

**KERMAN CITY COUNCIL
COUNCIL MEETING**

**June 18, 2008– Regular Meeting
6:30 PM**

AGENDA

Community Teen Center
15101 Kearney Plaza
Kerman, CA 93630

City Council: Mayor Trinidad Rodriguez, Richard Stockwell, Raj Dhaliwal, Jack Sidhu, Charlie Jones

Council meetings are intended to be accessible to all persons. Please let us know if you require any accommodation to allow you to access and participate in this meeting. For assistance, please call (559) 846-9380 two days prior to the meeting.

Materials related to an item on this agenda that are public documents and are submitted after distribution and posting of the agenda are available for public inspection in the City Clerk's office at 942 South Madera Avenue, Kerman, during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

Present:

Absent:

Also Present:

WELCOME - Mayor Trinidad M. Rodriguez

CALL TO ORDER

ROLL CALL - City Clerk Renee Holdcroft

INVOCATION - As Offered

At this time the Council wishes to provide anyone an opportunity to provide a brief invocation or inspirational thought. In accordance with law, we would request only that this opportunity not be used to recruit converts, or to advance any one, or to disparage any other faith or belief. If no one steps forward, we will observe a moment of silence so that we may all focus our thoughts on how best to serve our community.

PLEDGE OF ALLEGIANCE – City Clerk

1. AGENDA APPROVAL

2. PRESENTATIONS/COMMENDATIONS

2.A Swearing in of New Police Officer Jeff Belding [WWN]

Jeff comes to us from the private sector. He has been a reserve officer with Fresno PD for the past 3 years. Jeff has been married to his wife Christy for three years and they have no children as of yet. Jeff graduated from Lemoore High and has an AA degree from Fresno City College.

Recommendation: None

REQUEST TO ADDRESS COUNCIL

This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

3. PUBLIC HEARINGS / PUBLIC MEETING – 6:30 p.m.

3.A Public Hearing: Ordinance Amending the City of Kerman Municipal Code Chapter 8.12 , Relating to the Collection, Recycling and Disposal of Solid Waste, Recycling Material, Green Waste and Construction and Demolition Debris. [TLP]

This item was addressed by Council at the previous City Council meeting on June 4, 2008 and Council directed staff to bring it back at this meeting for the second reading and public hearing. The purpose of this ordinance, as explained in the Staff Report, is to amend the Kerman Municipal Code, Chapter 8.12 and bring the Code up to date with current practices and regulations, establish clear guidelines for solid waste and recycling management and empower the City of Kerman and its Franchise Hauler (Mid Valley Disposal) to promote proper recycling and landfill diversion practices within the City of Kerman.

OPEN AND CLOSE PUBLIC HEARING

Recommendation: Council to approve an Ordinance Amending the City of Kerman Municipal Code Chapter 8.12, Relating to the Collection, Recycling and Disposal of Solid Waste, Recycling Material, Green Waste and Construction and Demolition Debris.

3.B Public Hearing: Utility Rate Changes for FY 2008-09 standard residential unit) - Effective August 1, 2008. Resolution Establishing Utility Rate Changes for FY 08-09, Effective August 1, 2008. [TLP]

This resolution authorizes across-the-board City of Kerman utility rate adjustments for both residential and commercial applications. Notices for comment/protest were placed in the local newspaper, included in the City monthly customer “Utility Newsletter” and discussed at Council meetings. Recommended rate changes have been presented at two (2) separate Council meetings within the past several months. These user fee rates are the funding source for all operations in Water (41), Sewer (42), Refuse/Street Sweeping (43) and Drainage (47). A majority of our capital improvements are funded by Development Impact Fees.

All rate changes are effective August 1st, 2008. A comparison of nearby cities indicates that, with no over-all utility rate increase for standard residential customers, Kerman’s

utility rates are by far the lowest amongst those cities surveyed. This is especially true with refuse rates, which dropped from \$16.60 (including cart fees) to \$14.05 and are \$6.20 (31%) lower to \$13.30 (48%) lower than surrounding cities. Commercial solid waste customers will experience an increase if they do not utilize the new recycling services. However, with free, unlimited recycling either the bin service and/or frequency of pick-up can be reduced; thus reducing the costs. All other City of Kerman commercial customer utility rates (excluding solid waste) will be increased or decreased by similar percentages as residential utility customer rates (rounded to the nearest nickel). In total, standard utility fees for Kerman residents are \$10.37 (14%) to \$40.27 (39%) lower than those cities surveyed.

Recommended rates increases for each category and the comparison of Utility rates for other comparable cities are attached to the staff report. The City of Kerman's approach has been to study rate increases annually and when appropriate make small adjustments rather than be faced with unfunded essential operations and require dramatic increases. We consider the proposed 2008/2009 utility rates to be fair and reasonable and necessary to fund the City of Kerman Enterprise Fund operations.

No written protests were submitted to the City Clerk.

OPEN AND CLOSE PUBLIC HEARING

Recommendation: Council Approve Resolution Establishing Utility Rate Changes for FY 08-09, Effective August 1, 2008.

3.C Public Hearing: Approval of a Resolution Confirming Diagram and Assessments for the Annual Levy, 2008-2009 Landscaping and Lighting District No. 1 [GH]

The Landscape and Lighting Act of 1972 requires that certain actions be completed by Council prior to levying assessments upon properties within Kerman's Landscaping and Lighting District No. 1 (LLD). The Council has previously adopted resolutions initiating the proceedings and adopting the Engineer's Report.

The final action required of Council is to conduct this public hearing to consider protests to the proposed assessment, to confirm the diagram, and to approve the assessments. The Engineer's Report for the LLD contains a detailed description of the improvements being maintained, the boundaries of the LLD, and the proposed assessment for each property within the LLD. Four new properties were annexed to the district over the past year. These properties will be included in this year's annual levy.

This source of funds collected through property tax assessments funds the Lighting & Landscaping Budget (75) which was presented to Council with the Enterprise Budgets at the June 4, 2008 meeting.

OPEN AND CLOSE PUBLIC HEARING

Recommendation: The Staff recommends that the Council:

1. Conduct a public hearing to receive testimony regarding proposed 2008-2009 assessments for Landscaping and Lighting District No. 1; and

2. Adopt the attached Resolution which will confirm the diagram and assessments for the annual levy of Landscaping and Lighting District No. 1 for 2008-2009 in the amount specified.

3.D Public Hearing: Consideration of a Ballot Measure Regarding a Transient Occupancy Tax for the November 2008 Election.

Resolution: Approving a Transient Occupancy Tax (TOT) for the November 2008 Ballot. [RH]

In 2004 the City Council approved Resolution #04-43 Approving a Transient Occupancy Tax (TOT) Measure for the November 2004 Ballot. However, due to a miscalculation regarding time lines -- a voter information "Argument" in favor of the ballot was not placed in the sample ballot. Therefore, citizens were not informed regarding how the tax would be applied. The measure was not passed by the voters.

With a new Motel for the City of Kerman on the horizon, it is time for the Council to again consider a resolution (attached) to initiate placement of a TOT Measure on the November Ballot. Most communities have such a fee/tax that is charged to non-residents for usage of hotel/motel facilities to offset their impact on city services. A TOT has never been established or charged in the City of Kerman.

A mini survey (See chart in attached staff report) of several cities established that the fees in neighboring cities ranged from 4% to 10% and the City of Kingsburg is proposing an increase from 8% to 12% on the November Ballot. Staff is recommending an 8% TOT.

A TOT would require a simple majority vote of the registered voters in the City (because the funds are not earmarked). The staff report goes into more detail and City staff and Attorney will be able to answer other specific questions. With the approval of this Resolution, this measure will be placed on the November 2008 General Election Ballot.

Time Table (working back from Election Day):

- *November 4, 2008 - Election Day*
- *August 8, 2008 (last day)- Resolution to the Elections Office for placement of Measure on the Ballot*
- *June 18, 2008 - Council Adopt Resolution Placing Transient Occupancy Tax Measure on November Ballot.*

OPEN AND CLOSE PUBLIC HEARING

Recommendation: Council adopt a Resolution Approving a Transient Occupancy Tax (TOT) for the November 2008 Ballot.

4. CONSENT CALENDAR (Items that are not pulled from the Consent Calendar are approved by a single motion.)

4.A Approval of Minutes:

Minutes: 06-04-08

4.B Payroll Report:

Payroll Report: May 18, 2008 - May 31, 2008: \$110,642.35; Overtime: \$8,117.36; Standby & FTO: \$1,076.31; Comp Time Earned: 3.00 hrs; Police-Holiday Pay: \$21,016.54; Police-Uniform Pay: \$4,904.00

4.C Warrants:

Warrants Nos. #26234 - #26319 \$137,643.91
Kerman Auto Dismantling #26143 \$134.97

4.D Resolution: Accepting Real Property on behalf of the public for a City Park in Tract No. 5832. [GH]

The 2007 General Plan and the Tentative Map for Tract No. 5832 contained a 2-acre public park on the south side of Stanislaus Avenue adjacent to the proposed elementary school. The park frontage improvements on Stanislaus Avenue will be installed in conjunction with the construction for the adjacent tract now under way. Since the developer, Mr. Covington, will be eligible for reimbursements for the park frontage improvements, it seems prudent to acquire the property now. As in previous developments, the developer will be reimbursed for his original purchase price paid for the land, which in this case was \$47,084 per acre, or \$110,176 for the park site. The purchase price will be paid out of the Park Quimby Impact Fee Fund.

With the recent passage of the extension of the bond for KUSD, it appears that the school will proceed with construction soon. The acquisition of the park property will allow the City to move forward with the park on-site improvements as funding allows. This park will be adjacent to the Kearney Elementary School playground/park and eventually they will be access to each facility.

A resolution by the Council accepting the property for public use is required in order for the Grant Deed to be recorded at close of escrow.

Recommendation: We recommend that the Council adopt the attached resolution accepting the real property for a park on behalf of the public.

4.E Resolution: Approving an Amendment to Conditions of Approval for Tentative Tract Map 5832 and 5928 [LP]

East Kerman Development, Inc. (Mitch Covington) is requesting an amendment to the conditions of approval for Tentative Tract Map (TTM) 5832 and 5928. These tract maps were approved by the City Council on June 20, 2007 and January 17, 2008, respectively. The tract maps were part of the northeast annexation and include the creation of a mix of single-family, multi-family, open space and regional commercial lots.

Mr. Covington is requesting that certain conditions for these two tract maps be deleted from the conditions of approval. The subject conditions include installation of sewer, water, storm drain facilities as well as acquisition of additional right of way and widening portions of Kearney Boulevard and Goldenrod Avenue to serve the proposed elementary school site. These conditions were included for both tract maps in anticipation that the elementary school site would develop concurrently or shortly

thereafter and that the developer would be reimbursed for the cost of these improvements in a timely manner.

The developer is now moving forward with a portion of his project and will not be in a position to fund the public improvements around the school site due to the uncertainty with when the school site will be developed and how much the state will reimburse the school district for the public improvements. Therefore, the developer is requesting that the said conditions be deleted from Tract Maps 5832 and 5928 (see attached Resolution). The school district will be required to install these improvements in connection with the development of proposed elementary school. The district is aware of these requirements and has included them in the cost of the elementary school project.

Staff has evaluated the request to delete the subject conditions with the City Engineer and has determined that it is acceptable. No other changes to TTM 5832 and 5928 are proposed with this action.

Recommendation: That the City Council adopt a Resolution Approving an Amendment to Conditions of Approval for Tentative Tract Map 5832 and 5928

4.F Resolution: Approving Amendment to Salary Resolution and Approving Salary Schedules Effective July 1, 2008 for Management, Miscellaneous, Police City of Kerman Employee Groups [RM]

In 2004 City Council approved and employee groups ratified Memorandums of Understanding (MOU) for several salary increases over a 3.5 year period. A 4.25% salary increase applicable to all eligible employees was approved for July 2008 as the last increase of several over the time period. The agreements for Management and Miscellaneous groups expire Dec. 31, 2008. The Police agreement was extended to June 30, 2009 when the City Council granted additional increases in the middle of the contract period to the Police Group.

The only action required by Council is to update the Salary Resolution and approve the new salary schedules as submitted. The new schedules for the three groups include the 4.25% increase. These increase have already been figured into the preliminary 2008/09 budgets that have been presented to Council.

Recommendation: Council Adopt: Resolution Approving Amendment to Salary Resolution and Approving Salary Schedules Effective July 1, 2008 for Management, Miscellaneous, Police City of Kerman Employee Groups

5. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AGREEMENTS, ETC

5.A Resolution: Updating the City of Kerman Statement of Investment Policy [TLP]

The City of Kerman currently operates under the guidelines of the 1985 Statement of Investment Policy. This policy has worked well for the City of Kerman over the past few years, as interest rates on short term investments have been close to or higher than longer term rates. The 1985 Policy calls for the average life of City investments to be below 18 months. With the longer term rates now climbing well above short term rates,

the City could benefit by locking in some long term (two to ten year) investments and earning higher rates of return on available City funds.

Locking in some longer term rates could not only provide higher interest earnings at this time. It can also provide more stability to the City's investment portfolio and allow for more accurate budgeting, because we will know what return we will be receiving for those investments over a longer period of time and we won't be stuck with 2.0% CD's when 1-year CD rates drop that low. Therefore, the City Finance Director is requesting an update to the investment policy, to remove the 18-month average limit and provide further clarification of investment policies and practices for the City of Kerman. Of course, the City will still need to make sure that cash is available for operations and future projects while trying to earn a reasonable rate of return on investments.

The attached resolution authorizes the above mentioned changes to the 1985 Statement of Investment Policy. A copy of the proposed updated policy and the original 1985 policy are also attached, so that Council may see what changes are being requested. The main purpose of the request is to remove the 18-month average life wording, to specify that an Investment Report will be presented to Council at least once for each fiscal year and to provide slight clarification of duties and responsibilities to the policy.

The Finance Director is away on vacation for this meeting, but will prepare and present and Investment Report to Council in an up-coming City Council meeting.

Recommendation: Council to approve A Resolution Updating the City of Kerman Statement of Investment Policy

5.B Memorandum of Understanding (MOU): North Central Fire Protection District and the City of Kerman pertaining to fire services and development impact fees for fire protection facilities and equipment [RM]

In January 2006 the City adopted Fire Development Impact Fees (DIF) based upon preliminary information provided by then North Central Fire Chief Lonnie Downs. This temporary measure provided the City with the mechanism to proceed with the collect of DIF on the impact of new development in Kerman. At that time the North Central Board of Trustee did not sign a MOU with the City specifying certain conditions regarding the future location of a station, the retaining of funds until ready for expenditure and the conducting of a comprehensive Capital Improvement Plan (CIP) & Development Impact Fee (DIF) Study.

Since then, under the leadership of City of Fresno Fire Chief, Randy Burgeman, North Central has accomplished all of the required steps towards the establishment of an MOU with the City regarding DIF and fire protection facilities and equipment for the future of area. A comprehensive study identified the necessary, future facility and equipment additions and the City of Kerman's "Fair Share" allocation which will be collected through new DIFs which the City Council approved in April 2008, effective in July.

After reviewing the initial MOU submitted by North Central the City Attorney & City Manager added more specific language re:

** Location of a Future Fire Station*

** Obligations of North Central to secure additional funding*

** Binding upon and inure to the benefit of the successor parties (should North Central change its political structure in the future)*

Chief Burgeman and the North Central attorney approved the City recommendations.

This important agreement will provide the foundation for fire safety well into the future.

Recommendation: Council approve Memorandum of Understanding (MOU): North Central Fire Protection District and the City of Kerman pertaining to fire services and development impact fees for fire protection facilities and equipment

6. WRITTEN COMMUNICATIONS

7. ADMINISTRATIVE REPORTS

7.A Introduction: Preliminary Operating Budgets: Equipment, Technology, & Streets, Fiscal Year 2008/09 [TP]

Three (3) budget categories will be presented: Vehicle/Equipment (50): Operations (4011) and Replacement 4013; Technology Maintenance & Replacement 51(4011); and Streets (80): Operations (4011). This will conclude the preliminary budget presentations.

The final FY 2008/09 Budget will be presented with a public hearing at the July 16, 2008 Council meeting.

Recommendation: Informational. Comments and recommendations from Council are welcome.

8. COUNCIL REPORTS

8.A Mayor's Report

1. Distinction: Proteus Youth Services Employer "Ruby" Award presented to the City of Kerman

8.B Council Members' Reports

1. Presentation by Council Member Dhaliwal - Plaque for City of Kerman for Appreciation of Support
2. Kerman Sikh Youth Association

COUNCIL ADJOURN INTO CLOSED SESSION

9. CLOSED SESSION

- 9.A Government Code 54957 - Consideration of Employee Reclassifications: Public Works Clerk, Recreation Secretary, Water Distribution/Supply & WWTP Manager**
- 9.B Government Code Section 54956.9(a), Conference with Legal Counsel - Pending Litigation: Property line dispute regarding 15408 W. California. City of Kerman v. Mr. Alden Martin.**
- 9.C Government Code 54956.8, Conference with Real Property Negotiator; Property: Portion of NE Quarter, Section 18, Township 14 South, Range 18 East, 1 acre, more or less, adjacent to San Joaquin Valley RR Right-of-way. Negotiating Parties: City Manager Ron Manfredi for City and Josephine H McClain and others for Property Owner. Under Negotiation: Price and Terms.**
- 9.D Government Code 54956.8 - Railroad Property Conference with Real Property Negotiator; Property: Union Pacific Railroad Co. Two parcels: 6.56 acres and 1.5 acres. Negotiating Parties: City Manager Ron Manfredi for City and Union Pacific Railroad Co. Under Negotiation: Price and Terms.**

COUNCIL RECONVENE FROM CLOSED SESSION

10. ADJOURNMENT

AGENDA POSTING CERTIFICATION

I, L. RENEE HOLDCROFT, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that on the date affixed below I caused this document to be posted at Kerman City Hall, 942 So. Madera Avenue, and at Kerman Community/Teen Center, 15101 Kearney Plaza, Kerman Ca.

Date: _____

L. Renee Holdcroft
City Clerk

Date: 6/18/08

CITY COUNCIL AGENDA

COUNCIL REPORT: An Ordinance Amending the City of Kerman Municipal Code, Chapter 8.12

From: Tim Przybyla, Finance Director through Ron Manfredi, City of Kerman

HISTORY

The existing City of Kerman Ordinance regarding solid waste collection is outdated and needs to be amended to reflect the new Franchise Agreement with Mid Valley Disposal and current solid waste practices. It mentions types and sizes of trash receptacles that have not been used by the City of Kerman since we moved to automated solid waste collection and standard carts. The contract with BFI/Allied expires in August and the City of Kerman has recently entered into a Franchise Agreement for Mid Valley Disposal to provide solid waste services beginning August 1, 2008. In preparation for this transition from one service provider to another, representatives from Mid Valley Disposal and City staff have worked together to prepare an ordinance that will better reflect current solid waste services, establish clear guidelines that will promote proper solid waste collection and recycling practices and make enforcement of said guidelines possible.

SITUATION

This is the introduction and second reading of and public hearing for this ordinance. Council's reviewed this ordinance at the June 4, 2008 City Council Meeting and directed staff to bring it back for public hearing, today. The proposed ordinance has been reviewed and revised by staff and by the City Attorney, and will amend Chapter 8.12 of the City of Kerman Municipal Code to establish requirements for recycling to meet the requirement of Assembly Bill 939 under the California Waste Management Board. The proposed ordinance establishes penalties for customers that do not follow the recycling guidelines. It also mentions "Construction and Demolition Ordinance provisions of this Code as they may exist or be amended", but the Construction and Demolition Ordinance is under construction and will be presented to Council at a later date.

SUMMARY

The proposed amendments to Kerman Municipal Code, Chapter 8.12 will bring the Code up to date with current practices and regulations, establish clear guidelines for solid waste and recycling management and empower the City of Kerman and its

Franchise Hauler (Mid Valley Disposal) to promote proper recycling and landfill diversion practices within the City of Kerman. Any input, questions or direction that Council may have on this proposed ordinances will be appreciated.

FISCAL IMPACT

Although there may be some dollars generated by customers that continue to violate recycling guidelines after receiving a warning notice, staff is not able to estimate the amount of such penalties without a history of such penalties being in place. However, staff does not expect that amount to be material (no more than \$2,000 or 0.019% of the 2008/2009 Solid Waste Budget).

RECOMMENDATION

Council to approve Ordinance No. 08-____, an Ordinance Amending the City of Kerman Municipal Code Chapter 8.12, Relating to the Collection, Recycling and Disposal of Solid Waste, Recycling Material, Green Waste and Construction and Demolition Debris.

ORDINANCE NO. 08-_____

**AN ORDINANCE AMENDING THE CITY OF KERMAN MUNICIPAL CODE
CHAPTER 8.12 RELATING TO THE COLLECTION, RECYCLING, AND
DISPOSAL OF SOLID WASTE, RECYCLABLE MATERIAL, GREEN WASTE,
AND CONSTRUCTION AND DEMOLITION DEBRIS**

Whereas, The City of Kerman has entered into an exclusive Franchise Agreement with a Franchise Hauler for the collection of Solid Waste, Recyclables, Green Waste, and Construction and Demolition generated within the City; and

Whereas, the City Council has determined that the existing Ordinance regarding solid waste collection is outdated and desires to amend the Ordinance to reflect the Franchise Agreement and current solid waste practices; and

Whereas, the City Council has also determined that it is necessary to regulate the collection of Source Separated Recyclables within the City of Kerman in order to achieve the goals and meet the requirements of AB 939.

NOW, THEREFORE THE CITY OF KERMAN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

Upon becoming effective this Ordinance shall amend Chapter 8.12 of the Kerman Municipal Code to read as follows:

Section 8.12.000

PURPOSE AND INTENT

It is the intent of this ordinance to amend Chapter 8.12 of the City of Kerman Municipal Code relating to the collection of solid waste and sources separation of recyclables in the City of Kerman. This article will establish requirements for recycling to meet Assembly Bill 939 under the California Integrated Waste Management Board. It is the purpose of the City of Kerman to benefit, protect and ensure public health, safety and welfare of its residents through this solid waste ordinance. It shall be unlawful for any person to dispose of solid waste in a manner inconsistent with this ordinance.

Sec. 8.12.010 Definitions.

A) AB 939 means the California Integrated Waste Management Act of 1989 (Division 30, California Public Resource Code), as amended, supplemented, superseded, and replaced from time to time.

B) Bin means a 1-yard, 1.5 yard 2-yard, 3-yard, 4-yard, and 6-yard metal container for the collection of Solid Waste or single-stream recycling.

C) Bottles includes containers that hold beverages or food which have necks which are narrower than the rest of the container. It does not include those containers, such as tubs, which have a mouth that is wider than the rest of the container.

D) Bulky Items means all discarded household waste matter that is too large to be placed in a Container, including, but not limited to, large household appliances, appliances containing chlorofluorocarbons, furniture, carpets, mattresses, and similar large items that require special handling due to their size, and which typically will be deposited by Customers during Community Clean-Up Events. Bulky Items placed by Customers for collection shall not include Excluded Waste or Household Hazardous Waste.

E) Cardboard includes material primarily used for boxes with a corrugated inner layer.

F) Container means wheeled plastic 96-gallon containers provided by the hauler for collection of Solid Waste, including Single-Stream Recyclables, and Green Waste material.

G) Commercial Customer means any person or property owner of a business enterprise or commercial building receiving collection service.

H) Community Clean-up Event means the Collection event services provided to residential customers with respect to Bulky Items and similar or related types of Solid Waste (which shall not include any Hazardous Waste items), as distinguished from those Collection materials gathered by the Franchise Hauler.

I) Collection (and Collection Services, Collect, Collected, and Collecting) means collection by a Designated Contractor of Solid Waste, including Recyclable Materials and Green Waste, and its transportation to a disposal or transfer facility, Green Waste processing facility, or a Recycling Facility.

J) Construction and Demolition Debris (C&D) means the debris from used construction materials, dredging, grubbing, and rubble resulting from constructing, remodeling, repair, razing, renovation, demolition, excavation or construction clean-up activities at residential, commercial or governmental buildings, and any other structure or pavement.

K) Customer means the person or entities receiving Collection Services.

L) Dispose means to dump, deposit, discharge, or unload solid waste either at the location it was generated or at another location, not including temporary storage at the place it was generated.

M) Dwelling means a residence, flat, apartment, live-well unit, or other facility, which meets the applicable City codes for residential living. “Dwelling” does not include a Hotel or Motel.

N) Electronic Waste (e-waste) means consumer and business electronic equipment that is near or the end of its useful life. Televisions, computer monitors, LCD desktop monitors, laptop computers with LCD displays, LCD televisions, plasma televisions, portable DVD players with LCD screens, printers, VCR’s, cell phones, telephones, radios, and some microwaves ovens.

O) Universal Waste means hazardous waste generated by a wide variety of people that contain mercury, lead, cadmium, copper, and other substance hazardous to human and environmental health. Universal waste includes: Batteries AAA, AA, C, D, button cell, a-volt, and all others both rechargeable and single use, cell phones, computers and computer monitors, electronic devices, fluorescent lamps, mercury waste like thermometer and toys, non empty aerosol cans, and televisions.

P) Excluded Waste means all of the following types of waste materials are not to be placed in the Refuse, Recycling, or Green Waste Container, Bin, or Container, unless instructed by the hauler:

1. Hazardous Waste
2. Medical and Infectious Waste
3. Volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material
4. Household Hazardous Waste
5. Waste that the Designated Contractor reasonably believes would, as a result of or upon disposal, be a violation of Federal, State, or local law, regulation or ordinance, including land use restrictions or conditions.
6. Waste that in the Designated Contractor’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the Franchise Hauler or the City to potential liability
7. Special Waste (E-Waste and Universal Waste)

Q) Franchise Hauler shall mean the hauler that is contracted with the City by a Franchise Agreement to collect Solid Waste, Recyclables, Green Waste, Electronic Waste, and Construction and Demolition materials.

R) Green Waste means biodegradable materials including branches (less than three (3) inches in diameter), brush, cut flowers, dead plants, grass clippings, house plants, leaves, prunings, shrubs, weeds, wood (uncoated and untreated), wood chips, yard trimmings, Christmas trees (placed in containers/bins, provided, that larger trees such as tree stumps and intact dead trees are considered Bulky Items for the purposes of this Chapter. Green Waste shall not include any Excluded Waste.

S) Hazardous Waste shall have the meaning set forth in California Code of Regulations, Title 14, Division 7, Chapter 3, Article 4, (most notably Section 17225.32) and Health and Safety Code Section 25117, or in the Comprehensive Environmental Responsibility Compensation and Liability Act (42 USC Section 9601, et seq., commonly known as CERCLA), or in their successor laws and regulations as may be amended from time to time, whichever definition is determined by the City as more inclusive.

T) Household Hazardous Waste shall have the meaning set forth in California Code of Regulations, Title 14, Division 7, Chapter 7, Article 1.1, Section 18502 or successor laws and/or regulations, as such provisions may be amended from time to time.

U) Illegal dumping shall mean the disposal of waste in a non-permitted area, such as a back area of a yard, a stream bank, or some other off-road area. Illegal dumping shall also mean the pouring of liquid wastes or disposing of trash down storm drains or dumping waste in a container or bin where waste did not originate.

V) Recyclable Material or Recyclables means materials that have been separated from Solid Waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place, and that are not landfilled. The following list is the acceptable recyclable materials to be placed in the recycling Container: Aluminum, Glass bottles and Jars, Plastic beverage bottles, Tin and bi-metal cans, Corrugated Cardboard, and Paper.

W) Recycle, Recycled, Recycling means the collection, sorting, cleansing, treating, and reconstituting of Recyclable Materials that would otherwise be disposed of, and returning them to the economy in the form of raw reconstituted products. The Collection, transportation, or disposal of Solid Waste not intended for, or capable of, reuse is not Recycling within the meaning of this Chapter.

X) Self Haul or Self Hauling means any individual may transport and dispose of Solid Waste, Recyclable Materials, or Green Waste, consistent with applicable City and the Exclusive Private Hauler requirements, generated within the City limits by the household of that individual. For a Commercial Customer, self-hauling means performance of its disposal services by an individual listed on its payroll as an employee, but not as an agent.

Y) Special Waste includes any materials that under current or future statute, ordinance or regulation, require the application of special treatment, handling, or disposal practices beyond those normally required for Solid Waste. As defined for purposes of this Chapter, "Special Waste" shall be deemed to include, without limitation, all of the following: flammable waste; liquid waste transported in a bulk tanker; sewage sludge; pollution control process waste; residue and debris from cleanup of a spill or release of chemical substances; contaminated soil, waste, reclamation, recycling, or Disposal of any other Special Waste; dead animals; manure; waste water; explosive substance; radioactive substances; fluorescent tubes; electronic waste, Construction and Demolition

Debris; and abandoned or discarded automobiles, trucks, motorcycles or parts thereof, including tires.

Z) Solid Waste or Waste means all putrescible and non-putrescible solid, semisolid, and liquid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial waste, demolition and construction waste, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid waste, and other discarded solid and semi-solid waste. Solid waste does not include hazardous waste or radioactive waste. Solid Waste does not include recyclable materials set out for separate collection for the purposes of recycling, and that are not landfilled.

AA) Hauler shall mean the City's contracted Exclusive Franchised Hauler responsible to collect Solid Waste, Recyclable, Green Waste, and Construction and Demolition material within the City limits and to transport material to the appropriate facility.

Section 8.12.020 Collection Service Requirements.

The following methods will be used to meet the needs of the Customer of the City for the collection and disposal of Solid Waste, Recyclables, Green Waste, Electronic Waste, and Construction and Demolition Material.

- A) The City will use the Franchise Hauler to collect and transport Solid Waste, Recyclables, Green Waste, and Construction and Demolition material from all single family, multi-family, commercial, and industrial premises within the City limits.
- B) The City's Franchise Hauler shall be the only hauler permitted to remove solid waste, recyclables, green waste and construction and demolition material from single-family residences, multi-family residences and commercial and industrial businesses within the City limits, except that a person may Self-Haul.
- C) Each residential Customer will receive a 96-gallon Container for Green Waste material, a 96-gallon Container for Recyclables, and a 96-gallon for trash from Mid Valley Disposal.
- D) Customers with a permit to build or deconstruct a building structure within the City limits shall receive bins from the Franchise Hauler for separation of material.
- E) Community Clean-up Events for Collection of Bulky Material will be provided for City residents.

Section 8.12.030 Storage of Commercial Solid Waste and Recycling Bins

The owner and occupant of any premises, business establishment, or industry are responsible for complying with the City's bin enclosure guidelines. The applicant of any development activity subject to this Code shall include the location and design of all existing and proposed recycling and trash enclosures, and the design of site access points for solid waste and recycling collection vehicles in its plans.

A) Development Activity other than Duplexes, Triplexes, Fourplexes: For development activity other than duplexes, triplexes and fourplexes, the site plan shall provide for one or more double enclosures. If a trash compacter is proposed for use, the design and manufacturer's detail drawings shall be submitted with the site plan submittal.

B) Trash and Recycling Containers: Trash and recycling containers shall be shown on the site plan at grade. Adequate capacity shall be provided for trash and recycling bins or containers.

C). Trash and Recycling Enclosure Accessibility: Trash and recycling enclosures shall be accessible to solid waste collection vehicles. Location and access shall, to the extent reasonably possible, be designed to minimize potential injury to employees or the public and damage to property from collection vehicles. The plan shall include design for solid waste truck turnaround movements, showing access and turnaround areas, and "keep clear" area, for solid waste collection vehicles.

Section 8.12.040 Exceptions for Existing Development

A) Existing Recycling and Trash Bin Enclosure: If the development activity is a tenant improvement for a site, not requiring significant site improvements, that has an existing trash enclosure, then the required recycling containers for the facility shall be located inside the trash enclosure. If it is not possible to locate the required recycling bins in the trash enclosure, based on the municipal utilities director's estimate of required volume, then recycling bins shall be located adjacent to the existing trash enclosure. Any proposed modifications to the existing trash enclosure shall comply with the requirements listed in section 8.12.030 of this chapter.

B) No existing Recycling and Trash Bin Enclosure: If the development activity does not have an existing trash enclosure, the development may be required to install a trash enclosure that will meet the requirements of section 8.12.030 of this chapter. If it is determined by the municipal utilities director that there is insufficient space to construct a trash and recycling enclosure, the required recycling receptacle shall be located adjacent to the existing trash bins. Any proposed recycling and trash enclosure shall comply with the requirements listed in section 18.12.030 of this chapter. The municipal utilities director shall have the authority to grant exceptions to the requirements under section 18.12.030 of the chapter based on space and access considerations.

C) Waiver of Parking Requirement: In order to meet the required recycling volume requirement for the size of the facility, the planning commission and/or city council may grant a waiver to reduce required parking through approval of variance. The municipal

utilities director and the community development director shall have the authority to grant the use of parking spaces for the location of recycling receptacles, provided the enclosure or receptacles meet the design specifications in section 8.12.30 of this chapter and the reduction in parking spaces do not violate the minimum parking requirements for the development.

Section 8.12.050 Construction and Demolition Collection.

Any issuance of a building or deconstruction permit for a project within the City limits shall require compliance with recycling guidelines provided by the planning department. The Franchise Hauler shall provide bin service and shall transport the C&D debris to landfill or other appropriate destination, unless exempt from this ordinance. For a detail of policy guidelines refer to the Construction and Demolition Ordinance provisions of this Code as they may exist or be amended. All projects that require a permit to build or deconstruct are required to separate material and divert a minimum of 60% of material going to a landfill.

Section 8.12.060 Exclusive Franchise Solid Waste Hauler Requirements.

(A) The Franchise Hauler shall:

1. Operate within the guidelines established by the City (“Guidelines”). Such guidelines shall include, but will not be limited, to standards for equipment and vehicle maintenance, including removal of graffiti, maintaining proper company identification with phone number, and maintaining a current valid DMV registration.
2. Ensure that all Solid Waste vehicle drivers have a valid California Driver’s license appropriate for the vehicle driven; maintain minimum collection frequency for all Solid Waste accounts in accordance with local and State requirements; ensure noise is kept to the minimum necessary to provide collection services to accounts; and ensure vehicles are appropriately registered by the Department of Motor Vehicles.
3. All vehicles and equipment used in the City by the Franchise Hauler, including but not limited to trucks, trailers, or waste containers, must be maintained in good working order.
4. The Franchise Hauler shall provide all residential and commercial customers with appropriate containers to collect garbage, green waste and recyclable material.
5. Franchise Hauler shall deliver all recyclables collected to a Recycling Facility.

Section 8.12.070 Hazardous Waste Screening.

The Franchise Hauler shall screen at the point of collection all loads of Solid Waste, Green Waste, Recyclables, and C&D, using appropriate means of inspection, to eliminate where practical, the transportation of known or suspected Hazardous Waste. Hazardous Waste found at the point of collection shall not be collected and the Franchise Hauler shall immediately notify the generator to not dispose of Hazardous Waste in Solid Waste, Recycling, Green Waste, or C&D loads. The Franchise Hauler will be responsible to provide the generator with education regarding proper disposal for Hazardous Waste material.

Section 8.12.080 Inspection of Containers or Bins Authorized

The City or Franchise Hauler is authorized to inspect Solid Waste, Recycling, Green Waste and C&D Containers, Bins, or Containers.

Section 8.12.090 Responsibility for Service.

A) Every Owner or commercial tenant of any Premises within the City where Solid Waste is generated and/or accumulated shall accept collection service from the Franchise Hauler under terms of the Franchise Agreement between City and Franchise Hauler.

B) Every Owner or commercial tenant shall initiate service within ten (10) days of occupancy of any premises or place within the City where Solid Waste is generated and/or accumulated. If service is not initiated within this time period, the City of Kerman shall give written notice to the owner that such service is required. If service is not started within ten (10) days of the date of the mailing or delivery of the notice, the City of Kerman may require the Franchisee to initiate service.

C) If the City of Kerman or Franchise Hauler determines that additional Solid Waste Bins/Containers or capacity is necessary, the Exclusive Private Hauler shall provide for such additional service within ten (10) days of the date of the mailing of written notice by the City of Kerman.

D) Residents shall place Containers at the curb for pick up before 6:00 a.m. on their scheduled collection day. Opening of lid should face the street or alley and lids must be closed and not overfilled.

E) Containers should be removed from the curb within 36 hours of being serviced and stored in a location that cannot be viewed from the street.

Section 8.12.100 Used Cooking Oil Containers.

All commercial establishments that utilize cooking oil for cooking or frying of food shall place cooking oil in a watertight container bearing the name of the establishment, having a tight fitting lid, and which, when filled shall not exceed fifty (50) pounds in weight. All commercial establishments must contract with a liquid waste hauler to collect liquid waste.

Section 8.12.110 Charges for Solid Waste collection.

A) Charges for collection service in the City shall be as established from time to time by contract between the City and the Franchise Hauler.

B) Said charges shall be paid at the same time and in the same manner as the water and other City utility charges are paid and all applicable rules and regulations governing the collection of water and other City utility charges shall apply in the collection or assessment for the collection of solid waste.

C) If payment of services is delinquent according to the City's policies and ordinances, water will be shut off.

D) Within 10 days after water is shut off, solid waste, recycling, and green waste, containers/bins will be removed from location. A delivery fee will be charged to reinstate services.

E) It shall be the responsibility of the property owners or the legal occupant of any premises to pay for solid waste services.

Section 8.12.120 Penalties.

It shall be a violation of this Ordinance for any residential Customer that fails to follow recycling guidelines, and such violation may result in the imposition of fines or penalties as follows:

- a. The Franchise Hauler will mail the customer a warning notice on the first instance of contamination with the Recycling, Green Waste, or Solid Waste container. The next instance of contamination the Hauler will mail a Contamination notice, notifying the customer that they are required to pay a fine.
- b. First Fine: \$10.00 within any 12 month period;
- c. Second Fine: \$25.00 within any 12 month period;
- d. Third Fine: \$50.00 within any 12 month period.
- e. If the customer continues to contaminate containers a fine of \$50.00 will continue to be placed on the customer Utility billing Account.
- f. Customers will be billed for fines on their monthly utility statements.

Section 8.12.130 Prohibited Acts.

A) No person owning or occupying any premises in the City shall accumulate, or allow to accumulated, waste materials of any kind: however, this section shall not be construed as interfering with a construction project during the construction period.

B) No person shall dump, place or bury any waste of any kind on any premises or in any public place or right of way within the City.

C) No persons or business shall contract for recycling or waste collection which would violate the exclusive provisions of the Franchise Agreement.

- D) No person shall Illegally Dump solid waste, or prohibited material in a container, bin, or container where material did not originate.
- E) No other person or contractor shall collect, transport, solid waste, recyclables, green waste, and C&D upon or through any street, alley or public place in the City, unless Franchised. The following persons shall be exempt from this Prohibition:
- (1) Landscaping and yard maintenance persons who, as a consequence of their business activity may generate, transport, and dispose of Green Waste they generate.
 - (2) Building Contractors may self haul using their company registered vehicles-no solid waste Bin or Container may be used, unless provided by the Franchise Hauler, used for hauling C&D material from C&D project. Refer to the C&D provisions of this Code for details.
 - (3) Self-Haulers.
- F) No person shall combine designated, unsoiled recyclables with other solid waste. Failure to source separate designated materials for recycling is a violation of this ordinance.
- G) Violations of any provisions of this Chapter shall be considered an infraction.

Section 8.12.140 Receptacles; Serviceability.

All Solid Waste, recyclables, and greenwaste to be collected by the Hauler shall be deposited for collection in a Container, bin, or container provided by the Hauler.

Section 8.12.150 Solid Waste Management.

Solid Waste separation requirements.

- (1) Recyclable material and Green Waste material each shall be separated by Customer from Solid Waste, and each shall be placed by Customer in the designated Containers for Collection.
- (2) An owner, landlord or agent of an owner or landlord of a multi-family rental housing property, mobile home park, trailer park or recreational vehicle park with (3) or more units, shall comply with its separation responsibilities by establishing a collection and storage system for separated recyclables at each premises.
- (3) All inhabited or occupied property within the City must use the Franchise Hauler designated by the City.

Section 8.12.160 Mandatory Recycling Service Requirements.

All persons within the City of Kerman owning or in control of premises used as occupied residence, place of business, or other building or place where persons reside, congregate or are employed shall subscribe to and thereafter use the weekly scheduled mandatory

recycling collection services provide by the Franchise Hauler. Residential and Commercial generators must ensure that mixed recyclables are placed in the proper recycling bin or container. This section and Sections 8.12.140, and 8.12.150 do not limit residents selling recyclables to Certified Refund Value (CRV) buy back center. This section shall require CRV buy back centers to report recycling volumes to the Department of Conservation, California Integrated Waste Management Board, and the City when requested.

Section 8.12.170 Anti-Scavenging Activities.

The City of Kerman shall have the authority and responsibility for enforcing this section.

(1) It shall be unlawful for any person other than the Franchise Hauler or other authorized person(s) to remove from any curb, alley, street, designated pick-up location, or any storage area or container, any separated salvageable commodity.

(2) It shall be unlawful for any person to disturb or tamper with any Container, Bin, or Container containing salvageable material, or the contents thereof, or to remove any such Container, Bin, or Container from the location where the same was placed by the owner of said Container or Bin.

Section 8.12.180 Enforcement Authority.

The City’s Code Enforcement Department employees are empowered and required to enforce the provisions of this chapter, and shall have the right to enter upon all premises for the purpose of inspecting for or obtaining compliance with this chapter, except that a warrant shall be obtained if permission to enter private property has not been granted by the owner or legal occupant of such property.

SECTION 2. Within fifteen (15) days after its adoption, a Summary of the Ordinance prepared by the City Attorney, together with the names of those City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation published and circulated in the City of Kerman, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

SECTION 3. This Ordinance shall take effect thirty (30) days after its passage

* * * * *

The foregoing Ordinance was introduced on _____, and duly and regularly passed by the Council of the City of Kerman at a regular meeting thereof held on the ____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 08-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN ESTABLISHING
UTILITY RATE CHANGES FOR FY 08-09

WHEREAS, on June 20, 2007, the City Council adopted Resolution No. 07-39 establishing the utility rates for FY 2007/08 based on one household unit per month (see 07/08 Rates column below); and

WHEREAS, city staff has re-analyzed the utility rates and determined that the increases set forth in the following rate schedule are necessary to properly operate the listed utility services in 2008-09:

	07-08	08-09	Rate
	Rates	Rates	Increase/ (Decrease)
Water	\$24.25	\$24.55	.30
Sewer	19.00	21.00	2.00
Garbage	15.95	14.05	(1.90)
Carts	0.65	.00	(.65)
Street			
Sweeping	0.60	.65	.05
Storm Drain	0.80	1.00	.20
Total	\$61.25	\$61.25	\$0.00

with similar percentage increases to all commercial, industrial and institutional customers' rates (with the exception of Garbage rates) and to any residential customers with pools or lots larger than 7,500 square feet; and

WHEREAS, Garbage rates for commercial, industrial and institutional customers will increase by approximately 20% for trash bin services but will include free recycling services that will decrease trash bin requirements and reduces costs; and

WHEREAS, notices of the proposed utility increase were published in the Kerman News and utility users have been notified via the City of Kerman Utility Newsletter.

NOW, THEREFORE, the CITY COUNCIL OF THE CITY OF KERMAN DOES find, determine, resolve, and order as follows:

- 1) Notice of public hearing on the proposed revision of rates has been given in a newspaper published in the City of Kerman, with the first publication occurring at

least 15 days prior to the public hearing;

- 2) The public hearing was held pursuant to law;
- 3) On the basis of information provided to the City Council at the hearing and in prior reports to the Council, the proposed rates as set forth are found to be not discriminatory or excessive, and do not exceed the reasonable cost of providing the services and facilities for which the rates are charged;
- 4) The rates and charges imposed are on the basis of 20,000 gallons of water per household unit;
- 5) Rates and charges adopted herein were not calculated on the basis of any parcel map including the assessor's parcel map; and
- 6) The following standard residential rates are hereby adopted to be effective August 1, 2008:

	<u>2008/09</u>
Water	24.55
Sewer	21.00
Garbage	14.05
Carts	.00
Street Sweeping	.65
Storm Drainage	<u>1.00</u>
Total Per Month:	<u>\$61.25</u>

- 7) Commercial, Industrial, Institutional and non-standard Residential customer rates are based on the standard residential rates and similar percentage increases to those rates (rounded to the nearest nickel) are hereby adopted to be effective August 1, 2008, including Refuse Service rates as illustrated in Exhibit A.

The foregoing Resolution was adopted by the City Council of the City of Kerman at a meeting held on the 18th day of June, 2008, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Trinidad Rodriguez
Mayor

ATTEST:

L. Renee Holdcroft
City Clerk

Exhibit A

PROPOSED UTILITY RATES EFFECTIVE AUGUST 1, 2008

	<u>07/08 Rates</u>	<u>08/09 Rates</u>	<u>Rate Increase</u>
Water per unit *	\$24.25	\$24.55	\$0.30
Sewer per unit *	19.00	21.00	2.00
Garbage	15.95	14.05	(1.90)
Carts **	0.65	0.00	(0.65)
Street Sweeping	0.60	0.65	0.05
Storm Drain per unit *	0.80	1.00	0.20
Total	<u>\$61.25</u>	<u>\$61.25</u>	<u>\$0.00</u>

* Units based upon estimated household use of 20,000 gallons of water per month.

** Carts only apply to residential and small apartment units and other businesses requesting such carts.

Non-residential utility rates will increase by approx. the same percentages as residential.

Commercial, industrial and institutional water customers (excluding apartments) shall be charged a reduced rate per unit of water consumption in excess of ten (10) standard units of water (in excess of 200,000 gallons) per month. Tier I (up to 200,000 gallons) shall be the standard unit rate of \$24.25. The Tier II rate for usage of 200,001 gallons to 2,000,000 gallons per month shall be \$20.21 per unit. The Tier III rate for any customer using 2,000,001 gallons or more per month shall be calculated on a case by case basis by the Public Works Director, based on the average flow and peak flow requirements of such customers.

Tiered Rate Table

Tier I	0 to 200,000 gallons per month	\$24.25 per 20,000 gallons
Tier II	200,001 to 2,000,000 gallons per month	\$20.21 per 20,000 gallons
Tier III	2,000,001 plus gallons per month	Calculated by Public Works Director, based on flow requirements

Municipal Utility Rates

April 2008

	Lemoore	Fowler	Madera	Sanger	Reedley	Dinuba	Kingsburg	Chowchilla	Kerman	Proposed
Meter Rental	0.00	0.00	0.00	22.96 ⁵	0.00	0.00	0.00	0.00	0.00	0.00
Water	32.10 ¹	31.94 ²	23.28 ⁴	13.40	29.26	29.50 ⁸	26.25	20.48	24.25	24.55
Sewer	27.70	21.82 ³	19.88	37.73	24.08	18.77	21.82 ³	23.43	19.00	21.00
Sewer Bond	N/A	N/A	0.00	N/A	N/A	N/A	N/A	2.55	0.00	0.00
Garbage	23.00	20.25	27.35	26.08 ⁶	24.50	26.03	22.40 ⁹	22.38	15.95	14.05
G/Rcy/GW	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y	Y/Y/Y
Carts	N/A	N/A	0.00	N/A	N/A	N/A	N/A	N/A	0.65	0.00
St. Sweep	0.00	0.00	0.87	1.35	-0-	-0-	1.15	0.00	0.60	0.65
Storm Drain	0.00	0.00	2.00	-0-	-0-	-0-	0.00	1.63	0.80	1.00
Storm Dr Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.27	0.00	0.00
St Drain Cap	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.61	0.00	0.00
Total	82.80	74.01	73.38	101.52	77.84	74.30	71.62	74.35	61.25	61.25
App Fee	21.00	0.00	22.50	-0-	0.00	0.00	0.00	0.00	0.00	0.00
Deposit	0.00	100.00 renter	210.00 renter	100.00 renter	195.00 renters	50.00 renters	100.00 renter	150.00 1 yr	122.50 renter	150.00 renter

TOT	8%	None	9%	4%	8% ⁷	10%	8% ¹⁰	None	None
------------	-----------	-------------	-----------	-----------	------------------------	------------	-------------------------	-------------	-------------

Lemoore	Water	Tiered	1	\$13.20 up to 700 cf, 700cf - 2800cf - .90 per 100cf, 2800cf - 5600cf- .95 per 100cf, over 5600cf 1.00 per cf To calculate 20,000 gallon usage, \$13.20(700 cf) + ((2100/100)*.90) =\$32.10							
Fowler	Water		2	16.24 for 10,000 gal, 1.57 each addl 1,000 gallons / 20,000 gallons \$31.94							
	Sewer		3	See Kingsburg							
Madera	Water		4	\$15.46 1st 5000sf / .21 per 1000sf lot / average water bill \$23.28							
	Street Sweeping			.015 per foot/ based on 70' lot average							
Sanger	Water		5	3/4 x 5/8 meter @ \$11.68 per mo rental / 1" meter @ 22.96 per mo rental/ most are 1" 0-6000 .41 per 1000 / 6000-30000 .67 per 1000 / 30000-100000 1.04 per 1000							
	Sewer			0-6000 \$33.94 - 6000 and over \$37.73							
	Garbage		6	\$23.10 g/gw - \$2.98 Recycling							
Reedley	Water	Residential		29.26 for up to 10000 sf / 5.23 for ea addl 2500 sf							
	TOT		7	TOT is only charged to "The Edgewater", the other hotel is too small							
Dinuba	Water		8	17.47 for 1st 1200 cf water (8976 gal) /.748 per 100cf (748 gal) (addl \$12.03 to equal 20,000 gal) 50.00 every 2 yrs (if name changes)							
Kingsburg	Water			10000-15000 sf 38.55 / over 15000 sf \$50.80							
	Sewer		3	Kingsburg belongs to a Sewer/WWTP JPA (SKF) Selma, Fowler, Kingsburg which bills for sewer. Therefore, the \$21.82 mo figure is billed by SKF District, not the city. Currently 261.82 annually, asking for 12% increase for 08-09							
	Garbage		9	19.90 / recy 2.90 / Addl G/W 9.20 mo							
			10	Increase to 12% on November Ballot							

Municipal Utility Rates

April 2008

Chowchilla

Water

Based on 7000 sf lot - ea addl. 1000 sf x .00151161

RESOLUTION NO. 08-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF KERMAN, CALIFORNIA,
CONFIRMING DIAGRAM AND ASSESSMENT FOR THE ANNUAL LEVY
FOR 2008-2009 OF
LANDSCAPING AND LIGHTING DISTRICT NO. 1

WHEREAS, on May 7, 2008 pursuant to Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, the Council of the City of Kerman did adopt a Resolution of Intention to Levy and Collect the Annual Assessment for Landscaping and Lighting District No. 1 of the City of Kerman (herein "LLD No. 1"); and

WHEREAS, the Council did declare in said Resolution of Intention its intention to levy and collect the annual assessment for the maintenance and operation of the landscaping and lighting facilities in LLD No. 1; and

WHEREAS, said Resolution of Intention was duly published and notice given of the hearing as provided by law.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

1. The Council hereby determines that the territory within the LLD No. 1, whose boundaries are set forth in the Engineer's Report of the City of Kerman LLD No. 1 dated May 2008, and on file with the City Clerk of the City of Kerman will be the territory benefitted by the maintenance and servicing of the improvements described in said Engineer's Report.

2. The hearing on said annual levy of assessment was held in accordance with law, all persons filing protests or requesting to speak and who appeared were heard.

3. The Engineer's Report, the diagram for the assessment district, and the assessment of the estimated costs of the improvements contained therein and each and every part of said report, is adopted and approved; and the assessment upon the land in LLD No. 1 being found to be in proportion to the benefits to be received from the improvements, are finally approved and

confirmed as the assessment to pay the costs of said improvements and the expenses incidental thereto.

4. The Council hereby orders the levy of the assessments described in said Resolution of Intention and the Engineer's Report,

5. The assessment diagram showing the assessment district referred to in said Resolution of Intention and also the subdivisions of land within the District, as contained in said Engineer's Report, is the diagram of the properties that are to be assessed to pay the District costs.

6. The City Clerk shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the Recorder of the County of Fresno no later than the 23rd day of June 2008 and all assessment information required by the County Auditor to the Auditor's office no later than June 27, 2008.

BE IT FURTHER RESOLVED THEREFORE, that the City Council of the City of Kerman finds as follows:

A. That the assessment imposed hereby is an assessment imposed exclusively to finance the capital costs of maintenance and operation expenses for sidewalks, streets and integral portions of each of the above-described facilities;

B. That the assessment imposed is hereby imposed at the assessment rate according to the methodology adopted pursuant to a petition signed by the persons owning all of the parcels subject to the assessment was initially imposed, or that the assessment imposed hereby is imposed at the assessment rate and according to the methodology adopted pursuant to majority voter approval from the voters voting in an election on the issue of such assessment.

BE IT FURTHER RESOLVED, that the City Council of the City of Kerman determines, upon the basis of the foregoing findings, that the assessment adopted hereby is imposed pursuant

to the provisions of Proposition 218, California Constitution Article XIII D, and pursuant to exemptions contained therein.

BE IT FURTHER RESOLVED, that the City Council of the City of Kerman will indemnify, defend and hold harmless the County, the Board of Supervisors and the Auditor-Controller/Treasurer-Tax Collector, their agents and employees against payment of any and all costs and expenses, claims, suits, losses, damages and liability arising from or arising out of any negligent or wrongful acts or omissions of the City, including its council members, officers, agents and employee's in levying and collecting the assessment.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Kerman held on the 18th day of June, 2008, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

The Resolution is hereby approved.

TRINIDAD M. RODRIGUEZ
MAYOR, CITY OF KERMAN

ATTEST:

L. RENEE HOLDCROFT
CITY CLERK, CITY OF KERMAN

CITY COUNCIL

AGENDA: May 21, 2008

FROM: Ron Manfredi, City Manager

COUNCIL REPORT – Transient Occupancy Tax (Motels)

HISTORY – Kerman has one motel that was established sometime in the mid-to-late 1970’s. At that time a room tax or transient occupancy tax was not established. In 2004 Council voted to put an initiative on the Ballot for a Transient Occupancy Tax. However, due to a miscalculation regarding time lines a voter information “Argument” in favor of the ballot was not placed in the sample ballot. Therefore, citizens were not informed regarding how the tax would be applied. The measure was not passed by the voters.

SITUATION – Plans for the City’s new hotel/motel are progressing. Without a Transient Occupancy tax the city of Kerman could be missing out on between \$40,150 and \$48,180 for its General Fund annually (this is a very conservative estimate).

Assuming the establishment has 55 rooms, the total income amount above was derived by the following formula: # rooms X price per room X days per year X % Occupancy X % TOT:

<u># of Rooms</u>	<u>Price Per Room</u>	<u>Days / Yr</u>	<u>% Occupancy</u>	<u>% TOT</u>	<u>TOTAL</u>
55	\$60	365	50%	8%	\$48,180
55	\$50	365	50%	8%	\$40,150

Transient Occupancy Tax (“TOT”) is also known as a “room tax”, “hotel/motel tax” or “bed tax.” A TOT is a general tax when imposed to raise general fund revenues, and not to raise revenues for any special purpose.

Proposition 218 will require the approval of only a majority of voters in a general election if it is imposed as a general tax. Voter approval for the TOT could be initiated by a resolution of the City Council proposing an initiative be placed on the ballot at a general election. The initiative would propose adding an ordinance to the KMO to establish the TOT.

The City may properly use its funds to propose and prepare an initiative for the ballot, but campaigning and support for the initiative should be provided by the Council members and /or staff only in their individual capacities and not on City time. However, the City may announce its reason for placing the initiative on the ballot.

No tax initiative passes without some support, but TOT’s are frequently successful tax initiatives, since the people voting for the TOT are resident voters, and unlikely to pay the tax themselves. The TOT is calculated as a fixed percentage of the room rate, and the dollars generated increase as room rates increase. The market rate for accommodations thus serves to regulate the revenue generated, and there is no need for an inflation adjustment.

SUMMARY – Kerman included a TOT question in our recent Municipal Utility Rates survey of eight other cities in the Valley that currently have transient occupancy tax. The percentages range from a low of 4% to a high of -10% and the City of Kingsburg is putting an increase to 12% on the November Ballot (see summary below)

Most central valley cities with motels have a Transient Occupancy Tax in place. The TOT answers to “Do you have a TOT and what is the percentage?” are:

Dinuba	10%
Madera	9%
Kingsburg	8% (with a increase to 12% planned for the November 2008 Ballot)
Lemoore	8%
Reedley	8%
Sanger	4%
Chowchilla	None
Fowler	None

Most cities establish a Transient Occupancy Tax because while property taxes are paid by the establishment (motel/hotel) there is no sales tax associated with the service yet travelers are spending a brief period in the City and there is an impact on services, etc.

FISCAL IMPACT – Establishing a TOT with a rate between 7% and 9% would add revenue to the General Fund budget. A TOT in this range would be consistent with most local cities, and would not create a disadvantage for local motel operators. This amount is added to the room rate. Therefore if the charge is \$50/room the 8% TOT cost would be \$4.00 per room per night. At \$60/room the 8% TOT cost would be \$4.80 per room per night. Therefore the revenue could range from \$40,150 to \$48,180 annually and would increase as occupancy and room prices increase.

This revenue would go into the General Fund where our greatest expenses are in police and recreation services.

Establishing a TOT will require the City Attorney drafting the proposed initiative and the placement of the TOT Measure on the November General Election Ballot. . The initial cost to add the initiative to a general election ballot would be between \$3,500 and \$6,500. Once established, there should be minimal administrative expense to audit the monthly or quarterly returns of affected motel operators.

RECOMMENDATION - Advise staff to facilitate the necessary documentation and deadlines to propose the TOT as a ballot initiative:

1. Adopt the attached Resolution approving Transient Occupancy Tax Measure for the November 2008 Ballot. (Deadline for submittal of Resolution to County Registrar of Voters is August 8 2008.)

RESOLUTION NO. 08-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
APPROVING TRANSIENT OCCUPANCY TAX MEASURE FOR NOVEMBER 2008 BALLOT

WHEREAS, the City Council of the City of Kerman at their regular meeting on May 21, 2008 directed staff to move forward with the Transient Occupancy Tax Measure for the November 2008 Ballot for the Municipal Election; and

WHEREAS, the Transient Occupancy Tax (“TOT”) also known as a “room tax”, “hotel/motel tax” or “bed tax” is a general tax to raise general fund revenues and not to raise revenue for any special purpose taxes; and

WHEREAS, a survey has been taken of local Central California cities and counties who currently have a TOT and the recommended amount for Kerman is 8% of the cost of the room, which the motel(s) would collect and transfer to the City monthly; and

WHEREAS, the City Attorney’s office is directed to prepare the measure, a ballot title, and an impartial analyses on the measure, not to exceed 500 words explaining the effect of the measure on existing law and the operation of the measure; and

WHEREAS, the impartial analyses shall include the benefit to City residents and the City.

NOW, THEREFORE, the City Council does find, determine, resolve and order as follows:

1. The measure for the ballot shall read:

“Shall the City of Kerman establish a Transient Occupancy Tax (TOT) for the users of motels, hotels and similar temporary lodgings in the City to pay as part of their room rate?”

Yes _____ No _____

2. The City Attorney’s office is requested to prepare the impartial analyses for the above listed measure.

The foregoing Resolution was introduced at a regular meeting held on the 18th day of June, 2008 and passed at said meeting by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing Resolution is hereby approved.

MAYOR, CITY OF KERMAN

ATTEST:

CITY CLERK, CITY OF KERMAN

**DRAFT
ORDINANCE NO. 08-__**

**AN ORDINANCE OF THE CITY OF KERMAN
TO ADD CHAPTER 5.50 TO TITLE 5 OF THE CITY OF KERMAN
MUNICIPAL CODE ESTABLISHING A TRANSIENT OCCUPANCY TAX**

THE PEOPLE OF THE CITY OF KERMAN DO ORDAIN as follows:

Chapter 5.50 is hereby added to Title 5 of the City of Kerman Municipal Code to read as follows:

Chapter 5.50 Transient Occupancy Tax

Section 5.50.010	Definitions.
Section 5.50.020	Tax Imposed
Section 5.50.030	Exemptions
Section 5.50.040	Operator’s Duties
Section 5.50.050	Registration of Hotels/Motels
Section 5.50.060	Reporting, Remitting
Section 5.50.070	Penalties and Interest
Section 5.50.080	Failure to Collect and Report Tax. Determination of Tax by City Clerk
Section 5.50.090	Liability of Successor for Failure to Withhold – Notice of Amount Due
Section 5.50.100	Duties of Successor of Operator
Section 5.50.110	Appeals
Section 5.50.120	Records
Section 5.50.130	Refunds
Section 5.50.140	Actions to Collect
Section 5.50.150	Violation – Penalty
Section 5.50.160	Severability and Amendment
Section 5.50.170	Effective Date

Section 5.50.010 Definitions. Except where the context otherwise requires, the Definitions given in this Section govern the construction of this chapter:

A. Person. “Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

B. Hotel. “Hotel” means:

- (a) Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure or portion thereof; and

- (b) Any portion of any real property occupied, intended to be occupied, or designed for occupancy by transients for dwelling, lodging or sleeping purposes in any recreational vehicle, trailer, trailer coach, house car or motor home, and includes campgrounds and recreation vehicle parks.
- C. Occupancy. "Occupancy" means: The use or of, possession, of the right to use or possess any space, area, or room(s) or portion thereof in any hotel for dwelling, lodging or sleeping purposes.
- D. Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.
- E. Rent. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.
- F. Operator. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, subleases, mortgagees in possession, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be considered to be compliance by both.

5.50.020. Tax Imposed. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eight percent (8%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the City Clerk may require that such tax shall be paid directly to the City Finance Department.

5.50.030. Exemptions. No tax shall be imposed upon: a) Any person as to whom, when in the performance of that person's official duties, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided; or b) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefore made at the time rent is collected and under penalty of perjury upon a form prescribed by the City Clerk. The transient shall be required to provide the necessary proof of exemption. Governments and governmental agencies are generally not exempt from taxation. A copy of eligible exemption claims shall be submitted monthly at the same time as the required tax return reporting.

5.50.040. Operator's Duties. Each operator shall collect the tax imposed by this Chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax of any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

5.50.050. Registration of Hotels/Motels. Within thirty (30) days after commencing business, each Operator of any hotel/motel renting occupancy to transients shall register said hotel/motel with the City Clerk and obtain a "transient occupancy" registration certificate" to be at all times posted in a Conspicuous place on the premises. Said certificate shall, among other things, state the following:

- a) Name of the operator.
- b) Address of the Hotel/Motel.
- c) Date upon which the certificate was issued.
- d) "This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the City of Kerman Municipal Code pursuant to the Uniform Transient Occupancy Tax by registering with the City Clerk for the purpose of collecting from transients the transient occupancy tax and remitting said tax to the City Finance Department. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel/motel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office of this City. This certificate does not constitute a permit."

5.50.060. Reporting, Remitting. On or before the tenth (10th) day of each calendar month, each operator shall make a return to the City declaring the total rents charged and received and the amount of tax collected for transient occupancies for the month next preceding the previous month. At the time the return is filed, the full amount of the tax collected shall be remitted to the City. The City Clerk may establish shorter reporting periods for any certificate holder if deemed necessary in order to insure collection of the tax which may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this Article shall be held in trust for the account of the City until payment thereof is made to the City Clerk.

5.50.070. Penalties and Interest.

- a) Original delinquency. Any operator who fails to remit any tax imposed by this Article within the time required shall pay a penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax.
Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been Paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount.
- b) Continued delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first

became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and the ten percent (10%) penalty first imposed.

c) Fraud. If the City Clerk determines that the nonpayment of remittance due under this Article is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (a) and (b) of this section.

d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this Article shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax from the date on which the remittance first became delinquent until paid.

e) Penalties, Interest merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

5.50.080. Failure to Collect and Report Tax; Determination of Tax by City Clerk. If any operator shall fail or refuse to collect said tax and to make, within the time provided in this Chapter, any report and remittance of said tax or any portion thereof required by this Chapter, the City Clerk shall proceed in such manner deemed best to obtain facts and information on which to base the estimate of the tax due. As soon as the City Clerk shall procure such facts and information on which to base the assessment of any tax imposed by this Chapter and payable by any operator who has failed or refused to collect the same and make such report and remittances, the City Clerk shall proceed to determine and assess against such operator the tax, interest and penalties provided by this Chapter. In case such determination is made, the City Clerk shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the last known address. Such operator may within ten (10) days after the serving of mailing of such notice make application in writing to the City Clerk for a hearing on the amount assessed. If application by the operator for the hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the City Clerk shall be final and conclusive and immediately due and payable. If such application is made, the City Clerk shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the City Clerk shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable within fifteen (15) days, unless an appeal is taken as provided in Section 5.50.110.

5.50.090. Liability of Successor for Failure to Withhold – Notice of Amount Due. If the successor to the business fails to withhold a portion of the purchase price for payment of the tax owing as of the close of escrow for the transfer of ownership of any hotel, said successor shall be liable to the City for the payment of the amount owing at the close of escrow. Within thirty (3) days after receiving written request from the successor for a tax clearance certificate stating that no tax or penalty is due, the City Clerk shall either issue the certificate or mail notice to the successor at its address as it appears on the records of the City Clerk of the estimated amount of the tax and penalty that must be paid as a condition of issuing the certificate.

5.50.100. Duty of successor of Operator. If an operator who is liable for any tax or penalties under this Chapter sells or otherwise disposes of his/her business, his/her successor shall notify the City Clerk of the date of the sale at least thirty (30) days before the date of sale, or if the decision to sell was

made less than thirty (30) days prior to the actual sale, then immediately and shall withhold a sufficient portion of the purchase price to equal the amount of such tax or penalty until the selling operator produces a receipt from the collector showing that the tax or penalty has been paid or a tax clearance certificate from the City Clerk stating that no tax or penalty is due. If the seller does not present a receipt or tax clearance certificate within thirty (30) days after such successor commences to conduct business, the successor shall deposit the withheld amount with the City Clerk pending settlement of the account of the seller.

5.50.110. Appeal. Any operator aggrieved by any decision of the City Clerk with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The Council shall fix a time and place for hearing such appeal and the City Clerk shall give notice in writing to such operator at the last known place of address. The findings of the Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

5.50.120. Records . It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of three (3) years all records as may be necessary to determine the amount of such tax as the operator may have been liable for the collection of said payment to the City, which records the Collector shall have the right to inspect at all reasonable times.

5.50.130. Refunds. a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this Chapter it may be refunded as provided in Subsections (b) and (c) of this Section provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City Clerk within three (3) years of the date of payment. The claim shall be on forms furnished by the City Clerk.

b) An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the City Clerk that the person from whom the tax has been collected was not a transient, provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

c) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by filing a claim in the manner provided in Subsection (a) of this Section, but only when the tax was paid by the transient directly to the City Clerk, or when the transient having paid the tax to the operator, established to the satisfaction of the City Clerk that the transient has been unable to obtain a refund from the operator who collected the tax.

d) No refund shall be paid under the provisions of this Section unless the claimant establishes his right thereto by written records showing entitlement.

5.50.140 Actions to Collect. Any tax required to be paid by any transient under the provisions of this Chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator Which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person Owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Kerman for the recovery of such amount.

5.50.150 Violation – Penalty. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails to refuses to furnish a supplemental return or other

data required by the City Clerk, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this Chapter to be made, is guilty of a misdemeanor.

5.50.160. Severability and Amendment. If any section, sub-section, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

The City Council shall have the power to amend any provision of this Chapter by vote of four fifths of its members, excepting that an amendment increasing the rate of the tax or expanding the class of those subject to the tax shall require the approval of a majority of the electorate.

5.50.170. Effective Date. This Chapter shall be considered adopted upon the date that the City Council declares that a majority of the voters voting at the general election in November, 2008 has voted in favor of the proposition adopting this Chapter, and shall go into effect 10 days after said date pursuant to Section 9217 of the Elections Code, except that the tax imposed by this Chapter shall become operative and be imposed on and after January 1, 2009.

The heading of the proposed measure shall be in substantially the following form:

**Initiative Measure to be Submitted Directly to the
Voters**

The City Attorney for the City of Kerman has prepared the following title and summary of the chief purpose and points of the proposed measure:

**AN ORDINANCE OF THE CITY OF KERMAN
TO ADD CHAPTER 5.50 TO TITLE 5 OF THE CITY OF KERMAN MUNICIPAL CODE
ESTABLISHING A TRANSIENT OCCUPANCY TAX**

This measure, if approved by a majority of the voters voting in the City of Kerman's November, 2008 General Election, would establish a Transient Occupancy Tax in the City of Kerman by adding Chapter 5.50 to the City of Kerman Municipal Code.

A Transient Occupancy Tax ("TOT") is also known as a "room tax", "hotel/motel tax" or "bed tax." A TOT is collected by a hotel, motel or other business offering dwelling, lodging or sleeping accommodations as an additional charge to its overnight guests who stay for a period shorter than 30 consecutive days.

Many local cities and counties already impose a TOT, and the amount of their tax ranges from 4% to 10% of the room rental rate and reportedly helps pay for the public services and facilities that out of town visitors use when they stay in those cities and counties

The TOT proposed by this ordinance would establish the tax as 8% of the room rate, and could not be changed except by the voters of Kerman. In addition, only the voters could expand the class of persons subject to the TOT. The City Council would have the power to change other provisions of this ordinance by a four-fifths vote.

This measure would require the operators of hotels, motels and similar lodgings to register with the City of Kerman and make monthly reports and payments of the TOT collected. The measure establishes procedures for proper record-keeping and collection of the TOT. If approved by the voters, the City would begin collecting the TOT in January, 2009.

This measure is not expected to have any impact on the physical or business environment, and its fiscal effect would be to produce revenue for the City's General Fund.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of the Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

Word Count (including portions that may be deleted) is 460.

**KERMAN CITY COUNCIL
COUNCIL MEETING**

**June 04, 2008– Regular Meeting
6:30 PM**

MINUTES

**Community Teen Center
15101 Kearney Plaza
Kerman, CA 93630**

City Council: Mayor Trinidad Rodriguez, Richard Stockwell, Raj Dhaliwal, Jack Sidhu, Charlie Jones.

Council meetings are intended to be accessible to all persons. Please let us know if you require any accommodation to allow you to access and participate in this meeting. For assistance, please call (559) 846-9380 two days prior to the meeting.

Materials related to an item on this agenda that are public documents and are submitted after distribution and posting of the agenda are available for public inspection in the City Clerk's office at 942 South Madera Avenue, Kerman, during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

Present: Mayor Trinidad Rodriguez, Richard Stockwell, Jack Sidhu, Charlie Jones.

Absent: Raj Dhaliwal, Charlie Jones.

Also Present: City Manager, City Attorney, City Clerk, City Engineer, Public Works Director, Planning and Development Director, Police Chief, Finance Director, and Community Services Director.

WELCOME - Mayor Trinidad M. Rodriguez

CALL TO ORDER

6:30 p.m.

ROLL CALL - City Clerk Renee Holdcroft

INVOCATION - As Offered

PLEDGE OF ALLEGIANCE – City Clerk

1. AGENDA APPROVAL

Approved: RS/JS; (3-0-2 Absent)

2. PRESENTATIONS/COMMENDATIONS

2.A Presentation: North Central Fire Protection District - Fire Prevention Fees (City of Fresno, Deputy Fire Chief/Fire Marshall, Kerri Donis) [RM]

Presented.

Recommendation: Council receive report and have City staff and NCFPD return with an agreement reflecting City support for the fee & service structure .

It was determined this item does not have to come back to Council. Staff directed CM to develop letter of agreement with Fire Chief.

REQUEST TO ADDRESS COUNCIL

Corky Lindsey, 602 2nd Street addressed Council Re: garbage pick-up problems.

3. **PUBLIC HEARINGS / PUBLIC MEETING – 6:30 p.m.**
4. **CONSENT CALENDAR (Items that are not pulled from the Consent Calendar are approved by a single motion.)**
- 4.A **Approval of Minutes:** Minutes - 5/21/08
- 4.B **Payroll Report:**
Payroll Report: May 04, 2008 - May 17, 2008: \$115,303.73;
Overtime: \$6,549.64; Standby & FTO: \$973.01; Retro: \$98.22;
Comp Time Earned: 8.25
- 4.C **Warrants:**
Warrants Nos. #26112 - #26233 \$389,352.17
- Excepting: Kerman Auto Dismantling #26143 \$134.97 which will be brought back at next meeting.
- 4.D **Proclamation: Recognizing Cathy Haupt for 16 Years of Service to Kerman 4-H Club. [RH]**
- Recommendation:** Authorize Mayor to sign proclamation.
- 4.E **Kerman Girls All-star 10 and Under Soft Ball Team "Kerman Heat" Donation [RH]**
- Recommendation:** Council make a donation in the amount of \$500 towards the efforts of the Kerman Girls All-star 10 and Under Soft Ball Team.
- 4.F **Resolution: Approving Program Supplement for Kearney Boulevard Median Project. [GH]**
- Recommendation:** Staff recommends that the Council adopt the attached resolution which approves the Program Supplement and authorizes the City Manager to sign on behalf of the City.
- 4.G **Resolution: Support of the California Department of Food and Agriculture and the United States Department of Agriculture in Their Effort to Eradicate the Light Brown Apple Moth Discovered in California in 2007. [RH]**
- Recommendation:** Council adopt the resolution in support of the California Department of Food and Agriculture and the United

None.

Approved: RS/JS; (3-0-2 Absent) Excepting
4.C. Warrant #26143
\$134.97.

States Department of Agriculture's efforts to eradicate the Light Brown Apple Moth.

4.H Resolution: Accepting Right-of-Way and Easements from Kalpakoff Properties, LLC. [GH]

Recommendation: Council adopt the enclosed resolution accepting the offered rights of way and easements on behalf of the public for public use.

5. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AGREEMENTS, ETC

5.A Resolution: Approving Tentative Parcel Map No. 08-02 (KRJ Construction) [LP]

Approved: RS/JS; (3-0-2 Absent)

Recommendation: That the City Council adopt a Resolution approving Tentative Parcel Map No. 08-02, subject to conditions of approval

5.B Resolution: Approving Final Map for Tract No. 5928 and Annexation to the Landscape and Lighting District No.1, East Kerman Development, Inc. [GH]

Approved: RS/JS; (3-0-2 Absent).

Council approved this item with the intention that a Resolution be presented at a future City Council meeting to remove Condition C.1.B from the Tentative Map Engineering Conditions of Approval in Resolution #07-17.

Recommendation: Council approve the resolution approving the final map and annexation to the Landscape and Lighting Maintenance District No. 1, and delete Tentative Map Condition of Approval that requires construction of Goldenrod Ave. from Stanislaus Ave. to Kearney Blvd. (The deletion of the Tentative Map Condition will be addressed under another subsequent Resolution.)

5.C Ordinance: Ordinance Amending the City of Kerman Municipal Code Chapter 8.12 Relating to the Collection , Recycling and Disposal of Solid Waste, Recycling Material, Green Waste and Construction and Demolition Debris (Introduction, 1st Reading, and setting date for Public Hearing and 2nd Reading for June 18, 2008) [TLP]

Approved: RS/JS; (3-0-2 Absent)

Recommendation: Introduction and first reading of Ordinance. Set Public Hearing and second reading for June 18, 2008.

6. WRITTEN COMMUNICATIONS

6.A Letter: Chamber of Commerce Request for Support for “Festival of American Spirit” Fireworks Show, July 3, 2008 [RH]

Approved: JS/RS; (3-0-2 Absent) But increase the amount to **\$600.**

Recommendation: Council authorize a donation of \$500 in support of the 2008 “Festival of American Spirit” Fireworks Show scheduled for July 3, 2008.

7. ADMINISTRATIVE REPORTS

7.A Follow-up on Suggested Change in Dissemination and Receipt of Elections Nomination Documents [RH]

Informational.

It was unanimously agreed the revised procedure will have the Kerman City Clerk’s Department disseminate Elections Nomination Papers and the Fresno County Elections Office serve as the sole official filing location for prospective candidates.

Recommendation: Informational / presented a 2nd time for Mayor Rodriguez and Council Member Sidhu to have an opportunity to state their preference.

7.B Introduction: Preliminary 2008-09 Enterprise Budgets (Water, Sewer, Refuse, Drainage); and Lighting and Landscaping (75) Budgets [TP]

Approved: RS/JS; (3-0-2 Absent)

Recommendation: Informational, Council comments, direction.

8. COUNCIL REPORTS

8.A Mayor’s Report

1. July 3, 2008 - Festival of American Spirit - Kerman High School - Gates Open: 6:00 p.m.; Fireworks: 9:20 p.m.

8.B Council Members’ Reports

COUNCIL ADJOURN INTO CLOSED SESSION

9. CLOSED SESSION (to discuss Item 9.A)

7:46 p.m.

9.A Government Code 54957 - Consideration of Employee Reclassifications: Public Works Clerk, Recreation Secretary, Water Distribution/Supply & WWTP Manager

8:09 p.m.

COUNCIL RECONVENE FROM CLOSED SESSION (No reportable action)

10. ADJOURNMENT

8:10 p.m.

MINUTES CERTIFICATION

I, L. RENEE HOLDCROFT, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above information is a true depiction of actions taken at the City Council meeting on the date first above written at Kerman Community/Teen Center, 15101 Kearney Plaza, Kerman Ca.

Date: _____

L. Renee Holdcroft
City Clerk

CITY OF KERMAN PAYROLL REPORT AGENDA ITEM 4.B.1

PAY PERIOD: May 18, 2008 - May 31, 2008

EMPLOYEE	SALARY	RETRO PAY	OVER TIME		STANDBY & FTO		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT		
ADMINISTRATION								
2 Manfredi, Ron	\$ 4,859.08	\$ -	-	\$ -	-	\$ -	\$ 4,859.08	
15 Gonzales, Diana	\$ 1,676.31	\$ -	-	\$ -	-	\$ -	\$ 1,676.31	
87 Madruga, Lydia	\$ 1,840.15	\$ -	-	\$ -	-	\$ -	\$ 1,840.15	
299 Przybyla, Tim	\$ 3,064.62	\$ -	-	\$ -	-	\$ -	\$ 3,064.62	
332 Alvarez, Josefina	\$ 1,087.38	\$ -	-	\$ -	-	\$ -	\$ 1,087.38	
350 Jones, Toni	\$ 2,149.85	\$ -	-	\$ -	-	\$ -	\$ 2,149.85	
359 Holdcroft, Renee	\$ 2,587.85	\$ -	-	\$ -	-	\$ -	\$ 2,587.85	
375 Reyes, Marcia	\$ 422.70	\$ -	-	\$ -	-	\$ -	\$ 422.70	
396 Ramirez, Casandra	\$ 110.61	\$ -	-	\$ -	-	\$ -	\$ 110.61	
424 Brar, Sandeep	\$ 360.00	\$ -	-	\$ -	-	\$ -	\$ 360.00	
TOTAL	\$ 18,158.54	\$ -	-	\$ -	-	\$ -	\$ 18,158.54	
REC/SOCIAL								
11 Gallegos, Philip	\$ 3,008.31	\$ -	-	\$ -	-	\$ -	\$ 3,008.31	
35 Arredondo, Barbara	\$ 1,342.15	\$ -	-	\$ -	-	\$ -	\$ 1,342.15	
76 Wright, Judy	\$ 1,309.38	\$ -	-	\$ -	-	\$ -	\$ 1,309.38	
97 Gonzalez, Jose Felix	\$ 1,415.08	\$ -	-	\$ -	-	\$ -	\$ 1,415.08	
109 Gonzales, Johnny	\$ 102.00	\$ -	-	\$ -	-	\$ -	\$ 102.00	
233 Moore, Nancy	\$ 1,656.00	\$ -	-	\$ -	-	\$ -	\$ 1,656.00	
237 Salvador, Mark	\$ 1,536.46	\$ -	-	\$ -	-	\$ -	\$ 1,536.46	
357 Hammrich, Tanya	\$ 1,393.85	\$ -	-	\$ -	-	\$ -	\$ 1,393.85	
361 Lujan, Vanessa	\$ 446.25	\$ -	-	\$ -	-	\$ -	\$ 446.25	
292 Silva, Jessica	\$ 740.00	\$ -	-	\$ -	-	\$ -	\$ 740.00	
321 Rodriguez, Eduardo	\$ 480.00	\$ -	-	\$ -	-	\$ -	\$ 480.00	
347 Quintana, Pedro	\$ 387.00	\$ -	-	\$ -	-	\$ -	\$ 387.00	
403 Garza, Javier	\$ 268.00	\$ -	-	\$ -	-	\$ -	\$ 268.00	
352 Gaytan, Salvador III	\$ 74.00	\$ -	-	\$ -	-	\$ -	\$ 74.00	
373 Arredondo, Marissa	\$ 381.00	\$ -	-	\$ -	-	\$ -	\$ 381.00	
388 Arredondo, Michelle	\$ 288.00	\$ -	-	\$ -	-	\$ -	\$ 288.00	
383 Rodrigues, Manuel	\$ 464.00	\$ -	-	\$ -	-	\$ -	\$ 464.00	
415 Calderon, Yvonne	\$ 168.00	\$ -	-	\$ -	-	\$ -	\$ 168.00	
418 Rodriguez, Valerie	\$ 284.00	\$ -	-	\$ -	-	\$ -	\$ 284.00	
417 Moreno, Jose	\$ 432.00	\$ -	-	\$ -	-	\$ -	\$ 432.00	
TOTAL	\$ 16,175.48	\$ -	\$ -	\$ -	-	\$ -	\$ 16,175.48	0.00
POLICE								
29 Rodrigues, Mary	\$ 1,622.31	\$ -	-	\$ -	-	\$ -	\$ 1,622.31	
59 Madruga, Ron	\$ 2,480.31	\$ -	10.00	\$ 465.06	-	\$ -	\$ 2,945.37	
69 Chapman, Tom	\$ 2,079.23	\$ -	13.00	\$ 662.75	-	\$ -	\$ 2,741.99	
73 Collins, Kirk	\$ 2,554.62	\$ -	-	\$ -	-	\$ -	\$ 2,554.62	
74 Newton, William	\$ 3,789.70	\$ -	-	\$ -	-	\$ -	\$ 3,789.70	
101 Cubillos, Teresa	\$ 2,131.85	\$ -	6.50	\$ 259.82	-	\$ -	\$ 2,391.66	
245 Barbosa, Isaias	\$ 1,980.46	\$ -	6.50	\$ 241.37	-	\$ -	\$ 2,221.83	
278 Deo, Gurdeep	\$ 2,091.69	\$ -	23.00	\$ 902.04	7.50	\$ 49.02	\$ 3,042.76	
291 Ramirez, Donald	\$ 1,545.23	\$ -	4.00	\$ 115.89	-	\$ -	\$ 1,661.12	
296 Mendoza, Sandra	\$ 1,590.46	\$ -	17.00	\$ 506.96	-	\$ -	\$ 2,097.42	
307 Gaxiola, Ronald	\$ 1,796.31	\$ -	24.00	\$ 808.34	84.00	\$ 47.15	\$ 2,651.80	
334 Shwetzter, Kristofer	\$ 1,796.31	\$ -	20.00	\$ 673.62	-	\$ -	\$ 2,469.92	
343 Davis, Jeff	\$ 2,079.69	\$ -	8.00	\$ 311.95	80.00	\$ 51.99	\$ 2,443.64	
344 Ocegueda, Frank	\$ 75.00	\$ -	-	\$ -	-	\$ -	\$ 75.00	
354 Lee Ness	\$ 1,710.92	\$ -	18.00	\$ 577.44	-	\$ -	\$ 2,288.36	
363 Wilbert Barcoma	\$ 1,710.92	\$ -	28.00	\$ 898.23	-	\$ -	\$ 2,609.16	
369 Joseph Ramer	\$ 616.00	\$ -	-	\$ -	-	\$ -	\$ 616.00	
380 Scott Armstrong	\$ 50.00	\$ -	-	\$ -	-	\$ -	\$ 50.00	
402 James W Nevis	\$ 1,796.31	\$ -	10.00	\$ 336.81	-	\$ -	\$ 2,133.12	
412 Neill Schmidt	\$ 1,551.69	\$ -	5.75	\$ 167.29	8.00	\$ 38.79	\$ 1,757.78	
413 Peter Magallon	\$ 1,885.38	\$ -	4.00	\$ 131.54	-	\$ -	\$ 1,885.38	
TOTAL:	\$ 36,934.39	\$ -	193.75	\$ 6,927.57	179.50	\$ 186.96	\$ 44,048.92	

CITY OF KERMAN PAYROLL REPORT AGENDA ITEM 4.B.1

PAY PERIOD: May 18, 2008 - May 31, 2008

EMPLOYEE	SALARY	RETRO PAY	OVER TIME		STANDBY & FTO		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT		
<u>PUBLIC WORKS</u>								
8 Gonzales, Ruben	\$ 1,768.15	\$ -	-	\$ -	-	\$ -	\$ 1,768.15	
20 Rodriguez, Joe	\$ 1,725.23	\$ -	-	\$ -	-	\$ -	\$ 1,725.23	
25 Prieto, Ruben	\$ 1,549.38	\$ -	19.00	\$ 668.17	17.25	\$ 334.09	\$ 2,551.64	
26 Gruce, Robert	\$ 2,284.62	\$ -	-	\$ -	-	\$ -	\$ 2,284.62	
27 Hearld, Douglas	\$ 2,348.77	\$ -	-	\$ -	-	\$ -	\$ 2,348.77	
134 Ramirez, Manuel	\$ 1,547.54	\$ -	-	\$ -	11.25	\$ 217.62	\$ 1,765.16	
172 Chavez, Fernando M.	\$ 1,638.00	\$ -	-	\$ -	9.00	\$ 184.28	\$ 1,822.28	
290 Gastelum, Humberto	\$ 1,531.38	\$ -	11.00	\$ 354.13	6.00	\$ 114.85	\$ 2,000.37	
298 Barajas, Michael	\$ 1,318.62	\$ -	2.00	\$ 49.45	-	\$ -	\$ 1,368.06	
330 Gamez, Jesus	\$ 1,369.38	\$ -	2.00	\$ 68.47	2.25	\$ 38.51	\$ 1,476.37	
349 Sidhu, Nirmal	\$ 1,195.38	\$ -	-	\$ -	-	\$ -	\$ 1,195.38	
405 Hodges, Thomas	\$ 718.25	\$ -	-	\$ -	-	\$ -	\$ 718.25	
378 Sanchez, Daniel	\$ 1,138.62	\$ -	-	\$ -	-	\$ -	\$ 1,138.62	
389 Moore, Ken	\$ 3,193.85	\$ -	-	\$ -	-	\$ -	\$ 3,193.85	
329 Arechiga, Pastor	\$ 1,195.38	\$ -	-	\$ -	-	\$ -	\$ 1,195.38	
418 Medeiros, Cheryl	\$ 1,419.69	\$ -	-	\$ -	-	\$ -	\$ 1,419.69	
TOTAL	\$ 25,942.25	\$ -	34.00	\$ 1,140.22	45.75	\$ 889.35	\$ 27,971.83	
<u>PLANNING</u>								
37 Pimentel, Olivia	\$ 1,931.08	\$ -	-	\$ -	-	\$ -	\$ 1,931.08	3.00
234 Kufis, Chris	\$ 1,774.62	\$ -	-	\$ -	-	\$ -	\$ 1,774.62	
322 Castro, Joseph	\$ 1,387.85	\$ -	-	\$ -	-	\$ -	\$ 1,387.85	
326 Fonseca, Monica	\$ 1,138.62	\$ -	-	\$ -	-	\$ -	\$ 1,138.62	
358 Cox, Kent	\$ 2,135.08	\$ -	-	\$ -	-	\$ -	\$ 2,135.08	
379 Zapata, Domingo	\$ 1,321.85	\$ -	2.00	\$ 49.57	-	\$ -	\$ 1,371.42	
414 Patlan, Luis	\$ 3,442.62	\$ -	-	\$ -	-	\$ -	\$ 3,442.62	
TOTAL	\$ 13,131.69	\$ -	2.00	\$ 49.57	-	\$ -	\$ 13,181.26	3.00
<u>PLANNING</u>			<u>COUNCIL</u>					
Arabian, M		\$ -	Rodriguez		\$ -			
Epperson, R		\$ -	Stockwell		\$ 100.00			
Felker, R		\$ -	Dhaliwal		\$ 100.00			
Haist, M		\$ -	Sidhu		\$ -			
Nehring, K		\$ -	Jones		\$ 100.00			
Garcia, L		\$ -						
Lopez, Michael		\$ -						
Total		\$ -	Total		\$ 300.00			
GRAND TOTAL:	\$110,642.35	\$0.00	229.75	\$8,117.36	225.25	\$1,076.31	\$119,836.02	
<u>POLICE-Holiday Pay</u>								
59 Madruga, Ron	\$ 2,604.32							
60 Suson, Philip	\$ 520.89							
69 Chapman, Tom	\$ 1,455.46							
73 Collins, Kirk	\$ 1,532.77							
101 Cubillos, Teresa	\$ 1,812.07							
245 Barbosa, Isaias	\$ 1,584.37							
278 Deo, Gurdeep	\$ 1,255.02							
296 Mendoza, Sandra	\$ 159.05							
307 Gaxiola, Ronald	\$ 1,706.49							
334 Shwetter, Kristofer	\$ 1,886.12							
343 Davis, Jeff	\$ 1,247.82							
354 Lee Ness	\$ 1,710.92							
363 Wilbert Barcoma	\$ 1,197.64							
402 James W Nevis	\$ 1,257.41							

CITY OF KERMAN PAYROLL REPORT AGENDA ITEM 4.B.1

PAY PERIOD: May 18, 2008 - May 31, 2008

EMPLOYEE	SALARY	RETRO PAY	OVER TIME		STANDBY & FTO		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT		
412 Neill Schmidt	\$ 1,086.19							
TOTAL	\$ 21,016.54							
<u>POLICE-Uniform Pay</u>								
29 Rodrigues, Mary	\$ 275.00							
59 Madruga, Ron	\$ 275.00							
69 Chapman, Tom	\$ 275.00							
73 Collins, Kirk	\$ 275.00							
74 Newton, William	\$ 275.00							
101 Cubillos, Teresa	\$ 275.00							
245 Barbosa, Isaias	\$ 275.00							
278 Deo, Gurdeep	\$ 275.00							
291 Ramirez, Donald	\$ 275.00							
296 Mendoza, Sandra	\$ 275.00							
307 Gaxiola, Ronald	\$ 275.00							
334 Shwetzer, Kristofer	\$ 275.00							
343 Davis, Jeff	\$ 275.00							
354 Lee Ness	\$ 275.00							
363 Wilbert Barcoma	\$ 275.00							
402 James W Nevis	\$ 275.00							
412 Neill Schmidt	\$ 275.00							
413 Peter Magallon	\$ 229.00							
TOTAL	\$ 4,904.00							

Run date: 06/11/2008 @ 09:14
 Bus date: 06/11/2008

City of Kerman
 Check - Complete Detail

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Obliga't'n	Name / Description	Net amount	Invoice number	PO number
26234- 1356	1	6/06/2008	1012	A.V.R.,INC.			
	1		34914	UVISION ONLINE MONTHLY ACCESS	320.00	15286	
26234- 1356	1	6/06/2008	Logged	*** Total ***	320.00		
26235- 1356	2	6/06/2008	1016	ADVANCE FORMS MANAGEMENT			
	2		34924	72 HR DETENTION FORMS	180.26	52054	
26235- 1356	2	6/06/2008	Logged	*** Total ***	180.26		
26236- 1356	3	6/06/2008	1075	ARCO BUSINESS SOLUTIONS			
	3		34893	FUEL FOR FLEET 5/16/08 - 5/31/	4,722.56	6/3/08 FJ373	
26236- 1356	3	6/06/2008	Logged	*** Total ***	4,722.56		
26237- 1356	4	6/06/2008	3219	CALIFORNIA CONSULTING, LLC			
	4		34896	MONTHLY RETAINER JUNE 08	1,720.66	5/31/08	
26237- 1356	4	6/06/2008	Logged	*** Total ***	1,720.66		
26238- 1356	5	6/06/2008	3062	CHAMBER OF COMMERCE			
	5		34898	GREATER FRESNO AREA MAP	332.10	JH-FRE087-8	
26238- 1356	5	6/06/2008	Logged	*** Total ***	332.10		
26239- 1356	6	6/06/2008	5074	FRESNO CITY COLLEGE			
	6		34930	BATON INSTRUCTOR COURSE/DAVIS/	64.00	5743306-07	
26239- 1356	6	6/06/2008	Logged	*** Total ***	64.00		
26240- 1356	7	6/06/2008	11015	KERMAN CHAMBER OF COMMERCE			
	7		34917	FIREWORKS DONATION	600.00	JULY 3, 2008	
26240- 1356	7	6/06/2008	Logged	*** Total ***	600.00		
26241- 1356	8	6/06/2008	10984	KERMAN GIRLS SOFTBALL LEAGUE			
	8		34899	DONATION TO SOFTBALL LEAGUE	500.00	DONATION	
26241- 1356	8	6/06/2008	Logged	*** Total ***	500.00		
26242- 1356	9	6/06/2008	11004	KERMAN POLICE OFFICERS ASSOCIA			
	9		34892	REIMBURSEMENT FOR SHOULDER PAT	8.00	6/2/08	
26242- 1356	9	6/06/2008	Logged	*** Total ***	8.00		
26243- 1356	10	6/06/2008	11053	KERMAN TELEPHONE CO			
	10		34901	WWTP PHONE LINE JUNE 08	14.95	996-0164 6/08	
	10		34908	T-1 LINE MONTHLY CHARGES JUNE	397.52	996-0012 6/08	
26243- 1356	10	6/06/2008	Logged	*** Total ***	412.47		
26244- 1356	11	6/06/2008	11033	KERWEST NEWSPAPERS			
	11		34910	LEGAL NOTICE/UTILITY RATES	330.00	18692	
	11		34911	GRADUATION AD	50.00	18651	
	11		34915	SECURITY ENVELOPES NO WINDOWS	157.93	18663	
26244- 1356	11	6/06/2008	Logged	*** Total ***	537.93		
26245- 1356	12	6/06/2008	3091	KIRK COLLINS			
	12		34891	REIMBURSE NEXTEL BILL	109.89	MAR/APR/MAY	
26245- 1356	12	6/06/2008	Logged	*** Total ***	109.89		
26246- 1356	13	6/06/2008	12150	LYDIA MADRUGA			

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Name / Obligat'n Description	Net amount	Invoice number	PO number
26246- 1356	13	6/06/2008	34923 MILEAGE APRIL/MAY Logged	39.09	43 @ .505	
			*** Total ***	39.09		
26247- 1356	14	6/06/2008	12979 MEDIA ALL STARS			
26247- 1356	14	6/06/2008	34897 KHS ATHLETIC SPONSORSHIPS Logged	275.00	75944	
			*** Total ***	275.00		
26248- 1356	15	6/06/2008	18076 MONIA RODRIGUEZ			
26248- 1356	15	6/06/2008	34906 BLOOD DRAW Logged	100.00	08-0946	
			*** Total ***	100.00		
26249- 1356	16	6/06/2008	15000 OFFICE DEPOT			
	16		34875 INK CARTRIDGES	92.29	430038466-001	
	16		34876 INK CARTRIDGES	38.97	429606461-001	
	16		34895 FILE FOLDERS/LETTER TRAYS/LABE	57.27	431157668-001	
	16		34925 COPY PAPER	34.74	430911338-001	
	16		34926 FILE GUIDES	38.86	430321183-001	
	16		34927 BUSINESS CARDS	31.08	430591798-001	
	16		34928 FILES/EXPANDING FILES	27.19	430648102-001	
26249- 1356	16	6/06/2008	Logged	*** Total ***	320.40	
26250- 1356	17	6/06/2008	0 GONZALO YANEZ			
26250- 1356	17	6/06/2008	34879 *C UTILITY DEPOSIT REFUND Logged	100.00	1-01-03668-04	
			*** Total ***	100.00		
26251- 1356	18	6/06/2008	0 JOSE HERNANDEZ			
26251- 1356	18	6/06/2008	34880 *C UTILITY DEPOSIT REFUND Logged	122.50	1-01-16132-05	
			*** Total ***	122.50		
26252- 1356	19	6/06/2008	0 LOS ARCOS			
26252- 1356	19	6/06/2008	34881 *C UTILITY DEPOSIT REFUND Logged	77.07	1-01-01520-02	
			*** Total ***	77.07		
26253- 1356	20	6/06/2008	0 GREGORIO GUTIERREZ			
26253- 1356	20	6/06/2008	34882 *C UTILITY DEPOSIT REFUND Logged	26.75	1-01-02050-02	
			*** Total ***	26.75		
26254- 1356	21	6/06/2008	0 JAMES REYNOLDS			
26254- 1356	21	6/06/2008	34883 *C UTILITY DEPOSIT REFUND Logged	122.50	1-01-05424-02	
			*** Total ***	122.50		
26255- 1356	22	6/06/2008	0 EUGENIO GARCIA			
26255- 1356	22	6/06/2008	34884 *C UTILITY DEPOSIT REFUND Logged	85.03	1-01-13451-05	
			*** Total ***	85.03		
26256- 1356	23	6/06/2008	0 MARIO'S AUTO SALES			
26256- 1356	23	6/06/2008	34885 *C UTILITY DEPOSIT REFUND Logged	29.75	1-01-17022-04	
			*** Total ***	29.75		
26257- 1356	24	6/06/2008	0 RICHARD YEAROUT			
26257- 1356	24	6/06/2008	34886 *C UTILITY DEPOSIT REFUND Logged	1.23	1-01-18429-06	
			*** Total ***	1.23		

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Name / Obligat'n Description	Net amount	Invoice number	PO number
26258- 1356	25	6/06/2008	0 LETICIA GUTIERREZ			
	25		34887 *C UTILITY DEPOSIT REFUND	30.92	1-01-19180-02	
26258- 1356	25	6/06/2008	Logged *** Total ***	30.92		
26259- 1356	26	6/06/2008	0 GURMAKH SRAN			
	26		34888 *C UTILITY OVERPAY REFUND	36.06	410000022901	
26259- 1356	26	6/06/2008	Logged *** Total ***	36.06		
26260- 1356	27	6/06/2008	0 MARIA GONZALEZ			
	27		34889 *C UTILITY OVERPAY REFUND	25.26	1-01-54212-05	
26260- 1356	27	6/06/2008	Logged *** Total ***	25.26		
26261- 1356	28	6/06/2008	0 CHASTITY RENTERIA			
	28		34890 *C UTILITY DEPOSIT REFUND	55.14	1-01-53492-00	
26261- 1356	28	6/06/2008	Logged *** Total ***	55.14		
26262- 1356	29	6/06/2008	0 TAMMY DAGGS			
	29		34916 *C REG REFUND/FEE CHARGED 2X	80.00	INV 936	
26262- 1356	29	6/06/2008	Logged *** Total ***	80.00		
26263- 1356	30	6/06/2008	0 VICTORIA GREER			
	30		34918 *C FACILITY DEPOSIT REFUND	400.00	24381	
26263- 1356	30	6/06/2008	Logged *** Total ***	400.00		
26264- 1356	31	6/06/2008	0 DIANA OLIVA			
	31		34919 *C FACILITY DEPOSIT REFUND	400.00	25605	
26264- 1356	31	6/06/2008	Logged *** Total ***	400.00		
26265- 1356	32	6/06/2008	0 DIAMATINA GUTIERREZ			
	32		34920 *C FACILITY DEPOSIT REFUND	100.00	25606	
26265- 1356	32	6/06/2008	Logged *** Total ***	100.00		
26266- 1356	33	6/06/2008	0 LUCIA MURILLO			
	33		34921 *C FACILITY DEPOSIT REFUND	400.00	R000697	
26266- 1356	33	6/06/2008	Logged *** Total ***	400.00		
26267- 1356	34	6/06/2008	0 CAROL COVARRUBIA			
	34		34922 *C FACILITY DEPOSIT REFUND	400.00	25940	
26267- 1356	34	6/06/2008	Logged *** Total ***	400.00		
26268- 1356	35	6/06/2008	16025 P.G.& E.			
	35		34903 MO SERVICE NEW CITY HALL GAS	73.20	1987079107	5/28
	35		34904 MO SERVICE 10/23/07 - 11/21/07	3,132.72	5467738309	11/7
	35		34905 MO SVC 4/23/08 - 5/20/08	3,764.61	5467738309	5/22
26268- 1356	35	6/06/2008	Logged *** Total ***	6,970.53		
26269- 1356	36	6/06/2008	16039 PARC ENVIRONMENTAL			
	36		34878 ASBESTOS COMPLETION / CITY HAL	21,790.00	9575	
26269- 1356	36	6/06/2008	Logged *** Total ***	21,790.00		
26270- 1356	37	6/06/2008	18023 READY CONNECT/CONTRACTOR BOOKS			
	37		34907 ADA/ABA HANDBOOK	179.90	060208	

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Name / Obligat'n	Description	Net amount	Invoice number	PO number
26270-1356	37	6/06/2008	Logged	*** Total ***	179.90		
26271-1356	38	6/06/2008	18011	REAL-TIME INFORMATION SERVICES			
	38		34877	INTERNET DOWN/KERMAN TELE	495.00	15319	
	38		34912	MAINT CONTRACT 10 HOURS	950.00	16085	
	38		34913	MONTHLY SPAM FILTERING FEE MAY	182.50	16092	
26271-1356	38	6/06/2008	Logged	*** Total ***	1,627.50		
26272-1356	39	6/06/2008	8055	RENEE HOLDCROFT			
	39		34874	CC MEETING SUPPLIES	6.99	5/21/08	
26272-1356	39	6/06/2008	Logged	*** Total ***	6.99		
26273-1356	40	6/06/2008	19895	TECHDEPOT			
	40		34900	2 MONITORS/ 17" AND 19"	446.71	8080519796V1	
26273-1356	40	6/06/2008	Logged	*** Total ***	446.71		
26274-1356	41	6/06/2008	20004	THE WALL STREET JOURNAL			
	41		34894	12 MO SUBSCRIPTION	160.73	073007770036	
26274-1356	41	6/06/2008	Logged	*** Total ***	160.73		
26275-1356	42	6/06/2008	11964	TIM J LAW			
	42		34929	BACKGROUND BO HAWKINS	500.00	401	
26275-1356	42	6/06/2008	Logged	*** Total ***	500.00		
26276-1356	43	6/06/2008	24002	XEROX CORPORATION			
	43		34902	BASE CHARGE MAY 08	442.57	33123161	
	43		34909	BASE CHARGE MAY 2008	248.62	033123162	
26276-1356	43	6/06/2008	Logged	*** Total ***	691.19		
26277-1358	1	6/09/2008	1014	ADOLPH KIEFER & ASSOC			
	1		34955	FIRST AID KITS	93.74	001194869	
26277-1358	1	6/09/2008	Logged	*** Total ***	93.74		
26278-1358	2	6/09/2008	2010	BLACK BULLET INC			
	2		34980	REPAIR FENCE/PLAZA PARK	733.00	569b	
26278-1358	2	6/09/2008	Logged	*** Total ***	733.00		
26279-1358	3	6/09/2008	3007	CAL STATE TERMITE AND PEST CON			
	3		34958	TERMITE INSPECTION	50.00	08-058M	
26279-1358	3	6/09/2008	Logged	*** Total ***	50.00		
26280-1358	4	6/09/2008	3010	CAL WEST RAIN			
	4		34979	COUPLER EXPANSION	151.75	0086866-IN	
26280-1358	4	6/09/2008	Logged	*** Total ***	151.75		
26281-1358	5	6/09/2008	19130	CALIFORNIA STATE DISBURSEMENT			
	5		34990	*C WAGE ASSIGNMENT PAYDATE 6/6	460.62	0195023686-01 6	
	5		34991	*C WAGE ASSIGNMENT PAYDATE 6/6	184.62	0192596302-01	
26281-1358	5	6/09/2008	Logged	*** Total ***	645.24		
26282-1358	6	6/09/2008	3193	CASSC			
	6		34950	CONFERENCE OCT 19-22	200.00	MOORE, NANCY	

		CITIBANK AP					
Check-Run	Seq#	Date	Vendor / Obligat'n	Name / Description	Net amount	Invoice number	PO number
26282-	1358	6	6/09/2008	Logged	*** Total ***	200.00	
26283-	1358	7	6/09/2008	3061 CHEM QUIP INC			
		7		34970 CAL HYPO GRANULAR	180.85	4008313-IN	
26283-	1358	7	6/09/2008	Logged	*** Total ***	180.85	
26284-	1358	8	6/09/2008	6082 CITY OF FRESNO WMD			
		8		34965 LAB ANALYSIS	138.00	K050708	
		8		34966 WATER ANALYSIS	189.00	K051408	
		8		34967 WATER ANALYSIS	138.00	K052108	
26284-	1358	8	6/09/2008	Logged	*** Total ***	465.00	
26285-	1358	9	6/09/2008	3104 CONSOLIDATED ELECTRICAL			
		9		34949 ROTARY PARK TIMER/EQUIPMENT	722.89	2574-584397	
26285-	1358	9	6/09/2008	Logged	*** Total ***	722.89	
26286-	1358	10	6/09/2008	3173 CROWN SHORT LOAD CONCRETE			
		10		34968 CONCRETE/MIS FOR D ST & 8TH ST	425.42	18794	
26286-	1358	10	6/09/2008	Logged	*** Total ***	425.42	
26287-	1358	11	6/09/2008	4057 DUNN EDWARDS CORPORATION			
		11		34959 BASE PAINT	33.22	2036013299	
26287-	1358	11	6/09/2008	Logged	*** Total ***	33.22	
26288-	1358	12	6/09/2008	11062 FEDEX KINKO'S			
		12		34956 PRINT COPIES	19.44	51702332/2395	
26288-	1358	12	6/09/2008	Logged	*** Total ***	19.44	
26289-	1358	13	6/09/2008	5059 FRANK WILBER CO., INC.			
		13		34988 MAINT. CONTRACT/TIME & DATE ST	180.00	A488	
26289-	1358	13	6/09/2008	Logged	*** Total ***	180.00	
26290-	1358	14	6/09/2008	3118 FRESNO COUNTY TREASURER			
		14		34934 REPORT OF PARKING VIOLATION	50.00	APR 08	
26290-	1358	14	6/09/2008	Logged	*** Total ***	50.00	
26291-	1358	15	6/09/2008	6056 FRESNO COUNTY TREASURER			
		15		34935 RMS/JMS ACCESS FEES MAY 08	158.56	S05322	
		15		34936 DISPATCHING SERVICES/JUNE 08	10,102.64	S05321	
26291-	1358	15	6/09/2008	Logged	*** Total ***	10,261.20	
26292-	1358	16	6/09/2008	6070 FRESNO MADERA AREA AGNY ON AGI			
		16		34960 SITE SUPPLIES/APR 08	122.29	08-0105	
26292-	1358	16	6/09/2008	Logged	*** Total ***	122.29	
26293-	1358	17	6/09/2008	7035 GLASS DOCTOR OF FRESNO			
		17		34957 REPLACED BROKEN WINDOW/SR CENT	169.00	193	
26293-	1358	17	6/09/2008	Logged	*** Total ***	169.00	
26294-	1358	18	6/09/2008	8000 H & J CHEVROLET INC			
		18		34971 KEY FOR VEH 374	3.78	10606	
26294-	1358	18	6/09/2008	Logged	*** Total ***	3.78	

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Name / Obligat'n	Description	Net amount	Invoice number	PO number
26295- 1358	19	6/09/2008	8005 HELENA CHEMICAL CO				
	19		34969 5000 GAL ROUNDUP		226.75	69404626	
26295- 1358	19	6/09/2008	Logged	*** Total ***	226.75		
26296- 1358	20	6/09/2008	10028 HENRY, LOGOLUSO, & BLUM				
	20		34964 LEGAL SERVICES MAY 2008		6,032.79	14321-14330	
26296- 1358	20	6/09/2008	Logged	*** Total ***	6,032.79		
26297- 1358	21	6/09/2008	8013 HOME DEPOT				
	21		34963 DRILL KIT/WALL BASE/RANGE HOOD		676.05	0252 2617 5/28	
26297- 1358	21	6/09/2008	Logged	*** Total ***	676.05		
26298- 1358	22	6/09/2008	10039 JENSEN & PILEGARD				
	22		34972 SPRING AND HARNESS		62.60	127172	
	22		34973 THROTTLE CABLE /LABOR/STIHL TR		80.93	128319	
	22		34974 BRACE/BASE/BELT/BRACKET		140.63	127851	
	22		34975 HONDA 4HP EDGER / SN B89943		647.84	127857	
	22		34976 STARTER ASSY		204.49	128320	
	22		34977 FREIGHT CREDIT		-3.78	127227	
26298- 1358	22	6/09/2008	Logged	*** Total ***	1,132.71		
26299- 1358	23	6/09/2008	11010 KER TEL COMMUNICATIONS				
	23		34953 FIRE/BURGLAR ALARM MONITORING		34.95	17627	
26299- 1358	23	6/09/2008	Logged	*** Total ***	34.95		
26300- 1358	24	6/09/2008	11038 KERMAN PETS				
	24		34933 DOG FOOD		24.82	7	
26300- 1358	24	6/09/2008	Logged	*** Total ***	24.82		
26301- 1358	25	6/09/2008	11004 KERMAN POLICE OFFICERS ASSOCIA				
	25		34992 *C MEMBERSHIP DUES		396.24	P/E 5/31/08	
26301- 1358	25	6/09/2008	Logged	*** Total ***	396.24		
26302- 1358	26	6/09/2008	11053 KERMAN TELEPHONE CO				
	26		34943 MO SERVICE 5/21/08 - 6/20/08		1,969.55	846-9384 6/01	
26302- 1358	26	6/09/2008	Logged	*** Total ***	1,969.55		
26303- 1358	27	6/09/2008	11033 KERWEST NEWSPAPERS				
	27		34940 LEGAL NOTICES, PH TOT		105.00	18744	
	27		34941 LEGAL NOTICE LOCA 6/4/08 - 6/1		315.00	18693	
	27		34986 LEGAL NOTICES L&LD #1		330.00	18669	
	27		34987 LEGAL NOTICES P/HEARING L&LD N		660.00	18668	
26303- 1358	27	6/09/2008	Logged	*** Total ***	1,410.00		
26304- 1358	28	6/09/2008	12046 LANDSCAPE IMAGES, INC				
	28		34961 LANDSCAPING/MO SVC CTC MAY 08		650.00	1113052008	
26304- 1358	28	6/09/2008	Logged	*** Total ***	650.00		
26305- 1358	29	6/09/2008	12051 LEN'S LAWNMOWER SERVICE, INC				
	29		34978 SHARPEN BLADES		45.00	859723	
26305- 1358	29	6/09/2008	Logged	*** Total ***	45.00		

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Name / Obligat'n Description	Net amount	Invoice number	PO number
26306- 1358	30	6/09/2008	18076 MONIA RODRIGUEZ			
	30		34937 BLOOD DRAW	100.00	08-1070	
	30		34938 BLOOD DRAW	100.00	08-1026	
	30		34939 BLOOD DRAW	100.00	08-1036	
26306- 1358	30	6/09/2008	Logged	*** Total ***	300.00	
26307- 1358	31	6/09/2008	13977 NAILDOWN CONSTRUCTION			
	31		34945 REMOVAL OF POOL BUILDING OVERH	425.00	R-0061A	
	31		34946 DEMO/REMOVE PANELING	925.00	R-0061D	
	31		34947 INSTALL EXHAUST VAN/ELECTRICAL	578.00	R-0061C	
	31		34948 REPAIR WALLS/FLOAT/SMOOTH/TEX	1,735.00	R-0061B	
26307- 1358	31	6/09/2008	Logged	*** Total ***	3,663.00	
26308- 1358	32	6/09/2008	14036 NANCY MOORE			
	32		34951 MILEAGE REIMBURSEMENT	16.56	32.8@.505	
26308- 1358	32	6/09/2008	Logged	*** Total ***	16.56	
26309- 1358	33	6/09/2008	15000 OFFICE DEPOT			
	33		34952 MICROSOFT OFFICE PROGRAM	114.84	428318274-001	
	33		34981 WALL SIGN/OFFICE HOURS	32.92	430321590-001	
26309- 1358	33	6/09/2008	Logged	*** Total ***	147.76	
26310- 1358	34	6/09/2008	0 MARIA LOMELI			
	34		34942 *C FACILITY DEPOSIT REFUND	100.00	24523	
26310- 1358	34	6/09/2008	Logged	*** Total ***	100.00	
26311- 1358	35	6/09/2008	16092 POSTAL ANNEX			
	35		34982 WATER SAMPLES / EBERLINE	7.57	48520 5/23/08	
26311- 1358	35	6/09/2008	Logged	*** Total ***	7.57	
26312- 1358	36	6/09/2008	16109 PROVOST & PRITCHARD INC.			
	36		34983 SRF CLAIM #14	244.51	23667	
	36		34984 ENGINEERING DESIGN SERVICES/WW	56,842.44	23668	
26312- 1358	36	6/09/2008	Logged	*** Total ***	57,086.95	
26313- 1358	37	6/09/2008	8055 RENEE HOLDCROFT			
	37		34993 REIMB CC MEETING SUPPLIES	6.00	CC MEET 6/4/08	
26313- 1358	37	6/09/2008	Logged	*** Total ***	6.00	
26314- 1358	38	6/09/2008	19006 S & L PAINTING			
	38		34944 PREP/PRIME/PAINT SCOUT HUT	2,772.00	053008	
26314- 1358	38	6/09/2008	Logged	*** Total ***	2,772.00	
26315- 1358	39	6/09/2008	19120 SUN EMPIRE FOODS			
	39		34985 BASKET/RON GARCIA	30.00	11937	
26315- 1358	39	6/09/2008	Logged	*** Total ***	30.00	
26316- 1358	40	6/09/2008	99999 U.S. BANK CORPORATE PAYMENT SY			
	40		34994 PURCHASES INVOICE 5/22/08	816.48	5/22/08	
26316- 1358	40	6/09/2008	Logged	*** Total ***	816.48	
26317- 1358	41	6/09/2008	22010 VALLEY SANITARY SUPPLY			

CITIBANK AP

Check-Run	Seq#	Date	Vendor / Name / Obligat'n Description	Net amount	Invoice number	PO number
	41		34954 SOAP DISPENSERS	119.64	125005	
26317- 1358	41	6/09/2008	Logged	*** Total ***	119.64	
26318- 1358	42	6/09/2008	23048 WORKINGARTS MARKETING, INC			
	42		34989 WEBSITE MAINT/UPDATES MAY 08	95.00	1309	
26318- 1358	42	6/09/2008	Logged	*** Total ***	95.00	
26319- 1358	43	6/09/2008	24002 XEROX CORPORATION			
	43		34962 BASE CHARGE MAY 08	269.15	033123163	
26319- 1358	43	6/09/2008	Logged	*** Total ***	269.15	
** Total MFP discount **				.00		
** Total MFP amount **				.00		
** Total check discount **				.00		
** Total check amount **				137,643.91		
** Total void discount **				.00		
** Total void amount **				.00		

NOTES:
FRONTAGE LENGTH DETERMINED
BY CENTERLINE DISTANCE AT
PROPERTY LINES EXTENDED.

AVENUE

COVINGTON AVENUE

1664'

699'

STANISLAUS

365'

221'

379'

CITY PARK

EXISTING BASIN

CITY S.D. BASIN

COVINGTON

K.U.S.D.

GOLDENROD

KEARNEY BLVD.

STANISLAUS AVE.
COST SHARING

PREPARED BY:
YAMABE & HORN ENGINEERING, INC.
1300 EAST SHAW AVE. SUITE 176
FRESNO, CA 93710

Resolution No. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
ACCEPTING REAL PROPERTY FOR PARK PURPOSES IN TRACT NO. 5832

WHEREAS, East Kerman Development., Inc. has offered real property to the City of Kerman for a public park; and

WHEREAS, the public necessity requires the real property for public use in accordance with the adopted General Plan and the conditions of approval for Tract No. 5832.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN
DOES RESOLVE AS FOLLOWS:

The real property offered as attached in Exhibit "A" is accepted on behalf of the public for public use.

BE IT FURTHER RESOLVED AND ORDERED, as follows:

The City Clerk shall receive and file the Grant Deed in the office of the County Recorder and shall affix a certificate attesting to this resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 18th day of June, 2008, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

TRINIDAD M. RODRIGUEZ, MAYOR

ATTEST:

L. RENEE HOLDCROFT, CITY CLERK

EXHIBIT "A"

That portion of Parcel C of Parcel Map 07-01, recorded in Book 68, pages 7 and 8 of Parcel Maps, Fresno County Records, described as follows:

Beginning on the most Northeasterly corner of said Parcel C, said point being North 89°55'54" East, a distance of 721.72 feet from the Northwest corner of said Parcel C; thence Southwesterly along a non-tangent curve, concave to the Southeast, also being along the boundary of said Parcel C, whose radius point bears South 0°04'06" East, having a radius of 750.00 feet, through a central angle of 10°15'12", a distance of 134.22 feet to the TRUE POINT OF BEGINNING; thence South 0°12'45" West, along the East line of said Parcel C, a distance of 259.25 feet; thence South 68°54'43" West, a distance of 101.15 feet; thence South 49°05'07" West, a distance of 24.50 feet; thence South 26°42'11" West, a distance of 38.79 feet; thence South 89°52'52" West, a distance of 208.30 feet; thence North 0°12'55" East, parallel with and 250.00 feet East of the West line of said Parcel C, a distance of 163.67 feet; thence Northwesterly along a tangent curve, concave to the Southwest, having a radius of 250.00 feet through a central angle of 13°32'05", a distance of 59.06 feet, to the intersection with the South line of the Stanislaus Avenue right of way; thence Northwesterly along said South line, being along a non-tangent curve, concave to the Northwest, whose radius point bears North 15°58'31" West, having a radius of 780.00 feet, through a central angle of 11°01'49", a distance of 150.16 feet to a point of reverse curvature; thence Northeasterly along said South line, being along a reverse curve, concave to the Southeast, whose radius point bears South 27°00'20" East, having a radius of 750.00 feet, through a central angle of 16°41'02", a distance of 218.39 feet to the TRUE POINT OF BEGINNING.

Contains an area of 2.34 acres, more or less.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN

APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 5832 AND TENTATIVE TRACT MAP 5928

WHEREAS, the City Council approved Tentative Tract Map 5832 on June 20, 2007, by Resolution 07-38, and approved Tentative Tract Map 5928 on January 16, 2008, by Resolution 08-01, subject to certain conditions of approval; and

WHEREAS, Tentative Tract Map 5832 and Tentative Tract Map 5928 consisted of the creation of three regional commercial lots, ten parcels for multi-family development, and two remainder lots for future residential development totaling 90.4 acres generally located at the southwest corner of Goldenrod Avenue and Whitesbridge Road; and

WHEREAS, the conditions of approval for Tract Map 5832 and Tract Map 5928 requires that the developer make certain public improvements along Kearney Boulevard and Goldenrod Avenue; and

WHEREAS, East Kerman Development, Inc. (Mitch Covington), as the current owner of the property that is the subject of Tentative Tract Map 5832 and Tract Map 5928, has requested that the City Council consider an amendment to the Conditions of Approval for these two tracts by deleting the following listed conditions:

Tentative Tract Map 5832 (Resolution 07-38)

1. **Condition C.1.b** - Goldenrod Avenue: Dedicated additional right of way with final map. With phase 2, acquire right of way and improve from Stanislaus Avenue to Kearney Boulevard with median island and two travel lanes. Improvements north of R-2 lots deferred until development of commercial lots.
2. **Condition C.1.c** – Kearney Boulevard: Dedicate 40 fet of right of way and install valley gutter and sidewalk form the west boundary of the tract to Goldenrod Avenue.
3. **Condition D.1.c** – Goldenrod Avenue: 15” sewer main from Kearney Boulevard to 330’ south of Whitesbridge Road.
4. **Condition E.1.b** – Goldenrod Avenue and Whitesbridge Road: install 12-inch water mains
5. **Condition F.2.b** – Install 18” stormwater in Stanislaus Avenue from 16th Street to Goldenrod Avenue and in Goldenrod Avenue to approximately 300 feet north of Kearney Boulevard
6. **Condition G.1.a** – Goldenrod Avenue medians

Tentative Tract Map 5928 (Resolution 08-01)

1. **Condition C.1.b** – Goldenrod Avenue: Dedicate additional right of way with final map. Acquire right of way and improve from Stanislaus Avenue to Kearney Boulevard with median island and two travel lanes. Improvements north of R-2 lots shall be deferred until development of commercial lots.

WHEREAS, the city staff and the city engineer have reviewed the proposed request to eliminate said conditions from Tract Map 5832 and Tract Map 5928 and have determined that the request is acceptable, and that no other changes to Tentative Tract Maps 5832 and 5928 or its conditions of approval are proposed with this action; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF KERMAN HEREBY amends the Conditions of Approval for Resolution 07-38 for Tentative Tract Map 5832 and For Resolution 08-01 for Tentative Tract Map 5928, by removing the aforementioned conditions of approval.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 18th day of June, 2008, and passed at said regular meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing Resolution is hereby approved.

Trinidad M. Rodriguez
Mayor

ATTEST:

L. Rene Holdcroft
City Clerk, City of Kerman

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
AMENDING 2008-09 EMPLOYEE SALARY SCHEDULES “A” MANAGEMENT,
“B” MISCELLANEOUS, AND “C” PUBLIC SAFTEY**

THE CITY COUNCIL OF THE CITY OF KERMAN DOES RESOLVE as follows:

1. That the amended salary schedule referenced as Exhibit “A” Management Employees; Exhibit “B” Miscellaneous Employees; and Exhibit “C” Public Safety Employees – Revised June 2008 (attached) is approved as part of the Memorandum of Understanding (MOU) between the City of Kerman and the Kerman Miscellaneous and Public Safety Employees for the period in time herein specified on the salary schedule.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 18th day of June, 2008, and approved at said regular meeting by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Trinidad M. Rodriguez
Mayor

ATTEST:

L. Renee Holdcroft
City Clerk

EXHIBIT "A"

Management Employees

July 2008 - June 2009

Management	Step A	Step B	Step C	Step D	Step E	Step F	Step G
City Manager	\$ 10,975						
Police Chief	\$ 6,871	\$ 7,215	\$ 7,575	\$ 7,954	\$ 8,352	\$ 8,769	\$ 9,208
Director of Planning & Dev Services	\$ 6,717	\$ 7,053	\$ 7,405	\$ 7,776	\$ 8,164	\$ 8,573	\$ 9,001
Director of Public Works	\$ 6,231	\$ 6,543	\$ 6,870	\$ 7,213	\$ 7,574	\$ 7,953	\$ 8,350
Finance Director	\$ 6,278	\$ 6,592	\$ 6,921	\$ 7,267	\$ 7,631	\$ 8,012	\$ 8,413
Community Services Director	\$ 5,870	\$ 6,164	\$ 6,472	\$ 6,796	\$ 7,135	\$ 7,492	\$ 7,867
City Clerk / Administrative Asst.	\$ 5,049	\$ 5,301	\$ 5,566	\$ 5,845	\$ 6,137	\$ 6,444	\$ 6,766

4.25% COLA Effective July 2008 - The First Day of the First Full Pay Period in July 2008

EXHIBIT "B"

Miscellaneous Employees

July 2008 - June 2009

Finance	Step A	Step B	Step C	Step D	Step E	Step F	* G (2.5%)
Sr. Accountant/Personnel Officer**	\$ 3,994	\$ 4,194	\$ 4,403	\$ 4,623	\$ 4,855	\$ 5,097	\$ 5,225
Junior Accountant	\$ 3,257	\$ 3,420	\$ 3,591	\$ 3,770	\$ 3,959	\$ 4,157	\$ 4,260
Account Clerk II	\$ 2,895	\$ 3,040	\$ 3,192	\$ 3,351	\$ 3,519	\$ 3,695	\$ 3,787
Account Clerk	\$ 2,456	\$ 2,579	\$ 2,708	\$ 2,843	\$ 2,985	\$ 3,135	\$ 3,213
Account Receptionist	\$ 1,974	\$ 2,073	\$ 2,177	\$ 2,286	\$ 2,400	\$ 2,520	\$ 2,583

4.25% COLA Effective July 2008 - The First Day of the First Full Pay Period in July 2008

* "G" Step is 2.5%

** FLSA Exempt

Miscellaneous Employees

July 2008 - June 2009

Community Services & Recreation	Step A	Step B	Step C	Step D	Step E	Step F	* G (2.5%)
Community Center Coordinator	\$ 2,998	\$ 3,148	\$ 3,306	\$ 3,471	\$ 3,644	\$ 3,827	\$ 3,922
Recreation Coordinator	\$ 2,998	\$ 3,148	\$ 3,306	\$ 3,471	\$ 3,644	\$ 3,827	\$ 3,922
Information & Referral Coordinator	\$ 2,930	\$ 3,077	\$ 3,231	\$ 3,392	\$ 3,562	\$ 3,740	\$ 3,834
Parks Maintenance Technician	\$ 2,444	\$ 2,566	\$ 2,694	\$ 2,829	\$ 2,970	\$ 3,119	\$ 3,197
Comm Service Maintenance Worker	\$ 2,333	\$ 2,450	\$ 2,572	\$ 2,701	\$ 2,836	\$ 2,978	\$ 3,052
Van Driver	\$ 2,261	\$ 2,374	\$ 2,493	\$ 2,618	\$ 2,748	\$ 2,886	\$ 2,958
Community Services Secretary	\$ 2,424	\$ 2,545	\$ 2,672	\$ 2,806	\$ 2,946	\$ 3,093	\$ 3,171

4.25% COLA Effective July 2008 - The First Day of the First Full Pay Period in July 2008

Miscellaneous Employees

July 2008 - June 2009

Planning & Development	Step A	Step B	Step C	Step D	Step E	Step F	* G (2.5%)
Admin Secretary/Planning Tech	\$ 3,334	\$ 3,501	\$ 3,676	\$ 3,859	\$ 4,052	\$ 4,255	\$ 4,361
Building Official **	\$ 4,166	\$ 4,374	\$ 4,593	\$ 4,822	\$ 5,064	\$ 5,317	\$ 5,450
Building Inspector/Code Enforcer	\$ 3,463	\$ 3,636	\$ 3,818	\$ 4,009	\$ 4,210	\$ 4,420	\$ 4,530
Code Enforcement Inspector	\$ 2,843	\$ 2,985	\$ 3,134	\$ 3,291	\$ 3,456	\$ 3,628	\$ 3,719
Public Works Clerk	\$ 2,222	\$ 2,333	\$ 2,449	\$ 2,572	\$ 2,700	\$ 2,835	\$ 2,906

4.25% COLA Effective July 2008 - The First Day of the First Full Pay Period in July 2008

* "G" Step is 2.5%

** FLSA Exempt

Miscellaneous Employees

July 2008 - June 2009

Public Works	Step A	Step B	Step C	Step D	Step E	Step F	* G (2.5%)
PW Operations Coordinator **	\$ 3,945	\$ 4,142	\$ 4,349	\$ 4,567	\$ 4,795	\$ 5,035	\$ 5,161
Automotive Mechanic	\$ 2,988	\$ 3,137	\$ 3,294	\$ 3,459	\$ 3,632	\$ 3,813	\$ 3,909
PW Lead Supervisor	\$ 2,978	\$ 3,127	\$ 3,284	\$ 3,448	\$ 3,620	\$ 3,801	\$ 3,896
PW Maintenance Specialist	\$ 2,843	\$ 2,985	\$ 3,134	\$ 3,291	\$ 3,456	\$ 3,628	\$ 3,719
PW General Maintenance Tech	\$ 2,610	\$ 2,741	\$ 2,878	\$ 3,022	\$ 3,173	\$ 3,332	\$ 3,415
General Maintenance Worker	\$ 2,332	\$ 2,449	\$ 2,571	\$ 2,700	\$ 2,835	\$ 2,976	\$ 3,051
Water Dist/Supply & WW Mgr **	\$ 4,055	\$ 4,258	\$ 4,471	\$ 4,695	\$ 4,929	\$ 5,176	\$ 5,305
WWTP & Water Operator II	\$ 2,970	\$ 3,119	\$ 3,275	\$ 3,438	\$ 3,610	\$ 3,791	\$ 3,885
WWTP & Water Operator I	\$ 2,672	\$ 2,806	\$ 2,946	\$ 3,093	\$ 3,248	\$ 3,410	\$ 3,495
PW Administrative Secretary	\$ 2,909	\$ 3,054	\$ 3,207	\$ 3,367	\$ 3,535	\$ 3,712	\$ 3,805

4.25% COLA Effective July 2008 - The First Day of the First Full Pay Period in July 2008

* "G" Step is 2.5%

** FLSA Exempt

EXHIBIT "C"

Public Safety Employees

July 2008 - June 2009

Public Safety	Step A	Step B	Step C	Step D	Step E	Step F	Step G
Sergeant	\$ 4,390	\$ 4,609	\$ 4,840	\$ 5,082	\$ 5,336	\$ 5,603	\$ 5,883
Corporal	\$ 3,865	\$ 4,058	\$ 4,261	\$ 4,474	\$ 4,697	\$ 4,932	\$ 5,179
Police Officer	\$ 3,505	\$ 3,680	\$ 3,864	\$ 4,057	\$ 4,260	\$ 4,473	\$ 4,697
Records Manager	\$ 2,734	\$ 2,871	\$ 3,015	\$ 3,165	\$ 3,324	\$ 3,490	\$ 3,664
Records Clerk	\$ 2,321	\$ 2,437	\$ 2,558	\$ 2,686	\$ 2,821	\$ 2,962	\$ 3,110
Administrative Assistant	\$ 2,734	\$ 2,871	\$ 3,015	\$ 3,165	\$ 3,324	\$ 3,490	\$ 3,664

4.25% COLA Effective July 2008 - The First Day of the First Full Pay Period in July 2008

CITY OF KERMAN
STATEMENT OF INVESTMENT POLICY
1985

As a general law city, Kerman operates its pooled idle cash investments under the prudent man rule. This affords the City a broad spectrum of investment opportunities so long as the investment is deemed prudent and is allowable under current legislation of the state of California and the Kerman Municipal Code.

Kerman strives to maintain the level of investment of all idle funds, less required reserve, as near 100% as possible, through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the City Treasurer and investments are made in the following media:

- Securities of the U.S Government or its agencies;
- Certificates of Deposits (or time Deposits) placed with commercial banks and savings and loans;
- Bankers Acceptances;
- Time Deposit with the Treasurer of the State of California
- In the Local Agency Investment Fund;
- Negotiable certificates of deposits;
- Commercial paper;
- Passbook Savings Account Demand Deposits;
- Other Investments that are or may become legal investments through the State of California Government Code.

Criteria for selecting investments and the order of priority are:

1. Safety
2. Liquidity
3. Yield

Government and agency paper and repurchase agreements are the highest quality investments available in terms of safety and liquidity. Only certificates of deposits, savings accounts, and bankers acceptances that are insured or collateralized are purchased. Only direct-issue commercial paper with Moody's A-1 and Standard and Poor's P-1 rating will be purchased.

Most investments are highly liquid with the exception of collateralized certificates of deposits held by banks and savings and loans. Maturities are selected to anticipate cash needs, thereby obviating the need for forced liquidation.

Kerman attempts to obtain the highest yields when selecting investments, provided that criteria for safety and liquidity are met. Ordinarily, because investments carry a positive yield curve, (i.e. longer term rates are higher than shorter maturities), the City attempts to ladder its maturities to meet anticipated cash needs in such a way that new investment money can be placed in maturities that carry a higher rate than is available in the extremely short market of 30 days or under.

The City operates its investment pool with many State and self-imposed constraints. It does not buy stocks; it does not speculate; it does not deal in futures nor options. The average life of the portfolio should not exceed one year and six months. The portfolio is carefully monitored to assure the prudent management of the portfolio.

The basic premise underlying Kerman's investment policy is to insure the safety of the funds to assure that money is always available when needed.

12-13-84

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL
APPROVING A REVISION TO THE CITY OF KERMAN
STATEMENT OF INVESTMENT POLICY - 1985

WHEREAS, The City of Kerman currently operates under the guidelines of the 1985 Statement of Investment Policy; and

WHEREAS, the City of Kerman Statement of Investment Policy – 1985 includes wording that limits the average life of investments to 18 months; and

WHEREAS, the City Council has found that limiting the average life of the investment portfolio could prevent the City of Kerman from locking in investments for terms that may provide substantially higher rates of return than short term investment; and

WHEREAS, the City Council feels that it is prudent to receive Investment Reports from the Finance Director/Treasurer on regular basis, a requirement for such reporting is included in the June 18, 2008 update to the City of Kerman Statement of Investment Policy; and

WHEREAS, Council has found that the amendments to the City of Kerman Statement of Investments – 1985 provide further clarification of responsibilities of the Finance Director/Treasurer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERMAN that the City of Kerman Statement of Investments Policy – 1985 be amended to read as set forth on Exhibit “A” attached hereto and made a part hereof by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 18th day of June, 2008, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby adopted.

MAYOR, CITY OF KERMAN

ATTEST:

CITY CLERK, CITY OF KERMAN

EXHIBIT "A"

CITY OF KERMAN STATEMENT OF INVESTMENT POLICY 1985 (Updated 6-18-08)

As a general law city, Kerman shall manage and invest its pooled idle cash investments under the applicable rules and regulations of California and other applicable law, including, but not limited to, the provisions of Government Code 53600 and following. California law requires the City to invest according to the prudent man rule. In accordance with these legal requirements the City shall pursue and implement a broad spectrum of investment opportunities so long as each investment is deemed prudent and is allowable under current legislation of the state of California and the Kerman Municipal Code.

Kerman strives to maintain the level of investment of all idle funds, less required reserve, as near 100% as possible, through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the City's Finance Director/Treasurer and investments are made in the following media:

- Securities of the U.S Government or its agencies;
- Certificates of Deposits (or time Deposits) placed with commercial banks and savings and loans;
- Bankers Acceptances;
- Time Deposit with the Treasurer of the State of California
- In the Local Agency Investment Fund;
- Negotiable certificates of deposits;
- Commercial paper;
- Passbook Savings Account Demand Deposits;
- Other Investments that are or may become legal investments through the State of California Government Code.

Criteria for selecting investments and the order of priority are:

1. Safety
2. Liquidity
3. Yield

Government and agency paper and repurchase agreements are the highest quality investments available in terms of safety and liquidity. Only certificates of deposits, savings accounts, and bankers acceptances that are insured or collateralized are purchased. Only direct-issue commercial paper with Moody's A-1 and Standard and Poor's P-1 rating will be purchased.

Most investments are highly liquid with the exception of collateralized certificates of deposits held by banks and savings and loans. Maturities are selected to anticipate cash needs, thereby obviating the need for forced liquidation.

Kerman attempts to obtain the highest yields when selecting investments, provided that criteria for safety and liquidity are met. Ordinarily, because investments carry a positive yield curve, (i.e. longer term rates are higher than shorter maturities), the City attempts to ladder its maturities to meet anticipated cash needs in such a way that new investment money can be placed in maturities that carry a higher rate than is available in the extremely short market of 30 days or under.

The City operates its investment pool with many State and self-imposed constraints. It does not buy stocks; it does not speculate; it does not deal in futures or options. The portfolio is carefully monitored by the Finance Director/Treasurer to assure the prudent management of the portfolio, which includes investing funds in such a manner to provide a reasonable return and timing those investments to ensure that sufficient cash is available to meet the City's cash flow needs. The Finance Director/Treasurer consults with the City Manager before making any investments that would significantly change the makeup of the investment portfolio. Rolling-over of existing certificates of deposit or renewing other maturing investments with similar investments would not require such notice. The Finance Director/Treasurer shall provide Investment Reports to the City Council and Redevelopment Agency at least once for each fiscal year.

The basic premise underlying Kerman's investment policy is to insure the safety of the funds, to assure that money is always available when needed and to earn a reasonable return on City funds that are available for investment.

Updated 6-18-08

**MEMORANDUM OF UNDERSTANDING
BETWEEN NORTH CENTRAL FIRE PROTECTION DISTRICT
AND THE CITY OF KERMAN PERTAINING TO FIRE SERVICES
AND DEVELOPMENT IMPACT FEES FOR FIRE PROTECTION
FACILITIES AND EQUIPMENT**

WHEREAS, North Central Fire Protection District (District) provides fire protection facilities and services in portions of Fresno County, California, including the City of Kerman (City); and

WHEREAS, pursuant to the requirements of Government Code Sections 66000 through 66009, the District has had a Fire Suppression Facilities Development Impact Fee Report (Report) prepared by a qualified third party dated May 5, 2008, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, said Report identifies the needed Fire Suppression facilities and equipment for City and the calculated Development Impact Fee (DIF) to be charged; and

WHEREAS, based upon said Report, City shall implement, charge and collect such DIF's on all new development within City; and

WHEREAS, said funds collected shall be ultimately utilized by District, consistent with said Report, to provide new Fire Suppression Facilities and equipment to service City;

NOW, THEREFORE, it is agreed as follows:

1. City shall adopt, implement, charge and collect DIF's for Fire Suppression facilities and equipment pursuant to and consistent with the Report, or mutually agreed revisions to the Report which may be necessary to reflect changing circumstances.
2. City shall account for said funds collected in an identified and separate fund account for the purpose of making said funds available to District for the development and construction of Fire Suppression facilities by District and purchase of equipment as and when required consistent with the provisions of this MOU and said Report or mutually agreed revisions to the Report which may be necessary to reflect changing circumstances. All interest earned on said funds shall inure to the benefit of said account and shall be added to the principal thereof.
3. District shall develop and construct such Fire Suppression facilities as and when required pursuant to the provisions of said Report or mutually agreed revisions to the Report which may be necessary to reflect changing circumstances and shall notify City, at least six (6) months in advance, in writing of its intent to proceed with such construction projects and its timetable for the need for the DIF funds. District shall be responsible to secure funds

equal to the difference between the City's Fair Share and the total construction budget (the "District Share"). At the time of giving notice to City, District shall confirm that District has available funds to pay the District Share. The parties acknowledge that it is critical to City that the Fire Suppression facilities discussed in the Report be located in or adjacent to the City so that the Emergency Response Times are maintained at, or better than, the current times identified in the Report as 5 minutes or less.

4. District shall further agree to provide staffing of said facilities, including management and supervision, consistent with the Report.
5. Upon such notification, and consistent with the timetable provided, City shall make available to District said funds exclusively for the planning, design and construction of aid facilities and the purchase of equipment.
6. City and District shall review said Report, the Fire Suppression facilities and equipment needs of City, the DIF's and this MOU at least every five (5) years and make such revisions thereto as are deemed necessary and mutually agreeable.
7. This MOU shall be effective upon the date when representatives of each party have completed execution of this Agreement after having received proper authorization their respective governing bodies. This MOU shall terminate 25 years from the effective date, and shall be binding upon and inure to the benefit of the successors or assigns of the parties.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed by their authorized representatives, on the day herein written.

CITY OF KERMAN (City)

Dated: _____

By: _____

Attest: _____

Approved as to form:

City Attorney

NORTH CENTRAL FIRE
PROTECTION DISTRICT
(District)

Dated: _____

By: _____

Attest: _____

Approved as to form:

Attorney for District

wp\nj\NCFPD\mou\508

FISCAL YEAR 2008 – 2009

City Manager’s Preliminary Budget Message

Budgets: Vehicle/Equipment Operations (50 4011); Vehicle Replacement (50 4013); Technology Maintenance 51 (4011) Street Maintenance (80 4011)

VEHICLE/EQUIPMENT OPERATIONS (50 4011) & REPLACEMENT (50 4013)

Vehicle/Equipment Operations 50 – 4011

REVENUE

4011 is an operational account for all FUNDS. Each vehicle and certain equipment are charged a “rental rate”. The Operations Budget (50 4011) is an internal “Vehicle/Equipment Operational account, which is funded by all other City budgets per line item **(545) - Internal Vehicle/Equipment Rental**). This revenue supports a majority of the Mechanic’s costs and a small percentage of related support staff. After personnel the major costs in this budget are: Fuel (515.02) and Gen. Supplies (521.02). General Supplies includes major Preventative Maintenance items. Prorate liability costs (550) and Administration & Overhead (560) are also included.

The 50 Fund Reserve is set aside to replace “rolling stock” equipment per a specific time schedule. Therefore, we schedule to have the funds available to replace equipment when necessary five (5), ten (10) or fifteen (15) years from now.

\$462,029 revenue was collected in Department (545) “rental rates” in fiscal year 2007/08. Because we have significantly increased this “rental” charge the past several years, the 50 Fund Reserve has been built back up for future vehicle replacements. The anticipated revenue for FY 2008/09 is \$508,117.

Anticipated Equipment maintenance and overhead for FY 08/09 is \$359,551. Fuel is a large part of this budget at \$95,000. More revenue is collected in order to build up reserves to replace vehicles in the future because the amount for replacement needs shifts from year to year.

EXPENDITURES

Significant Cost Changes in 50 4011

- **515 - 02 Fuel - estimated @ \$95,000**
- **545 – Vehicle/Equipment Rental Increase applicable to all budgets**

Vehicle/Equipment Replacement Fund 50 4024

This account is the replacement budget for scheduled & approved “rolling stock” replacement. New stock is budgeted in the appropriate 4024 user Fund/Budget (14 Impact Fees, 41 Water, 42 Sewer, etc). This account is also funded by the individual Department accounts (545) and replaces equipment (utilizing reserves) per a schedule and evaluation of need. The schedule is a guideline, which assist the City in determining individual rates for equipment. Although the replacement schedule may indicate that a piece of equipment is due for replacement; the replacement is not automatic. The shop manager and the user department evaluate each piece and a decision is made depending upon factors such as: maintenance cost, cost of replacement and functional abilities of the equipment and department’s needs. Therefore, we do not always expend at the rate of the schedule. **Replacement expenditures where scheduled at \$78,399 but came in at \$67,537 in FY 07/08. Estimate replacement costs for FY 2008/09 are \$44,000. This is lower than anticipated because the evaluation of three PD units determined that two did not need to be replaced this year.**

Major Replacement Purchases

- One (1) Patrol Units - \$25,000
- One (1) Public Works Pickup - \$19,000

Fund (51) Technology Maintenance Budget 51 4011

This budget funds the replacement of existing desktop computers, printers and the annual maintenance contract with the firm (Real Time) contracted for the upkeep of our equipment and system network. Revenues from individual budget line item 546 funds this budget 51 4011 (note change from 3051).

Revenue in FY 2007/08 was \$62,964. Anticipated Department Revenues for FY 2008/09 are \$70,614; while anticipated expenditures are \$56,740

The budget expenditures in Technology Maintenance (51 4011) are:

- **\$30,000** – Contract for equipment and system network maintenance and trouble shooting. As our data processing system increases this amount will continue to increase.
- **\$26,740** – Scheduled replacement of existing computer and printer equipment. While not a complex this system is developed along the same lines as our

vehicle/equipment replacement program with desk top computer, printers, etc. schedule for replacement every several years.

Street Maintenance Operations & Administration 80 - 4011

This is one of the largest Maintenance and Operation (4011) Budgets in Public Works. Because of the efficient operation of the division, the City of Kerman is able to build up a reserve of carryover funds each year. With this “carryover” amount we fund street preventative maintenance projects and bid them on a biannual basis. This amount and projects has been placed in the CIP 80 4024 budget and previously presented.

There are very few other changes in this year’s budget. Listed below are the major cost adjustments:

- **510 01 Street Sweeping - \$77,500 contract had not added new street mileage for several years.**
- **600-03-14 Sidewalk repairs – Increased to \$50,000 (\$25,000 carried over from 07/08)**

The final form of these budgets will be presented with the complete City Budget at a Public Hearing set for July 16, 2008

Respectively Submitted,

**Ron Manfredi, City Manager
June 18, 2008**

**City of Kerman Municipal Budget
Vehicle/Equipment Operations**

FY 08/09

**Activity: 4011
Fund: 50.0
Department: Public Works**

Fund	Object	Project		05/06	06/07	07/08	07/08	08/09
Activity	Sub Obj.	Description		Actual	Actual	Budget	Amended	Budget
50.0	4011	410 10 00	Salaries	30,618	29,591	34,736	34,736	37,622
50.0	4011	410 30 00	Overtime	16,487	3,265	3,500	5,800	5,000
50.0	4011	410 35 00	Stand By		1,208	750	2,000	2,100
50.0	4011	420 00 00	Fringe Benefits	14,184	16,913	17,372	17,372	18,343
Subtotal				61,288	49,977	56,358	56,358	63,065
50.0	4011	510 01 02	Contract Services	2,005	17,833	10,000	12,000	10,000
50.0	4011	515 01 00	Utilities	13,117	9,302	12,000	11,000	12,000
50.0	4011	515 02 00	Fuel	66,659	89,626	77,000	88,000	95,000
50.0	4011	521 01 00	Office Supplies	987	237	500	500	500
50.0	4011	521 02 00	General Supplies	3,673				
50.0	4011	521 03 00	Vehicle Supplies - Parts	72,753	67,729	65,000	65,000	70,000
50.0	4011	521 04 00	Vehicle Repair - Vendors	0	1,360	1,000	1,400	0
50.0	4011	521 06 00	Uniforms & Janitorial	6,472	6,653	7,500	7,400	7,800
50.0	4011	545 00 00	Vehicle/Equip. Usage	13,752	16,778	19,282	19,282	22,022
50.0	4011	546 00 00	Comp./Equip. Internal Rent	667	954	1,247	1,247	1,496
50.0	4011	550 00 00	Insurance	11,334	14,095	16,800	16,800	17,793
50.0	4011	551 01 00	Comm./Telephone	795	868	900	1,000	1,100
50.0	4011	551 02 00	Comm./Cellular Phone	1,254	723	900	1,000	1,100
50.0	4011	554 01 00	Travel/Conferences/Mtg.					500
50.0	4011	560 00 00	Administrative & Overhead	43,300	45,032	46,833	46,833	49,175
Subtotal M&O				236,768	271,190	258,963	271,463	288,486
Subtotal Operations				298,056	271,190	315,321	327,821	351,551
50.0	4011	600 03 06	Automatic yard gates	0		7,000		
50.0	4011	600 03 07	Ice machine for drinking water			1,250	1,250	
50.0	4011	600 04 09	Shelving - new shop					
50.0	4011	600 04 00	Oil Distribution System/ Equipment	0		8,500	8,800	
50.0	4011	600 04 10	Cap Equip Portable Air Compressor	0	858			
50.0	4011	600 04 11	Tool Box for shop					1,000
50.0	4011	600 04 12	Backhoe Bucket Attachment					2,000
50.0	4011	600 04 13	Small Equipment Replacement					5,000
Subtotal				0	858	16,750	10,050	8,000
Total Expenditures				298,056	272,049	332,071	337,871	359,551

Remarks on Budget Request

I. Personnel

- 6% Finance Director
- 3% PW Admin. Secretary
- 10% PW Maintenance Tech.
- 65% Mechanic

II. M & O Costs:

- 510 01 02 Includes maintenance of generators.
- 515 02 00 Combined Fuel Accounts
- 521 02 01 Combined Supplies Parts & Consumables Accounts & Small Tools
- 521 02 01 Supplies-Parts (FY 08-09 Increase in Fleet)
- 521 04 00 Combined Vehicle Repair- Vendors with Contract Services

III. Capital Items:

- 600 03 07 Ice Machine 50% funded by Streets
- 600 04 00 Oil Distribution System to improve efficiency and save on oil costs (purchased in bulk).
- 600 04 11 Tool Box for shop tools
- 600 04 12 Backhoe quick release for changing bucket
- 600 04 13 Replacement of small equipment (moved from the 10.0 fund)

Program Elements:

**City of Kerman Municipal Budget
Vehicle/Equipment Replacement**

FY 08/09

Activity: **4024**
Fund: **50.0**
Department: **Public Works**

Fund	Object	Project	Description		05/06 Actual	06/07 Actual	07/08 Budget	07/08 Amended	08/09 Budget	
	Activity	Sub Obj.								
50.0	4024	600	04	29	Patrol Vehicles (2)	37,222	51,712	40,800	35,000	25,000
50.0	4024	600	04	30	PW Pickup	30,214	28,744	19,500	18,180	19,000
50.0	4024	600	04	31	PW Service Truck (50%)			18,000	14,357	-
50.0	4024	600	04	27	City Mgr Vehicle	14,268				
50.0	4024	600	04	28	Backhoe		32,826			
Subtotal					81,703	113,282	78,300	67,537	44,000	
Total Expenditures					81,703	113,282	78,300	67,537	44,000	

I. Personnel
None

II. M & O Costs:
None

III. Capital Items:
600 04 29 Replace 1 Patrol Vehicle, not three because the vehicles did not meet criteria.
Price including, paint, decals and delivery and equipment.
600 04 30 Replace 1 Pickup, (Full Size Pickup, funded 100% by Fund 50.0)

**City of Kerman Municipal Budget
Technology Maintenance**

FY 08/09

Activity: **4011**
Fund: **51.0**
Department: **Finance**

Fund	Activity	Object	Project	Description	05/06 Actual	06/07 Actual	07/08 Budget	07/08 Amended	08/09 Budget
51.0	4011	510	01	00 Contract Services	27,426	24,486	25,200	25,200	30,000
				Subtotal M&O	27,426	24,486	25,200	25,200	30,000
				Subtotal Operations	27,426	24,486	25,200	25,200	30,000
51.0	4011	600	04	00 Cap. Outlay/Computers	5,033	4,994	22,770	22,770	26,740
				Subtotal	5,033	4,994	22,770	22,770	26,740
				Total Expenditures	32,459	29,480	47,970	47,970	56,740

I. Personnel

II. M & O Costs:

510 01 01 Contract Service expenses were higher than anticipated and we are budgeting an additional 5% increase in 07/08 to keep up with the growth in staff and technology in Kerman.

III. Capital Items:

600 04 00 Carrying over \$3,000 of 07/08 scheduled replacements and adding them to the scheduled 08/09 replacements.

Program Elements:

City of Kerman Municipal Budget **FY 08/09**
Street Maintenance, Operations & Administration

Activity: **4011**
Fund: **80.0**
Department: **Public Works**

Fund	Object	Project	05/06	06/07	07/08	07/08	08/09	
Activity	Sub Obj.	Description	Actual	Actual	Budget	Amended	Budget	
80.0	4011	410 10 00	Salaries	111,803	111,470	145,415	145,415	155,711
80.0	4011	410 20 00	Part Time Salaries	495				
80.0	4011	410 30 00	Overtime	3,085	2,764	3,500	3,500	3,500
80.0	4011	410 35 00	Stand By		1,147	2,269	2,269	2,404
80.0	4011	420 00 00	Fringe Benefits	49,063	53,370	56,725	56,725	67,867
Subtotal			164,446	169,281	207,910	207,910	229,481	
80.0	4011	510 01 00	Street Sweeping	59,569	63,642	70,000	65,000	77,500
80.0	4011	510 01 04	Sidewalks	1,894	0	0	0	0
80.0	4011	510 02 00	Data Processing	1,025	0	3,500	0	3,500
80.0	4011	510 03 00	Engineering	1,320	3,375	5,000	7,500	8,000
80.0	4011	510 04 00	Audit	0	1,875	2,000	1,900	2,200
80.0	4011	510 05 00	Tree Trimming	4,845	1,955	5,000	2,000	7,000
80.0	4011	510 06 00	Traffic Signal Maintenance	8,581	8,922	8,700	8,500	9,000
80.0	4011	515 01 00	Utilities	38,512	39,748	60,000	40,000	45,000
80.0	4011	521 01 00	Office Supplies	464		1,000	1,000	1,000
80.0	4011	521 02 00	General Supplies	29,266	21,067	37,000	40,000	42,000
80.0	4011	545 00 00	Vehicle/Equip. Usage	20,767	25,336	29,118	29,118	33,169
80.0	4011	546 00 00	Comp./Equip. Internal Rent	893	1,278	1,870	1,870	1,496
80.0	4011	550 00 00	Insurance	1,546	1,879	2,400	2,400	2,637
80.0	4011	551 01 00	Telephone			500	300	400
80.0	4011	551 02 00	Comm./Cellular Phone	511	203	600	400	450
80.0	4011	552 02 00	Public Notice	698	0	1,000	500	550
80.0	4011	554 01 00	Travel/Conf/Meetings		0	2,000	1,000	1,500
Subtotal M&O			169,891	169,281	227,688	200,488	233,902	
Subtotal Operations			334,336	169,281	435,598	408,398	463,383	
80.0	4011	600 03 01	Local Street Maint. - Grind & Cap	19,351	1,585	0	0	0
80.0	4011	600 03 12	Ice Machine			1,250	1,809	0
80.0	4011	600 03 13	Air Less Paint Sprayer			4,500	2,858	0
80.0	4011	600 03 14	Sidewalk Repair			25,000	25,000	50,000
80.0	4011	600 03 15	PW Multi-Use Tractor Scraper (20%)			11,000	11,000	0
80.0	4011	600 03 02	Material bunkers (slabs & casons)	0		1,800	0	1,800
80.0	4011	600 03 03	Wash slab / bunker for sweeper	0	475			
80.0	4011	600 03 04	Slab & equipment Shade structures	2,850		8,000	0	8,000
80.0	4011	600 03 16	Reel Mower 40%					10,000
Subtotal			22,201	2,060	51,550	40,667	69,800	
Total Expenditures			356,537	171,340	487,148	449,065	533,183	

Remarks on Budget Request

I. Personnel

- 5% City Manager
- 4% City Clerk
- 5% Finance Director
- 10% Sr Acct/Personnel Officer
- 23% Public Works Director
- 40% PW Operations Coord.
- 5% Building Official
- 48% PW Lead Supervisor
- 25% PW Maintenance Tech.
- 15% PW Lead Supervisor
- 15% Mechanic
- 60% Maintenance Worker
- 15% Maintenance Worker

II. M & O Costs:

- 510 01 00 Increase in Street Sweeping contract. Contract increase includes additional street miles. Updated every three years
- 510 01 04 Sidewalk Repairs moved to 600-03 14 in 07/08. Coding not changed, as zero budget in 07/08 and going forward.
- 510 05 00 Tree Trimming - Trimming of palm trees is done bi-annually. Coding also changed in 07/08, like other line items.

III. Capital Items:

- 600 03 01 Local Street Maintenance - This is a Contracted Project to grind and pave that has been moved to 80.0 4024.
- 600 03 02 Carried over from to 07-08 Material bunkers (Casons)
- 600 03 04 Carried over to 06-07 Slab & equipment Shade structures
- 600 03 12 Ice Machine 50% funded by Vehicle/Equipment
- 600 03 13 Airless Paint Sprayer (Use for Road Stencil Painting and Painting Graffiti)
- 600 03 14 Sidewalk Repair \$25000 carried over from 07-08
- 600 03 15 PW Multi-Use Tractor Scraper also paid 10% Water, 10% Sewer, 10% Drainage and 50% Facilities.
- 600 03 16 New reel lawn mower 20% Buildings and Parks 40% L & L 40% Street Maint