per calendar year by the 15th of January.

The Union President will pick up the personal information and sign for it. Only one e-mail notification will be sent out to the Union President. The Union President will be responsible for picking up the personal information. The personal information distributed will be the information that is required by AB 119.

Opt-Out Provision:

If the employee opts out and does not want their personal information distributed, the City will send the Association the employee's name, work phone, job title, and work location.

7. Non-Discrimination

The City and CEA agree not to discriminate against any employee in accordance with applicable laws.

8. Wage Scale and Retirement Contributions

A. Wage Scale - The City will implement the following wage increases during the term of this agreement:

1. Fiscal Year 2025 - 2026:

- All positions shall receive a 3.0% wage increase. The wage increase shall become effective on the first day of the first payroll period following CEA ratification and City Council approval of this MOU.
- Staff Analyst classification shall receive a 7.00 % equity adjustment for a total adjustment of 10.00%

2. Fiscal Year 2026 - 2027:

- Effective July 1, 2026, all positions shall receive a 2.0% wage increase.

3. Fiscal Year 2027 – 2028:

- Effective July 1, 2027, all positions shall receive a 2.0% wage increase.

B. Step Increases - The City shall maintain its current five (5) step salary plan during the term of this MOU.

C. Retirement

1. The City shall, during the term of this agreement, pay the rate prescribed for employer contributions into the CalPERS fund in accordance with the rules and regulations governing such employer contributions, and as provided below. All references to PEPRA shall mean the California Public Employees' Pension Retirement Act as enacted in 2013.

2. Employee Paid CalPERS Member Contributions

CalPERS Classic Employees (per 2013 PEPRA regulations)

Employee Paid Member Contribution	8.0%
<u>Employee Cost Share of City's CalPERS Cost</u>	<u>8.4%</u>

TOTAL CalPERS COSTS PAID BY EMPLOYEE: 16.4%

CalPERS New Members (per 2013 PEPRA regulations)

Employee Paid Member Contribution	7.50%*
<u>Employee Cost Share of City CalPERS Cost</u>	<u>8.40%</u>
TOTAL CalPERS COSTS PAID BY EMPLOYEE: 15.90%	

*Pursuant to PEPRA regulations, the PERS New Member Employee Paid Member Contribution (EPMC) is subject to change and may increase. If such changes occur, the City will notify CEA prior to implementation of any rate changes to New Employee EPMC.

3. The Employee Cost-Sharing amounts specified in 8.C.2 above shall apply to employees classified as “CalPERS Classic Employees” and to employees classified as “CalPERS New Members”, as defined by 2013 PEPRA regulations.
4. For all employees classified as “CalPERS Classic Employees” (per 2013 PEPRA regulations) the City will continue to provide the benefit known as “CalPERS single Highest Year Benefit” throughout the term of this agreement.
5. For all employees classified as “CalPERS New Members” (per 2013 PEPRA regulations), the City will continue to provide the benefit known as “CalPERS 3 Year Final Compensation”.

D. Credit for Unused Sick Leave

1. The City shall continue to provide the CalPERS benefit known as “CalPERS Credit for Unused Sick Leave (Govt. Code Section 20965).

E. Deferred Compensation

Unit members who have completed their initial probationary period may elect to participate in a deferred compensation program that includes a City matching contribution. The maximum match percentage indicated below is based on the employee's base salary and calculated per pay period. Effective February 1, 2024, the matching contribution funded by the City will be placed into a 401(a) account. The City's matching contribution will be calculated per pay period and based on pre-tax 457(b) employee contributions, post-tax Roth 457(b) contributions, or a combination of both.

City's Matching Contribution/Payment	Maximum City Payment Calculated per pay period
(City/Employee)	
1:1	3%

If the maximum dollars available to the members of this unit for the contributory deferred compensation program are not utilized in any fiscal year, the remaining dollars shall be applied to health insurance rates for this unit only. The total unit wage subject to the deferred compensation matching program will be compared to the actual dollars spent by the City on the program to determine any unspent dollars available during the preceding fiscal year.

9. Health, Life, and Dental Insurance Compensation

A. The City and CEA agree that the City's Health Benefits Committee (HBC) shall be the exclusive representative body for the purposes of all mandatory meet and confer issues that are related to the City's health benefit plan (medical, dental, pharmacy, vision, and life insurance coverages) inclusively.

The HBC shall be convened by the City at least once each quarter to review the City's health benefit plan. The HBC shall include a member and an alternate from each of the represented City bargaining units. The represented members shall determine their own voting and conflict resolving procedures so that they can present (whenever possible) a single proposal for all their represented employees. Sufficient management staff will represent the City on the HBC as determined by the City. The City or HBC may also request to convene at other times to meet and confer as provided for in this agreement.

If any bargaining unit represented by the HBC is not in agreement with the position of the HBC as demonstrated by a negative vote of their respective affiliation membership, such bargaining unit and their designated representative(s) will meet and confer with the City to impasse prior to the implementation of any meet and confer proposals made in accordance with this agreement. The City's health benefit plan structure shall be determined through the meet and confer process between the HBC and the City. The City's health benefit plan structure is defined as the type and level of benefits.

The benefits provided under this section shall be at the minimum type and level of benefits that is no less than the minimum benefit offered by any of the program providers as listed on the 1995 Health Program Benefits Sheet distributed on February 1, 1995, provided that the benefit is competitively available in the local market. The City will select the health benefit plan vendors and set the health benefit plan rates. The City will meet and confer with the HBC regarding the impacts of vendor selection, rates, rate structure, and other plan change impacts.

The employee contribution rate will remain at 10% of the total cost of the lowest cost plan as determined by the City for the various employee, employee/family, and other tier groups as proposed. Increases or decreases in the year to year premium will be shared in the same 10% employee, 90% employer ratio for the term of this MOU unless otherwise changed through the meet and confer process with the HBC.

B. Health Premium Waiver Incentive

1. Employees who waive City medical, prescription, dental, and vision coverages will receive a waiver incentive of \$420.00 per month.

2. Employees who waive medical and prescription drug coverages will receive a waiver incentive based on the following employee coverage tiers:

- Employee Only \$362.00
- Employee + Child(ren) \$322.00
- Employee + Spouse \$309.00
- Employee + Spouse + Child(ren) \$265.00

Employees who choose to discontinue health coverages through the City shall continue to receive City-provided life insurance coverage and employee assistance program (E.A.P.) benefits. To be eligible for this incentive, employees must: (1) notify the City's Personnel Division of their decision to discontinue health coverage during the City's annual health insurance open enrollment period; (2) annually provide evidence of being covered on another group health plan; and (3) verify to the City that discontinuance of health coverage does not constitute a violation of any court order or other legal obligation to which the employee may be subject. In the event that an employee who has opted-out of the City's health coverage subsequently loses their alternate medical coverage due to a life changing event as defined by the Consolidated Omnibus Budget Reconciliation Act (COBRA), the employee may re-enroll in the City's health coverage program. It shall be the responsibility of the employee to notify the City's Personnel Division of such a life changing event within 30 days of the event.

Any Changes in ACA regulations that affect cash-in-lieu benefits will require a reopener on the cash-in-lieu benefit.

C. Supplemental Life Insurance

Throughout the term of this agreement, the City shall make available to employees in this unit supplemental life insurance coverage. It is understood and agreed that the premiums for such coverage shall be paid for exclusively by the employees who elect the supplemental life insurance coverage. Payment of the premiums for this coverage shall be made through employee payroll deductions.

The City shall be responsible for selecting the life insurance provider. Prior to selecting a provider, the City shall consult with CEA representatives.

D. State Disability Insurance

The members of CEA agree to pay for State Disability Insurance premiums for a minimum of two calendar years in accordance with the State Unemployment Insurance Code Rules and Regulations. It is further understood by CEA that the City

allows State Disability as a non-vested benefit to be available to CEA members provided the City does not incur a contribution obligation.

10. Holidays

A. The holidays listed below will be recognized as eight (8) hour holidays during the existence of this MOU, except for Subdivision 10, which will be recognized as a four (4) hour holiday:

1. New Year's Day (January 1)
2. Martin Luther King Jr. Day (3rd Monday in January)
3. All President's Day (3rd Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)
6. Labor Day (1st Monday in September)
7. Veteran's Day (November 11)
8. Thanksgiving Day (as declared in November)
9. Friday after Thanksgiving Day
10. The latter four (4) hours of one workday between December 24 and December 31. In order to maintain operations, Department Heads shall have discretion over scheduling which day employees select.
11. Christmas Day (December 25)
12. One (1) floating day to be used for employee birthday or any other work day selected by mutual agreement of the employee and the employer. Floating holiday hours may accrue without limit.

B. Whenever any such above-described recognized holiday falls on a Saturday, the preceding Friday shall be considered a holiday. Whenever any such above described recognized holiday falls on a Sunday, the following Monday shall be considered a holiday.

C. Employees may request and may receive Good Friday off provided they have either adequate compensatory time off accrued or accrued vacation time, or are granted leave without pay per the City's Personnel Rules and Regulations.

D. An employee shall be paid for each of the above holidays only when the employee is on a paid status the work day prior to and the work day immediately after the holiday. Paid status shall mean the employee is on approved vacation leave, sick leave, holiday, compensatory time off, bereavement leave, jury duty or actually at work.

E. Whenever an employee is required to work on a recognized holiday, the employee shall be paid at straight time, plus one and one-half times their rate of pay for every hour actually worked with a two (2) hour minimum.

11. Sick Leave

A. Employees will receive eight (8) hour's sick or accident allowance for each full month of employment (based on date of hire) up to a total of ninety-six (96) hours allowance per calendar year.

Such allowance is cumulative from year to year.

Sickness or accident benefit payments, including workers' compensation payments, for any work week shall not exceed an employee's normal straight time weekly earnings.

Sick Leave benefits are payable only for an employee's regularly scheduled work days on which the employee is unable to work as a result of the employee's illness or accident.

The employee may be required to furnish a doctor's certificate or other satisfactory proof of illness or accident when absent five (5) or more full days. The City may require a doctor's note that states any restrictions upon the employee's return to work.

After an employee in this unit accumulates 192 hours of unused sick leave, the employee may receive a cash payback of a portion of the unused sick leave accumulated during the previous 12 month period. The payment shall be paid once a year, on the first paycheck after November 16, and the hours available for payback shall be based on the following schedule:

Number of Sick Leave Hours Used During Preceding 12 Month Period	Number of Cash-out Hours Available	Percent of Cash-Out
0	96	50%
0+ to 8	88	45%
8+ to 16	80	40%
16+ to 24	64	35%
24+ to 32	56	30%
32+ to 40	48	25%

The remaining portion of unused sick leave hours shall continue to accumulate.

B. Medical Appointments

Employees may use earned sick leave days for medical, chiropractic, dental and therapy appointments with the approval of the Department Head or the Department Head's designee.

C. Sick Leave Cash-Out at Time of Retirement

Employees who retire from the City on the regular CalPERS service retirement benefit may elect to receive a lump sum cash-out of up to 25% of their accrued sick

leave balance as calculated at the time of retirement. This benefit is not applicable to employees who leave City service under any other conditions, including employees who retire under CalPERS disability retirements. Appropriate federal/state tax withholding will be made at the time of cash-out.

Accrued sick-leave hours that remain following cash-out will be certified to CalPERS for the benefit known as "Credit for Unused Sick Leave."

12. Family Illness

A. An employee shall be entitled to twenty-four (24) work hours with pay in any one (1) calendar year for the purpose of providing personal care, attendance and compassion to a member of the employee's immediate family who is suffering from an injury or illness. An employee shall be entitled to up to forty (40) work hours with pay in any one (1) calendar year if travel is required outside of California. However, the necessity for the employee's presence may, in the discretion of the City Manager or the City Manager's authorized agent, be required to be verified by a doctor's certificate.

For the purposes of this Section, "immediate family" shall include the husband, wife, mother/step, father/step, mother-in-law, father-in-law, brother/step, sister/step, child/step, grandparent, grandchildren, brother/sister-in-laws, son/daughter-in-laws, or legal dependent of the employee, and registered domestic partner as defined by the State of California.

B. Family Illness Leave Act - The City and CEA agree to comply with the legal requirements of "The Family and Medical Leave Act of 1993" (FMLA), as amended and "The California Family Rights Act of 1991" (CFRA), as amended (collectively referred to as the "ACTS") and detailed in the City of Clovis Administrative Memo 94-2, as amended.

C. All unit members have been properly noticed concerning their rights and the City's policy regarding their entitlements under the ACTS by provision of a copy of Administrative Memo 94-2 as amended and that all time off for reasons covered under the ACTS (including workers' compensation absences) is designated FMLA/CFRA leave and counts towards their entitlement under both ACTS.

D. Employees who take leave under the ACTS on an Intermittent or Reduced Leave Schedule when their available paid leave balances have been exhausted will receive their negotiated benefits on a proportionate basis, based on the average number of hours they worked in a pay period compared to the number of hours not worked. For example, an employee who works 40 hours in an 80 hour pay period, will receive 50% accrual of sick leave and vacation time, and will be paid for one-half of a day for any holidays during that pay period.

13. Vacation

Employees in this unit shall earn vacation credit on the following basis:

Years of Service	Accrual
1 through end of year 7	5 hours posted on each pay period to a maximum of 280 hours
8 through end of year 14	6 hours posted on each pay period to a maximum of 328 hours
15 through end of year 19	6.667 hours posted each pay period to a maximum of 360 hours
20 Years or more	8 hours posted on each pay period to a maximum of 360 hours

The time at which the employee shall be granted a vacation is at the discretion of the Department Head. Employee seniority, as defined in Section 24, shall govern selection of vacation time unless the needs of the City require a deviation from this procedure.

14. Overtime

Overtime must be authorized by a supervisor and will be paid at the rate of one and one-half times the normal rate of pay for all hours actually worked in excess of eight (8) hours in a day. Employees who work an alternate work schedule, (i.e., "4-10" or "9-80") shall earn overtime for hours actually worked in excess of their normal schedule.

15. Specialty Pay

A. Employees in this Unit shall receive a salary increase equivalent to "A" step of the position being filled or a 5% salary increase, whichever is greater, above their regular salary when they are assigned by their supervisor to perform the majority of the duties of a supervisory position for at least forty (40) working hours within a seven (7) day period. All temporary upgrade pay work assignments, including the length of the assignment, shall be in accordance with CalPERS rules and regulations.

B. Employee(s) who maintain a Notary Public certification that is determined to be of benefit to the City shall receive a monthly premium of \$150.00.

C. CEA members who possess non-English language skills that have been identified by the Department Head as beneficial to the Department shall receive a maximum of one hundred fifty dollars (\$150.00) per month in addition to the employee's base salary. The city shall determine if employees qualify for the bilingual pay and the standards of proficiency that an employee must possess in order to receive bilingual pay.

D. Cell Phone Stipend – Employees who are required by management to use a City issued cell phone, outside of shared and pooled phones, will have the option to receive a \$25.00 monthly stipend in lieu of using the City issued cell phone. To participate in this program the employee must provide their cell phone number to the Department. This method of notification replaces the method of the City providing a cell phone. Employee cell phones must be able to function locally and have text

messaging service and the ability to send or receive pictures in addition to phone service. The stipend is provided in recognition of the City using this method to notify employees of overtime, emergency recall, social media, and to contact the employee during the course of work.

E. Social Media Coordinator – Employees assigned, by their supervisor, as a Social Media Coordinator shall receive a \$150.00 per month stipend. Any after-hours social media posts must be preauthorized by the employee's supervisor and done in order to provide essential or emergency public information. Essential or emergency public information in this context shall mean a serious, unexpected, or a danger situation requiring immediate action. Such after hours work must be pre-approved and shall be otherwise compensated as appropriate under the law.

16. Compensatory Time-Off

The City may allow compensatory time off (CTO) in lieu of overtime. The City shall have the choice in the manner of compensation, i.e., cash or CTO. The number of CTO hours an employee may accumulate shall be at the discretion of the employee's Department Head.

Employees shall be allowed to cash-out up to 80 hours of their accumulated CTO during the first pay check after November 16. Employees wishing to cash-out CTO must notify the Finance Department in writing by November 15 of their desire to cash-out CTO and how many hours they wish to cash-out.

17. Bereavement Leave

A. An employee shall be entitled to forty (40) excused hours with pay on an annual basis to attend the funeral of any member of the employee's immediate family. For the purpose of this Section, the term "immediate family" shall include the husband, wife, father/step, mother/step, brother/step, sister/step, child/step, grandchild/step, mother-in-law, father-in-law, grandparents, brother/sister-in-laws, son/daughters-in-law, or legal dependents of such employee, and registered domestic partner as defined by the State of California. The City will take all reasonable steps to accommodate an employee's work schedule so the employee may attend the funeral of an immediate family member.

B. Employees who have worked for the City at least 30 days will have five days unpaid bereavement leave based on their regular schedule. The five unpaid days do not need to be consecutive, but they must be taken within three months of the death of a covered family member. Documentation verifying the family member's death may be required. For the purposes of this section, family members shall include spouse, child, parent, sibling, grandparent, grandchild, domestic partner, and parent-in-law.

C. Employees who have worked for the City for at least 30 days have up to five (5) days of unpaid bereavement leave following a reproductive loss event including a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. The reproductive loss event applies to any person who would have been a parent as a result of the unsuccessful adoption, surrogacy, assisted reproduction, or pregnancy. The leave days do not have to be taken consecutively but must be completed within three months of the reproductive loss event.

18. Leave of Absence Without Pay

A. The City Manager may grant a permanent or probationary employee a leave of absence without pay or accrual of seniority for a period not to exceed three (3) months. Leaves of absence without pay may be extended at three (3) month intervals (up to a maximum of nine (9) months) upon the mutual agreement of the City and the employee involved. No such leave shall be granted except upon written request of the employee setting forth the reason for the request, and the approval will be in writing. Upon expiration of the regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee may be reinstated in the position held at the time leave was granted. Failure on the part of the employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge, in the discretion of the City Manager.

B. The Department Head may grant a permanent or probationary employee a leave of absence without pay for a period not to exceed one (1) calendar week. Such leave shall be reported to the City Manager or the City Manager's authorized representative.

19. Minimum Callback Pay

An employee in this unit who is called back to work outside of the employee's regularly scheduled shift shall be paid a minimum of three (3) hours at the employee's overtime rate. The employee shall have the option of choosing overtime pay or CTO as compensation for callback duty.

20. Mileage

The City shall pay the current City standard mileage reimbursement rate, as determined by the Internal Revenue Services, for use of an employee's vehicle for authorized City business. Such use shall be in conformance with City practices and policies.

21. Jury Duty

The provisions of the City's Personnel Rules and Regulations, which pertain to Jury Duty, shall be applicable to employees covered by this MOU. While serving on jury duty, employees will continue to be paid by the City on the basis of a forty (40) hour work week, at their normal rate of pay, on condition that any compensation (in

excess of mileage expenses) received by the employee from the court be turned over to the City.

22. Service Recognition

Service awards are given to employees when they reach 5-year increment milestones of employment with the City of Clovis. (e.g., 5 years, 10, years, 15 years, etc.) The City shall allow employees in this unit the option to either accept the service award gift or collect the cash value of the gift. Employees will be notified when they are eligible for a service award, the cash value of the award, and will be provided a form to opt for either the gift or the cash equivalent.

Cash in lieu of a service award gift will be on an employee's regular check and is subject to regular payroll taxes.

23. Grievance Procedure

The City and CEA agree that all parties shall utilize the existing appeals mechanism provided for within the City's Personnel Rules and Regulations for all cases regarding discharge or suspension, unless and until appropriately modified at the initiation of the City.

Policy Statement

CEA employees herein are encouraged to solve difficulties and problems within their department. In the event that a difficulty or grievance cannot be settled within the department, the employee is encouraged to bring the matter to the attention of the Personnel Officer.

Purpose

The purpose of this grievance procedure is to secure, at the lowest possible administrative or supervisory level, proper and equitable solutions to grievances, and to guarantee orderly succession of procedures within which solutions may be pursued. It shall be incumbent upon all City employees to follow these procedures to settle their grievances.

Definition of Terms: As used in this Section, the following words shall have the designated meanings:

1. **Grievance:** A grievance is a good faith complaint of one or a group of employees or a dispute involving the interpretation, application, or enforcement of the express terms of this MOU and all other terms and working conditions of employment.
2. **Conferee:** A conferee is an individual who, at the request of the employee, is invited to participate in a grievance conference.

3. Aggrieved Party: Aggrieved party is the employee or group of employees or City making the claim.

4. Days: The term “days” shall, except when otherwise indicated, mean calendar days when the City offices are open.

Implementation Procedures: Any grievance of a disciplinary matter may be brought before the Personnel Commission according to the manner and procedures specified in the City’s Personnel Rules and Regulations and shall proceed according to the below-described manner and procedure:

a. Level One - Oral Discussion With Immediate Supervisor: An aggrieved party shall orally present his grievance to the employee’s immediate supervisor within fifteen (15) days of the occurrence of the event being grieved, or within fifteen (15) days after the employee becomes aware of the event being grieved. The aggrieved party and the immediate supervisor should make every effort to resolve the difficulty in this manner.

b. Level Two - Personal Conference Upon Written Claim With Immediate Supervisor: An aggrieved party may then submit their claim in writing to their supervisor. The written claim must be submitted to the immediate supervisor no more than fifteen (15) days past the date of the Level One discussion. This fifteen (15) day time period does not begin to run against an employee who is off duty on an approved absence, until that employee returns to duty. The parties should make every effort to resolve the difficulty in this manner. The conciliatory efforts of conferees may be utilized at this stage as a substitute for or in conjunction with the aggrieved party. The aggrieved party’s written claim should state their position clearly, and the background and reasons and the following items must be included:

- (1) A statement of the steps initiated by the aggrieved party to resolve the problem by informal means.
- (2) A description of the general and specific grounds for the grievance.
- (3) A listing of the specific actions and events alleged to be in violation (including witnesses).
- (4) A statement of the reasons why the specific actions identified above are in violation of this Section.
- (5) A listing of the specific actions which the aggrieved employee believes would best remedy their grievance.

Upon receiving the written claim, the immediate supervisor shall schedule a personal conference with the aggrieved party to resolve the grievance. If the aggrieved party is not satisfied with the results of this personal conference with the aggrieved party’s immediate supervisor, which must be announced within fifteen (15) days, they

must then file a written complaint with his department head within fifteen (15) days of receiving the notice from their immediate supervisor.

c. Level Three - Personal Conference With Department Head: An aggrieved party may appeal the Level Two decision to their department head by filing a written complaint. Said complaint shall contain the same information as described above for the Level Two claim. It shall not be necessary to rewrite the above information. Upon receipt of the complaint, the department head shall schedule a personal conference with the aggrieved. At this conference, the attending aggrieved party and department head should make every effort to resolve the matter. If the aggrieved party is not satisfied with the results of this personal conference with this department head, which results must be announced within fifteen (15) days of the conference, the employee must then file a written appeal as provided for in Level Four.

d. Level Four – Assistant City Manager/Board of Review: The aggrieved party may appeal the decision within ten (10) days after the decision has been provided at Level Three by filing a request for a hearing. Requests for hearing and final decision before the Assistant City Manager or the Board of Review shall be made with the Personnel/Risk Manager as hereinafter described.

- (1) The request shall be in writing and shall include the same information as described in the previous claim in Level Two. This shall be in the form of a separate written request, and said request shall be accompanied by a copy of the written claim filed at Level Two and Level Three.
- (2) The Board of Review or Assistant City Manager shall have available to it all documents relating to the complaint and any City records that would be helpful in resolving the problem.
- (3) After studying the documentary evidence, the Board of Review shall conduct such hearings as it deemed necessary. At least two (2) days' notice of any scheduled hearing should be given.
- (4) Within a reasonable time after the conclusion of the hearing, the Board of Review or the Assistant City Manager shall submit the written findings of facts and written decision to both the City and the Aggrieved Party.
- (5) The Board of review shall be made up of three members, one selected by the Aggrieved Party, one selected by the City and the third selected by the first two from among those individuals currently serving on the City's Personnel Commission.

Level Five - City Manager's Decision: After receipt of the advisory findings of fact and advisory decision from the Level Four Board of Review, the City Manager shall investigate and confer with the parties involved. The Aggrieved Party, at the aggrieved party's discretion, may bring in their conferee. The City Manager shall thereafter communicate a final and conclusive decision in writing together with supporting

reasons, to the Aggrieved Party, within twenty (20) days of concluding the investigation of the matter.

General Provisions: To facilitate this procedure, the following provisions shall apply:

- (1) Any party to a grievance may, at any point in the process outlined, have a conferee.
- (2) Any employee may serve as a conferee without fear of prejudice or reprisal of any kind being taken against such employee.
- (3) Grievance adjustment should be more concerned with “what is right” and less concerned with “who is right”. Effective adjustment of grievances requires that all parties involved conduct themselves with decorum and restraint, and that commonly accepted principles of ethical conduct be observed at all times.
- (4) All proceedings, at any level, shall be kept private and confidential, and any disposition of the case will not be made public without the prior joint and mutual agreement of the aggrieved party and the City Manager. An aggrieved party who makes any proceeding or disposition public without said prior joint and mutual agreement shall be held to have thereby waived his grievance. This shall not apply when the Aggrieved Party requests an opportunity to address the Council. Decisions that have City-wide implications shall be communicated to all certified personnel in an objective and impersonal manner.
- (5) The City shall keep a written record of all proceedings beginning with Level One. The parties involved shall initial and date the records at each Level, indicating their knowledge of the contents, before the grievance shall proceed to the next Level. Such signing shall not necessary indicate agreement to the factual content.
- (6) Any costs of operating the grievance procedure shall be borne jointly by the City and the Aggrieved Party.
- (7) By mutual written agreement, the time limit at any Level may be extended.
- (8) The conferee shall conduct all applicable duties, whenever possible, during “non-working” hours. The conferee shall only be allowed to conduct said duties during working hours if (1) there is no interference with any other employee’s job performance and (2) the conferee received no overtime compensation by the City for time so spent.

24. Lay-Off

A. The provisions of this article shall apply when the City institutes lay-off of bargaining unit employees pursuant to the City’s Personnel Rules and Regulations.

B. Statement of Intent: In the event the City should anticipate a lay-off of employees covered by this MOU, the City will notify CEA of its intention to make lay-offs. Within ten (10) days of this notice, either party may agree to reopen this MOU to meet and confer on the topic of cost savings in an effort to avoid a lay-off. Nothing in this section relinquishes the City's right to lay-off employees in the unit if the MOU is reopened and the parties fail to reach a mutually acceptable agreement to avoid a lay-off.

C. Notification: Employees to be laid-off shall be given at least thirty (30) calendar day's prior notice. Prior to lay-off, the City shall issue a statement to the affected employee concerning the performance of the employee. If the performance of the affected employee has been certified as "satisfactory" or better, based on the employee's last two performance evaluations, the name of the laid-off employee shall be placed on the appropriate reemployment list. If the performance of the laid-off employee is certified as not being "satisfactory" or better, the affected employee's name shall not be placed on a reemployment list.

D. Order of Layoff: Employees shall be laid-off in the inverse order of their seniority with the City, within the classifications subject to lay-off(s). The City Manager shall determine in which classifications the lay-off(s) shall occur, based on the needs of the City. Seniority shall be determined based upon date of hire to a permanent, full-time position with the City. Within each classification, employees shall be laid-off in the following order:

1. Temporary Employees
2. Contractual Employees
3. Permanent Part-Time Employees
4. Probationary Employees
5. Permanent Employees

E. In cases where there are two or more employees in the classification from which the lay-off is to be made who have the same seniority date, such employees shall be laid-off on the basis of the last evaluation rating in the classification, provided that such rating has been on file at least thirty (30) days and no more than twenty-four (24) months prior to lay-off. In such cases, the employee(s) with the lower evaluation rating will be laid-off first.

F. Bumping: An employee designated to be laid-off may bump into the next lower classification within their classification series, provided that they have seniority over the person being bumped. An employee who is bumped shall be laid-off in the same manner as an employee whose position is abolished.

G. Reemployment List: Employees who are laid-off and who have been certified by the City as providing "satisfactory" performance or better, shall have their names placed on a reemployment list. Vacant positions in the bargaining unit shall be offered to qualified employees on the reemployment list by order of seniority, with the

most senior-qualified employee recalled first. Seniority shall be determined by the length of time an employee worked for the City in a permanent, full-time position.

Names shall be maintained on the reemployment list for a period of two (2) years. Persons who decline a reemployment offer to any permanent position for which they are qualified shall be stricken from the reemployment list.

A laid-off employee who is reemployed to a position in which the employee had regular status shall not be required to serve a new probationary period but shall be required to meet minimum standards for the position. A laid-off employee who is reemployed to a position in which the employee did not have regular status shall be required to serve a new probationary period and meet the minimum standards of the position. Employees who do not pass the requisite probation in another class will be returned to the reemployment list for the class from which they were laid-off. They will be returned to the same position on the reemployment list they occupied at the time of lay-off.

Employees who are reemployed shall have their sick leave balances restored to the amount prior to lay-off, accrue vacation leave at the same rate as prior to lay-off, and be placed at the same salary step if reemployed to the same classification from which the employee was laid-off. Upon recall, the City will allow the recalled employee a reasonable period of time in which to reinstate certifications that may have lapsed during the employee's lay-off period.

H. Non-Discrimination: The City agrees that lay-offs shall be accomplished without regard to an otherwise-qualified employee's race, color, national origin, religion, sex, or physical disability and any other protected classes as defined by law.

25. Fitness for Duty Examinations

A. In the event the Department Head has reason to believe that an employee is not physically and/or mentally capable of performing the full duties of the employee's position, or that the employee's condition represents a danger to self, other employees or the public, the Department Head may immediately place that employee on sick leave, or other accrued leave, or personal leave without pay if accrued leave is exhausted, or if already on sick leave, require the employee to remain off work until cleared for full duty by the City physician or another physician designated by the City.

B. If the employee so requests, the Department Head shall, prior to implementing a decision, present the reasons for taking such action to the employee and, if the employee desires, a representative of the employee's choice.

26. Uniforms

The City shall provide uniforms to all employees who are required to wear uniforms. The City shall determine the uniform design and composition. Uniforms are the property of the City and shall be returned to the City upon separation. Employees will be provided with a minimum of four (4) uniforms annually. Additional uniforms may be provided if necessary, due to wear / tear, as determined by the employee's

supervisor. Employees are responsible for maintaining their uniforms in a reasonable manner, ensuring a clean and professional appearance. Uniforms are property of the City and must be returned upon separation from the City.

27. Military Leave

Military leave shall be granted in accordance with the provisions of federal and state law. All employees entitled to military leave shall give the City Manager and/or the City Manager's authorized agent an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

Employees shall be paid their regular salary for the first 30 days of active duty within a fiscal year. Starting on the 31st day of active duty, employees will receive the difference between their military base pay and their City of Clovis pay. Military orders and wage statements will be required. See the Leave Guide for more details.

28. Professional Development

The City shall reimburse employees in the Unit for the cost of tuition, required fees (such as a health fee), required textbooks or e-books, for job-related courses leading to a college degree. To be eligible for reimbursement, the course must be related to job duties or related to a position to which an employee might reasonably aspire.

The maximum reimbursement rate will be calculated September 1 of each year as the total of eight (8) semesters full-time undergraduate tuition, including required fees, at California State University Fresno. A total of \$2,000 for required textbooks or e-books will be added to the tuition fees noted above for a grand total maximum reimbursement. Expenses for courses which began prior to July 1, 2019 will not be included in the maximum lifetime allocation.

Reimbursement under this Section shall be made under the following conditions:

- A. Employees must have completed their initial probationary period with the City.
- B. By February 28 of each year, employees must submit a written request to participate in the Educational Incentive Program including an estimate of costs to be incurred during the following fiscal year.
- C. Course work must be for an accredited college or university degree program, and have the prior approval of the Department Head. Accreditation shall be through the U.S. Department of Education unless otherwise approved by the Department Head.
- D. An employee will be eligible for reimbursement of approved expenses for either an Associates, Bachelor's or Master's degree. Fees for any combination of these degrees may be reimbursed as long as they do not exceed the employee's maximum allocation for the Educational Incentive Program.

- E. Course work must be work-related and determined by the Department Head to be of benefit to the City. Required course work as part of an approved undergraduate or master's degree program is eligible for reimbursement.
- F. Reimbursement of approved course work and related expenses shall be contingent upon the attainment of a letter grade of "C" or better, or "Pass" in a course with Pass/Fail grading. Reimbursement shall be made after the employee submits expense receipts and proof of letter grade.
- G. Fees not required for enrollment such as parking, graduation related expenses, or travel will not be reimbursed.
- H. All courses for which reimbursement is sought shall be taken while off duty and not in paid status.

29. Time Bank

During the time of this agreement, employee donations to the CEA Time Bank will be suspended. Any remaining hours in the time bank may be utilized by CEA elected officers and committee members to attend to CEA business and educational activities. The City Finance Department will maintain records of all hours donated annually to the Time Bank. Upon request, the City Finance Department will provide CEA with quarterly information regarding the available balance in the Time Bank and hours utilized.

The CEA President shall authorize the use of Time Bank hours for the elected officers and committee members of CEA. Hours utilized under this section shall be in minimum amounts of two (2) hour increments. For scheduled trainings, schools, etc., that occur off City property or out of town, the CEA President shall provide the appropriate Department Head or designee with a minimum of fourteen (14) days' notice prior to requesting the use of Time Bank hours.

For CEA business meetings, consultations, and trainings that occur on City premises, the CEA President shall obtain reasonable advanced approval from the appropriate Department Head or designee for use of Time Bank hours. The use of Time Bank hours that impacts assigned schedules shall be subject to the approval of the affected Department Head(s).

CEA agrees to indemnify and hold harmless the City of Clovis, its officers, agents and employees from any claims or liability arising from the use of the Time Bank, including any legal or other actions taken to protest the application of this provision. It is agreed that CEA personnel utilizing Time Bank hours shall be representing CEA and not the City of Clovis during the time that Time Bank hours are being utilized. It is further understood that the use of Time Bank hours shall not constitute "time worked" for the purposes of computing overtime or any other payroll or employee benefit, including workers' compensation benefits.

30. Workweek

A. The workweek for all unit members shall be 168 consecutive regularly recurring hours.

B. For employees assigned to a “5 / 8” or “4 / 10” work schedule, the workweek shall begin at 0700 hours on Sunday and end at 0700 hours on the following Sunday.

C. For employees assigned to a “9 / 80” work schedule, each employee’s designated FLSA workweek (i.e., 168 regularly recurring hours) shall begin exactly four (4) hours after the start time of the employee’s eight (8) hour shift on the weekday that corresponds with the employee’s regular alternating day off.

31. Flexible Work Schedules

Unit members in Recreation classifications assigned to work on weekends may have their day(s) off scheduled during Monday – Friday.

The City will analyze and respond within ninety (90) days to written proposals from CEA regarding alternative employee work schedules. Such proposals shall be designed with the primary concerns of saving operating costs and enhancing City service levels.

32. Maintenance of Operations

CEA agrees that for the term of this MOU neither CEA nor any person acting on its behalf will cause, authorize, engage in, sanction, nor will any of the members of the bargaining unit take part in a strike against the City, a work stoppage, slow-down, picketing or the concerted failure to report for duty, or unauthorized absence or abstinence from the full and faithful performance of their duties of employment, including the compliance with the request of other labor organizations or bargaining units to engage in such activities.

33. Conclusively

It is understood and agreed to that all documents including but not limited to written ordinances, resolutions, policies and procedures, employee rules and merit system rules and regulations which relate to wages, hours, and other terms and conditions of employment which are presently in effect are made part of this MOU by reference. Those items set forth specifically in this MOU may be altered, changed, added to, deleted from or modified only through the voluntary, mutual consent of CEA and the City in a written and signed amendment to this Agreement.

CEA and the City agree that during the negotiations which resulted in this MOU, each party had an unlimited right and opportunity to make demands and proposals

with respect to any subject or matter within the scope of representation. Therefore, during the term of this Agreement, neither the City or CEA shall be obligated to meet and confer on any matter:

1. Whether or not specifically referred to in this MOU;
2. Whether or not the matter was within the knowledge or contemplation of either party at the time of negotiations;
3. Whether or not the matters were proposed and later withdrawn during negotiations.

Except That: The City may change a written policy affecting wages, hours, and other terms and conditions of employment, which are incorporated by reference in this MOU. The City shall notify CEA in writing of its intention to do so. If CEA does not respond within ten (10) calendar days from the date of mailing of such notification, the City shall assume CEA does not wish to meet and consult on the change in policy. In an emergency, the City retains the right to take such action immediately. CEA will be offered the opportunity to meet and consult as soon as practicable.

34. Past Practices

Nothing contained in this MOU shall be interpreted as to imply or permit the invocation of past practice, or tradition, or accumulation vesting of any employee rights or privileges other than those expressly stated herein.

35. Designation of Confidential Employees

A. In order to implement the provisions of State law on the designation of confidential employees, the following rule shall be incorporated into the City's Personnel Rules and Regulations:

In accordance with State law, the City Manager may designate as "confidential" those employees who are required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions. Such designation shall be at the discretion of the City Manager after consultation with the affected recognized employee organization, if any.

B. The City shall, as changes occur, provide to CEA a written list of unit positions designated as confidential.

Those unit positions designated as confidential will continue to be represented by this bargaining unit and may be members in and hold office in the bargaining unit. However, pursuant to law, such designated positions may not represent the bargaining unit, which represents other employees of the City, on matters within the scope of representation.

36. Release Time

Authorized CEA representatives shall receive reasonable release time for the purposes of collective bargaining, the processing of grievances, joint problem-solving meetings between the City and CEA, and disciplinary representation. As soon as practicable prior to the release from duties, the designated representatives shall submit a written request for release to their supervisor(s).

37. Sole Agreement

The policies collected in this MOU constitute the entirety of the policies which are subject to the meet and confer obligation as agreed to by the parties. To the extent that any other agreement should be in conflict with these policies', these policies shall prevail.

If, during its term, the parties hereto should mutually agree to modify, amend, or alter the provisions of this MOU in any respect any such change shall be effective only if and when reduced to writing and executed by the authorized representatives of the City and the Affiliation. Any such changes validly made shall become a part of this MOU and subject to its terms.

The waiver of any breach or condition of this MOU by either party shall not constitute a precedent in the future enforcement of all terms and conditions herein.

In the event that any of the policies contained in this MOU should be declared by a court of competent jurisdiction to be unenforceable or illegal that policy or set of policies shall be declared void. However, this action shall in no way invalidate the remaining policies contained in this MOU.

38. Term of Memorandum of Understanding

This MOU shall remain in effect for the period of July 1, 2025, through June 30, 2028. The provisions of this MOU shall not, however, take effect until ratified by both the City Council of the City of Clovis and the general membership of the bargaining unit. The City and CEA acknowledge that all provisions of this agreement, together with those other matters within the scope of representation, are subject to renegotiating upon the expiration of this agreement to the extent provided by law.

CEA membership has ratified the contents of this MOU, by their affirmative vote, on or about May 5, 2025.

The City Council approved the provisions of this MOU on May 12, 2025.

For the CITY:

Andrew Haussler, City Manager

Amy Hance, Lead City Negotiator

Lori Shively, City Negotiator

Kristen Freberg, City Negotiator

Susan Evans, City Negotiator

Jose Cortez, City Negotiator

Kathy Newberry, City Negotiator

ATTEST: _____
Briana Parra, City Clerk

Date: _____

For CEA:

Aaron La Mattina, CEA Negotiator

Moniqua Randolph, CEA Negotiator

Perlita Castro, CEA Negotiator

**Side Letter Agreement between the City of Clovis and CEA to the 2025 – 2028
MOU Suspending CEA Member Vacation Time Contributions**

During the term of the 2025 – 2028 MOU, additional CEA member vacation time contributions will be suspended

For the City of Clovis:

For CEA:

Amy Hance, Lead City Negotiator

Aaron La Mattina, CEA President

Lori Shively, City Negotiator

Moniqua Randolph, CEA Negotiator

Kristen Freberg, City Negotiator

Perlita Castro, CEA Negotiator

Attest:

Briana Parra, City Clerk

Date:_____

Side Letter Agreement between the City of Clovis and CEA to the 2025 – 2028 MOU Regarding Compaction

The City agrees to analyze compaction for the members of CEA after the conclusion of negotiations for the 2025- 2028 MOU, no later than September 30, 2025.

For the City of Clovis:

For CEA:

Amy Hance, Lead City Negotiator

Aaron La Mattina, CEA President

Lori Shively, City Negotiator

Moniqua Randolph, CEA Negotiator

Kristen Freberg, City Negotiator

Perlita Castro, CEA Negotiator

Attest:

Briana Parra, City Clerk

Date:_____

CITY OF CLOVIS
CEA - Monthly Salary Schedule - Effective July 1, 2025

AGENDA ITEM NO. 9.

Revised 05/05/25

3% Wage Increase PLUS Equity Adjustment (7.00% Staff Analyst)

Code	Position	Grade	Step 1	Step 2	Step 3	Step 4	Step 5
5060	Administrative Assistant	490	5,936	6,233	6,545	6,872	7,216
5375	Custodian	90	4,005	4,205	4,415	4,636	4,868
5795	Principal Account Clerk	340	4,934	5,181	5,440	5,712	5,998
5805	Principal Office Assistant	340	4,934	5,181	5,440	5,712	5,998
5826	Recreation Leader	180	4,081	4,285	4,499	4,724	4,960
5830	Recreation Specialist	310	4,834	5,076	5,330	5,597	5,877
5840	Sr Center Nutrition Services Worker	180	4,081	4,285	4,499	4,724	4,960
5930	Senior Custodian	110	4,512	4,738	4,975	5,224	5,485
5860	Staff Analyst	200	6,021	6,322	6,638	6,970	7,319

ATTACHMENT 2

CITY OF CLOVIS
CEA - Monthly Salary Schedule - Effective July 1, 2025

AGENDA ITEM NO. 9.

Revised 05/05/25

3% Wage Increase PLUS Equity Adjustment (7.00% Staff Analyst)

Code	Position	Grade	Step 1	Step 2	Step 3	Step 4	Step 5
5060	Administrative Assistant	490	34.25	35.96	37.76	39.65	41.63
5375	Custodian	90	23.11	24.26	25.47	26.75	28.08
5795	Principal Account Clerk	340	28.47	29.89	31.38	32.95	34.60
5805	Principal Office Assistant	340	28.47	29.89	31.38	32.95	34.60
5826	Recreation Leader	180	23.54	24.72	25.96	27.25	28.62
5830	Recreation Specialist	310	27.89	29.28	30.75	32.29	33.91
5840	Sr Center Nutrition Services Worker	180	23.54	24.72	25.96	27.25	28.62
5930	Senior Custodian	110	26.03	27.33	28.70	30.14	31.64
5860	Staff Analyst	200	34.74	36.47	38.30	40.21	42.23

173.333333 Monthly hours for 40 hour work week



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 12, 2025

SUBJECT: Planning and Development Services – Approval – Bid Award for CIP 25-03 Peg Bos Plaza to Dave Christian Construction Co., Inc., in the amount of \$129,715.50; and Authorize the City Manager to execute the contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

RECOMMENDATION

1. For the City Council to award a contract for CIP 25-03 Peg Bos Plaza to Dave Christian Construction Company, Inc., in the amount of \$129,715.50; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council award the contract to Dave Christian Construction Company, Inc., who was the lowest responsible bidder from a bid opening that took place on April 29, 2025, and authorize the City Manager to execute the project contract on behalf of the City.

The scope of this project is to improve the existing site located on the northwest corner of Sunnyside Ave. and Third St. to honor former mayor Peg Bos, Clovis' first female mayor. Among other things, the improvements consist of providing electrical power, incorporating lighting, modifying the existing irrigation system and landscape, incorporating a pedestrian path and installation of a flagpole.

BACKGROUND

The following is a summary of the bids received on April 29, 2025:

BIDDERS	BASE BID
Dave Christian Construction	\$129,715.50
Walsh Montgomery Construction	\$132,242.00
Juarez Brothers General Engineering	\$155,005.10
ENGINEER'S ESTIMATE	\$87,075.00

All bids were examined, and found to be in order, except for a few arithmetic and clerical errors that did not affect the order of the bid results. For this reason, Dave Christian Construction Company, Inc., is the lowest responsible bidder. Staff has validated the lowest bidder contractor's license status and bid bond.

FISCAL IMPACT

This project was budgeted in the 2024-2025 Community Investment Program. The project is funded by the General Government Services Fund through the City Community Investment Program.

REASON FOR RECOMMENDATION

Dave Christian Construction Company, Inc., is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

ACTIONS FOLLOWING APPROVAL

1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
2. Construction will begin approximately two (2) weeks after the contract execution and be completed in twenty (20) working days thereafter.

CONFLICT OF INTEREST

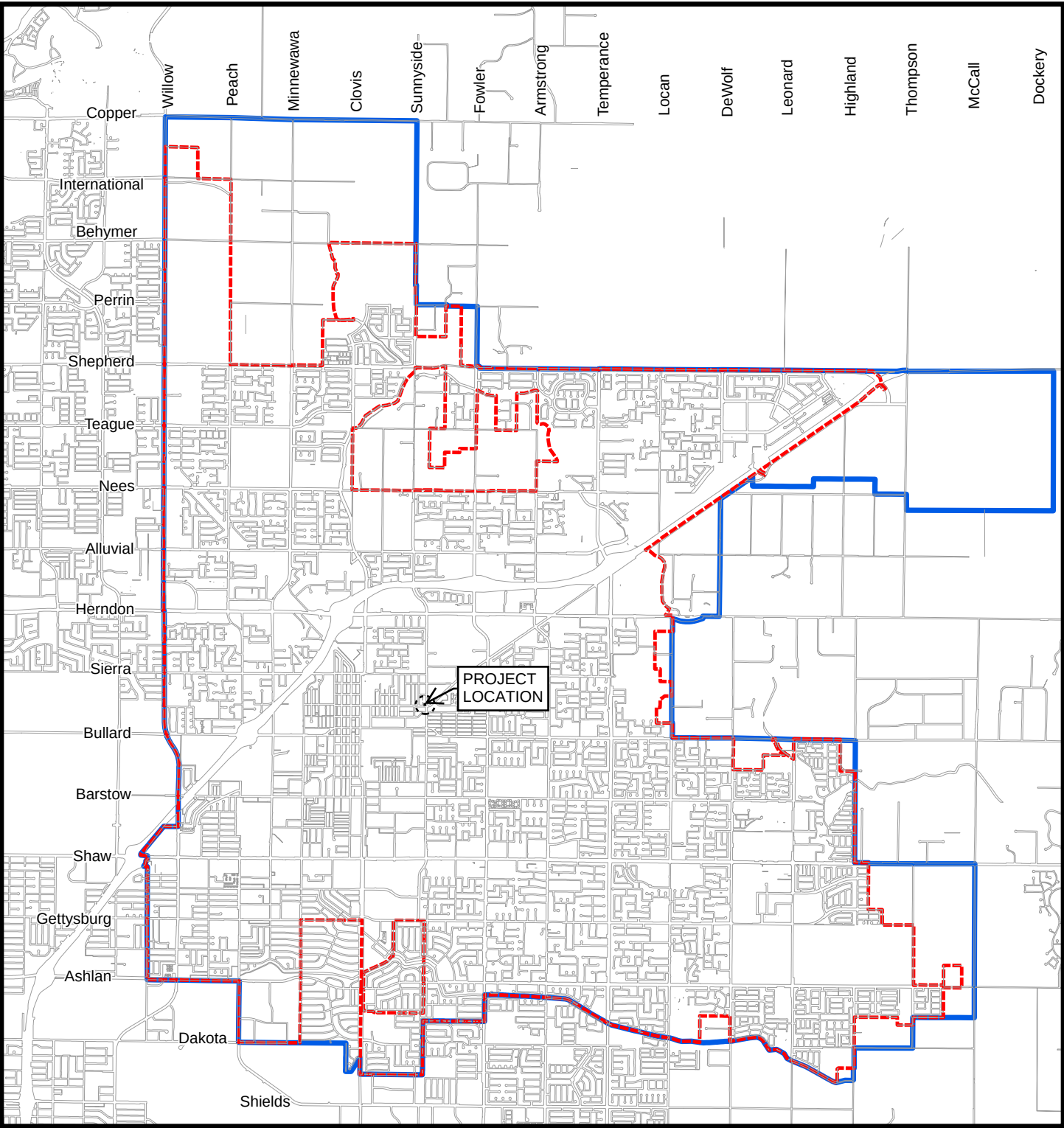
None.

Prepared by: Nate Stava, Project Engineer

Reviewed by: City Manager AS

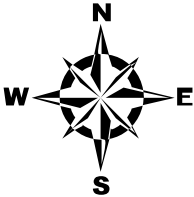
VICINITY MAP

CIP 25-03 PEG BOS PLAZA



Attachment 1

 CITY LIMITS  SPHERE OF INFLUENCE





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 12, 2025

SUBJECT: Planning and Development Services – Approval – Bid Award for CIP 24-02 Alluvial Avenue Street Improvements to Dave Christian Construction Company, Inc., for the amount of \$795,342.75; and Authorize the City Manager to Execute the Contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

RECOMMENDATION

1. For the City Council to award a contract for CIP 24-02 Alluvial Avenue Street Improvements to Dave Christian Construction Company, Inc., in the amount of \$795,342.75; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

Staff is recommending that City Council award the contract to Dave Christian Construction Company, Inc., who was the low responsible bidder from a bid opening that took place on April 29, 2025, and authorize the City Manager to execute the project contract on behalf of the City.

This project involves ± 0.5 miles of street improvements on Alluvial Avenue from Sunnyside Avenue to Fowler Avenue. Project improvements include removing and replacing existing A.C. pavement, replacement of curb returns, adjustments of utility boxes, manholes, and utility valve boxes to finished grade, replacements of traffic striping, markings and signage, traffic signal modification, and reinstallation of traffic loop detectors.

BACKGROUND

The following is a summary of the bids received on April 29, 2025:

BIDDERS	BASE BID
Dave Christian Construction	\$795,342.75
MAC General Engineering	\$811,946.87
Emmett Valley Construction	\$875,843.00
Cal Valley Construction	\$884,749.00
Terra West Construction	\$910,821.00
ENGINEER'S ESTIMATE	\$848,694.00

All bids were examined, and the bidder's submittals were found to be in order and Dave Christian Construction Company, Inc., is the lowest responsible bidder. Staff has validated the lowest bidder contractor's license status and bid bond.

FISCAL IMPACT

This project was budgeted in the 2024-2025 Community Investment Program. The project is supported by Measure C Pass Through Funding through the City Community Investment Program.

REASON FOR RECOMMENDATION

Dave Christian Construction Company, Inc., is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

ACTIONS FOLLOWING APPROVAL

1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
2. Construction will begin approximately two (2) weeks after the contract execution and be completed in thirty (30) working days thereafter.

CONFLICT OF INTEREST

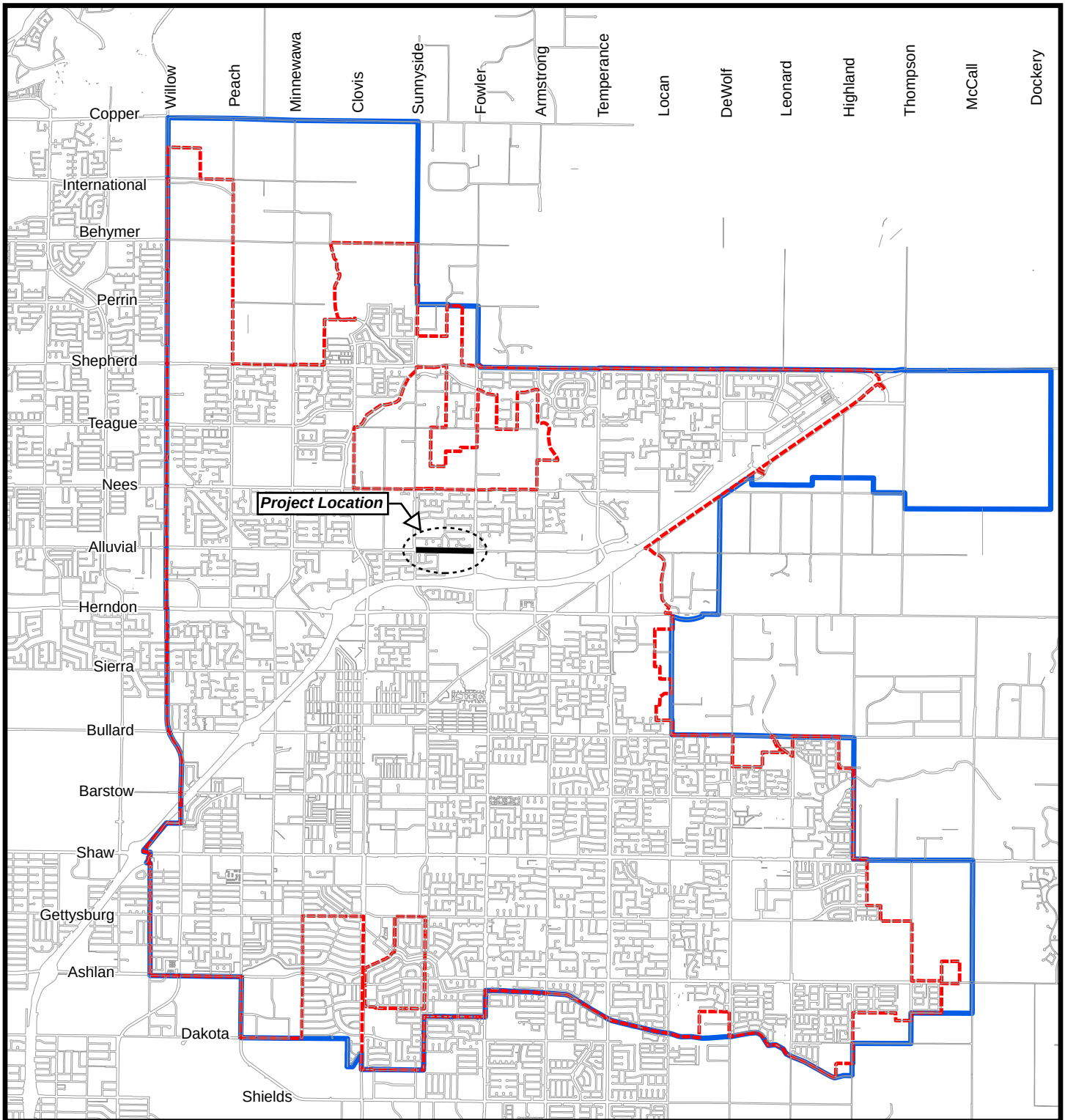
None.

Prepared by: Jacob Redelfs, Project Engineer

Reviewed by: City Manager AK

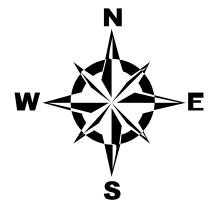
VICINITY MAP

CIP 24-02 Alluvial Avenue Street Improvements



Attachment 1

 CITY LIMITS  SPHERE OF INFLUENCE





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 12, 2025

SUBJECT: Consider Approval – City of Clovis Youth Commission Revised Bylaws and Receive the Annual Report Update from the Youth Commission.

Staff: Chad McCollum, Economic Development, Housing and Communications Director / Briana Parra, City Clerk / Avereet Samra, Co-Chair / Alian Marriaga, Co-Chair

Recommendation: Approve

ATTACHMENTS: 1. Redline City of Clovis Youth Commission Bylaws
2. Revised City of Clovis Youth Commission Bylaws

RECOMMENDATION

For the City Council to approve the revised City of Clovis Youth Commission Bylaws, by which, future Youth Commissions will be organized and operated.

EXECUTIVE SUMMARY

The City of Clovis Youth Commission has reviewed and revised the Clovis Youth Commission Bylaws, by which future Youth Commissions will be organized and operated. This effort follows a year of service highlighted in their Annual Report, which outlines key projects, community involvement, and initiatives focused on youth engagement and well-being.

BACKGROUND

The City of Clovis Youth Commission was established by unanimous decision of the Clovis City Council in October 2023 to engage youth voices in City affairs. The Commission was created to promote civic engagement among Clovis youth and to foster a sense of ownership and responsibility in shaping the City's future.

Following their first year of service, the Youth Commission recognized the need to revise their bylaws to more clearly define expectations, roles, and responsibilities. The original set of bylaws was developed and approved by the Commission in May 2024 and formally adopted by the City Council on July 1, 2024. As the year progressed and commissioners gained further insight, they identified areas for improvement and refinement. On April 30, 2025, during a special meeting, the commissioners reviewed and unanimously approved the revised bylaws, which reflect their experiences and vision for the future of the Commission. These updated bylaws are now

presented to the City Council for formal adoption, providing a stronger framework for the continued success and growth of the Clovis Youth Commission.

In addition to their work on the bylaws, the Clovis Youth Commission has made significant strides this year, actively contributing to projects that benefit youth in the community and strengthen civic engagement. A major initiative was the first-ever “Cowboy Cleanup Event,” where the Youth Commission partnered with the Clovis Rodeo to clean the Rodeo Grounds in preparation for April events. This successful project supported the Clovis community while providing valuable hands-on experience in environmental stewardship and event coordination.

The Youth Commissioners also toured City facilities to deepen their understanding of Clovis operations and government services. Throughout the year, they volunteered at several high-profile City events, including the Clovis Tree Lighting, Clovis Christmas Parade, Rodeo Parade, Hall of Fame Dinner, and MLK Breakfast. These opportunities allowed them to connect with the community and contribute meaningfully to civic life.

With a strong focus on youth mental health and peer connection, the Commission launched an Instagram account to better reach and engage local youth. Additionally, they formed a Mental Health and Hard Discussions Ad Hoc Committee, which created a kindness initiative through rock painting and the sharing of uplifting messages. These efforts reflect the Commission’s commitment to supporting the emotional well-being of Clovis youth.

Through these projects and initiatives, the Clovis Youth Commission has demonstrated leadership, creativity, and a strong sense of civic responsibility, making a tangible and lasting impact on the community.

FISCAL IMPACT

There are funds set in the 2025-2026 budget to cover items associated with the Youth Commission.

REASON FOR RECOMMENDATION

Staff worked closely with the Youth Commissioners to ensure the Bylaws provide direction and parameters for future Commissioners, while remaining flexible enough to allow adjustments as needed.

ACTIONS FOLLOWING APPROVAL

Once approved, City of Clovis Youth Commission Bylaws will be used by staff and future Commissioners to recruit members, organize and run meetings, and execute the goals of the Clovis City Council and the Youth Commission.

CONFLICT OF INTEREST

None.

Prepared by: Briana Parra, City Clerk

Reviewed by: City Manager *AM*

Clovis Youth Commission Bylaws

~~Working Redline – 04/30/2025~~ ~~04/09/2025~~

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Clovis Youth Commission Bylaws

Voted on unanimously and approved by the City of Clovis Youth Commission on May 8, 2024.

Establishment:

The City of Clovis Youth Commission was established by the Clovis City Council by unanimous decision in October of 2023 for the purpose of engaging youth voices in the City of Clovis. The City Council desires to promote civic engagement among the youth of Clovis and to foster a sense of ownership and responsibility in shaping the City's future.

Duties and Responsibilities:

The City of Clovis Youth Commissioners will hold office ~~October – April~~ September through May each year, with Commissioners being selected in the summer ~~and fall~~ leading into the new school year.

The City of Clovis Youth Commission will be responsible for the following:

- Meeting monthly to set and accomplish goals outlined by the Youth Commission, Clovis City Council, and City staff. Formal meetings may not be scheduled in December or May at the discretion of City staff.
- Represent Clovis Youth at designated city events and activities.
 - Tree Lighting – December
 - Christmas Parade – December
 - MLK Breakfast – February
 - Rodeo Parade – April
 - Mayor's Breakfast - May
- Plan and execute a project benefiting the youth of City of Clovis.
- Present to Clovis City Council annually.
- Ad Hoc Committees may be formed to focus on specific initiatives or events. Each Ad Hoc Committee will be chaired by a Youth Commissioner.

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Membership:

To be eligible to apply for a seat on the Clovis Youth Commission, applicants must:

- Reside within the City of Clovis.
- Be in their Sophomore, Junior, or Senior year
 - Commissioners in their Sophomore or Junior year may be reappointed for an additional term, up to a maximum of two or three consecutive years, provided they meet attendance and participation expectations. Commissioners can serve up to 3 years.
- Apply, interview, and be selected by a panel consisting of City staff and Youth Commissioners
- The City of Clovis Youth Commission will consist of up to 21 members.

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ATTACHMENT 1

Application Process, terms:

Council approval will be required for new and reappointed Commissioners.

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A vacancy left by a Commissioner unable to fulfill their duties may remain open until the following year.

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- However, a waitlist of qualified applicants will be created during the interview process. Individuals from this waitlist may be appointed during a program year to fill any vacancies that arise, at the discretion of City staff.

A leave of absence can be requested to City staff due to circumstances outside the control of the Commissioner. City staff will make the final determination.

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New Membership

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- Applications will be accepted throughout the summer and close on a date determined by City staff.
- The interview panel shall consist of City staff and reappointed Youth Commissioners who are entering their Senior Year.

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Reappointments:

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- Any current Youth Commissioner who wishes to continue serving in the next program year must submit a reappointment application by a date determined by City staff.
- The reappointment application shall include a statement of intent, a review of the Commissioner's participation, and any other relevant information.
- Attendance and participation will be considered during the reappointment process for returning Commissioners.
- Approved reappointments shall take effect immediately at the start of the new program year without requiring the Commissioner to reapply through the general application process.
- Commissioners are expected to attend and actively participate in monthly meetings, events, and activities from September through May. Any Commissioner who misses more than half of these meetings, events, and activities within a program year may be subject to removal from their position and may not be considered for reappointment in the following year.
- Any positions not filled through reappointment shall be opened to new applicants through the regular application process.

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- Promotion of the Youth Commission application process will begin in May of each school year.
- Applications will be accepted throughout the summer and close on a date determined by staff.
- Two step interview process, with a panel consisting of staff and Commissioners going into their Senior Year.
- Council approval will be required.
- A vacancy left by a Commissioner unable to fulfill their duties will be left open until the following year.

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- ~~A Commissioner who misses more than half of the monthly meetings and activities by December will be asked to forfeit their office.~~
- ~~A leave of absence can be requested to staff due to circumstances outside the control of the Commissioner. Staff will make the final determination.~~

Leadership Roles:

While City staff will assist with logistics, the Youth Commission will take primary responsibility for the vision, planning, and implementation of Commission-led efforts.

At the end of each year, the Commission shall select two Co-Chairs from among its members to serve for the upcoming Youth Commission term. To be eligible for selection as a Co-Chair, a member must have served at least one year on the Commission. Co-Chairs shall be selected by a majority vote of the Commission. No member may serve more than two consecutive terms as Co-Chair.

At the start of each year, the Commission shall appoint a Secretary from among its members and designate an ex officio member to serve on the Measure Y Oversight Committee and the GPAC Committee. All members shall be eligible for nomination for these positions.

At the beginning of each school year, Co-Chairs will be selected to lead the Commission. Sophomores and Juniors will be eligible for nomination and all Commissioners will vote.

The Youth Commission will include the following leadership positions:

Co-Chair

The Co-Chair is responsible for setting the agenda, running the Youth Commission meetings, and ensuring a quorum is obtained prior to beginning official business. The Co-Chair will work closely with City staff to prepare for meetings and guide the Commission's discussions and activities.

Secretary

The Secretary will conduct roll call at the start of each meeting, take meeting minutes, and prepare a summary of the meeting to be shared with all Commissioners by the following day. This ensures all members remain informed and engaged, even if they are unable to attend.

Ex Officio Member

The Ex Officio member will serve as a liaison to both the Measure Y Oversight Committee and the General Plan Advisory Committee (GPAC). While they will not be a voting member of the Youth Commission, they are responsible for attending those committee meetings and reporting back to the Commission at the next scheduled meeting.

Meetings:

Commission meetings are subject to the Brown Act.

- The Commission will meet once a month, the date and time to be determined by City staff. Formal meetings may not be scheduled in December or May at the discretion of City staff.

Commissioners may add items to the agenda by:

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- Send a request to the Co-Chairs and City staff, who will then bring it back to the Youth Commission for consideration and consensus by a majority vote.
- Raising the item during public comment and gaining the support of a majority consensus of the Youth Commission.

Annual Project:

The City of Clovis Youth Commission will select, plan, and carry out a project or series of projects benefiting the Youth of the City of Clovis. Projects may be assigned by ~~Youth~~the Youth Commission, City Council, or ~~City~~staff. ~~A P~~projects will have a significant impact on services, facilities, or programs benefiting Clovis Youth.

Annual Report to the City Council:

Youth Commission Co-Chairs or designated representatives will provide an annual presentation to the Clovis City Council.

~~Representatives from the Youth Commission will present to the Clovis City Council annually.~~

CITY OF CLOVIS YOUTH COMMISSION

Revised on April 30, 2025

AGENDA ITEM NO. 12.



Presented on

May 12, 2025

Clovis City Hall
Council Chambers



YOUTH COMMISSION BYLAWS

Clovis Youth Commission Bylaws

Revised April 30, 2025

Clovis Youth Commission Bylaws

Voted on unanimously and approved by the City of Clovis Youth Commission on May 8, 2024.

Establishment:

The City of Clovis Youth Commission was established by the Clovis City Council by unanimous decision in October of 2023 for the purpose of engaging youth voices in the City of Clovis. The City Council desires to promote civic engagement among the youth of Clovis and to foster a sense of ownership and responsibility in shaping the City's future.

Duties and Responsibilities:

The City of Clovis Youth Commissioners will hold office September through May each year, with Commissioners being selected in the summer leading into the new school year.

The City of Clovis Youth Commission will be responsible for the following:

- Meeting monthly to set and accomplish goals outlined by the Youth Commission, Clovis City Council, and City staff. Formal meetings may not be scheduled in December or May at the discretion of City staff.
- Represent Clovis Youth at designated city events and activities.
 - Tree Lighting – December
 - Christmas Parade – December
 - MLK Breakfast – February
 - Rodeo Parade – April
 - Mayor's Breakfast - May
- Plan and execute a project benefiting the youth of City of Clovis.
- Present to Clovis City Council annually.

Ad Hoc Committees may be formed to focus on specific initiatives or events. Each Ad Hoc Committee will be chaired by a Youth Commissioner.

Membership:

To be eligible to apply for a seat on the Clovis Youth Commission, applicants must:

- Reside within the City of Clovis.
- Be in their Sophomore, Junior, or Senior year
- Commissioners in their Sophomore or Junior year may be reappointed for an additional term, up to a maximum of two or three consecutive years, provided they meet attendance and participation expectations. Apply, interview, and be selected by a panel consisting of City staff and Youth Commissioners
- The City of Clovis Youth Commission will consist of up to 21 members.

Application Process, terms:

Council approval will be required for new and reappointed Commissioners.

A vacancy left by a Commissioner unable to fulfill their duties may remain open until the following year.

- However, a waitlist of qualified applicants will be created during the interview process. Individuals from this waitlist may be appointed during a program year to fill any vacancies that arise, at the discretion of City staff.

A leave of absence can be requested to City staff due to circumstances outside the control of the Commissioner. City staff will make the final determination.

New Membership

- Applications will be accepted throughout the summer and close on a date determined by City staff.
- The interview panel shall consist of City staff and reappointed Youth Commissioners who are entering their Senior Year.

Reappointments:

- Any current Youth Commissioner who wishes to continue serving in the next program year must submit a reappointment application by a date determined by City staff.
- The reappointment application shall include a statement of intent, a review of the Commissioner's participation, and any other relevant information.
- Attendance and participation will be considered during the reappointment process for returning Commissioners.
- Approved reappointments shall take effect immediately at the start of the new program year without requiring the Commissioner to reapply through the general application process.
- Commissioners are expected to attend and actively participate in monthly meetings, events, and activities from September through May. Any Commissioner who misses more than half of these meetings, events, and activities within a program year may be subject to removal from their position and may not be considered for reappointment in the following year.
- Any positions not filled through reappointment shall be opened to new applicants through the regular application process.

Leadership Roles:

While City staff will assist with logistics, the Youth Commission will take primary responsibility for the vision, planning, and implementation of Commission-led efforts.

At the end of each year, the Commission shall select two Co-Chairs from among its members to serve for the upcoming Youth Commission term. To be eligible for selection as a Co-Chair, a member must have served at least one year on the Commission. Co-Chairs shall be selected by a majority vote of the Commission. No member may serve more than two consecutive terms as Co-Chair.

At the start of each year, the Commission shall appoint a Secretary from among its members and designate an ex officio member to serve on the Measure Y Oversight Committee and the General Plan Advisory Committee (GPAC) Committee. All members shall be eligible for nomination for these positions.

The Youth Commission will include the following leadership positions:

Co-Chair

The Co-Chair is responsible for setting the agenda, running the Youth Commission meetings, and ensuring a quorum is obtained prior to beginning official business. The Co-Chair will work closely with City staff to prepare for meetings and guide the Commission's discussions and activities.

Secretary

The Secretary will conduct roll call at the start of each meeting, take meeting minutes, and prepare a summary of the meeting to be shared with all Commissioners by the following day. This ensures all members remain informed and engaged, even if they are unable to attend.

Ex Officio Member

The Ex Officio member will serve as a liaison to both the Measure Y Oversight Committee and the General Plan Advisory Committee (GPAC). While they will not be a voting member of the Youth Commission, they are responsible for attending those committee meetings and reporting back to the Commission at the next scheduled meeting.

Meetings:

Commission meetings are subject to the Brown Act.

- The Commission will meet once a month, the date and time to be determined by City staff. Formal meetings may not be scheduled in December or May at the discretion of City staff.

Commissioners may add items to the agenda by:

- Send a request to the Co-Chairs and City staff, who will then bring it back to the Youth Commission for consideration and consensus by a majority vote.
- Raising the item during public comment and gaining the support of a majority consensus of the Youth Commission.

Annual Project:

The City of Clovis Youth Commission will select, plan, and carry out a project or series of projects benefiting the Youth of the City of Clovis. Projects may be assigned by the Youth Commission, City Council, or City staff. Projects will have a significant impact on services, facilities, or programs benefiting Clovis Youth.

Annual Report to the City Council:

Youth Commission Co-Chairs or designated representatives will provide an annual presentation to the Clovis City Council.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 12, 2025

SUBJECT: Consider Approval – consider the following actions related to various legislation.

- a. Consider providing a letter of Support for Senate Bill 496 (Hurtado) Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.
- b. Consider providing a letter of Support for Senate Bill 554 (Jones) Law enforcement: immigration enforcement.
- c. Consider providing a letter of Support for Senate Bill 329 (Blakespear) Alcohol and drug recovery or treatment facilities: investigations.
- d. Consider providing a letter of Support for Assembly Bill 492 (Valencia) Alcohol and drug programs: licensing.
- e. Consider providing a letter of Support for Assembly Bill 424 (Davies) Alcohol and other drug programs: complaints.
- f. Consider providing a letter of Opposition for Senate Bill 79 (Wiener) Planning and zoning: housing development: transit-oriented development.
- g. Consider providing a letter of Opposition for Assembly Bill 942 (Calderon) Net energy metering: eligible customer-generators: tariffs.
- h. Consider providing a letter of Opposition for Assembly Bill 647 (Gonzalez) Housing Development Approvals: Residential Units.

Staff: Paul Armendariz, Interim Assistant City Manager

Recommendation: Approve

- ATTACHMENTS:
1. Proposed Legislation - SB 496 (Hurtado)
 2. Letter of Support for SB 496 (Hurtado)
 3. Proposed Legislation - SB 554 (Jones)
 4. Letter of Support for SB 554 (Jones)
 5. Proposed Legislation - SB 329 (Blakespear)
 6. Letter of Support for SB 329 (Blakespear)
 7. Proposed Legislation - AB 492 (Valencia)
 8. Letter of Support for AB 492 (Valencia)

9. Proposed Legislation - AB 424 (Davies)
10. Letter of Support for AB 424 (Davies)
11. Proposed Legislation - SB 79 (Wiener)
12. Letter of Opposition for SB 79 (Wiener)
13. Proposed Legislation – AB 942 (Calderon)
14. Letter of Opposition for AB 942 (Calderon)
15. Proposed Legislation – AB 647 (Gonzalez)
16. Letter of Opposition for AB 647 (Gonzalez)

RECOMMENDATION

Staff recommends that the City Council consider approving the following legislative positions and authorize the Mayor to sign and transmit letters of support or opposition as appropriate:

Support:

- a. **Senate Bill 496 (Hurtado)** – Supports the establishment of an appeals advisory committee and exempts emergency vehicles under the Advanced Clean Fleets Regulation, which may provide flexibility for municipalities managing fleet transitions.
- b. **Senate Bill 554 (Jones)** – Supports law enforcement's ability to cooperate with immigration authorities while ensuring compliance with state and local laws, enhancing public safety and accountability.
- c. **Senate Bill 329 (Blakespear)** – Supports enhanced investigative procedures for alcohol and drug recovery or treatment facilities, promoting accountability and safety for residents.
- d. **Assembly Bill 492 (Valencia)** – Supports improvements to the licensing process for alcohol and drug programs, encouraging higher standards and program quality.
- e. **Assembly Bill 424 (Davies)** – Supports mechanisms for addressing complaints related to alcohol and other drug programs, providing greater transparency and responsiveness.

Oppose:

- f. **Senate Bill 79 (Wiener)** – Opposes provisions that may undermine local planning authority by expanding state mandates for housing development near transit without sufficient local input.
- g. **Assembly Bill 942 (Calderon)** - Opposes provisions that may hinder the growth of distributed solar energy by altering net energy metering tariffs in ways that could negatively impact residents, agriculture, and local sustainability efforts.
- h. **Assembly Bill 647 (Gonzalez)** - Opposes provisions that override local housing plans by mandating high-density development without public input or environmental review, undermining community-driven planning and local control.

EXECUTIVE SUMMARY

SB 496, as amended, Hurtado. Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.

The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation.

This bill would exempt from the Advanced Clean Fleets Regulation, or any similar regulation, vehicles reasonably anticipated to respond to emergency situations, or that support those efforts. The bill would prohibit the state board from requiring a state or local government fleet owner to provide documentation showing an executed zero-emissions vehicle purchase agreement in order to count an internal combustion engine vehicle as a zero-emissions vehicle purchase for purposes of postponing a zero-emissions vehicle transition mandate in the Advanced Clean Fleets Regulation.

SB 554, as amended, Jones. Law enforcement: immigration enforcement.

Existing law, the California Values Act, generally prohibits California law enforcement agencies from investigating, interrogating, detaining, detecting, or arresting persons for immigration enforcement purposes, including providing information regarding a person's release date or responding to requests for notification by providing release dates or other information, as specified. The existing law provides that local law enforcement agency responses to federal immigration enforcement requests for assistance are not required, but are permitted in various specified instances, provided that they do not violate any local law or policy. Existing law provides the above-described prohibition does not prevent a California law enforcement agency from performing certain limited exceptions to this prohibition that do not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating. Existing law provides a law enforcement official with discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act.

This bill would provide that local law enforcement agency responses to federal immigration requests relating to a person's release date from jail would be permitted. The bill would also prohibit a local agency, as defined, from enacting an ordinance imposing additional restrictions and prohibitions on local law enforcement related to immigration enforcement than what state law restricts or prohibits. The bill would deem void an ordinance enacted by a local agency prior to January 1, 2026, that violates the above-described provisions. The bill would instead require a law enforcement official to cooperate with immigration authorities only if doing so would not violate any federal or state law or policy, and where permitted by the California Values Act. By imposing new duties on local agencies, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

SB 329, as amended, Blakespear and Umberg. Alcohol and drug recovery or treatment facilities: investigations.

As summarized by the League of California Cities, SB 329 requires the California Department of Health Care Services (DHCS) to complete timely investigations into complaints about alcohol or drug treatment facilities. While existing law requires DHCS to investigate complaints against licensed alcohol and drug treatment facilities, it does not establish timelines for completing those investigations. SB 329 sets clear, reasonable deadlines—aligned with existing DHCS policy—to enhance public transparency and ensure providers are held accountable for delivering high-quality treatment and care.

AB 492, as introduced, Valencia. Alcohol and drug programs: licensing.

As summarized by the League of California Cities, AB 492 would require the Department of Health Care Services (DHCS) to notify cities anytime a new alcohol and drug treatment facility is approved in their jurisdiction.

AB 424, as amended, Davies. Alcohol and other drug programs: complaints.

As summarized by the League of California Cities, AB 424 would require DHCS to notify individuals at three key points: when their complaint is received when the investigation concludes, and the outcome of the investigation. Currently, DHCS does not automatically provide this information. Instead, complainants must file a Public Records Act (PRA) request, which can take months—sometimes over a year—to receive a response.

SB 79, as amended, Wiener. Planning and zoning: housing development: transit-oriented development.

As summarized by the League of California Cities, this bill requires cities to ministerially approve higher-density residential projects — up to 7 stories — near public transit stops, regardless of zoning codes. SB 79 limits the use of local development standards and allows transit agencies full land-use authority over residential and commercial development on property they own or lease, without any requirement that developers build housing, let alone affordable housing.

AB 942, as amended, Calderon. Net energy metering: eligible customer-generators: tariffs.

Assembly Bill 942 proposes phasing out legacy Net Energy Metering (NEM) programs by requiring customer-generators who have participated in NEM 1.0 or 2.0 for 10 or more years to transition to a new tariff adopted after December 1, 2022, beginning July 1, 2026. The bill also requires new property owners who purchase homes with existing renewable energy systems to adopt the new tariff and disqualifies both groups from certain credits and incentives, such as the avoided cost calculator plus glide path and greenhouse gas allowance credits. The bill authorizes the Public Utilities Commission to adopt new tariffs for these customers if they reduce cost impacts on non-participating customers and includes provisions related to regulatory authority, emissions reduction programs, and potential local government impacts.

AB 647, as amended, Gonzalez. Housing Development Approvals: Residential Units.

As summarized by the League of California Cities, AB 647 would empower developers to bulldoze nearly any home and replace it with eight new units. Once those units are constructed, Government Code Section 66323(a)(4) requires local jurisdictions to allow up to an additional eight ADUs on the same lot, bringing the total allowable units to sixteen, while simultaneously ignoring existing height limits, density requirements, and parking standards.

BACKGROUND

At the March 4, 2025, City Council meeting, during Council comments, staff received direction from the Council to prepare an agenda item to consider sending a letter of support for Senate Bill 496 (Hurtado) and Senate Bill 554 (Jones). Staff met with Police Chief Fleming, who is also in support of submitting a letter of support for SB 554.

Additionally, the League of California Cities has recommended submitting letters of support for the following bills: Senate Bill 329 (Blakespear), Assembly Bill 492 (Valencia), and Assembly Bill 424 (Davies).

For Senate Bill 79 (Wiener), Assembly Bill 942 (Calderon), and Assembly Bill 647 (Gonzalez) the League of California Cities has recommended submitting a letter of opposition.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The recommended positions on these bills are in the best interest of the City.

ACTIONS FOLLOWING APPROVAL

Staff will send letters with the Mayor's signature.

CONFLICT OF INTEREST

None.

Prepared by: Paul Armendariz, Interim Assistant City Manager

Reviewed by: City Manager *AA*

AMENDED IN SENATE APRIL 7, 2025

SENATE BILL

No. 496

Introduced by Senator Hurtado
(Coauthors: Senators Archuleta and Niello)
 (Coauthor: Assembly Member Alanis)

February 19, 2025

An act to add Article 6 (commencing with Section 43850) and Article 6.2 (commencing with Section 43860) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 496, as amended, Hurtado. Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources.

Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced

Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances.

This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified governmental and nongovernmental entities. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website. The bill would require the state board to consider a recommendation of the committee at a public meeting no later than 60 days after the recommendation is made.

~~This bill would expand the emergency vehicle exemption under exempt from the Advanced Clean Fleets Regulation or any similar regulation, as specified. The bill, with respect to requirements applicable to state and local government fleets under the Advanced Clean Fleets Regulation, would modify the requirements of the daily usage exemption and regulation vehicles reasonably anticipated to respond to emergency situations, or that support those efforts. The bill would prohibit the state board from requiring the a state or local government fleet owner to provide documentation showing the an executed zero-emissions vehicle purchase agreement in order to qualify for a specified extension to comply with certain requirements of the regulation. count an internal combustion engine vehicle as a zero-emissions vehicle purchase for purposes of postponing a zero-emissions vehicle transition mandate in the Advanced Clean Fleets Regulation.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 6 (commencing with Section 43850) is
- 2 added to Chapter 4 of Part 5 of Division 26 of the Health and Safety
- 3 Code, to read:

Article 6. Advanced Clean Fleets Regulation Appeals Advisory
Committee

43850. For purposes of this article, the following definitions
apply:

(a) “Advanced Clean Fleets Regulation” means Article 3.2
(commencing with Section 2013) of, Article 3.3 (commencing
with Section 2014) of, Article 3.4 (commencing with Section 2015)
of, and Article 3.5 (commencing with Section 2016) of, Chapter
1 of Division 3 of Title 13 of the California Code of Regulations.

(b) “Committee” means the Advanced Clean Fleets Regulation
Appeals Advisory Committee established pursuant to Section
43851.

(c) “Electrical corporation” has the same meaning as defined
in Section 218 of the Public Utilities Code.

43851. (a) (1) On or before ____, the state board shall
establish the Advanced Clean Fleets Regulation Appeals Advisory
Committee.

(2) The committee shall review appeals of denied requests for
exemptions or time extensions from the requirements of the
Advanced Clean Fleets Regulation and make recommendations
to the state board with respect to the denial of the exemption or
time extension request.

(b) The committee shall be composed of all of the following:

(1) One representative of the state board who is appointed by
the state board.

(2) One representative of the Public Utilities Commission who
is appointed by the Public Utilities Commission.

(3) One representative of the State Energy Resources
Conservation and Development Commission who is appointed by
the State Energy Resources Conservation and Development
Commission.

(4) One representative of the Department of General Services
who is appointed by the Director of General Services.

(5) One representative of the Department of Transportation who
is appointed by the Director of Transportation.

(6) One representative of a transit agency who is appointed by
the state board.

(7) One representative of a regional transportation agency who
is appointed by the state board.

1 (8) (A) No fewer than 13 and no more than 21 members selected
 2 by the state board from any of the following categories:
 3 (i) (I) Private fleet owners.
 4 (II) No less than 25 percent of the members appointed pursuant
 5 to this paragraph shall be private fleet owners.
 6 (ii) (I) State and local government representatives with expertise
 7 relating to government fleets.
 8 (II) No less than 25 percent of the members appointed pursuant
 9 to this paragraph shall be public fleet managers.
 10 (iii) Representatives of electrical corporations.
 11 (iv) Electric vehicle manufacturing industry experts.
 12 (v) Representatives of environmental and environmental justice
 13 groups.
 14 (vi) Representatives of labor groups.
 15 (B) Members appointed pursuant to this paragraph shall serve
 16 on the committee for a minimum of one year and a maximum of
 17 three years.
 18 43852. (a) The committee shall meet monthly on an evenly
 19 spaced schedule.
 20 (b) (1) Meetings of the committee shall be open to the public
 21 in accordance with the requirements of the Bagley-Keene Open
 22 Meeting Act (Article 9 (commencing with Section 11120) of
 23 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
 24 Code).
 25 (2) Meetings of the committee shall be recorded and the
 26 recording of each meeting shall be made publicly available on the
 27 state board's internet website.
 28 (3) It is the intent of the Legislature that members of the
 29 committee review materials relating to committee meetings and
 30 engage in constructive dialogue in all meetings.
 31 (c) The representative of the state board shall be the nonvoting
 32 chair of the committee.
 33 (d) A quorum shall consist of a majority of the voting members
 34 appointed to the committee at the time of a meeting. Any action
 35 requires a majority vote of the members present at a meeting at
 36 which there is a quorum.
 37 43853. (a) If the state board denies an application for an
 38 exemption or time extension from any requirement of the Advanced
 39 Clean Fleets Regulation, the applicant may appeal the denial to
 40 the committee.

(b) No later than 60 days after the applicant appeals the denial of the exemption or time extension request to the committee, the committee shall consider the appeal at a meeting and make a recommendation to the state board regarding whether the exemption or time extension request should have been denied.

(c) The chair of the committee shall serve as the liaison between the committee and the state board, and shall report the actions and recommendations of the committee to the state board.

(d) For each appeal to the committee, all of the following information shall be made publicly available on the state board's internet website:

(1) The applicant's original request for an exemption or time extension from any requirement of the Advanced Clean Fleets Regulation and any accompanying information submitted by the applicant.

(2) All materials of the state board relating to the denial of the exemption or time extension request.

(3) The appeal and any accompanying information submitted by the applicant.

(4) The minutes of the meeting during which the appeal was considered.

(e) No later than 60 days after the committee makes a recommendation pursuant to subdivision (b), the state board shall consider the recommendation at a public meeting of the state board.

SEC. 2. Article 6.2 (commencing with Section 43860) is added to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, to read:

Article 6.2. Advanced Clean Fleets Regulation

43860. For purposes of this article, "Advanced Clean Fleets Regulation" means Article 3.2 (commencing with Section 2013) of, Article 3.3 (commencing with Section 2014) of, Article 3.4 (commencing with Section 2015) of, and Article 3.5 (commencing with Section 2016) of, Chapter 1 of Division 3 of Title 13 of the California Code of Regulations.

43861. For purposes of the Advanced Clean Fleets Regulation, or a similar regulation adopted by the state board, vehicles reasonably anticipated to respond to emergency situations, or that support those efforts, ~~and vehicles reasonably anticipated to be~~

used by disaster services workers, as described in Section 3100 of the Government Code, for purposes of responding to the disaster for which they have been activated, are exempt to the same extent as authorized emergency vehicles as defined in Section 165 of the Vehicle Code.

43862. For purposes of the extension authorized in paragraph (3) of subdivision (n) of Section 2013, and subdivision (c) of Section 2013.1, of Title 13 of the California Code of Regulations, the state board shall not require a fleet owner to submit documentation showing the executed zero-emissions vehicle purchase agreement in order to qualify for that extension.

~~43863. (a) The state board shall not administer the daily usage exemption established pursuant to subdivision (b) of Section 2013.1 of Title 13 of the California Code of Regulations in accordance with the criteria set forth in that subdivision. Instead, the state board shall administer the daily usage exemption established pursuant to that subdivision in accordance with the criteria set forth in subdivision (b).~~

~~(b) Fleet owners may request an exemption as specified in paragraph (2) of subdivision (n) of Section 2013 of Title 13 of the California Code of Regulations to purchase a new internal combustion engine (ICE) vehicle of the same configuration as an ICE vehicle being replaced as specified in paragraph (1) of subdivision (b) of Section 2013.1 of Title 13 of the California Code of Regulations if no new battery-electric vehicle (BEV) is available to purchase that can meet the demonstrated daily usage needs of any existing vehicles of the same configuration in the fleet, as determined by the criteria specified in paragraphs (2) to (5), inclusive, of subdivision (b) of Section 2013.1 of Title 13 of the California Code of Regulations. If approved, fleet owners shall place their new ICE vehicle orders within one year from the date the exemption is granted. The executive officer of the state board shall not approve exemption requests for a vehicle configuration that is available to purchase as a near-zero-emissions vehicle. The fleet owner shall submit the following information by email to TRUCRS@arb.ca.gov to apply:~~

~~(1) The make, model, weight class, configuration, and a photograph of the ICE vehicle to be replaced.~~

~~(2) The BEV that is available to purchase in the same weight class and configuration with the highest rated energy capacity~~

1 available. The fleet owner shall submit the make, model, weight
2 class, configuration, and rated energy capacity of the identified
3 BEV.

4 (3) (A) The BEV manufacturer's available full state of charge
5 minimum and maximum range specifications in ideal and
6 less-than-ideal conditions, including when operated in ambient
7 temperatures below 45 and above 90 degrees Fahrenheit and when
8 operated under maximum towing capacity loads and climbing road
9 grades with a minimum 5-percent grade for four miles. If this
10 information is not available from the BEV manufacturer, a
11 20-percent reduction in maximum range shall be used for a range
12 comparison to an ICE vehicle's range data. For vehicles that
13 operate truck-mounted or integrated equipment while stationary,
14 in lieu of supplying the BEV manufacturer's range specifications
15 based on vehicle miles traveled, the needed rated energy capacity
16 is the same as the measured BEV energy use specified in
17 subparagraph (B). The fleet owner shall submit the calculation and
18 results.

19 (B) In lieu of providing BEV manufacturer minimum and
20 maximum range specifications as specified in subparagraph (A);
21 fleet owners may instead submit measured fuel burn rate data from
22 ICE vehicles of the same configuration already operated on similar
23 daily assignments to substantiate their exemption request.
24 Information shall include vehicle loading and weight data, route
25 grade, low and high ambient temperatures, and vehicle miles
26 traveled per day, for three consecutive business days. For vehicles
27 that operate truck-mounted or integrated equipment while
28 stationary, the fuel burn rate data shall also include fuel used while
29 stationary truck-mounted or integrated equipment is operated each
30 day.

31 (4) A description of the daily assignments or routes used by
32 existing vehicle configurations with an explanation as to why no
33 new BEVs available to purchase of the same weight class and
34 configuration can be charged or refueled during the workday at
35 the depot, within one mile of the routes, or where ZEV fueling
36 infrastructure is available. The explanation shall include a
37 description of why charging could not be managed during driver
38 rest periods or breaks during the workday.

39 (5) In granting or denying the exemption request, the executive
40 officer of the state board shall rely on the information submitted

SB 496

— 8 —

1 by the applicant and use their good engineering judgment to
2 determine whether the information meets the criteria specified in
3 this subdivision. The executive officer shall include information
4 regarding their years of related vehicle engineering experience,
5 certifications, and any professional engineering licenses they have
6 with a denied exemption request.

O



May 13, 2025

The Honorable Melissa Hurtado
California State Senate
1021 O Street, Suite 6510
Sacramento, California 95814

RE: Letter of Support – Senate Bill 496 (Hurtado): Advanced Clean Fleets

Dear Senator Hurtado,

The City of Clovis is pleased to support your Senate Bill 496, related to the Advanced Clean Fleets mandates. The City of Clovis provides several essential municipal services, such as public safety including Police and Fire emergency services, sanitation, water supply, and public transportation.

Local agencies like ours continue to do our part in achieving the State's climate and emissions goals. SB 496 will enable us to better meet this challenge and effectively navigate the current Advanced Clean Fleets (ACF) mandates and their associated ambitious compliance deadlines. Of critical concern to our community, the ACF mandates on local agencies are creating unnecessary challenges in complying while maintaining the many critical services Californians rely upon for their most essential daily needs as well as during emergencies and disasters.

SB 496 will provide some relief to local agencies by establishing an Appeals Advisory Committee by which local agencies may request a review of exemption request denials. This ensures transparency while protecting due process for those seeking further review.

Additionally, SB 496 would update the emergency vehicle exemption, allowing those vehicles that respond to and support critical operations related to emergencies and disasters, often under austere conditions, to continue to protect our communities.

SB 496 also promotes affordability amid rapidly rising cost pressures on essential local services by averting the costly acquisition of ZEVs before it is possible to install the infrastructure required to use them.

These improvements to the ACF will protect the health and safety of Californians, avoid unnecessary costs detrimental to our shared long-term goals, and ensure that local agencies can continue to work diligently to decarbonize their fleet operations and comply with the ACF without being penalized for factors beyond their control. For these reasons City of Clovis is pleased to support your Senate Bill 496. Please feel free to contact us with any questions.

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

AMENDED IN SENATE APRIL 21, 2025

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 554

Introduced by Senator Jones
(Coauthors: Senators Alvarado-Gil, Choi, Dahle, Grove, Niello,
Ochoa Bogh, Seyarto, and Valladares)

February 20, 2025

An act to amend Sections 7282.5 and 7284.6 ~~of, and to add Section 7284.7 to,~~ of the Government Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 554, as amended, Jones. Law enforcement: immigration enforcement.

Existing law, the California Values Act, generally prohibits California law enforcement agencies from investigating, interrogating, detaining, detecting, or arresting persons for immigration enforcement purposes, including providing information regarding a person's release date or responding to requests for notification by providing release dates or other information, as specified. Existing law provides that responses are never required, but are permitted, provided that they do not violate any local law or policy. Existing law provides the above-described prohibition does not prevent a California law enforcement agency from performing certain limited exceptions to this prohibition that do not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating. Existing law provides a law enforcement official with discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act.

This bill would instead provide that responses relating to a person's release date, as described above, are ~~permitted~~ *required*. The bill would instead require a California law enforcement agency to perform certain limited exceptions to the prohibition, as specified. ~~The bill would prohibit a local agency, as defined, from enacting an ordinance that would impose any additional prohibitions other than those described above on California law enforcement agencies related to immigration enforcement. The bill would deem void an ordinance enacted by a local agency prior to January 1, 2026, that violates the above-described provisions.~~ The bill would instead require a law enforcement official to cooperate with immigration authorities only if doing so would not violate any federal or state law or policy, and where permitted by the California Values Act. By imposing new duties on local agencies, this bill would impose a state-mandated local program.

~~The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7282.5 of the Government Code is
2 amended to read:
3 7282.5. (a) A law enforcement official shall cooperate with
4 immigration authorities only if doing so would not violate any
5 federal or state law or policy, and where permitted by the California
6 Values Act (Chapter 17.25 (commencing with Section 7284)).
7 Additionally, the specific activities described in subparagraph (C)
8 of paragraph (1) of subdivision (a) of, and in paragraph (4) of
9 subdivision (a) of, Section 7284.6 shall only occur under the
10 following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not

limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

1 (Y) A hate crime, as specified in, but not limited to, Section
2 422.55 of the Penal Code.

3 (Z) Stalking, as specified in, but not limited to, Section 646.9
4 of the Penal Code.

5 (AA) Soliciting the commission of a crime, as specified in, but
6 not limited to, subdivision (c) of Section 286 of, and Sections 653j
7 and 653.23 of, the Penal Code.

8 (AB) An offense committed while on bail or released on their
9 own recognizance, as specified in, but not limited to, Section
10 12022.1 of the Penal Code.

11 (AC) Rape, sodomy, oral copulation, or sexual penetration, as
12 specified in, but not limited to, paragraphs (2) and (6) of
13 subdivision (a) of Section 261 of, paragraphs (1) and (4) of
14 subdivision (a) of Section 262 of, Section 264.1 of, subdivisions
15 (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section
16 287 or of former Section 288a of, and subdivisions (a) and (j) of
17 Section 289 of, the Penal Code.

18 (AD) Kidnapping, as specified in, but not limited to, Sections
19 207, 209, and 209.5 of the Penal Code.

20 (AE) A violation of subdivision (c) of Section 20001 of the
21 Vehicle Code.

22 (4) The individual is a current registrant on the California Sex
23 and Arson Registry.

24 (5) The individual has been convicted of a federal crime that
25 meets the definition of an aggravated felony as set forth in
26 subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection
27 (a) of Section 101 of the federal Immigration and Nationality Act
28 (8 U.S.C. Sec. 1101), or is identified by the United States
29 Department of Homeland Security's Immigration and Customs
30 Enforcement as the subject of an outstanding federal felony arrest
31 warrant.

32 (6) In no case shall cooperation occur pursuant to this section
33 for individuals arrested, detained, or convicted of misdemeanors
34 that were previously felonies, or were previously crimes punishable
35 as either misdemeanors or felonies, prior to passage of the Safe
36 Neighborhoods and Schools Act of 2014 as it amended the Penal
37 Code.

38 (b) In cases in which the individual is arrested and taken before
39 a magistrate on a charge involving a serious or violent felony, as
40 identified in subdivision (c) of Section 1192.7 or subdivision (c)

1 of Section 667.5 of the Penal Code, respectively, or a felony that
 2 is punishable by imprisonment in state prison, and the magistrate
 3 makes a finding of probable cause as to that charge pursuant to
 4 Section 872 of the Penal Code, a law enforcement official shall
 5 cooperate with immigration officials pursuant to subparagraph (C)
 6 of paragraph (1) of subdivision (a) of Section 7284.6.

7 SEC. 2. Section 7284.6 of the Government Code is amended
 8 to read:

9 7284.6. (a) California law enforcement agencies shall not:

10 (1) Use agency or department moneys or personnel to
 11 investigate, interrogate, detain, detect, or arrest persons for
 12 immigration enforcement purposes, including any of the following:

13 (A) Inquiring into an individual's immigration status.

14 (B) Detaining an individual on the basis of a hold request.

15 (C) Providing information regarding a person's release date or
 16 responding to requests for notification by providing release dates
 17 or other information unless that information is available to the
 18 public, or is in response to a notification request from immigration
 19 authorities in accordance with Section 7282.5. Responses are
 20 ~~permitted~~ *required* under this subdivision.

21 (D) Providing personal information, as defined in Section 1798.3
 22 of the Civil Code, about an individual, including, but not limited
 23 to, the individual's home address or work address unless that
 24 information is available to the public.

25 (E) Making or intentionally participating in arrests based on
 26 civil immigration warrants.

27 (F) Assisting immigration authorities in the activities described
 28 in Section 1357(a)(3) of Title 8 of the United States Code.

29 (G) Performing the functions of an immigration officer, whether
 30 pursuant to Section 1357(g) of Title 8 of the United States Code
 31 or any other law, regulation, or policy, whether formal or informal.

32 (2) Place peace officers under the supervision of federal agencies
 33 or employ peace officers deputized as special federal officers or
 34 special federal deputies for purposes of immigration enforcement.
 35 All peace officers remain subject to California law governing
 36 conduct of peace officers and the policies of the employing agency.

37 (3) Use immigration authorities as interpreters for law
 38 enforcement matters relating to individuals in agency or department
 39 custody.

1 (4) Transfer an individual to immigration authorities unless
2 authorized by a judicial warrant or judicial probable cause
3 determination, or in accordance with Section 7282.5.

4 (5) Provide office space exclusively dedicated for immigration
5 authorities for use within a city or county law enforcement facility.

6 (6) Contract with the federal government for use of California
7 law enforcement agency facilities to house individuals as federal
8 detainees for purposes of civil immigration custody, except
9 pursuant to Chapter 17.8 (commencing with Section 7310).

10 (b) Notwithstanding the limitations in subdivision (a), a
11 California law enforcement agency shall perform all of the
12 following:

13 (1) Investigating, enforcing, or detaining upon reasonable
14 suspicion of, or arresting for a violation of, Section 1326(a) of
15 Title 8 of the United States Code that may be subject to the
16 enhancement specified in Section 1326(b)(2) of Title 8 of the
17 United States Code and that is detected during an unrelated law
18 enforcement activity. Transfers to immigration authorities are
19 permitted under this subsection only in accordance with paragraph
20 (4) of subdivision (a).

21 (2) Responding to a request from immigration authorities for
22 information about a specific person's criminal history, including
23 previous criminal arrests, convictions, or similar criminal history
24 information accessed through the California Law Enforcement
25 Telecommunications System (CLETS), where otherwise permitted
26 by state law.

27 (3) Conducting enforcement or investigative duties associated
28 with a joint law enforcement task force, including the sharing of
29 confidential information with other law enforcement agencies for
30 purposes of task force investigations, so long as the following
31 conditions are met:

32 (A) The primary purpose of the joint law enforcement task force
33 is not immigration enforcement, as defined in subdivision (f) of
34 Section 7284.4.

35 (B) The enforcement or investigative duties are primarily related
36 to a violation of state or federal law unrelated to immigration
37 enforcement.

38 (4) Making inquiries into information necessary to certify an
39 individual who has been identified as a potential crime or
40 trafficking victim for a T or U Visa pursuant to Section

1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Division 10 (commencing with Section 7920.000)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's internet website.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

~~SEC. 3. Section 7284.7 is added to the Government Code, to read:~~

~~7284.7. (a) A local agency shall not enact an ordinance that would impose any additional prohibitions other than those in this chapter on California law enforcement agencies related to immigration enforcement.~~

~~(b) An ordinance enacted by a local agency prior to January 1, 2026, that violates this section shall be deemed void.~~

~~(c) For purposes of this section, "local agency" has the same meaning as defined in Section 54951.~~

~~SEC. 4. The Legislature finds and declares that Sections 1, 2, and 3 of this act amending Sections 7282.5 and 7284.6 of, and adding Section 7284.7 to, the Government Code address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.~~

1 ~~Therefore, Sections 1, 2, and 3 of this act apply to all cities,~~
2 ~~including charter cities.~~

3 ~~SEC. 5.~~

4 *SEC. 3.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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CITY of CLOVIS
— CLOVIS CITY COUNCIL —

May 13, 2025

The Honorable Brian W. Jones
California State Senate
1021 O Street, Suite 7640
Sacramento, CA 95814

RE: Letter of Support – SB 554 (Jones) Law Enforcement: immigration enforcement

Dear Senator Jones,

The City of Clovis is pleased to support SB 554 (Jones), which aims to enhance cooperation between state and federal law enforcement regarding illegal immigration enforcement. The City of Clovis believes this legislation is crucial for ensuring the safety and security of our communities.

The arguments supporting SB 554 are undeniably compelling, directly addressing critical public safety concerns. The primary strength of this bill lies in its ability to prioritize public safety by facilitating the removal of serious criminals from our communities, regardless of immigration status. By focusing on individuals convicted of specific, severe offenses, SB 554 empowers law enforcement to effectively address those who pose a direct threat. Moreover, the bill's emphasis on improved information sharing between local and federal authorities, including the sharing of release date information, will enable more efficient tracking and apprehension of dangerous individuals, preventing their reintroduction into our neighborhoods. This proactive approach is essential for significantly reducing the potential for re-offending and ensuring the safety of our citizens.

Furthermore, SB 554 provides much-needed clarity and consistency for local law enforcement agencies. By establishing a statewide standard, the bill eliminates the current confusion and ambiguity surrounding illegal immigration enforcement responsibilities. This uniformity is crucial for ensuring that all communities across the state adhere to the same standards, allowing law enforcement agencies to operate effectively without the burden of conflicting local ordinances. This clarity will also serve to mitigate

potential legal liability for these agencies, providing them with a clear framework for action.

Additionally, by restricting local jurisdictions from enacting further limitations on cooperation with U.S. Immigration and Customs Enforcement, SB 554 upholds state law and ensures that statewide policies are not undermined. This is of paramount importance for maintaining a consistent and effective approach to public safety across California. A fragmented approach, where local ordinance contradict state law, undermines the very purpose of statewide policy.

Finally, the specific provisions within SB 554 are essential for protecting public safety and improving communication between agencies. The mandated cooperation in specific cases, combined with the clarification of release date sharing permissibility, are vital tools that will enable law enforcement to effectively address threats to our communities. These targeted provisions are not arbitrary, but rather carefully crafted to enhance the efficacy of law enforcement in safeguarding our state.

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

AMENDED IN SENATE MARCH 28, 2025

SENATE BILL

No. 329

Introduced by ~~Senator Blakespear~~ *Senators Blakespear and Umberg*
(~~Coauthor: Senator Umberg~~)
(Coauthors: Assembly Members Davies and Dixon)

February 11, 2025

An act to add Section 11834.11 to the Health and Safety Code, relating to alcohol and drug programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 329, as amended, Blakespear. Alcohol and drug recovery or treatment facilities: investigations.

Existing law provides for the licensure and regulation of alcohol or other drug recovery or treatment facilities by the State Department of Health Care Services. Existing law prohibits operating an alcohol or other drug recovery or treatment facility to provide recovery, treatment, or detoxification services within this state without first obtaining a current valid license. If a facility is alleged to be providing those services without a license, existing law requires the department to conduct a site visit to investigate the allegation. Existing law also authorizes the department to conduct announced or unannounced site visits to licensed facilities for the purpose of reviewing them for compliance, as specified.

This bill would require the department to assign a complaint *under its jurisdiction* regarding an alcohol or other drug recovery or treatment facility to an analyst for investigation within 10 days of receiving the complaint. *If the department receives a complaint that does not fall under its jurisdiction, the bill would require the department to notify the complainant, in writing, that it does not investigate that type of complaint.* The bill would require the department to complete an

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ATTACHMENT 5

investigation into a complaint regarding a facility within 60 days of receiving the complaint. *assigning the complaint unless the department requires additional resources, as specified, to complete the investigation. If the department is not able to complete an investigation within 60 days, the bill would require the department to notify the complainant, in writing, of the reason for the delay.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11834.11 is added to the Health and
2 Safety Code, to read:
3 11834.11. The department shall ~~complete~~ *conduct* an
4 investigation into a complaint regarding an alcohol or other drug
5 recovery or treatment facility in accordance with both of the
6 ~~following requirements:~~ *following:*
7 (a) ~~The~~ *(1) If the department determines that it has jurisdiction*
8 *over a complaint, the department shall assign a complaint to an*
9 *analyst for investigation within 10 days of receiving the complaint.*
10 *(2) If the department receives a complaint that does not fall*
11 *under its jurisdiction, the department shall notify the complainant*
12 *in writing, including through electronic means, that it does not*
13 *investigate that type of complaint.*
14 (b) *(1) The department shall complete an investigation within*
15 *60 days of receiving the complaint. assigning the complaint unless*
16 *the department requires either of the following:*
17 *(A) Assistance from local or other state agencies to complete*
18 *the investigation.*
19 *(B) Significant additional resources to complete the*
20 *investigation, as determined by the department.*
21 *(2) If the department is not able to complete an investigation*
22 *within 60 days, the department shall notify the complainant in*
23 *writing, including through electronic means, of the reason for the*
24 *delay.*

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CITY of CLOVIS
— CLOVIS CITY COUNCIL —

May 13, 2025

The Honorable Catherine Blakespear
California State Senate
1021 O Street, Room 7720
Sacramento, CA 95814

RE: Letter of Support – SB 329 (Blakespear) Alcohol and drug recovery or treatment facilities: Investigations

Dear Senator Blakespear,

The City of Clovis is pleased to support SB 329 (Blakespear), which would require the California Department of Health Care Services (DHCS) to complete timely investigations into complaints about alcohol or drug treatment facilities.

While existing law requires DHCS to investigate complaints against licensed alcohol and drug treatment facilities, it does not establish timelines for completing those investigations. SB 329 sets clear, reasonable deadlines—aligned with existing DHCS policy—to enhance public transparency and ensure providers are held accountable for delivering high-quality treatment and care.

A recent state audit on drug and alcohol treatment facilities in California confirmed what cities across California have been saying for years: DHCS does not always promptly or thoroughly investigate complaints. Twenty-two of the 60 investigations the audit reviewed took over a year to complete, with ten of those investigations taking more than 600 days. Delays like these allow serious problems to go unchecked, jeopardizing the health and safety of those receiving care and the broader community.

Residential recovery housing provides a wide range of benefits to some of California's most vulnerable residents and it is critical that their needs are prioritized over profits. Compliance with state licensing laws administered through the Department of Health Care Services is essential to safeguarding residents' well-being and maintaining quality care.

For these reasons, the City of Clovis is pleased to support SB 329 (Blakespear).

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

ASSEMBLY BILL**No. 492****Introduced by Assembly Member Valencia**

(Principal coauthor: Senator Umberg)

**(Coauthors: Assembly Members Davies, Dixon, and Petrie-Norris,
and Sanchez)**

February 10, 2025

An act to amend Section 11834.09 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 492, as introduced, Valencia. Alcohol and drug programs: licensing.

Under existing law, the State Department of Health Care Services is responsible for administering prevention, treatment, and recovery services for alcohol and drug abuse and problem gambling. Existing law authorizes the department to issue a license to operate an alcohol or other drug recovery or treatment facility upon receipt of a completed written application, fire clearance, and licensing fee, as specified.

This bill would require the department, whenever it issues a license to operate an alcohol or other drug recovery or treatment facility, to concurrently provide written notification of the issuance of the license to the city or county in which the facility is located. The bill would require the notice to include the name and mailing address of the licensee and the location of the facility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11834.09 of the Health and Safety Code is amended to read:

11834.09. (a) (1) The department may issue a single license to operate an alcohol or other drug recovery or treatment facility upon receipt of a completed written application, fire clearance, and licensing fee subject to the department's review and determination that the applicant can comply with this chapter and regulations adopted pursuant to this chapter.

(2) *Whenever the department issues a license pursuant to paragraph (1), the department shall concurrently provide written notification of the issuance of the license to the city in which the facility is located. If the facility is located within an unincorporated area, the notice shall instead be provided to the county. The notice shall include the name and mailing address of the licensee and the location of the facility.*

(b) Failure to submit a completed written application, fire clearance, and payment of the required licensing fee in a timely manner shall result in termination of the department's licensure review and shall require submission of a new application by the applicant.

(c) Failure of the applicant to demonstrate the ability to comply with this chapter or the regulations adopted pursuant to this chapter shall result in departmental denial of the application for licensure.

(d) Initial licenses for new facilities shall be provisional for one year. During the term of the provisional license, the department may revoke the license for good cause. For the purposes of this section, "good cause" means failure to operate in compliance with this chapter or the regulations adopted pursuant to this chapter. A licensee may not reapply for an initial license for five years following a revocation of a provisional license.

(e) On or before July 1, 2022, the department shall adopt regulations to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(f) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, the department may implement, interpret, or make specific this section by means of provider

1 bulletins, written guidelines, or similar instructions, until
 2 regulations are adopted.

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5 **REVISIONS:**

6 **Heading—Line 3.**

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May 13, 2025

The Honorable Avelino Valencia
California State Assembly
1021 O Street, Room 5510
Sacramento, CA 95814

RE: Letter of Support – AB 492 (Valencia) Alcohol and drug programs: licensing

Dear Assembly Member Valencia,

The City of Clovis is pleased to support AB 492 (Valencia), which would require the Department of Health Care Services (DHCS) to notify cities anytime a new alcohol and drug treatment facility is approved in their jurisdiction.

California has 2,043 alcohol and drug treatment facilities and DHCS is not currently required to notify local governments when approving licenses, leaving cities in the dark about the operation of new facilities within their jurisdictions. This lack of communication can make it challenging to address community concerns, maintain public safety, and ensure that recovery and treatment programs are effectively integrated into local communities.

AB 492 would enable cities to better coordinate services and identify emerging trends and potential gaps in the state's approach to treatment needs. Similar notification requirements are already in place for liquor licenses, cannabis businesses, and syringe exchange programs.

A recent state audit on drug and alcohol treatment facilities in California confirmed what cities across California have been saying for years: There is an overconcentration of recovery housing in residential neighborhoods. AB 492 takes a critical step forward by keeping cities informed and enhancing their collaboration with the state to more effectively address substance use treatment needs.

For these reasons, the City of Clovis is pleased to support AB 492 (Valencia).

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

AMENDED IN ASSEMBLY MARCH 19, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 424

Introduced by Assembly Member Davies

February 5, 2025

An act to add Section 11834.33 to the Health and Safety Code, relating to alcohol and other drug programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 424, as amended, Davies. Alcohol and other drug programs: complaints.

Existing law provides for the licensure and regulation of alcohol or other drug recovery or treatment facilities serving adults by the State Department of Health Care Services, as prescribed. Existing law prohibits the operation, establishment, management, conduct, or maintenance of an alcohol or other drug recovery or treatment facility to provide recovery, treatment, or detoxification services within this state without first obtaining a current valid license.

This bill would, when the department receives a complaint against a licensed alcohol or other drug recovery or treatment facility, or a complaint alleging that a facility is unlawfully operating without a license, from a member of the public, require the department to provide, within ~~30~~ 10 days of the date of the complaint, notice to the person filing the complaint that the complaint has been received and to provide, upon closing the complaint, notice to the person filing the complaint that the complaint has been closed and whether the department found the facility to be in violation of the provisions governing facility licensure and regulation.

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ATTACHMENT 9

AB 424

— 2 —

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.33 is added to the Health and
- 2 Safety Code, to read:
- 3 11834.33. When the department receives a complaint against
- 4 an alcohol or other drug recovery or treatment facility licensed
- 5 pursuant to this chapter, or against a facility alleged to be in
- 6 violation of Section 11834.30, from a member of the public, the
- 7 department shall do both of the following:
- 8 (a) Within ~~30~~ 10 days of the date of the complaint, provide
- 9 notice to the person filing the complaint that the complaint has
- 10 been received.
- 11 (b) Upon closing the complaint, provide notice to the person
- 12 filing the complaint that the complaint has been closed and whether
- 13 the department found the facility to be in violation of this chapter.

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May 13, 2025

The Honorable Laurie Davies
California State Assembly
1021 O Street, Room 4720
Sacramento, CA 95814

RE: Letter of Support – AB 424 (Davies) Alcohol and other drug programs: complaints

Dear Assembly Member Davies,

The City of Clovis is pleased to support AB 424 (Davies), which would provide more transparency into how the Department of Health Care Services (DHCS) processes complaints against licensed alcohol and drug treatment facilities.

Residential recovery housing provides a wide range of benefits to some of California's most vulnerable residents, and it is critical that their needs are prioritized over profits.

Compliance with state licensing laws administered through DHCS is essential to safeguarding residents' well-being and maintaining quality care.

AB 424 would require DHCS to notify individuals at three key points: when their complaint is received when the investigation concludes, and the outcome of the investigation. Currently, [DHCS does not](#) automatically provide this information. Instead, complainants must file a Public Records Act (PRA) request, which can take months—sometimes over a year—to receive a response.

This lack of timely communication creates frustration for both residents and local governments. Cities report that constituents and staff frequently contact DHCS for updates, diverting staff time away from critical investigations. This process fails to instill public confidence in the complaint process, which is leaving communities in the dark about issues that directly impact them.

By improving communication, AB 424 would help cities stay informed and support a more transparent oversight process. For these reasons, the City of Clovis is pleased to support AB 424 (Davies).

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

AMENDED IN SENATE APRIL 23, 2025

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE MARCH 5, 2025

SENATE BILL

No. 79

Introduced by Senator Wiener

January 15, 2025

An act to amend Section 54221 of, and to add Chapter 4.1.5 (commencing with Section 65912.155) to Division 1 of Title 7 of, the Government Code, and to add Section 21080.26.5 to the Public Resources Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as amended, Wiener. Local government land: public transit use: housing development: transit-oriented development.

(1) Existing law prescribes requirements for the disposal of surplus land by a local agency. Existing law defines “surplus land” for these purposes to mean land owned in fee simple by any local agency for which the local agency’s governing body takes formal action declaring that the land is surplus and is not necessary for the agency’s use. Existing law defines “agency’s use” for these purposes to include land that is being used for agency work or operations, as provided. Existing law exempts from this definition of “agency’s use” certain commercial or industrial uses, except that in the case of a local agency that is a district, except a local agency whose primary purpose or mission is to supply the public with a transportation system, “agency’s use” may include commercial or industrial uses or activities, as specified.

This bill would additionally include land leased to support public transit operations in the definition of “agency’s use,” as described above.

The bill would also revise the definition of “agency’s use” with respect to commercial or industrial uses to instead provide that a district or a public transit operator may use land for commercial or industrial uses or activities, as described above.

(2) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that contains certain mandatory elements, including a housing element. Existing law requires that the housing element include, among other things, an assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs, including an inventory of land suitable for residential development, as provided. Existing law, for the 4th and subsequent revisions of the housing element, requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region, as specified, and requires the appropriate council of local governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each locality in the region.

Existing law, the Housing Accountability Act, among other things, requires a local agency that proposes to disapprove a housing development project, as defined, or to impose a condition that the project be developed at a lower density to base its decision on written findings supported by a preponderance of the evidence that specified conditions exist if that project complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time that the application was deemed complete. The act authorizes the applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization to bring an action to enforce the act’s provisions, as provided, and provides for penalties if the court finds that the local agency is in violation of specified provisions of the act.

This bill would require that a housing development project, as defined, proposed within a specified distance of a transit-oriented development (TOD) stop, as defined, be an allowed use on any site zoned for residential, mixed, commercial, or light industrial development, if the development complies with applicable requirements, as specified. The bill would establish requirements concerning height limits, density, and floor area ratio in accordance with a development’s proximity to

specified tiers of TOD stops, as provided. The bill would provide that, for the purposes of the Housing Accountability Act, a proposed development consistent with the applicable standards of these provisions shall be deemed consistent, compliant, and in conformity with prescribed requirements. The bill would provide that a local government that denies a project meeting the requirements of these provisions located in a high-resource area, as defined, would be presumed in violation of the Housing Accountability Act, as specified, and immediately liable for penalties, as provided. The bill would specify that a development proposed pursuant to these provisions is eligible for streamlined, ministerial approval pursuant to specified law, except that the bill would exempt a project under these provisions from specified requirements, and would specify that the project is required to comply with certain affordability requirements, under that law.

This bill would require a proposed development to comply with specified requirements under existing law relating to the demolition of existing residential units. The bill would also authorize a transit agency to adopt objective standards for both residential and commercial development proposed pursuant to these provisions if the development would be constructed on land owned by the transit agency or on which the transit agency has a permanent operating easement, provided that the objective standards allow for the same or greater development intensity as allowed by local standards or applicable state law.

This bill would require the Department of Housing and Community Development to oversee compliance with the bill's provisions, including, but not limited to, promulgating specified standards relating to the inventory of land included within a county's or city's housing element. The bill would permit a local government to adopt an ordinance to implement these provisions, as provided. The bill would require the local government to submit a copy of this ordinance to the department within 60 days of adoption and require the department to review the ordinance for compliance, as specified. If the department finds an ordinance is out of compliance, and the local government does not take specified steps to address compliance, the bill would require the department to notify the local government in writing and authorize the department to notify the Attorney General, as provided.

This bill would define various terms for its purposes and make related findings and declarations.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(3) Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2030, exempts from its requirements certain transportation-related projects if specified requirements are met, as provided. CEQA includes within these exempt transportation-related projects a public project for the institution or increase of bus rapid transit, bus, or light rail service, or other passenger rail service, that will be exclusively used by low-emission or zero-emission vehicles, on existing public rights-of-way or existing highway rights-of-way.

This bill would exempt from CEQA a public or private residential, commercial, or mixed-used project that, at the time the project application is filed, is located entirely or principally on land owned by a public transit agency, or fully or partially encumbered by an existing operating easement in favor of a public transit agency, and meets specified requirements. The bill would provide that, for a project that requires the construction of new passenger rail storage and maintenance facilities at a publicly or privately owned offsite location distinct from the principal project site, that project would be considered a wholly separate project from the project described in these provisions and shall not be exempt from CEQA.

(4) By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54221 of the Government Code is
 2 amended to read:
 3 54221. As used in this article, the following definitions shall
 4 apply:
 5 (a) (1) “Local agency” means every city, whether organized
 6 under general law or by charter, county, city and county, district,
 7 including school, sewer, water, utility, and local and regional park
 8 districts of any kind or class, joint powers authority, successor
 9 agency to a former redevelopment agency, housing authority, or
 10 other political subdivision of this state and any instrumentality
 11 thereof that is empowered to acquire and hold real property.
 12 (2) The Legislature finds and declares that the term “district”
 13 as used in this article includes all districts within the state,
 14 including, but not limited to, all special districts, sewer, water,
 15 utility, and local and regional park districts, and any other political
 16 subdivision of this state that is a district, and therefore the changes
 17 in paragraph (1) made by the act adding this paragraph that specify
 18 that the provisions of this article apply to all districts, including
 19 school, sewer, water, utility, and local and regional park districts
 20 of any kind or class, are declaratory of, and not a change in,
 21 existing law.
 22 (b) (1) “Surplus land” means land owned in fee simple by any
 23 local agency for which the local agency’s governing body takes
 24 formal action in a regular public meeting declaring that the land
 25 is surplus and is not necessary for the agency’s use. Land shall be
 26 declared either “surplus land” or “exempt surplus land,” as
 27 supported by written findings, before a local agency may take any
 28 action to dispose of it consistent with an agency’s policies or
 29 procedures. A local agency, on an annual basis, may declare
 30 multiple parcels as “surplus land” or “exempt surplus land.”
 31 (2) “Surplus land” includes land held in the Community
 32 Redevelopment Property Trust Fund pursuant to Section 34191.4
 33 of the Health and Safety Code and land that has been designated
 34 in the long-range property management plan approved by the
 35 Department of Finance pursuant to Section 34191.5 of the Health

1 and Safety Code, either for sale or for future development, but
2 does not include any specific disposal of land to an identified entity
3 described in the plan.

4 (3) Nothing in this article prevents a local agency from obtaining
5 fair market value for the disposition of surplus land consistent with
6 Section 54226.

7 (4) Notwithstanding paragraph (1), a local agency is not required
8 to make a declaration at a public meeting for land that is “exempt
9 surplus land” pursuant to subparagraph (A), (B), (E), (K), (L), or
10 (Q) of paragraph (1) of subdivision (f) if the local agency identifies
11 the land in a notice that is published and available for public
12 comment, including notice to the entities identified in subdivision
13 (a) of Section 54222, at least 30 days before the exemption takes
14 effect.

15 (c) (1) Except as provided in paragraph (2), “agency’s use”
16 shall include, but not be limited to, land that is being used, or is
17 planned to be used pursuant to a written plan adopted by the local
18 agency’s governing board, for agency work or operations,
19 including, but not limited to, utility sites, property owned by a port
20 that is used to support logistics uses, watershed property, land
21 being used for conservation purposes, land for demonstration,
22 exhibition, or educational purposes related to greenhouse gas
23 emissions, sites for broadband equipment or wireless facilities,
24 land leased to support public transit operations, and buffer sites
25 near sensitive governmental uses, including, but not limited to,
26 waste disposal sites, and wastewater treatment plants. “Agency’s
27 use” by a local agency that is a district shall also include land
28 disposed for uses described in subparagraph (B) of paragraph (2).

29 (2) (A) “Agency’s use” shall not include commercial or
30 industrial uses or activities, including nongovernmental retail,
31 entertainment, or office development. Property disposed of for the
32 sole purpose of investment or generation of revenue shall not be
33 considered necessary for the agency’s use.

34 (B) In the case of a local agency that is a district or a public
35 transit operator, “agency’s use” may include commercial or
36 industrial uses or activities, including nongovernmental retail,
37 entertainment, or office development or be for the sole purpose of
38 investment or generation of revenue if the agency’s governing
39 body takes action in a public meeting declaring that the use of the
40 site will do one of the following:

- 1 (i) Directly further the express purpose of agency work or
- 2 operations.
- 3 (ii) Be expressly authorized by a statute governing the local
- 4 agency, provided the district complies with Section 54233.5 if
- 5 applicable.
- 6 (d) (1) “Dispose” means either of the following:
- 7 (A) The sale of the surplus land.
- 8 (B) The entering of a lease for surplus land, which is for a term
- 9 longer than 15 years, inclusive of any extension or renewal options
- 10 included in the terms of the initial lease, entered into on or after
- 11 January 1, 2024.
- 12 (2) “Dispose” shall not mean either of the following:
- 13 (A) The entering of a lease for surplus land, which is for a term
- 14 of 15 years or less, inclusive of any extension or renewal options
- 15 included in the terms of the initial lease.
- 16 (B) The entering of a lease for surplus land on which no
- 17 development or demolition will occur, regardless of the term of
- 18 the lease.
- 19 (e) “Open-space purposes” means the use of land for public
- 20 recreation, enjoyment of scenic beauty, or conservation or use of
- 21 natural resources.
- 22 (f) (1) Except as provided in paragraph (2), “exempt surplus
- 23 land” means any of the following:
- 24 (A) Surplus land that is transferred pursuant to Section 25539.4
- 25 or 37364.
- 26 (B) Surplus land that is less than one-half acre in area and is
- 27 not contiguous to land owned by a state or local agency that is
- 28 used for open-space or low- and moderate-income housing
- 29 purposes.
- 30 (C) Surplus land that a local agency is exchanging for another
- 31 property necessary for the agency’s use. “Property” may include
- 32 easements necessary for the agency’s use.
- 33 (D) Surplus land that a local agency is transferring to another
- 34 local, state, or federal agency, or to a third-party intermediary for
- 35 future dedication for the receiving agency’s use, or to a federally
- 36 recognized California Indian tribe. If the surplus land is transferred
- 37 to a third-party intermediary, the receiving agency’s use must be
- 38 contained in a legally binding agreement at the time of transfer to
- 39 the third-party intermediary.

1 (E) Surplus land that is a former street, right-of-way, or
2 easement, and is conveyed to an owner of an adjacent property.

3 (F) (i) Surplus land that is to be developed for a housing
4 development, which may have ancillary commercial ground floor
5 uses, that restricts 100 percent of the residential units to persons
6 and families of low or moderate income, with at least 75 percent
7 of the residential units restricted to lower income households, as
8 defined in Section 50079.5 of the Health and Safety Code, with
9 an affordable sales price or an affordable rent, as defined in Section
10 50052.5 or 50053 of the Health and Safety Code, for 55 years for
11 rental housing, 45 years for ownership housing, and 50 years for
12 rental or ownership housing located on tribal trust lands, unless a
13 local ordinance or a federal, state, or local grant, tax credit, or other
14 project financing requires a longer period of affordability, and in
15 no event shall the maximum affordable sales price or rent level be
16 higher than 20 percent below the median market rents or sales
17 prices for the neighborhood in which the site is located.

18 (ii) The requirements of clause (i) shall be contained in a
19 covenant or restriction recorded against the surplus land at the time
20 of sale that shall run with the land and be enforceable against any
21 owner who violates the covenant or restriction and each successor
22 in interest who continues the violation.

23 (G) (i) Surplus land that is subject to a local agency's open,
24 competitive solicitation or that is put to open, competitive bid by
25 a local agency, provided that all entities identified in subdivision
26 (a) of Section 54222 will be invited to participate in the process,
27 for a housing or a mixed-use development that is more than one
28 acre and less than 10 acres in area, consisting of either a single
29 parcel, or two or more adjacent or non-adjacent parcels combined,
30 that includes not less than 300 residential units, and that restricts
31 at least 25 percent of the residential units to lower income
32 households, as defined in Section 50079.5 of the Health and Safety
33 Code, with an affordable sales price or an affordable rent, as
34 defined in Sections 50052.5 and 50053 of the Health and Safety
35 Code, for 55 years for rental housing, 45 years for ownership
36 housing, and 50 years for rental or ownership housing located on
37 tribal trust lands, unless a local ordinance or a federal, state, or
38 local grant, tax credit, or other project financing requires a longer
39 period of affordability.

(ii) The requirements of clause (i) shall be contained in a covenant or restriction recorded against the surplus land at the time of sale that shall run with the land and be enforceable against any owner who violates the covenant or restriction and each successor in interest who continues the violation.

(H) (i) Surplus land totaling 10 or more acres, consisting of either a single parcel, or two or more adjacent or non-adjacent parcels combined for disposition to one or more buyers pursuant to a plan or ordinance adopted by the legislative body of the local agency, or a state statute. That surplus land shall be subject to a local agency's open, competitive solicitation process or put out to open, competitive bid by a local agency, provided that all entities identified in subdivision (a) of Section 54222 will be invited to participate in the process for a housing or mixed-use development.

(ii) The aggregate development shall include the greater of the following:

(I) Not less than 300 residential units.

(II) A number of residential units equal to 10 times the number of acres of the surplus land or 10,000 residential units, whichever is less.

(iii) At least 25 percent of the residential units shall be restricted to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent pursuant to Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing, 45 years for ownership housing, and 50 years for rental or ownership housing located on tribal trust lands, unless a local ordinance or a federal, state, or local grant, tax credit, or other project financing requires a longer period of affordability.

(iv) If nonresidential development is included in the development pursuant to this subparagraph, at least 25 percent of the total planned units affordable to lower income households shall be made available for lease or sale and permitted for use and occupancy before or at the same time with every 25 percent of nonresidential development made available for lease or sale and permitted for use and occupancy.

(v) A violation of this subparagraph is subject to the penalties described in Section 54230.5. Those penalties are in addition to any remedy a court may order for violation of this subparagraph. A local agency shall only dispose of land pursuant to this

1 subparagraph through a disposition and development agreement
2 that includes an indemnification clause that provides that if an
3 action occurs after disposition violates this subparagraph, the
4 person or entity that acquired the property shall be liable for the
5 penalties.

6 (vi) The requirements of clauses (i) to (v), inclusive, shall be
7 contained in a covenant or restriction recorded against the surplus
8 land at the time of sale that shall run with the land and be
9 enforceable against any owner who violates the covenant or
10 restriction and each successor in interest who continues the
11 violation.

12 (I) A mixed-use development, which may include more than
13 one publicly owned parcel, that meets all of the following
14 conditions:

15 (i) The development restricts at least 25 percent of the residential
16 units to lower income households, as defined in Section 50079.5
17 of the Health and Safety Code, with an affordable sales price or
18 an affordable rent, as defined in Sections 50052.5 and 50053 of
19 the Health and Safety Code, for 55 years for rental housing, 45
20 years for ownership housing, and 50 years for rental or ownership
21 housing located on tribal trust lands, unless a local ordinance or a
22 federal, state, or local grant, tax credit, or other project financing
23 requires a longer period of affordability.

24 (ii) At least 50 percent of the square footage of the new
25 construction associated with the development is designated for
26 residential use.

27 (iii) The development is not located in an urbanized area, as
28 defined in Section 21094.5 of the Public Resources Code.

29 (J) (i) Surplus land that is subject to a valid legal restriction
30 that is not imposed by the local agency and that makes housing
31 prohibited, unless there is a feasible method to satisfactorily
32 mitigate or avoid the prohibition on the site. A declaration of
33 exemption pursuant to this subparagraph shall be supported by
34 documentary evidence establishing the valid legal restriction. For
35 the purposes of this section, “documentary evidence” includes,
36 but is not limited to, a contract, agreement, deed restriction, statute,
37 regulation, or other writing that documents the valid legal
38 restriction.

39 (ii) Valid legal restrictions include, but are not limited to, all of
40 the following:

1 (I) Existing constraints under ownership rights or contractual
2 rights or obligations that prevent the use of the property for
3 housing, if the rights or obligations were agreed to prior to
4 September 30, 2019.

5 (II) Conservation or other easements or encumbrances that
6 prevent housing development.

7 (III) Existing leases, or other contractual obligations or
8 restrictions, if the terms were agreed to prior to September 30,
9 2019.

10 (IV) Restrictions imposed by the source of funding that a local
11 agency used to purchase a property, provided that both of the
12 following requirements are met:

13 (ia) The restrictions limit the use of those funds to purposes
14 other than housing.

15 (ib) The proposed disposal of surplus land meets a use consistent
16 with that purpose.

17 (iii) Valid legal restrictions that would make housing prohibited
18 do not include either of the following:

19 (I) An existing nonresidential land use designation on the surplus
20 land.

21 (II) Covenants, restrictions, or other conditions on the property
22 rendered void and unenforceable by any other law, including, but
23 not limited to, Section 714.6 of the Civil Code.

24 (iv) Feasible methods to mitigate or avoid a valid legal
25 restriction on the site do not include a requirement that the local
26 agency acquire additional property rights or property interests
27 belonging to third parties.

28 (K) Surplus land that was granted by the state in trust to a local
29 agency or that was acquired by the local agency for trust purposes
30 by purchase or exchange, and for which disposal of the land is
31 authorized or required subject to conditions established by statute.

32 (L) Land that is subject to either of the following, unless
33 compliance with this article is expressly required:

34 (i) Section 17388, 17515, 17536, 81192, 81397, 81399, 81420,
35 or 81422 of the Education Code.

36 (ii) Part 14 (commencing with Section 53570) of Division 31
37 of the Health and Safety Code.

38 (M) Surplus land that is a former military base that was
39 conveyed by the federal government to a local agency, and is
40 subject to Article 8 (commencing with Section 33492.125) of

Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, provided that all of the following conditions are met:

(i) The former military base has an aggregate area greater than five acres, is expected to include a mix of residential and nonresidential uses, and is expected to include no fewer than 1,400 residential units upon completion of development or redevelopment of the former military base.

(ii) The affordability requirements for residential units shall be governed by a settlement agreement entered into prior to September 1, 2020. Furthermore, at least 25 percent of the initial 1,400 residential units developed shall be restricted to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for 55 years for rental housing, 45 years for ownership housing, and 50 years for rental or ownership housing located on tribal trust lands, unless a local ordinance or a federal, state, or local grant, tax credit, or other project financing requires a longer period of affordability.

(iii) Before disposition of the surplus land, the agency adopts written findings that the land is exempt surplus land pursuant to this subparagraph.

(iv) Before disposition of the surplus land, the recipient has negotiated a project labor agreement consistent with the local agency's project stabilization agreement resolution, as adopted on February 2, 2021, and any succeeding ordinance, resolution, or policy, regardless of the length of the agreement between the local agency and the recipient.

(v) The agency includes in the annual report required by paragraph (2) of subdivision (a) of Section 65400 the status of development of residential units on the former military base, including the total number of residential units that have been permitted and what percentage of those residential units are restricted for persons and families of low or moderate income, or lower income households, as defined in Section 50079.5 of the Health and Safety Code.

A violation of this subparagraph is subject to the penalties described in Section 54230.5. Those penalties are in addition to any remedy a court may order for violation of this subparagraph or the settlement agreement.

1 (N) Real property that is used by a district for an agency's use
2 expressly authorized in subdivision (c).

3 (O) Land that has been transferred before June 30, 2019, by the
4 state to a local agency pursuant to Section 32667 of the Streets
5 and Highways Code and has a minimum planned residential density
6 of at least 100 dwelling units per acre, and includes 100 or more
7 residential units that are restricted to persons and families of low
8 or moderate income, with an affordable sales price or an affordable
9 rent, as defined in Sections 50052.5 and 50053 of the Health and
10 Safety Code, for 55 years for rental housing, 45 years for ownership
11 housing, and 50 years for rental or ownership housing located on
12 tribal trust lands, unless a local ordinance or a federal, state, or
13 local grant, tax credit, or other project financing requires a longer
14 period of affordability. For purposes of this subparagraph, not
15 more than 20 percent of the affordable units may be restricted to
16 persons and families of moderate income and at least 80 percent
17 of the affordable units must be restricted to lower income
18 households as defined in Section 50079.5 of the Health and Safety
19 Code.

20 (P) (i) Land that meets the following conditions:

21 (I) Land that is subject to a sectional planning area document
22 that meets both of the following:

23 (ia) The sectional planning area was adopted prior to January
24 1, 2019.

25 (ib) The sectional planning area document is consistent with
26 county and city general plans applicable to the land.

27 (II) The land identified in the adopted sectional planning area
28 document was dedicated prior to January 1, 2019.

29 (III) On January 1, 2019, the parcels on the land met at least
30 one of the following conditions:

31 (ia) The land was subject to an irrevocable offer of dedication
32 of fee interest requiring the land to be used for a specified purpose.

33 (ib) The land was acquired through a land exchange subject to
34 a land offer agreement that grants the land's original owner the
35 right to repurchase the land acquired by the local agency pursuant
36 to the agreement if the land will not be developed in a manner
37 consistent with the agreement.

38 (ic) The land was subject to a grant deed specifying that the
39 property shall be used for educational uses and limiting other types
40 of uses allowed on the property.

(IV) At least 25 percent of the units are dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable rent, as defined by Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, and subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units, unless a local ordinance or a federal, state, or local grant, tax credit, or other project financing requires a longer period of affordability.

(V) The land is developed at an average density of at least 10 units per acre, calculated with respect to the entire sectional planning area.

(VI) No more than 25 percent of the nonresidential square footage identified in the sectional planning area document receives its first certificate of occupancy before at least 25 percent of the residential square footage identified in the sectional planning area document has received its first certificate of occupancy.

(VII) No more than 50 percent of the nonresidential square footage identified in the sectional planning area document receives its first certificate of occupancy before at least 50 percent of the residential square footage identified in the sectional planning area document has received its first certificate of occupancy.

(VIII) No more than 75 percent of the nonresidential square footage identified in the sectional planning area document shall receive its first certificate of occupancy before at least 75 percent of the residential square footage identified in the sectional planning area document has received its first certificate of occupancy.

(ii) The local agency includes in the annual report required by paragraph (2) of subdivision (a) of Section 65400 the status of development, including the total square footage of the residential and nonresidential development, the number of residential units that have been permitted, and what percentage of those residential units are restricted for persons and families of low or moderate income, or lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(iii) The Department of Housing and Community Development may request additional information from the agency regarding land disposed of pursuant to this subparagraph.

(iv) At least 30 days prior to disposing of land declared “exempt surplus land,” a local agency shall provide the Department of

1 Housing and Community Development a written notification of
2 its declaration and findings in a form prescribed by the Department
3 of Housing and Community Development. Within 30 days of
4 receipt of the written notification and findings, the department
5 shall notify the local agency if the department has determined that
6 the local agency is in violation of this article. A local agency that
7 fails to submit the written notification and findings shall be liable
8 for a civil penalty pursuant to this subparagraph. A local agency
9 shall not be liable for the civil penalty if the Department of Housing
10 and Community Development does not notify the agency that the
11 agency is in violation of this article within 30 days of receiving
12 the written notification and findings. Once the department
13 determines that the declarations and findings comply with
14 subclauses (I) to (IV), inclusive, of clause (i), the local agency
15 may proceed with disposal of land pursuant to this subparagraph.
16 This clause is declaratory of, and not a change in, existing law.

17 (v) If the local agency disposes of land in violation of this
18 subparagraph, the local agency shall be liable for a civil penalty
19 calculated as follows:

20 (I) For a first violation, 30 percent of the greater of the final
21 sale price or the fair market value of the land at the time of
22 disposition.

23 (II) For a second or subsequent violation, 50 percent of the
24 greater of the final sale price or the fair market value of the land
25 at the time of disposition.

26 (III) For purposes of this subparagraph, fair market value shall
27 be determined by an independent appraisal of the land.

28 (IV) An action to enforce this subparagraph may be brought by
29 any of the following:

30 (ia) An entity identified in subdivisions (a) to (e), inclusive, of
31 Section 54222.

32 (ib) A person who would have been eligible to apply for
33 residency in affordable housing had the agency not violated this
34 section.

35 (ic) A housing organization, as that term is defined in Section
36 65589.5.

37 (id) A beneficially interested person or entity.

38 (ie) The Department of Housing and Community Development.

39 (V) A penalty assessed pursuant to this subparagraph shall,
40 except as otherwise provided, be deposited into a local housing

trust fund. The local agency may elect to instead deposit the penalty moneys into the Building Homes and Jobs Trust Fund or the Housing Rehabilitation Loan Fund. Penalties shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the penalty moneys deposited into the local housing trust fund within five years of deposit for the sole purpose of financing newly constructed housing units that are affordable to extremely low, very low, or low-income households.

(VI) Five years after deposit of the penalty moneys into the local housing trust fund, if the funds have not been expended, the funds shall revert to the state and be deposited in the Building Homes and Jobs Trust Fund or the Housing Rehabilitation Loan Fund for the sole purpose of financing newly constructed housing units located in the same jurisdiction as the surplus land and that are affordable to extremely low, very low, or low-income households. Expenditure of any penalty moneys deposited into the Building Homes and Jobs Trust Fund or the Housing Rehabilitation Loan Fund pursuant to this subdivision shall be subject to appropriation by the Legislature.

(vi) For purposes of this subparagraph, the following definitions apply:

(I) “Sectional planning area” means an area composed of identifiable planning units, within which common services and facilities, a strong internal unity, and an integrated pattern of land use, circulation, and townscape planning are readily achievable.

(II) “Sectional planning area document” means a document or plan that sets forth, at minimum, a site utilization plan of the sectional planning area and development standards for each land use area and designation.

(vii) This subparagraph shall become inoperative on January 1, 2034.

(Q) Land that is owned by a California public-use airport on which residential uses are prohibited pursuant to Federal Aviation Administration Order 5190.6B, Airport Compliance Program, Chapter 20 – Compatible Land Use and Airspace Protection.

1 (R) Land that is transferred to a community land trust, and all
2 of the following conditions are met:

3 (i) The property is being or will be developed or rehabilitated
4 as any of the following:

5 (I) An owner-occupied single-family dwelling.

6 (II) An owner-occupied unit in a multifamily dwelling.

7 (III) A member-occupied unit in a limited equity housing
8 cooperative.

9 (IV) A rental housing development.

10 (ii) Improvements on the property are or will be available for
11 use and ownership or for rent by qualified persons, as defined in
12 paragraph (6) of subdivision (c) of Section 214.18 of the Revenue
13 and Taxation Code.

14 (iii) (I) A deed restriction or other instrument, requiring a
15 contract or contracts serving as an enforceable restriction on the
16 sale or resale value of owner-occupied units or on the affordability
17 of rental units is recorded on or before the lien date following the
18 acquisition of the property by the community land trust.

19 (II) For the purpose of this clause, the following definitions
20 apply:

21 (ia) “A contract or contracts serving as an enforceable restriction
22 on the sale or resale value of owner-occupied units” means a
23 contract described in paragraph (11) of subdivision (a) of Section
24 402.1 of the Revenue and Taxation Code.

25 (ib) “A contract or contracts serving as an enforceable restriction
26 on the affordability of rental units” means an enforceable and
27 verifiable agreement with a public agency, a recorded deed
28 restriction, or other legal document described in subparagraph (A)
29 of paragraph (2) of subdivision (g) of Section 214 of the Revenue
30 and Taxation Code.

31 (iv) A copy of the deed restriction or other instrument shall be
32 provided to the assessor.

33 (S) (i) For local agencies whose primary mission or purpose is
34 to supply the public with a transportation system, surplus land that
35 is developed for commercial or industrial uses or activities,
36 including nongovernmental retail, entertainment, or office
37 development or for the sole purpose of investment or generation
38 of revenue, if the agency meets all of the following conditions:

39 (I) The agency has an adopted land use plan or policy that
40 designates at least 50 percent of the gross acreage covered by the

1 adopted land use plan or policy for residential purposes. The
2 adopted land use plan or policy shall also require the development
3 of at least 300 residential units, or at least 10 residential units per
4 gross acre, averaged across all land covered by the land use plan
5 or policy, whichever is greater.

6 (II) The agency has an adopted land use plan or policy that
7 requires at least 25 percent of all residential units to be developed
8 on the parcels covered by the adopted land use plan or policy made
9 available to lower income households, as defined in Section 50079
10 of the Health and Safety Code, at an affordable sales price or rented
11 at an affordable rent, as defined in Sections 50052.5 and 50053 of
12 the Health and Safety Code, for 55 years for rental housing and
13 45 years for ownership housing, unless a local ordinance or the
14 terms of a federal, state, or local grant, tax credit, or other project
15 financing requires a longer period of affordability. These terms
16 shall be included in the land use plan or policy and dictate that
17 they will be contained in a covenant or restriction recorded against
18 the surplus land at the time of disposition that shall run with the
19 land and be enforceable against any owner or lessee who violates
20 the covenant or restriction and each successor in interest who
21 continues the violation.

22 (III) Land disposed of for residential purposes shall issue a
23 competitive request for proposals subject to the local agency's
24 open, competitive solicitation process or put out to open,
25 competitive bid by the local agency, provided that all entities
26 identified in subdivision (a) of Section 54222 are invited to
27 participate.

28 (IV) Prior to entering into an agreement to dispose of a parcel
29 for nonresidential development on land designated for the purposes
30 authorized pursuant to this subparagraph in an agency's adopted
31 land use plan or policy, the agency, since January 1, 2020, must
32 have entered into an agreement to dispose of a minimum of 25
33 percent of the land designated for affordable housing pursuant to
34 subclause (II).

35 (ii) The agency may exempt at one time all parcels covered by
36 the adopted land use plan or policy pursuant to this subparagraph.

37 (2) Notwithstanding paragraph (1), a written notice of the
38 availability of surplus land for open-space purposes shall be sent
39 to the entities described in subdivision (b) of Section 54222 before
40 disposing of the surplus land, provided the land does not meet the

criteria in subparagraph (H) of paragraph (1), if the land is any of the following:

- (A) Within a coastal zone.
- (B) Adjacent to a historical unit of the State Parks System.
- (C) Listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places.
- (D) Within the Lake Tahoe region as defined in Section 66905.5.
- (g) “Persons and families of low or moderate income” has the same meaning as provided in Section 50093 of the Health and Safety Code.

SEC. 2. Chapter 4.1.5 (commencing with Section 65912.155) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 4.1.5. TRANSIT-ORIENTED DEVELOPMENT

65912.155. The Legislature finds and declares all of the following:

- (a) California faces a housing shortage both acute and chronic, particularly in areas with access to robust public transit infrastructure.
- (b) Building more homes near transit access reduces housing and transportation costs for California families, and promotes environmental sustainability, economic growth, and reduced traffic congestion.
- (c) Public transit systems require sustainable funding to provide reliable service, especially in areas experiencing increased density and ridership. The state does not invest in public transit service to the same degree as it does in roads, and the state funds a smaller proportion of the state’s major transit agencies’ operations costs than other states with comparable systems. Transit systems in other countries derive significant revenue from transit-oriented development at and near their stations.

65912.156. For purposes of this chapter, the following definitions apply:

- (a) “Adjacent” means sharing a property line with a transit stop, including any parcels that serve a parking or circulation purpose related to the stop.

1 (b) “Commuter rail” means a rail transit service not meeting
2 the standards for heavy rail or light rail, excluding California
3 High-Speed Rail and Amtrak Long Distance Service.

4 (c) “Department” means the Department of Housing and
5 Community Development.

6 (d) “Frequent commuter rail” means a commuter rail service
7 with a total of at least 24 daily trains per weekday across both
8 directions and not meeting the standard for very high or
9 high-frequency commuter rail at any point in the past three years.

10 (e) “Heavy rail transit” means an electric railway with the
11 capacity for a heavy volume of traffic using high-speed and rapid
12 acceleration passenger rail cars operating singly or in multicar
13 trains on fixed rails, separate rights-of-way from which all other
14 vehicular and foot traffic are excluded, and high platform loading.

15 (f) “High-frequency commuter rail” means a commuter rail
16 service operating a total of at least 48 trains per day across both
17 directions at any point in the past three years.

18 (g) “High-resource area” means a highest resource or
19 high-resource neighborhood opportunity area, as used in the
20 opportunity area maps published annually by the California Tax
21 Credit Allocation Committee and the department.

22 (h) “Housing development project” has the same meaning as
23 defined in Section 65589.5.

24 (i) “Light rail transit” includes streetcar, trolley, and tramway
25 service.

26 (j) “Net habitable square footage” means the finished and heated
27 floor area fully enclosed by the inside surface of walls, windows,
28 doors, and partitions, and having a headroom of at least six and
29 one-half feet, including working, living, eating, cooking, sleeping,
30 stair, hall, service, and storage areas, but excluding garages,
31 carports, parking spaces, cellars, half-stories, and unfinished attics
32 and basements.

33 (k) “Rail transit” has the same meaning as defined in Section
34 99602 of the Public Utilities Code.

35 (l) “Residential floor area ratio” means the ratio of net habitable
36 square footage dedicated to residential use to the area of the lot.

37 (m) “Tier 1 transit-oriented development stop” means a major
38 transit stop, as defined by Section 21155 of the Public Resources
39 Code, served by heavy rail transit or very high frequency commuter
40 rail.

(n) “Tier 2 transit-oriented development stop” means a major transit stop, as defined by Section 21155 of the Public Resources Code, excluding a Tier 1 transit-oriented development stop, served by light rail transit, by high-frequency commuter rail, or by bus service meeting the standards of paragraph (1) of subdivision (a) of Section 21060.2 of the Public Resources Code.

(o) “Tier 3 transit-oriented development stop” means a major transit stop, as defined by Section 21155 of the Public Resources Code, excluding a Tier 1 or Tier 2 transit-oriented development stop, served by frequent commuter rail service or by ferry service.

(p) “Transit-oriented development stop” means a major transit stop, as defined by Section 21155 of the Public Resources Code, excluding any stop served by rail transit with a frequency of fewer than 10 total trains per weekday.

(q) “Very high frequency commuter rail” means a commuter rail service with a total of at least 72 trains per day across both directions at any point in the past three years.

65912.157. (a) A housing development project within one-half or one-quarter mile of a transit-oriented development stop shall be an allowed use on any site zoned for residential, mixed, commercial, or light industrial development, if the development complies with the applicable of all of the following requirements:

(1) For a residential development within one-quarter mile of a Tier 1 transit-oriented development stop, all of the following apply:

(A) A development may be built up to 75 feet high, or up to the local height limit, whichever is greater. *If a development proposes a height under this subparagraph in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified under this subparagraph, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.*

(B) A local government shall not impose any maximum density of less than 120 dwelling units per acre. The development proponent may seek a further increased density in accordance with applicable density bonus law.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 3.5.

(D) A development that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for three additional concessions pursuant to Section 65915.

(2) For a residential development further than one-quarter mile but within one-half mile of a Tier 1 transit-oriented development stop, all of the following apply:

(A) A development may be built up to 65 feet high, or up to the local height limit, whichever is greater. *If a development proposes a height under this subparagraph in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified under this subparagraph, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.*

(B) A local government shall not impose any maximum density standard of less than 100 dwelling units per acre. The development proponent may seek a further increased density in accordance with applicable density bonus law.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 3.

(D) A development that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for two additional concessions pursuant to Section 65915.

(3) For a residential development within one-quarter mile of a Tier 2 transit-oriented development stop, all of the following apply:

(A) A development may be built up to 65 feet high, or up to the local height limit, whichever is greater. *If a development proposes a height under this subparagraph in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified under this subparagraph, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.*

(B) A local government shall not impose any maximum density standard of less than 100 dwelling units per acre. The development proponent may seek a further increased density in accordance with applicable density bonus law.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 3.

(D) A development that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for two additional concessions pursuant to Section 65915.

(4) For a residential development further than one-quarter mile but within one-half mile of a Tier 2 transit-oriented development stop, all of the following apply:

(A) A development may be built up to 55 feet high, or up to the local height limit, whichever is greater. *If a development proposes a height under this subparagraph in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified under this subparagraph, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.*

(B) A local government shall not impose any maximum density standard of less than 80 dwelling units per acre. The development proponent may seek a further increased density in accordance with applicable density bonus law.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 2.5.

(D) A development that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for one additional concession pursuant to Section 65915.

(5) For a residential development within one-quarter mile of a Tier 3 transit-oriented development stop, all of the following apply:

(A) A development may be built up to 55 feet high, or up to the local height limit, whichever is greater. *If a development proposes a height under this subparagraph in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified under this subparagraph, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.*

(B) A local government shall not impose any maximum density standard of less than 80 dwelling units per acre. The development proponent may seek a further increased density in accordance with applicable density bonus law.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 2.5.

(D) A development that otherwise meets the eligibility requirements of Section 65915, including, but not limited to, affordability requirements, shall be eligible for one additional concession pursuant to Section 65915.

(6) For a residential development further than one-quarter mile but within one-half mile of a Tier 3 transit-oriented development stop, all of the following apply:

(A) A development may be built up to 45 feet high, or up to the local height limit, whichever is greater. *If a development proposes a height under this subparagraph in excess of the local height limit, then a local government shall not be required to grant a waiver, incentive, or concession pursuant to Section 65915 for additional height beyond that specified under this subparagraph, except as provided in subparagraph (D) of paragraph (2) of subdivision (d) of Section 65915.*

(B) A local government shall not impose any maximum density standard of less than 60 dwelling units per acre. The development proponent may seek a further increased density in accordance with applicable density bonus law.

(C) A local government shall not enforce any other local development standard or combination of standards that would prevent achieving a residential floor area ratio of up to 2.

(b) Notwithstanding any other law, a housing development project that meets any of the eligibility criteria under subdivision (a) and is immediately adjacent to a Tier 1, Tier 2, or Tier 3 transit-oriented development stop shall be eligible for an adjacency intensifier to increase the height limit by an additional 20 feet, the maximum density standard by an additional 40 dwelling units per acre, and the residential floor area ratio by 1.

(c) A development proposed pursuant to this section shall comply with the antidisplacement requirements of Section 66300.6. This subdivision shall apply to any city or county.

(d) For purposes of subdivision (j) of Section 65589.5, a proposed housing development project that is consistent with the applicable standards from this chapter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(e) A local government that denies a housing development project meeting the requirements of this section that is located in a high-resource area shall be presumed to be in violation of the Housing Accountability Act (Section 65589.5) and immediately liable for penalties pursuant to subparagraph (B) of paragraph (1) of subdivision (k) of Section 65589.5, unless the local government demonstrates, pursuant to the standards in subdivisions (j) and (o) of Section 65589.5, that it has a health, life, or safety reason for denying the project.

65912.158. Notwithstanding any other provision of this chapter, a transit agency may adopt objective standards for both residential and commercial developments proposed to be constructed on land owned by the transit agency or on which the transit agency has a permanent operating easement, if the objective standards allow for the same or greater development intensity as that allowed by local standards or applicable state law.

65912.159. A housing development project proposed pursuant to Section 65912.157 shall be eligible for streamlined ministerial approval pursuant to Section 65913.4 in accordance with all of the following:

(a) The proposed project shall be exempt from subparagraph (A) of paragraph (4) of, paragraph (5) of, and clause (iv) of subparagraph (A) of paragraph (6) of, subdivision (a) of Section 65913.4.

(b) The proposed project shall comply with the affordability requirements in subclauses (I) through (III), inclusive, of clause (i) of subparagraph (B) of paragraph (4) of subdivision (a) of Section 65913.4.

(c) The proposed project shall comply with all other requirements of Section 65913.4, including, but not limited to, the prohibition against a site that is within a very high fire hazard severity zone, pursuant to subparagraph (D) of paragraph (6) of subdivision (a) of Section 65913.4.

65912.160. (a) The department shall oversee compliance with this chapter, including, but not limited to, promulgating standards

1 on how to account for capacity pursuant to this chapter in a city
2 or county's inventory of land suitable for residential development,
3 pursuant to Section 65583.2.

4 (b) (1) A local government may adopt an ordinance to
5 implement the provisions of this chapter, which may include
6 revisions to applicable zoning requirements on individual sites
7 within a transit-oriented development zone, provided that those
8 revisions maintain the average density allowed for the applicable
9 tier, or up to a 100-percent increase, subject to review by the
10 department pursuant to paragraph (3).

11 (2) An ordinance adopted to implement this section shall not
12 be considered a project under Division 13 (commencing with
13 Section 21000) of the Public Resources Code.

14 (3) (A) A local government shall submit a copy of any
15 ordinance adopted pursuant to this section to the department within
16 60 days of adoption.

17 (B) Upon receipt of an ordinance pursuant to this paragraph,
18 the department shall review that ordinance and determine whether
19 it complies with this section. If the department determines that the
20 ordinance does not comply with this section, the department shall
21 notify the local government in writing and provide the local
22 government a reasonable time, not to exceed 30 days, to respond
23 before taking further action as authorized by this section.

24 (C) The local government shall consider any findings made by
25 the department pursuant to subparagraph (B) and shall do one of
26 the following:

27 (i) Amend the ordinance to comply with this section.

28 (ii) Adopt the ordinance without changes. The local government
29 shall include findings in its resolution adopting the ordinance that
30 explain the reasons the local government believes that the
31 ordinance complies with this section despite the findings of the
32 department.

33 (D) If the local government does not amend its ordinance in
34 response to the department's findings or does not adopt a resolution
35 with findings explaining the reason the ordinance complies with
36 this chapter and addressing the department's findings, the
37 department shall notify the local government and may notify the
38 Attorney General that the local government is in violation of this
39 section.

1 65912.161. The Legislature finds and declares that the state
 2 faces a housing crisis of availability and affordability, in large part
 3 due to a severe shortage of housing, and solving the housing crisis
 4 therefore requires a multifaceted, statewide approach, including,
 5 but not limited to, encouraging an increase in the overall supply
 6 of housing, encouraging the development of housing that is
 7 affordable to households at all income levels, removing barriers
 8 to housing production, expanding homeownership opportunities,
 9 and expanding the availability of rental housing, and is a matter
 10 of statewide concern and is not a municipal affair as that term is
 11 used in Section 5 of Article XI of the California Constitution.
 12 Therefore, this chapter applies to all cities, including charter cities.

13 SEC. 3. Section 21080.26.5 is added to the Public Resources
 14 Code, to read:

15 21080.26.5. (a) For the purposes of this section, “public
 16 project” means a project constructed by either a public agency or
 17 private entity, that, upon the completion of the construction, will
 18 be operated by a public agency.

19 (b) This division shall not apply to a public or private residential,
 20 commercial, or mixed-used project that, at the time the project
 21 application is filed, is located entirely or principally on land owned
 22 by a public transit agency, or fully or partially encumbered by an
 23 existing operating easement in favor of a public transit agency,
 24 and that includes at least one of the following:

25 (1) A project component identified in paragraphs (1) to (5),
 26 inclusive, or paragraph (7) of subdivision (b) of Section 21080.25.

27 (2) A public project for passenger rail service facilities, other
 28 than light rail service eligible under paragraph (5) of subdivision
 29 (b) of Section 21080.25, including the construction,
 30 reconfiguration, or rehabilitation of stations, terminals, rails,
 31 platforms, or existing operations facilities, which will be
 32 exclusively used by zero-emission or electric trains. The project
 33 shall be located on land owned by a public transit agency, or land
 34 fully or partially encumbered by an existing operating easement
 35 in favor of a public transit agency, at the time the project
 36 application is filed.

37 (3) An agreement between the project applicant and public
 38 transit agency that owns the land or has the permanent operating
 39 easement to finance transit capital infrastructure, transit
 40 maintenance, or transit operations, including through a proposed

1 public financing district, community financing district, or tax
2 increment generated by the project.

3 (c) If a project described in subdivision (b) requires the
4 construction of new passenger rail storage and maintenance
5 facilities at a publicly or privately owned offsite location distinct
6 from the principal project site, then that project shall be considered
7 a wholly separate project from the project described in subdivision
8 (b) and shall not be exempt from this division. Any required
9 environmental review shall not affect or render invalid the
10 exemption provided in subdivision (b), regardless of whether the
11 project described in subdivision (b) cannot proceed unless the
12 offsite facilities are constructed.

13 SEC. 4. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 a local government or school district has the authority to levy
16 service charges, fees, or assessments sufficient to pay for the
17 program or level of service mandated by this act, within the
18 meaning of Section 17556 of the Government Code.

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CITY of CLOVIS
 — CLOVIS CITY COUNCIL —

May 13, 2025

The Honorable Scott Wiener
 Senator, California State Senate
 1021 O St, Suite 8620
 Sacramento, CA 95814

RE: Letter of Opposition – SB 79 (Wiener) Transit-oriented Development

Dear Senator Wiener,

The City of Clovis writes to express our strong opposition to your SB 79 (Wiener), which would disregard state-certified housing elements and bestow land use authority to transit agencies without any requirement that developers build housing, let alone affordable housing.

SB 79 doubles down on the recent trend of the state overriding its own mandated local housing elements. This latest overreaching effort forces cities to approve transit-oriented development projects near specified transit stops — up to seven stories high and a density of 120 homes per acre — without regard to the community's needs, environmental review, or public input.

Most alarmingly, SB 79 defies cities' general plans and provides transit agencies unlimited land use authority on property they own or have a permanent easement, regardless of the distance from a transit stop. Transit agencies would have the power to determine all aspects of the development including height, density, and design, without any regard to local zoning or planning.

This broad new authority applies to both residential and commercial development. Transit agencies could develop 100% commercial projects — even at transit stops — and not provide a single new home, while simultaneously making the argument that more housing must be constructed around transit stops.

The City of Clovis appreciates and respects your desire to pursue a housing production proposal. However, as currently drafted, SB 79 will not spur much-needed housing construction in a manner that supports local flexibility, decision-making, and community

input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements.

California will never produce the number of homes needed with an increasingly state-driven, by-right housing process. What we really need is a sustainable state investment that matches the scale of this decades-in-the-making crisis. For these reasons, the City of Clovis strongly opposes SB 79.

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

AMENDED IN ASSEMBLY MAY 5, 2025

AMENDED IN ASSEMBLY MARCH 25, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 942

Introduced by Assembly Member Calderon

February 19, 2025

An act to add Section 2827.2 to the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as amended, Calderon. Net energy metering: eligible customer-generators: tariffs.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are generally under the direction of their governing boards. Existing law requires each electrical utility, including each electrical corporation, local publicly owned electric utility, electrical cooperative, or other entity that offers electrical service, except as specified, to develop a standard contract or tariff that provides for net energy metering (NEM), which, among other things, compensates each eligible customer-generator, as defined, for the electricity it generated during a preceding 12-month period that exceeds the electricity supplied by the electrical utility through the electrical grid to the eligible customer-generator during that same period, as provided. Existing law requires each electrical utility to make the contract or tariff available to eligible customer-generators, upon request, on a first-come-first-served basis until the time that the total rated generating capacity used by those eligible customer-generators exceeds 5% of the

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electrical utility's aggregate customer peak demand, except as specified. This contract or tariff is commonly known as NEM 1.0.

Existing law requires the commission to develop an additional standard contract or tariff, which may include NEM, for eligible customer-generators that are customers of large electrical corporations, as defined. Existing law requires each large electrical corporation to offer this standard contract or tariff to its eligible customer-generators beginning July 1, 2017, or before that date if ordered to do so by the commission because it has reached the above-mentioned 5% NEM 1.0 program limit, and prohibits limiting the amount of generating capacity or the number of new eligible customer-generators entitled to receive service pursuant to this standard contract or tariff, as specified. This contract or tariff is commonly known as NEM 2.0. Existing law authorizes the commission to revise the standard contract or tariff as appropriate to achieve specified objectives.

Pursuant to its authority, the commission adopted Decision 22-12-056 (December 19, 2022), commonly known as the net billing tariff, that creates a successor tariff to the NEM 1.0 and 2.0 tariffs and includes specified elements, including, among other things, retail export compensation rates based on hourly avoided cost calculator values averaged across days in a month, as specified, and an avoided cost calculator plus adder, based on cents per kilowatt-hour exported, available during the first 5 years of the successor tariff, as specified, known as the avoided cost calculator plus glide path.

~~This bill would provide that, on and after July 1, 2026, an eligible customer-generator that has taken service pursuant to NEM 1.0 or 2.0 for 10 or more years is no longer entitled to take service under that contract or tariff. The bill would require that eligible customer-generator to take service under the then-current applicable tariff adopted by the commission after December 1, 2022, disqualify that eligible customer-generator from eligibility for the avoided cost calculator plus glide path, as specified, and would require the eligible customer-generator to pay all nonbypassable charges that are applicable to customers that are not eligible customer-generators.~~

This bill would, on and after January 1, 2026, for a customer that becomes a new eligible customer-generator by purchasing real property that contains a renewable electrical generation facility upon which a prior eligible customer-generator took service, require the new eligible customer-generator to take service under the then-current applicable tariff adopted by the commission after December 1, 2022, would

disqualify the new eligible customer-generator from eligibility for the avoided cost calculator plus glide path, as specified, and would require the new eligible customer-generator to pay all nonbypassable charges that are applicable to customers that are not eligible customer-generators.

This bill would authorize the commission to adopt a new tariff for ~~an above-described eligible customer-generator that has taken service pursuant to NEM 1.0 or 2.0 for 10 or more years,~~ or a new eligible customer-generator that purchased real property that contains a renewable electrical generation facility, and to require those eligible customer-generators to use that new tariff if it results in a lower cost impact on customers who are not eligible customer-generators than the prior tariff that was applicable to those eligible customer-generators, as provided.

Existing law, the California Global Warming Solutions Act of 2006, designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases and requires the state board to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act, until January 1, 2031, authorizes the state board to adopt a regulation establishing a market-based compliance mechanism that meets certain requirements. Pursuant to this authority, the state board adopted the Cap-and-Trade Program that, among other things, makes certain electrical distribution utilities eligible for direct allocation of greenhouse gas allowances, as specified.

Existing law requires the commission to require revenues, including any accrued interest, received by an electrical corporation as a result of the direct allocation of greenhouse gas allowances to electric utilities pursuant to the program, as provided, to be credited directly to the residential, small business, and emissions-intensive trade-exposed retail customers of the electrical corporation.

This bill would, beginning January 1, 2026, disqualify eligible customer-generators from receiving this credit.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of a commission action implementing this bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Senate Bill 100 of the 2017–18 Regular Session (Chapter
- 4 312 of the Statutes of 2018) established the state policy that eligible
- 5 renewable energy resources and zero-carbon resources supply 100
- 6 percent of all retail sales of electricity to California end-use
- 7 customers by 2045. Senate Bill 1020 of the 2021–22 Regular
- 8 Session (Chapter 361 of the Statutes of 2022) established the same
- 9 100 percent renewable energy procurement standard for electricity
- 10 serving all state agencies by 2035.
- 11 (b) Senate Bill 1078 of the 2001–02 Regular Session (Chapter
- 12 516 of the Statutes of 2002) established the California Renewables
- 13 Portfolio Standard Program, which has been subsequently amended
- 14 to require all load-serving entities to procure 60 percent of their
- 15 electricity portfolios from eligible renewable energy resources by
- 16 2030.
- 17 (c) Rooftop solar has been integral towards meeting the state’s
- 18 clean energy goals, with over 2,000,000 solar installations in
- 19 California as of 2024.
- 20 (d) Subsidies for residential rooftop solar have been provided
- 21 to spur installation since the enactment of Senate Bill 656 of the
- 22 1995–96 Regular Session (Chapter 369 of the Statutes of 1995).
- 23 These subsidies offer solar customers credits on their electricity
- 24 bills for the self-generated electricity they send back to the
- 25 electrical grid.
- 26 (e) The current rates of these subsidies create a significant
- 27 shortfall for covering the fixed costs of the electrical grid, and
- 28 nonsolar ratepayers make up the difference, often referred to as a
- 29 cost shift.
- 30 (f) According to the Public Advocate’s Office of the Public
- 31 Utilities Commission, this cost shift on nonrooftop solar customers
- 32 of Pacific Gas and Electric Company, Southern California Edison
- 33 Company, and San Diego Gas & Electric Company has grown

from \$3.4 billion annually in 2021 to \$8.5 billion annually by the end of 2024. These trends suggest that the cost shift will continue to grow.

(g) For the average nonsolar ratepayer, this cost shift accounts for 21 to 27 percent, inclusive, of their electricity bill.

(h) In 2023, the average annual household income of residential rooftop solar customers was an estimated \$115,000.

(i) Conversely, in 2021, low-income customers that were enrolled in the California Alternate Rates for Energy program represented 28 percent of total residential customers, but only 13.1 percent of these customers benefited from rooftop solar subsidy programs.

(j) As the overall cost of living increases in the state, the Legislature must mitigate cost shift inequities and reduce utility bills by evaluating programs funded by utility ratepayers.

SEC. 2. Section 2827.2 is added to the Public Utilities Code, to read:

~~2827.2. (a) (1) Notwithstanding Section 2827, Section 2827.1, and any decision of the commission, on and after July 1, 2026, an eligible customer-generator that has taken service for 10 or more years pursuant to a standard contract or tariff developed pursuant to Section 2827 or 2827.1 shall no longer be entitled to take service under that standard contract or tariff.~~

~~(2) On and after July 1, 2026, all of the following shall apply to the eligible customer-generator described in paragraph (1):~~

~~(A) The eligible customer-generator shall take service under the then-current applicable tariff adopted by the commission pursuant to Section 2827.1 after December 1, 2022.~~

~~(B) The eligible customer-generator shall not be eligible for the avoided cost calculator plus glide path provided in commission Decision 22-12-056 (December 19, 2022), Order Instituting Rulemaking to Revisit Net Energy Metering Tariffs Pursuant to Decision 16-01-044, and to Address Other Issues Related to Net Energy Metering.~~

~~(C) The eligible customer-generator shall pay all nonbypassable charges that are applicable to customers that are not eligible customer-generators.~~

~~(b) On~~

~~2827.2. (a) On~~ and after January 1, 2026, all of the following shall apply to a customer that becomes a new eligible

customer-generator by purchasing real property that contains a renewable electrical generation facility upon which a prior eligible customer-generator took service:

(1) The new eligible customer-generator shall take service under the then-current applicable tariff adopted by the commission pursuant to Section 2827.1 after December 1, 2022.

(2) The new eligible customer-generator shall not be eligible for the avoided cost calculator plus glide path provided in commission Decision 22-12-056 (December 19, 2022), Order Instituting Rulemaking to Revisit Net Energy Metering Tariffs Pursuant to Decision 16-01-044, and to Address Other Issues Related to Net Energy Metering.

(3) The new eligible customer-generator shall pay all nonbypassable charges applicable to customers who are not eligible customer-generators.

(c)

(b) The commission may adopt a new tariff for ~~eligible customer-generators described in subdivision (a)~~ or new eligible customer-generators described in subdivision (b); (a), and may require those eligible customer-generators to use that new tariff if it results in a lower cost impact on customers who are not eligible customer-generators than the prior tariff that was applicable to those eligible customer-generators.

(d)

(c) On and after January 1, 2026, eligible customer-generators shall not receive the customer credit provided in Section 748.5.

(e)

(d) For purposes of this section, both of the following definitions apply:

(1) "Eligible customer-generator" has the same meaning as defined in Section 2827.

(2) "Renewable electrical generation facility" has the same meaning as in Section 2827.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O



May 13, 2025

The Honorable Lisa Calderon
California State Assembly
1021 O St, Suite 4650
Sacramento, CA 95814

RE: Letter of Opposition – AB 942 (Calderon) Net energy metering: eligible customer-generators: tariffs

Dear Assemblymember Calderon,

On behalf of the City of Clovis, I am writing to express our opposition to Assembly Bill (AB) 942, which proposes substantial changes to California's Net Energy Metering (NEM) policy. We believe these changes pose a significant threat to the continued growth of distributed solar energy within our city, Central Valley, and the state at large with potentially harmful consequences for our residents, economy, and environmental goals.

The City of Clovis recognizes the critical role that renewable energy plays in building a sustainable and resilient future. Existing NEM policies have been essential in encouraging investments in on-site solar energy systems by homeowners, schools, small businesses, and agricultural operations. These investments not only reduce energy costs and improve energy independence but also create local jobs and promote environmental stewardship throughout our community.

AB 942 threatens to undermine these benefits by introducing new, less favorable tariff structures that would apply to current and future solar customers. We are particularly concerned about the bill's retroactive impact on existing solar users, individuals, and organizations that made significant financial commitments under the promise of long-standing rules and projected cost savings. Changing these terms midstream is inequitable, introduces uncertainty into the market, and risks eroding public trust in California's energy policies.

For cities like Clovis, which are actively expanding local clean energy projects and working to manage rising utility costs, this legislation represents a step backward. By diminishing the value of distributed solar, AB 942 would directly discourage future solar

adoption, reduce opportunities for our residents to control their energy bills, and place an outsized burden on low- and middle-income households, many of whom have turned to solar as a practical, long-term cost-saving solution.

We urge the Legislature to consider the broader implications of this policy. The State should focus on refining and improving the NEM framework in a way that is fair, predictable, and supportive of continued clean energy growth. Any adjustments to cost recovery should be carefully crafted to preserve the core economic incentives that have enabled widespread solar adoption, while also protecting the commitments made by existing solar customers under the current system.

For these reasons, the City of Clovis strongly opposes Assembly Bill 942.

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org

AMENDED IN ASSEMBLY APRIL 24, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 647

**Introduced by Assembly Member Mark González
(Coauthor: Assembly Member Wicks)**

February 13, 2025

An act to amend Section 65585 of, and to add Section 65852.22 to, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Mark González. Housing development approvals: residential units.

(1) Existing law, the Planning and Zoning law, requires a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, among other requirements, that the parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as defined, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as defined. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with specified provisions, except as provided.

This bill would require a proposed housing development containing no more than 8 residential units that is located on a lot with an existing

single-family home or is zoned for 8 or fewer residential units to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, among other requirements, that the proposed housing development dedicates at least one residential unit to deed-restricted affordable housing to households making at or below 80% of the area median income, as specified. The bill would prohibit a local agency from applying any development standard that will have the effect of physically precluding the construction of a housing development that meets those requirements, as specified, and from imposing on a housing development subject to these provisions any objective zoning standard or objective design standard that meets certain criteria, including imposing any requirement that applies to a project solely or partially on the basis that the housing development receives approval pursuant to these provisions. The bill would prohibit a setback, height limitation, lot coverage limitation, floor area ratio, or other standard that would limit residential development capacity from being required for certain structures.

Existing law requires an application for a proposed housing development containing no more than 2 residential units within a single-family residential zone, as described above, to be considered approved or denied within 60 days from the date the local agency receives a completed application, and requires the application to be deemed approved if the agency has not approved or denied the application within those 60 days. Existing law requires a permitting agency that denies an application described above to, within 60 days from the date the local agency receives the application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. Existing law authorizes a local agency to adopt an ordinance to implement these provisions, as specified.

This bill would require a local agency to ministerially consider, without discretionary review or a hearing, an application submitted to the local agency pursuant to these provisions, and to approve or deny an application for a housing development project submitted to a local agency pursuant to these provisions within 60 days from the date the local agency receives the completed application. The bill would deem an application approved if the local agency does not approve or deny the completed application within those 60 days. The bill would require a local agency that denies an application, within 60 days from the date the local agency receives the completed application, to return in writing

a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application. By requiring local planning officials to review and approve applications for housing development projects, as described above, this bill would impose a state-mandated local program.

The bill would authorize a local agency to disapprove a housing development project that meets the above-described requirements if it makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as specified, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would authorize a local agency to adopt an ordinance to implement these provisions, as specified. *The bill would specify that an application for a proposed housing development submitted pursuant to these provisions is ineligible for, among other things, a density bonus, as specified.*

(2) Existing law requires a city or county to adopt a general plan for land use development within its boundaries that includes certain mandatory elements. Existing law requires the Department of Housing and Community Development to determine whether the housing element is in substantial compliance with specified provisions of that law. Existing law requires the department to notify a city, county, or city and county, and authorizes the department to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that, among other things, the local government has taken action in violation of specified provisions of law.

This bill would also include among those specified provisions the changes proposed by the bill.

(3) Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

By establishing a streamlined, ministerial approval process for certain housing developments, this bill would expand the exemption for the ministerial approval of projects under CEQA. Under the bill, an ordinance adopted by a local agency to implement certain provisions of the bill would not be considered a project under CEQA.

(4) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Better Urban Infill and Livable Design (BUILD) Housing Act of
3 2025.

4 SEC. 2. Section 65585 of the Government Code is amended
5 to read:

6 65585. (a) In the preparation of its housing element, each city
7 and county shall consider the guidelines adopted by the department
8 pursuant to Section 50459 of the Health and Safety Code. Those
9 guidelines shall be advisory to each city or county in the
10 preparation of its housing element.

11 (b) (1) (A) At least 90 days prior to adoption of a revision of
12 its housing element pursuant to subdivision (e) of Section 65588,
13 or at least 60 days prior to the adoption of a subsequent amendment
14 to this element, the planning agency shall submit a draft element
15 revision or draft amendment to the department. The local
16 government of the planning agency shall make the first draft
17 revision of a housing element available for public comment for at
18 least 30 days and, if any comments are received, the local
19 government shall take at least 10 business days after the 30-day
20 public comment period to consider and incorporate public
21 comments into the draft revision prior to submitting it to the
22 department. For any subsequent draft revision, the local

government shall post the draft revision on its internet website and shall email a link to the draft revision to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting the draft revision to the department.

(B) The planning agency staff shall collect and compile the public comments regarding the housing element received by the city, county, or city and county and provide these comments to each member of the legislative body before it adopts the housing element.

(C) The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the first draft submittal for each housing element revision pursuant to subdivision (e) of Section 65588 or within 60 days of its receipt of a subsequent draft amendment or an adopted revision or adopted amendment to an element. The department shall not review the first draft submitted for each housing element revision pursuant to subdivision (e) of Section 65588 until the local government has made the draft available for public comment for at least 30 days and, if comments were received, has taken at least 10 business days to consider and incorporate public comments pursuant to paragraph (1).

(2) (A) At least 90 days prior to the initial adoption of a revision of its housing element pursuant to subdivision (e) of Section 65588, and at least 7 days prior to any subsequent adoption submittal if changes have occurred to the inventory of sites, a local government shall do both of the following:

(i) Make a draft of its inventory of sites required pursuant to paragraph (3) of subdivision (a) of Section 65583 available to the department and the public and post the draft inventory on its internet website.

(ii) Send an email to all individuals and organizations that have previously requested notices notifying them that the inventory has been updated that includes a link to the draft inventory on its website.

(B) The requirements of this paragraph shall apply to the seventh and each subsequent revision of the housing element.

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public

1 agency, group, or person regarding the draft or adopted element
2 or amendment under review.

3 (d) In its written findings, the department shall determine
4 whether the draft element or draft amendment substantially
5 complies with this article.

6 (e) Prior to the adoption of its draft element or draft amendment,
7 the legislative body shall consider the findings made by the
8 department. If the department's findings are not available within
9 the time limits set by this section, the legislative body may act
10 without them.

11 (f) If the department finds that the draft element or draft
12 amendment does not substantially comply with this article, the
13 legislative body shall take one of the following actions:

14 (1) (A) Change the draft element or draft amendment to
15 substantially comply with this article.

16 (B) Any change to a draft element or draft amendment pursuant
17 to subparagraph (A) shall be completed in accordance with
18 subdivision (b). This subparagraph does not constitute a change
19 in, but is declaratory of, existing law.

20 (2) Adopt the draft element or draft amendment without changes.
21 The legislative body shall include in its resolution of adoption
22 written findings that explain the reasons the legislative body
23 believes that the draft element or draft amendment substantially
24 complies with this article despite the findings of the department.

25 (g) (1) Promptly following the adoption of its element or
26 amendment, the planning agency shall submit a copy of the adopted
27 element or amendment and any findings made pursuant to
28 paragraph (2) of subdivision (f) to the department.

29 (2) This subdivision shall not be construed to excuse a legislative
30 body from complying with subdivision (f). This paragraph does
31 not constitute a change in, but is declaratory of, existing law.

32 (h) The department shall, within 60 days, review adopted
33 housing elements or amendments and any findings pursuant to
34 paragraph (2) of subdivision (f), make a finding as to whether the
35 adopted element or amendment is in substantial compliance with
36 this article, and report its findings to the planning agency.

37 (i) (1) (A) The department shall review any action or failure
38 to act by the city, county, or city and county that it determines is
39 inconsistent with an adopted housing element or Section 65583,
40 including any failure to implement any program actions included

1 in the housing element pursuant to Section 65583. The department
2 shall issue written findings to the city, county, or city and county
3 as to whether the action or failure to act substantially complies
4 with this article, and provide a reasonable time no longer than 30
5 days for the city, county, or city and county to respond to the
6 findings before taking any other action authorized by this section,
7 including the action authorized by subparagraph (C).

8 (B) If the department finds that the city's, county's, or city and
9 county's action or failure to act does not substantially comply with
10 its adopted housing element or its obligations pursuant to Section
11 65583, there shall be a rebuttable presumption of invalidity in any
12 legal action challenging that action or failure to act.

13 (C) If the department finds that the action or failure to act by
14 the city, county, or city and county does not substantially comply
15 with this article, and if it has issued findings pursuant to this section
16 that an amendment to the housing element substantially complies
17 with this article, the department may revoke its findings until it
18 determines that the city, county, or city and county has come into
19 compliance with this article.

20 (2) The department may consult with any local government,
21 public agency, group, or person, and shall receive and consider
22 any written comments from any public agency, group, or person,
23 regarding the action or failure to act by the city, county, or city
24 and county described in paragraph (1), in determining whether the
25 housing element substantially complies with this article.

26 (j) The department shall notify the city, county, or city and
27 county and may notify the office of the Attorney General that the
28 city, county, or city and county is in violation of state law if the
29 department finds that the housing element or an amendment to this
30 element, or any action or failure to act described in subdivision
31 (i), does not substantially comply with this article or that any local
32 government has taken an action in violation of the following:

- 33 (1) Housing Accountability Act (Section 65589.5).
- 34 (2) Section 65863.
- 35 (3) Chapter 4.3 (commencing with Section 65915).
- 36 (4) Section 65008.
- 37 (5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019,
38 Sections 65941.1, 65943, and 66300).
- 39 (6) Section 8899.50.
- 40 (7) Section 65913.4.

- 1 (8) Article 11 (commencing with Section 65650).
- 2 (9) Article 12 (commencing with Section 65660).
- 3 (10) Section 65913.11.
- 4 (11) Section 65400.
- 5 (12) Section 65863.2.
- 6 (13) Chapter 4.1 (commencing with Section 65912.100).
- 7 (14) Section 65905.5.
- 8 (15) Chapter 13 (commencing with Section 66310).
- 9 (16) Section 65852.21.
- 10 (17) Section 65852.22.
- 11 (18) Section 65852.24.
- 12 (19) Section 66411.7.
- 13 (20) Section 65913.16.
- 14 (21) Article 2 (commencing with Section 66300.5) of Chapter
- 15 12.
- 16 (22) Section 65852.28.
- 17 (23) Section 65913.4.5.
- 18 (24) Section 66499.41.
- 19 (25) Homeless Housing, Assistance, and Prevention program
- 20 (Chapter 6 (commencing with Section 50216) and Chapter 6.5
- 21 (commencing with Section 50230) of Part 1 of Division 31 of the
- 22 Health and Safety Code).
- 23 (26) Encampment Resolution Funding program (Chapter 7
- 24 (commencing with Section 50250) of Part 1 of Division 31 of the
- 25 Health and Safety Code).
- 26 (27) Family Homelessness Challenge Grants and Technical
- 27 Assistance Program (Chapter 8 (commencing with Section 50255)
- 28 of Part 1 of Division 31 of the Health and Safety Code).
- 29 (28) (A) Article 11.5 (commencing with Section 65658).
- 30 (B) This paragraph shall become operative only if Assembly
- 31 Bill 3068 of the 2023–24 Regular Session of the Legislature is
- 32 enacted and takes effect on or before January 1, 2025.
- 33 (k) Commencing July 1, 2019, prior to the Attorney General
- 34 bringing any suit for a violation of the provisions identified in
- 35 subdivision (j) related to housing element compliance and seeking
- 36 remedies available pursuant to this subdivision, the department
- 37 shall offer the jurisdiction the opportunity for two meetings in
- 38 person or via telephone to discuss the violation, and shall provide
- 39 the jurisdiction written findings regarding the violation. This
- 40 paragraph does not affect any action filed prior to the effective

1 date of this section. The requirements set forth in this subdivision
2 do not apply to any suits brought for a violation or violations of
3 paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

4 (l) In any action or special proceeding brought by the Attorney
5 General relating to housing element compliance pursuant to a
6 notice or referral under subdivision (j), the Attorney General may
7 request, upon a finding of the court that the housing element does
8 not substantially comply with the requirements of this article
9 pursuant to this section, that the court issue an order or judgment
10 directing the jurisdiction to bring its housing element into
11 substantial compliance with the requirements of this article. The
12 court shall retain jurisdiction to ensure that its order or judgment
13 is carried out. If a court determines that the housing element of
14 the jurisdiction substantially complies with this article, it shall
15 have the same force and effect, for purposes of eligibility for any
16 financial assistance that requires a housing element in substantial
17 compliance and for purposes of any incentives provided under
18 Section 65589.9, as a determination by the department that the
19 housing element substantially complies with this article.

20 (1) If the jurisdiction has not complied with the order or
21 judgment after 12 months, the court shall conduct a status
22 conference. Following the status conference, upon a determination
23 that the jurisdiction failed to comply with the order or judgment
24 compelling substantial compliance with the requirements of this
25 article, the court shall impose fines on the jurisdiction, which shall
26 be deposited into the Building Homes and Jobs Trust Fund. Any
27 fine levied pursuant to this paragraph shall be in a minimum
28 amount of ten thousand dollars (\$10,000) per month, but shall not
29 exceed one hundred thousand dollars (\$100,000) per month, except
30 as provided in paragraphs (2) and (3). In the event that the
31 jurisdiction fails to pay fines imposed by the court in full and on
32 time, the court may require the Controller to intercept any available
33 state and local funds and direct such funds to the Building Homes
34 and Jobs Trust Fund to correct the jurisdiction's failure to pay.
35 The intercept of the funds by the Controller for this purpose shall
36 not violate any provision of the California Constitution.

37 (2) If the jurisdiction has not complied with the order or
38 judgment after three months following the imposition of fees
39 described in paragraph (1), the court shall conduct a status
40 conference. Following the status conference, if the court finds that

1 the fees imposed pursuant to paragraph (1) are insufficient to bring
 2 the jurisdiction into compliance with the order or judgment, the
 3 court may multiply the fine determined pursuant to paragraph (1)
 4 by a factor of three. In the event that the jurisdiction fails to pay
 5 fines imposed by the court in full and on time, the court may
 6 require the Controller to intercept any available state and local
 7 funds and direct such funds to the Building Homes and Jobs Trust
 8 Fund to correct the jurisdiction's failure to pay. The intercept of
 9 the funds by the Controller for this purpose shall not violate any
 10 provision of the California Constitution.

11 (3) If the jurisdiction has not complied with the order or
 12 judgment six months following the imposition of fees described
 13 in paragraph (1), the court shall conduct a status conference. Upon
 14 a determination that the jurisdiction failed to comply with the order
 15 or judgment, the court may impose the following:

16 (A) If the court finds that the fees imposed pursuant to
 17 paragraphs (1) and (2) are insufficient to bring the jurisdiction into
 18 compliance with the order or judgment, the court may multiply
 19 the fine determined pursuant to paragraph (1) by a factor of six.
 20 In the event that the jurisdiction fails to pay fines imposed by the
 21 court in full and on time, the court may require the Controller to
 22 intercept any available state and local funds and direct such funds
 23 to the Building Homes and Jobs Trust Fund to correct the
 24 jurisdiction's failure to pay. The intercept of the funds by the
 25 Controller for this purpose shall not violate any provision of the
 26 California Constitution.

27 (B) The court may order remedies available pursuant to Section
 28 564 of the Code of Civil Procedure, under which the agent of the
 29 court may take all governmental actions necessary to bring the
 30 jurisdiction's housing element into substantial compliance pursuant
 31 to this article in order to remedy identified deficiencies. The court
 32 shall determine whether the housing element of the jurisdiction
 33 substantially complies with this article and, once the court makes
 34 that determination, it shall have the same force and effect, for all
 35 purposes, as the department's determination that the housing
 36 element substantially complies with this article. An agent appointed
 37 pursuant to this paragraph shall have expertise in planning in
 38 California.

(4) This subdivision does not limit a court's discretion to apply any and all remedies in an action or special proceeding for a violation of any law identified in subdivision (j).

(m) In determining the application of the remedies available under subdivision (l), the court shall consider whether there are any mitigating circumstances delaying the jurisdiction from coming into compliance with state housing law. The court may consider whether a city, county, or city and county is making a good faith effort to come into substantial compliance or is facing substantial undue hardships.

(n) Nothing in this section shall limit the authority of the office of the Attorney General to bring a suit to enforce state law in an independent capacity. The office of the Attorney General may seek all remedies available under law including those set forth in this section.

(o) Notwithstanding Sections 11040 and 11042, if the Attorney General declines to represent the department in any action or special proceeding brought pursuant to a notice or referral under subdivision (j), the department may appoint or contract with other counsel for purposes of representing the department in the action or special proceeding.

(p) Notwithstanding any other provision of law, the statute of limitations set forth in subdivision (a) of Section 338 of the Code of Civil Procedure shall apply to any action or special proceeding brought by the office of the Attorney General or pursuant to a notice or referral under subdivision (j), or by the department pursuant to subdivision (o).

(q) The amendments to this section made by the act adding this subdivision shall not be construed to limit the department's ability to enforce programmatic requirements or remedies against cities, counties, and continuums of care pursuant to the Homeless Housing, Assistance, and Prevention program (Chapter 6 (commencing with Section 50216) and Chapter 6.5 (commencing with Section 50230) of Part 1 of Division 31 of the Health and Safety Code), the Encampment Resolution Funding program (Chapter 7 (commencing with Section 50250)), and the Family Homelessness Challenge Grants and Technical Assistance Program (Chapter 8 (commencing with Section 50255)).

SEC. 3. Section 65852.22 is added to the Government Code, to read:

65852.22. (a) A proposed housing development containing no more than eight residential units that is located on a lot with an existing single-family home or is zoned for eight or fewer residential units shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) (A) The proposed housing development dedicates at least one residential unit to deed-restricted affordable housing to households making at or below 80 percent of the area median income. The residential unit shall be subject to a recorded deed restriction for affordable rent for a period of 55 years for rental units and for affordable cost for a period of 45 years for owner-occupied units.

(B) For purposes of this paragraph, the following definitions apply:

(i) "Affordable cost" has the same meaning as "affordable housing cost" described in Section 50052.5 of the Health and Safety Code.

(ii) "Affordable rent" has the same meaning as "affordable rent" described in Section 50053 of the Health and Safety Code.

(iii) "Area median income" has the same meaning as "area median income" as published by the department pursuant to Section 50093 of the Health and Safety Code.

(2) Each of the residential units in the proposed housing development may be leased, sold, or conveyed in any manner under applicable law, including, but not limited to, any of the following:

(A) Rental housing.

(B) Part of a common interest development, pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(C) Part of a tenancy in common, as described in Section 685 of the Civil Code.

(D) Part of a housing cooperative, as defined in Section 817 of the Civil Code.

(3) The site of the housing development project satisfies both of the following requirements:

(A) It is located in a residential zone.

(B) (i) The lot is a legal parcel located within either of the following:

1 (I) An incorporated city, the boundaries of which include some
2 portion of an ~~urbanized~~ urban area.

3 (II) An ~~urbanized area or urban cluster.~~ urban area.

4 (ii) For purposes of this subparagraph, the following definitions
5 apply: “urban area” means an urban area designated by the
6 United States Census Bureau, as published in the Federal Register,
7 Volume 87, Number 249, on December 29, 2022.

8 (I) “Urbanized area” means an ~~urbanized area designated by~~
9 ~~the United States Census Bureau, as published in the Federal~~
10 ~~Register, Volume 77, Number 59, on March 27, 2012.~~

11 (II) “Urban cluster” means an ~~urban cluster designated by the~~
12 ~~United States Census Bureau, as published in the Federal Register,~~
13 ~~Volume 77, Number 59, on March 27, 2012.~~

14 (4) The development of the housing development project does
15 not require the demolition or alteration of any of the following
16 types of housing:

17 (A) Housing that is subject to a recorded covenant, ordinance,
18 or law that restricts rent to levels affordable to persons and families
19 of low, very low, or extremely low income.

20 (B) Housing that is subject to any form of rent or price control
21 through a local public entity’s valid exercise of its police power.

22 (C) Housing occupied by tenants within the five years preceding
23 the date of the application, including housing that has been
24 demolished or that tenants have vacated before the submission of
25 the application for a development permit.

26 (5) The housing development project will be served by a public
27 water system and a municipal sewer system.

28 (6) The housing development project is not located on a site
29 that is any of the following:

30 (A) (i) An area of the coastal zone subject to paragraph (1) or
31 (2) of subdivision (a) of Section 30603 of the Public Resources
32 Code.

33 (ii) An area of the coastal zone that is not subject to a certified
34 local coastal program or a certified land use plan.

35 (iii) An area of the coastal zone that is vulnerable to five feet
36 of sea level rise, as determined by the National Oceanic and
37 Atmospheric Administration, the Ocean Protection Council, the
38 United States Geological Survey, the University of California, or
39 a local agency’s coastal hazards vulnerability assessment.

1 (iv) In a parcel in the coastal zone and located on either of the
2 following:

3 (I) On, or within a 100-foot radius of, a wetland, as defined in
4 Section 30121 of the Public Resources Code.

5 (II) On prime agricultural land, as defined in Sections 30113
6 and 30241 of the Public Resources Code.

7 (B) Either prime farmland or farmland of statewide importance,
8 as defined pursuant to United States Department of Agriculture
9 land inventory and monitoring criteria, as modified for California,
10 and designated on the maps prepared by the Farmland Mapping
11 and Monitoring Program of the Department of Conservation, or
12 land zoned or designated for agricultural protection or preservation
13 by a local ballot measure that was approved by the voters of that
14 jurisdiction.

15 (C) Wetlands, as defined in the United States Fish and Wildlife
16 Service Manual, Part 660 FW 2 (June 21, 1993).

17 (D) Within a high or very high fire hazard severity zone, as
18 determined by the Department of Forestry and Fire Protection
19 pursuant to Section 51178, or within the state responsibility area,
20 as defined in Section 4102 of the Public Resources Code. This
21 subparagraph does not apply to sites that have adopted fire hazard
22 mitigation measures pursuant to existing building standards or
23 state fire mitigation measures applicable to the development,
24 including, but not limited to, standards established under all of the
25 following or their successor provisions:

26 (i) Section 4291 of the Public Resources Code or Section 51182,
27 as applicable.

28 (ii) Section 4290 of the Public Resources Code.

29 (iii) Chapter 7A of the California Building Standards Code (Title
30 24 of the California Code of Regulations).

31 (E) A hazardous waste site that is listed pursuant to Section
32 65962.5 or a hazardous waste site that is otherwise designated by
33 the Department of Toxic Substances Control, unless either of the
34 following apply:

35 (i) The site is an underground storage tank site that received a
36 uniform closure letter issued pursuant to subdivision (g) of Section
37 25296.10 of the Health and Safety Code based on closure criteria
38 established by the State Water Resources Control Board for
39 residential use or residential mixed uses. This section does not

1 alter or change the conditions to remove a site from the list of
2 hazardous waste sites listed pursuant to Section 65962.5.
3 (ii) The State Department of Public Health, the State Water
4 Resources Control Board, the Department of Toxic Substances
5 Control, or a local agency making a determination pursuant to
6 subdivision (c) of Section 25296.10 of the Health and Safety Code,
7 has otherwise determined that the site is suitable for residential
8 use or residential mixed uses.
9 (F) Within a delineated earthquake fault zone, as determined
10 by the State Geologist in any official maps published by the State
11 Geologist, unless the development complies with applicable seismic
12 protection building code standards adopted by the California
13 Building Standards Commission under the California Building
14 Standards Law (Part 2.5 (commencing with Section 18901) of
15 Division 13 of the Health and Safety Code), and by any local
16 building department under Chapter 12.2 (commencing with Section
17 8875) of Division 1 of Title 2.
18 (G) Within a special flood hazard area subject to inundation by
19 the 1-percent annual chance flood (100-year flood) as determined
20 by the Federal Emergency Management Agency (FEMA) in any
21 official maps published by FEMA. If a development proponent is
22 able to satisfy all applicable federal qualifying criteria in order to
23 provide that the site satisfies this subparagraph and is otherwise
24 eligible for streamlined approval under this section, a local agency
25 shall not deny the application on the basis that the development
26 proponent did not comply with any additional permit requirement,
27 standard, or action adopted by that local agency that is applicable
28 to that site. A development may be located on a site described in
29 this subparagraph if either of the following are met:
30 (i) The site has been subject to a Letter of Map Revision
31 prepared by FEMA and issued to the local jurisdiction.
32 (ii) The site meets FEMA requirements necessary to meet
33 minimum flood plain management criteria of the National Flood
34 Insurance Program pursuant to Part 59 (commencing with Section
35 59.1) and Part 60 (commencing with Section 60.1) of Subchapter
36 B of Chapter I of Title 44 of the Code of Federal Regulations.
37 (H) Within a regulatory floodway as determined by FEMA in
38 any official maps published by FEMA, unless the development
39 has received a no-rise certification in accordance with Section
40 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a

development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local agency shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local agency that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), a habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(b) (1) A local agency shall not apply any development standard that will have the effect of physically precluding the construction of a housing development that meets the requirements of subdivision (a). This subdivision shall not be interpreted to require a local agency to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon *the public* health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(2) Notwithstanding paragraph (1), a local agency shall not impose on a housing development subject to this section any objective zoning standard or objective design standard that does or is any of the following:

(A) Imposes any requirement that applies to a project solely or partially on the basis that the housing development receives approval pursuant to this section.

(B) Requires a setback between the units, except as required in the California Building Standards Code (Title 24 of the California Code of Regulations).

(C) Requires that parking be enclosed or covered.

(D) Imposes side and rear setbacks from the original lot line inconsistent with subparagraph (B) of paragraph (2) of subdivision (b) of Section 65852.21.

(E) Imposes height restrictions less than that of one story above the maximum height otherwise applicable to the parcel.

(F) Imposes off-street parking requirements.

(G) Imposes a floor area ratio standard that is less than 2.0.

(3) Notwithstanding paragraph (1), no setback, height limitation, lot coverage limitation, floor area ratio, or other standard that would limit residential development capacity shall be required for an existing structure or a structure constructed in the same location and within the same dimensions as an existing structure.

(c) (1) A local agency shall ministerially consider, without discretionary review or a hearing, an application submitted to the local agency pursuant to this section.

(2) A local agency shall approve or deny an application for a housing development project submitted to a local agency pursuant to this section within 60 days from the date the local agency receives a completed application. If the local agency does not approve or deny a completed application within 60 days, the application shall be deemed approved. If the local agency denies the application, the local agency shall, within 60 days from the date the local agency receives the completed application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.

(d) A local agency may disapprove a housing development project that meets the requirements of this section if it makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon *the* public health and ~~safety~~ *safety*, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this

1 section shall not be considered a project under Division 13
2 (commencing with Section 21000) of the Public Resources Code.

3 *(f) An application for a proposed housing development submitted*
4 *pursuant to this section shall be ineligible for a density bonus, or*
5 *any incentives, concessions, waivers or reductions of development*
6 *standards, or parking ratios, provided under Section 65915.*

7 ~~(f)~~

8 *(g)* The Legislature finds and declares that the provision of
9 adequate housing, in light of the severe shortage of housing at all
10 income levels in this state, is a matter of statewide concern and is
11 not a municipal affair as that term is used in Section 5 of Article
12 XI of the California Constitution. Therefore, this section serves a
13 significant and legitimate public purpose by eliminating potential
14 restrictions that could inhibit the production of adequate housing,
15 and applies to all cities, including charter cities.

16 ~~(g)~~

17 *(h)* For purposes of this section, “local agency” means a city,
18 county, or city and county, whether general law or chartered.

19 SEC. 4. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 a local agency or school district has the authority to levy service
22 charges, fees, or assessments sufficient to pay for the program or
23 level of service mandated by this act, within the meaning of Section
24 17556 of the Government Code.

O



May 13, 2025

The Honorable Mark González
California State Assembly
1021 O St, Suite 6150
Sacramento, CA 95814

RE: Letter of Opposition – AB 647 (González, M.) Housing Development Approvals: Residential Units.

Dear Assemblymember González,

The City of Clovis must oppose your AB 647 (González), which would disregard state-mandated local housing elements and force cities to allow up to eight housing units — only one of which is required to be affordable — on lots with an existing single-family home or in an area zoned for eight units or less, without any environmental review or public input.

AB 647 would empower developers to bulldoze nearly any home and replace it with eight new units. Once those units are constructed, Government Code Section 66323(a)(4) requires local jurisdictions to allow up to an additional eight ADUs on the same lot, bringing the total allowable units to sixteen, while simultaneously ignoring existing height limits, density requirements, and parking standards.

The City of Clovis appreciates your desire to pursue a proposal that boosts housing production. Unfortunately, AB 647 ignores local flexibility, decision-making, and community input, which are critical components that, when coupled with ongoing, dedicated funding, can help spur desperately needed housing construction in the state.

AB 647 and other ministerial or by-right housing approval processes fail to recognize the extensive public engagement and costs associated with developing and adopting zoning ordinances and state-mandated housing elements that are certified by the California Department of Housing and Community Development. It is concerning that cities are being forced to spend tens of thousands of dollars on housing plans only to have them pushed aside and replaced with one-size-fits-all zoning dictated by the Legislature.

For these reasons, the City of Clovis regrettably must oppose AB 647 (González).

Sincerely,

Vong Mouanoutoua
Mayor, City of Clovis

cc. League of California Cities, cityletters@cacities.org
Rajveer Rakkar, Regional Public Affairs Manager, RRakkar@calcities.org



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: May 12, 2025

SUBJECT: Consider Approval - Res. 25-____, Approving an Updated (Reduced) Water Major Facilities Development Impact Fee Schedule and providing a description of fees to be requested for County Adoption.

Staff: Thad Avery, City Engineer

Recommendation: Approve

ATTACHMENTS: 1. Res. 25-____, Approving Updated Water Major Facilities Development Impact Fee Schedule, including Fee Schedule
2. Nexus Memo
3. AB602 Findings

RECOMMENDATION

For the City Council to approve Res. 25-____, revising the Water Major Facilities Fee in the Master Development Fee Schedule and providing a description of fees to be requested for County Adoption.

EXECUTIVE SUMMARY

After further review and analysis of the components and calculation methodology of the Water Major Facilities Development Impact Fee, and several meetings with the development community, staff proposes an updated Water Major Facilities Fee Schedule which reflects a reduction in the Fee approved by the City Council on June 10, 2024. The proposed Fee Schedule reflects 21 percent reduction to the current Water Major Facilities Fee rates. Approval of the lower Water Major Facilities Fee will result in an approximate 5 percent decrease in the overall Development Impact Fee obligation for all projects.

BACKGROUND

On June 10, 2024, Staff brought to Council a Development Impact Fee (DIF) increase for all fees. Most fees were increased by the Engineering News Record Construction Cost Index (CCI) as authorized by section 3.10.02(a) of the Municipal Code, excluding the Water Major Facilities Fee. A comprehensive update was performed on the Water Major Facilities Fee and an increase of 104% was proposed. Council approved the proposed increases to all the development fees based on CCI, including the 104% increase to the Water Major Facilities Fee. The new fee rates

went into effect on August 12, 2024, which was at least 60 days after Council approval as required by Government Code section 66017 for increased fees.

Shortly after the new fees went into effect, the City received a letter from the BIA challenging the fee methodology, assumptions, and financing specifically for the Water Major Facilities Fee. To address the concerns outlined in the letter from the BIA, city staff set up a working group with the BIA and their consultant to review and evaluate the components, cost estimates, and methodology of the Water Major Facilities Fee. City staff also worked with an outside consultant to develop a new fee methodology and corresponding cash flow analysis, which were presented to the working group during a series of meetings over two months. From these meetings, staff and BIA worked to: 1) reduce the scope of time considered in the fee program, 2) examine future bonding needs and capacities through a cash-flow analysis, and 3) remove financing for future estimated bonds – both near-term and longer-term bonds - from the fee at the request of the BIA. It should be noted that removing near-term bond financing will result in a large fee increase if or when a bond is needed, which was conveyed to and understood and acknowledged by both the BIA working group and the larger stakeholder community. The results of the revised methodology and the corresponding group meetings were a proposed 21% decrease to the Water Major Facilities Fee. The current fee rate is \$12,256 per EDU (equivalent dwelling unit per 5.1 to 5.5 units/acre density) and the proposed new fee rate is \$9,625 per EDU at that density with the fee rate adjusted according to residential density and other land uses. This change results in an approximately 5 percent decrease to the total fee obligation for all projects.

Stakeholder Outreach

Staff held two public, in-person meetings with stakeholders in April to discuss the proposed rates and methodology. An invitation for the two meetings was sent by email to a group of over 200 stakeholders, including the Building Industry Association (BIA), Fresno Metropolitan Flood Control District (FMFCD), the Clovis Unified School District, and several local residential and non-residential developers. This was in addition to a total of ten smaller working group meetings between staff and the BIA.

Mitigation Fee Act (Government Code, Sections 66000 – 66024)

Section 66001 of the Government Code requires that the City shall do all of the following at the time that it establishes, increases or imposes a fee as a condition of approval of a development project:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put (identify the public facilities to be constructed).
3. Determine how there is a reasonable relationship (nexus) between the use of the fee and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship (nexus) between the need for the public facility and the type of development project on which the fee is imposed.

Items 1 and 2 are addressed, clearly identified, and supported in various provisions of the municipal code for each fee imposed by the City, including the Water Major Facilities Fee.

Additionally, the Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025 (Attachment 2) also addresses items 1 and 2 above.

Items 3 and 4 are met for each fee imposed by the City, including the Water Major Facilities Fee, through the determinations made in various actions taken by the City Council, including:

- Adoption of the City's General Plan.
- Adoption of each Specific Plan in the City.
- Adoption of each Master Plan for City infrastructure, including the Sewer, Water, Recycled Water, and other Master Plans.
- The method by which fee rates are established, which involves calculating the estimated cost of facilities and improvements identified in the various adopted plans needed for new development and distributing that estimated cost of the needed facilities and improvements among the developable properties within the respective service areas based on the nexus between the proposed development and the proposed fees and the impacts to be mitigated by the fees in rough proportionality to the development's impact on, or need for, the public facilities and improvements.
- The Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025 (Attachment 2) also addresses items 3 and 4 above.

AB602 (Government Code Section 66016.5(a)(5))

AB602 established new requirements beginning in 2022 for agencies implementing Development Impact Fee programs to base residential impact fees on the square footage of the proposed residential units or make specific findings to explain why other metrics are appropriate. To comply with AB602, staff evaluated and compared the current metrics used for imposing DIFs with the proposed square foot metric, and staff has determined the effectiveness and appropriateness of the current metrics for imposing DIFs by the City has been established with the support of decades of data and results and continues to be supported by such data and results. These findings are included in Attachment 3 and are included as part of the Resolution for approving the updated Water Major Facilities Fee Schedule.

Staff concluded that the current method in which the proposed updated Water Major Facilities Development Impact Fee is imposed either on a per unit basis or a per acreage basis has proven to be the most fair and reasonable means for housing development and complies with the Mitigation Fee Act as supported by the necessary findings (Attachment 3). To charge based on a square footage basis would be unsupported by empirical data and less compliant with the Mitigation Fee Act.

FISCAL IMPACT

The proposed updated Water Major Facilities Fee rates will lower the amount collected per unit but still allow the City to meet its existing bonding obligations from previously issued bonds to support development and provide funding for needed future major Water facilities and infrastructure improvements to support the developments paying the required Fee.

REASON FOR RECOMMENDATION

The proposed updated Water Major Facilities Fee rates are required to fund major water infrastructure that is needed to support new development.

ACTIONS FOLLOWING APPROVAL

1. Staff will notify the development community and implement the proposed updated Water Major Facilities Fee rates the following business day after approval of the resolution.
2. Staff will proceed with getting the updated fees adopted by the Fresno County Board of Supervisors.

CONFLICT OF INTEREST

None.

Prepared by: Christopher Kelly, Civil Engineer

Reviewed by: City Manager *AK*

RESOLUTION 25-___**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN
UPDATED (REDUCED) WATER MAJOR FACILITIES DEVELOPMENT IMPACT FEE
SCHEDULE**

WHEREAS, the City of Clovis is authorized pursuant to the Mitigation Fee Act (the “Act”), commencing with Government Code section 66000 et seq., to impose development impact fees to prevent new development from adversely impacting the level of service for public facilities in Clovis by requiring new development to contribute to the cost of improvements needed to meet the needs of new development and to provide a funding source from new development for capital improvements necessitated by and needed to serve the development; and

WHEREAS, the City has duly adopted various development impact fees in accordance with applicable provisions of the Act, and such fees are described in applicable provisions of the Clovis Municipal Code; and

WHEREAS, on June 10, 2024, the City Council duly approved updates to all development impact fees and the approved fees became effective on August 12, 2024, and the entire record of proceedings for the June 10, 2024, City Council approval is incorporated herein and made part of the record of proceedings for this item, including without limitation the June 10, 2024, staff report and all attachments thereto, the presentation by City staff, and all written materials and comments provided during the public hearing conducted on June 10, 2024; and

WHEREAS, following the approval of the development impact fees on June 10, 2024, City staff undertook a comprehensive and detailed review of the Water Major Facilities Fee at the request of the local development community, including the local Building Industry Association; and

WHEREAS, as part of the comprehensive and detailed review of the Water Major Facilities Fee, the required nexus analysis was performed and a Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025 was prepared (Attachment 2 to the staff report for this resolution), including the necessary findings required by Government Code section 66016.5(a)(5)(B) for using an alternative basis for calculating fees rather than the inappropriate square footage metric of calculating fees (Attachment 3 to the staff report for this resolution), which nexus memorandum and findings are attached with the staff report for this item and incorporated herein by this reference, and staff recommends the City Council approve the nexus memorandum dated April 30, 2025, and referenced findings in accordance with Government Code section

66016.5(a)(5)(B), and approve the updated Water Major Facilities Development Impact Fee Schedule set forth in Table 4 of the Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025; and

WHEREAS, Clovis Municipal Code section 3.10.02 provides that any adjusted development impact fees shall be subject to City Council review and approval by resolution and shall be included in the City's Master Development Fee Schedule; and

WHEREAS, the applicable memorandum of understanding between the County of Fresno and the City of Clovis (MOU), as amended, requires the City to adopt a resolution describing the type, amount, and purpose of City development impact fees to be requested for County adoption, and make findings demonstrating that the fees comply with applicable provisions of state law and the Act; and

WHEREAS, approval of this resolution and the levying of the updated Water Major Facilities Development Impact Fees has been reviewed by City staff in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines and staff recommends the City Council determines that approval of this resolution approving the updated Water Major Facilities Fee Rate Schedule is exempt from CEQA pursuant to Section 15061(b)(3), 15273, and 15378(b)(4) of the CEQA Guidelines because the approval of this resolution is a government funding mechanism which does not involve any commitment to any specific project, and because it can be seen with certainty that there is no possibility that the fees may have a significant effect on the environment in that this resolution contains no provisions to modify physical design, development, or construction of development, or authorizing any development project; and

WHEREAS, the City Council has reviewed and considered the entire record of proceedings for the proposed updated Water Major Facilities Development Impact Fee, including without limitation the staff report and all attachments thereto, staff's presentation during the meeting on this item, and all oral and written comments and materials provided at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis hereby finds and resolves as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. Purpose of the Fees. The purpose of the Water Major Facilities Development Impact Fees set forth in Table 4 of the Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025, attached with the staff report

(Attachment 2) for this resolution, is to prevent new development from adversely impacting the level of service for public facilities in Clovis by requiring new development to contribute to the cost of improvements needed to meet the needs of new development and to provide a funding source from new development for capital improvements necessitated by and needed to serve that development. The fees advance a legitimate City interest by enabling the City to provide public facilities necessitated by development.

3. Use of the Fees. The revenue from the Water Major Facilities Development Impact Fees set forth in Table 4 of the Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025, will be used to acquire land and equipment and construct new and expanded facilities needed to mitigate the impacts of new development. Those improvements are identified the City's General Plan, the City's Water Master Plan, and in the Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025.
4. Reasonable Relationship: There is a reasonable relationship between:
 - A. The use of the fees and the types of development projects on which they are imposed; and
 - B. The need for facilities and the types of development projects on which the fees are imposed.
5. The entire record of proceedings for the Water Major Facilities Development Impact Fees, including the record of proceedings from the approval of development impact fees on June 10, 2024, the staff report and Attachments to the staff report for this resolution, and the staff presentation and all materials and comments provided at the May 12, 2025, City Council meeting during consideration of this matter, includes all the requisite information to support the adoption of the updated Water Major Facilities Development Impact Fee Schedule set forth in Table 4 of the Water Major Facilities Development Impact Fee Nexus Memorandum dated April 30, 2025, as required under applicable provisions of the Act, including Government Code section 66001(a).
6. The Findings in Support of the Continuation of City Policies to Impose Residential Development Impact Fees on a Per Unit or Per Acre Basis attached with the staff report (Attachment 3) for this resolution are approved in accordance with Government Code section 66016.5(a)(5)(B).
7. Fee Schedule Approval. The Water Major Facilities Development Impact Fee Schedule set forth in Table 4 of the Water Major Facilities Development Impact Fee

Nexus Memorandum dated April 30, 2025, Attachment 2 to the staff report for this resolution, is hereby approved and adopted.

8. Approval of this resolution and the referenced Water Major Facilities Development Impact Fee Schedule is exempt from CEQA pursuant to Section 15061(b)(3), 15273, and 15378(b)(4) of the CEQA Guidelines because the approval is a government funding mechanism which does not involve any commitment to any specific project, and because it can be seen with certainty that there is no possibility that the fees may have a significant effect on the environment in that this resolution contains no provisions to modify physical design, development, or construction of development, or authorizing any development project.
9. City staff is directed to update the City's Master Development Fee Schedule as necessary to incorporate the updated Water Major Facilities Development Impact Fee Schedule approved hereby, and request County adoption of the updated Water Major Facilities Development Impact Fee Schedule approved hereby consistent with the provisions of the MOU between the City and County.
10. Effective Date. This Resolution and the approved updated Water Major Facilities Development Impact Fee Schedule are effective immediately as the Fee Schedule reflects a reduction in the previously approved Water Major Facilities Development Impact Fee Schedule on June 10, 2024.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 12, 2025, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 12, 2025

Mayor

City Clerk



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

April 30, 2025

Subject: Water Major Facilities Development Impact Fee Nexus Memorandum

The City of Clovis (City) is located in the Central Valley of California, with the City of Fresno to the west, and unincorporated Fresno County to the south and east. The City's water system currently services approximately 126,133 residents within the City and an additional 3,997 residents in the unincorporated Tarpey Village, as well as various commercial, industrial, and institutional accounts. As part of its annual development fee program assessment, the City of Clovis evaluated their water system major facility fees in 2022 to determine the appropriateness of the fee in relation to the cost of materials and construction. Subsequently, City Council adopted an updated fee of \$12,246 per equivalent dwelling unit (EDU) on June 10, 2024. The Building Industry Association (BIA) issued a challenge to this adopted fee, and staff have been working with the BIA since that time to evaluate the fee. This report documents the need for a new fee, the calculation, and financial impact of the fee, including a cash flow analysis.

Existing and Future Development Projections

The City established 2024 as the baseline for evaluating existing development. The development community, including the BIA were approached for planned development, and City historical data was evaluated for reasonable future projections of development. For the development of the Fee, the City limited the scope of the evaluation to 2033 to provide a better estimate of the infrastructure needs and timing, known development projects, and financial planning. Development projections vary yearly, but are estimated at approximately 993 units per year through 2033 for this analysis. Development projections are included in more detail on [Table 1](#).

Planning Horizon Facilities and Cost Sharing

The City of Clovis worked with their Water Master Planning consultant, Provost and Pritchard, to complete a timing study identifying water system improvements expected in the near-term planning horizon. Provost and Pritchard, in conjunction with City staff, identified the need for new significant water treatment capacity in the year 2033. Due to the

costly nature of this project, and the other necessary improvements needed to accommodate growth and the new capacity, 2033 was selected as the planning horizon. Other facilities planned include tanks, wells, and significant water transmission capacity improvements meant to serve the various areas of growth in the City. After completion of the timing study, City staff worked with BIA to refine timing based on the growth expectations of the industry. Improvements within the 2033 planning horizon are documented on **Table 2**.

Additionally, City staff evaluated improvements for their potential benefit to the existing system. Accordingly, staff identified improvements that provided redundant capacity that would enhance the existing system reliability, as well as improvements that would provide the potential for a 12-month reliable supply. Staff assigned a percent-benefit to these improvements for existing users contributions. This is also included in **Table 2**.

Fee Calculation and Methodology

The baseline fee was calculated using the incremental methodology, which follows a relatively simple calculation as outlined below:

$$\text{Water Major Facility Fee} = \frac{\text{Cost of Growth} - \text{Related Infrastructure to 2033, dollars}}{\text{Capacity Created, in EDUs}}$$

The core components of the formula are described as follows:

Cost of Infrastructure: The cost of infrastructure is defined as the cumulative cost of water infrastructure needed by the year 2033 to serve new development. This includes pipelines, tanks, pump stations, major valves, and treatment plants.

Capacity Created: The Capacity Created reflects the water supply capacity created by improvements within the planning horizon, and which are intended to serve a specific amount of units. This is calculated by determining the overall supply capacity of the improvement, which is measured at the peak hour demand.

The Capacity Created and the Cost of Infrastructure are included in **Table 3**. This table documents the maximum water major fee per EDU as \$9,625.

Fee Assessment

Fee's for the water major facilities will be assessed based on the land use of the map. Fee's will vary depending on the density of residential development, with less dense development generally paying a higher cost per EDU, while multi-family type developments will generally pay a lower fee per unit.

Commercial, industrial, institutional and other miscellaneous land use types pay separate fees depending on their use. These fees are generally assessed in a per square foot charge or a gross acre charge in the case of schools. The fees based land use type and density are shown on **Table 4**.

In accordance with existing city policies and practices, the City does not assess fees on a per square foot basis for residential development. The City's current development fee program has assessed the impacts of AB602 and has found that the current methodology for assessing fees is based on empirical data developed over years of implementation within the fee program. If the City were to assess fees based on a proportional square footage, it is estimated that this would be less likely to comply with the Mitigation Fee Act.

Fee Impacts

The City of Clovis submitted the revised Water Major Facility Fee calculation to the development community through a series of stakeholders meetings starting in January 2025. The City conducted 10 stakeholder meetings with both working groups within the Building Industry Association as well as the larger community of developers. In accordance with the City's standard practices, and upon determining the fee per EDU, the City prepared standard calculation scenarios for single family, multi-family, and non-residential construction to document the cost impacts of changing the fee from \$12,246 to \$9,625 per EDU. These impacts are documented in **Tables 5, 6, and 7**, respectively. In general, the reduction in water major facility fees result in an approximate 5% to 7% reduction in overall fees paid to develop.

Table 1. Development Projections

Water Developer Funding Scenario	Developer Units (Estimated)
2024/25	844
2025/26	954
2026/27	1,075
2027/28	1,075
2028/29	1,075
2029/30	1,075
2030/31	974
2031/32	972
2032/33	974
2033/34	974
2034/35	949
2035/36	1,054
2036/37	1,056
2037/38	1,056
2038/39	1,056
2039/40	1,056
2040/41	1,133

Table 2. Improvement Timing

				Constructed by Year											
CIP ID	Area	Existing Share	Cost	Constructed Previous	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	
PIPELINES															
P-2	Clovis		\$ 1,153,700			\$1,153,700									
P-3	Clovis		\$ 1,147,100			\$1,147,100									
P-4	Clovis		\$ 424,000			\$424,000									
P-6a	Clovis		\$ 294,100								\$294,100				
P-6b	Clovis		\$ 1,175,500								\$1,175,500				
P-18	Northwest Village		\$ 857,385							\$857,385					
P-23	Northwest Village		\$ 1,741,100								\$1,741,100				
P-38	Northwest Village		\$ 385,000			\$385,000									
P-38	Northwest Village		\$ 742,410				\$742,410								
P-38	Northwest Village		\$ 919,800						\$919,800						
P-39a	Northwest Village		\$ 643,900			\$643,900									
P-39b	Northwest Village		\$ 673,425			\$673,425									
P-40	Northwest Village		\$ 1,724,899			\$1,724,899									
P-40b	Northwest Village		\$ 262,526			\$262,526									
P-49	Northeast Village		\$ 5,506,200									\$5,506,200			
P-50	Northeast Village		\$ 912,000									\$912,000			
RWL	Raw Water Pipeline	10%	\$ 32,760,270											\$32,760,270	
WELLS															
W-44	Northwest Village		\$ 2,618,000						\$2,618,000						
W-45	Northwest Village		\$ 2,618,000					\$2,618,000							
TANKS															
T-6	Clovis Design	25%	\$ 750,000			\$750,000									
T-6	Clovis Construction	25%	\$ 11,647,500				\$11,647,500								
T-9	Northwest Village - Phase 1		\$ 9,482,000					\$9,482,000							
PUMP STATION															
PS-T9	Northwest Village - Phase 1		\$ 1,221,000					\$1,221,000							
OTHER IMPROVEMENTS															
WTPPR-1	Pre-Treatment - Design		\$ 790,270				\$790,270								
WTPPR-2	Pre-Treatment - Construction		\$ 5,288,730					\$5,288,730							
WTPPR-3	Process Addition - Design		\$ 697,710				\$697,710								
WTPPR-4	Process Addition - Construction		\$ 4,669,290					\$4,669,290							
PSV6	Clovis		\$ 268,000						\$268,000						
PSV7	Clovis		\$ 160,000	\$160,000											
SWTP-2a	Northeast Village - Design	10%	\$ 11,700,000									\$11,700,000			
SWTP-2b	Northeast Village - Construction	10%	\$ 70,300,000											\$70,300,000	
SWTP-2c	Northeast Village - Land Acq	10%	\$ 8,000,000			\$8,000,000									
RECHARGE BASIN IMPROVEMENTS															
RC-1	Clovis														
RC-2	Northwest Village - LVRB	25%	\$ 2,985,000			\$394,000	\$3,000,000								

Table 3. Incremental Methodology

Description		Incremental Method
Net Cash on Hand		(\$15,477,125)
Capital Expenditures		\$184,767,815
Near-Term Financing		Not Included
Total Capital Required		\$169,290,690
Well Capacity Added		1,440,000
SWTP Capacity Added		23,400,000
Storage Capacity Credit		1,531,250
Total New Supply Capacity		26,371,250
dollars per gal		\$6.42
gpd/EDU	500	
Peak Hour Demand		
Factor	3.0	
gpd/EDU PHD		1,499
Capacity Fee, \$/EDU		\$9,625
Horizon		2033

Notes:

1) Includes 20 years of interest expenses, not discounted on \$23m loan.

Removed per BIA Request 4/10/25

Table 4. PROPOSED MASTER DEVELOPMENT FEE SCHEDULE 25-26

		<i>Current Rate</i>	<i>Proposed Rate</i>
Water Major Facilities			
Residential	(Units per Acre)		
Residential	2.0 or less	\$17,568	\$13,795 per unit
Residential	2.1 to 2.5	\$17,568	\$13,795 per unit
Residential	2.6 to 3.0	\$17,568	\$13,795 per unit
Residential	3.1 to 3.5	\$17,568	\$13,795 per unit
Residential	3.6 to 4.0	\$17,568	\$13,795 per unit
Residential	4.1 to 4.5	\$17,568	\$13,795 per unit
Residential	4.6 to 5.0	\$14,912	\$11,710 per unit
Residential	5.1 to 5.5	\$12,256	\$9,625 per unit
Residential	5.6 to 6.0	\$11,977	\$9,406 per unit
Residential	6.1 to 6.5	\$11,698	\$9,187 per unit
Residential	6.6 to 7.0	\$11,419	\$8,968 per unit
Residential	7.1 to 7.5	\$11,140	\$8,749 per unit
Residential	7.6 to 8.0	\$10,861	\$8,530 per unit
Residential	8.1 to 8.5	\$10,582	\$8,311 per unit
Residential	8.6 to 9.0	\$10,303	\$8,092 per unit
Residential	9.1 to 9.5	\$10,024	\$7,873 per unit
Residential	9.6 to 10.0	\$9,745	\$7,654 per unit
Residential	10.1 to 10.5	\$9,466	\$7,435 per unit
Residential	10.6 to 11.0	\$9,192	\$7,219 per unit
Residential	11.1 to 11.5	\$9,081	\$7,132 per unit
Residential	11.6 to 12.0	\$8,970	\$7,045 per unit
Residential	12.1 to 12.5	\$8,859	\$6,958 per unit
Residential	12.6 to 13.0	\$8,748	\$6,871 per unit
Residential	13.1 to 13.5	\$8,637	\$6,784 per unit
Residential	13.6 to 14.0	\$8,526	\$6,697 per unit
Residential	14.1 to 14.5	\$8,415	\$6,610 per unit
Residential	14.6 to 15.0	\$8,304	\$6,523 per unit
Residential	15.1 to 15.5	\$8,193	\$6,436 per unit
Residential	15.6 to 16.0	\$8,082	\$6,349 per unit
Residential	16.1 to 16.5	\$7,971	\$6,262 per unit
Residential	16.6 to 17.0	\$7,860	\$6,175 per unit
Residential	17.1 to 17.5	\$7,749	\$6,088 per unit
Residential	17.6 to 18.0	\$7,638	\$6,001 per unit
Residential	18.1 to 18.5	\$7,527	\$5,914 per unit
Residential	18.6 to 19.0	\$7,416	\$5,827 per unit
Residential	19.1 to 19.5	\$7,305	\$5,740 per unit
Residential	19.6 to 20.0	\$7,201	\$5,655 per unit
Commercial Retail		\$8.78	\$6.90 per bldg sf
Professional Office		\$8.78	\$6.90 per bldg sf
Industrial		\$2.36	\$1.85 per bldg sf
Schools		\$18,384	\$14,438 per gross acre
Public Facilities		\$4.77	\$3.74 per bldg sf
FMFCD Basins		<i>Exempt</i>	Exempt per gross acre
Parks		<i>Exempt</i>	Exempt
Assisted Living		\$8.33	\$6.55 per bldg sf

Table 5. Single-Family Fee Calculation Scenarios
2025-2026 Proposed Fee rates

		4 DU/AC (SFR) - 40 acre development			6.5 DU/AC (SFR) - 40 acre development			7.5 DU/AC (SFR) - 40 acre development			14.5 DU/AC (SFR) - 40 acre development			15.5 DU/AC (SFR) - 40 acre development		
		Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference
Area 1	Total	\$9,295,845	\$8,683,110	(\$612,735)	\$12,835,623	\$12,172,970	(\$662,653)	\$13,299,164	\$12,571,104	(\$728,060)	\$22,963,560	\$21,900,957	(\$1,062,604)	\$24,638,483	\$23,532,803	(\$1,105,680)
	Per Unit	\$58,099	\$54,269	(\$3,830)	\$49,368	\$46,819	(\$2,549)	\$44,331	\$41,904	(\$2,427)	\$39,592	\$37,760	(\$1,832)	\$39,739	\$37,956	(\$1,783)
	% Change			-6.6%			-5.2%			-5.5%			-4.6%			-4.5%
Area 2	Total	\$7,461,537	\$6,848,802	(\$612,735)	\$9,855,136	\$9,192,483	(\$662,653)	\$11,235,567	\$10,507,508	(\$728,060)	\$18,973,940	\$17,911,337	(\$1,062,604)	\$20,373,717	\$19,268,037	(\$1,105,680)
	Per Unit	\$46,635	\$42,805	(\$3,830)	\$37,904	\$35,356	(\$2,549)	\$37,452	\$35,025	(\$2,427)	\$32,714	\$30,882	(\$1,832)	\$32,861	\$31,077	(\$1,783)
	% Change			-8.2%			-6.7%			-6.5%			-5.6%			-5.4%
Area 3	Total	\$7,028,781	\$6,416,046	(\$612,735)	\$9,381,476	\$8,718,823	(\$662,653)	\$10,794,874	\$10,066,815	(\$728,060)	\$18,464,756	\$17,402,152	(\$1,062,604)	\$19,854,748	\$18,749,068	(\$1,105,680)
	Per Unit	\$43,930	\$40,100	(\$3,830)	\$36,083	\$33,534	(\$2,549)	\$35,983	\$33,556	(\$2,427)	\$31,836	\$30,004	(\$1,832)	\$32,024	\$30,240	(\$1,783)
	% Change			-8.7%			-7.1%			-6.7%			-5.8%			-5.6%
Area 4	Total	\$9,246,962	\$8,634,227	(\$612,735)	\$12,767,049	\$12,104,397	(\$662,653)	\$13,246,160	\$12,518,101	(\$728,060)	\$22,877,306	\$21,814,702	(\$1,062,604)	\$24,547,478	\$23,441,798	(\$1,105,680)
	Per Unit	\$57,794	\$53,964	(\$3,830)	\$49,104	\$46,555	(\$2,549)	\$44,154	\$41,727	(\$2,427)	\$39,444	\$37,612	(\$1,832)	\$39,593	\$37,809	(\$1,783)
	% Change			-6.6%			-5.2%			-5.5%			-4.6%			-4.5%
Area 5	Total	\$8,335,492	\$7,722,757	(\$612,735)	\$11,290,833	\$10,628,181	(\$662,653)	\$12,221,863	\$11,493,803	(\$728,060)	\$20,904,349	\$19,841,745	(\$1,062,604)	\$22,438,999	\$21,333,319	(\$1,105,680)
	Per Unit	\$52,097	\$48,267	(\$3,830)	\$43,426	\$40,878	(\$2,549)	\$40,740	\$38,313	(\$2,427)	\$36,042	\$34,210	(\$1,832)	\$36,192	\$34,409	(\$1,783)
	% Change			-7.4%			-5.9%			-6.0%			-5.1%			-4.9%

Note: Water Supply Fee (Base Rate) will increase the development cost by \$191,000.00 for Areas 1 through 5, as well as for all 40 acre residential developments.

Table 6. Multi-Family Fee Calculation Scenarios
2025-2026 Proposed Fee rates

		7.5 DU/AC (MFR) - 40 acre development			14.5 DU/AC (MFR) - 40 acre development			15.5 DU/AC (MFR) - 40 acre development			20 DU/AC (MFR) - 40 acre development		
		Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference
Area 1	Total	\$12,666,108	\$11,938,049	(\$728,060)	\$21,739,653	\$20,677,050	(\$1,062,604)	\$23,330,169	\$22,224,489	(\$1,105,680)	\$28,850,517	\$27,595,165	(\$1,255,352)
	Per Unit	\$42,220	\$39,794	(\$2,427)	\$37,482	\$35,650	(\$1,832)	\$37,629	\$35,846	(\$1,783)	\$36,063	\$34,494	(\$1,569)
	% Change			-5.7%			-4.9%			-4.7%			-4.4%
Area 2	Total	\$10,602,512	\$9,874,452	(\$728,060)	\$17,750,033	\$16,687,430	(\$1,062,604)	\$19,065,403	\$17,959,722	(\$1,105,680)	\$23,347,593	\$22,092,241	(\$1,255,352)
	Per Unit	\$35,342	\$32,915	(\$2,427)	\$30,604	\$28,771	(\$1,832)	\$30,751	\$28,967	(\$1,783)	\$29,184	\$27,615	(\$1,569)
	% Change			-6.9%			-6.0%			-5.8%			-5.4%
Area 3	Total	\$10,161,819	\$9,433,759	(\$728,060)	\$17,240,848	\$16,178,245	(\$1,062,604)	\$18,546,433	\$17,440,753	(\$1,105,680)	\$22,784,593	\$21,529,241	(\$1,255,352)
	Per Unit	\$33,873	\$31,446	(\$2,427)	\$29,726	\$27,894	(\$1,832)	\$29,914	\$28,130	(\$1,783)	\$28,481	\$26,912	(\$1,569)
	% Change			-7.2%			-6.2%			-6.0%			-5.5%
Area 4	Total	\$12,613,105	\$11,885,045	(\$728,060)	\$21,653,398	\$20,590,795	(\$1,062,604)	\$23,239,164	\$22,133,484	(\$1,105,680)	\$28,738,136	\$27,482,784	(\$1,255,352)
	Per Unit	\$42,044	\$39,617	(\$2,427)	\$37,333	\$35,501	(\$1,832)	\$37,483	\$35,699	(\$1,783)	\$35,923	\$34,353	(\$1,569)
	% Change			-5.8%			-4.9%			-4.8%			-4.4%
Area 5	Total	\$11,588,807	\$10,860,748	(\$728,060)	\$19,680,441	\$18,617,838	(\$1,062,604)	\$21,130,684	\$20,025,004	(\$1,105,680)	\$26,019,804	\$24,764,452	(\$1,255,352)
	Per Unit	\$38,629	\$36,202	(\$2,427)	\$33,932	\$32,100	(\$1,832)	\$34,082	\$32,298	(\$1,783)	\$32,525	\$30,956	(\$1,569)
	% Change			-6.3%			-5.4%			-5.2%			-4.8%

Note: Water Supply Fee (Base Rate) will increase the development cost by \$191,000.00 for Areas 1 through 5, as well as for all 40 acre residential developments.

Table 7. Non-Residential Fee Calculation Scenarios
2025-2026 Proposed Fee rates

		Retail (1 acre site)			Industrial (1 acre site)			Office (1 acre site)		
		Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference	Existing Fees	Proposed Fees	Difference
Area 1	Total	\$362,560	\$345,913	(\$16,646)	\$155,980	\$149,268	(\$6,712)	\$271,759	\$255,113	(\$16,646)
	% Change			-4.6%			-4.3%			-6.1%
Area 2	Total	\$204,948	\$188,301	(\$16,646)	\$126,998	\$120,286	(\$6,712)	\$199,877	\$183,231	(\$16,646)
	% Change			-8.1%			-5.3%			-8.3%
Area 3 (Core)	Total	\$190,168	\$173,521	(\$16,646)	\$116,781	\$110,069	(\$6,712)	\$188,130	\$171,484	(\$16,646)
	% Change			-8.8%			-5.7%			-8.8%
Area 4	Total	\$359,446	\$342,800	(\$16,646)	\$155,082	\$148,369	(\$6,712)	\$270,096	\$253,449	(\$16,646)
	% Change			-4.6%			-4.3%			-6.2%
Area 5	Total	\$281,628	\$264,982	(\$16,646)	\$140,586	\$133,874	(\$6,712)	\$234,502	\$217,855	(\$16,646)
	% Change			-5.9%			-4.8%			-7.1%

Note: Water Supply Fee (Base Rate) will increase the development cost by \$4,780.00 per Acre for Areas 1 through 5.

Findings in Support of the Continuation of City Policies to Impose Residential Development Impact Fees on a Per Unit or Per Acreage Basis

AB602 was signed by California Governor Gavin Newsom in September 2021. It became part of the State's Government Code and it includes several requirements for agencies which are intended to:

1. Promote new Statewide standards for Development Impact Fee Nexus Studies.
2. Provide improved transparency by the publishing of information on an agency's website.
3. Support smaller and multi-family developments.

A portion of AB602 specific to Development Impact Fees states to following:

Government Code, Section 66016.5(a)(5)

- (A) A nexus study adopted after July 1, 2022, shall calculate a fee imposed on a housing development project proportionately to the square footage of proposed units of the development. A local agency that imposes a fee proportionately to the square footage of the proposed units of the development shall be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development.
- (B) A nexus study is not required to comply with subparagraph (A) if the local agency makes a finding that includes all of the following:
 - (i) An explanation as to why square footage is not appropriate metric to calculate fees imposed on housing development project.
 - (ii) An explanation that an alternative basis of calculating the fee bears a reasonable relationship between the fee charged and the burden posed by the development.
 - (iii) That other policies in the fee structure support smaller developments, or otherwise ensure that smaller developments are not charged disproportionate fees.

Stated another way, the City must either calculate the Development Impact Fees imposed on housing developments proportional to the square footage of the proposed units or make specific findings as to why they are based on another metric.

There is no requirement for the City to include a financial element within its General Plan. Therefore, a well-defined Development Impact Fee program and associated nexus studies function as the de-facto financial plan in support of the City's General Plan. They identify the anticipated service demands by type of infrastructure and establish a fair, reasonable method to finance the required capital projects and acquisitions to accommodate the anticipated service demands from development.

The City of Clovis has expressed a desire to continue imposing Development Impact Fees on housing development projects in their current manner, which is not based on the square footage of the proposed units. The unit of assessment is currently a per unit basis and in some instances a per acreage basis. The current fee methodology and unit of assessment provides greater accuracy for planning than a square footage basis.

The requirement of AB602 to impose Development Impact Fees on based on the dwelling unit size assumes that anticipated service demands are lower for smaller dwelling units and higher for larger dwelling units. The City's current methodology is supported by years of data and peer reviews, which contrasts with the unsubstantiated assumption of AB602.

The City's development code describes a maximum Floor Area Ratio (FAR) that limits the building sizes for non-residential development projects, but there is not a size limitation placed upon residential projects. There are height restrictions and setback restrictions from the property lines that vary somewhat between density ranges, but otherwise the square footage of the dwelling unit is largely based upon what the developer has determined is marketable. Given this flexibility, a project will frequently see a wide range of dwelling sizes within each density range.

The Mitigation Fee Act (Government Code, Sections 66000 - 66024) requires certain findings by agencies that establish, increase, or impose fees as a condition of approval of a development project. These requirements are:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put (identify the public facilities to be constructed).
3. Determine how there is a reasonable relationship (nexus) between the fee's and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship (nexus) between the need for the public facility and the type of development project on which the fee is imposed.

Items 1 and 2 are clearly identified in the City's Municipal Code. Items 3 and 4 are met through multiple actions taken by the City Council such as:

1. The General Plan
2. Specific Plans
3. Master Plans for Sewer, Water, Recycled Water, etc.

The method by which fee rates are established which evaluates the cost of improvements identified in the various adopted plans and distributes that cost among the developable properties within the respective service areas in rough proportion to their impact on, or need for, the public facilities.

The City's Development Impact Fee program has years of empirical data to define the average impacts of residential developments to services based on land uses and density; this proof is in compliance with the Mitigation Fee Act. The data produces average impacts on a basis of acreage or dwelling unit, but the data does not provide a correlation to the square footage of the dwelling units. The collection of fees for development-based demands is a one-time fee that represents the service needs of that dwelling unit as long as the structure exists. The assumption that smaller units generate less service demand than larger units does not consider the reality that any dwelling may have different occupants and therefore different demands over its 50-year life, nor does the assumption consider the fact that a duplicate dwelling may be home to a different number of residents in each of its instances. An example of this is that the number of occupants may change as the dwelling changes owners or the needs of the owner and their family changes. Another example would be that identical dwellings may house a single occupant or multiple occupants.

Description of City Development Impact Fee categories

- Sewer and Water - The City has data related to measured sewage flow generation and water usage specific to land uses and density ranges of residential developments. The Master Plans for pipe sizes and treatment capacity are based upon the average service demands of existing land, which in turn is used to predict future demands for residential and non-residential development. The Master Plans identify the need for additional infrastructure based upon the number of residential dwelling units and the financing should be on the same basis, not based on dwelling size.

- Non-Potable Water - The costs of the City system are prorated on an acreage basis, allowing for a lower cost per unit as density increases. The non-potable water is used for irrigation purposes in place of potable water which helps the City reduce its dependence on ground water. The benefit is more directly connected to a dwelling unit than its size. The current method provides a strong nexus in compliance with the Mitigation Fee Act while also meeting the intent of AB602 to impose lower fees on smaller dwellings that are typical of higher density developments.
- Major Streets - ITE provides a nationally accepted methodology for estimating trips generated from residential land uses. The estimate of trips is not based on dwelling size as that data does not exist in the ITE database. The major street fees are prorated based on impact (trip generation) per unit and is therefore best estimated according to land use instead of dwelling size.
- Undergrounding of Overhead Utilities – Similar to non-potable water, the costs are prorated on an acreage basis and allow for a lower cost per unit as density increases. The current method meets the intent of AB602 to impose lower fees on smaller dwellings that are typical of higher density developments.
- Community Sanitation – Residential service is once a week per dwelling unit with no variation for dwelling size. The current method is unit based which is a more direct connection to the service provided.
- Parks – The need for additional open park space is identified in the Quimby Act as one (1) acre per 1000 residents. The Census data provides an average population per dwelling unit but does not connect population to dwelling size. Therefore, an average fee based on dwelling units is more empirical and accurate than basing the fee on dwelling sizes.
- Fire and Police – There is no data to support an assumption that smaller dwelling units generate fewer calls for service than larger dwelling units. There is, however, generally accepted national practice correlating the number of stations to population. Using Census data for average population per dwelling unit provides the nexus to base the fees on dwelling units more accurately than basing the fee on dwelling sizes.

The City's current Development Impact Fee program neither favors nor penalizes one land use over another. The fees are based upon the fair share impact of each development and their land use. The type of dwelling unit for residential, whether it is single-family or multi-family, is the main factor that changes the demand for services. The City's data does not indicate that the main factor for service demand is dwelling size.

The City is mindful of the State's intentions to encourage residential construction of higher densities and they are assuming higher density development creates a lower demand due to their generally smaller sized dwelling units. However, given a lack of empirical data to support this, the City feels obligated to keep their current basis of imposing Development Impact Fees instead of charging based on dwelling sizes. The City of Clovis was identified as the 12th fastest growing city in the State in 2022 indicating that the current level of fees imposed is not a deterrent to development. The increases in property values and rents are an indicator of a thoughtful plan for City growth and a well-developed collection of development impact fees for funding the required services.

In conclusion, the current method in which Development Impact Fees are imposed either on a per unit basis or a per acreage basis has proven to be a fair means for housing developments. To charge based on a square footage basis would be unsupported by empirical data and less compliant with the Mitigation Fee Act.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: May 12, 2025

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #75, MFRDR 2023-1 – Northeast Corner Alluvial/Sunnyside, SPR 2021-001 – Northeast Corner Shaw/DeWolf) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

a. Consider Approval - Res. 25-____, A Resolution annexing territory (Annexation #75) (MFRDR 2023-1 – Northeast Corner Alluvial/Sunnyside, SPR 2021-001 – Northeast Corner Shaw/DeWolf) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #75) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

b. Consider Approval - Res. 25-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services).

Staff: Jay Schengel, Finance Director

Recommendation: Approve

ATTACHMENTS: 1. Resolution of Qualified Electors
2. Resolution Declaring Results

RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #75) to Community Facilities District No. 2004-1.
- Consider Approval – Res. 25-____, A Resolution of annexation of territory (Annexation #75) to the Community Facilities District (City of Clovis Community Facilities District No. 2004-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.

- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 25-____, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election, Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2004-1) (Police and Fire Services).

EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #75 (ROI) to annex territory to the CFD on April 7, 2025. The ROI set a public hearing for May 12, 2025. The action today finalizes the annexation to the CFD.

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Several property owners have submitted petitions to annex territory to the Community Facilities District 2004-1 and to include their property within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #75 (ROI) to annex territory to the CFD. The ROI set a public hearing for May 12, 2025. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted March 8, 2004. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

The conditions as provided in the Rate and Method of Apportionment will apply to territory annexed to the Community Facilities Districts to provide funding for public safety operations in new growth areas. The major conditions include:

1. The maximum annual tax will be \$293.55 for single family residential and \$253.46 for multi-family residential.
2. The maximum tax will be increased by the Escalator Factor, which is the greater of the change in CPI or percentage change in population.
3. There will be a review not later than five years of inception of the CFD.
4. The annual tax will not apply to commercially zoned property.
5. The tax will apply only to that property for which a building permit is issued after January 1, 2004.
6. The costs of salary and benefit increases funded by the CFD will be limited to the Escalator Factor.

The purpose of the hearing is to take public comment on the annexation of territory to the CFD and to accept protests from any interested person within the proposed boundaries. If no property owner protests are received, the Council may take the initial actions to annex the territory to the CFD by approving a resolution on the annexation to the CFD and calling a special property owner election. Once the election is called, the City Clerk tabulates the ballots. If the property owners of two-thirds (2/3) of the property within the proposed boundaries vote in favor of the CFD, then the Council can take action to direct the recording of Notice of Special Tax Lien. A unanimous vote is required to have the election the same night as approval of the resolution of annexation. The recording of the Tax Lien is contingent upon the property being annexed to the City. The property included within the CFD is being processed for annexation to the City and the Local Agency Formation Commission has approved the annexations.

After the annexation is complete and the Notice of Tax Lien has been recorded, any final maps within the CFD may be recorded and construction permits for homes can be issued. One of the conditions of the CFD is that the tax will only be collected on those properties where a building permit for a residence has been issued.

FISCAL IMPACT

If approved, residential units built within the boundaries of the CFD will be assessed annually according to the conditions of the CFD formation and those assessments will be utilized to fund police and fire services.

REASON FOR RECOMMENDATION

All requirements for the annexation of territory to the CFD have been completed and the Council may take action to annex territory to the CFD.

ACTIONS FOLLOWING APPROVAL

After approval of the resolution directing the recordation of the Notice of Tax Lien, the lien will be recorded.

CONFLICT OF INTEREST

None.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *AM*

RESOLUTION 25-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO
AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND SUBMITTING LEVY OF
SPECIAL TAXES TO QUALIFIED ELECTORS**

**CITY OF CLOVIS
Community Services District No. 2004-1
(Police and Fire Services)
Annexation No. 75**

WHEREAS, this Council, on April 7, 2025, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Services District 2004-1 (the "District"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map (**Attachment A**) of the proposed boundaries of the territory to be annexed to the District and stating the services to be provided and the rate and method of apportionment of the special tax to be levied within the District to pay for the services for the District, is on file with the Clerk of the Council and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

WHEREAS, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the District by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing District, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to the District, or (iii) owners of one-half or more of the area of land in the territory proposed to be annexed to the District; and

WHEREAS, Annexation Map No. 75 to the District, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED, by the City of Clovis as follows:

1. All prior proceedings taken by this Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to District, as described in said Annexation Map No. 75 to the District on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution of Intention and Resolution No. 25- adopted by this Council for the District on April 7, 2025, each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the voters of the area to be annexed to the District at an election called therefore as hereinafter provided.
5. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
6. Pursuant to the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on May 12, 2025, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5th Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the District. The City Clerk shall accept the ballots of the qualified electors received prior to 5:00 o'clock p.m. on May 12, 2025, whether received by mail or by personal delivery.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 12, 2025, by the following vote, to wit.

AYES:

NOES:

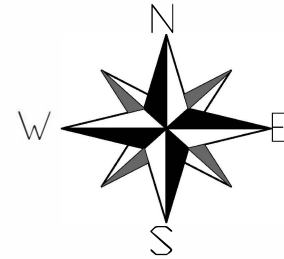
ABSENT:

ABSTAIN:

DATED: May 12, 2025

Mayor

City Clerk



LEGEND

- PARCEL
- ANNEXATION BOUNDARY
- (A) APN 563-142-35
- (B) APN 554-053-41

FILED IN THE OFFICE OF THE CITY CLERK THIS 7th DAY OF APRIL, 2025. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 75 TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE 7th DAY OF APRIL, 2025, BY ITS RESOLUTION NO. 25- .

BRIANA PARRA
CITY CLERK
CITY OF CLOVIS

FILED THIS DAY OF , 2025, AT THE HOUR OF O'CLOCK M. IN THE BOOK PAGE OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER
COUNTY ASSESSOR-RECORDER
COUNTY OF FRESNO
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19, 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 57.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OF PARCELS.

ANNEXATION MAP NO. 75

COMMUNITY FACILITIES DISTRICT NO. 2004-1
(POLICE AND FIRE SERVICES)

CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA

0 250' 500'
SCALE : 1" = 500'

RESOLUTION 25-**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN****CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 75**

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD"); and

WHEREAS, pursuant to the terms of the resolution which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election, a copy of which is attached hereto as **Attachment A**; and

WHEREAS, this Council has reviewed the Canvass and hereby approves it.

NOW, THEREFORE, BE IT RESOLVED, by the City of Clovis as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 25- , a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted May 12, 2025.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.
4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

Within 15 days of the date hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Fresno, an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 12, 2025, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: May 12, 2025

Mayor

City Clerk

CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 75

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on this date, I canvassed the returns of the election held on this date, in the territory annexed to Community Facilities District No. 2004-1 (Police and Fire Services) of the City of Clovis which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory to be annexed and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Clovis				
Community Facilities District No. 2004-1				
(Police and Fire Services), Annexation No. 75				
Special Tax Annexation Election,				
May 12, 2025.				

BALLOT MEASURE: Shall the City of Clovis, by and for its Community Facilities District No. 2004-1 (Police and Fire Services) (the “CFD”), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 25-____ of the City of Clovis, adopted by its Council on May 12, 2025?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of _____ 2025.

CITY OF CLOVIS

By: _____
City Clerk

ATTACHMENT A