



## AGENDA REGULAR MEETING

### JOINT CHOWCHILLA CITY COUNCIL / ★ REDEVELOPMENT SUCCESSOR AGENCY

Council Chambers, Chowchilla City Hall  
130 S. Second Street, Chowchilla, CA 93610

**February 24, 2015**

Items denoted with a ★ are Redevelopment Successor Agency items and will be acted upon by the Redevelopment Successor Agency Board. Agendas for all City Council/Redevelopment Successor Agency meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at [www.ci.Chowchilla.CA.US](http://www.ci.Chowchilla.CA.US).

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 102 at least 4 days prior to the meeting.

#### CALL TO ORDER

#### ROLL CALL

Mayor/Chairman: John Chavez

Mayor Pro Tem/Vice Chair: Waseem Ahmed

Council/Board Member: Mary Gaumnitz, Dennis Haworth, Richard Walker

City staff and contract employees present at the meeting will be noted in the minutes

#### PUBLIC ADDRESS – CLOSED SESSION

This time is reserved for members of the audience to address the City Council/Agency Board on Closed Session items only.

It is recommended that speakers limit their comments to no more than 3 minutes each. The Council/Agency Board is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Council/Agency Board does not respond to public comment at this time.

Speakers are asked to please use the microphone, and provide their name. Prior to addressing the Council/Agency Board, any handouts are to be provided to City Clerk/Board Clerk who will distribute them to the Council/Agency Board and the appropriate staff.

#### CLOSED SESSION – 6:30 PM

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54956.9(d) and (4). Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the Closed Session at the beginning of the next regular City Council meeting.

#### 1. Conference with Legal Counsel – Anticipated Litigation, Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

Number of Cases: 1

In the event that not all the items on the closed session agenda have been deliberated in the time provided, the City Council may continue the closed session until the end of the regularly scheduled Council Meeting.

## **OPEN SESSION – 7:00 PM**

**PLEDGE OF ALLEGIANCE:**

**INVOCATION:**

**CLOSED SESSION REPORT:**

## **CEREMONIAL / PRESENTATIONS – Section 1**

**1.1 Oath of Office –  
Volunteer Firefighter Jordon Mitchel**

**1.2 Presentation by the High Speed Rail Authority**

## **PUBLIC ADDRESS**

This time is reserved for members of the audience to address the City Council/Agency Board on items of interest that are not on the Agenda and that are within the subject matter jurisdiction of the Council/Agency Board.

It is recommended that speakers limit their comments to no more than 3 minutes each and 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/Agency Board on items on the Agenda should notify the Mayor/Chairman when that Agenda item is called.

The Council/Agency Board is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Council/Agency Board does not respond to public comment at this time.

Speakers are asked to please use the microphone, and provide their name for the record. Prior to addressing the Council/Agency Board, any handouts are to be provided to City Clerk/Board Clerk who will distribute them to the Council/Agency Board and the appropriate staff.

## **COUNCIL AND STAFF REPORTS – Section 2**

**2.1 COUNCIL REPORTS**  
Legislative Items  
Oral / Written Reports

**2.2 COLLABORATIVE AGENCY COMMITTEE UPDATES**  
Oral / Written Reports

**2.3 STAFF REPORTS**  
Written/Oral Reports

**Monthly Budget Summary (Pruett) [Pg 5](#)  
Update City Administrator Recruitment (Lima)**

## **CONSENT CALENDAR – Section 3**

All items listed under Consent Calendar are considered to be routine and will be enacted by one motion. For discussion of any Consent Item, it will be made a part of the Regular Agenda at the request of any member of the City Council or any person in the audience.

- 3.1 Approval of Council Minutes from the February 10, 2015 Meeting (Lima) [Pg 9](#)**
- 3.2 Authorize the Fire Chief to Submit an Application for Personnel Funding under the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Turner) [Pg 13](#)**
- 3.3 Council Resolution # -15, Declaring Certain City Equipment and Vehicles as Surplus and Authorizing for its Disposal by Charitable Donation and Auction (Turner) [Pg 14](#)**

**PUBLIC HEARINGS – Section 4**

**DEFERRED BUSINESS – Section 5**

**NEW BUSINESS – Section 6**

- 6.1 Authorization to Enter Into a Public Private Partnership Agreement with Alview-Dairyland Union School District (ADUSD) for Sponsorship of Federal Congestion Mitigation and Air Quality Grant Funding That Includes no Contribution of City Funds and Authorize the City Administrator to Execute the Agreement (Lima) [Pg 18](#)**
- 6.2 Approval Drug and Alcohol Policy as Required by the Federal Transit Administration (Lima) [Pg 23](#)**
- 6.3 ★Agency Resolution # -15, Approving Recognized Obligation Payment Schedule 15-16A for the Period from July 1 – December 31, 2015 for the Successor Agency of the Chowchilla Redevelopment Agency (Pruett) [Pg 51](#)**
- 6.4 ★Agency Resolution # -15, Approval of the Long Range Property Management Plan as Required by AB 1484 for the Disposition of Successor Agency Properties (Pruett)**
- 6.5 Approval of Proposed 2015 City Community Events Schedule (Piepenbrok) [Pg 59](#)**
- 6.6 Council Resolution # -15, Replace the Key Messaging Point No. 3 in the Approved Chowchilla Communications Plan (Piepenbrok) [Pg 63](#)**
- 6.7 Council Resolution # -15, Approving Council Policy Regarding the Use of the City Seal and Logo (Piepenbrok) [Pg 65](#)**

**ANNOUNCEMENTS – Section 7**

- Feb 26 RDA Successor Agency Meeting – Chowchilla City Hall 9:00 AM
- Feb 26 Edward Ray Park Dedication - 4:00 PM
- Mar 6 City Offices Closed
- Mar 7 Chowchilla Little League Opening Day – RC Wisener Park TBD
- Mar 7 Rotary Club Crab Feed – Chowchilla Fairgrounds 6:00 PM
- Mar 8 Daylight Saving Time Begins, 2:00am

**ADJOURNMENT**

**PUBLIC NOTIFICATION**

I, Nanci Lima, City Clerk for the City of Chowchilla, declare under penalty of perjury that I posted the above City Council/ Redevelopment Successor Agency Agenda for the meeting of February 24, 2015 at the Chowchilla Civic Center, 130 S Second Street on February 19, 2015 at 2:00 p.m.

\_\_\_\_\_  
/s/

Nanci C. O. Lima, MMC  
City Clerk



# REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

<b>Agenda Section:</b>	<u>Staff Report for Council Information Only- NO COUNCIL ACTION REQUIRED</u>
<b>Subject:</b>	<b>Monthly Financial Statements</b>
<b>Purpose:</b>	To update Council on the financial status of the City
<b>Prepared By:</b>	<u>Rod Pruett, City Treasure/Finance Director</u>

### HISTORY / BACKGROUND:

In previous years Council was presented with monthly financial statements. This practice has been deviated from in the past few years and staff would like to implement this practice again.

### DISCUSSION:

The monthly financial statements will consist of a Budget vs Actual and a Balance Sheet for the General Fund. The Budget vs Actual will show the current year Revenues and Expenses by Department in summary form compared to the current year budget, as well as the prior year revenues and expenses compared to budget for the same time period. This report will present year-to-date amounts. The Balance Sheet will show the Assets, Liabilities and Fund Balance at the time the report is generated. This will provide an overview of cash, amounts owed to the City, amounts the City owes and the fund balance at a specific point in time.

The financial statements are being presented as an overview of the City's finances and are not meant to be a comprehensive in-depth review. The mid-year budget will be the platform used to provide an in-depth analysis of the City's financial situation.

Staff will be providing a Power Point presentation on the financial statements for this meeting to facilitate an understanding of the presentation by the audience. The presentation will go over the format of the report and provide guidance on how to use the information that is being presented.

If there are questions regarding the format or display of the report we can discuss them at the time of the presentation. If there are questions regarding the actual amounts or budget vs actual variances, please forward your questions to me in enough time before the meeting for staff to research them to provide accurate answers.

	Prior Budget	Prior Actual	Percent	Current Budget	Current Actual	Difference	Percent
<b>GENERAL FUND</b>							
<b>GENERAL ADMINISTRATION</b>							
Total Expenditure:	.00	.00	0%	17,240.00	11,564.86	5,675.14	67%
Total Revenue:	3,969,300.00	735,717.33	19%	4,940,035.00	782,922.08	4,157,112.92	16%
<b>CITY COUNCIL</b>							
Total Expenditure:	68,153.00	22,864.92	34%	62,673.33	33,693.01	28,980.32	54%
Total Revenue:	20,634.00	10,316.00	50%	20,634.00	12,036.50	8,597.50	58%
<b>CITY CLERK</b>							
Total Expenditure:	97,390.00	63,228.81	65%	118,902.67	65,011.36	53,891.31	55%
Total Revenue:	75,938.00	37,968.00	50%	75,938.00	45,297.12	30,640.88	60%
<b>CITY ATTORNEY</b>							
Total Expenditure:	135,000.00	143,789.46	107%	212,000.00	451,910.75	239,910.75-	213%
Total Revenue:	44,000.00	17,500.00	40%	44,000.00	20,416.89	23,583.31	46%
<b>GENERAL SERVICES</b>							
Total Expenditure:	548,663.00	388,171.46	71%	633,883.00	407,981.29	225,901.71	64%
Total Revenue:	74,481.00	37,242.00	50%	74,481.00	43,447.26	31,033.75	58%
<b>ADMINISTRATIVE SERVICES</b>							
Total Expenditure:	547,575.00	298,054.19	54%	561,205.00	215,092.60	346,112.40	38%
Total Revenue:	324,109.00	162,066.50	50%	324,109.00	189,063.56	135,045.44	58%
<b>City Property</b>							
Total Expenditure:	4,066.00	1,860.70	46%	3,925.00	6,723.81	2,798.81-	171%
Total Revenue:	82,126.00	48,963.27	60%	92,480.00	73,082.63	19,397.37	79%
<b>FINANCE</b>							
Total Expenditure:	555,337.00	323,427.39	58%	623,181.00	286,712.45	336,468.55	46%
Total Revenue:	418,258.00	209,274.75	50%	418,308.00	243,874.88	174,433.12	58%
<b>PROPERTY TAXES</b>							
Total Expenditure:	9,200.00	2,215.44	24%	.00	539.40	539.40-	0%
<b>INSURANCE</b>							
Total Expenditure:	24,410.00	182,007.00	746%	14,658.00	61,519.00	46,861.00-	420%
<b>POLICE - SWORN</b>							
Total Expenditure:	2,396,387.00	1,388,049.61	58%	2,732,103.00	1,574,231.88	1,157,871.12	58%
Total Revenue:	329,500.00	134,461.83	41%	310,655.00	181,312.26	129,342.74	58%
<b>POLICE - NET</b>							
Total Expenditure:	137,500.00	222.30	0%	140,280.00	.00	140,280.00	0%
Total Revenue:	137,500.00	.00	0%	141,761.00	.00	141,761.00	0%
<b>SPECIAL INVESTIGATIONS UNIT</b>							
Total Expenditure:	87,707.00	45,273.06	52%	86,145.00	46,074.51	40,070.49	53%
Total Revenue:	64,000.00	13,000.00	20%	60,000.00	10,948.03	49,051.97	18%
<b>POLICE - K-9</b>							
Total Expenditure:	3,800.00	267.35	7%	3,900.00	2,092.14	1,807.86	54%
Total Revenue:	10,000.00	18,162.04	182%	20,000.00	.00	20,000.00	0%
<b>FIRE</b>							
Total Expenditure:	261,402.00	155,607.92	60%	338,108.00	157,784.16	180,323.84	47%
Total Revenue:	80,926.00	40,394.00	50%	80,426.00	47,395.26	33,030.74	59%
<b>ANIMAL CONTROL</b>							
Total Expenditure:	103,823.00	54,426.40	52%	108,943.00	62,237.79	46,705.21	57%
Total Revenue:	7,900.00	3,782.74	48%	8,900.00	2,556.50	6,343.50	29%
<b>STREETS</b>							
Total Revenue:	300.00	.00	0%	.00	125.00	125.00-	0%
<b>GENERAL SERVICES</b>							
Total Expenditure:	13,250.00	7,302.64	55%	.00	.00	.00	0%
<b>PLANNING &amp; ZONING</b>							
Total Expenditure:	285,657.00	142,797.65	50%	283,507.00	147,444.00	136,063.00	52%
Total Revenue:	59,028.00	39,904.31	68%	59,138.00	27,085.76	32,052.24	46%
<b>COMMUNITY &amp; ECONOMIC DVLPMNT</b>							
Total Expenditure:	5,480.00	855.02	16%	4,510.00	375.81	4,134.19	8%

	Prior Budget	Prior Actual	Percent	Current Budget	Current Actual	Difference	Percent
<b>BUILDING &amp; CODE ENFORCEMENT</b>							
Total Expenditure:	124,057.00	60,605.16	49%	119,243.00	66,814.00	52,429.00	56%
Total Revenue:	115,600.00	56,671.03	49%	149,330.00	86,482.13	62,847.87	58%
<b>COMMUNITY PROMOTION</b>							
Total Expenditure:	37,881.00	19,410.75	52%	37,483.00	5,000.00	32,483.00	13%
<b>COMMUNITY POOL</b>							
Total Expenditure:	.00	886.03	0%	.00	.00	.00	0%
<b>SENIOR SERVICES</b>							
Total Expenditure:	33,450.00	10,362.52	31%	31,728.00	16,792.26	14,935.75	53%
Total Revenue:	3,530.00	198.24	6%	5,100.00	1,731.86	3,368.14	34%
<b>PARKS AND FACILITIES</b>							
Total Expenditure:	310,315.00	166,104.35	54%	614,247.00	155,832.71	458,414.29	25%
Total Revenue:	45,600.00	25,639.47	56%	50,875.00	42,075.74	8,799.26	83%
<b>RECREATION PROGRAMS</b>							
Total Expenditure:	24,077.00	2,812.02	12%	25,530.00	9,770.69	15,759.31	38%
Total Revenue:	3,000.00	1,634.64	54%	6,500.00	4,390.00	2,110.00	68%
GENERAL FUND Revenue Total:	5,865,730.00	1,592,896.15	27%	6,882,670.00	1,814,243.25	5,068,426.75	26%
<b>GENERAL FUND Expenditure Total:</b>							
	5,814,380.00	3,480,602.15	60%	6,773,395.00	3,785,198.47	2,988,196.53	56%
<b>Net Total GENERAL FUND:</b>							
	51,350.00	1,887,706.00-	-3676%	109,275.00	1,970,955.22-	2,080,230.22	-1804%
<b>Net Grand Totals:</b>							
	51,350.00	1,887,706.00-	-3676%	109,275.00	1,970,955.22-	2,080,230.22	-1804%

CITY OF CHOWCHILLA  
BALANCE SHEET  
JANUARY 31, 2015

GENERAL FUND

ASSETS

100-0100-0000-0200-000	CASH - COMBINED FUND	( 6,504,817.55)	
100-0100-0000-0201-000	PETTY CASH	800.00	
100-0100-0000-0201-001	CASH DRAWER	2,400.00	
100-0100-0000-0202-000	PRE-PAID POSTAGE ACCOUNT	2,172.67	
100-0100-0000-0208-000	CASH IN US BANK - RESTRICTED	369,738.52	
100-0100-0000-0209-000	CASH IN LAIF	5,980,954.01	
100-0100-0000-0221-000	A/R - ACCRUED REVENUES	9,571.91	
100-0100-0000-0224-000	A/R MODULE ONLY RECEIVABLE	74,388.73	
100-0100-0000-0227-000	LIENS RECEIVABLES GENERAL FU	58,660.31	
100-0100-0000-0229-000	A/R BUSINESS LICENSE	17,025.76	
	TOTAL ASSETS		10,894.36

LIABILITIES AND EQUITY

LIABILITIES

100-0200-0000-0420-000	TRADE PAYABLES	50,281.09	
100-0200-0000-0421-001	BONDS FOR WORK-REFUNDABLE	1,500.00	
100-0200-0000-0465-000	UNCLAIMED PROP/STALE DATED	283.52	
100-0200-0000-0480-000	DEFERRED REVENUE	( .02)	
	TOTAL LIABILITIES		52,064.59

FUND EQUITY

100-0300-0000-0602-000	RESERVE FOR L/T A/R	30,318.33	
	UNAPPROPRIATED FUND BALANC		
100-0300-0000-0601-000	FUND BALANCE	523,124.24	
100-0300-0000-0601-004	RESERVE FOR CONTINGENCIES	910,223.00	
100-0300-0000-0601-005	DESIGNATED FOR PREPAID ITEM	27,000.00	
100-0300-0000-0601-006	DESIGNATED FOR DEBT SVC RSR	369,737.50	
100-0300-0000-0601-009	PRIOR PERIOD ADJUSTMENTS	69,381.92	
	REVENUE OVER EXPENDITURES -	( 1,970,955.22)	
	BALANCE - CURRENT DATE	( 71,488.56)	
	TOTAL FUND EQUITY		( 41,170.23)
	TOTAL LIABILITIES AND EQUIT		10,894.36



**MINUTES**  
**REGULAR MEETING**  
**JOINT CHOWCHILLA CITY COUNCIL /**  
**★ REDEVELOPMENT SUCCESSOR AGENCY**

Council Chambers, Chowchilla City Hall  
130 S. Second Street, Chowchilla, CA 93610

**February 10, 2015**

**CALL TO ORDER**

**ROLL CALL**

Mayor/Chairman: John Chavez

Mayor Pro Tem/Vice Chair: Waseem Ahmed

Council/Board Member: Mary Gaumnitz, Dennis Haworth, Richard Walker

City staff and contract employees present: Interim City Administrator Carolyn Lehr, City Attorney Laura Crane, Interim Police Chief David Riviere, Fire Chief Harry Turner, Interim Public Works Superintendent Doug Lackey, Public Works Director/City Engineer Craig Locke, Finance Director Rod Pruett, Community Relations Manager Marty Piepenbrok, and City Clerk Nanci Lima.

**PUBLIC ADDRESS – CLOSED SESSION**

There was no one in the audience for public comment.

**CLOSED SESSION – 6:00 PM**

**1. Conference with Legal Counsel – Existing Litigation, Gov. Code Section 54956.9 (d)(1)**

Number of Cases: 1

- City of Chowchilla v. County of Madera  
Madera County Superior Court Case Number MCV067610

**OPEN SESSION – 7:00 PM**

**PLEDGE OF ALLEGIANCE:** Alfred Hanson

**INVOCATION:** Chad Buttrey

**CLOSED SESSION REPORT:** Council met on Item 1 and provided direction to staff.

**CEREMONIAL / PRESENTATIONS – Section 1**

- 1.1 Oath of Office –**  
**Volunteer Firefighter Jordon Mitchel**

This item was postponed to a future meeting.

## **PUBLIC ADDRESS**

There were no comments

## **COUNCIL AND STAFF REPORTS – Section 2**

### **2.1 COUNCIL REPORTS**

Legislative Items  
Oral / Written Reports

Council Member Haworth reported that February 4<sup>th</sup> was the 90<sup>th</sup> Civic Day for the Boy Scouts Thunderbird District.

Mayor Chavez reported that he attended the 103<sup>rd</sup> birthday party for Curly Hubbard.

### **2.2 COLLABORATIVE AGENCY COMMITTEE UPDATES**

Oral / Written Reports

### **2.3 STAFF REPORTS**

Written/Oral Reports

Public Works Director Craig Locke reported that he has scheduled a High Speed Rail representative for the next Council meeting.

#### **Neighborhood Stabilization Program (NSP) (Pruett)**

Finance Director Rod Pruett gave a verbal update on the written staff report. Mr. Pruett updated the Council on the preparation for the annual audit, mid-year budget, and monthly financials update.

City Clerk Nanci Lima gave the Council their temporary business cards, stating the design was continuing the branding the Council approved when they approved the Communication Plan the previous year. The logo will be gold foil for the Council Members only, but since we are changing our domain name and email addresses the City is not moving forward with that expense until those changes are made.

## **CONSENT CALENDAR – Section 3**

### **3.1 Approval of Council Minutes from the January 27, 2015 Meeting (Lima)**

### **3.2 Approval of General Payments and Payroll for the Month of January 2015 (Pruett)**

### **3.3 Council Resolution # 06-15, for Annual Encroachment Permits on State Route 233 (Robertson Blvd.) and Authorizing the City Administrator to Approve the Permits on Behalf of the City Council (Locke)**

### **3.4 Council Resolution # 07-15, Approving Weed Abatement for 2015 (Turner)**

*Motion by Council Member Walker seconded by Council Member Gaumnitz to approve the Consent Calendar as presented. Motion passed unanimously by roll call vote.*

**PUBLIC HEARINGS – Section 4**

**DEFERRED BUSINESS – Section 5**

**NEW BUSINESS – Section 6**

**6.1 Council Resolution # 08-15, Approving a Lease with Mid-Valley Disposal Systems to Store Equipment on City Owned Property (Locke)**

*Motion by Council Member Haworth seconded by Mayor Pro Tem Ahmed to approve Resolution 08-15 Approving a Lease with Mid-Valley Disposal Systems to Store Equipment on City Owned Property. Motion passed unanimously by roll call vote.*

**6.2 Council Resolution # 09-15, Approval of Updated Form Airport Facility Lease Agreements and Delegation of Signature Authority to City Administrator (Locke)**

*Motion by Council Member Walker seconded by Council Member Gaumnitz to approve Resolution 09-15 approving the Updated Form Airport Facility Lease Agreements and Delegation of Signature Authority to City Administrator. Motion passed unanimously by roll call vote.*

**6.3 Council Resolution # 10-15, Authorizing City Finance Director to Submit to California State Department of Housing and Community Development a Supplemental Activity Request for \$366,000 to be Used for Accessibility and Other Necessary Upgrades to the Chowchilla Senior Center and Modifying the 2014 CDBG # 14-CDBG-9878 Grant Accordingly (Locke/Pruett)**

*Motion by Council Member Haworth seconded by Council Member Walker to approve Resolution 10-15 Authorizing the City Finance Director to Submit to California State Department of Housing and Community Development a Supplemental Activity Request for \$366,000 to be Used for Accessibility and Other Necessary Upgrades to the Chowchilla Senior Center and Modifying the 2014 CDBG # 14-CDBG-9878 Grant Accordingly. Motion passed unanimously by roll call vote.*

**6.4 Council Resolution # 11-15, Authorizing Amendment to CDBG Grant #14-CDBG-9878 to Add Supplemental Code Enforcement Activities Totaling \$50,000 Within Designated Areas (Locke)**

*Motion by Council Member Walker seconded by Mayor Pro Tem Ahmed to approve Resolution 11-15 Authorizing Amendment to CDBG Grant #14-CDBG-9878 to Add Supplemental Code Enforcement Activities Totaling \$50,000 Within Designated Areas. Motion passed unanimously by roll call vote.*

**6.5 Council Resolution #12-15, Consideration of a Form Non-Potable Water Agreement to Chowchilla Residents (Locke)**

*Motion by Mayor Pro Tem Ahmed seconded by Council Member Gaumnitz to approve Resolution 12-15 approving a Form Non-Potable Water Agreement to Chowchilla Residents. Motion passed unanimously by roll call vote.*

**6.6 Council Resolution # 13-15, Approving the Contract for Planning Services/Special Projects with David Leonard (Lehr)**

*Motion by Council Member Haworth seconded by Council Member Gaumnitz to approve Resolution 13-15 Approving the Contract for Planning Services/Special Projects with David Leonard. Motion passed unanimously by roll call vote.*

**6.7 Approval of the Mayor’s Appointment of a Council Representative to Attend High Speed Rail Meetings (Lima)**

*Motion by Council Member Haworth seconded by Council Member Gaumnitz to appoint Waseem Ahmed as Council Representative to Attend High Speed Rail meetings. Motion passed unanimously by roll call vote.*

**6.8 Consideration of Re-Appointment to the Madera County Mosquito and Vector Control District (Lima)**

*Motion by Council Member Walker seconded by Council Member Haworth to re-appoint Mr. Bump to the Madera County Mosquito and Vector Control District. Motion passed unanimously by roll call vote*

**ANNOUNCEMENTS – Section 7**

- Feb 16 Holiday – City Offices Closed
- Feb 18 Planning Commission Meeting – Chowchilla City Hall 7:00 PM
- Feb 20 City Offices Closed
- Feb 20 Gymkhana Series - Chowchilla Fairgrounds 5:00 PM
- Feb 21 Annual Sportsmen’s Dinner – Chowchilla Fairgrounds 6:00 PM
- Feb 21 Chowchilla Athletic Foundation Dinner – Portuguese Hall 6:00 PM
- Feb 24 City Council Meeting – Chowchilla City Hall 7:00 PM
- Feb 26 RDA Successor Agency Meeting – Chowchilla City Hall 9:00 AM

**ADJOURNMENT**

Motion by Council Member Walker, seconded by Mayor Pro Tem Ahmed to adjourn the February 10, 2015 Regular City Council Meeting in memory of Lyndon Mandrell at 7:48 p.m. Motion passed unanimously by voice vote.

ATTEST:

APPROVED:

\_\_\_\_\_  
Nanci C. O. Lima, MMC  
City Clerk

\_\_\_\_\_  
Mayor John Chavez



# REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

<b>Agenda Section:</b>	<u>CONSENT</u>
<b>SUBJECT:</b>	<b><u>Authorize the Fire Chief to Submit an Application for Personnel Funding under the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program</u></b>
<b>Prepared By:</b>	<u>Harry Turner, Fire Chief</u>
<b>Approved By:</b>	<u>Carolyn Lehr, Interim City Administrator</u>

## **RECOMMENDATION**

Authorize Fire Chief to submit application for personnel funding under the FEMA STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) Grant program.

## **HISTORY / BACKGROUND**

Since 9/11 the Federal Emergency Management Agency (FEMA) has provided grants for fire departments within the United States under the Assistance to Firefighters Grant Program. The City has applied for and been awarded several of these grants. We have been successful in obtaining grant funds under two of the three grant programs that have provided fire prevention resources and materials as well as equipment to supply our firefighters. In 2005 the City Council authorized application for a grant under the SAFER (Staffing for Adequate Fire and Emergency Response) program. Due to the value of this grant the Council also authorized the hiring of a professional grant writer to complete this grant.

The previous grant would have provided funding for full time personnel over a 5 year period with the City being responsible for an increasing percentage of the funding each year.

Due to the decline in the economy the City did not have the available resources to reapply in years after.

After receiving the 2011 notification of the SAFER grant application period and the criteria for the grant, Fire personnel met with the City Administrator regarding the interest of the City to again apply for this grant.

The new criteria for this grant required no match from the City, nor does it require the 5 year performance period as in the past. Council authorized application for this grant in 2011 and we reapplied in 2012.

In 2013 we were contacted by FEMA and notified we were eligible for a new mentoring program offered by FEMA due to our previous grant applications being scored high. Fire personnel enrolled in the mentor program and worked with the FEMA appointed mentor to fill out the 2013 SAFER grant application. Unfortunately due to the high competitiveness for this grant we were not funded for the 2013 grant cycle.

## **FINANCIAL ANALYSIS**

None at this time. If awarded, grant will provide reimbursement for salaries for two years and one set of personal protection equipment, pre-employment physical, background check, etc. for each new firefighter.



# REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

<b>Agenda Section:</b>	<u>CONSENT</u>
<b>SUBJECT:</b>	<u><b>Council Resolution # 15, Declaring Certain City Equipment and Vehicles as Surplus and Authorizing for its Disposal by Charitable Donation and Auction</b></u>
<b>Prepared By:</b>	<u>Harry Turner, Fire Chief</u>
<b>Approved By:</b>	<u>Carolyn Lehr, Interim City Administrator</u>

## RECOMMENDATION

Declare noted equipment and vehicles surplus and authorize disposal of such through donation and through an auction company.

## HISTORY / BACKGROUND

The City, from time to time accumulates equipment that is no longer functional or serves the needs of the City. In order to dispose of such equipment and vehicles the City Council must declare those items surplus and then authorize the disposal of the same. For the last several years the City has timed the declaration of surplus equipment to coincide with the annual auction held in Madera by Mulrooney Auction. This method of disposal of City surplus equipment and vehicles has worked well for the City as well as providing a good return for the City versus previous methods such as self-auction or hiring an auctioneer specifically for City equipment.

City staff has identified several pieces of equipment and several vehicles that no longer meet the City's needs. These vehicles and equipment have been stored at City locations including the Corporation yard, Waste Water Treatment Plant and the Fire Station. In efforts to keep the City compliant with our own property maintenance ordinances as well as a deterrent to theft, staff is recommending declaring identified vehicles and equipment as surplus so they may be disposed of.

There is an annual auction held in Madera known as the Central California Annual Equipment Auction. The City has participated in this event several years and been able to maximize the return on equipment no longer usable by the City. This location is also convenient in that the vehicles and equipment do not have to be transported long distances causing increased costs to dispose of.

Additionally included in the declared surplus vehicles is a 1953 fire engine. Fire Department staff would like to recommend this vehicle be donated to Madera Historical Society. The Madera Historical Society is a nonprofit within the County that has several pieces of fire equipment for display and use for special events such as parades. The donation of the 1953 fire engine would preserve that engine within the County. The 1953 fire engine is the second new fire engine the City of Chowchilla purchased so there is some historical significance to the City and the County.

Mulrooney Auction Company will sell this equipment for a percentage of the selling price. They also insure the proper DMV paperwork is completed by the buyer as they are experienced with working with surplus equipment from government agencies.

## FINANCIAL ANALYSIS

This will result in income to the City by selling this surplus and unused equipment.

## ATTACHMENTS

Resolution

## Surplus Equipment List

Equipment Master List - Updated 2/2015

Exhibit A

Equip #	Description	Year	Budget #	License #	VIN # / ID#	NOTES
35	Ford Fire Engine #4	1968	2705-3202	E5302541	C8LUD12099	0
41	Kawasaki Jet Ski	2005	2610-3016	0	KAW40887A505	Purchased from Merced Power Sports 06/14/05
	Shore Jet Ski Trailer	2005		4GF5188	1MDCDYJ125A307598	
9952	Ford Crown Victoria Sedan	2004	2610-3202		2FAHP71W84X140708	Purchased Used from Salt Lake Co. on 12/01/05 OUT OF SERVICE 12/13/13
56	Ford Crown Victoria Sedan	2009	2610-3202	0	2FAHP71V69X137059	Purchased from Hayser Ford Madison, Wisconsin 06-15-09
58	Oldsmobile Intrigue	2000	2615-3202	0	1G3WH52H8YF289625	Purchased Used From Salt Lake Co. On 8/23/01
104	Chevrolet 2500 PU 4X4	1993	5705-3202	E375963	1GBGK29K4PE201474	0
154	GMC 3500 1 Ton Truck ( Flat Bed)	1990	3605-3202	0	1GDJC34N0LE519698	Purchased Used from Silva Ford on 3/20/00
165	Chevrolet 1500 Pickup Truck	1998	5705-3202	0	1GCEC14W4WZ160081	Purchased Used From Mad. Used Cars On 8/31/01
171	Chevrolet Caprice Sedan	1995	AS NOTED	E299704	1G1BL52P4SR158226	Pool Car vehicle
933	GMC Fire Engine #3	1954	2705-3202	E67717	634-50-Z1204	Out of Service per H.Turner 01/12/12
937	Ford Fire Engine #5	1968	2705-3202	E529664	D80CVL52502	Out of service 06-10-09 per H. Turner
68	Ford F600 Truck w/ Cobey Dump Body	1968	3605-3202	E722895	F61CVDJ0171	COBEY DUMP BODY # 347430
103	Ford 555 Loader / Backhoe	1985	7605-3016	0	C731913	GANNON BF-9 LOADER BUCKET 4484
72	Wacker Compactor - Vibratory Plate	1995	3605-3016	0	VPG0160A	S#-675101819 - HONDA MOTOR GX-120
77	Concrete Power Saw	1978	7605-3016	0	0	0
94	Lincoln Portable Arc Welder Trailer	1978	3615-3016	0	SA200-F-0163	0
141	Airlessco Paint Striper	0	3605-3016	0	Frame# 0166652	Motor GX0160 Honda 5.5 Hp
143	Tire Changer	0	3605-3016	0	Serial # L11KF272	FMC 7600
337	Airlessco Paint Striper		3620-3016	0	9601520	
	Metal Warehouse Racks & Shelving					
	Weight Set					
	6 Pickup Tool Boxes					
	Toshiba 5560 Copier					
	2" Alum Sprinkler Pipe					
	Pickup Lumber Rack					

**COUNCIL RESOLUTION # -15**

**A RESOLUTION OF THE CITY OF CHOWCHILLA DECLARING CERTAIN VEHICLES AND EQUIPMENT SURPLUS AND AUTHORIZATION TO DISPOSE OF VIA AUCTION AND DONATION**

**WHEREAS**, the City of Chowchilla operates a fleet department; and

**WHEREAS**, this equipment and vehicles become unusable for the City's operations; and

**WHEREAS**, to dispose of this equipment and vehicles they have to be declared surplus by the City Council; and

**WHEREAS**, the City has the opportunity to participate with the Annual Madera Equipment Auction for disposal of this surplus equipment; and

**WHEREAS**, the City would also like to preserve a portion of its history by donating a 1954 fire engine to the Madera County Historical Society that is also included in this surplus equipment;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The above recitals are true and correct.
2. Declares the vehicles and equipment listed on Exhibit A as surplus.
3. Authorizes donation of 1954 fire engine (Engine 3) to Madera County Historical Society
4. Authorizes disposal of balance of surplus equipment VIA Mulrooney auction in Madera in May 2015.
5. This resolution is effective immediately upon adoption.

**PASSED AND ADOPTED** by City Council of the City of Chowchilla this 24th day of February 2015 by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
John Chavez, Mayor

ATTEST:

\_\_\_\_\_  
Nanci C. O. Lima, MMC  
City Clerk



## REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

**Agenda Section:** NEW BUSINESS

**SUBJECT:** **Authorization to Enter Into a Public Private Partnership Agreement with Alview-Dairyland Union School District (ADUSD) for Sponsorship of Federal Congestion Mitigation and Air Quality Grant Funding That Includes no Contribution of City Funds and Authorize the City Administrator to Execute the Agreement**

**Prepared by:** Ellen Moy, Transit Consultant

**Authorized By:** Nanci Lima, City Clerk

**Approved By:** Carolyn Lehr, Interim City Administrator

**RECOMMENDATION:**

That the Council, by motion, give authorization to enter into an ongoing Public-Private Partnership with Alview-Dairyland Union School District for sponsorship and administration of Federal Congestion Mitigation and Air Quality grant funding that includes no contribution of City funds and authorize the City Administrator to execute the agreement.

**HISTORY / BACKGROUND:**

The purpose of this item is to seek Council authorization to enter into a Public Private Partnership Agreement with Alview-Dairyland Union School District (ADUSD) for sponsorship of Federal Congestion Mitigation and Air Quality grant funding that includes no contribution of City funds and authorize the City Administrator to execute the agreement.

ADUSD has requested that the City enter into an ongoing Public Private Partnership (PPP) Agreement for sponsorship of Federal Congestion Mitigation and Air Quality grant funding for ADUSD that includes no contribution of City funds.

Having a PPP is a requirement from Caltrans in order for ADUSD to implement awarded federal funding. The proposed PPP will allow for ADUSD to utilize federal CMAQ funds awarded to them. Projects applications are developed and submitted by ADUSD and awarded by the Madera County Transportation Commission (MCTC) on a competitive basis for projects that improve air quality within Madera County. ADUSD submitted an application that was awarded in FY2013-14 for four clean diesel replacement school buses for its fleet. The buses will be part of the District's four-route school bus system that serves two school sites, Alview, the Kindergarten through 3<sup>rd</sup> grade school site and Dairyland, the 4<sup>th</sup> through 8<sup>th</sup> grade site.

In December 2013, MCTC issued a call for projects under the CMAQ Program. Projects for this program are intended to help reduce air pollutants in our region and are scored on a competitive basis against government agencies and non-profits throughout Madera County. The project was awarded to ADUSD by MCTC and requires an experienced sponsor to help ensure proper processing of the grant funds.

The City of Chowchilla has a positive history of successful implementation of CMAQ funded projects. Staff believes this project and future projects that may be awarded by MCTC will benefit the

residents of the City of Chowchilla by helping to reduce air pollutants in the City and its environs in that approximately one-third of ADUSD students reside in the Chowchilla area.

The proposed agreement specifies the roles and responsibilities of the City and ADUSD. The technical documentation required by Caltrans at all phases of the project will be the responsibility of ADUSD.

**FINANCIAL IMPACT:**

There is no financial contribution from the City of Chowchilla for any associated projects or fees approved under this partnership.

**ATTACHMENT:**

Agreement

PRIVATE PUBLIC PARTNERSHIP AGREEMENT FOR USE OF  
FEDERAL CONGESTION MITIGATION AND AIR QUALITY FUNDS BETWEEN  
THE CITY OF CHOWCHILLA AND ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT

I. Introduction/Parties

The City of Chowchilla (City) and Alview-Dairyland Union School District (ADUSD) desire to formalize cooperation between the two parties for administration of federal Congestion Mitigation and Air Quality (CMAQ) funding.

II. Term

The term of this Private Public Partnership (PPP) shall commence upon approval by each party authorizing entry into this PPP, and shall continue until terminated by any party according to termination provisions contained herein.

III. Principles

Generally, the parties will cooperate in providing project and grant management services. This cooperation will include:

- a. City agrees to 'sponsor' ADUSD for acquisition of grant funding as required by Caltrans for projects selected for CMAQ funding based on projects submitted by ADUSD to the Madera County Transportation Commission and Caltrans.
- b. ADUSD shall provide grant management including grant authorization filing with Caltrans, reporting and reimbursement requests to Caltrans and/or Federal Highway Administration based on information supplied by ADUSD.
- c. ADUSD shall be responsible for project management for the project funded by CMAQ funds, including but not limited to full assistance with procurement, vendor payments, on-site inspections, reporting and complying with all CMAQ funding requirements.
- d. ADUSD shall provide documentation requested by the City to comply with Caltrans/FHWA and any other agency reporting and reviews required.
- e. ADUSD is solely responsible for fulfillment of CMAQ requirements for this project and is responsible for repayment of federal CMAQ funds should requirements not be met.
- f. ADUSD shall assume full ownership of the project and all maintenance related to any project property.
- g. The City takes on no financial responsibility for fulfillment of the project.

IV. Fees

The City and ADUSD agree that no fees will be associated with this Agreement.

V. Revisions, Addendum

Revisions to the basic framework of this PPP shall be by the mutual written agreement of both parties. Supplements to this PPP may be by numeric addendums executed by each party and attached to the original of this PPP.

VI. Incorporation of Federal Highway Administration Terms as Set Forth in Caltrans Local Procedures Manual

All contractual provisions required by FHWA as set forth in Caltrans Local Procedures Manual are hereby incorporated by reference. ADUSD shall not perform any act, fail to perform any act, or refuse to comply with any City requests which would cause the City to be in violation of these terms and conditions.

VII. Compliance with Federally Required Clauses and Requirements

ADUSD is responsible for ensuring compliance with all applicable Caltrans/FHWA requirements. Additionally, ADUSD is responsible for ensuring that subcontractors, at as many tiers of the project as required, perform in accordance with the terms, conditions and specifications of the contract, including all Caltrans/FHWA requirements.

Upon request of the City or Caltrans, ADUSD shall provide evidence of steps it has taken to ensure compliance with the CMAQ grant requirements, as well as evidence of the steps it has taken to ensure subcontractor performance and/or submit evidence of subcontractor's compliance at all tiers.

VIII. Termination

Either party may terminate this PPP at any time. In the event of termination, the parties shall consult prior to the date of termination to ensure termination occurs on the most equitable terms; however, such consultation shall not prohibit or restrict either party from exercising its right to terminate.

IX. Limitation of City

The parties acknowledge that, by entering into and performing the terms of this Agreement, the City does not assume any role in approval of the project, or the determination that the project meets state or federal funding criteria or otherwise satisfies State or federal laws or regulations.

X. Indemnification

ADUSD shall defend, indemnify and hold harmless the City of Chowchilla, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all actions, suits, proceedings, claims, demands, losses, costs and expenses, including legal costs and attorneys' fees, for injury or damage of any kind or nature occasioned as a result of this Agreement and/or the obligations created hereunder, except for such loss or damage which was caused by the sole negligence or willful misconduct of the City of Chowchilla. This indemnity shall apply to all claims and liability as broadly as possible. This indemnity shall also apply regardless of whether any insurance policies are applicable. The policy limits do not act as limitation upon the amount of indemnification to be provided by ADUSD.

**ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT ADUSD)**

\_\_\_\_\_  
ADUSD Superintendent

\_\_\_\_\_  
(Signature)

Date \_\_\_\_\_

**CITY OF CHOWCHILLA**

Carolyn Lehr  
Interim City Administrator

\_\_\_\_\_  
(Signature)

Date \_\_\_\_\_

Laura Crane  
City Attorney

\_\_\_\_\_  
(Signature)

Date \_\_\_\_\_



# REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

<b>Agenda Section:</b>	<u>NEW BUSINESS</u>
<b>SUBJECT:</b>	<u>Approval Drug and Alcohol Policy as Required by the Federal Transit Administration</u>
<b>Prepared By:</b>	<u>Nanci Lima, City Clerk</u>
<b>Approved By:</b>	<u>Carolyn Lehr, Interim City Administrator</u>

## **RECOMMENDATION**

That Council, by motion, approve the DOT required Drug and Alcohol Policy

## **HISTORY / BACKGROUND**

The United States Department of Transportation, Federal Transit Administration (FTA) and the Caltrans Division of Rail and Mass Transportation (DRMT) require 5311 subrecipients to have an FTA approved Drug and Alcohol (D&A) policy and be in compliance with that Policy. 5311 subrecipients must certify annually that they are in compliance with D&A rules and regulations. Mindful of these requirements, and due to FTA D&A rule and regulation updates that have taken place this past year, Caltrans is requiring all California 5311 subrecipient agencies have an FTA approved D&A policy prior to the execution of FY 2015 standard agreements. The Caltrans DRMT will not execute a subrecipient agency's 5311 standard agreement for this cycle until an FTA approved Drug and Alcohol policy is on file with the DRMT. We anticipate contract executions will take place for this cycle in the Fall of 2015. Federal regulations concerning the "Prevention of Alcohol Misuse and Prohibited Drug Use In Transit Operations" can be found in CFR 49 part 655, Subparts A-I.

The City of Chowchilla receives 5311 monies for the transit systems. The attached Drug and Alcohol Policy is in the format of a second chance policy and currently would only apply to two City employees. The bargaining units that represent these two employees have reviewed the policy and have submitted no objections.

## **FINANCIAL ANALYSIS**

None at this time.

## **ATTACHMENTS**

Policy.



**CITY OF CHOWCHILLA**  
**DRUG AND ALCOHOL TESTING POLICY**  
**(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)**  
Adopted as of February 24, 2015

**A. PURPOSE**

- 1) The City of Chowchilla (City) provides public transit and paratransit services for the residents of the City and unincorporated areas of Madera County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, the City of Chowchilla declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of the City of Chowchilla and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of the City will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety-sensitive duties. City of Chowchilla employees that do not perform safety-sensitive functions are also covered under this policy under the

sole authority of the City. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Drivers License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

### **C. DEFINITIONS**

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

*Adulterated specimen:* A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.



*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

*Canceled Test:* A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Covered Employee Under FTA Authority:* An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

*Covered Employee Under Company Authority:* An employee, applicant, or transferee that will not perform a safety-sensitive function as defined by FTA but is included under the company's own authority. (See Attachment A).

*Designated Employer Representative (DER):* An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*Department of Transportation (DOT):* For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been



further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT):* A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

*Initial Drug Test: (Screening Drug Test)* The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

*Initial Specimen Validity Test:* The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

*Invalid Result:* The result reported by an Department of Health & Human Services (HHS)-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted results cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

*Limit of Detection (LOD):* The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

*Limit of Quantitation:* For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.



*Negative result:* The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

*Non-negative test result:* A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

*Prohibited drug:* Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

*Reconfirmed:* The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

*Rejected for Testing:* The result reported by an HHS- Certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.



*Split Specimen Collection:* A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

*Substance Abuse Professional (SAP):* A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

*Substituted specimen:* A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

*Test Refusal:* The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- (2) Fails to remain at the testing site until the testing process is complete
- (3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Fails or declines to take a second test the employer or collector has directed you to take
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form
- (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if



- you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
  - (13) Admit to the collector or MRO that you adulterated or substituted the specimen.

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### **D. EDUCATION AND TRAINING**

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

#### **E. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.



- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA Authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine as described in Section H of this policy. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a City of Chowchilla supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under City of Chowchilla authority, a non-DOT alcohol test can be performed any time an employee is on duty.

## **F. PROHIBITED CONDUCT**



- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) The City of Chowchilla under its own authority also prohibits the consumption of alcohol all times employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all City of Chowchilla employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

#### **G. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the City of Chowchilla management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.10 of this policy.



## **H. TESTING REQUIREMENTS**

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted using the testing methodologies and thresholds defined in 49CFR part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up. All employees covered under company authority will also be subject to testing for reasonable suspicion, post-accident, random and return to duty/follow up using non-DOT testing forms
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under City of Chowchilla authority, a non-DOT alcohol test can be performed any time an employee is on duty.
- 3) All employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with the City of Chowchilla. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

## **I. DRUG TESTING PROCEDURES**

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be



performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the City of Chowchilla Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The City of Chowchilla will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however, the City of Chowchilla will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to



analyze the MRO will direct [*GRANTEE*] to retest the employee under direct observation.

- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
  - a. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
    - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the City of Chowchilla that there was not an adequate medical explanation for the result;
    - ii. The MRO reports to the City of Chowchilla that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
    - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
    - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
    - v. The temperature on the original specimen was out of range;
    - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
    - vii. All follow-up-tests; or



viii. All return-to-duty tests

## **J. ALCOHOL TESTING PROCEDURES**

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) The City of Chowchilla affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.



- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

**K. PRE-EMPLOYMENT TESTING**

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
  - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
  - b. An employee shall not be placed, transferred or promoted into a position covered under FTA or company authority until the employee takes a drug test with verified negative results.
  - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a SAP. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
  - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
  - e. If a pre-employment test is canceled, the City of Chowchilla will require the applicant to take and pass another pre-employment drug test.
  - f. In instances where a FTA-covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.



- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide the City of Chowchilla with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. The City of Chowchilla is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide the City of Chowchilla proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

#### **L. REASONABLE SUSPICION TESTING**

- 1) All City of Chowchilla FTA-covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under City of Chowchilla's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty. All employees covered under the sole authority of the City of Chowchilla will also be subject to non-USDOT reasonable suspicion testing procedures modeled off the provisions in 49 CFR Part 40.



- 2) The City of Chowchilla shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug-alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the City of Chowchilla.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. The City of Chowchilla shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the City of Chowchilla. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

#### **M. POST-ACCIDENT TESTING**

- 1) FATAL ACCIDENTS - All employees covered under FTA authority will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the operator will be conducted if an accident results in injuries requiring immediate



transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operators performance can be completely discounted as a contributing factor to the accident.

- a. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- b. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- c. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
- d. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- e. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- f. In the rare event that the City of Chowchilla is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the City of Chowchilla may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent



authority for the test and the employer must obtain the results in conformance with local law.

**N. RANDOM TESTING**

- 1) All covered employees will be subjected to random, unannounced testing. Employees covered under FTA authority will be selected from a pool of DOT-covered safety-sensitive employees. Employees covered under company authority will be selected from a pool of non-DOT-covered employees. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under City of Chowchilla authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under City of Chowchilla's authority, a non-DOT random alcohol test may be



performed any time the employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### **O. RETURN-TO-DUTY TESTING**

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

#### **P. FOLLOW-UP TESTING**

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

#### **Q. RESULT OF DRUG/ALCOHOL TEST**



- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination and referral to an SAP. A test refusal includes the following circumstances:
  - a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
  - b. Fails to remain at the testing site until the testing process is complete
  - c. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
  - d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
  - e. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
  - f. Fails or declines to take a second test the employer or collector has directed you to take
  - g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
  - h. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
  - i. If the MRO reports that there is verified adulterated or substituted test result
  - j. Failure or refusal to sign Step 2 of the alcohol testing form
  - k. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.





- to take accrued sick leave or administrative leave to participate in the prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the employee has successfully completed the required treatment program and has been released to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- 9) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- a. Mandatory referral for an assessment by an employer approved counseling professional, formulation of a treatment plan, and execution of a return to work agreement;
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from City of Chowchilla employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of the City of Chowchilla and will be performed using non-DOT testing forms.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
  - d. **A self-referral or management referral to the employer's approved counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
  - e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
  - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the City of Chowchilla.



g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

10) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

#### **R. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

#### **S. PROPER APPLICATION OF THE POLICY**

The City of Chowchilla is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

#### **T. INFORMATION DISCLOSURE**

- 1) Drug/alcohol testing records shall be maintained by the City of Chowchilla Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.



- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the City of Chowchilla or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.



**CITY OF CHOWCHILLA DRUG AND ALCOHOL  
TESTING POLICY – PURSUANT TO THE U.S. DEPT.  
OF TRANSPORTATION**

February 2015

This Policy was adopted by the Chowchilla City Council on February 24, 2015

\_\_\_\_\_  
John Chavez, Mayor

ATTEST:

\_\_\_\_\_  
Nanci C. O. Lima, MMC, City Clerk



**ATTACHMENT A  
CITY OF CHOWCHILLA POSITIONS**

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Transit Coordinator	Supervisor; vehicle operator	
Transit Mechanic	Vehicle mechanic	



**ATTACHMENT B**  
**CONTACTS**

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

**City of Chowchilla Drug and Alcohol Program Manager**

Name:

Title:

Address:

Telephone Number:

**Medical Review Officer**

Name:

Title:

Address:

Telephone Number:

**Substance Abuse Professional**

Name:

Title:

Address:

Telephone Number:

**HHS Certified Laboratory Primary Specimen**

Name:

Address:

Telephone Number:

**HHS Certified Laboratory Split Specimen**

Name:

Address:

Telephone Number:





## REPORT TO THE CITY COUNCIL/SUCCESSOR AGENCY

Regular Meeting of February 24, 2015

<b>Agenda Section:</b>	<u>NEW BUSINESS</u>
<b>SUBJECT:</b>	<b>Consideration of a Resolution Approving Recognized Obligation Payment Schedule 15-16A for the Period from July 1 – December 31, 2015 for the Successor Agency of the Chowchilla Redevelopment Agency</b>
<b>Prepared By:</b>	<u>Sherri Dueker, Accounting Manager</u>
<b>Authorized By:</b>	<u>Rod Pruett, Finance Director</u>
<b>Approved By:</b>	<u>Carolyn Lehr, Interim City Administrator</u>

**RECOMMENDATION:**

Adopt the resolution(s) for ROPS 15-16A.

**HISTORY / BACKGROUND:**

In accordance with AB 1484 which was enacted to clarify the intent of ABx1 26, the law that dissolved all redevelopment agencies, the Successor Agency (City of Chowchilla) is required to adopt a Recognized Obligation Payment Schedule (ROPS) for each 6 month period of the Agency's future operations.

The ROPS form, now designated as ROPS 15-16A, contains information including a recap of payments made for the period from July 1, thru December 31, 2014, notes on specific items listed in the ROPS and a summary of the values reported previously and for the 6-month period covered by this document. The deadline for submitting this form to the California State Department of Finance is March 3, 2015. Once this has been submitted to the Department of Finance, the information will be subject to a review period which can take up to 45 days.

**FINANCIAL IMPACT:**

The Successor Agency is limited to spending its available funds only to those items identified on the ROPS schedule for the period covered by the schedule and which meet the definition of an enforceable obligation.

This schedule is required to be filed in order to ensure that the Successor Agency is found to be in compliance with AB 1484 and therefore not subject to sanctions.

The Department of Finance has the right to review each item listed on this form and question its validity, even if the item was previously reflected in an earlier ROPS form and not challenged. This review will occur each time a new document is filed. Any items challenged by the state that cannot be substantiated by the Successor Agency will be withdrawn and funding for that item will become the responsibility of the city

**ATTACHMENTS:**

Resolution  
ROPS

**SPECIAL INSTRUCTIONS:**

If the item is approved, forward the ROPS and a separate resolution to the Oversight Board for consideration.

At the same time that the ROPS item is sent to the Oversight Board before their meeting, the ROPS must also be submitted to the Madera County Auditor-Controller, County Administrative Officer and the Department of Finance

**COUNCIL RESOLUTION # -15**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA  
APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD  
FROM JULY 1, 2015 – DECEMBER 31, 2015, ON BEHALF OF THE SUCCESSOR AGENCY  
OF THE CHOWCHILLA REDEVELOPMENT AGENCY**

**WHEREAS**, the City of Chowchilla designated itself to be the Successor Agency of the Chowchilla Redevelopment Agency in accordance with AB x1 26; and,

**WHEREAS**, the legislation enacted under AB x1 26 and clarified under AB 1484 requires the Successor Agency to adopt the Recognized Obligation Payment Schedule (ROPS 15-16AB) covering the 6-month period from July 1 – December 31, 2015; and,

**WHEREAS**, the City Council, as the Successor Agency, has considered the proposed ROPS for the period of July 1 – December 31, 2015.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The above recitals are true and correct.
2. The Recognized Obligation Payment Schedule (ROPS 15-16A) for the period of July 1 – December 31, 2015, is hereby approved and accepted.
3. This resolution is effective immediately upon adoption.

**PASSED AND ADOPTED** by City Council of the City of Chowchilla this 24th day of February 2015 by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
John Chavez, Mayor

ATTEST:

\_\_\_\_\_  
Nanci C. O. Lima, MMC  
City Clerk

## Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

**Name of Successor Agency:** Chowchilla  
**Name of County:** Madera

<b>Current Period Requested Funding for Outstanding Debt or Obligation</b>		<b>Six-Month Total</b>
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</b>		
<b>A</b>	<b>Sources (B+C+D):</b>	<b>\$ 203,110</b>
B	Bond Proceeds Funding (ROPS Detail)	203,110
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	-
<b>E</b>	<b>Enforceable Obligations Funded with RPTTF Funding (F+G):</b>	<b>\$ 837,995</b>
F	Non-Administrative Costs (ROPS Detail)	712,995
G	Administrative Costs (ROPS Detail)	125,000
<b>H</b>	<b>Current Period Enforceable Obligations (A+E):</b>	<b>\$ 1,041,105</b>

<b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
I	Enforceable Obligations funded with RPTTF (E):	837,995
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	-
<b>K</b>	<b>Adjusted Current Period RPTTF Requested Funding (I-J)</b>	<b>\$ 837,995</b>

<b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
L	Enforceable Obligations funded with RPTTF (E):	837,995
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
<b>N</b>	<b>Adjusted Current Period RPTTF Requested Funding (L-M)</b>	<b>837,995</b>

Certification of Oversight Board Chairman:  
Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

**Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail**  
**July 1, 2015 through December 31, 2015**  
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P			
										L						M	N	O
										Funding Source								
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		Six-Month Total			
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin				
								\$ 359,281			\$ 203,110	\$ -	\$ -	\$ 712,995	\$ 125,000	\$ 1,041,105		
1	2005 TAX ANTICIPATION NOTES	Bonds Issued On or Before 12/21/10	10/4/2005	12/31/2039	US BANK	ANNUAL P&I PAYMENTS	1		N					349,714		\$ 349,714		
2	LOAN FROM MADERA COUNTY	City/County Loans On or Before 6/27/11	3/17/2009	9/15/2015	MADERA COUNTY	LOAN TO PURCHASE FORMER LIBRARY	1		Y							\$ -		
3	PROPERTY TAX ADMIN FEES	Professional Services	1/1/2013	12/31/2039	MADERA COUNTY	PROPERTY TAX ADMIN FEES	1		N							\$ -		
4	LEGAL FEES	Legal	9/28/2010	12/31/2039	COTA COLE	LEGAL FEES FOR ADMINISTRATION OF AGENCY	1		N						7,000	\$ 7,000		
5	LEGAL FEES - GREENHILLS/KWAN	Litigation	9/28/2010	12/31/2015	GOLDFARB, LIPMAN/COTA COLE	DEFENSE FROM PROPERTY OWNER SUIT	1		N					4,000		\$ 4,000		
6	LEGAL FEES - HIGH SPEED RAIL	Litigation	9/28/2010	12/31/2015	WULFSBERG, REESE/COTA COLE	SUIT TO STOP PROPERTY VALUE LOSS	1		N							\$ -		
7	LEGAL FEES - CDCR	Litigation	9/28/2010	12/31/2014	WULFSBERG, REESE/COTA COLE	SUIT TO STOP PRISON CONVERSION/BLIGHT	1		N							\$ -		
8	LEGAL FEES - ANTENUCCI'S	Litigation	9/28/2010	12/31/2014	COTA COLE	SUIT TO COLLECT ON LOAN OWED TO AGENCY	1		N							\$ -		
9	PROPERTY TAX	Miscellaneous	1/1/2010	12/31/2039	MADERA COUNTY	PARCEL TAX ON PROPERTY OPERATED BY AGENCY	1		N							\$ -		
11	PROPERTY DEVELOP/SALE FEES	Property Dispositions	1/1/2010	1/1/2020	CITY OF CHOWCHILLA	COSTS FOR PREPPING FOR SALE BY AGENCY	1		N							\$ -		
12	LIABILITY INSURANCE PREMIUM	Miscellaneous	1/1/2010	12/31/2039	CENTRAL SAN JOAQUIN VALLEY RMA	ANNUAL, PRORATED PREMIUM	1		N						1,300	\$ 1,300		
13	BOND TRUSTEE FEES	Fees	12/1/2005	2/28/2038	US BANK	ANNUAL BOND TRUST ACCOUNT MTCE FEES	1		N							\$ -		
14	ANNUAL BOND DISCLOSURE REPORTING	Fees	3/1/2007	1/15/2039	NBS	ANNUAL BOND DISCLOSURE REPORTING FEES	1		N							\$ -		
15	ANNUAL HOUSING REPORT FOR HCD	Fees	1/1/2007	12/31/2016	CITY OF CHOWCHILLA	TIME/MATERIALS FOR PREPARING REPORT	1		N							\$ -		
16	ANNUAL REPORT OF RDA TRANSACTIONS	Dissolution Audits	1/1/2011	12/31/2039	CITY OF CHOWCHILLA	TIME/MATERIALS FOR PREPARING REPORT	1		N							\$ -		
17	ANNUAL FINANCIAL AUDITS	Miscellaneous	2/8/2010	3/31/2013	PRICE, PAIGE / OTHERS	FEE FOR ON-GOING AUDIT OF SUCCESSOR AGY	1		N							\$ -		
18	ENVIRONMENTAL STUDY OF PARCEL	Improvement/Infrastructure	12/1/1996	6/30/2013	TECHNICON	EIR REPORT ON PARCEL TO BE SOLD	1		N							\$ -		
19	RDA WRAP-UP AUDIT	Professional Services	2/8/2010	3/31/2013	PRICE, PAIGE	AUDIT OF RDA FINAL PERIOD TO 1/31/12	1		N							\$ -		
20	SETTLEMENT AGREEMENT FOR CFD	Litigation	3/27/2012	6/30/2013	COMMUNITY FACILITY DISTRICT	PYMT TO SETTLE OUTSTANDING OBLIGATION FOR PR YR ASSESS.	1		N							\$ -		
22	LOW/MOD HOUSING SUPPORT CONTRACT	Professional Services	7/25/2011	7/25/2014	SELF HELP ENTERPRISES	LOAN PORTFOLIO MANAGEMENT FEES AS GRANT MATCH	1		N							\$ -		
23	PARKING LOT IMPROVEMENTS	Improvement/Infrastructure	6/6/2008	12/31/2020	CITY OF CHOWCHILLA	FORMER RDA OBLIGATION TO CONSTRUCT PARKING SPACES	1		N							\$ -		
24	CURB/GUTTER/SIDEWALK PROJECT	Improvement/Infrastructure	10/21/2009	12/31/2016	VARIOUS VENDORS	1001 ROBERTSON BOULEVARD REPAIRS	1		N							\$ -		
25	STORMWATER PROJECT PAYMENT	Improvement/Infrastructure	1/1/2010	12/31/2020	VARIOUS VENDORS	COMMERCE AVENUE PROJECT	1		N							\$ -		
26	UNPAID EMPLOYEE WAGES	Unfunded Liabilities	6/30/2011	7/15/2011	VARIOUS EMPLOYEES	ACCRUED WAGES/BENEFITS FOR FY 10-11 PAYROLL	1		N							\$ -		
27	DOWNTOWN STREETScape	Professional Services	1/1/2010	12/31/2020	VARIOUS VENDORS	PROJECT DESIGN WORK	1		N							\$ -		
28	PROPERTY DEVELOPMENT/SALES	Property Dispositions	1/26/2012	2/2/2012	THOMAS WILKINS COMPANY	APPRAISAL FOR LOT 13	1		N							\$ -		
29	SA ADMIN ALLOWANCE	Admin Costs	1/1/2010	12/31/2039	SA left payee empty	SA EMPLOYEE & ADMINISTRATIVE COST	1		N						116,700	\$ 116,700		
30	INFRASTRUCURE IMPROVEMENT	Improvement/Infrastructure	4/26/2013	12/31/2039	VARIOUS VENDORS	WELL#14 / METERS			N		203,110					\$ 203,110		
31	LONG TERM PROPERTY MANAGEMENT PLAN	Property Dispositions	10/26/2013	12/31/2039	CITY STAFF TIME	PROPERTY MANAGEMENT			N							\$ -		
32	LOAN REPAY TO GF	RPTTF Shortfall	5/15/2015	12/31/2030	CITY OF CHOWCHILLA	Reimbursement of Expense to GF		359,281	N					359,281		\$ 359,281		
33									N							\$ -		
34									N							\$ -		

**Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Cash Balances**

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [https://rad.dof.ca.gov/rad-sa/pdf/Cash\\_Balance\\_Agency\\_Tips\\_Sheet.pdf](https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf).

A	B	C	D	E	F	G	H	I	
		<b>Fund Sources</b>							
		<b>Bond Proceeds</b>		<b>Reserve Balance</b>		<b>Other</b>	<b>RPTTF</b>		
	<b>Cash Balance Information by ROPS Period</b>	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	<b>Comments</b>	
<b>ROPS 14-15A Actuals (07/01/14 - 12/31/14)</b>									
1	<b>Beginning Available Cash Balance (Actual 07/01/14)</b>	301,242					-	Beginning Cash at 7/1/2014 (\$108,542.80)	
2	<b>Revenue/Income (Actual 12/31/14)</b> RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014					13	284,636		
3	<b>Expenditures for ROPS 14-15A Enforceable Obligations (Actual 12/31/14)</b> RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	98,132					417,612		
4	<b>Retention of Available Cash Balance (Actual 12/31/14)</b> RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
5	<b>ROPS 14-15A RPTTF Prior Period Adjustment</b> RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S	No entry required						-	
6	<b>Ending Actual Available Cash Balance</b> C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 203,110	\$ -	\$ -	\$ -	\$ 13	\$ (241,519)	Manually added the negative \$108,543 beginning balance above	
<b>ROPS 14-15B Estimate (01/01/15 - 06/30/15)</b>									
7	<b>Beginning Available Cash Balance (Actual 01/01/15)</b> (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 203,110	\$ -	\$ -	\$ -	\$ 13	\$ (241,519)		
8	<b>Revenue/Income (Estimate 06/30/15)</b> RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015						205,842		
9	<b>Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 06/30/15)</b>	203,110					323,604		
10	<b>Retention of Available Cash Balance (Estimate 06/30/15)</b> RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
11	<b>Ending Estimated Available Cash Balance (7 + 8 - 9 -10)</b>	\$ -	\$ -	\$ -	\$ -	\$ 13	\$ (359,281)	56	







## REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

**Agenda Section:** NEW BUSINESS

**SUBJECT:** **Approval of Proposed 2015 City Community Events Schedule**

**Prepared By:** D. Martin Piepenbrok, Community Relations Manager

**Approved By:** Added by City Clerk following approval

### **RECOMMENDATION:**

Approve the proposed 2015 City Community Events Schedule with the acknowledgement that changes may occur to some events as the activities are developed to completion.

### **HISTORY / BACKGROUND:**

City staff intends to present a variety of community events in 2015 that are under the direct planning and implementation responsibility of the City. There are other events during the year that are coordinated by other local organizations. For some of these the City partners with the organization with an active role in producing a component activity within the event. Still, other events are wholly presented by the organizations themselves with the City providing support assistance such as setup, equipment, security, etc.

Some events are long-standing events (e.g. Egg Hunt) that continue to be redesigned and upgraded. Some events are recent additions (e.g. Music in the Park Concerts) that also are being redesigned. For this year some new events (e.g. Movies in the Park) are being proposed that staff intends to implement if the necessary resources can be secured.

As community events are being developed and redesigned it is the intent to begin reorienting and promoting some of them into regional-draw events that appeal to bringing attendees into town from outside the Chowchilla area. These visitors represent an opportunity to enhance economic impacts within the community. To that end, some events will likely continue to be redesigned over the course of many years to cultivate components that make them more regionally appealing.

The accompanying attachment lists the proposed events and dates for the 2015 calendar year. The City Seal graphic marks those events presented directly by the City or, as in the case of the July 5 fireworks, an event where the City is responsible for a part of the activities. It needs to be noted that some titles may change as the final event concept is developed. As well, some event dates may need to adjust as the events are developed and needed resources are confirmed.

Some notable highlights about the 2015 season of events include:

**RETURNING EVENTS: Chowchilla's EGG-stra BIG EGG Scramble** (formerly Easter Egg Hunt); **The GREAT Chowchilla Yard Sale**; **Sizzlin' Summer Nights Park Concerts**; **Lions Club Red, White & Boom Fireworks Festival** (City provides a concert and bounce house inflatables).

**NEW EVENT: Starry Summer Nights Cinema** – Staff intends to produce 2-3 outdoor park movie events, however, this program is contingent upon acquiring the needed resources such as an effective projector, screen and licensed films. We are evaluating renting a complete system (expensive), borrowing components from other agencies (Fire Department projector), and/or building some components (large portable projection screen) to show films.

**NEW EVENT: Shabby Chic & Reimagined Restorations Market Fair** – Staff intends to produce a specialized event to showcase items such as repurposed and refurbished furniture pieces, home decorations, handcrafted items, shabby chic and architectural materials to be used for decorative effects, antiques as well as vendors who sell resources for the “do-it-yourself” person who might want to start doing these projects on their own. This is not a yard sale event and qualifications to be a vendor will be closely reviewed, similar to an art fair. It should be noted that if it proves challenging to properly develop this kind of event this year then staff would want to offer a fall version of the spring yard sale event in its place.

**REDESIGNED EVENT: FALL into ARTS Festival** – The Chowchilla BLOCK Party had its start in 1989 and except for some minimal changes has substantially remained the same type of event for the past 25 years. The event primarily draws Chowchilla residents and not very many attendees come from outside the local area. Staff has recognized through observations and conversations with vendors and attendees the past few years that the event has become somewhat stagnant. While there are worthwhile strong components to the event staff believes that the time has come to change the event into one with a realigned purpose and theme while still providing a festive fun atmosphere.

Therefore, staff would like to create a FALL into ARTS Festival with the focus to bring artists of varying disciplines to town and also upgrade elements of the event to create a more regional attraction and attendance draw. Working with the Madera County Arts Council staff will market this new format to artists that often participate in arts festivals throughout the Central Valley. Staff also intends to provide hands-on opportunities to expose arts to both adults and youngsters through activity stations. If possible, the event will also feature the performance arts like music and dance.

Staff plans to retain elements of the BLOCK Party such as the bounce houses and inflatables to keep the fun atmosphere. Due to County Environmental Health Department regulations changes will need to be made and reinforced to food vendors. This change was initially implemented in 2014 and caused many local groups that operated food booths in the past to rethink their capabilities and some opted not to operate a food booth due to the food handling regulations.

Staff is also strongly considering locating the FALL into ARTS Festival to RC Wisener Park. Doing so will provide a larger venue for event amenities and also provides more parking opportunities around the park, in nearby parking lots and along nearby street curbs. Plus, as the event develops in future years it may be expanded into a multi-block art fair similar to those in other communities. The RC Wisener location accommodates future expansion unlike the Veterans Memorial Park. Staff is confident that the new direction for this event, coupled with an improved venue, will help lead to a truly regional arts event in the future that brings many people to town to enjoy each year.

**OTHER EVENTS:** The City staff provides varying levels of assistance for the following events provided directly by other community organizations that includes the **Chowchilla Fair**; the **Chamber of Commerce Classic Car Show**; the **VFW Veterans Day Ceremony**; and the **Lions Club Christmas Tree Lighting Ceremony**.

**FINANCIAL IMPACT:**

Funds are budgeted to facilitate the proposed community events. Staff consistently strives to meet the organizational objectives to produce the events for less than what is budgeted as a whole for the fiscal year, as well as exceed the revenue projections through sponsorships and vendor fees. However, each event obligates different financial impacts to the City with some producing net revenue while others result in a net loss. Community events help create a positive sense of belonging, an improved Quality of Life, and are regarded for generating positive event attendee experiences that can produce long-lasting and impactful community benefits. Coupled with that is the potential investments in and enhancement to the economic side of the community by attracting new people to town to enjoy the events who potentially spend money at local businesses in addition to spending opportunities that may be a part of the events themselves.

**ATTACHMENTS:**

Resolution  
2015 Community Events Schedule

**COUNCIL RESOLUTION # -15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA TO APPROVE THE PROPOSED 2015 CITY COMMUNITY EVENTS SCHEDULE**

**WHEREAS**, community events help to create a positive sense of belonging, an improved Quality of Life, and are regarded for generating positive event attendee experiences that can produce long-lasting and impactful community benefits; and

**WHEREAS**, community events are regarded for their role as a strong component in enhancing the economic development of a community; and

**WHEREAS**, the City of Chowchilla annually produces community events; and

**WHEREAS**, in 2015 the City intends to present and build upon successful quality-proven events, redesign some outdated events, and offer some creative new events; and

**WHEREAS**, the City will assist other local organizations as much as possible with the production of their respective community events;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Chowchilla hereby finds and determines the following:

1. that the proposed 2015 City Community Events Schedule is approved, and
2. it is acknowledged that changes may occur to some events as the activities are developed to completion, and.
3. the City Council authorizes the Interim City Administrator to direct staff to implement the events schedule within the parameters of allocated budget funds.

\* \* \* \*

**PASSED AND ADOPTED** by City Council of the City of Chowchilla this 24th day of February 2015 by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
John Chavez, Mayor

ATTEST:

\_\_\_\_\_  
Nanci C. O. Lima, MMC  
City Clerk

# CITY OF CHOWCHILLA

## 2015 COMMUNITY EVENTS SCHEDULE

### **Chowchilla's EGG-stra BIG EGG Scramble**



Saturday, March 28

### **The GREAT Chowchilla Yard Sale**



Saturday, April 25

### **The Chowchilla Fair\***

Thursday-Sunday, May 14-17

### **Sizzlin' Summer Nights Park Concerts**



Thursday, June 18

Thursday, June 25

Thursday, July 2

Thursday, July 9

Thursday, July 16

Thursday, July 23

### **Starry Summer Nights Cinema**



Friday, June 19

Friday, July 17

Friday, August 14

### **Lions Club Red, White & Boom Fireworks Festival\***



Saturday, July 5

### **Chowchilla Chamber of Commerce Classic Car Show\***

Saturday, September 19

### **FALL into ARTS Festival (formerly Chowchilla's BLOCK Party)**



Saturday, September 26

### **Shabby Chic & Reimagined Restorations Market Fair**



Saturday, October 10

### **VFW Veterans Day Ceremony\***

Wednesday, November 11

### **Lions Club Christmas Tree Lighting Ceremony\***

Saturday, December 5

\* *City provides event assistance*



## REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

<b>Agenda Section:</b>	<u>NEW BUSINESS</u>
<b>SUBJECT:</b>	<b>Replace the Key Messaging Point No.3 in the Approved Chowchilla Communications Plan</b>
<b>Prepared By:</b>	<u>D. Martin Piepenbrok, Community Relations Manager</u>
<b>Approved By:</b>	<u>Carolyn Lehr, Interim City Administrator</u>

### **RECOMMENDATION:**

Approve the replacement of the current Key Messaging Point No.3 language in the Chowchilla Communications Plan with the revised Key Messaging Point language as provided by staff.

### **HISTORY / BACKGROUND:**

In February 2014 the City Council approved the Chowchilla Communications Plan that prescribed the structure to define the goals and strategies for all City representatives, staff as well as elected and appointed individuals, to better present the City of Chowchilla in a focused direction of effective and professional communications.

A section of the Communications Plan identified five Key Messaging Points that represent strong themes that consistently and effectively focus the City's messages and guides the communication to "stay on message" through presentation to the public, stakeholders, staff, and appointed and elected officials. One or more of these points when referenced either directly or inferentially reinforces the strengths and values of the overall City organization.

In recent months it has been recognized that one of the Key Messaging Points needs to be replaced due to a conflicting representation of known statistical data and public perceptions. Staff proposes to replace the point with a statement that is more accurate and acceptable, and presents a beneficial theme that addresses a common goal across many City departments. That Key Messaging Point is on page 5 of the Communications Plan document, listed as item 3 that reads, "The City of Chowchilla is ONE OF THE SAFEST CITIES IN CALIFORNIA."

Staff proposes deleting this point and replacing it with, "The City of Chowchilla is BUILDING QUALITY RESOURCES, PROGRAMS AND SERVICE VALUES to enhance the overall community livability and strengthen opportunities that support future growth."

This new Key Messaging Point provides a positive theme of creating an environment that leads to improving the "Quality of Life" in Chowchilla. It embraces the intent prescribed in the original point but also incorporates other desirable elements. This theme provides staff with improved message and "talking points" to help guide future communications programs, processes and decision-making activities to portray the City as it strives to create a strong and positive future.

### **FINANCIAL IMPACT:**

None

### **ATTACHMENTS:**

Resolution

**COUNCIL RESOLUTION # -15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA TO REPLACE THE  
KEY MESSAGING POINT NO.3 IN THE APPROVED CITY OF CHOWCHILLA  
COMMUNICATIONS PLAN**

**WHEREAS**, the City Council approved the City of Chowchilla Communications Plan in February 2014; and

**WHEREAS**, the Chowchilla Communications Plan has five Key Messaging Points that represent strong themes that consistently and effectively focus the City's communications; and

**WHEREAS**, the current Key Messaging Point No.3 presents a theme that conflicts with both known statistical data and public perceptions; and

**WHEREAS**, the current Key Messaging Point No.3 language needs to be replaced; and

**WHEREAS**, a revised Key Messaging Point statement that befits the intention to portray overall appropriate and beneficial values in the City's communications processes has been developed as a replacement;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Chowchilla hereby finds and determines the following:

1. the Chowchilla Communications Plan Key Messaging Point No.3 language shall read, "The City of Chowchilla is BUILDING QUALITY RESOURCES, PROGRAMS AND SERVICE VALUES to enhance the overall community livability and strengthen opportunities that support future growth," and
2. the City Council authorizes the Interim City Administrator to direct staff to implement the change into the Chowchilla Communications Plan document.

**PASSED AND ADOPTED** by City Council of the City of Chowchilla this 24th day of February 2015 by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
John Chavez, Mayor

ATTEST:

\_\_\_\_\_  
Nanci C. O. Lima, MMC  
City Clerk



## REPORT TO THE CITY COUNCIL

Council Meeting of February 24, 2015

**Agenda Section:** NEW BUSINESS

**SUBJECT:** **Approval of Use of City Seal and Logo Policy**

**Prepared By:** D. Martin Piepenbrok, Community Relations Manager

**Approved By:** Carolyn Lehr, Interim City Administrator

**RECOMMENDATION:**

Approve the proposed Use of City Seal and Logo Policy

**HISTORY / BACKGROUND:**

The City seal and logo are considered symbols of the authority and jurisdiction of the City of Chowchilla and, as such, are valuable assets of the City and its citizens to be used for official purposes only, or for other purposes as authorized by the City Administrator.

The City does not currently have a policy that ensures only appropriate uses are made of the City of Chowchilla seal and logo. As property of the City of Chowchilla it is imperative that the City have a policy with approved procedures in place to prescribe how, where, when and by whom the City seal and logo shall be used. The adoption of the Use of City Seal and Logo Policy will memorialize those procedures.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

Resolution  
Use of City Seal and Logo Policy  
Application for Use of City Seal and Logo

**COUNCIL RESOLUTION # -15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA TO APPROVE THE USE OF CITY SEAL AND LOGO POLICY**

**WHEREAS**, the City of Chowchilla seal and logo are considered symbols of the authority and jurisdiction of the City and, as such, are valuable assets of the City and its citizens; and

**WHEREAS**, the City of Chowchilla seal and logo are the property of the City, used for the purpose of certifying official records and to identify City programs, initiatives, partnerships and sponsorships and

**WHEREAS**, the City of Chowchilla desires to ensure that only appropriate uses are made of the City seal and logo; and

**WHEREAS**, the City seal and logo shall be used for official purposes only, or as authorized by the City Administrator or designee; and

**WHEREAS**, there may be circumstances and conditions in which, with approved authorization, the City seal and logo shall be used by an outside organization; and

**WHEREAS**, the City will accept and evaluate the merits an application from an outside organization requesting to use the City seal and logo; and

**WHEREAS**, the City has developed a policy that prescribes guidelines for the use of the City seal and logo;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The Interim City Administrator is authorized to implement a Use of City Seal and Logo Policy.

\* \* \* \*

**PASSED AND ADOPTED** by City Council of the City of Chowchilla this 24th day of February 2015 by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
John Chavez, Mayor

ATTEST:

\_\_\_\_\_  
Nanci C. O. Lima, MMC

City Clerk

# City of Chowchilla

## ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

<b>Section: Administration</b>	<b>Effective Date: February 2015</b>
<b>Subject: Use of City Seal and Logo Policy</b>	<b>Supersedes: None</b>
<b>Reference: APP -</b>	<b>Council Approval:</b>
<b>Pages:</b>	

*Note: Policy language subject to modification at any time.*

### PURPOSE

To establish a policy and procedures regarding the use of the City of Chowchilla official seal and logo. The seal and logo are considered symbols of the authority and jurisdiction of the City and, as such, are valuable assets of the City and its citizens. This policy desires to ensure that only appropriate uses are made of the City's seal and logo.

### POLICY

- A. The City of Chowchilla seal and logo are the property of the City, used for the purpose of certifying official records and to identify City programs, initiatives, partnerships and sponsorships.
- B. The City seal and logo shall be used for official purposes only, or as authorized by the City Administrator or designee.
- C. No person shall use a symbol that imitates the City seal or logo, or that may be mistaken therefore, that is designed, intended or likely to confuse, deceive or mislead the public, for private or commercial purposes, or for any purpose other than for the official business of the City, without written authorization from the City Administrator or designee.
- D. No person shall use the City seal or logo for purposes of supporting or opposing the nomination or election to any City or other public office of himself or herself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such City seal or logos on any writing distributed for purposes of influencing the action of the electorate or any part thereof, in any election.
- E. The City seal or logo may be used on City buildings, elected official pins, City business cards, City letterhead, resolutions, awards and other formal places.
- F. Use of the official City seal or logo may be used in general connection with official City of Chowchilla brochures, publications, insignias, postings, website, painting, pamphlets and City of Chowchilla promotional materials. It will also be used on vehicles, equipment and fixtures such as signage.
- G. If used by an outside organization upon the approved, written consent of the City

Administrator or designee, the seal or logo must remain in its entirety with no alterations. Elements may not be isolated and/or used alone or in combination with any other art. Specific sections may not be highlighted with other colors. Resolution must be clear when enlarged or reduced for reproduction.

- H. All non-City usage, including non-profit usage, requires City authorization.
- I. On occasion, the City will authorize the usage of the City seal or logo for signature events or other promotional measures that benefit the community. Any such approval should be considered for the specific event, time, and use so approved. Prior approval of a use shall not constitute approval for any future or recurring use.

## **PROCEDURES**

- A. Any organization wishing to use the official seal or logo shall make an application for such use to the City Administrator's office on the application form approved or amended by the City Council, a copy of which is attached for reference.
- B. The City Administrator or designee shall review such applications and determine whether the applicants should be approved or denied.
- C. Denials
  - a. In the case of a denial, an organization may make a written appeal of the City Administrator's decision within fourteen (14) days of the City Administrator's decision to the City Council. Appeals shall be made in writing and submitted to the City Clerk's office.
  - b. The appeal shall be placed on the next available City Council agenda.
  - c. The City Council may affirm the City Administrator's decision or direct the City Administrator to allow the usage of the seal or logo. The decision of the City Council shall be final.

## **RESPONSIBILITY FOR ENFORCEMENT**

The City Administrator or designee has responsibility for the enforcement of this policy

## USE OF CITY SEAL AND LOGO APPLICATION

The City of Chowchilla’s seal and logo are the sole property of the City and, thus, shall only be used upon the expressed, written consent of the City Administrator or designee under the authority granted by the City Council in accordance with the Use of City Seal and Logo Policy. Prior approval of a use shall not constitute approval for any future or recurring use. If the application is denied an organization may make a written appeal of the City Administrator’s decision to the City Council within fourteen (14) days of the City Administrator’s decision. The appeal shall be submitted in writing to the City Clerk’s office to be placed on the next available City Council agenda.

Name of Organization Requesting Use (Please Print):		
Organization Contact:		
Address:		
City:	State:	Zip:
Phone:	Email:	

1. Is the organization requesting use of the City seal or logo a recognized non-profit organization?

Yes, it is a not-for-profit entity. (Please attach evidence of non-profit status.)

No, it is a for-profit entity.

2. Please explain what event or advertising material the City seal or logo will be used for:

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3. When will your organization use the City seal or logo?

Starting Date: \_\_\_\_\_

Ending Date: \_\_\_\_\_

4. Where will your organization use the City seal or logo?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Will any promotional materials or item using the City seal or logo be sold?

Yes

No

Signature of Organization Representative: \_\_\_\_\_

Printed Name of Representative: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

A completed application for use of the City seal or logo should be submitted to:

City Administrator's Office  
City of Chowchilla  
130 South Second St, Chowchilla, CA 93610  
Fax: (559) 665-7418

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For Internal Use ONLY

Date Received: \_\_\_\_\_, by: \_\_\_\_\_

Approved by: \_\_\_\_\_

Denied by: \_\_\_\_\_

▶ Reason for denial: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_