

## AGENDA

**TEHACHAPI CITY COUNCIL REGULAR MEETING,  
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING  
MONDAY, DECEMBER 19, 2016 - 6:00 P.M.**

Persons desiring disability-related accommodations should contact the City Clerk no later than ten days prior to the need for the accommodation. A copy of any writing that is a public record relating to an open session item of this meeting is available at City Hall, 115 South Robinson Street, Tehachapi, California, 93561.

### CALL TO ORDER

### ROLL CALL

### INVOCATION

Participation in the invocation is strictly voluntary. Each City Councilmember, city employee, and each person in attendance may participate or not participate as he or she chooses.

### PLEDGE TO FLAG

### CITY CLERK REPORTS

1. A Resolution declaring the result of the General Municipal Election held November 8, 2016 – **ADOPT A RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW**
2. Swearing in of new officers and presentation of Certificates of Election by City Clerk Tori Marsh. New officers will be seated at this time – **PRESENTATION**
3. According to Tehachapi Municipal Code Section 2.08.040, "The presiding officer of the council shall be the Mayor, who shall be elected biannually at the first meeting of each even-numbered year, by the Council Members, from among their membership except that the outgoing Mayor may not succeed himself or herself; provided, however, that should the Mayor be subject to reelection during his or her term as the Mayor and either not seek reelection or otherwise fail to be reelected, then the Council shall elect a new Mayor following the election and, thereafter, the Mayor shall be elected biannually at the first meeting following an election of Council Members and shall be so elected by the Council Members from among their membership except that the outgoing Mayor may not succeed himself or herself" - **ELECTION OF MAYOR FOR A TWO YEAR TERM CALLED BY CITY CLERK**
4. Election of Mayor Pro-tempore called by Mayor – **ELECTION OF MAYOR PRO-TEMPORE FOR A TWO YEAR TERM**

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TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING**

**Monday, December 19, 2016- 6:00 P.M. - PG. 2**

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**CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT**

All items listed with an asterisk (\*) are considered to be routine and non-controversial by city staff. Consent items will be considered first and may be approved by one motion if no member of the council or audience wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in listed sequence with an opportunity for any member of the public to address the city council concerning the item before action is taken. Staff recommendations are shown in caps. Please turn all cellular phones off during the meeting.

**AUDIENCE ORAL AND WRITTEN COMMUNICATIONS**

The City Council welcomes public comments on any items within the subject matter jurisdiction of the Council. We respectfully request that this public forum be utilized in a positive and constructive manner. Persons addressing the Council should first state their name and area of residence, the matter of City business to be discussed, and the organization or persons represented, if any. To ensure accuracy in the minutes, please fill out a speaker's card at the podium. Comments directed to an item on the agenda should be made at the time the item is called for discussion by the Mayor. Questions on non-agenda items directed to the Council or staff should be first submitted to the City Clerk in written form no later than 12:00 p.m. on the Wednesday preceding the Council meeting; otherwise response to the question may be carried over to the next City Council meeting. No action can be taken by the Council on matters not listed on the agenda except in certain specified circumstances. The Council reserves the right to limit the speaking time of individual speakers and the time allotted for public presentations.

5. Oath of Office and Badge Pinning Ceremony for Tehachapi Police Department officer Sean Caudillo
6. General public comments regarding matters not listed as an agenda item

**CITY CLERK REPORTS**

Tehachapi City Council Unassigned Res. No. 48-16  
Tehachapi City Council Unassigned Ord. No. 16-08-736  
Tehachapi Redevelopment Successor Agency Unassigned Res. No. 01-16  
Tehachapi Public Financing Authority Unassigned Res. No. 01-16

**\*7. ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY**

**\*8. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority, and the Tehachapi City Financing Corporation regular meeting on November 21, 2016 – APPROVE AND FILE**

**FINANCE DIRECTOR REPORTS**

**\*9. Disbursements, bills, and claims for November 16, 2016 through December 15, 2016 – AUTHORIZE PAYMENTS**

**\*10. City of Tehachapi Treasurer's Report through November, 2016 – RECEIVE REPORT**

TEHACHAPI CITY COUNCIL REGULAR MEETING,  
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING

Monday, December 19, 2016- 6:00 P.M. - PG. 3

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- \*11. With the election of the new City Treasurer, Jenny Burt, it is necessary that the Council designate a new authorized signer for certain City financial accounts – **ADOPT A RESOLUTION AUTHORIZING DESIGNATED OFFICERS TO DEPOSIT, DISBURSE, AND/OR TRANSFER FUNDS INTO AND OUT OF SAVINGS ACCOUNTS AND DEMAND DEPOSIT ACCOUNTS, AND TO DEPOSIT FUNDS AND ACCEPT CERTIFICATES OF DEPOSIT FROM ANY FEDERALLY OR CALIFORNIA STATE CHARTERED BANK LOCATED WITHIN THE STATE OF CALIFORNIA AND REPEALING RESOLUTION NO. 36-12**
  
- \*12. Local Agency Investment Fund signers update – **ADOPT A RESOLUTION AUTHORIZING THE INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND REPEALING RESOLUTION NO. 03-13**
  
- \*13. California Government Code Section 53646(a) requires council members to review and approve the Investment Policy each year. Staff has reviewed the current policy and made no adjustments – **ADOPT A RESOLUTION ADOPTING AN INVESTMENT POLICY AND REPEALING RESOLUTION NO. 02-15**
  
- 14. First reading of an ordinance amending ordinance nos. 375, 453, 494, 522, 674, and 691 and replacing Tehachapi Municipal Code Chapter 3.04 pertaining to a purchasing system – **INTRODUCE BY TITLE ONLY**
  
- 15. Affordable Care Act Policy establishing a “Look Back Measurement Method Safe Harbor” which provides detailed measurement methods and guidelines to determine eligibility of coverage for unrepresented employees – **APPROVE THE AFFORDABLE CARE ACT POLICY**

**DEVELOPMENT SERVICES DIRECTOR REPORTS**

- 16. Program Supplement Agreement for the Downtown Park & Ride and Transit Facility Project – **ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. F024 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184F15, PROJECT NO. CML-5184 (029)**
  
- 17. Snyder Well Intertie Project Notice of Completion – **APPROVE THE NOTICE OF COMPLETION FOR THE SNYDER WELL INTERTIE PROJECT AND DIRECT STAFF TO RECORD SAME**
  
- 18. Safe Routes to School Gap Closure Project Bids – **REJECT ALL BIDS FOR THE SAFE ROUTES TO SCHOOL GAP CLOSURE PROJECT AND DIRECT STAFF TO REDESIGN THE PROJECT AS NEEDED TO DELIVER A PROJECT WITHIN THE AVAILABLE BUDGET**

**CITY ATTORNEY REPORTS**

- 19. Proposition 64 was adopted at the November 8, 2016 election which provides for use, sales, and cultivation of recreational marijuana. Private use and the private growing of up to six (6) marijuana plants is now legal. Commercial sales and commercial cultivation will require a state permit. Permits will not be issued for commercial marijuana activities in cities that have prohibited its use. Where cities have not prohibited it, they may nevertheless regulate its sales and cultivation. The Council approved an urgency ordinance prohibiting all such activities for forty-five (45) days on November 21, 2016. Staff is still studying how best to address Proposition 64, whether by prohibition or regulation and is recommending an extension of the urgency ordinance for ten (10) months and fifteen (15) days as allowed under Government Code Section 65858. Attached to the agenda is a report describing staff's efforts to date that must accompany any extension of the urgency ordinance. - **APPROVE THE REPORT AND APPROVE AN INTERIM URGENCY ORDINANCE OF THE CITY OF TEHACHAPI EXTENDING THE TERM**

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**Monday, December 19, 2016- 6:00 P.M. - PG. 4**

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**OF INTERIM ORDINANCE NO. 16-07-737, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A MORATORIUM ON ALL COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITY IN THE CITY, PROHIBITING ALL OUTDOOR MARIJUANA CULTIVATION ON PRIVATE RESIDENCES AND DECLARING THE URGENCY THEREOF.**

**CITY MANAGER REPORTS**

20. Report to Council regarding current activities and programs – **VERBAL REPORT**

**COUNCILMEMBER REPORTS**

On their own initiative, a Councilmember may ask a question for clarification, make a brief announcement, provide a reference to staff or other resources for factual information, take action to have staff place a matter of business on a future agenda, request staff to report back at a subsequent meeting concerning any matter, or make a brief report on his or her own activities. (Per Gov't. Code §54954.2(a))

**ADJOURNMENT**



APPROVED  
 DEPARTMENT HEAD: *[Signature]*  
 CITY MANAGER: *[Signature]*

# COUNCIL REPORTS

MEETING DATE: DECEMBER 19, 2016 AGENDA SECTION: CITY CLERK

**TO:** HONORABLE MAYOR SMITH AND COUNCIL MEMBERS  
**FROM:** ASHLEY WHITMORE, DEPUTY CITY CLERK  
**DATE:** DECEMBER 12, 2016  
**SUBJECT:** DECLARATION OF ELECTION RESULTS

**BACKGROUND**

On November 8, 2016 a General Municipal Election was held and conducted in the City of Tehachapi for two (2) seats for the office of City Council Member, City Clerk and City Treasurer. The election was consolidated with the County of Kern and certified on December 2, 2016 by the Kern County Auditor-Controller-County Clerk, Mary B. Bedard.

**RESULTS**

*City Council Members –*

Ed Grimes	28.97%
Kenneth R. Hetge	25.74%
Kim Nixon	24.2%
Maryann Hester	21.06%

*City Clerk –*

Tori Marsh	99.96%
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*City Clerk –*

Jenny Burt	100.00%
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**RECOMMENDATION**

**ADOPT A RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TEHACHAPI CALIFORNIA, RECITING THE  
FACT OF THE GENERAL MUNICIPAL ELECTION  
HELD ON NOVEMBER 8, 2016, DECLARING THE  
RESULT AND SUCH OTHER MATTERS AS  
PROVIDED BY LAW**

WHEREAS, a General Municipal Election was held and conducted in the City of Tehachapi, California, on Tuesday, November 8, 2016, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that candidates were nominated to fill the vacancy or vacancies as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the laws of the State of California relating to general law cities; and

WHEREAS, the Kern County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TEHACHAPI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the whole number of \*votes (ballots) cast in the precincts except vote by mail voter ballots and provisional ballots was 1968. That the whole number of vote by mail voter ballots cast in the City was 3137, the whole number of provisional ballots cast in the City was 3, making a total of 5108 \*votes (ballots) cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows:

Kim Nixon  
Maryann Hester  
Kenneth R. Hetge  
Ed Grimes

That the names of the persons voted for at the election for City Clerk are as follows:

Tori Marsh

That the names of the persons voted for at the election for City Treasurer are as follows:

Jenny Burt

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City for each candidate are attached as Exhibit "A".

SECTION 4. The City Council does declare and determine that: Ed Grimes was elected as Member of the City Council for the term ending November, 2020; Kenneth R. Hetge was elected as Member of the City Council for the term ending November, 2020; Tori Marsh was elected as City Clerk for the term ending November, 2020; Jenny Burt was elected as City Treasurer for the term ending November, 2020.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of \*votes (ballots) cast in the City; (2) The names of the persons voted for; (3) The measure(s) voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure(s); (6) The total number of votes given to each person, and for and against each measure.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Tehachapi this 19<sup>th</sup> day  
of December, 2016.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Susan Wiggins, Mayor of the  
City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
Tori Marsh  
City Clerk of the  
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted  
by the City Council of the City of Tehachapi at a regular meeting thereof held on  
December 19, 2016.

\_\_\_\_\_  
Tori Marsh  
City Clerk of the  
City of Tehachapi, California



Mary B. Bedard, CPA  
Auditor-Controller-County Clerk

**KERN COUNTY AUDITOR-CONTROLLER-COUNTY CLERK**

1115 Truxtun Avenue, 1st and 2nd Floor ♦ Bakersfield, CA 93301-4639

December 2, 2016

RECEIVED

DEC 05 2016

CITY OF TEHACHAPI

Ashley Whitmore, Deputy City Clerk  
City of Tehachapi  
115 So. Robinson  
Tehachapi, CA 93561

Dear City Clerk:

Enclosed herewith is the County Clerk's Certificate's of the Results of the Consolidated Presidential General Election held in the City of Tehachapi November 8, 2016. To obtain a copy of the Statement of Vote for your City, please visit our website at [www.co.kern.ca.us/elections/](http://www.co.kern.ca.us/elections/).

Sincerely,

A handwritten signature in blue ink that reads "Mary B. Bedard".

Mary B. Bedard, CPA  
Auditor-Controller-County Clerk

MBB/as

Attachments

CERTIFICATE OF COUNTY CLERK AS TO RESULT OF THE CANVASS  
OF THE CONSOLIDATED PRESIDENTIAL GENERAL ELECTION  
HELD NOVEMBER 8, 2016

STATE OF CALIFORNIA }  
COUNTY OF KERN } ss

I, MARY B. BEDARD, Auditor-Controller-County Clerk, County of Kern, State of California, HEREBY CERTIFY that I have canvassed the returns of the votes cast at the CONSOLIDATED PRESIDENTIAL GENERAL ELECTION held on November 8, 2016 and that the whole number of votes cast for and against each candidate and the whole number of votes cast for and against each measure, as posted and on file, are full, true and correct.

IN WITNESS HEREOF I do hereby set my hand and the Official Seal of the County of Kern this 2<sup>nd</sup> day of December 2016.



*Mary B. Bedard*

MARY B. BEDARD  
Auditor-Controller-County Clerk  
County of Kern  
State of California

### CITY OF TEHACHAPI COUNCILMEMBER (Vote for 2)

Precinct	Precinct	KIM NIXON		MARYANN HESTER		KENNETH R. HETGE		ED GRIMES		Write-in	
County	County										
County of Kern	County of Kern										
23401	23401										
Mail Ballots	Mail Ballots	0		0		0		0		0	
Polling Place Ballots	Polling Place Ballots	129	22.63%	122	21.40%	154	27.02%	164	28.77%	1	0.18%
Vote By Mail	Vote By Mail	245	23.58%	211	20.31%	267	25.70%	316	30.41%	0	0.00%
<b>Total</b>	<b>Total</b>	<b>374</b>	<b>23.24%</b>	<b>333</b>	<b>20.70%</b>	<b>421</b>	<b>26.17%</b>	<b>480</b>	<b>29.83%</b>	<b>1</b>	<b>0.03%</b>
23402	23402										
Mail Ballots	Mail Ballots	0		0		0		0		0	
Polling Place Ballots	Polling Place Ballots	74	22.98%	70	21.74%	98	30.43%	80	24.84%	0	0.00%
Vote By Mail	Vote By Mail	110	23.55%	99	21.20%	133	28.48%	125	26.77%	0	0.00%
<b>Total</b>	<b>Total</b>	<b>184</b>	<b>23.32%</b>	<b>169</b>	<b>21.42%</b>	<b>231</b>	<b>29.28%</b>	<b>205</b>	<b>25.98%</b>	<b>0</b>	<b>0.00%</b>
23403	23403										
Mail Ballots	Mail Ballots	0		0		0		0		0	
Polling Place Ballots	Polling Place Ballots	124	22.71%	120	21.98%	135	24.73%	167	30.59%	0	0.00%
Vote By Mail	Vote By Mail	196	24.78%	183	23.14%	185	23.39%	227	28.70%	0	0.00%
<b>Total</b>	<b>Total</b>	<b>320</b>	<b>23.93%</b>	<b>303</b>	<b>22.66%</b>	<b>320</b>	<b>23.93%</b>	<b>394</b>	<b>29.47%</b>	<b>0</b>	<b>0.00%</b>
23404	23404										
Mail Ballots	Mail Ballots	0		0		0		0		0	
Polling Place Ballots	Polling Place Ballots	137	25.85%	104	19.62%	133	25.09%	156	29.43%	0	0.00%
Vote By Mail	Vote By Mail	221	26.31%	166	19.76%	209	24.88%	244	29.05%	0	0.00%
<b>Total</b>	<b>Total</b>	<b>358</b>	<b>26.13%</b>	<b>270</b>	<b>19.71%</b>	<b>342</b>	<b>24.96%</b>	<b>400</b>	<b>29.20%</b>	<b>0</b>	<b>0.00%</b>
7023405	7023405										
Mail Ballots	Mail Ballots	0	0.00%	1	33.33%	1	33.33%	1	33.33%	0	0.00%
Polling Place Ballots	Polling Place Ballots	0		0		0		0		0	
Vote By Mail	Vote By Mail	0		0		0		0		0	
<b>Total</b>	<b>Total</b>	<b>0</b>	<b>0.00%</b>	<b>1</b>	<b>33.33%</b>	<b>1</b>	<b>33.33%</b>	<b>1</b>	<b>33.33%</b>	<b>0</b>	<b>0.00%</b>
<b>County of Kern - Total</b>	<b>County of Kern - Total</b>	<b>1,236</b>	<b>24.20%</b>	<b>1,076</b>	<b>21.06%</b>	<b>1,315</b>	<b>25.74%</b>	<b>1,480</b>	<b>28.97%</b>	<b>1</b>	<b>0.01%</b>

Precinct	Precinct	KIM NIXON	MARYANN HESTER	KENNETH R. HETGE	ED GRIMES	Write-in
<b>Cumulative</b>	<b>Cumulative</b>					
Cumulative	Cumulative					
Mail Ballots	Mail Ballots	0	0	0	0	0
Polling Place Ballots	Polling Place Ballots	0	0	0	0	0
Vote By Mail	Vote By Mail	0	0	0	0	0
Total	Total	0	0	0	0	0
Cumulative - Total	Cumulative - Total	0	0	0	0	0
County - Total	County - Total	1,236 24.20%	1,076 21.06%	1,315 25.74%	1,480 28.97%	1 0.01%

### CITY OF TEHACHAPI CITY CLERK (Vote for 1)

Precinct	Precinct	VICTORIA "TORI" MARSH	Write-in
County	County		
County of Kern	County of Kern		
23401	23401		
Mail Ballots	Mail Ballots	0	0
Polling Place Ballots	Polling Place Ballots	266 100.00%	0 0.00%
Vote By Mail	Vote By Mail	498 100.00%	0 0.00%
Total	Total	764 100.00%	0 0.00%
23402	23402		
Mail Ballots	Mail Ballots	0	0
Polling Place Ballots	Polling Place Ballots	158 100.00%	0 0.00%
Vote By Mail	Vote By Mail	235 100.00%	0 0.00%
Total	Total	393 100.00%	0 0.00%
23403	23403		
Mail Ballots	Mail Ballots	0	0
Polling Place Ballots	Polling Place Ballots	297 100.00%	0 0.00%
Vote By Mail	Vote By Mail	382 99.74%	1 0.26%
Total	Total	679 99.85%	1 0.15%
23404	23404		
Mail Ballots	Mail Ballots	0	0
Polling Place Ballots	Polling Place Ballots	296 100.00%	0 0.00%
Vote By Mail	Vote By Mail	396 100.00%	0 0.00%
Total	Total	692 100.00%	0 0.00%
7023405	7023405		
Mail Ballots	Mail Ballots	1 100.00%	0 0.00%
Polling Place Ballots	Polling Place Ballots	0	0
Vote By Mail	Vote By Mail	0	0
Total	Total	1 100.00%	0 0.00%
County of Kern - Total	County of Kern - Total	2,529 99.96%	1 0.04%

Precinct	Precinct	VICTORIA TORT MARSH	Write-in
<b>Cumulative</b>	<b>Cumulative</b>		
Cumulative	Cumulative		
Mail Ballots	Mail Ballots	0	0
Polling Place Ballots	Polling Place Ballots	0	0
Vote By Mail	Vote By Mail	0	0
Total	Total	0	0
Cumulative - Total	Cumulative - Total	0	0
County - Total	County - Total	2,529 99.96%	1 0.04%

### CITY OF TEHACHAPI TREASURER (Vote for 1)

Precinct	County	Precinct	County	JENNY BURT	Write-in
23401	County of Kern	23401	County of Kern		
	Mail Ballots		Mail Ballots	0	0
	Polling Place Ballots		Polling Place Ballots	265 100.00%	0 0.00%
	Vote By Mail		Vote By Mail	478 100.00%	0 0.00%
	Total		Total	743 100.00%	0 0.00%
23402		23402			
	Mail Ballots		Mail Ballots	0	0
	Polling Place Ballots		Polling Place Ballots	153 100.00%	0 0.00%
	Vote By Mail		Vote By Mail	220 100.00%	0 0.00%
	Total		Total	373 100.00%	0 0.00%
23403		23403			
	Mail Ballots		Mail Ballots	0	0
	Polling Place Ballots		Polling Place Ballots	288 100.00%	0 0.00%
	Vote By Mail		Vote By Mail	368 100.00%	0 0.00%
	Total		Total	656 100.00%	0 0.00%
23404		23404			
	Mail Ballots		Mail Ballots	0	0
	Polling Place Ballots		Polling Place Ballots	285 100.00%	0 0.00%
	Vote By Mail		Vote By Mail	388 100.00%	0 0.00%
	Total		Total	673 100.00%	0 0.00%
7023405		7023405			
	Mail Ballots		Mail Ballots	1 100.00%	0 0.00%
	Polling Place Ballots		Polling Place Ballots	0	0
	Vote By Mail		Vote By Mail	0	0
	Total		Total	1 100.00%	0 0.00%
	County of Kern - Total		County of Kern - Total	2,446 100.00%	0 0.00%

Precinct	Precinct	JENNY BURT		Write-in	
<b>Cumulative</b>	<b>Cumulative</b>				
Cumulative	Cumulative				
Mail Ballots	Mail Ballots	0		0	
Polling Place Ballots	Polling Place Ballots	0		0	
Vote By Mail	Vote By Mail	0		0	
Total	Total	0		0	
Cumulative - Total	Cumulative - Total	0		0	
County - Total	County - Total	2,446	100.00%	0	0.00%



**ACTION TAKEN**

\*4. 16<sup>th</sup> Annual Tehachapi Christmas Parade Special Event Application for December 3, 2016 in downtown – **APPROVED THE GREATER TEHACHAPI CHAMBER OF COMMERCE 16<sup>TH</sup> ANNUAL TEHACHAPI CHRISTMAS PARADE SPECIAL EVENT APPLICATION AND ASSOCIATED STREET CLOSURES SUBJECT TO STAFF CONDITIONS AND CITY ATTORNEY APPROVAL**

Approved The Greater Tehachapi Chamber Of Commerce 16th Annual Tehachapi Christmas Parade Special Event Application And Associated Street Closures Subject To Staff Conditions And City Attorney Approval  
 Sm/Wa Motion Carried  
 WI Ab

**FINANCE DIRECTOR REPORTS**

\*5. Disbursements, bills and claims for November 2, 2016 through November 15, 2016 – **AUTHORIZED PAYMENTS**

Authorized Payments  
 Sm/Wa Motion Carried  
 WI Ab

6. Auditor recommended loan payment agreement for Impact Fees borrowed from the Sewer Capacity Increase Fund to pay for fund shortages in building the new police facility and remodeling of the old police building – **FINANCE DIRECTOR HANNAH CHUNG GAVE STAFF REPORT; APPROVED THE PROMISSORY NOTE BETWEEN THE PUBLIC FACILITIES IMPACT FEES FUND AND THE SEWER CAPACITY INCREASE FUND**

Approved The Promissory Note Between The Public Facilities Impact Fees Fund And The Sewer Capacity Increase Fund  
 Gr/Sm Motion Carried  
 WI Ab

**DEVELOPMENT SERVICES DIRECTOR REPORTS**

7. Second reading of an ordinance adopting the 2016 California Building Codes – **CITY ENGINEER JAY SCHLOSSER GAVE STAFF REPORT; ADOPTED AN ORDINANCE ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS – 2016 CALIFORNIA RESIDENTIAL CODE, 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 CALIFORNIA MECHANICAL CODE, 2016 CALIFORNIA HOUSING CODE, 2016 CALIFORNIA PLUMBING CODE, 2016 CALIFORNIA ELECTRICAL CODE, SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS, GRADING CODE, 2016 CALIFORNIA FIRE CODE, DANGEROUS BUILDINGS CODE, BUILDING RELOCATION, MOBILE HOME AND ACCESSORY STRUCTURES, FLOOD PLAIN MANAGEMENT CODE, AND 2016 CALIFORNIA ENERGY CODE, 2016 CALIFORNIA ADMINISTRATIVE CODE, 2016 CALIFORNIA REFERENCE STANDARDS CODE AND AMENDING SECTION 1 OF ORDINANCE NO. 14-01-715 OF THE CITY OF TEHACHAPI AND TEHACHAPI MUNICIPAL CODE SECTION 15.04.160**

Adopted Ordinance 16-06-736 Adopting By Reference The 2016 Edition Of The California Building Standards Code, Known As The California Code Of Regulations – 2016 California Residential Code, 2016 California Building Code, 2016 California Green Building Standards Code, 2016 California Mechanical Code, 2016 California Housing Code, 2016 California Plumbing Code, 2016 California Electrical Code, Seismic Strengthening Provisions For Unreinforced Masonry Bearing Wall Buildings, Grading Code, 2016 California Fire Code, Dangerous Buildings Code, Building Relocation, Mobile Home And Accessory Structures, Flood Plain Management Code, And 2016 California Energy Code, 2016 California Administrative Code, 2016 California Reference Standards Code And Amending Section 1 Of Ordinance No. 14-01-715 Of The City Of Tehachapi And Tehachapi Municipal Code Section 15.04.160  
 Sm/Wa Motion Carried  
 WI Ab

8. Services Fee Study – **CITY ENGINEER JAY SCHLOSSER GAVE STAFF REPORT; ADOPTED RESOLUTION 47-16 ADJUSTING, EXTENDING, AND ESTABLISHING**

Adopted Resolution 47-16 Adjusting, Extending, And Establishing Fees For Planning, Engineering, Building, And Police

**FEES FOR PLANNING, ENGINEERING, BUILDING, AND POLICE SERVICES**

Services  
Gr/Wa Motion Carried  
Wi Ab

**CITY ATTORNEY REPORTS**

9. Proposition 64 was adopted at the November 8, 2016 election which provides for use, sales, and cultivation of recreational marijuana. Private use and the private growing of up to six (6) marijuana plants is now legal. Commercial sales and commercial cultivation will require a state permit. Permits will not be issued for commercial marijuana activities in cities that have prohibited its use. Where cities have not prohibited it, they may nevertheless regulate its sales and cultivation. In order for the City Council to determine how it wishes to address the issue, additional study by staff is necessary. Staff is therefore recommending approval of the urgency ordinance in your packet which prohibits all such activities for forty-five (45) days and can be extended for an additional ten (10) months and fifteen (15) days and an additional year after that if there is sufficient reason to justify either or both extensions – **CITY ATTORNEY TOM SCHROETER GAVE STAFF REPORT; APPROVED INTERIM ORDINANCE 16-07-737 OF THE CITY OF TEHACHAPI PROHIBITING ALL COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITY IN THE CITY, PROHIBITING OUTDOOR NON-MEDICAL MARIJUANA CULTIVATION ON PRIVATE RESIDENCES AND DECLARING THE URGENCY THEREOF**

Approved Interim Ordinance 16-07-737 Of The City Of Tehachapi Prohibiting All Commercial Non-Medical Marijuana Activity In The City, Prohibiting Outdoor Non-Medical Marijuana Cultivation On Private Residences And Declaring The Urgency Thereof  
Sm/Gr Motion Carried  
Wi Ab

**CITY MANAGER REPORTS**

10. Report to Council regarding current activities and programs – **VERBAL REPORT.**

**COUNCIL MEMBER ANNOUNCEMENTS OR REPORTS**

11. Councilman Grimes appointed to the Kern County National Cemetery District Board of Directors – **INFORMATION ONLY**
12. Mayor Pro Tem Nixon reminded everyone that the train depot will have a train display for the holiday season.

**ADJOURNMENT**

The City Council/Boards adjourned at 7:20 pm to a Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority and Tehachapi City Financing Corporation Regular Meeting to be held on Monday, December 5, 2016, at 6:00p.m.

**Tehachapi City Council Regular Meeting – Monday, November 21, 2016**  
**Tehachapi Redevelopment Successor Agency Regular Meeting**  
**Tehachapi Public Financing Authority Regular Meeting And**  
**Tehachapi City Financing Corporation Regular Meeting**

**ACTION TAKEN**

<p>Approved this 19<sup>th</sup> day Of December, 2016.</p> <p>_____ TORI MARSH City Clerk, City of Tehachapi</p> <p>_____ SUSAN WIGGINS Mayor, City of Tehachapi</p>	
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# Accounts Payable

## Checks by Date - Detail by Vendor Number

User: afrescas  
 Printed: 12/15/2016 7:35 AM



CITY OF  
**TEHACHAPI**  
 CALIFORNIA

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	0015	211 Praxair Distribution Inc.		
	75020413	PW/Saw Multi Cutter/Metal Blade		925.69
	75145669	PW/Industrial Acetylene/Ind High Pressure 100c		87.89
Total for this ACH Check for Vendor 0015:				1,013.58
Total for Vendor 0015 (211 Praxair Distribution Inc.):				1,013.58
ACH	0035	BC Laboratories Inc.		
	B253011	Wtr/Bacteriological/1185 Fig Ave/1073 Hickory		36.00
	B253272	Wtr/Bacteriological/1341 Tanglewood/408 Oakv		36.00
	B253827	Wtr/Bacteriological/1305 Alder/221 Hayes/1317		36.00
Total for this ACH Check for Vendor 0035:				108.00
Total for Vendor 0035 (BC Laboratories Inc.):				108.00
ACH	0041	Benz Propane Company Inc.		
	238408192	PW/1228101/800 Enterprise Way/Nov 2016 Bill		69.40
	238408193	Wtr/1228102/750 Enterprise/Nov 2016 Billing		27.53
	238408193-A	Land/1228102/750 Enterprise/Nov 2016 Billing		3.06
Total for this ACH Check for Vendor 0041:				99.99
Total for Vendor 0041 (Benz Propane Company Inc.):				99.99
ACH	0045	Birmingham Receipt Book		
	1212	GG/Receipt Books		369.75
Total for this ACH Check for Vendor 0045:				369.75
Total for Vendor 0045 (Birmingham Receipt Book):				369.75
ACH	0155	FedEx		
	310003801	PW/McMaster-Carr Supply-Freight #403895983		485.71
	310003802	PW/McMaster-Carr Supply-Freight #404330527		220.59
	310003802-A	PW/McMaster-Carr Supply-Freight #404330527		24.51
Total for this ACH Check for Vendor 0155:				730.81
Total for Vendor 0155 (FedEx):				730.81
ACH	0182	P&J Electric Inc.		
	5420	Wtr/Trouble Shoot Minton Well		250.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	5421	Wtr/Trouble Shoot SCADA System		1,272.00
		Total for this ACH Check for Vendor 0182:		1,522.00
		Total for Vendor 0182 (P&J Electric Inc.):		1,522.00
ACH	0216 6352	Judicial Data Systems Corporation Parking Activity for Oct 2016		100.00
		Total for this ACH Check for Vendor 0216:		100.00
		Total for Vendor 0216 (Judicial Data Systems Corporation):		100.00
ACH	0218 209724	Jims Supply Company Inc. Wtr/1/2x4 HR Flat Bar-96/2" Blk Pipe PE Grd A		109.55
		Total for this ACH Check for Vendor 0218:		109.55
		Total for Vendor 0218 (Jims Supply Company Inc.):		109.55
ACH	0223 12122016	Kern County Auditor-Controller Parking Citation Revenue/Oct 2016		66.00
		Total for this ACH Check for Vendor 0223:		66.00
		Total for Vendor 0223 (Kern County Auditor-Controller):		66.00
ACH	0241 4238	Kern Bros. Trucking Inc. Wtr/Plaster Sand/Trucking Hours		635.67
		Total for this ACH Check for Vendor 0241:		635.67
		Total for Vendor 0241 (Kern Bros. Trucking Inc.):		635.67
ACH	0263 66	Lebeau Thelen LLP Walmart CEQA Litigation		420.00
		Total for this ACH Check for Vendor 0263:		420.00
		Total for Vendor 0263 (Lebeau Thelen LLP):		420.00
ACH	0275 IN322707	Lubrication Engineers Inc. Swr/Almaplex Industrial Lubricant/Monolec Ult		3,620.90
		Total for this ACH Check for Vendor 0275:		3,620.90
		Total for Vendor 0275 (Lubrication Engineers Inc.):		3,620.90
ACH	0300 503865991 503865992 503903436	Mission Linen & Uniform Service PW/Linen Maintenance Swr/Mats PW/Linen Maintenance		14.15 22.55 14.15

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	503903437	Swr/Mats		22.55
			Total for this ACH Check for Vendor 0300:	73.40
			Total for Vendor 0300 (Mission Linen & Uniform Service):	73.40
ACH	0304	Mojave Sanitation		
	2845655	Swr/965528800/800 Enterprise/MRF Process Fe		132.36
	2846076	Swr/975428801/800 Enterprise/Storage Contain		85.00
			Total for this ACH Check for Vendor 0304:	217.36
			Total for Vendor 0304 (Mojave Sanitation):	217.36
ACH	0362	RSI Petroleum Products		
	0300267	PW/Regular Unleaded Gasoline/Diesel Fuel		435.79
	0300381	PW/Regular Unleaded Gasoline/Diesel Fuel		486.76
	0300682	PW/Regular Unleaded Gasoline/Diesel Fuel		545.95
			Total for this ACH Check for Vendor 0362:	1,468.50
			Total for Vendor 0362 (RSI Petroleum Products):	1,468.50
ACH	0372	Southern California Edison		
	1262016	Strts/3001190981/Highway 202/Nov 2-Dec 5 20		75.56
	1262016-A	Strts/3037091928/Highway 202/Nov 1-Dec 1 20		27.80
			Total for this ACH Check for Vendor 0372:	103.36
			Total for Vendor 0372 (Southern California Edison):	103.36
ACH	0399	Sparkletts		
	4365880 120116	Swr/Drinking Wtr/Hot-Cold Cooler Rental/Bottc		93.90
			Total for this ACH Check for Vendor 0399:	93.90
			Total for Vendor 0399 (Sparkletts):	93.90
ACH	0450	USA Bluebook		
	091213	Swr/		1,021.39
			Total for this ACH Check for Vendor 0450:	1,021.39
			Total for Vendor 0450 (USA Bluebook):	1,021.39
ACH	0476	WITTS Everything for the Office		
	14340-0	GG/8.5x11 Copy Paper		68.78
	143457-0	GG/Pens/Folders/Labels		76.02
	143501-0	GG/Index Dividers A-Z		12.62
	143511-0	GG/AAA Batteries		10.42
	143512-0	GG/Calendar Refill		10.47
	143798-0	GG/Notarial Gold Seal		4.29

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for this ACH Check for Vendor 0476:	182.60
			Total for Vendor 0476 (WITTS Everything for the Office):	182.60
ACH	0493 23585	Kieffe & Sons Ford GG/Weatherstrip		96.64
			Total for this ACH Check for Vendor 0493:	96.64
			Total for Vendor 0493 (Kieffe & Sons Ford):	96.64
ACH	0832	ACWA/JPIA		
	0451881	Medical Premium/Jan 2017		49,860.66
	0451881-A	Medical Premium Adjustment/Jan 2017		-1,470.64
	0451881-B	Dental Premium/Jan 2017		8,021.60
	0451881-C	Dental Premium Adjustment/Jan 2017		-164.17
	0451881-D	Vision Premium/Jan 2017		1,270.80
	0451881-E	Vision Premium Adjustment/Jan 2017		-21.18
	0451881-F	Life Premium/Jan 2017		1,365.42
	0451881-G	Life Premium Adjustment/Jan 2017		-11.95
			Total for this ACH Check for Vendor 0832:	58,850.54
			Total for Vendor 0832 (ACWA/JPIA):	58,850.54
ACH	1034 0026446-IN	Hinderliter deLlamas & Associates GG/Sales Tax 4th Qtr/Audit Services/Sales Qtr 2		1,567.45
			Total for this ACH Check for Vendor 1034:	1,567.45
			Total for Vendor 1034 (Hinderliter deLlamas & Associates):	1,567.45
ACH	1055 4847	Mercury Graphics GG/1000 Color Envelopes		379.48
			Total for this ACH Check for Vendor 1055:	379.48
			Total for Vendor 1055 (Mercury Graphics):	379.48
ACH	1075 N-5181	Prime Signs Air/8x12 Emergency Shut Off Signs/3x8 Propa		37.63
			Total for this ACH Check for Vendor 1075:	37.63
			Total for Vendor 1075 (Prime Signs):	37.63
ACH	1505 2846328 2846330	Benz Construction Services Swr/58021002/800 Enterprise/KC Admin Fee/Rt PW/300421000/800 Enterprise/Rolloff/Gate Fee		202.57 866.94
			Total for this ACH Check for Vendor 1505:	1,069.51

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for Vendor 1505 (Benz Construction Services):				1,069.51
ACH	1531	Division of Aeronautics		
	3279	Loan Repayment/KER-4-98-L-1/Principal		11,860.00
	3279-A	Loan Repayment/KER-4-98-L-1/Interest		936.74
Total for this ACH Check for Vendor 1531:				12,796.74
Total for Vendor 1531 (Division of Aeronautics):				12,796.74
ACH	1658	Accela Inc #774375		
	INV-ACC26142	GG/Online Web Payments/Nov 2016		354.85
Total for this ACH Check for Vendor 1658:				354.85
Total for Vendor 1658 (Accela Inc #774375):				354.85
ACH	1724	Banks Pest Control Inc.		
	609697	GG/115 S Robinson/Bi-Mo Svc #114606		72.00
	609941	GG/104 S Robinson/Bi-Mo Svc #116142		79.00
Total for this ACH Check for Vendor 1724:				151.00
Total for Vendor 1724 (Banks Pest Control Inc.):				151.00
ACH	1729	Alpha Landscape Maintenance		
	12810	Tehachapi City Office		50.00
	12810-A	Tehachapi Market Place		25.00
	12810-B	Union Pacific		85.00
	12810-C	Mill St		400.00
	12810-D	Capital Hills		270.00
	12810-E	South Curry		227.00
	12810-F	Street Trees		11.00
	12810-G	Dennison Street		720.00
	12810-H	Pioneer Park		553.00
	12810-I	Downtown Planters		82.00
	12810-J	Railroad Park		505.00
	12810-K	Parkint Lot & Wall		28.00
	12810-L	Senior Center		105.00
	12810-M	Railroad Depot		128.00
	12810-N	Tehachapi Blvd Phase 4		35.00
	12810-O	Robinson St Parking Lot		25.00
	12810-P	Police Department		35.00
	12810-Q	Voyager St Trees		10.00
	12810-R	Centennial Plaza		40.00
	12810-S	Heritage Oaks		860.00
	12810-T	Clear View Estates		321.00
	12810-U	Autumn Hills		1,235.00
	12810-V	Alta Homes		7,790.00
	12810-W	Orchard Glen		3,632.00
	12810-X	Mill St Cottages		25.00
	12810-Y	Red Barn		95.00
	12810-Z	Visitor Center		64.59
	12811	GG/Mar Pl-Un Pac		3.06
	12811-A	Strts/Mill Street Island		9.18

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	12811-B	Strts/Capital Hills		6.12
	12811-C	LLD/Manzanita Park		9.18
	12811-D	LLD/KB Tract-Highland		3.06
	12811-E	LLD/Alta Tract-Warriro Park		70.39
	12811-F	LLD/Alta Parkway Lawns		6.12
	12811-G	LLD/Alta Planters-Highline & Tract		30.61
	12811-H	Strts/South Curry		6.12
	12811-I	LLD/Heritage Oaks		30.61
	12811-J	LLD/KB Dennison		85.70
	12811-K	Strts/Dennison Street		9.18
	12811-L	LLD/Clear View		3.06
	12811-M	Land/Pioneer Park		9.18
	12811-N	GG/Old Town Planters 1		3.06
	12811-O	LLD/Mill Street Cottage		1.53
	12811-P	PD/Tehachapi Police Station		3.06
	12811-Q	Land/Robinson Park		3.06
	12811-R	GG/Taco Samich		3.06
	12811-S	GG/Senior Center		3.06
	12811-T	Railroad Depot		6.12
	12811-U	GG/Robinson Parking Lot		1.53
Total for this ACH Check for Vendor 1729:				17,662.64
Total for Vendor 1729 (Alpha Landscape Maintenance):				17,662.64
ACH	1801	HD Supply Waterworks LTD		
	G055698	Wtr/Meter Exchange		1,520.06
	G347835	Wtr/ 5/8x3/4 199-050-19 3G DS USG		8,093.05
	G347837	Wtr/5/8 Register Only 3G USG		1,393.20
	G440437	Wtr/ 3/4 Adpt Mipxitips		232.20
	G445453	Wtr/Quantum Cplg/Epoxy w/Alloy B&N		252.11
	G459445	Wtr/Hex Bolt/Flg Ring/Spool		160.94
	G459445-A	Wtr/Octave Meter		2,430.58
	G472822	Wtr/10x2 Br Saddle/6x2 Br Saddle/Brass Bushir		768.84
Total for this ACH Check for Vendor 1801:				14,850.98
Total for Vendor 1801 (HD Supply Waterworks LTD):				14,850.98
ACH	1846	Haaker Equipment Company		
	C27187	Strts/Linear Actuator/Linear Actuator 1		1,178.35
Total for this ACH Check for Vendor 1846:				1,178.35
Total for Vendor 1846 (Haaker Equipment Company):				1,178.35
ACH	1849	Government Finance Officers Association		
	0123001	Fin/In Base Membership Renewal-#300068715/		190.00
Total for this ACH Check for Vendor 1849:				190.00
Total for Vendor 1849 (Government Finance Officers Association):				190.00
ACH	1945	RST Cranes Inc.		
	16-0449	Operate 33 Ton Crane		1,196.78

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for this ACH Check for Vendor 1945:	1,196.78
			Total for Vendor 1945 (RST Cranes Inc.):	1,196.78
ACH	2026 009053832	AV Fuel Corporation Air/100LL Aviation G		10,894.01
			Total for this ACH Check for Vendor 2026:	10,894.01
			Total for Vendor 2026 (AV Fuel Corporation):	10,894.01
ACH	2111 884241 885506 885617 885665 885887 885903 885995 886486 886487	Swift Napa Auto Parts PW/2 DRMODPLATFUNIT PW/2 DRMODPLATFUNIT PW/Filler Neck Hose/Freight PW/NAPA Gold Air Filter Strts/License Lamp Strts/Silicone Calbe Seal Strts/FPT Lamp ED/V-31/Battery ED/2012 Chevy Colorado/Stoplight Bulb		170.93 170.93 52.40 53.42 96.31 1.05 20.96 141.89 3.75
			Total for this ACH Check for Vendor 2111:	711.64
			Total for Vendor 2111 (Swift Napa Auto Parts):	711.64
ACH	2147 DEC4487	Coffee Break Service Inc. GG/Monthly Water Cooler Rental/Dec 2016		28.95
			Total for this ACH Check for Vendor 2147:	28.95
			Total for Vendor 2147 (Coffee Break Service Inc.):	28.95
ACH	2634 L70907	Bakersfield Electric Motor Repair Inc Swr/West Screw Pump Replacement/Ball Bearin		1,510.90
			Total for this ACH Check for Vendor 2634:	1,510.90
			Total for Vendor 2634 (Bakersfield Electric Motor Repair Inc):	1,510.90
ACH	2707 H6259612	MailFinance GG/Neopost Lease (#H11061830) Payment/Sep		454.50
			Total for this ACH Check for Vendor 2707:	454.50
			Total for Vendor 2707 (MailFinance):	454.50
ACH	2752 CATEH12942	Fastenal Company Wtr/Firc Exting Dwn/Slv Strk-Rnd		31.52
			Total for this ACH Check for Vendor 2752:	31.52

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for Vendor 2752 (Fastenal Company):				31.52
ACH	2776 0351-556608	Consolidated Electrical Dist. Strts/150 Watt MH Med Base		315.30
Total for this ACH Check for Vendor 2776:				315.30
Total for Vendor 2776 (Consolidated Electrical Dist.):				315.30
ACH	2915 20170007	KernData.Com Fir/Annual Subscription-Jan thru Dec 2017		440.00
Total for this ACH Check for Vendor 2915:				440.00
Total for Vendor 2915 (KernData.Com):				440.00
ACH	2981 208290 208291	Burke Williams & Sorenson LLP Fees for Professional Services Rendered Thru N Disbursements Made Thru Nov 30 2016/Postage		177.85 10.24
Total for this ACH Check for Vendor 2981:				188.09
Total for Vendor 2981 (Burke Williams & Sorenson LLP):				188.09
ACH	3064 80-7	E & W Theatres Inc. ED/On Screen Advertising/Oct-Dec 2016		450.00
Total for this ACH Check for Vendor 3064:				450.00
Total for Vendor 3064 (E & W Theatres Inc.):				450.00
ACH	3173 00488 00489	Soto Tire & Wheels Swr/4 New Tires/White 2004 Chevy GG/Repair Flat/Grey 2013 Ford		650.00 15.00
Total for this ACH Check for Vendor 3173:				665.00
Total for Vendor 3173 (Soto Tire & Wheels):				665.00
ACH	3179 19402 19433	Liberty Composting Inc. Tipping Fees-Biosolids/Oct 2016 Tipping Fees-Biosolids/Nov 2016		5,362.53 4,415.67
Total for this ACH Check for Vendor 3179:				9,778.20
Total for Vendor 3179 (Liberty Composting Inc.):				9,778.20
ACH	3191 1243	Chriso's Tree Trimming PW/Remove 2 Large Trees w/Stump Grind		3,000.00
Total for this ACH Check for Vendor 3191:				3,000.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for Vendor 3191 (Chriso's Tree Trimming):				3,000.00
ACH	3281 02008138	Statewide Traffic Safety & Signs Inc. Strts/Diagnose/Change Fuse/Rewire Batt-Rcsct		481.06
Total for this ACH Check for Vendor 3281:				481.06
Total for Vendor 3281 (Statewide Traffic Safety & Signs Inc.):				481.06
ACH	3322 160078	Master Meter Inc. Wtr/Mlink Vehicle Reading Software Support		1,500.00
Total for this ACH Check for Vendor 3322:				1,500.00
Total for Vendor 3322 (Master Meter Inc.):				1,500.00
ACH	3504 18886	Fresno Rack & Shelving Inc. PW/Frames/Beams/Freight		926.65
Total for this ACH Check for Vendor 3504:				926.65
Total for Vendor 3504 (Fresno Rack & Shelving Inc.):				926.65
ACH	3674 2846093 2846094	Secure On-Site Shredding GG/#300421002/115 S Robinson St/Shredding Swr/300421004/750 Enterprise Way/Nov 2016 S		35.00 35.00
Total for this ACH Check for Vendor 3674:				70.00
Total for Vendor 3674 (Secure On-Site Shredding):				70.00
ACH	3725 87258	Powerstride Battery Co. Inc. Wtr/Battery		119.27
Total for this ACH Check for Vendor 3725:				119.27
Total for Vendor 3725 (Powerstride Battery Co. Inc.):				119.27
ACH	3747 007200	The Garage PD//2011 Crown Vic-Interceptor/Coolant Temp :		233.84
Total for this ACH Check for Vendor 3747:				233.84
Total for Vendor 3747 (The Garage):				233.84
ACH	3807 18118 18124	Diamond Technologies IT/Watchguard Live Security Renewal/3 yr IT/Manage Centric 3yr/Desktop/Server/Antiviru:		996.10 471.15
Total for this ACH Check for Vendor 3807:				1,467.25

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for Vendor 3807 (Diamond Technologies):				1,467.25
ACH	3925 009 Revised	Cal Prime Inc Wtr/Dunkin Donuts 12" Water Main Rupture		2,326.80
Total for this ACH Check for Vendor 3925:				2,326.80
Total for Vendor 3925 (Cal Prime Inc):				2,326.80
ACH	3953 16-910	skOO'kum h2o monitoring Wtr/Backflow Testing Services/46 Backflow Pre		2,530.00
Total for this ACH Check for Vendor 3953:				2,530.00
Total for Vendor 3953 (skOO'kum h2o monitoring):				2,530.00
ACH	3967 1505	Greater Antelope ED/Endeavor Investor Membership		5,000.00
Total for this ACH Check for Vendor 3967:				5,000.00
Total for Vendor 3967 (Greater Antelope):				5,000.00
ACH	4000 1488	Big Jims PW/Tune-Up/Bar & Chain Combo/Plug/Carb Ki		152.64
Total for this ACH Check for Vendor 4000:				152.64
Total for Vendor 4000 (Big Jims):				152.64
ACH	4011 BL60515-8827M	Babcock Laboratories, Inc. Swr/Water Analysis		344.00
Total for this ACH Check for Vendor 4011:				344.00
Total for Vendor 4011 (Babcock Laboratories, Inc.):				344.00
ACH	4036 76373864 76373867 76379155	Waxie Sanitary Supply GG/Multifold Towles/Kleenex GG/Multifold Towles/Toilet Seat Covers GG/Scott Multifold Towel/Kleenex Cottonelle 2l		215.57 143.27 473.35
Total for this ACH Check for Vendor 4036:				832.19
Total for Vendor 4036 (Waxie Sanitary Supply):				832.19
ACH	4078 167554 167555 167695	Alpha Technologies & Alarm Systems Inc GG/Fire Alarm Monitoring @ BeeKay Theatre/1 GG/Fire Alarm Monitoring @ BeeKay Theatre/1 GG/Fire Alarm Monitoring @ BeeKay Theatre/J		10.50 35.00 35.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for this ACH Check for Vendor 4078:				80.50
Total for Vendor 4078 (Alpha Technologies & Alarm Systems Inc):				80.50
Report Total (60 checks):				166,871.66

Accounts Payable  
Computer Check Register

User: afrescas  
 Printed: 11/16/2016 - 4:45PM  
 Batch: 10916.11.2016 - Economic Dev  
 Bank Account: AP



Check	Vendor No	Vendor Name	Date	Invoice No	amount
46066	2052	Thomas G. Garrett	11/16/2016	11162016	66.00
		Check 46066 Total:			66.00
46067	2854	Christopher B. Kirk	11/16/2016	11162016	66.00
		Check 46067 Total:			66.00
46068	3508	John H. Schlosser	11/16/2016	11162016	66.00
		Check 46068 Total:			66.00
46069	4070	Trevor Hawkes	11/16/2016	11162016	66.00
		Check 46069 Total:			66.00
46070	3615	Michelle Vance	11/16/2016	11162016	66.00
		Check 46070 Total:			66.00
		Report Total:			330.00

Accounts Payable  
Computer Check Register

User: afrescas  
 Printed: 11/23/2016 - 9:17AM  
 Batch: 10923.11.2016 - Chevron-US Bank  
 Bank Account: AP



Check	Vendor No	Vendor Name	Date	Invoice No	amount
46198	1229	Eastern Kern County Air Pollt	11/23/2016		
				00288001	1,005.00
				00288002	137.00
				00288005	281.00
				00288006	281.00
				00288007B	1,018.00
				00288008A	192.00
				00288009	1,005.00
				00288010	1,005.00
				00288011	200.00
		Check 46198 Total:			5,124.00
46199	0193	Hach Company	11/23/2016		
				10163675	2,899.28
				10163675-1	-202.28
		Check 46199 Total:			2,697.00
46200	0218	Jims Supply Company Inc.	11/23/2016		
				206678	608.47
		Check 46200 Total:			608.47
46201	4072	LexisNexis Risk Solutions	11/23/2016		
				01425-20160930	3,500.00
		Check 46201 Total:			3,500.00
46202	0362	RSI Petroleum Products	11/23/2016		
				0299474	1,131.55
		Check 46202 Total:			1,131.55
46203	0476	WITTS Everything for the Of	11/23/2016		
				142662-0	34.38
		Check 46203 Total:			34.38
		Report Total:			13,095.40

Accounts Payable  
Computer Check Register

User: afrescas  
 Printed: 11/28/2016 - 2:05PM  
 Batch: 10927.11.2016 - POST  
 Bank Account: AP



Check	Vendor No	Vendor Name	Date	Invoice No	amount
46204	3820	Charles Arbaut	11/28/2016	11102016	44.06
Check 46204 Total:					44.06
46205	2806	Michael Christian	11/28/2016	11282016	160.00
Check 46205 Total:					160.00
46206	3396	Wayne A. Horning	11/28/2016	11282016	160.00
Check 46206 Total:					160.00
46207	2790	Scott L. Ketcham	11/28/2016	11282016	160.00
Check 46207 Total:					160.00
Report Total:					524.06

Accounts Payable  
Computer Check Register

User: afrescas  
Printed: 11/29/2016 - 9:09AM  
Batch: 10929.11.2016 - So Cal Edison  
Bank Account: AP



Check	Vendor No	Vendor Name	Date	Invoice No	amount
46208	0027	Atco International	11/29/2016		
				10473192	1,475.17
				10743192-1	-102.92
		Check 46208 Total:			1,372.25
46209	1505	Benz Construction Services	11/29/2016		
				2832706	202.57
				2832708	352.47
		Check 46209 Total:			555.04
46210	1507	Berchtold Equipment Compar	11/29/2016		
				PC13496	146.98
		Check 46210 Total:			146.98
46211	3925	Cal Prime Inc	11/29/2016		
				008	1,422.48
		Check 46211 Total:			1,422.48
46212	4073	FPD Regional Training Cente	11/29/2016		
				RTC0002570	1,023.00
				RTC0002571	1,023.00
				RTC0002569	1,023.00
		Check 46212 Total:			3,069.00
46213	3844	Franchise Tax Board	11/29/2016		
				2335	130.00
		Check 46213 Total:			130.00
46214	3355	Got Weeds?	11/29/2016		
				1171	600.00
		Check 46214 Total:			600.00
46215	1801	HD Supply Waterworks LFD	11/29/2016		
				G134472	476.00
				F896509	3,257.26
				G303035	685.17
		Check 46215 Total:			4,418.43
46216	3278	Hub Construction Specialties	11/29/2016		
				B09001608	31.44
		Check 46216 Total:			31.44

Check	Vendor No	Vendor Name	Date	Invoice No	amount
46217	3199	Slick Fish Marketing Co.	11/29/2016		
				2335	520.00
				2335-1	-130.00
		Check 46217 Total:			390.00
46218	0399	Sparkletts	11/29/2016		
				4365880 110116	102.40
		Check 46218 Total:			102.40
46219	1982	SSD Systems	11/29/2016		
				425764-S	29.60
				425763-S	29.60
				425766-S	29.60
				425767-S	29.60
		Check 46219 Total:			118.40
46220	3281	Statewide Traffic Safety & Si	11/29/2016		
				12004312	79.10
		Check 46220 Total:			79.10
46221	3267	Tehachapi Medical Clinic Inc.	11/29/2016		
				1192016	345.00
		Check 46221 Total:			345.00
46222	0431	Tehachapi News	11/29/2016		
				2661909	36.25
				2661909-A	242.50
				2661909-B	15.00
				2661909-C	110.00
				2661909-D	242.50
		Check 46222 Total:			646.25
46223	3747	The Garage	11/29/2016		
				6263	36.75
				6906	36.75
				6909	36.75
		Check 46223 Total:			110.25
46224	4048	The Sidwell Company	11/29/2016		
				4925300	456.40
		Check 46224 Total:			456.40
46225	0450	USA Bluebook	11/29/2016		
				096625	62.36
				102175	1,382.90
				104231	960.73
				106593	103.32
		Check 46225 Total:			2,509.31

Check	Vendor No	Vendor Name	Date	Invoice No	amount
Report Total:					16,502.73

Accounts Payable  
Computer Check Register



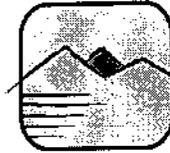
User: afrescas  
 Printed: 11/29/2016 - 3:00PM  
 Batch: 10930.11.2016 - Misc  
 Bank Account: AP

Check	Vendor No	Vendor Name	Date	Invoice No	amount
46226	3659	ACCAPS Attn: Ron Ramsey	11/29/2016	11292016	1,500.00
Check 46226 Total:					1,500.00
46227	0373	Thomas F. Schroeter Attorney	11/29/2016	11282016	-386.52
				11282016-1	5,655.00
Check 46227 Total:					5,268.48
46228	0445	Tehachapi Senior Center Inc.	11/29/2016	11152016	400.00
Check 46228 Total:					400.00
Report Total:					7,168.48

# Accounts Payable

## Check Detail

User: afrescas  
Printed: 12/14/2016 - 5:08PM



CITY OF  
**TEHACHAPI**  
CALIFORNIA

Check Number	Check Date	Amount
<b>0017 - American Business Machines 001-010-7120-000</b>		
46233	12/06/2016	
Inv 300549		8.00
46233 Total:		8.00
<b>0017 - American Business Machines Total:</b>		8.00
<b>0035 - BC Laboratories Inc. 444-403-6780-000</b>		
46237	12/06/2016	
Inv B251643		36.00
Inv B252007		30.00
Inv B252078		30.00
Inv B252205		36.00
46237 Total:		132.00
<b>0035 - BC Laboratories Inc. Total:</b>		132.00
<b>0057 - Brown Armstrong</b>		
46239	12/06/2016	
Inv 11292016		130.00
46239 Total:		130.00
<b>0057 - Brown Armstrong Total:</b>		130.00
<b>0061 - BSK Associates</b>		
46240	12/06/2016	
Inv 0078957		1,086.50
46240 Total:		1,086.50
<b>0061 - BSK Associates Total:</b>		1,086.50
<b>0127 - State of California Department of Justice</b>		
46268	12/06/2016	
Inv 199879		397.00
46268 Total:		397.00

Check Number	Check Date	Amount
<b>0127 - State of California Department of Justice Total:</b>		397.00
<b>0155 - FedEx</b>		
46247	12/06/2016	
Inv 5-585-91816		22.89
Inv 5-585-91816-A		19.09
Inv 5-585-91816-B		16.00
Inv 5-585-91816-C		44.17
Inv 5-585-91816-D		10.33
Inv 5-616-26593		25.89
Inv 5-616-26593-A		33.36
Inv 5-616-26593-B		24.76
Inv 5-616-26593-C		25.84
46247 Total:		222.33
<b>0155 - FedEx Total:</b>		222.33
<b>0260 - Liebert Cassidy Whitmore</b>		
46254	12/06/2016	
Inv 1431137		325.50
46254 Total:		325.50
<b>0260 - Liebert Cassidy Whitmore Total:</b>		325.50
<b>0275 - Lubrication Engineers Inc. 444-403-7100-000</b>		
46255	12/06/2016	
Inv CR015806		-284.87
Inv IN320796		390.10
46255 Total:		105.23
<b>0275 - Lubrication Engineers Inc. Total:</b>		105.23
<b>0300 - Mission Linen &amp; Uniform Service 001-030-5170-000</b>		
46258	12/06/2016	
Inv 503728210		30.28
Inv 503728211		22.55
Inv 503774484		14.15
Inv 503774485		22.55
Inv 503823998		14.15
Inv 503823999		22.55
46258 Total:		126.23
<b>0300 - Mission Linen &amp; Uniform Service Total:</b>		126.23
<b>0362 - RSI Petroleum Products 001-030-7400-000</b>		
46261	12/06/2016	
Inv 0299879		1,015.71

Check Number	Check Date	Amount
Inv 0300066		991.55
46261 Total:		2,007.26
<b>0362 - RSJ Petroleum Products Total:</b>		2,007.26
<b>0373 - Schroeter Attorney @ Law, Thomas F. 001-010-6740-000</b>		
46227	11/29/2016	
Inv 11282016		-386.52
Inv 11282016-1		5,655.00
46227 Total:		5,268.48
<b>0373 - Schroeter Attorney @ Law, Thomas F. Total:</b>		5,268.48
<b>0399 - Sparkletts 444-403-6080-000</b>		
46266	12/06/2016	
Inv 16085268111816		112.51
46266 Total:		112.51
<b>0399 - Sparkletts Total:</b>		112.51
<b>0445 - Tehachapi Senior Center Inc. 001-000-2126-000</b>		
46228	11/29/2016	
Inv 11152016		400.00
46228 Total:		400.00
46271	12/06/2016	
Inv 11292016		400.00
46271 Total:		400.00
<b>0445 - Tehachapi Senior Center Inc. Total:</b>		800.00
<b>0450 - USA Bluebook</b>		
46225	11/29/2016	
Inv 096625		62.36
Inv 102175		1,382.90
Inv 104231		960.73
Inv 106593		103.32
46225 Total:		2,509.31
46272	12/06/2016	
Inv 109330		343.40
46272 Total:		343.40
<b>0450 - USA Bluebook Total:</b>		2,852.71

Check Number	Check Date	Amount
<b>0476 - WITTS Everything for the Office 001-010-6010-000</b>		
46273	12/06/2016	
Inv 143343-0		211.11
Inv 143347-0		29.97
Inv 143350-0		46.74
Inv 143388-0		84.50
Inv 143403-0		16.32
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46273 Total:		388.64
		<hr/>
<b>0476 - WITTS Everything for the Office Total:</b>		
		388.64
<b>0485 - McMaster-Carr Supply Company 444-403-6005-000</b>		
46256	12/06/2016	
Inv 88630690		1,026.12
		<hr/>
46256 Total:		1,026.12
		<hr/>
<b>0485 - McMaster-Carr Supply Company Total:</b>		
		1,026.12
<b>1055 - Mercury Graphics 001-010-6010-000</b>		
46257	12/06/2016	
Inv 4845		213.60
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46257 Total:		213.60
		<hr/>
<b>1055 - Mercury Graphics Total:</b>		
		213.60
<b>1801 - HD Supply Waterworks LTD 442-403-7140-000</b>		
46251	12/06/2016	
Inv G390020		330.53
Inv G390029		330.53
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46251 Total:		661.06
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<b>1801 - HD Supply Waterworks LTD Total:</b>		
		661.06
<b>1846 - Haaker Equipment Company 121-121-7120-000</b>		
46250	12/06/2016	
Inv C26498		192.65
Inv C26499		806.25
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46250 Total:		998.90
		<hr/>
<b>1846 - Haaker Equipment Company Total:</b>		
		998.90
<b>1982 - SSD Systems 001-010-6730-000</b>		
46267	12/06/2016	
Inv 1220101-A		39.25
Inv 1220101-Aa		49.00
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Check Number	Check Date	Amount
Inv 1220101-Ab		49.66
Inv 1220101-Ac		33.08
Inv 1220101-Ad		33.09
Inv 1220101-Ae		27.47
Inv 1220101-Af		27.48
Inv 1220101-Ag		84.37
Inv 1220101-Ah		149.52
Inv 1220101-Ai		37.01
Inv 1220101-Aj		37.01
Inv 1220101-Ak		24.67
<b>46267 Total:</b>		<u>591.61</u>
<b>1982 - SSD Systems Total:</b>		<u>591.61</u>
<b>2111 - Swift Napa Auto Parts</b>		
46269	12/06/2016	
Inv 884240		141.66
Inv 884780		138.45
Inv 884791		10.74
Inv 885140		116.09
Inv 885151		26.33
Inv 885185		-116.09
<b>46269 Total:</b>		<u>317.18</u>
<b>2111 - Swift Napa Auto Parts Total:</b>		<u>317.18</u>
<b>2147 - Coffee Break Service Inc. 001-010-6010-000</b>		
46243	12/06/2016	
Inv 233470		308.50
<b>46243 Total:</b>		<u>308.50</u>
<b>2147 - Coffee Break Service Inc. Total:</b>		<u>308.50</u>
<b>2776 - Consolidated Electrical Dist.</b>		
46244	12/06/2016	
Inv 0351-552897		57.41
<b>46244 Total:</b>		<u>57.41</u>
<b>2776 - Consolidated Electrical Dist. Total:</b>		<u>57.41</u>
<b>2902 - Sim Sanitation Inc 447-447-6730-000</b>		
46262	12/06/2016	
Inv 37105		82.00
<b>46262 Total:</b>		<u>82.00</u>
<b>2902 - Sim Sanitation Inc Total:</b>		<u>82.00</u>

Check Number	Check Date	Amount
<b>2963 - AT&amp;T</b>		
46235	12/06/2016	
Inv 8830560		405.32
Inv 8830729		114.78
Inv 8830730		445.81
Inv 8830731		120.38
Inv 8830732		55.61
Inv 8830734		71.80
Inv 8830735		19.79
Inv 8830736		37.71
Inv 8830737		19.79
Inv 8830738		19.79
Inv 8830929		31.84
Inv 8839412		108.46
Inv 8845961		299.22
Inv 8855658		165.95
46235 Total:		1,916.25
<b>2963 - AT&amp;T Total:</b>		1,916.25
<b>2994 - Richards Watson &amp; Gershon</b>		
46260	12/06/2016	
Inv 209340		1,200.00
46260 Total:		1,200.00
<b>2994 - Richards Watson &amp; Gershon Total:</b>		1,200.00
<b>3001 - Fresno City College</b>		
46248	12/06/2016	
Inv 12412308		290.00
46248 Total:		290.00
<b>3001 - Fresno City College Total:</b>		290.00
<b>3104 - Hilltop Publishers Home of the Loop</b>		
46252	12/06/2016	
Inv 18127		400.00
46252 Total:		400.00
<b>3104 - Hilltop Publishers Home of the Loop Total:</b>		400.00
<b>3173 - Soto Tire &amp; Wheels 001-100-7110-000</b>		
46264	12/06/2016	
Inv 00467		35.00
Inv 00468		650.00
46264 Total:		685.00

Check Number	Check Date	Amount
<b>3173 - Soto Tire &amp; Wheels Total:</b>		685.00
<b>3267 - Tehachapi Medical Clinic Inc.</b>		
46270	12/06/2016	
Inv 11162016		345.00
46270 Total:		345.00
<b>3267 - Tehachapi Medical Clinic Inc. Total:</b>		345.00
<b>3268 - State Disbursement Unit</b>		
46232	11/30/2016	
Inv 11302016		274.24
46232 Total:		274.24
<b>3268 - State Disbursement Unit Total:</b>		274.24
<b>3274 - Bright House Networks 001-010-7320-000</b>		
46238	12/06/2016	
Inv 064495401111716		173.76
46238 Total:		173.76
<b>3274 - Bright House Networks Total:</b>		173.76
<b>3503 - Solenis LLC</b>		
46263	12/06/2016	
Inv 131096133		3,991.59
46263 Total:		3,991.59
<b>3503 - Solenis LLC Total:</b>		3,991.59
<b>3504 - Fresno Rack &amp; Shelving Inc.</b>		
46249	12/06/2016	
Inv 18832		1,019.10
46249 Total:		1,019.10
<b>3504 - Fresno Rack &amp; Shelving Inc. Total:</b>		1,019.10
<b>3659 - ACCAPS Attn: Ron Ramsey</b>		
46226	11/29/2016	
Inv 11292016		1,500.00
46226 Total:		1,500.00

Check Number	Check Date	Amount
<b>3659 - ACCAPS Attn: Ron Ramsey Total:</b>		1,500.00
<b>3708 - Customized Custodial Services</b>		
46245	12/06/2016	
Inv COT1216		979.00
Inv COT1216-1		308.00
Inv COT12161116SS		250.00
Inv COT1216-2		275.00
Inv COT1216-3		495.00
Inv COT1216-4		594.00
Inv COT1216-5		308.00
Inv COT1216-6		2,145.00
Inv COT1216-7		291.50
Inv COT1216-8		291.50
Inv COT1216-9		100.00
46245 Total:		6,037.00
<b>3708 - Customized Custodial Services Total:</b>		6,037.00
<b>3747 - The Garage</b>		
46223	11/29/2016	
Inv 6263		36.75
Inv 6906		36.75
Inv 6909		36.75
46223 Total:		110.25
<b>3747 - The Garage Total:</b>		110.25
<b>3807 - Diamond Technologies</b>		
46246	12/06/2016	
Inv 16782		4,008.61
46246 Total:		4,008.61
<b>3807 - Diamond Technologies Total:</b>		4,008.61
<b>3855 - Central Valley Occupational Med Grp</b>		
46242	12/06/2016	
Inv 00087127-00		666.00
46242 Total:		666.00
<b>3855 - Central Valley Occupational Med Grp Total:</b>		666.00
<b>3903 - South Street Digital Inc</b>		
46265	12/06/2016	
Inv 10669		25.00
Inv 10723		25.00

Check Number	Check Date	Amount
46265 Total:		50.00
<b>3903 - South Street Digital Inc Total:</b>		50.00
<b>3925 - Cal Prime Inc</b>		
46241	12/06/2016	
Inv R15004-4		114,546.40
46241 Total:		114,546.40
<b>3925 - Cal Prime Inc Total:</b>		114,546.40
<b>3962 - Combined Insurance Company of America</b>		
46229	11/30/2016	
Inv 11032016		38.12
Inv 11152016		16.25
Inv 11302016		16.25
46229 Total:		70.62
<b>3962 - Combined Insurance Company of America Total:</b>		70.62
<b>3987 - Federation of Public Service Employees</b>		
46231	11/30/2016	
Inv 11032016 1		4.00
Inv 11152016		293.62
Inv 11152016 1		8.00
Inv 11302016		310.52
Inv 11302016 1		8.00
46231 Total:		624.14
<b>3987 - Federation of Public Service Employees Total:</b>		624.14
<b>4010 - COPS Legal LLC</b>		
46230	11/30/2016	
Inv 11152016		200.00
Inv 11302016		200.00
46230 Total:		400.00
<b>4010 - COPS Legal LLC Total:</b>		400.00
<b>4011 - Babcock Laboratories, Inc.</b>		
46236	12/06/2016	
Inv BK61108-8827M		344.00
Inv BK61673-8827M		344.00
Inv BK62234-8827M		329.00
46236 Total:		1,017.00

Check Number	Check Date	Amount
<b>4011 - Babcock Laboratories, Inc. Total:</b>		1,017.00
<b>4017 - LabSource Inc</b>		
46253	12/06/2016	
Inv 983435		507.40
Inv 983435-1		-35.40
46253 Total:		472.00
<b>4017 - LabSource Inc Total:</b>		472.00
<b>4030 - MNS Engineers Inc</b>		
46259	12/06/2016	
Inv 67757		1,498.75
46259 Total:		1,498.75
<b>4030 - MNS Engineers Inc Total:</b>		1,498.75
<b>4048 - The Sidwell Company</b>		
46224	11/29/2016	
Inv 4925300		456.40
46224 Total:		456.40
<b>4048 - The Sidwell Company Total:</b>		456.40
<b>4074 - Announce Solutions</b>		
46234	12/06/2016	
Inv 54		2,100.00
46234 Total:		2,100.00
<b>4074 - Announce Solutions Total:</b>		2,100.00
Total:		162,070.88

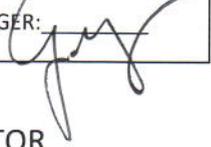
**CITY OF TEHACHAPI  
TREASURER'S REPORT  
FY 2016-17**

**MONTH END BANK STATEMENT BALANCE**

<b>BANK ACCOUNTS</b>			<b>6/30/2016</b>	<b>7/31/2016</b>	<b>8/31/2016</b>	<b>9/30/2016</b>	<b>10/31/2016</b>	<b>11/30/2016</b>
	<b>Institution</b>	<b>Acct#</b>						
General Checking	Bank of the Sierra	21002-06457	696,560.89	163,998.09	1,416,635.83	410,068.05	571,535.06	540,320.58
Water Deposit Trust	Bank of the Sierra	21002-08503	115,066.00	115,266.00	115,786.00	112,116.00	116,497.00	112,837.00
Payroll	Bank of the West	709-031215	92,317.06	91,959.31	91,612.89	91,172.32	90,342.48	90,001.11
AFLAC Flex Spending	Bank of the West	709-039747	14,186.88	14,455.59	13,892.77	13,584.40	12,576.00	13,374.46
Airport key Deposit/Cr Card Purch	Bank of the West	709-029821	234,985.30	252,700.17	16,519.98	30,463.21	15,330.79	38,071.19
Ashtown Water Escrow	Bank of the West	CD 709-000-855969	107,978.09	107,978.09	107,978.09	107,978.09	107,978.09	107,978.09
1994/2004 Refunding Bond	Bank of New York	870513-870517	1.33	1.33	1.33	1.33	1.33	1.33
LAIF	State of California	98-15-914	7,262,266.80	6,976,550.34	6,076,550.34	6,576,550.34	5,791,589.86	5,391,589.86
<b>Total Funds in Banks</b>			<b>8,523,362.35</b>	<b>7,722,908.92</b>	<b>7,838,977.23</b>	<b>7,341,933.74</b>	<b>6,705,850.61</b>	<b>6,294,173.62</b>
<b>INVESTMENTS</b>								
CSJVRMA Investment Pool	Chandler Asset Mgt	1113	2,110,971.00	2,109,648.00	2,102,830.00	2,110,611.00	2,104,171.00	2,085,089.00
<b>Total Investments</b>			<b>2,110,971.00</b>	<b>2,109,648.00</b>	<b>2,102,830.00</b>	<b>2,110,611.00</b>	<b>2,104,171.00</b>	<b>2,085,089.00</b>
<b>TOTAL PORTFOLIO</b>			<b>10,634,333.35</b>	<b>9,832,556.92</b>	<b>9,941,807.23</b>	<b>9,452,544.74</b>	<b>8,810,021.61</b>	<b>8,379,262.62</b>
<b>RDA SUCCESSOR AGENCY FUNDS</b>								
RDA 2007	Bank of New York	870951/52/53/54	362,799.26	362,802.54	362,805.64	362,808.74	362,811.76	362,814.86
RDA 2005	Bank of New York	870711-16	322,193.16	322,196.06	322,198.80	322,201.55	322,204.22	716,790.72
Successor Agency RDA	LAIF	98-15-914 (2)	3,158,590.63	3,158,590.63	3,158,590.63	3,158,590.63	3,158,590.63	3,158,590.63
<b>Total RDA Successor Agency Funds</b>			<b>3,843,583.05</b>	<b>3,843,589.23</b>	<b>3,843,595.07</b>	<b>3,843,600.92</b>	<b>3,843,606.61</b>	<b>4,238,196.21</b>



# COUNCIL REPORTS

APPROVED  
DEPARTMENT HEAD:   
CITY MANAGER: 

**MEETING DATE:** DECEMBER 19, 2016    **AGENDA SECTION:** FINANCE DIRECTOR

---

**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** HANNAH CHUNG, FINANCE DIRECTOR

**DATE:** DECEMBER 13, 2016

**SUBJECT:** BANK ACCOUNTS SIGNERS UPDATE

---

There are three check signers in place to sign checks and transfer funds for City's bank accounts. Out of three, two signatures are required to sign checks.

As a new Treasurer was elected, it is necessary to update the bank signer cards for local banks.

## RECOMMENDATION

Adopt the Resolution authorizing designated officers to deposit, disburse, and/or transfer funds into and out of savings accounts and demand deposit accounts, and to deposit funds and accept certificates of deposit from any Federally or California State Chartered Bank located within the State of California and repealing resolution no. 36-12.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI AUTHORIZING DESIGNATED OFFICERS TO DEPOSIT, DISBURSE, AND/OR TRANSFER FUNDS INTO AND OUT OF SAVINGS ACCOUNTS AND DEMAND DEPOSIT ACCOUNTS, AND TO DEPOSIT FUNDS AND ACCEPT CERTIFICATES OF DEPOSIT FROM ANY FEDERALLY OR CALIFORNIA STATE CHARTERED BANK LOCATED WITHIN THE STATE OF CALIFORNIA AND REPEALING RESOLUTION NO. 36-12**

RESOLVED, that any of the officers named below of the City of Tehachapi, a municipal corporation, area hereby authorized to deposit the funds of the City of Tehachapi with any federally chartered or state chartered savings and loan association, trust company or a California State or national bank located within the State of California or with the Federal Reserve Bank of San Francisco or any branch thereof within the State of California, hereinafter collectively referred to as "depository" and to accept from the depository, as evidence thereof, its Time Certificates of Deposit therefore; and to determine and fix the amount of each such deposit; and to agree with the depository, for and on behalf of the City of Tehachapi, as to the rate of interest, if any, in said Certificates of Deposit and the maturity date thereof; which authority shall extend to any and all renewals of Certificates of Deposit.

RESOLVED, further, that the City of Tehachapi hereby agrees with the depository that all Time Certificates of Deposit shall be subject to all applicable Federal and State laws as well as said depository's policies and practices set forth in its "Account Disclosure Statement" which are incorporated herein by reference and subject to change from time to time in accordance with the procedures set forth therein.

RESOLVED, further, that the endorsement of any Certificate of Deposit, for encashment and deposit in any other depository designated by the City Council, renewal or negotiation, and any deposit, disbursement, or transfer of funds into or out of any City savings account or demand deposit account may be signed by any two (2) of the following:

THOMAS GREGORY GARRETT, CITY MANAGER  
HANNAH H. CHUNG, FINANCE DIRECTOR  
JENNY BURT, CITY TREASURER

Resolved, the signatures set forth opposite the names of the following persons are true and correct specimens of their genuine signatures:

Thomas Gregory Garrett \_\_\_\_\_  
City Manager

Hannah H. Chung \_\_\_\_\_  
Finance Director

Jenny Burt \_\_\_\_\_  
City Treasurer

RESOLVED, further, that notwithstanding the foregoing, any check, draft or other instrument issued by the depository in payment of any Certificate of Deposit may be endorsed in favor of any other depository by any of the persons named above, either in writing or by stamp and either with or without the designation of the person so endorsing.

RESOLVED, further, that the authority conferred hereby shall extend and apply to any and all existing Certificates of Deposit issued by a depository and now held by the City of Tehachapi, as well as all Certificates of Deposit hereafter issued by a depository, and that said authority shall remain in force until written notice of the revocation thereof by the City Council of the City of Tehachapi shall have been received by said depository at the office thereof which shall have issued the Certificate(s) of Deposit then held by the City of Tehachapi.

RESOLVED, further that the certification by the City Clerk or the Deputy City Clerk of the City of Tehachapi as to the persons authorized to sign and their signatures shall be binding upon the City of Tehachapi.

RESOLVED further that Resolution No.36-12 is repealed in its entirety.

PASSED AND ADOPTED by the City Council of the City of Tehachapi at a regular meeting this December 19, 2016 by the following vote:

AYES: COUNCIL MEMBERS: \_\_\_\_\_  
NOES: COUNCIL MEMBERS: \_\_\_\_\_  
ABSENT: COUNCIL MEMBERS: \_\_\_\_\_  
ABSTAIN: COUNCIL MEMBERS: \_\_\_\_\_

\_\_\_\_\_  
SUSAN WIGGINS  
Mayor of the  
City of Tehachapi, California

ATTEST:

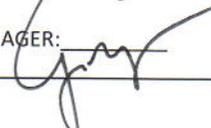
\_\_\_\_\_  
TORI MARSH  
City Clerk of the  
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on December 19, 2016.

\_\_\_\_\_  
TORI MARSH  
City Clerk of the  
City of Tehachapi, California



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: 

**MEETING DATE:** DECEMBER 19, 2016    **AGENDA SECTION:** FINANCE DIRECTOR

---

**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** HANNAH CHUNG, FINANCE DIRECTOR

**DATE:** DECEMBER 13, 2016

**SUBJECT:** LOCAL AGENCY INVESTMENT FUND SIGNERS UPDATE

---

## BACKGROUND

Pursuant to the City's Investment Policy, the Finance Director is responsible for investment decisions and transactions. In the past, the Treasurer was listed as one of the Local Agency Investment Fund (LAIF) signers; however, all LAIF related decisions and transactions were done by the Finance Director. The City Manager functions as the backup person for LAIF transactions during the absence of the Finance Director.

The resolution for investment in LAIF includes the City Manager and the Finance Director as signers.

## RECOMMENDATION

Adopt the Resolution authorizing the investment of monies in the Local Agency Investment Fund and repealing the Resolution No. 03-13.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TEHACHAPI AUTHORIZING THE  
INVESTMENT OF MONIES IN THE LOCAL  
AGENCY INVESTMENT FUND AND REPEALING  
RESOLUTION 03-13**

---

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the deposit and withdrawal of City of Tehachapi monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following City officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Thomas Gregory Garrett  
City Manager

\_\_\_\_\_

Hannah H. Chung  
Finance Director

\_\_\_\_\_

PASSED AND ADOPTED by the City Council of the City of Tehachapi this  
19<sup>th</sup> day of December, 2016.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

SUSAN WIGGINS, Mayor, City of  
Tehachapi, California

ATTEST:

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TORI MARSH  
City Clerk, City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the  
City Council of the City of Tehachapi at a regular meeting thereof held on December  
19<sup>th</sup>, 2016.

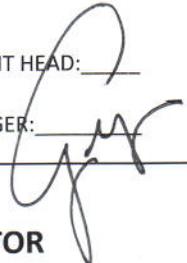
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TORI MARSH  
City Clerk, City of Tehachapi, California



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

A handwritten signature in black ink is written over the signature lines of the approval box.

MEETING DATE: DECEMBER 19, 2016    AGENDA SECTION: FINANCE DIRECTOR

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**TO:**                    HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:**                HANNAH CHUNG, FINANCE DIRECTOR

**DATE:**                DECEMBER 14, 2016

**SUBJECT:**            INVESTMENT POLICY

---

## BACKGROUND

California Government Code Section 53646(a) requires council members to review and approve the Investment Policy each year. Staff has reviewed the current policy and felt that no change is necessary.

## OPTIONS

1. Approve the existing investment policy without any changes.
2. Make change(s) to the existing investment policy.

## RECOMMENDATION

Adopt the resolution approving an Investment Policy and repealing the Resolution No. 02-15.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF TEHACHAPI ADOPTING AN  
INVESTMENT POLICY AND REPEALING  
RESOLUTION NO. 02-15**

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code Sections 53600.6 and 53630.1; and

WHEREAS, the legislative body of a local agency may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 5921, 16249.1 and 53600 et seq.; and

WHEREAS, the Finance Director of the City of Tehachapi shall annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the City Council at a public meeting in accordance with the provisions of California Government Code Section 53646(a).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Tehachapi as follows:

1. That the Investment Policy, as contained in Exhibit "A" attached hereto and made a part hereof, is adopted.
2. That Resolution No. 02-15 is hereby repealed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tehachapi this 19th day of December, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
SUSAN WIGGINS, Mayor  
of the City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
TORI MARSH  
City Clerk of the City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on December 19, 2016.

\_\_\_\_\_  
TORI MARSH  
City Clerk of the City of Tehachapi, California

## EXHIBIT A

### CITY OF TEHACHAPI INVESTMENT POLICY

#### 1. **POLICY:**

It shall be the policy of the City of Tehachapi to invest funds in the manner which will:

- (a) Provide the maximum security while meeting the daily cash flow demands of the City and achieve a return on investment; and
- (b) Conform to all statutes governing the investment of City of Tehachapi funds.

#### 2. **SCOPE:**

This investment policy applies to all financial assets of the City of Tehachapi as identified in the City's audited Annual Financial Report, with the exception of those financial assets governed by bond indentures or bond resolutions. The following is a list of funds included:

- (a) General Fund
- (b) Special Revenue Funds
- (c) Capital Projects Funds
- (d) Enterprise Funds
- (e) Successor Agency to the Tehachapi Redevelopment Agency Fund
- (f) Successor Agency to the Tehachapi RDS Low and Moderate Income Housing Fund
- (g) Special District Funds

#### 3. **PRUDENCE:**

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (CGC S53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a

timely fashion and appropriate action is taken to control adverse developments.

**4. OBJECTIVES:**

As specified in CGC S53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities will be:

1. **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the City of Tehachapi shall be undertaken in a manner that seeks to ensure the preservation of principal.
2. **Liquidity:** The investment portfolio shall remain sufficiently liquid to enable the City of Tehachapi to meet all operating requirements which might be reasonably anticipated.
3. **Return on Investments:** The investment portfolio shall be designed to attain a return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

**5. DELEGATION OF AUTHORITY:**

Authority to manage the investment program is derived from California Government Code Sections 53600, et seq. Management responsibility for the investment program is hereby delegated to the Finance Director (CGC S53607), who shall establish procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provisions of the California Government Code Section 53600.3, the persons authorized to make investment decisions on behalf of the City of Tehachapi are trustees and fiduciaries subject to the prudent investor standard.

**6. ETHICS AND CONFLICTS OF INTEREST:**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment policy, or which could impair their ability to make impartial investment decisions.

**7. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS:**

The Finance Director will maintain a list of financial institutions, selected

on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the Finance Director shall select only brokers/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commissions, the National Association of Securities Dealers or other applicable self-regulatory organizations. Before engaging in investment transaction with a broker/dealer, the Finance Director shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the City of Tehachapi's account with that firm has reviewed the City of Tehachapi's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the City of Tehachapi that are appropriate under the terms and conditions of the Investment Policy.

**8. AUTHORIZED AND SUITABLE INVESTMENTS:**

The City of Tehachapi having money in a sinking fund or surplus money in its treasury not required for the immediate necessities of the City may invest any portion of the money that it deems wise or expedient in those investments set forth below as empowered by California Government Code Sections 16249.1, 53601 and 53635 (as further restricted by the City of Tehachapi):

- A. United States Treasury Bills, Notes and Bonds.
- B. Local Agency Investment Fund administered by the California State Treasurer (LAIF).
- C. Obligations issued by Agencies or Instrumentality of the US Government.
- D. Negotiable Certificates of Deposit issued by federally or state chartered banks or associations. Not more than 30% of surplus funds can be invested in certificates of deposit.
- E. Shares of beneficial interest issued by diversified management companies (Money Market Mutual Funds) investing in the securities and obligations authorized by CGC S53601 et seq. Such Funds must carry the highest rating of at least two of the three largest national rating agencies. Not more than 15% of surplus funds can be invested in Money Market Mutual Funds.
- F. Funds held under the terms of a Trust Indenture, or other

contract, or agreement may be invested according to the provisions of those indentures or agreements.

Also, see CGC S53601 for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC S53601 is included by reference in this investment policy except as further restricted by the City of Tehachapi.

**Prohibited Investments:** Under the provisions of CGC S53601.6 and S53631.5, the City of Tehachapi shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips that are derived from a pool mortgages or any security that could result in zero interest accrual if held to maturity.

**9. MAXIMUM TERM TO MATURITY:**

No investment shall be made which, at the time of the investment, has a term remaining to maturity in excess of five years. The City Council may grant express authority to make an investment either specifically or as a part of an investment program that exceeds the five-year maximum, as long as that authority is granted no less than three months prior to the investment.

**10. COLLATERALIZATION:**

All certificates of deposits must be collateralized by U.S. Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis.

**11. SAFEKEEPING AND CUSTODY:**

All security transactions entered into by the City of Tehachapi shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the City of Tehachapi by book entry, physical delivery, or by third party custodial agreement as required by CGC S53601.

**12. DIVERSIFICATION:**

The City of Tehachapi will diversify its investments by security type and institution. Investments shall be diversified to eliminate the risk of loss resulting from over concentration of investments in a specific maturity, a specific issuer (except the U.S. Treasury) or a specific class of securities.

Diversification strategies shall be determined and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

- (a) Investment maturity dates shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.
- (b) Maturities selected shall provide for stability of

income and liquidity.

- (c) Disbursement and payroll dates shall be covered through investment maturities, marketable U.S. Treasury bills or other cash equivalent instruments such as money market mutual funds.

Note: Investments in LAIF shall be deemed as meeting the diversification requirement.

13. **REPORTING:**

In accordance with CGC S53646(b)(1), the Finance Director shall submit to each member of the City Council and the City Manager a quarterly investment report. The quarterly report shall be submitted within 30 days following the end of the quarter covered by the report. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for the City of Tehachapi by third party contracted managers. The report will also include the source of the portfolio valuation. As specified in CGC S53646(e), if all funds are placed in LAIF, FDIC-insured accounts, in a county investment pool or any combination of these, the foregoing report elements may be replaced by copies of the most recent statements from such institutions. The report must also include a statement that (1) all investments are in full compliance with the Investment Policy, with any exception disclosed and, (2) the City of Tehachapi will meet its expenditure obligations for the next six months, as required by CGC S53646 (b)(2) and (3) respectively. The Finance Director shall assure that a complete and timely record of all investment transactions is maintained.

14. **INVESTMENT POLICY ADOPTION:**

The Investment Policy shall be adopted by resolution of the City of Tehachapi. Moreover, the Policy shall be reviewed at a public meeting on an annual basis, and all modifications must be approved by the City Council.



# COUNCIL REPORTS

APPROVED	
DEPARTMENT HEAD:	
CITY MANAGER:	

MEETING DATE: December 19, 2016 AGENDA SECTION: FINANCE DIRECTOR

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**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** HANNAH CHUNG, FINANCE DIRECTOR

**DATE:** DECEMBER 19, 2016

**SUBJECT:** PURCHASING SYSTEM ORDINANCE

---

## BACKGROUND

The City auditor has recommended that the City improve its purchasing policy to coincide with current practice and put additional controls in place for purchasing practice.

Changes presented in the new policy are summarized as follows:

### **1. Decentralized Purchasing**

Although the City Manager retains the office of purchasing agent and is ultimately responsible for all purchasing decisions, he or she may opt to assign purchasing duties to other staff.

### **2. Purchase Orders Established**

Purchase orders are mandatory for purchases of supplies and equipment which require public bid.

### **3. Public Bid Threshold Increased from \$60,000 to \$70,000**

Purchases exceeding \$70,000 must be presented for public bid as prescribed in the bidding procedures.

### **4. City Manager Authority for Purchases less than \$30,000**

Whether by force account, negotiated contract or by open purchase order, purchases less than \$30,000 may be made upon the authority of the City Manager.

### **5. City Council Approval for Purchases between \$30,000 and \$70,000**

For any purchases between \$30,000 and \$70,000, the purchasing agent will attempt to obtain at least three competitive quotations whenever reasonably possible. The City Council's approval is required for purchases in this range.

### **6. All Purchases Contingent upon Encumbered Budget**

Except in cases of emergency, all purchases must have unencumbered funds available in the budget.

**7. Added Guidelines for Contract Purchase Orders for repetitive-use items or services.** Contract Purchase Orders exceeding \$30,000 per year shall be approved by City Council. Such orders are valid for a 3-year period and may include an option for a 2-year extension.

**8. City Council Modification by Resolution or Ordinance**  
Future changes to the purchasing practice may be made by resolution.

**RECOMMENDATION**

INTRODUCTION ONLY

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI AMENDING ORDINANCE NOS. 375, 453, 494, 522, 674, AND 691 AND REPLACING TEHACHAPI MUNICIPAL CODE CHAPTER 3.04 PERTAINING TO A PURCHASING SYSTEM.**

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**THE CITY COUNCIL OF THE CITY OF TEHACHAPI DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.                    AMENDMENT.**

Ordinances Nos. 375, 453, 494, 522, 674, 691 are amended by, and Tehachapi Municipal Code Chapter 3.04 is hereby replaced with, the following:

• **Title 3 - REVENUE AND FINANCE**

Chapters:

• **Chapter 3.04 - PURCHASING SYSTEM**

Sections:

• **3.04.010 - Adoption of system—Purpose.**

In order to establish efficient procedures for the purchases of supplies and equipment, to secure for the city supplies, equipment and services at the lowest possible cost commensurate with quality needed; to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases, a purchasing system is adopted.

• **3.04.020 -. De-centralized purchasing**

Other than centrally utilized goods and services, purchasing will be done by each department for department specific goods and services.

• **3.04.030 - Purchasing agent—Appointment.**

The City Manager is the City's purchasing agent. The City Manager may assign purchasing duties to other staff ("purchasing officer") based on recommendations from department heads.

**3.04.040 - Purchasing agent—Powers and duties.**

The purchasing agent shall have the authority to:

- A. Purchase or contract for supplies and equipment required by any using agency, in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing agent shall adopt for the internal management and operation of the purchasing department, and such other rules and regulations as shall be prescribed by the city council;
- B. Negotiate and recommend execution of contracts for the purchase of supplies and equipment;
- C. Act to procure for the city the needed quality in supplies and equipment at least expense to the city;
- D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
- E. Prepare and recommend to the city council rules governing the purchase of supplies and equipment for the city;
- F. Prepare and recommend to the city council revisions and amendments to the purchasing rules;
- G. Keep informed of current developments in the field of purchasing, prices, market conditions, and new products;
- H. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations;
- I. Supervise the inspection of all supplies and equipment purchased, to insure conformance with specifications;
- J. Recommend the transfer of surplus or unused supplies and equipment between departments, as needed;
- K. Maintain a bidders list, vendors catalogue file, and records needed for the efficient operation of the purchasing department.

• **3.04.050 - Estimates required.**

All using agencies shall file detailed estimates of their requirements in supplies and equipment in such manner, at such time, and for such future periods as the purchasing agent shall prescribe.

- **3.04.060 - Requisitions.**

Using agencies shall submit requests for supplies and equipment to the purchasing agent by standard requisition forms, or by other means as may be established by the purchasing rules and regulations.

- **3.04.070 - Purchase orders.**

Purchases of supplies and equipment which require public bid shall be made only by purchase orders except as otherwise provided herein.

- **3.04.80 - Encumbrance of funds.**

Except in cases of emergency, or in cases where specific authority has been first obtained from the city council, the purchasing agent shall not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.

- **3.04. 90 - Purchasing procedures.**

A. Purchases of less than thirty thousand dollars may be made by the employees of the city by force account, by negotiated contract or by blank or open purchase order upon the authority of the purchasing agent. Prudent judgment shall be used at all times. The City Manager may approve purchases less than thirty thousand dollars.

B. For purchases between thirty thousand dollars and seventy thousand dollars the purchasing agent will attempt to obtain at least three competitive quotations whenever reasonably possible for purchase. The city council may award the purchase to the lowest responsive and responsible bidder whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation provided that an unencumbered appropriation for that item exists.

1. In lieu of awarding the purchase the city council may reject bids, or authorize the purchasing agent to negotiate further to obtain terms more acceptable to the city. The purchasing agent shall solicit bids by written request to prospective vendors or by telephone or by public notice posted on a public bulletin board in the city hall or by any combination of the foregoing and make reasonable efforts to obtain more than one bid, provided, however, that the purchasing agent may, in the exercise of the purchasing agents reasonable discretion, seek only a single bid from a single vendor.

2. The purchasing agent shall make reasonable efforts to identify local vendors (as defined hereinafter) who can provide the equipment or supplies and to solicit bids from same. If there is more than one bid, the bid shall be awarded to the lowest responsible bidder, provided, however, that if the lowest responsible bidder is not a local city vendor, the bid shall nevertheless be awarded to the lowest responsible local city vendor who is not more than seven and one-half percent higher than the lowest responsible bidder; provided, however, that notwithstanding the foregoing, the purchasing agent may, in the purchasing agent's sole discretion, reject the local city vendor's bid if not the lowest responsible bidder provided the purchasing agent determines in his or her sole and absolute discretion that rejection is in the best interest of the city.

C. Except as otherwise provided herein, any purchase of supplies and equipment exceeding an estimated value seventy thousand dollars shall be by written contract with the lowest responsible bidder pursuant to the bidding procedures hereinafter prescribed: provided, however, that if the lowest responsible bidder is not a local city vendor, the bid shall nevertheless be awarded to the lowest responsible local city vendor who is not more than one percent higher than the lowest responsible bidder; provided further, however, that if there is no local city vendor or if no local city vendor is within one percent of the lowest responsible bidder, if the lowest responsible bidder is not a local county vendor, the bid shall nevertheless be awarded to the lowest responsible local county vendor who is not more than one percent higher than the lowest responsible bidder.

1. Notices Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

2. Published Notice. Notices inviting bids shall be published at least ten days before the date of opening of the bids. Notices shall be published at least once in a newspaper of general circulation printed and published in the city or, if there is none, it shall be posted in at least three public places in the city that have been designated by ordinance as the places for posting public notices.

3. Bidders' Security. When deemed necessary by the purchasing agent, bidders' security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, however, that a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless in the latter event the city is solely responsible for the delay in executing the contract. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the contract price differential between the lowest bid and the second lowest bid, and the surplus, if any, may be returned to the lowest bidder. If the city council rejects all bids presented, and readvertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids, and the surplus, if any, may be returned to the lowest bidder. Provided, however, that city may choose not to require bidder's security, in its sole discretion. The determination to return any surplus under either scenario is at the sole discretion of the purchasing agent. The bidder shall have no expectation whatsoever that any or all of a provided bid bond is to be returned if he or she fails to execute a contract as required.

4. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing agent, and shall be identified as "bids" on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

5. Rejection of Bids. In its discretion, the city council may reject any and all bids presented, and readvertise for bids pursuant to the procedure hereinabove prescribed. If no bids are received, the city council may make the purchase without further complying with this chapter.

6. Award of Contracts. Except as otherwise provided herein, contracts shall be awarded by the city council to the lowest responsible bidder.

7. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, the city council may, in its discretion, accept the one it chooses, or accept the lowest bid made by and after negotiation with the tie bidders at the time of the bid opening.

8. Performance Bonds. The city council shall have authority to require a performance bond before entering a contract, in such amount as it shall find reasonably necessary to protect the best interests of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

D. Another method of purchasing items is by contract purchase orders. Contract purchase orders are the preferred method of purchasing repetitive-use items which may be common to several departments or within one department. Establishing contract purchase orders provides a means of obtaining volume pricing based upon the combined needs of all departments, reduces the administrative costs associated with seeking redundant competitive bids and processing a purchase order each time an order is placed, and allows departments to order as needed, reducing the requirement to maintain large to inventories of stock. All contract purchase orders exceeding thirty thousand per year shall be approved by the city council. If a contract purchase order exists departments shall order all of their requirements from the successful vendor. No other source shall be used without prior approval of the purchasing officer, and where required hereunder, the city council. Departments shall submit in writing to the purchasing division any performance problem encountered immediately following the occurrence so that corrective action may be taken. Contract purchase orders are to be renewed every three years and may include options for an extension of up to two-years of the contract for specific products, product type, or services at agreed upon prices or pricing structure. All renewals of contract purchase orders shall be approved by the city council.

E. The city may participate in purchases and contracts established by other political jurisdictions provided the cooperative agreement is established following a competitive bid process. The city council shall authorize the award of any such cooperative purchase agreements

F. Commodities which can be obtained from only one vendor as determined by city are exempt from competitive bidding. Sole source purchases may include proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in this area, or where a certain product has been proven to be the only product that has proven to be acceptable. All sole source purchases shall be supported by written documentation signed by the appropriate department head and forwarded to the purchasing officer. Final determination that an item is a valid sole source purchase will be made by the purchasing officer or designee.

G. Urgency purchases are defined herein as purchases for any of the following reasons: to preserve or protect life, health or property, or in the event of a natural disaster, or to forestall a shutdown of essential public services. Urgency purchases do not require competitive quotes or properly encumbered funds be committed. The city manager may approve urgency purchases without city council action or approval. The city manager shall use sound judgment in keeping such orders to an absolute minimum. The following requirements shall apply to urgency purchases:

1. Contact Purchasing Officer. The purchasing officer shall be contacted as soon as possible for an advance purchase order number which may be given verbally to cover the urgent transaction.

2. Purchase Requisition. A completed purchase requisition shall be submitted to the purchasing officer within two working days or as soon as the information is available. All purchase requisitions for urgent purchases shall be signed by the appropriate department head.

3. Nature of the Urgency. Documentation explaining the circumstances and nature of the urgency purchase shall be submitted as follows: For purchases of the competitive bid amount hereinafter described or more the city manager shall report the purchase to the city council at its next scheduled meeting for ratification.

4. Additional Appropriations. If the urgency purchase causes any budget line item to exceed the approved budget the city manager shall obtain subsequent city council approval for an additional appropriation or to make a transfer to cover the purchase.

H. The City Council may by ordinance or resolution modify the amounts described in Sections A, B, C, and D for when one form of purchase or another is required.

### **3.04.100 Professional services**

A. Professional services may be selected by the following process and the same rule may apply for the process of public bidding

1. The requesting department head shall request proposals and qualifications from firms with a description of the project and a scope of work to be performed. As a rule, proposals from a minimum of prospective firms shall be solicited. However, this requirement may be waived by the city manager depending upon the nature of the services to be provided.

2. The department shall review all proposals received. The general selection criteria for determining which firm is to be selected include: qualifications; experience with similar projects; schedule of completion; and price, unless excluded by state or federal law.

3. Based on the results of the initial screening process, the top firms may be invited to present their qualifications. Based upon their qualifications and presentations, the city shall rank order the firms. The city may negotiate the price, terms and conditions of the project with the top firm. The city also reserves the right to negotiate with another top-ranked firm if an agreement cannot be reached with the number one ranked firm.

4. Once the firm is selected, the contract shall be forwarded to the city attorney for review.

5. A staff report with recommendations shall be presented to the city manager, who will then present the matter to the city council as a regular agenda item.

6. The city clerk shall retain the original contract. The finance department shall encumber the amount against the budget.

B. Certain professional services are not readily adaptable to the open market and bidding process. The following services are exempt from the provisions set forth in this Section 3.04.120: including, but not be limited to, architectural, engineering, testing, land surveying, appraising, environmental, planning,

financial, economic, accounting, legal, development processing, waste management, governmental operations, special studies, consultant services, construction project management, entertainment, nonprofit vendor services at community-wide activities, and other related services

**3.04.110 - Inspection and testing of new supplies.**

The purchasing agent shall inspect supplies and equipment delivered, to determine their conformance with the specifications set forth in the order. The purchasing agent shall have authority to require chemical and physical tests of samples submitted with bids, and samples of deliveries, which are necessary to determine their quality and conformance with specifications.

**Section 2.                    SEVERABILITY.**

Each of the provisions of this Ordinance are severable. If any provision shall be declared to be invalid, the remaining provisions shall not be affected thereby but shall remain in full force and effect.

**Section 3.                    ENVIRONMENTAL QUALITY ACT**

This Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and is not a project which has the potential for causing a significant effect on the environment.

**Section 4.                    EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after the date of its passage and within fifteen (15) days of its passage shall be published in any manner authorized by law in the Tehachapi News, a newspaper of general circulation, printed and published in the City of Tehachapi.

**INTRODUCED** at a regular meeting of the City Council of the City of Tehachapi, California on the 19th day of December, 2016.

**PASSED AND ADOPTED**, at a regular meeting of the City Council of the City of Tehachapi, California on the 19th day of December, 2016, by the following vote:

AYES:            COUNCIL MEMBERS: \_\_\_\_\_

NOES:            COUNCIL MEMBERS: \_\_\_\_\_

ABSENT:        COUNCIL MEMBERS: \_\_\_\_\_

ABSTAIN:       COUNCIL MEMBERS: \_\_\_\_\_

\_\_\_\_\_  
SUSAN WIGGINS, Mayor of the City  
of Tehachapi, California

ATTEST:

\_\_\_\_\_  
TORI MARSH City Clerk  
of the City of Tehachapi, California

I hereby certify that the foregoing ordinance was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on December 19, 2016.

\_\_\_\_\_  
TORI MARSH City Clerk  
of the City of Tehachapi, California

Published: \_\_\_\_\_



# COUNCIL REPORTS

APPROVED	
DEPARTMENT HEAD:	
CITY MANAGER:	

**MEETING DATE:** DECEMBER 19, 2016    **AGENDA SECTION:** FINANCE DIRECTOR

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**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** HANNAH CHUNG, FINANCE DIRECTOR

**DATE:** NOVEMBER 28, 2016

**SUBJECT:** AFFORDABLE CARE ACT POLICY

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**BACKGROUND:**

Effective January 1, 2015, the Patient Protection and Affordable Care Act (ACA) requires large employers (50 or more employees) to offer health insurance benefits to any employee averaging 30 work hours or more per week. The City falls under the large employer according to the ACA.

In order to comply with the ACA and ensure that City employees who work an average 30 or more hours per week are offered health insurance benefits, it is imperative that the City monitor the identity of, number of, and coverage offered to full-time employees. The IRS requires the City to report this information.

In the ACA Policy (Policy), the City establishes a "Look Back Measurement Method Safe Harbor" (Look Back Safe Harbor) to determine eligibility of coverage for unrepresented employees and the City will look back using a 12-month measurement period. Detailed measurement methods and guidelines are included in this Policy.

**FISCAL IMPACT**

There will be no immediate fiscal impact since the City already provides coverage for all employees who are eligible for health insurance benefits.

**RECOMMENDATION**

Approve the ACA Policy.

**AFFORDABLE CARE ACT POLICY**  
**City of Tehachapi**  
**Effective: January 1, 2016**

**PURPOSE**

The City of Tehachapi ("City") is considered a "large employer" for the purposes of the Shared Responsibility Provisions (Section 4980H to Title 26 of the United States Code, the Internal Revenue Code) of the Patient Protection and Affordable Care Act ("ACA"). The City is also considered a "large employer" for the purposes of Section 6056 to Title 26 of the United States Code and, therefore, is subject to the reporting requirements referenced therein.

The Internal Revenue Service ("IRS") will assess a penalty on the City if (1) it fails to offer "substantially all" of its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage or offers coverage to "substantially all" of its full-time employees (and their dependents), but that coverage offered to employees is either "unaffordable" or does not provide "minimum value" and (2) any full-time employee receives a subsidy for coverage through the exchange ("Employer Mandate").

The IRS requires the City to report the identity of, number of, and coverage offered to full-time employees.

This Affordable Care Act Policy ("Policy") establishes the "Look Back Measurement Method Safe Harbor" ("Look Back Safe Harbor") under the ACA. The City establishes this Look Back Safe Harbor for the purposes of identifying "full-time" employees for reporting to the IRS regarding the Employer Mandate. The City also establishes this Look Back Safe Harbor to determine eligibility of coverage as to unrepresented employees, for coverage effective no earlier than January 1, 2017.

Nothing in this Policy shall be construed as the City's determination for eligibility for health coverage as to any represented employee. Qualification for health coverage shall continue to be governed by the terms of any applicable Memorandum of Understanding, or other applicable contract or policy.

This Policy also establishes the Affordability Safe Harbors to determine affordability of coverage offered, if any, to full-time employees under the Employer Mandate for reporting purposes.

**LOOK BACK MEASUREMENT METHOD SAFE HARBOR**

The City adopts the Look Back Safe Harbor in order to determine the Hours of Service of all employees and determine eligibility for coverage as to all unrepresented employees. Hours of Service are measured during the specified measurement period. If the employee averages 30 Hours of Service per week over the course of the specified measurement period, the City will report to the IRS the employee's status as full-time under the ACA for

months during the stability period associated with that measurement period, subject to the following rules. While an employee may be reported to the IRS as full-time for purposes of the Employer Mandate, the employee does not become full-time for any other purpose.

1. **Hours of Service Calculation:** "Hours of Service" means each hour for which an employee is paid, or entitled to payment for the performance of duties for the City and each hour for which an employee is paid or entitled to payment for a period of time during which no duties are performed due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence. The term "Hours of Service" does not include any hour of services performed as a bona fide volunteer.

**For Hourly Employees:** The City will calculate actual Hours of Service from records of hours worked and hours for which payment is made or due.

**For Non-Hourly employees:** The City will apply one of the following three methods on a reasonable and consistent basis:

- a. Calculate actual Hours of Service from records of hours worked and hours for which payment is made or due;
- b. Calculate Hours of Service using a days-worked equivalency (8 hours per day for each day employee is credited with an Hour of Service); or
- c. Calculate Hours of Service using a weeks-worked equivalency (40 hours per week for each week employee is credited with an Hour of Service).

**Bona fide Volunteer:** The City is not required to determine Hours of Service for a bona fide volunteer. A bona fide volunteer is an individual whose only compensation from the City is in the form of (a) reimbursement (or reasonable allowance) for reasonable expenses incurred in the performance of volunteer service; or (b) reasonable benefits and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

2. **Ongoing Employees:** An ongoing employee is an employee who has been employed for at least one complete measurement period. The City establishes the Look Back Safe Harbor with regard to all ongoing employees as follows:

Standard Measurement Period: November 2, 2014 – November 1, 2015  
(starting November 2, 2014 and continuing each year thereafter)

Administrative Period: November 2, 2015 – December 31, 2015  
(starting November 2, 2015 and continuing each year thereafter)

Stability Period: January 1, 2016 – December 31, 2016  
(starting January 1, 2016 and continuing  
each year thereafter)

The City will use these periods only for reporting purposes or, if necessary, determining potential penalties for represented and unrepresented employees. The City will not use these periods to determine whether a represented employee qualifies for an offer of coverage. The City will use these periods to determine eligibility for coverage only for an unrepresented employee for coverage effective no earlier than January, 2017.

If an ongoing employee's employment status changes (from full-time to less than full-time or vice versa) before the end of a stability period, the change in status will not affect the classification of that employee's status for the remaining portion of the stability period.

3. **New Employees Hired After November 2, 2015:** For new employees hired after November 2, 2015, the City will determine which of the following applies:
- a. **New Seasonal Employees:** An employee who is hired into a position for which the customary annual employment is six months or less is a seasonal employee. The City will measure a new seasonal employee's Hours of Service using the initial measurement period indicated in Section 5 below.
  - b. **New Non-Seasonal Employees:** On the start date of a new non-seasonal employee, the City will determine (based on the facts and circumstances at the employee's start date) whether the employee is reasonably expected to be a full-time employee. The City will look at the following factors to determine whether an employee is reasonably expected to be a full-time employee:
    - i. Whether the employee is replacing a full-time employee;
    - ii. Extent to which Hours of Service of ongoing employees in the same or comparable positions have varied above and below an average of 30 Hours of Service per week during recent measurement periods;
    - iii. Whether the job was advertised or communicated to the employee as requiring an average of 30 or more Hours of Service per week;
    - iv. Whether the job was documented (through a contract or job description) as requiring an average of 30 or more Hours of Service per week.
- No single factor is determinative.
- c. **New Full-Time Employees:** If the City determines (pursuant to Section 3.b.) that the employee is reasonably expected to average at least 30 Hours of Service per week, then the employee will be a full-time employee. The City will measure a

new full-time employee's Hours of Service on a monthly basis pursuant to Section 4 below until the employee becomes an ongoing employee. Upon hire (but no earlier than January 1, 2017), unrepresented full-time employees determined to be new full-time will be offered medical coverage pursuant to current practice.

- d. **New Part-Time Employees:** If the City determines (pursuant to Section 3.b.) that the employee is reasonably expected to average less than 30 Hours of Service per week during the initial measurement period, then the employee will be a part-time employee. The City will measure a new part-time employee's Hours of Service using the initial measurement period indicated in Section 5 below.
- e. **New Variable Hour Employees:** Variable hour employees are not considered seasonal. If the City cannot determine (pursuant to Section 3.b.) whether the employee is reasonably expected to be employed on average at least 30 Hours of Service per week during the initial measurement period because the employee's hours are variable or uncertain, then the employee will be a variable hour employee. The City may not take into account the likelihood that the employee may terminate employment before the end of the initial measurement period. The City will measure a new variable hour employee's Hours of Service using the initial measurement period indicated in Section 5.

4. **New Full-Time Employees:** New full-time employees are measured under a monthly measurement period until they become ongoing employees. The City must calculate actual Hours of Service for each calendar day of the month. If the employee averages at least 130 Hours of Service, the employee will be considered full-time for that month.

5. **New Variable Hour, New Seasonal, and New Part-Time Employees:** The City establishes the following periods for new variable hour, new seasonal, and new part-time employees:

Initial Measurement Period:	Twelve months (beginning on the first of the month following the new employee's start date unless the employee starts on the first day of the month, in which case it begins on the start date).
Administrative Period:	30 calendar days following the initial measurement period.
Stability Period:	Twelve months following the end of the administrative period unless the new variable hour, new part-time or new seasonal employee does not measure as a

full-time employee during the initial measurement period, then the stability period associated with the initial measurement period must not exceed the remainder of the standard measurement period (plus any associated administrative period).

6. **New Variable Hour, Part-Time or Seasonal Employee's Change in Status During Initial Measurement Period:** If a new variable hour, new part-time or new seasonal employee's position changes during the initial measurement period, and had the employee started his/her employment in that new position, the City would have reasonably expected that new employee to average at least 30 service Hours of Service per week, then for reporting purposes only, an employee will be considered a full-time employee on the earlier of (1) the first day of the fourth full calendar month following the change in employment status, or (2) the first day of the first month following the end of that employee's initial measurement period (including any associated administrative period) if the employee averaged more than 30 Hours of Service per week during the initial measurement period or earlier if required by law, an applicable Memorandum of Understanding, or policy or procedure. After January 2, 2017, a change in status under this Section for an unrepresented employee would result in coverage eligibility.
7. **Transitioning from New to Ongoing Employee:** The City will measure the hours of a new variable hour, new seasonal or new part-time employee during the first complete standard measurement period for which he or she is employed. This means that a new variable hour, new seasonal or new part-time employee's Hours of Service will be measured both under an initial measurement period and, at the same time, be measured under the overlapping standard measurement period.
  - a. If an employee's Hours of Service measure as full-time during the initial measurement period, he/she will retain full-time status for the entire associated stability period (even if the employee does not qualify as full-time during the standard measurement period).
  - b. If an employee's Hours of Service do not measure as full-time during the initial measurement period, but do measure as full-time during the standard measurement period, the employee must be treated as full-time during the stability period associated with the standard measurement period (even if that stability period starts before the end of the stability period associated with the initial measurement period).
8. **Calculating Hours of Service Based On Payroll Periods Under the Look Back Safe Harbor:** The City may calculate Hours of Service based on payroll periods when calculating Hours of Service over any measurement period. It has two options

for doing so. The City may exclude the entire payroll period that contains November 2 (the first day of the Standard Measurement Period), as long as it includes the entire payroll period that contains November 1 (the last day of the Standard Measurement Period). Alternatively, the City may exclude the entire payroll period that contains November 1 (the last day of the Standard Measurement Period), as long as it includes the entire payroll period that contains November 2 (the first day of the Standard Measurement Period).

9. **Breaks In Service:** When an employee experiences a break in service, the employee will retain the status the employee had previously with respect to any stability period, except that an employee will be treated as a new employee:
  - a. If the employee resumes employment after a period of at least thirteen (13) consecutive weeks with less than an Hour of Service; or
  - b. If the employee's period of no service (measured in weeks) is at least four consecutive weeks long and exceeds the number of weeks of that employee's period of employment immediately preceding the period of no service (after application of averaging Special Unpaid Leave as set forth in Section 10).
10. **Special Unpaid Leave:** Special Unpaid Leave is defined only as unpaid leave under the Family and Medical Leave Act of 1993, unpaid leave under the Uniformed Services Employment and Reemployment Rights Act of 1994, or unpaid leave on account of jury duty. When an employee takes Special Unpaid Leave, the City will determine the weekly average of Hours of Service by the employee for that portion of the measurement period that is not part of the Special Unpaid Leave ("Average Weekly Hours of Service"). The City will then exclude the period of Special Unpaid Leave and apply the Average Weekly Hours of Service over the entire measurement period.
11. **Waiver of Coverage:** When an unrepresented employee becomes full-time under the Look Back Safe Harbor, the City may offer medical coverage to the employee, as set forth in this Policy. If the City offers coverage to an unrepresented employee, at the time the City offers coverage, the employee must sign a written waiver, indicating proof of other minimum essential coverage (other than individual coverage or individual coverage through Covered California) under a non-City sponsored plan, if he/she elects to opt out of the City's offered health plans.
12. **CalPERS Retired Annuitants:** CalPERS retired annuitants who perform work for the City are prohibited from working full-time, as defined by the ACA and this Policy. If a CalPERS retired annuitant is a new employee (i.e. has a break in service of at least thirteen (13) consecutive weeks with less than an Hour of Service, or at least four (4) consecutive weeks where the break in service exceeds the number of weeks of that employee's period of employment immediately preceding the period of no service) and is reasonably expected to be full-time according to the factors set forth

in paragraph 3.b., he/she may not work in that position for more than 3 full calendar months. If a CalPERS retired annuitant is a new variable hour or part-time employee, he/she cannot accumulate 960 hours of service in a fiscal year or over any initial measurement period.

## **AFFORDABILITY SAFE HARBORS**

The City determines the affordability of the minimum essential coverage that the City offers its full-time employees for reporting purposes. The City intends to apply the Rate of Pay Safe Harbor. However, the City in its sole discretion may also apply the Form W-2 or Federal Poverty Line Safe Harbors. These affordability safe harbors must be applied on a uniform and consistent basis for all employees in a reasonable category. The 9.66% determination under the affordability safe harbors applies for calendar year 2016 and shall be adjusted to reflect any adjustments under 26 U.S.C. § 36B(c)(2)(C)(iv).

### **1. Rate of Pay Safe Harbor**

- a. The City measures whether the employee's required premium contribution for the calendar month to the lowest cost self-only coverage that provides minimum value exceeds 9.66 percent of the monthly wage.
- b. For hourly employees, the monthly wage is equal to 130 hours multiplied by the employee's hourly rate of pay as of the first day of the coverage period or the employee's lowest hourly rate of pay during the calendar month, whichever is lower.
- c. For salaried employees, the monthly wage is the monthly salary as of the first day of the coverage period. However, if the monthly salary is reduced, including due to a reduction in work hours, the safe harbor is not available.
- d. The coverage offered by the City will be deemed affordable if the employee's monthly premium contribution is equal to or less than 9.66 percent of the monthly wage.

### **2. Form W-2 Safe Harbor**

- a. The City measures whether the employee's required premium contribution for the full calendar year for the lowest cost self-only coverage that provides minimum value exceeds 9.66 percent of the Form W-2 wages (as reported in Box 1) for the employee for the calendar year in which coverage is offered.
- b. For an employee who is not offered coverage for an entire calendar year, the City must adjust that employee's Form W-2 wages to reflect the period for which coverage was offered. To adjust wages, the Form W-2 wages are multiplied by a fraction equal to the number of calendar months the City offered coverage over

the number of calendar months in the period of employment during the calendar year.

- c. The coverage offered by the City will be deemed affordable if the employee's annual premium contribution is equal to or less than 9.66% of the employee's Form W-2 wages as reported in Box 1 (or as adjusted, for an employee who is not offered coverage for an entire calendar year).

### **3. Federal Poverty Line Safe Harbor**

- a. The City measures whether the employee's required premium contribution for the calendar month for the lowest cost self-only coverage that provides minimum value exceeds 9.66 percent of an amount determined by dividing the Federal Poverty Line ("FPL") for a single individual for the applicable calendar year by twelve.
- b. The City will use the FPL in effect within six months before the first day of the plan year.
- c. The coverage offered by the City will be deemed affordable if the employee's monthly premium contribution is equal to or less than 9.66 percent of the monthly FPL for a single individual for the applicable calendar year.

### **REVISIONS/UPDATES TO POLICY**

This Policy is subject to change as regulations and guidance are issued relating to the ACA. The Human Resources Director or his/her designee may amend this Policy at his/her discretion, subject to approval by the City Manager.

#### **Legal Authority**

Title 26 United States Code section 4980H, (Internal Revenue Code); *Shared Responsibility for Employers Regarding Health Coverage*, 26 CFR Parts 1, 54 and 301, 79 Fed. Reg. 8544 (Feb. 12, 2014); Title 26 United States Code section 6056, (Internal Revenue Code); *Information Reporting by Applicable Large Employers on Health Insurance Coverage Offered Under Employer Sponsored Plans*, 26 CFR Parts 301 and 602, 79 Fed. Reg. 13231 (March 10, 2014).



APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: 

# COUNCIL REPORTS

**MEETING DATE:** December 5, 2016    **AGENDA SECTION:** DEVELOPMENT SERVICES

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**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** JOHN (JAY) SCHLOSSER, P.E., DEVELOPMENT SERVICES DIRECTOR

**DATE:** NOVEMBER 28, 2016

**SUBJECT:** PROGRAM SUPPLEMENT AGREEMENT & RESOLUTION

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**BACKGROUND:**

As the Council may be aware, the City has been allocated funding and has received an Authorization to Proceed from the California Department of Transportation (Cal Trans) for the Congestion Mitigation and Air Quality Program (CMAQ) in connection with the construction of a facility to contain 120 parking spaces, minor landscaping, bus pull-outs, lighting, bus shelters and pedestrian improvements on Tehachapi Boulevard between Mill Street and Pauley Street known as the Downtown Park & Park and Transit Facility Project. According to the Master Agreement between the City and Cal Trans, the City is obligated to approve and sign a Program Supplement Agreement on a project-by-project basis for certain programs that do not fall under that Master Agreement. This agreement is for the Preliminary Engineering phase of the project.

Attached to this memorandum is Program Supplement Agreement No. F024 for the Downtown Park & Ride and Transit Facility Project as well as a Resolution authorizing the Mayor to execute same. This is a necessary step that must occur in order to receive state reimbursement for any funds expended on the construction of this project.

**RECOMMENDATION:**

**ADOPT RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. F024 TO ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 09-5184F15, PROJECT NO. CML-5184(029).**

**PROGRAM SUPPLEMENT NO. F024**  
to  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 09-5184F15**

**Adv Project ID**                      **Date:** November 3, 2016  
0917000019                      **Location:** 09-KER-0-THPI  
**Project Number:** CML-5184(029)  
**E.A. Number:**  
**Locode:** 5184

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 10/05/16 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the Administering Agency on \_\_\_\_\_ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

On Tehachapi Blvd. between Mill Street and Pauley Street.

**TYPE OF WORK:** Construct 120 parking spaces, minor lanscaping, bus pullouts, lighting, shelters, ped improvements                      **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M400		LOCAL	OTHER
\$178,635.00		\$158,035.00	\$20,600.00	\$0.00

**CITY OF TEHACHAPI**

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
**Chief, Office of Project Implementation**  
**Division of Local Assistance**  
Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

**Accounting Officer** Jessica Chang                      **Date** 11/3/16                      \$158,035.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT



**SPECIAL COVENANTS OR REMARKS**

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

**SPECIAL COVENANTS OR REMARKS**

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at [www.sam.gov](http://www.sam.gov).

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

**SPECIAL COVENANTS OR REMARKS**

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

**SPECIAL COVENANTS OR REMARKS**

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

**SPECIAL COVENANTS OR REMARKS**

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.

3. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI  
AUTHORIZING THE MAYOR TO SIGN AND EXECUTE PROGRAM  
SUPPLEMENT AGREEMENT NO. F024 TO ADMINISTERING AGENCY-  
STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO.  
09-5184F15, PROJECT NO. CML-5184 (029)**

WHEREAS, the Congress of the United States has enacted the Intermodal Surface Transportation Efficiency Act of 1991 to fund programs which include, but are not limited to, the Regional Surface Transportation Program (RSTP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Transportation Enhancement Activities Program (TEA), and the Highway Bridge Replacement and Rehabilitation Program (HBRR)(collectively "the Programs"); and

WHEREAS, The legislature of the State of California has enacted legislation by which certain Federal funds may be available for use on local transportation facilities of public entities qualified to act a recipients of these federal funds in accordance with the intent of Federal Law; and

WHEREAS, before Federal-aid will be made available for a specific project, the City of Tehachapi (Administering Agency) and the California Department of Transportation (Caltrans) are required to enter into an agreement relative to prosecution of said project and maintenance of the completed facility; and

WHEREAS, the ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184F15, (Master Agreement) has no force or effect with respect to any Program project unless and until a project-specific Program Supplement to this Master Agreement has been executed;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows: that the Mayor of the City of Tehachapi is herewith authorized to sign and execute the PROGRAM SUPPLEMENT AGREEMENT NO. F024 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184F15, FOR PROJECT NO. CML-5184 (029), between the City of Tehachapi and Caltrans.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Tehachapi at a regular meeting this 5<sup>th</sup> day of December, 2016.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
SUSAN WIGGINS, MAYOR  
City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
TORI MARSH, CITY CLERK  
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on December 5, 2016.

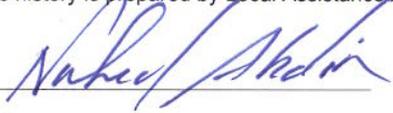
\_\_\_\_\_  
TORI MARSH, CITY CLERK  
City of Tehachapi, California

Attention: City of Tehachapi

FINANCE ITEMS	PRO RATA OR LUMP SUM	TOTAL COST OF WORK	FEDERAL PART. COST	FED. REIMB %	FEDERAL M400	LOCAL
Agency Preliminary Engineering	Lump Sum	\$178,635.00	\$178,635.00	88.47%	\$158,035.00	\$20,600.00
Totals:		\$178,635.00	\$178,635.00	0.00%	\$158,035.00	\$20,600.00

Participation Ratio: 100.00%

This Finance Letter was created based on specific financial information provided by the responsible local agency. The following encumbrance history is prepared by Local Assistance Accounting Office and is provided here for local agency's information and action.

Signature:   
 Title: HQ Sr. Area Engineer

For questions regarding finance letter, contact:  
 Printed Name : Nahed Abdin  
 Telephone No: 916-653-7928

Remarks: Authorization Request for PE (CMAQ)

ACCOUNTING INFORMATION									Cooperative Work Agreement	
ADV. PROJECT ID	APPROP. UNIT	STATE PROG.	FED/STATE	ENCUMBRANCE AMOUNT	APPROP YEAR	EXPENDITURE AMOUNT	ENCUMBRANCE BALANCE	REVERSION DATE	APPROVED AMOUNT	EXPIRATION DATE
0917000019	17102F	2030010820	F	\$158,035.00	1617	\$0.00	\$158,035.00	06/30/22		



APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: _____

# COUNCIL REPORTS

**MEETING DATE:** DECEMBER 19, 2016    **AGENDA SECTION:** DEVELOPMENT SERVICES

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**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** JOHN (JAY) SCHLOSSER, P.E., DEVELOPMENT SERVICES DIRECTOR

**DATE:** DECEMBER 14, 2016

**SUBJECT:** SNYDER WELL INTERTIE PROJECT – NOTICE OF COMPLETION

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## BACKGROUND

As the Council will recall, the City of Tehachapi entered into a contract with Cal Prime Inc. for the construction of the Snyder Well Intertie Project. Following a walk-through by City Staff, it has been determined that all contract items have been completed. At this time, a Notice of Completion must be filed in order to close the contract.

## RECOMMENDATION

**APPROVE THE NOTICE OF COMPLETION FOR THE SNYDER WELL INTERTIE PROJECT AND DIRECT STAFF TO RECORD SAME.**

RECORDING REQUESTED BY AND  
FOR THE BENEFIT OF AND  
WHEN RECORDED MAIL TO:

City Clerk's Office  
CITY OF TEHACHAPI  
115 South Robinson Street  
Tehachapi, CA 93561

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recording Fee \$ None

NOTICE OF COMPLETION

This is to certify that the Contract entered into on the 9<sup>th</sup> day of September 2015, by and between the City of Tehachapi, the Owner, and Cal Prime Inc., the Contractor, for all work necessary to complete the Snyder Well Intertie Project, has been completed in accordance with the requirements of the plans and specifications and contract documents, and I hereby acknowledge the full completion and acceptance on the 14<sup>th</sup> day of December 2016, on behalf of the Owner.

By \_\_\_\_\_  
Greg Garrett, City Manager

Greg Garrett, being duly sworn, says: That he is the City Manager and Authorized Agent of the City of Tehachapi, the City that executed the foregoing Notice as the Owner of the Property herein described; that he makes this verification on behalf of the City; and that he has read said Notice and knows the contents thereof, and that the facts there instated are true.

State of California  
County of Kern

"A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THE DOCUMENT."

Subscribed and sworn to (or affirmed)  
before me on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, by

(1) \_\_\_\_\_,  
proved to me on the basis of satisfactory  
evidence to be the person who  
appeared before me.

Signature \_\_\_\_\_

Place Notary Seal Above



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: 

**MEETING DATE:** DECEMBER 5, 2016    **AGENDA SECTION:** DEVELOPMENT SERVICES

**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** JOHN (JAY) SCHLOSSER, P.E., DEVELOPMENT SERVICES DIRECTOR

**DATE:** NOVEMBER 29, 2016

**SUBJECT:** SRTS GAP CLOSURE PROJECT – REJECT ALL BIDS

**BACKGROUND:**

In mid-2014 the City of Tehachapi was awarded an Active Transportation Grant for the construction of additional sidewalks on Curry Street, Valley Boulevard, Dennison Road, and Anita Drive. These efforts were collectively known at the Safe Routes to School Gap Closure Project. Staff has diligently pursued the design of this project preparing it for construction in May 2016. However, as the project design progressed, certain unexpected work items became necessary. The project included a proposed contingency and on that basis, Staff proceeded with the proposed design and bidding efforts.

In September 2016 advertising began for the project. Staff opened bids for this project on October 27, 2016. The results of the bid opening are listed in the table below:

Contractor Name	Bid Amount
DOD Construction Inc.	\$1,080,705.50
Hal Hayes Construction Inc.	\$1,138,352.70
R.C. Becker & Son, Inc.	\$1,281,820.34
Granite Construction Company	\$1,296,014.00

The City Staff estimate for this work was approximately \$820,335.50. The bid was divided into three bid schedules. The minimum bid that can be awarded is Bid Schedule "A". The Engineer's Estimate for this bid schedule is \$670,000. The DOD Construction bid for "A" is \$852,342.50. The available grant budget for construction is approximately \$680,000. Upon review of the bids received, Staff has concluded that the Engineer's Estimate was lower than appropriate and that the project, as designed, is higher in cost than the available grant budget.

Upon receiving the bids provided, Staff engaged Caltrans Local Assistance to seek additional grant funds to complete the project as designed. Unfortunately, the Active Transportation Program does not allow budget increases for any reason.

**OPTIONS:**

Given the above bid results, City Staff has identified the following options to address this issue:

1. The City Council can direct Staff to find additional funding from the City budget to cover the shortfall. Including contingency, the estimated shortfall is \$200,000. The City Finance Department has confirmed that no clear funding source is available at this time.
2. The City Council can direct Staff to reject the bids received and re-design the project as needed to deliver a project within the available budget. Staff has considered this issue in detail and we believe we can modify the proposed project work on Valley Boulevard to achieve this goal. Re-design expenses that cannot be recovered under the grant are expected with this option. Staff expects that cost to be between \$5,000 and \$10,000.
3. The City Council can direct Staff to reject all bids and forfeit the remaining project grant funds. The City would likely be obligated to repay expenses to date that exceed \$70,000.

**RECOMMENDATION:**

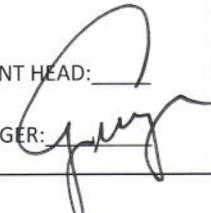
Given a viable option for re-design, City Staff believes Option 2 is most appropriate.

**REJECT ALL BIDS FOR THE SRTS GAP CLOSURE PROJECT**



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

A handwritten signature in black ink is written over the signature line of the form.

**MEETING DATE:** December 19, 2016    **AGENDA SECTION:** CITY ATTORNEY

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**TO:** HONORABLE MAYOR WIGGINS AND COUNCIL MEMBERS

**FROM:** TOM SCHROETER, CITY ATTORNEY

**DATE:** DECEMBER 19, 2016

**SUBJECT:** ISSUANCE OF GOVERNMENT CODE SECTION 65858 REPORT AND EXTENSION OF INTERIM ORDINANCE PROHIBITING COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITY AND OUTDOOR NON-MEDICAL MARIJUANA CULTIVATION ON PRIVATE RESIDENCES AND DECLARING THE URGENCY THEREOF

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## BACKGROUND

The Control, Regulate and Tax Adult Use of Marijuana Act (the "AUMA") was approved by California voters on November 8, 2016. The AUMA adds Section 11362.1 to the Health and Safety Code, which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of marijuana not in the form of concentrated cannabis or up to eight grams of marijuana in the form of concentrated cannabis. Health and Safety Code section 11362.1 also makes it lawful to possess, plant, cultivate, harvest, dry, or process not more than six marijuana plants and possess the marijuana produced by the plants upon the grounds of a private residence. The provisions the AUMA related to the possession, use, and cultivation of marijuana became effective on November 9, 2016.

The AUMA also grants State agencies the authority to create, issue, renew, discipline, suspend, or revoke licenses for non-medical marijuana businesses. The AUMA provides that the State shall begin issuing licenses to non-medical marijuana businesses by January 1, 2018. Business and Professions Code section 26055(e) states that a State licensing authority shall not approve an application for a State license for a commercial non-medical marijuana business if approval of the State license will violate the provisions of any local ordinance.

On November 21, 2016, the City Council adopted Interim Ordinance No. 16-07-737, pursuant to Government Code section 65858, prohibiting all commercial non-medical marijuana activity<sup>1</sup> in the City and all outdoor marijuana cultivation on private residences. Interim Ordinance No. 16-07-737 is in effect for a 45-day period, which period is set to expire on January 6, 2017.

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<sup>1</sup> Commercial non-medical marijuana activity is defined to include the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of marijuana and marijuana products for non-medical purposes.

## **A. Extension of Interim Ordinance**

Under State law, the City may twice extend an interim ordinance that imposes a temporary moratorium on the approval of any building permit, conditional use permit, business license or other entitlement while contemplated zoning and permitting proposals are being considered upon a finding that there is a current and immediate threat to the public health, safety, or welfare. Pursuant to Government Code section 65858(a), the first extension of the interim ordinance must be adopted by not less than a four-fifths vote of this City Council and will be in effect for an additional ten (10) months and fifteen (15) days from its adoption. The City Council may consider one additional one-year extension to the interim ordinance, pursuant to all legal requirements, if necessary.

The establishment of commercial marijuana businesses and outdoor marijuana cultivation before appropriate procedures and regulations are enacted has the potential to cause adverse impacts to surrounding development and risks to the public health, safety and welfare of the City's residents and the general public. Based upon experiences of other cities, unlawful marijuana sales occasionally increase in the vicinity of lawful marijuana dispensaries. Such criminal activities present a risk to the public health and safety and require additional study to be conducted to ascertain appropriate development standards, if such marijuana businesses are to be allowed, that will minimize this risk. It is urgent that the City have the opportunity to consider whether such uses should be permitted and, if so, to develop regulations governing the location and operation of commercial marijuana uses to prevent adverse impacts to the public health, safety and welfare that may result from unregulated placement and operation of such uses in the City.

In order for staff to develop the most appropriate marijuana regulations for the City, staff believes an additional extension of the moratorium, preserving the status quo, would provide time for the City to continue to evaluate options and provide the City Council with a long-term solution to the issue. Staff is requesting that the City Council extend the term of Interim Ordinance No. 16-07-737, for an additional ten (10) months and fifteen (15) days, to provide additional time for staff to complete its research and analysis regarding marijuana businesses and regulations and to draft a comprehensive ordinance regarding marijuana for the City Council's consideration. If the City Council adopts Interim Ordinance No. 16-07-737, the prohibition against commercial marijuana activity and outdoor marijuana cultivation will be in effect until November 20, 2017, unless further extended for an additional year by the City Council.

## **B. Government Code section 65858(d) Report**

Government Code section 65858(d) mandates that at least ten (10) days prior to the expiration of an interim ordinance, the City Council shall issue a report describing the measures taken to alleviate the condition which led to the adoption of the interim ordinance. This report identifies the various steps staff has taken to research, study and analyze possible permanent regulations pertaining to marijuana during the initial 45-day moratorium period. These steps include, but are not limited to, the following:

- Reviewing voter information to determine how Tehachapi residents voted on the AUMA;
- Surveying various cities to determine how they regulate marijuana;
- Reviewing legislation, including the AUMA and federal laws regarding marijuana;

- Consulting with the Police Department regarding public safety concerns regarding marijuana businesses;
- Reviewing possible reasonable regulations pertaining to marijuana cultivation on private residences; and
- Reviewing various news stories and studies pertaining to marijuana businesses.

According to data obtained from the Kern County Auditor-Controller-County Clerk, the AUMA was not approved by a majority of the voters in Tehachapi. 1,540 people voted in favor of the AUMA (47.4%) and 1,709 people voted against it (52.6%). These results are consistent with those of Kern County as a whole where 111,932 people voted in favor of the AUMA (46.3%) and 129,808 voted against it (53.7%). The voting results for Tehachapi and Kern County are much different than for the State where the AUMA passed by 57.13% of the vote.

Staff's research has revealed that cities in California and across the nation have reported negative effects of marijuana-related activities. As marijuana plants begin to flower, and for a period of two months or more, the plants produce a strong, unique odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors. This odor can have the effect of encouraging theft by alerting persons to the location of the valuable plants, and creating the potential for violent acts related to such criminal activity. Following legalization in Colorado, the Denver Police Department reported that the most common marijuana industry-related crime is burglary, accounting for 63% percent of marijuana related crimes. The City of Sacramento has also seen an increase in marijuana related violent crimes, which has led the Sacramento County Sheriff's Department to describe marijuana cultivation sites as "crime magnets" where individuals "tending the indoor grows have been shot, beat up and killed."

Some cities that allow marijuana cultivation operations have reported that the electrical use at these locations often surpasses what the electrical grid can withstand. Indoor marijuana cultivation is highly energy-intensive. In addition, indoor marijuana cultivation requires extensive amounts of water, aggravating California's drought conditions. According to the California Department of Fish and Wildlife marijuana plants use six to eight gallons of water per plant, per day. Indoor marijuana cultivation can also produce dangerous levels of mold because the combination of warm temperatures and high humidity found in many indoor cultivation operations can fuel mold growth.

There are also potential fire safety concerns related to the use of carbon dioxide or butane in the marijuana extraction process. The Drug Enforcement Administration warns that the marijuana extraction process is extremely dangerous, causing catastrophic injuries and widespread property damage "much worse than from meth lab explosions." The Drug Enforcement Administration and the High Intensity Drug Trafficking Area Program, a federal inter-state law enforcement cooperative, have identified scores of cases where marijuana extraction has resulted in explosions causing serious physical injury to those involved and even neighbors.

Staff has also reviewed reports regarding the potential economic benefits to cities associated with marijuana businesses. Adelanto was on the brink of bankruptcy when it adopted an ordinance allowing marijuana businesses to operate in the city. Adelanto has since seen high-end investors come into the City to buy warehouses and plots of land. Desert Hot Springs, which also allows marijuana businesses to operate in the city, has similarly seen an increase in property values with investors paying a premium to purchase land to

build indoor marijuana growing operations. Desert Hot Springs anticipates that it will double its budget through the revenue it will make from marijuana taxes.

Cities in Colorado have seen an increase in jobs created by the growing marijuana industry. Marijuana production and commerce employ many thousands of people, and Colorado's data provides proof that marijuana legalization has created jobs.

While staff has compiled and reviewed a lot of information that would be useful in drafting a permanent marijuana ordinance, staff believes it needs to conduct additional research regarding this issue.

**FISCAL IMPACT:**

This report creates no fiscal impact.

**RECOMMENDATION:**

Staff recommends the City Council (1) issue and approve this report in compliance with Government Code section 65858(d), and (2) extend Interim Ordinance No. 16-07-737.

**ORDINANCE NO.**

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF TEHACHAPI EXTENDING THE TERM OF INTERIM ORDINANCE NO. 16-07-737, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A MORATORIUM ON ALL COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITY IN THE CITY, PROHIBITING ALL OUTDOOR MARIJUANA CULTIVATION ON PRIVATE RESIDENCES, AND DECLARING THE URGENCY THEREOF.**

**I. Legislative Findings**

A. The Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters on November 8, 2016. The AUMA adds Section 11362.1 to the Health and Safety Code, which makes it “lawful under state and local law” for persons 21 years of age or older to “possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever” up to 28.5 grams of marijuana not in the form of concentrated cannabis or up to eight grams of marijuana in the form of concentrated cannabis. Health and Safety Code section 11362.1 also makes it lawful to possess, plant, cultivate, harvest, dry, or process not more than six marijuana plants and possess the marijuana produced by the plants upon the grounds of a private residence. The provisions of the AUMA related to the possession, use, and cultivation of marijuana became effective on November 9, 2016.

B. The AUMA grants State agencies the authority to create, issue, renew, discipline, suspend, or revoke licenses for non-medical marijuana businesses. The AUMA provides that the State shall begin issuing licenses to non-medical marijuana businesses by January 1, 2018. Business and Professions Code section 26055(e) states that a State licensing authority shall not approve an application for a State license for commercial non-medical marijuana businesses if approval of the State license will violate the provisions of any local ordinance.

C. The AUMA permits a city to (1) adopt and enforce local ordinances to regulate non-medical marijuana businesses, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or (2) completely prohibit the establishment or operation of one or more types of non-medical marijuana businesses within its jurisdiction.

D. At its meeting on November 21, 2016, the City Council adopted Interim Ordinance No. 16-07-737, an interim ordinance of the City of Tehachapi that temporarily prohibited all commercial non-medical marijuana activity and outdoor marijuana cultivation on private residences, so that City staff, the City Council, and the citizens of the City would have sufficient time to consider a comprehensive ordinance regulating marijuana. Interim Ordinance No. 16-07-737 was effective immediately upon its adoption and remains in effect for a period of forty-five (45) days, pursuant to Government Code section 65858(a).

E. Under State law, the City may twice extend an interim ordinance that imposes a temporary moratorium on the approval of any building permit, conditional use permit, business

license or other entitlement while contemplated zoning and permitting proposals are being considered upon a finding that there is a current and immediate threat to the public health, safety, or welfare. Pursuant to Government Code section 65858(a), this first extension of the interim ordinance must be adopted by not less than a four-fifths vote of this City Council and will be in effect for an additional ten (10) months and fifteen (15) days from its adoption. The City Council may consider one additional one-year extension to the interim ordinance, pursuant to all legal requirements, if necessary.

F. The City Council finds that additional time is needed to consider a comprehensive ordinance regarding the regulation of commercial non-medical marijuana activity and outdoor marijuana cultivation, pursuant to Government Code section 65858. The comprehensive ordinance, together with the necessary public outreach, legal research, and City processes for consideration of such enactments, will require, at minimum, ten (10) months and fifteen (15) days.

G. Pursuant to Government Code section 65858, a duly noticed public hearing was held on December 19, 2016 in the City Hall Council Chambers. Notice of the time, place and purpose of the aforesaid hearing was duly given as required by law. Evidence, both written and oral, was duly presented to, and considered by, the City Council at the aforesaid public hearing.

H. At least ten (10) days prior to the expiration of Interim Ordinance No. 16-07-737, the City Council issued a report as described in California Government Code section 65858(d).

I. The establishment of commercial non-medical marijuana businesses and outdoor marijuana cultivation before appropriate procedures and regulations are enacted has the potential to cause adverse impacts to surrounding development and risks to the public health, safety and welfare of the City's residents and the general public. Based upon experiences of other cities, unlawful marijuana sales occasionally increase in the vicinity of lawful marijuana dispensaries. Such criminal activities present a risk to the public health and safety and require additional study to be conducted to ascertain appropriate development standards, if such non-medical marijuana businesses are to be allowed, that will minimize this risk. It is urgent that the City have the opportunity to consider whether such uses should be permitted and, if so, to develop regulations governing the location and operation of commercial non-medical marijuana uses to prevent adverse impacts to the public health, safety and welfare that may result from unregulated placement and operation of such uses in the City. Additionally, cities in California have reported negative effects of marijuana cultivation, processing and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests. Furthermore, as marijuana plants begin to flower, and for a period of two months or more, the plants produce a strong, unique odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors. This odor can have the effect of encouraging theft by alerting persons to the location of the valuable plants, and creating the potential for violent acts related to such criminal activity.

J. The City has undertaken and intends to complete a study of whether commercial non-medical marijuana activity should be permitted and the appropriate regulations for such uses, within a reasonable time. During the course of this study and planning process, the City

Council finds that persons desiring to open commercial non-medical marijuana businesses are likely to submit applications to develop such uses before appropriate regulations and safeguards are in place. The City also intends to study whether any reasonable regulations should be adopted pertaining to outdoor marijuana cultivation on private residences. Given the time required to undertake the necessary study and planning, the City Council finds that it is necessary that this Interim Ordinance be immediately enacted and effective concurrent with the expiration of Interim Ordinance No. 16-07-737, to ensure that commercial non-medical marijuana uses that may be in conflict with any new development policies are not permitted in the interim, and that no outdoor marijuana cultivation occurs before appropriate standards and regulations are in effect.

K. Based upon Recital Nos. (A) through (J) above, the City Council finds that there is a current and immediate threat to the public health, safety and welfare created by the enactment of the AUMA because marijuana can now be cultivated outdoors on private residences as of November 9, 2016. The enactment of the AUMA could also create the potential for commercial non-medical marijuana uses to be established in the City prior to the establishment of land use and zoning regulations under normal planning processes of the City. Based on the City's need for additional time to fully evaluate the primary and secondary effects of the activities to be licensed under the AUMA, the City Council finds that the immediate preservation of the public health, safety and welfare requires that the current prohibition against commercial non-medical marijuana activity and outdoor marijuana cultivation be extended. The City Council further finds and declares that this Interim Ordinance must be enacted as an urgency ordinance pursuant to California Government Code section 65858 and take effect concurrent with the expiration of Interim Ordinance No. 16-07-737.

L. All legal prerequisites to the adoption of this Interim Ordinance have occurred.

## **II. Interim Ordinance**

NOW, THEREFORE, the City Council hereby ordains as follows:

**Section 1.** The City Council finds that the facts set forth in the Recitals, Section I, of this Interim Ordinance are true and correct.

**Section 2.** Authority. Pursuant to Government Code section 65858, the City Council may adopt as an urgency measure, an interim ordinance that prohibits any uses that may be in conflict with a contemplated zoning proposal which a legislative body is considering or studying or intends to study within a reasonable period of time.

**Section 3.** The City Council hereby extends the current, interim prohibition on the establishment, operation, maintenance, or conduct of all commercial non-medical marijuana activity in the City and the prohibition on outdoor marijuana cultivation on private residences, as established by Interim Ordinance No. 16-07-737. For purposes of this Interim Ordinance, the following terms apply:

“AUMA” shall mean the Control, Regulate and Tax Adult Use of Marijuana Act.

“Commercial non-medical marijuana activity” shall include the cultivation, possession,

manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of marijuana and marijuana products for non-medical purposes.

“Cultivation” shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

“Delivery” shall mean the commercial transfer of marijuana or marijuana products to a customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by retailer, or independently licensed under the AUMA that enables customers to arrange for or facilitate the commercial transfer by a State licensed retailer of marijuana or marijuana products.

“Marijuana” shall include all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include (a) industrial hemp, as defined in Section 11018.5 of the Health and Safety Code; (b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product; and (c) marijuana that is cultivated, processed, transported, distributed, or sold for medical purposes under Chapter 3.5 of Division 8 of the Business and Professions Code. “Marijuana” shall also not include marijuana that cultivated for medical purposes by qualified patients, primary caregivers or persons with identification cards for the personal use by the qualified patient or person with identification card. The terms qualified patient, primary caregiver and identification card shall have the same meaning as defined in Health and Safety Code section 11362.7.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.

#### **Section 4. Prohibition.**

- A. Commercial non-medical marijuana activity is expressly prohibited in all zones and all specific plan areas in the City. No person shall establish, operate, maintain, conduct or allow commercial non-medical marijuana activity anywhere within the City. No application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial non-medical marijuana activity shall be approved during the term of the prohibition established in this Interim Ordinance.
- B. Paragraph A of this section 4 is meant to prohibit all activities for which a State license is required pursuant to the AUMA. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the AUMA. The City shall also not issue any local license to a non-profit pursuant to provisions of Business and Professions Code section 26070.5.
- C. Marijuana shall not be cultivated outdoors upon the grounds of a private residence. Indoor marijuana cultivation will be allowed consistent with State law which permits no more than six live marijuana plants to be planted, cultivated, harvested, dried, or

processed within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured. Any marijuana cultivation that exceeds the limits set forth in this subsection is hereby declared to be unlawful and a public nuisance.

**Section 5.** Nothing in this Interim Ordinance shall be interpreted to the effect that the City's permissive zoning scheme allows any other use not specifically listed therein.

**Section 6.** Public Nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this Interim Ordinance shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure section 731 or by any other remedy available to the City.

**Section 7.** Penalty. Violation of any provision of this Interim Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Interim Ordinance. In the event of any conflict between the penalty provisions contained in this Interim Ordinance and any penalties set forth in State law, the maximum penalties allowable by State law shall govern. Nothing in this Interim Ordinance shall authorize a criminal prosecution or arrest prohibited by Health and Safety Code section 11362.71, *et seq.*

**Section 8.** Civil Penalties. In addition to any other enforcement permitted by this Interim Ordinance, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Interim Ordinance. In any civil action brought pursuant to this Interim Ordinance, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party.

**Section 9.** CEQA. It can be seen with certainty that there is no possibility that the adoption of the Interim Ordinance may have a significant effect on the environment because the Interim Ordinance will only impose greater and temporary limitations on marijuana-related uses allowed in the City, and will thereby serve to prevent potentially significant adverse environmental impacts. Placing such a restriction on the use of property will not result in a permanent alteration of property nor the construction of any new or expanded structures. The City Council has reviewed staff's determination of exemption and based on its own independent judgment, concurs in staff's determination that the Interim Ordinance is exempt from CEQA. The adoption of the Interim Ordinance is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

**Section 10.** Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Interim Ordinance, is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Interim Ordinance. The City Council hereby declares that it would have adopted this Interim Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be

declared invalid or unconstitutional.

**Section 11.** This Interim Ordinance shall become operative concurrent with the expiration of Interim Ordinance No. 16-07-737 and shall expire, and the prohibition established hereby shall terminate, ten (10) months and fifteen days (15) days after said effective date pursuant to, and subject to, California Government Code section 65858, unless further extended by the City Council pursuant to California Government Code section 65858.

**Section 12.** The Mayor shall sign and the City Clerk shall attest to the adoption of this Interim Ordinance and shall cause the same to be published as required by law.

**ADOPTED** this 19<sup>th</sup> day of December, 2016.

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**MAYOR OF THE CITY OF TEHACHAPI**

**ATTEST:**

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**CITY CLERK OF THE CITY OF TEHACHAPI**

STATE OF CALIFORNIA  
COUNTY OF KERN  
CITY OF TEHACHAPI

I, \_\_\_\_\_, City Clerk of the City of Tehachapi, do hereby certify that the foregoing Interim Ordinance was adopted by the City Council of the City of Tehachapi, signed by the Mayor and attested to by the City Clerk at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2016.

The Interim Ordinance was adopted by the following vote, to wit:

**AYES:            COUNCILMEMBERS**  
**NOES:            COUNCILMEMBERS**  
**ABSENT:        COUNCILMEMBERS**  
**ABSTAIN:       COUNCILMEMBERS**

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**CITY CLERK OF THE CITY OF TEHACHAPI**