



**REGULAR MEETING AGENDA  
OF THE  
ARVIN CITY COUNCIL / SUCCESSOR AGENCY TO THE  
ARVIN COMMUNITY REDEVELOPMENT AGENCY /  
ARVIN HOUSING AUTHORITY / ARVIN PUBLIC  
FINANCING AUTHORITY (VIA TELECONFERENCE)**

**TUESDAY MAY 26, 2020 6:00pm**

*(Regular Session will commence no earlier than 6:00pm. Closed Session will commence soon after Regular Session however, it is not open to the public.)*

**CITY HALL COUNCIL CHAMBERS  
200 CAMPUS DRIVE, ARVIN**

This meeting is compliant with the Governor’s Executive Order N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, allowing for a deviation of teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff and the public to conduct city business, while allowing for public participation. The meeting will be held by teleconference only. **The public may participate by calling:**

**1-866-899-4679**

**Access Code 940-472-245#.**

**To join the meeting from your computer, tablet or smartphone click on the following link:**

<https://global.gotomeeting.com/join/940472245>

**The meeting agendas are available at:** <https://www.arvin.org/government/clerk/meeting-agendas-minutes/documents-page/>

The city will accept comments on any items on the agenda, inclusive of closed session items, in writing, and in advance of the meeting, **up until Monday, May 25, 2020 at 3:00pm.** Comments may be mailed to City of Arvin, City Clerk’s Office, PO Box 548, Arvin, CA 93203 or emailed to [cvela@arvin.org](mailto:cvela@arvin.org). In the subject line, please provide “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM”. All public comments will be provided to the City Council and may be read into the record or compiled as part of the record.

**CALL TO ORDER**

Mayor Jose Gurrola

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

\*\*\*\*\*

**ROLL CALL**

Jose Gurrola	Mayor
Jazmin Robles	Mayor Pro Tem
Gabriela Martinez	Councilmember
Olivia Trujillo	Councilmember
Mark S. Franetovich	Councilmember

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## **PUBLIC COMMENTS:**

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

## **AGENDA STAFF REPORTS AND HANDOUTS:**

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

## **CONDUCT IN THE CITY COUNCIL CHAMBERS:**

### **Rules of Decorum for the Public**

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

### **Removal from the Council Chambers**

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

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### **AMERICANS with DISABILITIES ACT:**

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**1. Approval of Agenda as To Form.**

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: CM Martinez \_\_\_ CM Trujillo \_\_\_ CM Franetovich \_\_\_ MPT Robles \_\_\_ Mayor Gurrola \_\_\_

**2. PUBLIC COMMENTS**

(This is the opportunity for the public to address the City Council on any matter on the agenda or any item of interest to the public that is within the subject matter jurisdiction of the City Council.)

**3. CLOSED SESSION REPORT FROM REGULAR CITY COUNCIL MEETING OF MAY 12, 2020.** (City Attorney)

**4. CONSENT AGENDA ITEM(S)**

**A.** Approval of Demand Register(s) of May 08, 2020 – May 21, 2020.

**B.** Approval of Payroll Register(s) of May 15, 2020.

**C.** Approval of the Minutes of the Regular Meeting(s) of May 12, 2020.

Staff recommends approval of the Consent Agenda.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: CM Martinez \_\_\_ CM Trujillo \_\_\_ CM Franetovich \_\_\_ MPT Robles \_\_\_ Mayor Gurrola \_\_\_

**5. PUBLIC HEARING ITEM(S)**

**A.** A Public Hearing to Consider Introduction of An Ordinance of the City Council of the City of Arvin Repealing Chapter 8.12 and 8.20, of Title 8 of the Arvin Municipal Code and Replacing Them With Chapter 8.12, of Title 8 Nuisances.

Staff recommends the City Council consider introducing the Ordinance to be ready by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: CM Martinez \_\_\_ CM Trujillo \_\_\_ CM Franetovich \_\_\_ MPT Robles \_\_\_ Mayor Gurrola \_\_\_

**B.** A Public Hearing to Consider Adoption of An Uncodified Urgency Ordinance of the City Council of the City of Arvin Related to Businesses Being Required to Post Signage Requiring Use of Facial Coverings and/or Personal Protective Equipment, In Response to the COVID-19 Pandemic.

Staff recommends the City Council consider adoption of the Urgency Ordinance as appropriate.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: CM Martinez \_\_\_ CM Trujillo \_\_\_ CM Franetovich \_\_\_ MPT Robles \_\_\_ Mayor Gurrola \_\_\_

**6. BUDGET WORKSHOP FY 2020-2021 – CAPITAL PROJECTS** (Finance Director)

**7. SUCCESSOR AGENCY ITEM(S)**

- A.** A Resolution of the Board of Directors of the Successor Agency to the Dissolved Arvin Community Redevelopment Agency, to Approve A Subordination Agreement with Robert Bazaldua to Allow for Re-Financing of A Residence at 101 Gonzales Street, Arvin, Ca.

Staff recommends approval of the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: AM Martinez \_\_\_ AM Trujillo \_\_\_ AM Franetovich \_\_\_ AM Robles \_\_\_ Chair Gurrola \_\_\_

**8. STAFF REPORTS**

**9. COUNCIL MEMBER COMMENTS**

**10. CLOSED SESSION ITEM(S)**

- A.** CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code, § 54957.6):

City Negotiator: Colin Tanner, Lead Negotiator and Pawan Gill, Director of Administrative Services

Employee Organizations: Arvin Police Officers Association (APOA) and Central California Association of Public Employees SEIU Local 521.

- B.** Threats to Public Services or Facilities (Pursuant to Government Code section 54957(a).)

Consultation with: City Attorney and/or City Emergency or Critical Function Personnel.

**11. ADJOURNMENT**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the Arvin City Council Chambers Bulletin Board not less than 72 hours prior to the meeting. Dated May 22, 2020.

A handwritten signature in blue ink, appearing to read "Cecilia Vela", with a long horizontal flourish extending to the right.

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Cecilia Vela, City Clerk

**Edit List of Invoices - Detail w/GL**

**4.A.1**

Date: 05/15/2020

Time: 11:09 am

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City of Arvin

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld
Vendor No.	State/Province Zip/Postal Email Address	Disc. Date Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	Discoun Net Amount
51203 01-452	ALLSTATE P.O. BOX 650514 DALLAS TX 75265-0514 <Emailing Stub Disabled>	04/28/2020 05/14/2020 04/28/2020 04/28/2020 04/28/2020		BOFA N N N	POST TAX INS 04.28.20	217.44 0.00 0.00 217.44
			0.00		CASE 91936 04.28.20	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-000-0214	POST TAX DEDUCTIONS		217.43	0.00
Distribution Total			217.43	0.00

Vendor Total: 217.44

51204 01-705	ARVIN COMM SERVICES DIST 309 CAMPUS DR. ARVIN CA 93203 <Emailing Stub Disabled>	05/01/2020 05/14/2020 05/01/2020 05/01/2020 05/01/2020		BOFA N N N	SERVICE 03.23.20 - 04.22.20	5,603.44 0.00 0.00 5,603.44
			0.00		SERVICE 03.23.20 - 04.22.2	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5060	UTILITIES EXPENSE		378.08	0.00
100-001-5060	UTILITIES EXPENSE		113.38	0.00
100-014-5060	UTILITIES EXPENSE		113.37	0.00
100-007-5060	UTILITIES EXPENSE		97.24	0.00
400-023-5060	UTILITIES EXPENSE		158.37	0.00
100-009-5060	UTILITIES EXPENSE		156.61	0.00
100-012-5060	UTILITIES EXPENSE		1,972.01	0.00
100-019-5060	UTILITIES EXPENSE		175.97	0.00
200-020-5060	UTILITIES EXPENSE		804.17	0.00
240-025-5060	UTILITIES EXPENSE		1,450.19	0.00
242-027-5060	UTILITIES EXPENSE		92.22	0.00
420-016-5060	UTILITIES EXPENSE		61.24	0.00
450-070-5060	UTILITIES EXPENSE		30.62	0.00
Distribution Total			5,603.47	0.00

Vendor Total: 5,603.44

51205 01-803	AT&T MOBILITY PO BOX 6463 CAROL STREAM IL 60197-6463 <Emailing Stub Disabled>	04/22/2020 05/14/2020 04/22/2020 04/22/2020 04/22/2020		BOFA N N N	M&I CELL PH 03.23.20 -04.22.20	188.29 0.00 0.00 188.29
			0.00		287251442687X04282020	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5056	TELEPHONE		188.29	0.00
Distribution Total			188.29	0.00

Vendor Total: 188.29

51206 02-480	BLACKBURN OIL COMPANY LLC PO BOX 177 ARVIN CA 93203 <Emailing Stub Disabled>	04/30/2020 05/14/2020 04/30/2020 05/10/2020 04/30/2020		BOFA N N N	FUEL USAGE APR2020	2,351.50 0.00 0.00 2,351.50
			0.00		A#2129 04.30.20	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5080	FUEL EXPENSE		1,593.82	0.00

Attachment: Demand Register(s) of May 08, 2020 - May 21, 2020 (Demand Register(s) of May 08, 2020 - May 21, 2020.)

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discoun
	Email Address	Inv. Date	Invoice No.		Net Amount

	FUEL EXPENSE				629.83	0.00
400-023-5080	FUEL EXPENSE				127.89	0.00
<b>Distribution Total</b>					<b>2,351.54</b>	<b>0.00</b>

Vendor Total: 2,351.54

51207	BSSR, INC.	04/27/2020		BOFA	FUEL PUMP REPAIR	
48-554	6630 ROSEDALE HSY. #B	05/14/2020		N		157.50
	BAKESFIELD	04/27/2020		N	N	0.00
	CA 93308	04/27/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/27/2020	35220			157.50

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
200-020-5008	MAINTENANCE - OTHER		157.50	0.00
<b>Distribution Total</b>			<b>157.50</b>	<b>0.00</b>

Vendor Total: 157.50

51202	DEPARTMENT OF CONSERVATIO	03/31/2020		BOFA	SMIP QTRLY 01.01.20 - 03.31.20	
04-255	801 K ST.	05/14/2020		N		72.23
	SACRAMENTO	03/31/2020		N	N	0.00
	CA 95814-3531	03/31/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	03/31/2020	SMIP QTRLY 01.01.20 - 03.31.20			72.23

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-000-0237	Due for SMI Fees		72.23	0.00
<b>Distribution Total</b>			<b>72.23</b>	<b>0.00</b>

Vendor Total: 72.23

51194	DIAMOND TECHNOLOGIES, INC	04/30/2020		BOFA	SECURE CENTRIC FIREWLL MAY	
28-397	P.O BOX 660831	05/14/2020		N		2,230.00
	DALLAS	04/30/2020		N	N	0.00
	TX 75266-0831	04/30/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/30/2020	26359			2,230.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5100	IT SYSTEMS SUPPORT		743.33	0.00
100-007-5100	IT SYSTEMS SUPPORT		743.33	0.00
100-001-5100	IT SYSTEMS SUPPORT		743.34	0.00
<b>Distribution Total</b>			<b>2,230.00</b>	<b>0.00</b>

51195	DIAMOND TECHNOLOGIES, INC	04/30/2020		BOFA	OFFICE 365 BUS PREM APR2020	
28-397	P.O BOX 660831	05/14/2020		N		365.00
	DALLAS	04/30/2020		N	N	0.00
	TX 75266-0831	04/30/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/30/2020	26360MS			365.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5100	IT SYSTEMS SUPPORT		365.00	0.00
<b>Distribution Total</b>			<b>365.00</b>	<b>0.00</b>

51196	DIAMOND TECHNOLOGIES, INC	04/30/2020		BOFA	REMOTE ACCESS APR2020	
28-397	P.O BOX 660831	05/14/2020		N		160.00
	DALLAS	04/30/2020		N	N	0.00
	TX 75266-0831	04/30/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/30/2020	26419			160.00

Attachment: Demand Register(s) May 08, 2020 - May 21, 2020 (Demand Register(s) of May 08, 2020 - May 21, 2020.)

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2		
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discoun
	Email Address	Inv. Date	Invoice No.			Net Amount

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5100	IT SYSTEMS SUPPORT		53.33	0.00
100-007-5100	IT SYSTEMS SUPPORT		53.33	0.00
100-001-5100	IT SYSTEMS SUPPORT		53.34	0.00
<b>Distribution Total</b>			<b>160.00</b>	<b>0.00</b>

	DIAMOND TECHNOLOGIES, INC	04/30/2020		BOFA	BACKUP CENTRIC ADMIN APR2020	
	P.O BOX 660831	05/14/2020		N		801.11
51197	DALLAS	04/30/2020		N	N	0.00
28-397	TX 75266-0831	04/30/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/30/2020	26432			801.11

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-007-5100	IT SYSTEMS SUPPORT		400.59	0.00
100-001-5100	IT SYSTEMS SUPPORT		400.59	0.00
<b>Distribution Total</b>			<b>801.18</b>	<b>0.00</b>

	DIAMOND TECHNOLOGIES, INC	04/30/2020		BOFA	BACKUP CENTRIC PD APR2020	
	P.O BOX 660831	05/14/2020		N		785.90
51198	DALLAS	04/30/2020		N	N	0.00
28-397	TX 75266-0831	04/30/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/30/2020	26433			785.90

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5100	IT SYSTEMS SUPPORT		785.90	0.00
<b>Distribution Total</b>			<b>785.90</b>	<b>0.00</b>

Vendor Total: 4,342.00

	GOLDEN EMPIRE FLEET SERVICE	04/17/2020		BOFA	GENERATOR OIL LEAK	
	P.O. BOX 2192	05/14/2020		N		415.17
51208	BAKERSFIELD	04/17/2020		N	N	0.00
07-592	CA 93303-2192	04/17/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/17/2020	59837			415.17

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
400-023-5008	MAINTENANCE - OTHER		415.17	0.00
<b>Distribution Total</b>			<b>415.17</b>	<b>0.00</b>

	GOLDEN EMPIRE FLEET SERVICE	04/17/2020		BOFA	GENERATOR FUEL 95 GAL 03.13.1	
	P.O. BOX 2192	05/14/2020		N		474.57
51209	BAKERSFIELD	04/17/2020		N	N	0.00
07-592	CA 93303-2192	04/17/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/17/2020	59842			474.57

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
400-023-5080	FUEL EXPENSE		474.57	0.00
<b>Distribution Total</b>			<b>474.57</b>	<b>0.00</b>

Vendor Total: 889.70

	GOLDEN EMPIRE TOWING INC	04/14/2020		BOFA	UNIT 279 TOW TO LAMONT FOR	
	1915 SOUTH UNION AVE	05/14/2020		N		50.00
51210	BAKERSFIELD	04/14/2020		N	N	0.00
28-180	CA 93307	04/14/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/14/2020	456090			50.00

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
	Vendor Address	Pay. Date	PO Number	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
Vendor No.	State/Province Zip/Postal	Due Date	Disc. %	1099?	Hand Check Number/Date
	Email Address	Inv. Date	Invoice No.		Discoun
					Net Amount

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5012	MAINTENANCE - VEHICLE		50.00	0.00
Distribution Total			50.00	0.00

Vendor Total: 50.00

51199	HOME DEPOT PRO INSTITUTION/	04/13/2020		BOFA	COA CLEANING SUPPLIES 04.13.:	
	PO BOX 742440	05/14/2020		N	ORDER # 29432236	580.22
48-531	LOS ANGELES	04/13/2020		N	N	0.00
	CA 90074-2440	04/13/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/13/2020	546013384			580.22

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-005-5008	MAINTENANCE - OTHER		58.02	0.00
100-001-5008	MAINTENANCE - OTHER		58.02	0.00
100-014-5008	MAINTENANCE - OTHER		116.05	0.00
400-023-5008	MAINTENANCE - OTHER		58.02	0.00
100-007-5008	MAINTENANCE - OTHER		58.02	0.00
100-009-5008	MAINTENANCE - OTHER		58.02	0.00
100-012-5008	MAINTENANCE - OTHER		58.02	0.00
100-002-5008	MAINTENANCE - OTHER		116.05	0.00
Distribution Total			580.22	0.00

51200	HOME DEPOT PRO INSTITUTION/	04/13/2020		BOFA	COA CLEANING SUPPLIES 04.13.:	
	PO BOX 742440	05/14/2020		N	ORDER # 29642256	598.80
48-531	LOS ANGELES	04/13/2020		N	N	0.00
	CA 90074-2440	04/13/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/13/2020	546013392			598.80

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-005-5008	MAINTENANCE - OTHER		59.88	0.00
100-001-5008	MAINTENANCE - OTHER		59.88	0.00
100-014-5008	MAINTENANCE - OTHER		119.76	0.00
400-023-5008	MAINTENANCE - OTHER		59.88	0.00
100-007-5008	MAINTENANCE - OTHER		59.88	0.00
100-009-5008	MAINTENANCE - OTHER		59.88	0.00
100-012-5008	MAINTENANCE - OTHER		59.88	0.00
100-002-5008	MAINTENANCE - OTHER		119.76	0.00
Distribution Total			598.80	0.00

51201	HOME DEPOT PRO INSTITUTION/	04/14/2020		BOFA	COA CLEANING SUPPLIES 04.14.:	
	PO BOX 742440	05/14/2020		N	ORDER # 29432236	254.99
48-531	LOS ANGELES	04/14/2020		N	N	0.00
	CA 90074-2440	04/14/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/14/2020	546260399			254.99

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-005-5008	MAINTENANCE - OTHER		25.50	0.00
100-001-5008	MAINTENANCE - OTHER		25.50	0.00
100-014-5008	MAINTENANCE - OTHER		51.00	0.00
400-023-5008	MAINTENANCE - OTHER		25.50	0.00
100-007-5008	MAINTENANCE - OTHER		25.50	0.00
100-009-5008	MAINTENANCE - OTHER		25.50	0.00
100-012-5008	MAINTENANCE - OTHER		25.50	0.00
100-002-5008	MAINTENANCE - OTHER		50.99	0.00

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discoun
	Email Address	Inv. Date	Invoice No.			Net Amount

<b>Distribution Total</b>					<b>254.99</b>	<b>0.00</b>
					Vendor Total:	1,434.00

51211	JIM BURKE FORD	04/22/2020		BOFA	UNIT 284 OIL SERVICE	
10-380	P.O BOX 2088	05/14/2020		N		64.50
	BAKERSFIELD	04/22/2020		N	N	0.00
	CA 93303-2088	05/22/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/22/2020	191942			64.50

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5012	MAINTENANCE - VEHICLE		64.51	0.00
<b>Distribution Total</b>			<b>64.51</b>	<b>0.00</b>
			Vendor Total:	64.50

51212	LOWE'S	05/02/2020		BOFA	STATEMENT 05.02.20 - SUPPLIES	
28-130	P.O. BOX 530954	05/14/2020		N		414.99
	ATLANTA	05/02/2020		N	N	0.00
	GA 30353-0954	05/02/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	05/02/2020	901716 & 901214			414.99

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5008	MAINTENANCE - OTHER	WOOD TO REPAIR TRAILER	137.76	0.00
100-019-5094	SHOP SUPPLIES	MISC SHOP SUPPLIES	277.22	0.00
<b>Distribution Total</b>			<b>414.98</b>	<b>0.00</b>
			Vendor Total:	414.99

51213	MOUNTAINSIDE DISPOSAL	05/01/2020		BOFA	LANDFILL FEES MAY2020	
13-585	8665 SO. UNION AVE	05/14/2020		N		162.12
	BAKERSFIELD	05/01/2020		Y	N	0.00
	CA 93307	05/01/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	05/01/2020	578292			162.12

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5107	REFUSE COSTS		162.12	0.00
<b>Distribution Total</b>			<b>162.12</b>	<b>0.00</b>
			Vendor Total:	162.12

51214	MUNISERVICES, LLC	04/17/2020		BOFA	SUTA CA Q4 2019 - DISTRICT TX	
28-447		05/14/2020		N		508.87
	BIRMINGHAM	04/17/2020		N	N	0.00
	AL 35202-0992	04/17/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/17/2020	INV06-008694			508.87

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5034	PROFESSIONAL SERVICES		508.87	0.00
<b>Distribution Total</b>			<b>508.87</b>	<b>0.00</b>

51215	MUNISERVICES, LLC	04/17/2020		BOFA	SUTA CA Q4 2019 - SERVICE	
28-447		05/14/2020		N		29.41
	BIRMINGHAM	04/17/2020		N	N	0.00
	AL 35202-0992	04/17/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/17/2020	INV06-008693			29.41

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discoun
	Email Address	Inv. Date	Invoice No.		Net Amount

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5034	PROFESSIONAL SERVICES		29.49	0.00
Distribution Total			29.49	0.00

Vendor Total: 538.30

51216	O'REILLY AUTOMOTIVE, INC	04/13/2020	BOFA	UNIT 317 & 319 PARTS / TOOL	
	PO BOX 9464	05/14/2020	N		211.20
28-249	SPRINGFIELD	04/13/2020	N	N	0.00
	MO 65801-9464	04/13/2020	0.00	N	0.00
	<Emailing Stub Disabled>	04/13/2020	4451-472683		211.20

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5012	MAINTENANCE - VEHICLE		211.24	0.00
Distribution Total			211.24	0.00

51217	O'REILLY AUTOMOTIVE, INC	04/14/2020	BOFA	UNIT 317 GAS CAP	
	PO BOX 9464	05/14/2020	N		0.42
28-249	SPRINGFIELD	04/14/2020	N	N	0.00
	MO 65801-9464	04/14/2020	0.00	N	0.00
	<Emailing Stub Disabled>	04/14/2020	4451-472870		0.42

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5012	MAINTENANCE - VEHICLE		0.42	0.00
Distribution Total			0.42	0.00

51218	O'REILLY AUTOMOTIVE, INC	04/13/2020	BOFA	UNIT 317 GAS CAP - TOOL RETUF	
	PO BOX 9464	05/14/2020	N	CORE RETURN	-3.98
28-249	SPRINGFIELD	04/13/2020	N	N	0.00
	MO 65801-9464	04/13/2020	0.00	N	0.00
	<Emailing Stub Disabled>	04/13/2020	4451-472721		-3.98

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5012	MAINTENANCE - VEHICLE		-3.98	0.00
Distribution Total			-3.98	0.00

Vendor Total: 207.60

51219	PG & E	05/01/2020	BOFA	ELEC SVC 04.02.20 - 05.01.20	
	BOX 997300	05/14/2020	N		328.20
16-004	SACRAMENTO	05/01/2020	N	N	0.00
	CA 95899-7300	05/01/2020	0.00	N	0.00
	<Emailing Stub Disabled>	05/01/2020	8440977428-2 05.01.20		328.20

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
240-025-5060	UTILITIES EXPENSE		328.20	0.00
Distribution Total			328.20	0.00

51220	PG & E	04/27/2020	BOFA	ELEC SVC 03.25.20 - 04.23.20	
	BOX 997300	05/14/2020	N		24.64
16-004	SACRAMENTO	04/27/2020	N	N	0.00
	CA 95899-7300	04/27/2020	0.00	N	0.00
	<Emailing Stub Disabled>	04/27/2020	9307046200-2 04.27.20		24.64

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-012-5060	UTILITIES EXPENSE		24.64	0.00

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discoun
	Email Address	Inv. Date	Invoice No.			Net Amount

Distribution Total						24.64	0.00
	PG & E	04/23/2020		BOFA	ELEC SVC 03.24.20 - 04.22.20		
	BOX 997300	05/14/2020		N		29.98	
51221	SACRAMENTO	04/23/2020		N	N	0.00	
16-004	CA 95899-7300	04/23/2020	0.00	N	0	0.00	
	<Emailing Stub Disabled>	04/23/2020	7368140966-7			29.98	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-012-5060	UTILITIES EXPENSE		29.98	0.00
Distribution Total			29.98	0.00

	PG & E	04/24/2020		BOFA	ELEC SVC 03.25.20 - 04.23.20		
	BOX 997300	05/14/2020		N		13.37	
51222	SACRAMENTO	04/24/2020		N	N	0.00	
16-004	CA 95899-7300	04/24/2020	0.00	N	0	0.00	
	<Emailing Stub Disabled>	04/24/2020	9132070691-3	04.24.20		13.37	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5060	UTILITIES EXPENSE		13.37	0.00
Distribution Total			13.37	0.00

Vendor Total: 396.11

	SPECTRUM BUSINESS	04/30/2020		BOFA	M&I SERVICE 04.29.20 -05.28.20		
	PO BOX 7195	05/14/2020		N		104.00	
51223	PASADENA	04/30/2020		N	N	0.00	
02-581	CA 91109-7195	04/30/2020	0.00	N	0	0.00	
	<Emailing Stub Disabled>	04/30/2020	069794801043020			104.00	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5036	COMMUNICATIONS		104.00	0.00
Distribution Total			104.00	0.00

	SPECTRUM BUSINESS	05/02/2020		BOFA	SVC 05.01.20 - 05.31.20 CAMPUS		
	PO BOX 7195	05/14/2020		N		285.03	
51224	PASADENA	05/02/2020		N	N	0.00	
02-581	CA 91109-7195	05/02/2020	0.00	N	0	0.00	
	<Emailing Stub Disabled>	05/02/2020	064070101050220			285.03	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5036	COMMUNICATIONS		79.85	0.00
100-007-5036	COMMUNICATIONS		53.73	0.00
100-014-5036	COMMUNICATIONS		79.85	0.00
400-023-5036	COMMUNICATIONS		22.03	0.00
100-019-5036	COMMUNICATIONS		49.57	0.00
Distribution Total			285.03	0.00

Vendor Total: 389.00

	STAPLES BUSINESS ADVANTAGE	04/14/2020		BOFA	OFFICE SUPPLIES TRANSIT		
	STAPLES BUSINESS CREDIT	05/14/2020		N		298.11	
51225	ATLANTA	04/14/2020		N	N	0.00	
19-812	GA 30348-5638	04/14/2020	0.00	N	0	0.00	
	<Emailing Stub Disabled>	04/14/2020	O#7306163995-0-1			298.11	

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discoun
	Email Address	Inv. Date	Invoice No.			Net Amount

	OFFICE SUPPLIES		NEUTRA AIR FRESHENER		298.12	0.00
	Distribution Total				298.12	0.00

51226	STAPLES BUSINESS ADVANTAGE	04/03/2020		BOFA	OFFICE SUPPLIES TRANSIT	
19-812	STAPLES BUSINESS CREDIT	05/14/2020		N		131.65
	ATLANTA	04/03/2020		N	N	0.00
	GA 30348-5638	04/03/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/03/2020	O#7306682640-0-1			131.65

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
400-023-5016	OFFICE SUPPLIES		131.65	0.00
Distribution Total			131.65	0.00

Vendor Total: 429.70

51227	TEL-TEC SECURITY SYSTEMS	05/01/2020		BOFA	ADOBE FIRE MONITORING MAY20	
20-278	5020 LISA MARIE COURT	05/14/2020		N		55.00
	BAKERSFIELD	05/01/2020		N	N	0.00
	CA 93313	05/01/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	05/01/2020	700327			55.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5077	OUTSIDE SERVICES		55.00	0.00
Distribution Total			55.00	0.00

Vendor Total: 55.00

51228	TYACK TIRES INC.	04/09/2020		BOFA	UNIT 274 DISMOUNT & MOUNT	
49-085	211 SUMNER	05/14/2020		N	FULL SET OF TIRES	162.87
	BAKERSFIELD	04/09/2020		N	N	0.00
	CA 93305	04/09/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/09/2020	198705			162.87

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5012	MAINTENANCE - VEHICLE		162.87	0.00
Distribution Total			162.87	0.00

Vendor Total: 162.87

51229	VEOLIA WATER NA - MAINT-NOTE	02/13/2020		BOFA	O&M ARVIN WASTEWATER JAN20	
22-282	PO BOX 28895	05/14/2020		N		140,076.67
	CHICAGO	02/13/2020		N	N	0.00
	IL 60673-8895	02/13/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/13/2020	90229301			140,076.67

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
420-016-5110	VEOLIA OPERATING EXPENSES		12,227.99	0.00
420-016-5034	PROFESSIONAL SERVICES		127,848.68	0.00
Distribution Total			140,076.67	0.00

Vendor Total: 140,076.67

51231	VERIZON WIRELESS 609123961-1	04/25/2020		BOFA	03.26.20 - 04.25.20 CELL PH PD	
22-290	P.O. BOX 660108	05/14/2020		N		471.23
	DALLAS	04/25/2020		N	N	0.00
	TX 75266-0109	04/25/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/25/2020	9853337321			471.23

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discoun
	Email Address	Inv. Date	Invoice No.			Net Amount

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5056	TELEPHONE		471.23	0.00
Distribution Total			471.23	0.00

51232	VERIZON WIRELESS 609123961-1	04/25/2020		BOFA	03.26.20-04.25.20 AIR CARDS PD	
	P.O. BOX 660108	05/14/2020		N		646.17
22-290	DALLAS	04/25/2020	0.00	N	N	0.00
	TX 75266-0109	04/25/2020		N	0	0.00
	<Emailing Stub Disabled>	04/25/2020	9853337322			646.17

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5056	TELEPHONE		646.17	0.00
Distribution Total			646.17	0.00

Vendor Total: 1,117.40

51230	VERIZON WIRELESS A#64202330	04/28/2020		BOFA	SVC 03.29.20 -04.28.20 TRANSIT	
	PO BOX 660108	05/14/2020		N		120.18
28-292	DALLAS	04/28/2020	0.00	N	N	0.00
	TX 75266-0108	04/28/2020		N	0	0.00
	<Emailing Stub Disabled>	04/28/2020	9853515681			120.18

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
400-023-5056	TELEPHONE		120.18	0.00
Distribution Total			120.18	0.00

Vendor Total: 120.18

51237	WELLS FARGO LEASE PMTS	04/29/2020		BOFA	COPIER LEASE COMM DEV	
	PO BOX 10306	05/14/2020		N	04.24.20 - 05.23.20	121.16
23-201	DES MOINES	04/29/2020	0.00	N	N	0.00
	IA 50306-0306	04/29/2020		N	0	0.00
	<Emailing Stub Disabled>	04/29/2020	5010187499			121.16

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-007-5072	EQUIPMENT - LEASE		121.16	0.00
Distribution Total			121.16	0.00

51238	WELLS FARGO LEASE PMTS	04/23/2020		BOFA	COPIER LEASE ARVIN PD	
	PO BOX 10306	05/14/2020		N	04.18.20 - 05.17.20	183.86
23-201	DES MOINES	04/23/2020	0.00	N	N	0.00
	IA 50306-0306	04/23/2020		N	0	0.00
	<Emailing Stub Disabled>	04/23/2020	5010121962			183.86

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5072	EQUIPMENT - LEASE		183.86	0.00
Distribution Total			183.86	0.00

Vendor Total: 305.00

51233	WRIGHT NATIONL FLOOD INSUR/	03/30/2020		BOFA	141 N A ST 05.25.20 - 05.25.21	
	P.O BOX 33070	05/14/2020		N		2,311.00
28-202	ST. PETERSBURG	03/30/2020	0.00	N	N	0.00
	FL 33733-8070	03/30/2020		N	0	0.00
	<Emailing Stub Disabled>	03/30/2020	PN 04 1150917165 07 05.25			2,311.00

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discoun
	Email Address	Inv. Date	Invoice No.		Net Amount

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5112	FLOOD INSURANCE		2,311.00	0.00
Distribution Total			2,311.00	0.00

51234	WRIGHT NATIONL FLOOD INSUR/	03/30/2020	BOFA	141 N A ST OFC 1	
	P.O BOX 33070	05/14/2020	N	05.25.20 - 05.25.21	1,950.00
28-202	ST. PETERSBURG	03/30/2020	N	N	0.00
	FL 33733-8070	03/30/2020	0.00	N	0.00
	<Emailing Stub Disabled>	03/30/2020	PN 04 1150917163 07 05.25		1,950.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5112	FLOOD INSURANCE		1,950.00	0.00
Distribution Total			1,950.00	0.00

51235	WRIGHT NATIONL FLOOD INSUR/	03/30/2020	BOFA	141 N A ST OFC 2	
	P.O BOX 33070	05/14/2020	N	05.25.20 - 05.25.21	1,950.00
28-202	ST. PETERSBURG	03/30/2020	N	N	0.00
	FL 33733-8070	03/30/2020	0.00	N	0.00
	<Emailing Stub Disabled>	03/30/2020	PN 04 1150917164 07 05.25		1,950.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5112	FLOOD INSURANCE		1,950.00	0.00
Distribution Total			1,950.00	0.00

51236	WRIGHT NATIONL FLOOD INSUR/	03/30/2020	BOFA	414 4TH AVE 05.25.20 -05.25.21	
	P.O BOX 33070	05/14/2020	N		1,867.00
28-202	ST. PETERSBURG	03/30/2020	N	N	0.00
	FL 33733-8070	03/30/2020	0.00	N	0.00
	<Emailing Stub Disabled>	03/30/2020	PN 04 1150917162 07 05.25		1,867.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-002-5112	FLOOD INSURANCE		1,867.00	0.00
Distribution Total			1,867.00	0.00

Vendor Total: 8,078.00

Grand Total:	167,828.00
Less Credit Memos:	-3.90
Net Total:	167,824.00
Less Hand Check Total:	0.00
Outstanding Invoice Total:	167,824.00

Total Invoices: 45

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discoun
	Email Address	Inv. Date	Invoice No.		Net Amount
51239	ACC BUSINESS	04/27/2020	BOFA	INTERNET ACC 03.11.20-04.10.20	958.6
48-486	P.O. BOX 105306	05/19/2020	N		0.0
	ATLANTA	04/27/2020	N	N	0.0
	GA 30348-5306	04/27/2020	0.00	N	0
	<Emailing Stub Disabled>	04/27/2020	201023833		958.6

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5100	IT SYSTEMS SUPPORT		958.64	0.0
Distribution Total			958.64	0.0

Vendor Total: 958.6

51240	AFLAC	05/12/2020	BOFA	SUPP INS MAY2020	145.6
01-025	ATTN: RPS	05/19/2020	N		0.0
	COLUMBUS	05/12/2020	N	N	0.0
	GA 31999	05/12/2020	0.00	N	0
	<Emailing Stub Disabled>	05/12/2020	754729		145.6

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-000-0217	AFLAC		145.62	0.0
Distribution Total			145.62	0.0

Vendor Total: 145.6

51241	ARVIN POLICE OFFICERS	05/15/2020	BOFA	UNION DUES 05.01.20 & 05.15.20	600.0
01-725		05/19/2020	N		0.0
		05/15/2020	N	N	0.0
		05/15/2020	0.00	N	0
	<Emailing Stub Disabled>	05/15/2020	UNION DUES 05.01.20 & 05		600.0

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-000-0206	UNION DUES PAYABLE		600.00	0.0
Distribution Total			600.00	0.0

Vendor Total: 600.0

51242	C & T AUTOMOTIVE, INC	04/23/2020	BOFA	UNIT 279 BRAKES & OIL SVC	805.5
03-757	12312 MAIN STREET	05/19/2020	N		0.0
	LAMONT	04/23/2020	N	N	0.0
	CA 93241	04/23/2020	0.00	N	0
	<Emailing Stub Disabled>	04/23/2020	900028191		805.5

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5012	MAINTENANCE - VEHICLE		805.53	0.0
Distribution Total			805.53	0.0

51243	C & T AUTOMOTIVE, INC	05/01/2020	BOFA	UNIT 274 VALVE CVR GSKT & AC	385.8
03-757	12312 MAIN STREET	05/19/2020	N		0.0
	LAMONT	05/01/2020	N	N	0.0
	CA 93241	05/01/2020	0.00	N	0
	<Emailing Stub Disabled>	05/01/2020	900028222		385.8

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5012	MAINTENANCE - VEHICLE		385.84	0.0
Distribution Total			385.84	0.0

Attachment: Demand Register(s) May 08, 2020 - May 21, 2020 (Demand Register(s) of May 08, 2020 - May 21, 2020.)

**Edit List of Invoices - Detail w/GL**

**4.A.1**

Date: 05/19/2020

Time: 11:06 am

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	1099?	Hand Check Number/Date
	Email Address	Inv. Date	Invoice No.		Net Amount

Vendor Total: 1,191.37

51244	CENTRAL CALIF. ASSOC. PUBLIC	05/15/2020	BOFA	COA UNION DUES 05.15.20	
11-150	SEIU LOCAL 521	05/19/2020	N		715.44
	SAN FRANCISCO	05/15/2020	N	N	0.00
	CA 94139-8826	05/15/2020	0.00	N	0
	<Emailing Stub Disabled>	05/15/2020	COA UNION DUES 05.15.20		0.00
					715.44

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-000-0206	UNION DUES PAYABLE		715.45	0.00
Distribution Total			715.45	0.00

Vendor Total: 715.44

51245	COPOWER	ID 903697	05/08/2020	BOFA	CHIRO SVC JUN2020	
27-067	DEPT. 34604		05/19/2020	N		189.74
	SAN FRANCISCO		05/08/2020	N	N	0.00
	CA 94139		05/08/2020	0.00	N	0
	<Emailing Stub Disabled>		05/08/2020	2017137		0.00
						189.74

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5015	MEDICAL INSURANCE		27.74	0.00
100-013-5015	MEDICAL INSURANCE		21.63	0.00
100-014-5015	MEDICAL INSURANCE		56.19	0.00
100-030-5015	MEDICAL INSURANCE		4.78	0.00
200-020-5015	MEDICAL INSURANCE		27.74	0.00
230-032-5015	MEDICAL INSURANCE		4.78	0.00
400-023-5015	MEDICAL INSURANCE		46.88	0.00
Distribution Total			189.74	0.00

Vendor Total: 189.74

51246	CORELOGIC SOLUTIONS, LLC	04/30/2020	BOFA	KERN CA DATA MAPS APR2020	
28-169	P.O. BOX 847239	05/19/2020	N		137.50
	DALLAS	04/30/2020	N	N	0.00
	TX 75284-7239	04/30/2020	0.00	N	0
	<Emailing Stub Disabled>	04/30/2020	82023034		0.00
					137.50

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-007-5062	DUES AND SUBSCRIPTIONS		137.50	0.00
Distribution Total			137.50	0.00

Vendor Total: 137.50

51247	DIAMOND TECHNOLOGIES, INC	05/07/2020	BOFA	DELL PWREDGE SERV LIC & EQL	
28-397	P.O BOX 660831	05/19/2020	N	MAY2020	3,786.81
	DALLAS	05/07/2020	N	N	0.00
	TX 75266-0831	05/07/2020	0.00	N	0
	<Emailing Stub Disabled>	05/07/2020	27013198		0.00
					3,786.81

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5100	IT SYSTEMS SUPPORT	DELL POWEREDGE SERVERS	1,404.92	0.00
100-001-5100	IT SYSTEMS SUPPORT	DELL COMPUTER EQUIP	178.27	0.00
100-014-5100	IT SYSTEMS SUPPORT	DELL SERVERS	2,203.67	0.00
Distribution Total			3,786.86	0.00

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discoun
	Email Address	Inv. Date	Invoice No.		Net Amount

Vendor Total: 3,786.81

51248	GALLS, LLC	04/28/2020	BOFA	MAGNETIC MIC SINGLE P	
07-044	P.O BOX 71628	05/19/2020	N		84.61
	CHICAGO	04/28/2020	N	N	0.00
	IL 60694-1628	04/28/2020	0.00	0	0.00
	<Emailing Stub Disabled>	04/28/2020	015567680		84.61

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5012	MAINTENANCE - VEHICLE		84.62	0.00
Distribution Total			84.62	0.00

Vendor Total: 84.61

51249	GENERAL OFFICE	05/06/2020	BOFA	METER READING APD & COMM D	
07-250	P.O BOX 2486	05/19/2020	N	03.31.20 - 05.03.20	314.47
	BAKERSFIELD	05/06/2020	N	N	0.00
	CA 93303	05/06/2020	0.00	0	0.00
	<Emailing Stub Disabled>	05/06/2020	15765		314.47

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-007-5054	CONTRACT SERVICES		65.45	0.00
100-014-5054	CONTRACT SERVICES		249.02	0.00
Distribution Total			314.47	0.00

Vendor Total: 314.47

51250	GRANICUS	04/28/2020	BOFA	IQM2 AGENDA & MINUTES	
07-703	DEPT CH-BOX 19634	05/19/2020	N	04.28.20 - 05.27.20	561.00
	PALATINE	04/28/2020	N	N	0.00
	IL 60055-9634	04/28/2020	0.00	0	0.00
	<Emailing Stub Disabled>	04/28/2020	125789		561.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5034	PROFESSIONAL SERVICES		561.00	0.00
Distribution Total			561.00	0.00

Vendor Total: 561.00

51251	KERN COUNTY ANIMAL SERVICE	04/27/2020	BOFA	MONTHLY SERVICES 1058-2001	
28-267	3951 FRUITVALE AVE	05/19/2020	N	JAN2020 THRU MAR2020	15,250.00
	BAKERSFIELD	04/27/2020	N	N	0.00
	CA 93308	04/27/2020	0.00	0	0.00
	<Emailing Stub Disabled>	04/27/2020	INV JAN-MAR 2020		15,250.00

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-003-5054	CONTRACT SERVICES		15,250.00	0.00
Distribution Total			15,250.00	0.00

Vendor Total: 15,250.00

51252	LEAGUE OF CA CITIES SSJVD	01/01/2020	BOFA	MEMBERSHIP DUES SSJVD 2020	
12-252	SOUTH SAN JOAQUIN VALLEY DI	05/19/2020	N		158.50
	SACRAMENTO	01/01/2020	N	N	0.00
	CA 95814	01/01/2020	0.00	0	0.00
	<Emailing Stub Disabled>	01/01/2020	7821		158.50

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	1099?	Hand Check Number/Date
	Email Address	Inv. Date	Invoice No.		Discour
					Net Amount

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5062	DUES AND SUBSCRIPTIONS		52.85	0.00
100-007-5062	DUES AND SUBSCRIPTIONS		52.85	0.00
100-001-5062	DUES AND SUBSCRIPTIONS		52.85	0.00
<b>Distribution Total</b>			<b>158.55</b>	<b>0.00</b>

Vendor Total: 158.55

51253	MOBILE AG & INDUSTRIAL SUPPL	04/23/2020		BOFA	CASE PLAIN TYVECK COVERALL	
49-090	4310 ROSEDALE HWY	05/19/2020		N		159.11
	BAKERSFIELD	04/23/2020		N	N	0.00
	CA 93308	04/23/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/23/2020	104069			159.11

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-019-5094	SHOP SUPPLIES		159.13	0.00
<b>Distribution Total</b>			<b>159.13</b>	<b>0.00</b>

Vendor Total: 159.13

51254	MOUNTAINSIDE DISPOSAL	05/11/2020		BOFA	BIN RENT 4YD FL SVC APR2020	
13-585	8665 SO. UNION AVE	05/19/2020		N		66.94
	BAKERSFIELD	05/11/2020		Y	N	0.00
	CA 93307	05/11/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	05/11/2020	578859			66.94

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5107	REFUSE COSTS		66.94	0.00
<b>Distribution Total</b>			<b>66.94</b>	<b>0.00</b>

Vendor Total: 66.94

51255	OFFICE DEPOT	04/24/2020		BOFA	OFFICE SUPPLIES PD	
15-304	PO BOX 29248	05/19/2020		N		29.50
	PHOENIX	04/24/2020		N	N	0.00
	AZ 85038-9248	04/24/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/24/2020	464339059002			29.50

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5016	OFFICE SUPPLIES		29.50	0.00
<b>Distribution Total</b>			<b>29.50</b>	<b>0.00</b>

51256	OFFICE DEPOT	04/29/2020		BOFA	HAND SANITIZER 50 CT - COVID	
15-304	PO BOX 29248	05/19/2020		N		176.99
	PHOENIX	04/29/2020		N	N	0.00
	AZ 85038-9248	04/29/2020	0.00	N	0	0.00
	<Emailing Stub Disabled>	04/29/2020	464339059003			176.99

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5016	OFFICE SUPPLIES		176.99	0.00
<b>Distribution Total</b>			<b>176.99</b>	<b>0.00</b>

Attachment: Demand Register(s) May 08, 2020 - May 21, 2020 (Demand Register(s) of May 08, 2020 - May 21, 2020.)

**Edit List of Invoices - Detail w/GL**

**4.A.1**

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City of Arvin

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discoun
	Email Address	Inv. Date	Invoice No.		Net Amount
	OFFICE DEPOT	04/30/2020	BOFA	MISC OFFICE SUPPLIES	
	PO BOX 29248	05/19/2020	N		76.41
51257	PHOENIX	04/30/2020	N	N	0.00
15-304	AZ 85038-9248	04/30/2020	0.00	N	0
	<Emailing Stub Disabled>	04/30/2020	484997117001		76.41

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-014-5016	OFFICE SUPPLIES		76.46	0.00
Distribution Total			76.46	0.00

Vendor Total: 282.91

	PITNEY BOWES	04/29/2020	BOFA	LEASE 03.01.20 - 05.29.20	
	P.O. BOX 371887	05/19/2020	N		252.84
51258	PITTSBURGH	04/29/2020	N	N	0.00
16-390	PA 15250-7887	04/29/2020	0.00	N	0
	<Emailing Stub Disabled>	04/29/2020	3103917001		252.84

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-001-5072	EQUIPMENT - LEASE		63.21	0.00
100-007-5072	EQUIPMENT - LEASE		63.21	0.00
100-014-5072	EQUIPMENT - LEASE		63.21	0.00
400-023-5074	EQUIPMENT RENTAL		63.21	0.00
Distribution Total			252.84	0.00

Vendor Total: 252.84

	SOUTHERN VALLEY CHEMICAL	04/30/2020	BOFA	RED DYE FOR ROUNDUP - PARKS	
	P.O. BOX 181	05/19/2020	N		78.62
51259	ARVIN	04/30/2020	N	N	0.00
19-605	CA 93203	04/30/2020	0.00	N	0
	<Emailing Stub Disabled>	04/30/2020	011137		78.62

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-012-5008	MAINTENANCE - OTHER		78.62	0.00
Distribution Total			78.62	0.00

	SOUTHERN VALLEY CHEMICAL	04/22/2020	BOFA	ROUNDUP POWERMAX - PARKS	
	P.O. BOX 181	05/19/2020	N		941.45
51260	ARVIN	04/22/2020	N	N	0.00
19-605	CA 93203	04/22/2020	0.00	N	0
	<Emailing Stub Disabled>	04/22/2020	010982		941.45

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-012-5008	MAINTENANCE - OTHER		941.45	0.00
Distribution Total			941.45	0.00

Vendor Total: 1,020.00

	VANTAGE POINT TRANSFER AGE	05/15/2020	BOFA	457K 05.15.20	
	C/O M&T BANK	05/19/2020	N		521.65
51261	BALTIMORE	05/15/2020	N	N	0.00
26-912	MD 21264	05/15/2020	0.00	N	0
	<Emailing Stub Disabled>	05/15/2020	457K 05.15.20		521.65

GL Number	Account Name	Distribution Line Description	Pay Amount	Relieve Amount
100-000-0211	457K DEDUCTIONS		521.65	0.00

Attachment: Demand Register(s) May 08, 2020 - May 21, 2020 (Demand Register(s) of May 08, 2020 - May 21, 2020.)

**Edit List of Invoices - Detail w/GL**

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City of Arvin

Ref. No.	Vendor Name	Post Date	PO Number	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Req. No.	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Disc. %	Sep. Ck.?	Use Description 1 On Check	Discoun
	State/Province Zip/Postal	Due Date	Invoice No.	1099?	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date				

Distribution Total	521.65	0.00
Vendor Total:	521.65	

Total Invoices: 23

Grand Total:	26,397.41
Less Credit Memos:	0.00
Net Total:	26,397.41
Less Hand Check Total:	0.00
Outstanding Invoice Total:	26,397.41

Attachment: Demand Register(s) May 08, 2020 - May 21, 2020 (Demand Register(s) of May 08, 2020 - May 21, 2020.)

**COST REPORT**

**4.B.1**

Emp. Code Desc.: CITY OF ARVIN  
 From 05/15/2020 to 05/15/20  
 City of Arvin

PAYROLL 5-15-2020

Date: 5/21/2020  
 Time: 9:16:50

Employee Name	Employee ID	MC PERS6	MC1 PERS8	PER2D SS	PER2M SS1	PER3E	PER5E	PERS2	PERS3	Oth Tot
<b>Grand Total:</b>	<b>Employee Count: 55</b>	1,640.62	315.50	1,432.93	1,023.28	1,154.54	119.74	2,489.95	2,283.21	0.0
		2,445.40	2,182.11	6,898.44	1,585.10					23,570.8

**EARNINGS REPORT**

Emp. Code Desc.: CITY OF ARVIN  
 From 05/15/2020 to 05/15/20  
 City of Arvin

PAYROLL 5-15-2020

Date: 5/21/2020  
 Time: 9:14:45

Employee Name	Employee ID	1X INSUR RETRO	2X LONG SICK	ALLOW MISC TUPGR	BERV PBD UNADV	BNFT1 PHALW VAC	CTO POST WRKCO	DEGRE REG COALV	DIFFL RETOT COV1X	Othe Tot
<b>Grand Total:</b>	<b>Employee Count: 55</b>	6,936.08	51.19	200.00	223.50	1,107.69	868.53	438.48	176.40	0.0
		1,994.16	2,641.03	191.52	21.28	300.00	809.05	96,028.29	475.13	127,876.1
		2,721.41	1,963.87	120.24	90.78	1,335.41	1,081.06	6,961.44	1,139.76	

Attachment: Payroll Register(s) May 15, 2020 (Payroll Register(s) of May 15, 2020.)

## REGULAR MEETING MINUTES

### ARVIN CITY COUNCIL / SUCCESSOR AGENCY TO THE ARVIN COMMUNITY REDEVELOPMENT AGENCY / ARVIN HOUSING AUTHORITY / ARVIN PUBLIC FINANCING AUTHORITY

MAY 12, 2020

CALL TO ORDER @ 6:05PM

ROLL CALL: All present. CM Trujillo arrived late during Public Hearing Item 5A.

#### 1. Approval of Agenda as To Form.

**Motion to approve the Agenda.**

Motion Mayor Gurrola      Second MPT Robles      Vote 4-0

#### 2. PUBLIC COMMENTS

(This is the opportunity for the public to address the City Council on any matter on the agenda or any item of interest to the public that is within the subject matter jurisdiction of the City Council.)

NONE

#### 3. CLOSED SESSION REPORT FROM REGULAR CITY COUNCIL MEETING OF APRIL 28, 2020. (City Attorney)

**CLOSED SESSION REPORT FROM REGULAR CITY COUNCIL MEETING OF APRIL 28, 2020 BY CITY ATTORNEY: No reportable action.**

#### 4. CONSENT AGENDA ITEM(S)

A. Approval of Demand Register(s) of April 24, 2020 – May 07, 2020.

B. Approval of Payroll Register(s) of May 01, 2020.

C. Approval of the Minutes of the Regular Meeting(s) of April 28, 2020.

D. Approval of A Resolution of the City Council of the City of Arvin Adopting List of Projects for Fiscal Year 2020-2021 Funded by SB1: The Road Repair and Accountability Act of 2017; and Authorizing Related Actions.

**Resolution No. 2020-24**

E. Approval of A Resolution Approving the Purchase of An Access Easement at 409 Combs Avenue for the Completion of Sidewalk Improvements as a Part of the ATP Cycle 1 Project.

**Resolution No. 2020-25**

**Agreement No. 2020-08**

Staff recommends approval of the Consent Agenda.

**Motion to approve Consent Agenda Items 4A – 4E.**

Motion Mayor Gurrola      Second MPT Robles      Vote 4-0

**5. PUBLIC HEARING ITEM(S)**

- A. A Public Hearing to Consider Adoption of An Ordinance of the City Council of the City of Arvin Adding Chapter 17.65, of Title 17 Hemp to the City of Arvin Municipal Code (Director of Administrative Services)

Staff recommends the City Council consider adopting the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive second reading of the Ordinance, and approve the adoption of the Ordinance.

**Hearing opened.**

**No public testimony.**

**Hearing closed.**

**Motion to waive second reading of the Ordinance and approve the adoption of the Ordinance.**

Motion MPT Robles      Second CM Martinez      Vote 5-0

**Ordinance No. 2020-463**

- B. A Public Hearing to Consider Adoption of An Urgency Ordinance of the City Council of the City of Arvin Repealing Chapter 8.12 and 8.20, of Title 8 of the Arvin Municipal Code and Replacing Them With Chapter 8.12, of Title 8 Nuisances.

Staff recommends to open the hearing, allow for public testimony, close the hearing and approve the adoption of the Urgency Ordinance.

**Hearing opened.**

**No public testimony.**

**Hearing closed.**

Motion Mayor Gurrola      Second CM Martinez      Vote 5-0

**Ordinance No. 2020-464**

- C. A Public Hearing to Consider Adoption of An Uncodified Urgency Ordinance of the City Council of the City of Arvin Related to Facial Coverings and/or Personal Protective Equipment, and Compliance with State and County Emergency Orders, in Response to the COVID-19 Pandemic.

Staff recommends to open the hearing, allow for public testimony, close the hearing and approve the adoption of the Urgency Ordinance.

Hearing opened.

**Public Testimony: One (1) member of the public spoke in favor of the Ordinance. Local Fastrip convenience store business owner asked questions regarding protocol and enforcement.**

Hearing closed.

Motion Mayor Gurrola

Second CM Martinez

Vote 4-1 (CM Franetovich voted No.)

**Ordinance No. 2020-465**

## 6. ACTION ITEM(S)

- A. Discussion and Action on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic.

Staff recommends to discuss and take action as appropriate.

**Direction provided to Staff to coordinate and implement an educational campaign to educate businesses and residents regarding the City of Arvin ordinance related to facial coverings (COVID-19) by providing educational materials or by way of a press release.**

**No motion and no action taken for above Action Item 6A.**

## 7. BUDGET WORKSHOP FY 2020-2021 (Finance Director)

## 8. STAFF REPORTS

- A. City of Arvin Floodplain Information (City Engineer)

## 9. COUNCIL MEMBER COMMENTS

## 10. CLOSED SESSION ITEM(S)

- A. Threats to Public Services or Facilities (Pursuant to Government Code section 54957(a).)  
Consultation with: City Attorney and/or City Emergency or Critical Function Personnel.
- B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)  
One case (City of Arvin v. Clean Fuel Connection, Inc.)
- C. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)  
One case (Community Recycling and Resource Recovery Center, Inc.)

## CLOSED SESSION REPORT BY CITY ATTORNEY:

**No reportable action.**

11. ADJOURNED @8:44PM

Respectfully submitted,

\_\_\_\_\_  
Cecilia Vela, City Clerk

DRAFT



**CITY OF ARVIN**  
**Staff Report**

Meeting Date: May 26, 2020

**TO:** Arvin City Council

**FROM:** Shannon Chaffin, City Attorney

**SUBJECT:** Public Hearing to Consider Introduction of An Ordinance of the City Council of the City of Arvin Repealing Chapter 8.12 and 8.20, of Title 8 of the Arvin Municipal Code and Replacing Them With Chapter 8.12, of Title 8 Nuisances

**SUMMARY:**

Staff recommends the consideration and introduction of the proposed Nuisance Ordinance to allow for a broader range of enforcement options for the City, including enforcement of orders related to the COVID-19 emergency.

**RECOMMENDATION:**

Staff recommends the City Council consider introducing the Nuisance Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive the first reading of the Ordinance, and approve the introduction of the Nuisance Ordinance.

**DISCUSSION:**

On May 12, 2020 the City Council approved a Nuisance Ordinance on an urgency basis which allowed management of urgent Covid-19 issues. Staff now recommends the Council approve the ordinance in the non-urgency context to allow for additional public input through the regular adoption process, etc. The proposed ordinance is virtually identical to the urgency ordinance adopted by the Council, and addresses a wide range of issues, including sample citation language, hearing processes, notices, etc., for ease of use by City staff. It also provides for a full range of enforcement options to allow greater flexibility for the City. These options include abatement, administrative citations (up to \$1,000 per incident), criminal complaint or citation, injunction, receivership, unlawful business practices enforcement, red light abatement, drug abatement, state housing law items as set forth in Health and Safety Code section 17910 et seq., and any other available remedy set forth in the Arvin Municipal Code or State law.

Enactment of the Ordinance will provide a greater range of tools for enforcing emergency orders, allowing the City to issue fines instead of criminal citations for violations. A strong Nuisance ordinance allows for enforcement of the provisions of the Arvin Municipal Code, and will preserve public peace, health, and safety.

**FINANCIAL IMPACT:**

The Ordinance would have no fiscal impact.

**ATTACHMENT:**

Proposed Ordinance

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN REPEALING CHAPTER 8.12 AND 8.20, OF TITLE 8 OF THE ARVIN MUNICIPAL CODE AND REPLACING THEM WITH CHAPTER 8.12, OF TITLE 8 NUISANCES**

**WHEREAS**, the City of Arvin has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. Art. XI, section 7; and

**WHEREAS**, the City Council of the City of Arvin finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the City; and

**WHEREAS**, by declaring that violations of the Arvin Municipal Code constitute a public nuisance, the City Council has determined that by violating the City’s laws contained in the Arvin Municipal Code, a person or entity creates a threat or danger to the public health, safety or welfare as a public nuisance; and

**WHEREAS**, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize the City of Arvin to enact ordinances declaring what constitutes a public nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, providing for the collection of civil penalties; and

**WHEREAS**, Section 2929.3 of the California Civil Code authorizes the City of Arvin to abate a public nuisance existing at residential properties acquired through foreclosure or a deed of trust and to charge fines for noncompliance; and

**WHEREAS**, Chapter 13 of Part 2 of Division 3 of Title 4 of the California Government Code authorizes local procedures for weed abatement; and

**WHEREAS**, the City Council finds that ensuring compliance with the Arvin Municipal Code and other regulations vital to the protection of the public’s health, safety and quality of life throughout the City is an important public service; and

**WHEREAS**, the City Council desires to enhance and promote the maintenance of property and the enhancement of the livability, community appearance, and the social and economic conditions of the community; and

**WHEREAS**, the City Council finds that an effective code compliance program eliminates and prevents the spread of blight, deterioration and crime, makes neighborhoods safer and more livable, and promotes economic development and pride in the community; and

**WHEREAS**, the City Council recognizes that an effective code compliance program requires the drafting and adoption of regulations that can be effectively applied by City personnel in a fair and expedient manner; and

**WHEREAS**, the City Council has determined that it is in the public interest to adopt this ordinance which expressly declares that any and all violations of the Arvin Municipal Code constitute public nuisances, in order to facilitate the City’s ability to protect the health, safety, and

general welfare of the public through the use of the nuisance abatement procedures set forth in the Arvin Municipal Code and in other applicable laws, rules and regulations; and

**WHEREAS**, the City Council finds that the Arvin Municipal Code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

**WHEREAS**, the City Council has an interest in maintaining the City of Arvin in an orderly and esthetically pleasing condition, to keep property values in line with neighboring communities and to improve the quality of life for its residents, businesses, and visitors; and

**WHEREAS**, the City Council has determined that the adoption of this ordinance is necessary to achieve a more comprehensive code compliance program that will permit City personnel to immediately proceed with code compliance efforts in an expedient, efficient and fair manner for purposes of effectively protecting public health and safety.

**NOW THEREFORE**, the City Council of the City of Arvin does ordain as follows:

**SECTION 1.** The above recitals are incorporated are hereby by reference.

**SECTION 2.** Chapter 8.12 and 8.20, of Title 8, of the Arvin Municipal Code are hereby repealed in their entirety and the following provisions are adopted in their entirety to read as set forth herein:

## **Chapter 8.12**

### **NUISANCES**

#### **Article 1. Unlawful Property Related Nuisances**

##### **Section 8.12.101 Neighborhood Preservation.**

It shall be unlawful for any person owning, renting, leasing, occupying or having charge or possession of any real property in the City to maintain such property in a manner that any of the following conditions are found to exist thereon, except as may be allowed by the Arvin Municipal Code. These conditions meet one or more of the following criteria and are considered nuisances subject to abatement and cost recovery as proscribed in this Chapter: substantially detract from the appearance of the immediate neighborhood, reduce the property value in the immediate neighborhood, are an attractive nuisance, are materially detrimental to nearby properties and improvements, are a visual blight, are offensive to the senses, or are otherwise dangerous to public health, safety or welfare.

(a) **Abandoned and Partial Buildings.**

Buildings which are abandoned, vacant, partially destroyed, or left in an unreasonable state of partial construction. "An unreasonable state of partial construction" means any unfinished building or structure where the owner has been given written notice to complete the building or structure by the City's Building Official or designee, but fails to complete construction and obtain final approval from the City

in accordance with applicable laws and regulations within the time period provided by the City's Building Official or designee.

(b) Broken windows.

Buildings with windows containing broken glass or no glass at all where the window is of a type which normally contains glass.

(c) Building Materials and Household Fixtures and Equipment.

Used or damaged lumber, junk, trash, debris, concrete, scrap metal, salvage materials and abandoned, broken, discarded or unused furniture, appliances, sinks, toilets, cabinets, or other household fixtures or equipment (i) stored so as to be visible at ground level from a public street, alley or from adjoining property, or (ii) stored in a manner out of view but in an unsecured area accessible to minors, or (iii) stored in a manner as to harbor rodents, insects, or other vermin.

(d) Building Residue.

Residue from a fire or demolition such as concrete or brick foundations and flatwork.

(e) Construction Equipment.

Construction equipment or machinery of any type or description parked or stored on the property when it is readily visible to the general public, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property.

(f) Deteriorated Buildings.

Buildings which have become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.

(g) Deteriorated Improvements.

Walls, fences, hedges, driveways, sidewalks, walkways, and similar improvements which have become deteriorated, hazardous, defective, or unsightly.

(h) Encroachment.

The encroachment onto public property for which no encroachment permit has been issued or which is in violation of the provisions of an encroachment permit or any applicable law.

(i) Garbage Containers.

The leaving of any garbage, rubbish, recyclable, or green waste container in a front yard area visible from a public street, except during the times necessary for collection, which provides for containers are to be placed at curbside for collection within twelve (12) hours of the time of collection and shall be removed within twelve (12) hours after collection service is rendered.

(j) Graffiti.

Graffiti or other defacing words, letters or drawings which remain in excess of forty-eight (48) hours on the exterior of any building or fence or other structure that has not been removed or covered with paint matching the structure that was defaced.

(k) Hazardous Liquids and Other Substances.

Any property with pooled or flowing hazardous substances, including oil and similar liquids, which are not contained on site in approved storage containers and pursuant to all laws. Any property with excessive accumulations of oil and similar liquids on paved surfaces, buildings, walls, or fences. Any property where a hazardous substance is deposited, stored, released, or discharged in violation of any law.

(l) Hazardous Pools, Ponds, and Excavations.

Pools, spas, hot tubs, ponds, or other artificially confined bodies of water, and excavations, maintained in a hazardous manner which may affect the health or safety of the public, including providing a breeding place for mosquitoes and algae, failing to comply with State and local safety requirements for pools and spas, and failing to take adequate measures to prevent public access to the area.

(m) Landscape Materials.

The keeping, storage, depositing, or accumulation on the premises of dirt, sand, gravel, concrete, or other similar materials for an unreasonable period of time or in a manner as to harbor rodents, insects, or other vermin.

(n) Landscaping.

Front and visible side yards without acceptable landscaping, except for improved surfaces such as walks and driveways. Acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn, turf and/or other material determined to be acceptable or required by the City Manager or his/her designee. Landscaping shall also be maintained in accordance with any approved permit, site plan, or landscaping plan.

(o) Land Use Entitlements.

The failure to comply with any condition imposed on an entitlement, permit, contract, or environmental document issued or approved by the City in connection with the property or any improvement located thereon.

(p) Laundry Hanging.

The hanging of clothing, laundry or routinely washed articles on porch/stair railings, fences, hedges, or other supporting structures located in front or side yards and visible from a public place.

(q) Occupied Vehicles.

Any vehicle, recreational vehicle, motor home, camper, camper shell, or boat occupied by any person or persons overnight, except as may be permitted in an approved location for such purpose.

(r) Offensive Odors.

Stagnant water, refuse, rubbish, garbage, dead animal carcasses, offal, animal excrement or other waste materials which emit odors that are unreasonably offensive to the physical senses of a reasonable person of normal sensitivity or which may cause or attract rodents, insects, or other vermin.

(s) Personal Property.

The keeping, storage, depositing or accumulation of an excessive amount of personal property visible from a public street, alley and/or adjacent private property.

(t) Public Right-of-Way.

The keeping, storage, depositing or accumulation of landscaping materials, sporting equipment, garbage cans or any other personal property within the public right-of-way, including but not limited to greenways, landscaping medians, streets, sidewalks and alleyways.

(u) Safety Hazard.

The maintenance of property in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety.

(v) Sewage.

The failure to properly connect any inhabited improvements to a sewage disposal system or sanitary sewer and/or permitting sewage seepage or discharge upon the ground.

(w) Signs.

Improper existence and maintenance of signs relating to uses no longer conducted or products no longer sold on the property.

(x) Storage Containers and Dumpsters.

Storing or keeping boxes, containers, or dumpsters, in excess of seventy-two (72) consecutive hours, except when otherwise permitted by the Arvin Municipal Code, the City Manager or his/her designee when engaged in ongoing construction activity.

(y) Tarps and Other Temporary Use Items.

The keeping or using of tarps or other similar items intended to be used as a temporary protective cover or shelter in a state of disrepair or beyond the intended use period, when the item is stored so as to be visible at ground level from a public street, alley or from adjoining property. Temporary use items visible for more than thirty (30) consecutive calendar days or thirty (30) calendar days in any calendar year shall be presumed to be beyond their intended period of use.

(z) Tractor-Trailer.

Any semi-tractor-trailer truck, also known simply as a semi-trailer truck, tractor-trailer truck, semi-tractor truck, semi-truck, big rig, 18 wheeler, trailer truck or tractor truck, or combination of a tractor unit and one, or more, semi-trailers to carry freight and/or exceeding 10,000 lbs. parked or stored on any driveway, street, an unimproved surface or otherwise in violation of the Arvin Municipal Code; unless parking or storage on the street is authorized within the zoning district where it is parked or stored.

(aa) Unpermitted Construction or Alterations.

The building, construction or placement of any unpermitted structure or building, including but not limited to an unpermitted carport, driveway entrance, patio cover, pergola or improvements to a previously approved structure or building.

(bb) Vehicle Parts.

The keeping, storage, depositing, or accumulation on the premises of motor vehicle part(s) or scrap, including tires, which is:

- (i) visible at ground level from a public street, alley or from adjoining property, or
  - (ii) contains more than personal use items unless allowed by previous City review or permit in appropriate commercial or industrial zones.
- (cc) Vehicles, Including Motor Homes, Trailers, and Boats.
- (i) Any vehicle, recreational vehicle, motor home, camper, camper shell, boat, or trailer parked or stored outside of a garage or carport on an unimproved surface or otherwise in violation of the Arvin Municipal Code.
  - (ii) Any inoperable vehicle, recreational vehicle, motor home, boat, or trailer parked or stored outside of a garage or carport on a driveway, street, an unimproved surface or otherwise in violation of the Arvin Municipal Code.
- (dd) Visibility Hazards.

The maintenance of property in such a manner as to cause a hazard to the public by obscuring the visibility of any public right-of-way, road intersection, pedestrian walkway, street sign, street light, or traffic signal.

#### **Section 8.12.102 Weeds, Vegetation, and Rubbish.**

No person, whether such person is the owner, agent, or person in control of any lot or parcel of land within the City, shall maintain, permit, or allow such premises, or adjoining public way, sidewalk, street and/or alley, to be maintained in any of the following conditions, which are declared to be a public nuisance. It is the duty of the property owner to destroy or remove all such prohibited materials.

(a) Refuge for Vermin.

Dead, decayed, diseased or hazardous trees, weeds, grass, rubbish, refuse, dirt, debris, or any other matter or material which may provide a breeding place or refuge for rodents, insects, or other vermin.

(b) Vegetation Near Chimneys.

Dead vegetative growth overhanging a structure or any tree branch or other vegetative growth which extends within ten feet (10') of the outlet of a chimney.

(c) Pollen.

Weeds which may produce pollen which is injurious to the health, safety, comfort, or welfare of the residents of the City.

(d) Fire Hazard: Fire Hydrants.

Weeds, rubbish, refuse, dirt, debris, or any other matter or material which may become a fire or health hazard, or is within thirty-six inches (36") of a fire hydrant.

(e) Overgrown Vegetation.

- (i) Vegetative growth overhanging a public street by less than fourteen feet (14') in height or a public sidewalk by less than eight feet (8') in height.
- (ii) Any overgrown vegetation, including but not limited to bushes, shrubs, trees, lawns, weeds and/or flowers.

(f) Other Vegetation.

Any other vegetation or materials which, because of lack of maintenance, create conditions which may become a fire or health hazard, including weeds which are otherwise subject to abatement by law.

(g) Trees and shrubs.

Any tree or shrub causing damage to the public right-of-way including but not limited to streets, sidewalks, alleyways, greenways and landscape medians.

**Section 8.12.103 Garbage.**

(a) Public right-of-way.

No person shall place, or cause to be placed, upon any public way, street, or sidewalk, any refuse matter, garbage, or filth which is hazardous to public health or safety or which obstructs the free passage of such street or sidewalk for more than one hour at a time, except as may be permitted by the Arvin Municipal Code.

(b) Private Property.

No person in control of any lot or parcel of land within the City, whether such person is the owner, agent, or tenant, shall maintain, permit, or allow any refuse matter, garbage, or filth which is hazardous to public health or safety to exist on such premises. Garbage shall be placed in approved containers.

(c) Summary Abatement.

The existence of one or more of these conditions shall be considered public nuisances subject to summary abatement and cost recovery as proscribed in this Chapter.

#### **Section 8.12.104 Vacant Buildings: Nuisance and Abatement.**

Vacant residential, commercial and industrial buildings and all yards surrounding the building must be maintained, actively monitored, and secured in accordance with the following standards or the property will be considered blighted and a nuisance subject to abatement pursuant to the procedures set forth in this Chapter, and any other available enforcement mechanisms.

“Vacant building” means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, “vacant” shall mean when any one unit is unoccupied or occupied by unauthorized persons.

For commercial and industrial properties, “acceptable landscaping” means that at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live plant materials and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed.

For residential properties, acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn and/or other material determined to be acceptable or required by the City Manager or his/her designee.

##### **(a) Yard Maintenance.**

Maintain all yards in compliance with any applicable development permits, site plans, and landscape plans. If there are no applicable development permits, site plans, or landscape plans, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with acceptable landscaping, installed and maintained in a trimmed, live and healthy condition.

“Park strip” means that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, “park strip” shall mean the area of property from the property line to the edge of the pavement.

(b) Building Exterior.

Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition.

(c) Broken Windows.

Board up broken windows within twenty-four (24) hours and replace broken windows within seventy-two (72) hours, subject to the provisions of subsection (g) of this section.

(d) Trash and Debris.

Remove all trash and debris within seventy-two (72) hours of their placement or abandonment on the property.

(e) Compliance with Laws.

Maintain the building in continuing compliance with all applicable State and local codes and regulations and any applicable City issued permits.

(f) Prevention of Criminal Activity.

Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of controlled substances, prostitution and criminal street gang activity.

(g) Secure Property.

Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the City Manager or his/her designee. For purposes of securing the building and grounds, boarding up windows and doors and fully fencing the property shall be a disfavored technique and may only be used when it is determined by the City Manager or his/her designee that no other reasonable alternative exists. Properly maintained buildings and grounds should discourage trespassers. Alternative security measures are also available. When a building is boarded or the property fenced, the owner shall comply with standards established by the City Manager or his/her designee.

(h) Graffiti.

Remove all graffiti on the property within forty-eight (48) hours of placement on the property.

**Section 8.12.105 Vacant Buildings: Vacant Building Plan.**

For vacant properties, the City Manager or his/her designee may issue an Order to Submit a Vacant Building Plan to the property owner and require the payment of a fee as required under this section.

(a) Vacant Building Plan.

The Vacant Building Plan shall include the following information and shall be submitted within thirty (30) calendar days of service of the order:

- (i) Name and address of person submitting the Vacant Building Plan;
- (ii) Name and address of all property owners of the subject property;
- (iii) The name and address of a local agent, if the property owner(s) is/are not local, that the City Manager or his/her designee may contact related to enforcement of this article;
- (iv) The expected period of vacancy;
- (v) A plan to make any buildings ready for occupancy that could not be legally occupied under State and local law at the time of submission of the plan;
- (vi) If required by the City Manager or his/her designee, a plan to either occupy, sell, lease, or demolish the building within one hundred eighty (180) calendar days or such other time as determined reasonable by the City Manager or his/her designee under the circumstances;
- (vii) A plan for actively monitoring, maintaining and securing the property and otherwise complying with this article;
- (viii) A letter of written consent by the property owner(s) to the City Manager or his/her designee to allow City code enforcement inspectors to enter the property for

inspections consistent to enforce the provisions of this article;

- (ix) Any other information required by the City Manager or his/her designee in rules and regulations adopted by the City Manager or his/her designee under this article.

(b) Exception.

If the vacant building will be occupied within thirty (30) calendar days of service of the notice, the owner may notify the City Manager or his/her designee in writing of this fact and the owner will be excused from submitting a Vacant Building Plan.

(c) Vacant Building Plan Fee.

When a property owner is ordered to submit a Vacant Building Plan by the City Manager or his/her designee they shall also be required to pay a fee, not to exceed the costs of the City to monitor or inspect the building and to review and approve the Vacant Building Plan. The City Manager or his/her designee shall have discretion to determine the number of inspections required to monitor the subject building upon submission of the plan, based upon the type and condition of the property, and the history of violations at the subject property. There shall be no charge for the initial Vacant Building Plan. The amount of the fee for subsequent Vacant Building Plans shall be established by City Council Resolution.

(d) Appeal.

An Order to Submit a Vacant Building Plan and/or a decision by the City Manager or his/her designee rejecting a Vacant Building Plan are appealable in accordance with the procedures set forth in this Chapter except that both an Order to Submit a Vacant Building Plan and a rejection of a Vacant Building Plan must be appealed within fifteen (15) calendar days from service of the notice of the order or rejection.

(e) Approved Plan.

A Vacant Building Plan is enforceable immediately upon notice to the property owner of the approval of the Vacant Building Plan until the City Manager or his/her designee releases the property from the approved Vacant Building Plan. An approved plan shall be valid for no more than one hundred eighty (180) calendar days from the date of its approval. If a plan expires after one hundred eighty (180) calendar days and the City Manager or his/her designee has not yet released the property from the approved Vacant Building Plan, the property

owner is automatically required to seek approval of a new Vacant Building Plan and pay a fee for that renewal as set forth in Subsection (c) of this Section.

(f) Noncompliance.

Failure by the property owner to submit a Vacant Building Plan or comply with a Vacant Building Plan that has been approved by the City Manager or his/her designee under this section or pay a fee as required under this section is a violation of the Arvin Municipal Code, subject to the abatement and cost recovery procedures set forth in this Chapter and any other available enforcement mechanisms.

(g) Transfer of Vacant Building.

The transferee of a vacant building is subject to the requirements of this Chapter. The transferee may apply to the City Manager or his/her designee to be released from the requirements of the Vacant Building Plan. It shall be in the City Manager's or his/her designee's discretion to grant such an application. The City Manager's or his/her designee's decision shall be final.

(h) Service.

Service of an Order to Submit a Vacant Building Plan, notice of rejection, or approval of a Vacant Building Plan shall be made on the property owner by personal service or first class mail. Where known, a copy may also be provided by email.

**Section 8.12.106 Registration of Vacant Foreclosed Properties.**

[Reserved]

**Article 2. Violations of the Arvin Building Code**

**Section 8.12.201 Building Codes.**

The Arvin Building Code shall mean the current versions of the California Building, Fire, Plumbing, Mechanical, Electrical, Administrative, Energy Code, Green Code and related codes, as well as the Uniform Administrative Code, Uniform Code for the Abatement of Dangerous Buildings, and International Property Maintenance Code, as incorporated by reference in the Arvin Municipal Code with local amendments, except that the procedures for abatement, conducting appeals, and cost recovery shall be those set forth in this Chapter.

**Section 8.12.202 Dangerous Buildings.**

The Uniform Code for the Abatement of Dangerous Buildings and California Health and Safety Code shall apply to the determination of whether a building is dangerous

except that the procedures for abatement, conducting appeals, and cost recovery shall be those set forth in this Chapter.

### **Section 8.12.203 Nuisances.**

Violations of the Arvin Building, California Health and Safety Code, Uniform Administrative Code, Dangerous Building Codes, and International Property Maintenance Code are considered public nuisances subject to abatement and cost recovery as proscribed in this Chapter.

## **Article 3. Management of Real Property Violations**

### **Section 8.12.301 Findings, and Purpose.**

#### **(a) Findings.**

Just as the physical conditions of structures and properties within the City can constitute public nuisances, so too can the behavior of persons on properties within the City constitute public nuisances. The abatement of behavioral nuisances is as important to the City in its fight against blight, decay, deterioration and crime as is the abatement of other nuisances created by physical conditions.

The owners of real properties within the City are responsible for monitoring their properties and for taking appropriate action if a nuisance exists thereon, whether that nuisance be created by existing physical conditions or by nuisance creating behaviors, or the combination of conditions.

Many nuisances can be avoided with active property management. Lack of proper management of real property can create an environment which is conducive to behaviors which become a nuisance with repetition and lack of abatement and corrective measures.

If a property owner does not fulfill his or her responsibilities, it is necessary for the safety, health and welfare of the neighborhoods, and the City as a whole, that the City be able to undertake abatement action. The provisions of this article are necessary to protect the health, property, and integrity of this community.

Nothing in this Article exempts property owners from compliance with Federal, State, or local laws, including, but not limited to, laws on housing, eviction, retaliatory conduct, discriminatory conduct, or invasion of privacy.

#### **(b) Purpose.**

The purpose of this Article is to set forth the management of activities conducted and enforce minimum standards relating to or conditions on real property to protect the public health, safety and welfare; and to put in place remedies which will permit the City to take effective, efficient administrative or other legal action against property owners who permit or suffer nuisance

creating behaviors or conditions to occur on their properties on a continuing basis, in order to compel such owners to abate the nuisance creating behaviors or conditions and control the environment, both physical and behavioral, on such real properties.

The provisions of this Article are complimentary, cumulative, supplementary, and additional to any other legal remedies available, whether found in the Arvin Municipal Code, State or Federal laws, regulations, or case law.

It is not the intent or purpose of this Article to subject owners or managers to any legal liability resulting from a tenant's actions away from the owner's or manager's own property, unless it can be shown that the problem tenant is also creating a nuisance or committing a crime on the owner's or manager's property.

(c) Enforcement Responsibility.

Enforcement of this Article shall fall within the responsibility of the City Manager or his/her designee(s).

**Section 8.12.302 Definitions.**

(a) Department.

The Arvin Police Department, Fire Department (as may be provided by contract), Development Services Department, Planning Department, and/or Public Utilities Department.

(b) Response Costs.

All actual and reasonable costs incurred by the Department(s) in responding to a nuisance, including, but not limited to, costs of personnel, including salaries and benefits, administrative overhead, costs of equipment and materials used in the response, and costs related to investigation of the underlying call for service. Response costs do not include costs covered by a user fee.

**Section 8.12.303 Dual Responsibility.**

(a) Owners.

Every person or entity owning, possessing, or having charge or control of real property within the City is required to manage that property and control the environment thereon in a manner so as not to violate the provisions of this Chapter, and the owner shall be liable for violations of the provisions of this Chapter regardless of any contract or agreement with any third party regarding the property.

(b) Lessees.

Every occupant, lessee, or holder of any possessory interest in real property is required to:

- (i) comply with all laws applicable to the property;
- (ii) to supervise anyone utilizing, using, or occupying the property, with or without the consent of the owner, consistent with this Chapter; and
- (iii) to maintain the property in a manner so as not to violate the provisions of this Chapter.

**Section 8.12.304 Multiple Response Nuisances.**

- (a) If a Department of the City is required to respond to a violation(s) of the provisions of this Chapter more than once in any one hundred twenty (120) calendar day period, including a second response during the same day or night as the first response, the person or persons who own the property where the nuisance took place, except as provided below; the person or persons residing on or otherwise in control of the property where the nuisance took place; the person or persons who organized or sponsored the activity or event causing the nuisance; and all persons who engaged in any activity resulting in the public nuisance shall be jointly and severally liable for the violation(s), regardless of whether the City issues an administrative citation or initiates a code enforcement action. The multiple response shall apply to the same or similar nuisances occurring during the applicable time period.
- (b) It is a public nuisance and a violation of this Chapter for the person or persons who own the property, whether through their agent, lessee, sublessor, sublessee, or occupant of any premises in the City to permit, by their own acts or omissions, any of the following activities to repeatedly occur on the real property of the owner. “Repeated” shall mean more than one occurrence upon the real property in any one hundred twenty (120) calendar day period.
  - (i) Use and Sale of Controlled Substances.
 

The illegal manufacturing, sale, use or possession of controlled substances or other illegal drugs and substances.
  - (ii) Coming and Going for Sales or Use of Controlled Substances.
 

The gathering, or coming and going, of people who purchase or use controlled substances on the premises.
  - (iii) Prostitution.
 

The occurrence of prostitution.
  - (iv) Gang Activities.

Unlawful activities of a criminal street gang as defined in Penal Code Section 186.22.

(v) Noise and Unruly Behavior.

Noise and unruly behavior as set forth within the Arvin Municipal Code.

(vi) Firearms and Weapons.

The unlawful discharging of a firearm or brandishing of a weapon by any person.

(vii) Graffiti and Trash.

The presence of graffiti or other defacing words, letters, or drawings, or trash and debris on the property for a forty-eight (48) hour period.

(viii) Abandoned and Inoperable Vehicles.

The presence of abandoned vehicles or improperly stored inoperative, wrecked, or dismantled vehicles on the property, occurring on any one or more properties of the same owner within the City of Arvin.

(ix) Animal Disturbances.

Animal disturbances, including but not limited to competitive fighting between animals.

(x) Violent Criminal Acts.

Violent criminal acts, charged or not, including, but not limited to, rapes, assaults, battery, homicides, stabbings, and/or shootings.

(xi) Gaming activities.

Illegal gaming activities.

(xii) Stolen Vehicles.

Maintenance, storage, and/or dismantling of any stolen vehicle upon the property.

**Section 8.12.305 Notice to Property Owner.**

The City Manager, his/her designee, or the Department(s) shall, within a reasonable period of time from the date of occurrence of any activity listed in Section 8.12.304, and/or any other provision of this Chapter, notify the property owner of the unlawful

activity. The notice shall include the location of the property, the name of the person(s) conducting the unlawful activity (if known and appropriate), a description of the illegal activity, suggested remedies and a warning of the enforcement of this Article if the activity described is not abated within the time prescribed in the notice. The notice shall be served on the owner of the property, via regular mail, at the address listed on the latest tax assessment roll or as otherwise actually known to the City Manager.

The Notice shall be in substantially the following form:

[DATE OF NOTICE]

**IMPORTANT NOTICE REGARDING PUBLIC NUISANCE**

NOTICE IS HEREBY GIVEN THAT, pursuant to Arvin Municipal Code, on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ a.m./p.m., the \_\_\_\_\_ Department found that an activity or event occurred at the below-listed premises causing a public nuisance as follows: [short description of the nuisance and the applicable Arvin Municipal Code section(s) violated].

ADDRESS:

**WARNING**

IF THE DEPARTMENT RESPONDS TO THE SAME OR SIMILAR TYPE OF NUISANCE WITHIN ONE HUNDRED TWENTY (120) DAYS OF THIS NOTICE, OR ANY ONE HUNDRED TWENTY (120) DAY PERIOD AFTER A FURTHER RESPONSE, INCLUDING BUT NOT LIMITED TO A RESPONSE LATER TODAY OR TONIGHT, THE COSTS OF THE RESPONSE WILL BE IMPOSED UPON:

1. ALL GUESTS CAUSING THE NUISANCE
2. ALL SPONSORS OF THE GATHERING
3. ALL RESIDENTS OF THE PREMISES
4. ALL PERSONS IN CONTROL OF THE PREMISES
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED

Property owners who do not reside on or adjacent to the above premises, and who are not present when this Notice is first posted, are also jointly and severally liable for the penalties or costs, if the next disturbance occurs after seven (7) calendar days following the mailing of this Notice to said owner.

**THIS NOTICE MUST REMAIN POSTED ON THE PREMISES UNTIL ONE HUNDRED TWENTY (120) CONSECUTIVE CALENDAR DAYS**

HAVE ELAPSED WITH NO CALLS FOR SERVICE FOR THE NUISANCE, UNLESS THE PREMISES ARE REPOSTED. THERE IS A \$100 FINE FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

[Name and Signature of Individual Issuing This Notice]

[Phone Number]

Date:

The notice shall remain posted for the entire one hundred twenty (120) calendar day period and unless the premises are reposted, shall not be removed until one hundred twenty (120) consecutive calendar days have elapsed without a call for service.

**Section 8.12.306      Violations.**

Violations of this Article are subject to the abatement and cost recovery procedures as set forth in this Chapter and any other available enforcement mechanisms.

Property owners who do not reside on or adjacent to the property, and who are not present when the notice is first posted, are jointly and severally liable for the penalties and/or abatement and enforcement costs, if the next disturbance occurs after seven (7) calendar days following the mailing of the notice.

The residents, owners, and persons in control of such property shall be responsible for ensuring that such notice as provided within Section 8.12.305 is not removed or defaced and shall be liable for a civil penalty of one hundred and no/100ths dollars (\$100.00) in addition to any other penalties and costs which may be due under this Chapter, if such notice is removed or defaced.

**Section 8.12.307      Relocation Costs.**

If the City incurs any costs or expenses for relocating tenants resulting from the enforcement of this Chapter, the owner shall be required to reimburse the City for all such costs and expenses.

**Article 4. Additional Nuisance Related Activities**

**Section 8.12.401      Obstructing Public Passageways.**

It shall be unlawful for a person to stand or sit idly in or upon any street, alleyway or sidewalk in a manner that hinders or obstructs the passage of persons passing along the same, or stand in or at the entrance of or approach to any church, hall, theater, public place, or public assemblage in any manner to obstruct such entrance or approach.

**Section 8.12.402      Breach of Peace.**

No person shall make in any public place, including but not limited to parks, greenways, landscaping medians, common city spaces, streets, sidewalks and/or alleyways, or suffer to be made on his/her premises or upon the premises under

his/her control, any disorder or tumult to the disturbance of the public peace; and no person shall utter in the presence of two (2) or more persons lewd or obscene words or epithets or address to another any words, language, or expressions having a tendency to create a breach of the peace. “Disturbance” and “breach of the peace” mean causing an annoyance or engaging in disorderly conduct or interfering with the peace and order of a neighborhood, community, or meeting.

**Section 8.12.403 Unruly Behavior.**

A gathering of five (5) or more persons on any public or private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law shall be considered a nuisance subject to the abatement and cost recovery procedures set forth in this Chapter and any other available enforcement mechanisms. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter. In addition to the remedies provided for in this Chapter, a gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and State statutes.

**Section 8.12.404 Interference with Right of Assembly.**

No person, except with legal authorization or authority, shall disturb or interrupt any school procession, funeral or funeral procession, or any lawful procession, church service, or assembly of people.

**Section 8.12.405 Public Urination.**

No person shall evacuate their bowels or bladder in any public place, or upon any private property, at a place not provided for that purpose.

**Section 8.12.406 Swimming in Ditches, Canals, Rivers or Fountains.**

No person shall bathe or swim in any ditch, canal, river or fountain within the City, unless the area is authorized by the City to be utilized swimming purposes.

**Section 8.12.407 Motor Vehicle Racing.**

It is unlawful for any person to operate, conduct, maintain, promote, or participate or engage in any motor vehicle race within the City, unless such race is expressly allowed by City permit or occurs in a facility permitted for such activity. For the purposes of this section, “motor vehicle” shall mean any vehicle which is self-propelled and shall include without limitation any automobile, racing car, motorcycle, or other self-propelled vehicle, whether or not the same is licensed by the State to operate on public streets. “Motor vehicle race” shall mean any race,

speed, or other contest involving one or more motor vehicles or in which a motor vehicle is timed for operation over a measured distance.

### **Section 8.12.408 Criminal Street Gangs.**

#### **(a) Prohibited Acts.**

It is unlawful for any person who is a member of a criminal street gang, as that term is defined in California Penal Code Section 186.22(f), or who is in the company of or acting in concert with a member of a criminal street gang, to loiter or idle in a public place as defined in this section under any of the following circumstances:

- (i) With the intent to publicize a criminal street gang's control or dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area.
- (ii) With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.
- (iii) In such a manner that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable the criminal street gang to establish control or dominance over the public place or adjacent area, to intimidate nonmembers of the gang from entering the public place or adjacent area, or to conceal unlawful activity.

#### **(b) Public Place.**

For purposes of this section, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment, office building, transport facility, shop, or privately owned place of business to which the public is invited, including any place of amusement, entertainment, or eating place.

"Any public place" also includes the front yard area, driveway and walkway of any private residence, business, or apartment.

#### **(c) Powers of Law Enforcement Officers Not Limited.**

Nothing in this Section shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention or arrest as such law enforcement officer would be permitted to make in absence of this Section.

#### **(d) Parental Control.**

Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this Chapter is guilty of a misdemeanor subject to the penalties set forth in this Chapter and/or the Arvin Municipal Code, including but not limited to Section 1-2.02.

(e) Penalties: Notice to Disperse.

Any person who violates a provision of this Section is guilty of a misdemeanor subject to the penalties set forth in this Chapter and/or the Arvin Municipal Code, including but not limited to Section 1-2.02. Minors shall be dealt with in accordance with the California Welfare and Institutions Code and in accordance with any policies and procedures established by the City for handling juvenile cases.

Prior to arresting any person or issuing a citation for violating the provisions of this Section, the officer shall give the person an opportunity to disperse or remove themselves from the area. If the person does not leave or returns to the area during the following eight (8) hours, the person may be arrested or issued a citation.

The requirement in this Section to provide notice to disperse shall in no way be construed to prohibit law enforcement officers from detaining and questioning persons suspected of violating this Chapter before issuing the notice to disperse.

**Section 8.12.409 Additional Legal Nuisances.**

It shall be unlawful for any person to keep or maintain a public nuisance in the City. For the purposes of this Section, public nuisances shall include but not be limited to any of the following:

(a) Attractive Nuisance.

An attractive nuisance, defined as any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

(b) Conditions Declared a Nuisance by City Council.

Any condition declared to be a public nuisance by the City Council.

## (c) Civil Code Section 3480, Nuisance.

Acts constituting a public nuisance as defined by Civil Code section 3480.

## (d) Depreciation of Property Value.

Maintenance of property in such condition of deterioration or disrepair that the same causes depreciation of the value of surrounding property or is materially detrimental to nearby properties and improvements.

**Section 8.12.410 Violation(s) of the Arvin Municipal Code.**

Any violation(s) of the Arvin Municipal Code, emergency order of the director of civil defense and local emergency, or uncodified ordinance enacted by the City Council to address a local emergency, shall be a public nuisances subject to provisions of this Chapter and shall be considered a nuisance per se.

**Article 5. Nuisance Enforcement****Section 8.12.501 Enforcement Options.**

Nuisances under this Chapter may be enforced by one or more of the following nonexclusive remedies:

## (a) Abatement.

Abatement and cost recovery proscribed in this Chapter.

## (b) Administrative Citation.

Administrative citation proscribed in this Chapter.

## (c) Criminal Complaint or Citation.

Misdemeanor enforcement pursuant to Section 1.08, of Title 1 of the Arvin Municipal Code and/or as proscribed in this Chapter.

## (d) Injunction.

Injunctive Relief.

## (e) Receivership.

Receiverships pursuant to Health and Safety Code section 17980.7.

## (f) Unlawful Business Practice.

Unlawful business practices pursuant to Business and Professions Code section 17200.

## (g) Red Light Abatement.

Red Light Abatement Act as set forth in Penal Code section 11570.

## (h) Drug abatement.

California Drug Abatement Act set forth in Health and Safety Code section 11570.

## (i) State Housing Law.

State housing law as set forth in Health and Safety Code section 17910 et seq.

## (j) Other.

Any other available remedy set forth in the Arvin Municipal Code or State law.

### **Section 8.12.502 Violations New and Separate Offenses.**

In addition to the penalties provided by this Chapter, each such person shall be guilty of a new and separate offense for each and every day during any portion of which any violation of the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the Arvin Municipal Code is committed, continued, or permitted by such person and shall be punished accordingly.

In all cases where the same offense is made punishable or is created by different clauses or sections of the Arvin Municipal Code, the City Attorney may elect under which to proceed.

### **Section 8.12.503 Criminal Penalties.**

Violations of the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the Arvin Municipal Code for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable by a fine of one thousand dollars (\$1,000.00) and/or six (6) months incarceration within the Kern County Jail. Each and every day, or portion thereof, a violation exists is a new and separate offense. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the Arvin Municipal Code unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty

provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

**Section 8.12.504 Administrative Penalties.**

- (a) The administrative citation penalty for all violations of this Chapter, within a rolling twelve-month period, deemed Misdemeanors shall be as follows:
- (1) First administrative citation: two hundred fifty and no/100ths dollars (\$250.00) per violation;
  - (2) Second administrative citation: five hundred and no/100ths dollars (\$500.00) per violation;
  - (3) Third administrative citation: one thousand and no/100ths dollars (\$1,000.00) per violation; and
  - (4) One thousand and no/100ths dollars (\$1,000.00) per violation for each subsequent administrative citation.
- (b) The administrative citation penalty for all violations of this Chapter, within a rolling twelve-month period, deemed Infractions shall be as follows:
- (1) First administrative citation: one hundred and no/100ths dollars (\$100.00) per violation;
  - (2) Second administrative citation: two hundred and no/100ths dollars (\$200.00) per violation;
  - (3) Third administrative citation: five hundred and no/100ths dollars (\$500.00) per violation; and
  - (4) Five hundred and no/100ths dollars (\$500.00) per violation for each subsequent administrative citation.

**Section 8.12.505 Notification of Abatement.**

- (a) Notice.

Except when the City elects to enforce through another process, such as through an administrative citation process, whenever the City or such City official having enforcement authority determines that property within the City constitutes a public nuisance in violation of this Chapter and seeks to abate the same, the enforcement official shall give written notice to the owner of the property and/or lessee of the property stating the violations with reference to the applicable code sections.

- (b) Time to Correct.

The notice shall set forth a reasonable time limit for correcting the violation(s) and may also set forth suggested methods of correcting the same.

Reasonable time to correct shall be dependent on the type and severity of the violation. The reasonable time to correct may, at the sole discretion of the City or such City official having enforcement authority over the violation, be extended or shortened.

(c) Service of Notice.

Notice shall be given either by personal service or by depositing the notice in the United States mail, postage prepaid, addressed to the property address of the residence. A copy may also be provided to the owner of such lot or parcel of land either by personal service or by depositing the notice in the United States mail, postage prepaid, to the name and address as it appears on the last available equalized assessment roll, supplemental roll of the County of Kern. If no such address appears, then a copy of the notice may be mailed to the property address, and is presumed to be notice to the owner. In order for an absentee owner to be subject to the penalties and costs described in Article 7 of this Chapter, notice must be provided by any method authorized by this subsection.

A copy of the notice may also be posted on the property in a conspicuous place. Where known, a copy may also be provided to the owner or occupant by email in the City’s discretion. The failure of any person to receive the notice required by this section shall not affect the validity of any proceedings taken under this Chapter.

The notice shall bear the date of personal service or mailing and shall be in substantially the following form:

**NOTICE TO ABATE PROPERTY NUISANCE**

Site Address:

Assessor Parcel Number:

Date:

Notice is hereby given that the above-described property is a public nuisance in violation of the following codes: [set forth applicable code(s)]. A nuisance exists because [describe the nuisance]. You must abate the nuisance within [set forth applicable days]. There will be no further notice.

If the nuisance is not removed within the required time, the nuisance may be abated by the City of Arvin or a contractor hired by the City to remove the nuisance. The property owner will be billed for the cost of such abatement plus administrative fees. In addition, the property owner or other responsible party may be issued a citation and/or billed for the City’s enforcement costs.

If you receive an invoice from the City for abatement, you will have fifteen (15) days from the issuance to pay the invoice. If you do not to pay the

invoice within fifteen (15) days, the unpaid amount will be added to your property taxes as a special assessment against your property.

All persons having any objections to the proposed abatement may file an appeal in accordance with [identify code section]. The appeal must be in writing, filed with the City Clerk at 200 Campus Dr., Arvin, California 93203, and received within [specify number of days] from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the City Manager or Hearing Officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the work required at your expense in a timely fashion without further notice or hearing.

If the nuisance condition(s) create an imminent danger to the public, the appeal may be considered after abatement of the nuisance.

DATED: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[ENFORCEMENT OFFICIAL NAME AND TITLE]

\_\_\_\_\_

CITY OF ARVIN, CALIFORNIA

(d) Calendar Days.

Unless otherwise specified, days as used in this Article shall mean calendar days.

**Section 8.12.506 Recording.**

At the time the abatement notice is served, the enforcement official may file in the Office of the County Recorder a notice of pending administrative action and include a copy of the abatement notice. After the nuisance is abated and abatement costs have been paid, the enforcement official shall cause the recorded notice to be removed.

**Article 6. Abatement and Administrative Citation Appeals**

**Section 8.12.601 Appeals of Abatement Notices and Actions.**

The owner or any other person interested in the property, land, or lots affected by the abatement notice set forth in Section 8.12.505 may file an appeal with the City Clerk subject to the following procedures:

(a) Appeal in Writing.

The appeal shall be in writing. The appeal shall state the basis for the appeal with sufficient specificity so that the hearing officer or City

Manager can understand the basis for the appeal and shall include the name, address, and telephone number of the person filing the appeal.

(b) Time to Appeal.

The appeal shall be received by the City Clerk within fifteen (15) calendar days from the date upon the notice. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived.

(c) Dismissal of Appeal.

Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.

(d) Hearing Officer.

Appeals shall be heard by a hearing officer appointed by the City Manager or the City Manager.

(e) Timing of Appeal and Abatement.

The hearing on an appeal from an abatement notice shall be held prior to the abatement except in those circumstances where the enforcement official has determined that the nuisance condition(s) present an immediate danger to the public health and safety, including, but not limited to, hazardous materials, or where the time of year increases the potential for a fire. In those circumstances the appeal hearing may be held after the abatement.

**Section 8.12.602 Procedures for Conduct of Appeal.**

(a) Scheduling of Hearing.

The City Clerk shall schedule a hearing before the hearing officer or City Manager no sooner than ten (10) calendar days and not more than sixty (60) calendar days from the date the appeal was filed with the City Clerk. Upon determining good cause exist, the hearing officer or City Manager may extend the date for scheduling the hearing.

(b) Notice of Hearing.

Written notice of the date, time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the appellant's address shown on the appeal, or, if no address is provided on the appeal, at the address to which the official's decision was previously sent. Where known, a copy may also be provided by email. The failure of any person to receive such notice shall not affect the validity of any

proceedings taken under this Chapter. Service by normal delivery mail in the manner described above shall become effective on the date of mailing.

(c) Scope of Hearing and Burden of Proof.

At the date, time and place stated in the notice, the hearing officer or City Manager shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the appellant, the enforcement official and his/her designees, and interested persons relative to the issues of the hearing. Except where otherwise provided by the governing code or statute, the burden of proof and production of evidence shall be with the City and the burden of proof shall be preponderance of the evidence. Preponderance of the evidence means the burden of proof is met if there is a greater than 50% chance that, based on all the reasonable evidence shown, the City's claims are true and appellant did in fact commit the violation(s). The City meets its burden of proof by presenting physical and testimonial evidence to prove their case and the proposition that it is more likely to be true than not true that appellant committed the violation(s).

(d) Hearing Procedures.

The hearing shall be conducted in accordance with the following procedures:

- (i) All hearings shall be recorded. Any party may, at their sole expense, have the hearing transcribed by a certified shorthand reporter.
- (ii) Hearings need not be conducted according to the technical rules of evidence.
- (iii) Any relevant evidence shall be admitted if it is of the type of evidence in which reasonable persons are accustomed to rely on the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (iv) Oral evidence shall be taken only on oath or affirmation. The hearing officer or the City Manager shall have the power to administer oaths.
- (v) Irrelevant and unduly repetitious evidence shall be excluded.
- (vi) Each party shall have the right to: (1) call and examine witnesses on any matter relevant to the issues of the hearing; (2) introduce documentary and physical evidence; (3) cross-examine opposing witnesses on any matter relevant to the issues of the hearing, subject to the control of the hearing officer or the City Manager, including the imposition of

reasonable alternatives to cross-examination; (4) impeach any witness regardless of which party first called the witness to testify; (5) rebut the evidence; and (6) be represented by anyone who is lawfully permitted to do so.

- (vii) The hearing officer or the City Manager may take official notice, either during the hearing or after submission of the matter for decision, of any fact which may be judicially noticed by the courts of this State or of official records, regulations, rules, and decisions of State and local agencies, boards and departments and of City ordinances. In addition, the hearing officer or the City Manager may take official notice of matters in its own files and of prior proceedings under this chapter involving the same issues. If applicable, the hearing officer or the City Manager may also take official notice of any generally accepted technical or scientific matter within their expertise. The parties present at the hearing shall be informed of the matters to be noticed, and those matters should be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority.

(e) Orders and Subpoenas.

Upon a showing of good cause, relevance to the proceedings, that there is no reasonable alternative means of gathering the information, and that the requesting party is not engaged in a fishing expedition, the hearing officer may do the following:

- (i) At the request of either the City or the appellant, issue orders for attendance of witnesses at the hearing, or production of documents on a date certain. In no event shall the date for the production of documents be less than ten (10) calendar days after the date the order was issued. Failure by a party to comply with an order of attendance or production may be considered a violation of this Code and, at the petition of a party, the hearing officer may impose a civil fine of up to one hundred and no/100ths dollars (\$100.00) at the time of the hearing and may take such failure into consideration in making his or her determination of the hearing.
- (ii) At the request of either the City or the appellant, direct the City Clerk, on behalf of the City, to issue subpoenas for attendance of witnesses at the hearing or production of documents on a date certain. In no event shall the date for production of documents be less than ten (10) calendar days from the date the subpoena was issued. Disobedience of such

subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor.

(f) Inspections.

Inspect the premises involved in the hearing at any time prior to a decision, to investigate or confirm the existence of the violation(s) or conditions which are on appeal; provided, that: consent is granted by a person with the lawful right to grant consent or an inspection warrant is obtained; reasonable notice of such inspection is given to the owner before the inspection is made; the parties are given an opportunity to be present during the inspection; the hearing officer or the City Manager shall place in the record the material facts and the conclusions drawn from the inspection either orally at the time of the hearing or in writing after the hearing; and each party then shall have a right to rebut or explain the matters so stated by the hearing officer for the record either at the hearing or by filing a written statement within ten (10) calendar days after the hearing.

(g) Continuance of Hearing.

The hearing officer or the City Manager may provide for reasonable continuances of the hearing, on its own initiative or at the request of a party, as necessary to properly conduct the appeal.

(h) Decision.

At the conclusion of the hearing, the hearing officer or the City Manager shall deliberate and reach a decision within fifteen (15) calendar days. The decision and the reason(s) for the decision shall be reduced to writing. The hearing officer or the City Manager may affirm, reverse, modify, or set aside the abatement order, suspension or revocation of a permit or license, citation, decision or order issued pursuant to this Code as the facts and law warrant, subject to the following limitations:

- (i) The hearing officer shall not have authority to waive any requirements of the Arvin Municipal Code or any state law.
- (ii) Nothing in these procedures shall be deemed to authorize the hearing officer or the City Manager to deviate from unambiguous provisions of the governing code or statute, or well established interpretations of the same, based upon expert opinions or other reliable evidence.

(i) Service and Filing of Decision.

A copy of the decision shall be sent by mail or otherwise to the appellant. Where known, a copy may also be provided by email.

(j) Finality of Decision.

The decision of the hearing officer or the City Manager shall be final with no further administrative appeals. Unless the governing ordinance or statute provides otherwise, if the appellant seeks further relief, the appellant shall file a petition for writ of mandate in superior court, pursuant to Code of Civil Procedure sections 1094.5 and 1094.6, within ninety (90) calendar days of the date of the decision.

**Section 8.12.603 Nuisance Abatement.**

(a) Abatement with No Appeal.

Where no appeal has been timely filed, and the nuisance condition(s) have not been abated as directed by the abatement notice, the enforcement official shall thereupon cause the same to be removed and may enter upon private property, in compliance with state and/or federal law, for the purpose of so doing.

(b) Abatement After Appeal.

Where an appeal has been timely filed and the hearing officer or the City Manager has finally determined that removal or abatement shall be required, and the nuisance condition(s) have not been removed as directed by the hearing officer or the City Manager, the enforcement official shall thereupon cause the same to be removed and may enter upon private property for the purpose of so doing.

(c) Property Owner Abatement.

At any time prior to the actual abatement, any property owner may remove nuisance condition(s) at his/her own expense.

**Section 8.12.604 Method of Abatement by the City.**

City abatement of the nuisance may be performed by contract or by City crews. When the abatement is performed by contract, the contractor shall keep an account of the cost of the abatement on each separate parcel of land where work is performed, including adjoining sidewalk and street/alley areas, and shall submit an itemized written report showing such cost to the enforcement official for verification. When the abatement work is performed by City crews, the City shall keep an account of the cost of the abatement on each separate parcel of land where work is performed, including adjoining sidewalk and street/alley areas, and shall submit an itemized report showing such cost to the enforcement official for verification.

**Section 8.12.605 Costs of Abatement.**

The City may recover its abatement and enforcement costs in accordance with this Chapter.

**Section 8.12.606 Administrative Citation Appeals.**

The purpose of this Section is to provide for a uniform and consistent procedure for the conduct of administrative hearings that are not part of a property nuisance abatement action. This Section is also designed to identify the appeal and hearing procedures to be followed where procedures are not otherwise identified in the governing code, statute, rule, or regulation, or where there is a reference to following the procedures in this Section, whether expressly or by implication.

(a) Standing.

Only the person issued an administrative citation sought to be appealed from has standing and a right to appeal under this Article. A notice of appeal that fails to allege standing may be rejected as defective.

(b) Time to Appeal.

The appeal shall be received by the City Clerk within fifteen (15) calendar days after the service of the administrative citation appealed from. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived.

(c) Notice of Appeal.

A notice of appeal shall contain the following:

- (i) The name, address, and telephone numbers of the appellant;
- (ii) A brief description of the administrative citation being appealed;
- (iii) A statement of the relief sought;
- (iv) The reasons why such relief should be granted;
- (v) A statement of the appellant, "under penalty of perjury," that the facts stated in the appeal are true of the appellant's own knowledge, except as to matters which are not within the appellant's knowledge and are not of public record, and as to those matters that the appellant believes the facts stated to be true.

(d) Amended Appeal.

Upon a showing of good cause, the City Manager or his/her designee, may, in his/her discretion, permit the filing of an amended appeal, after fifteen (15) calendar days, in which case the appeal shall be considered in the same manner as if it had been timely filed.

(e) Deficient Appeal.

If, in the opinion of the City Clerk, the appeal or an amended appeal fails to comply substantially with the requirements of this section, the City Clerk may give written notice of such insufficiency to the appellant at any time within fifteen (15) calendar days after the appeal is presented, stating with particularity the defects or omissions therein. Failure of the appellant to file an amended appeal within fifteen (15) calendar days of the date of service of such notice of insufficiency shall constitute a waiver of the appeal. Failure of the City Clerk to give notice of any insufficiency within fifteen (15) calendar days shall result in the appeal being heard on its merits, without regard to any insufficiency.

(f) Procedures for Conducting the Appeal.

Upon receipt of an appeal, or if notice of insufficiency is given in accordance with this section, upon receipt of an amended appeal within the time specified, the City Manager or his/her designee shall appoint a hearing officer and the procedures set forth in Section 8.12.602 shall apply to the conduct of the appeal.

**Section 8.12.607 Supplemental Rules and Regulations.**

The City Manager may adopt written rules, regulations, policies and procedures that are consistent with the intent or provisions of this Chapter, as may be necessary or desirable to aid in the administration or enforcement of the provisions of the Arvin Municipal Code.

**Article 7. Cost Recovery and Penalties**

**Section 8.12.701 Findings and Purpose.**

The Council finds that substantial public resources are spent each year to enforce the Arvin Municipal Code and State laws, as well as Federal and County laws that may fall within the jurisdiction of the City, enacted to protect the public health, safety and welfare. The Council finds that the responsibility of these costs should be properly placed on those persons responsible for violating the Arvin Municipal Code or Federal, State and County laws and/or causing public nuisances. The Council further finds that the recovery of costs incurred by the City to enforce these laws and to collect penalties issued to those persons causing public nuisances and/or violating these laws is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The purpose of this article is to provide a means for the City of Arvin under its police power authority and other applicable law to recover these costs and penalties from those persons responsible for creating, causing, committing or maintaining a public nuisance or Arvin Municipal Code or other law violation.

**Section 8.12.702 Definitions.**

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

(a) Abatement Costs.

The actual and reasonable costs incurred by the City to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including, but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable Federal, State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include staff costs, administrative overhead, costs for equipment, such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by the City. Costs also include those incurred in seeking cost recovery. Abatement costs may be established in the Master Administrative Fee Schedule.

At any administrative hearing, judicial action or special proceeding where the City elects to recover attorneys' fees in connection with an abatement action, the prevailing party shall be awarded attorneys' fees not to exceed the amount of reasonable attorneys' fees incurred in the action, hearing or proceeding.

(b) Bona Fide Encumbrancer.

A person who (i) receives a lien or encumbrance on the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired the interest did not have actual or constructive knowledge of the City's interest in the property.

(c) Bona Fide Purchaser.

A person who (i) purchases any portion of the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired his or her portion of the subject property did not have actual or constructive knowledge of the City's interest in the property.

(d) Enforcement Costs.

All actual and reasonable costs incurred by the City to enforce compliance with the Municipal Code and any applicable Federal, State, County or City public health and safety law that are not included within abatement costs. These costs include, but are not limited to, actual cost of the enforcing department services including, but not limited to, costs of personnel, including costs of worker's

compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of materials, costs related to investigations pursuant to the Municipal Code or Federal, State or County law, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal Code or Federal, State or County law violations, and reasonable attorneys' fees. Enforcement costs include multiple response and similar costs as permitted by this Chapter. Costs also include those incurred in seeking cost recovery.

(e) Enforcing Department.

The departments or divisions of the City that directed and are responsible for the enforcement of the Arvin Municipal Code or applicable Federal, State or County law or the abatement of a public nuisance.

(f) Noticed Party.

The person or entity that is required to be noticed in the underlying abatement or enforcement action in which costs were incurred, but in all cases must include the record owner(s) of the property for property related violations. A "noticed party" should be notified for purposes of cost or penalty recovery in the same manner as they were required to be noticed, either by the Municipal Code or applicable Federal, State or County law, in the abatement or enforcement action which resulted in the incurring of costs or penalties sought to be recovered under this article.

(g) Penalties.

Fines imposed by administrative citations issued pursuant to the Arvin Municipal Code or other penalties specifically identified in the Arvin Municipal Code or permit relating to a specific use. Penalties for purposes of this article do not include criminal fines.

(h) Public Nuisance.

A public nuisance as declared or defined in this Chapter or any other provision of the Arvin Municipal Code.

(i) Record Owner.

The person to whom land is assessed as shown on the last available equalized assessment roll, supplemental roll of the County of Kern, or as otherwise known to the enforcement official or his/her designee by virtue of more recent or reliable information.

(j) Responsible Party.

A person or entity identified by the Arvin Municipal Code or law as responsible for creating, causing, committing, or maintaining the violation(s) of the Arvin Municipal Code or law and/or responsible for the abatement of a Arvin Municipal Code or law violation(s), including public nuisance, as defined in this Chapter.

(k) Subject Property.

The real property that is the subject of any enforcement or abatement action by the City for which the City incurred costs sought to be recovered under this article.

**Section 8.12.703 Abatement and Enforcement Costs and Penalties.**

(a) Special Assessment and Lien or Personal Obligation.

The cost of abating a public nuisance and/or enforcing this Chapter or applicable Federal, State or County law shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property and/or the person responsible for creating, causing, committing or maintaining the public nuisance or violating this Chapter or Federal, State or County law. If there is more than one responsible party, each responsible party shall be jointly and severally liable for the costs. Costs incurred by the City are recoverable even if a public nuisance, Arvin Municipal Code, or other law violation is corrected by the property owner or other responsible party.

(b) Applicability.

This article shall govern the procedures used to recover all abatement and enforcement costs incurred by the City in the abatement of a public nuisance or violation of this Chapter and/or the enforcement of this Chapter or other law pursuant to the procedures and authority found in the Arvin Municipal Code. Additionally, this article shall govern the procedures used to recover administrative penalties and costs as well as multiple response costs imposed pursuant to the procedures and authority found in the Arvin Municipal Code.

(c) Cumulative Remedies.

The remedies provided in this Article shall be cumulative to any other provided in the Arvin Municipal Code or by law.

(d) Payment Plan.

Nothing in this Article shall prevent the City at any time from accepting payment for unpaid costs or penalties in whole or by way of a payment plan.

**Section 8.12.704 Invoice of Costs.**

## (a) Invoice.

The invoice shall notify the noticed party of the following:

- (i) A description of the abatement or enforcement action taken by the City, where applicable a description of the property subject to the abatement or enforcement, and the total amount of the costs incurred by the City. The requirements of this subsection may be met by providing the noticed party with a copy of the report required by subsection (a) of this section.
- (ii) That should the noticed party fail to pay the costs within thirty (30) calendar days from the date of service of the invoice the costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the City Attorney's Office through judicial action, or as a special assessment and lien attached to the subject property.
- (iii) That the noticed party has a right to administrative review of the accounting of the costs incurred by the City by filing a written request for such review with the City Clerk within fifteen (15) calendar days of the date of the invoice, and that a failure to request administrative review will be deemed a waiver of a right to review of the amount of the costs.
- (iv) That before a special assessment is placed on the subject property, the costs will be confirmed by the City Council and a notice will be issued at least fifteen (15) calendar days before the Council meeting.
- (v) That the invoice may be recorded as a Notice of Costs or Penalties in the Kern County Recorder's Office.

## (b) Recording.

The enforcing department may record the invoice as a Notice of Costs or Penalties in the Kern County Recorder's Office. Once payment is received for the outstanding costs and/or penalties, or any reduction of costs following administrative review, and no further action will be taken under this article, the enforcing department shall record a Notice of Satisfaction.

### **Section 8.12.705 Administrative Review of Costs.**

## (a) Right to Administrative Review.

A noticed party shall have the right to administrative review of the invoiced costs incurred by the City by filing a written request for such review with the City Clerk within fifteen (15) calendar days of the date of the invoice. A failure to timely request administrative review will be deemed a waiver of a right to review of the amount of the costs.

## (b) Procedures for Administrative Review.

If a request for administrative review is timely filed, the City Clerk shall deliver a copy of the invoice of costs incurred by the City and request for administrative review to the City Manager or his/her designee, which may include the appointment of a hearing officer, who shall set a date and time to review the invoice of costs with the requesting party. The administrative review shall be an informal proceeding where the enforcement department and requesting party may present any evidence they deem pertinent to the amount of the costs. The scope of review shall be limited to the amount of the costs.

## (c) Decision.

The City Manager or his/her designee may affirm or reduce the costs if he/she determines that they are not supported by the evidence or upon a showing that the costs were unnecessary or unreasonable. The City Manager or his/her designee will not pass upon the validity of the underlying enforcement action or the amount of any penalties.. The decision shall be memorialized in writing. The City Manager or his/her designee may approve a payment plan for the costs.

## (d) Time for Payment.

The requesting party shall have thirty (30) calendar days from the date of the decision to pay the costs, unless a payment plan is approved, in which case the costs shall be paid in accordance with the payment plan.

## (e) Prior Hearing.

There is no right to administrative review if the costs have already been approved by a court of competent jurisdiction. There is no right to administrative review to confirm costs under this section if they have been previously upheld in an abatement or other administrative hearing held under the Arvin Municipal Code.

**Section 8.12.706 Recovery of Penalties.**

Administrative penalties unpaid after the required time set forth in the Municipal Code, or within fifteen (15) calendar days from the final decision after an appeal, may be collected in the manner set forth in this article except the City is not required to send an invoice under Section 8.12.704. Interest shall accrue at a rate of ten percent (10%) per year on unpaid penalties until paid. Penalties and interest may only be made a lien or special assessment upon a subject property when the record owner of the property was issued and properly noticed with the citation or other basis for the penalty.

**Section 8.12.707 Recovery of Abatement and Enforcement Costs.**

Abatement and enforcement costs unpaid after the required time set forth in this Chapter may be collected in the matter set forth in this article. To collect costs under these procedures, the City must send an invoice under Section 8.12.704. Interest shall accrue at a rate of ten percent (10%) per year on unpaid costs until paid.

**Section 8.12.708 Personal Obligation.**

Any costs or penalties subject to collection under this Chapter may be recovered as a personal obligation against the responsible party and may be referred to a collection agency or the City Attorney's Office for collection. Upon referral of these costs and obligations, the collection agency and the City Attorney's Office may seek collection through any legal means provided to them, including judicial action. Nothing in this section shall be affected by or affect the City's use of any other procedure provided in this article or by law to collect unpaid costs and penalties. In a judicial action to recover abatement costs, the City Attorney's Office may elect to recover attorneys' fees. In any action in which the City Attorney's Office elects to recover attorneys' fees under this section, attorneys' fees will be recovered by the prevailing party.

**Section 8.12.709 Special Assessment and Lien.**

(a) Collection.

Unpaid penalties, abatement costs, and enforcement costs that relate to a property related violation may be confirmed by the City Council as a special assessment and collected with property taxes or as a judgment lien.

(b) Notice.

Notice of a public meeting to confirm the penalties and/or costs shall be provided to all noticed parties by the enforcing department or City Clerk at least fifteen (15) calendar days before the meeting. The notice shall: (i) contain a description of the subject property sufficient to enable the person(s) served to identify it; (ii) shall state that the City intends to collect unpaid costs or penalties by placing a lien or a special assessment on the subject property; (iii) shall specify the day, hour and place where the Council will hear and pass upon the penalties and/or costs; (iv) shall specify that the property may, in some cases, be sold after three (3) years by the Tax Collector pursuant to Revenue and Tax Code Section 3691 for unpaid delinquent assessments or be subject to judicial foreclosure before the three (3) years; and (v) shall specify that any noticed party may appear at the Council meeting and present objections to the lien or assessment.

(c) Service of Notice.

Notice shall be given either by personal service or by depositing the notice in the United States mail, postage prepaid, addressed to the

owner of such lot or parcel of land and/or lessee as it appears on the last available equalized assessment roll, supplemental roll of the County of Kern, or as otherwise known to the City by virtue of more recent or reliable information. If no address appears or is known to the City, then a copy of the notice may be mailed to the property address. A copy of the notice may also be posted on the property in a conspicuous place. Where known, a copy may also be provided by email. The failure of any person to receive the notice required by this section shall not affect the validity of any proceedings taken under this Chapter.

(d) Confirmation by City Council.

During the City Council meeting the Council may adopt a resolution confirming the amount of the penalties and costs, or any lesser amount, based upon staff reports and any public comments received during the meeting. The City Council shall take into consideration whether any noticed party sought administrative review of the costs and shall only reduce the costs if:

- (i) the noticed party sought administrative review, and
- (ii) the decision of the City Manager or his/her designee is not supported by substantial evidence in the record. The basis for the code enforcement action will not be the subject of the City Council's consideration.

Where the costs have already been approved by a court of competent jurisdiction or the penalties have been previously upheld in an abatement or other administrative hearing held under the Arvin Municipal Code, the City Council shall simply confirm the costs or penalties.

The City Council may confirm the costs for more than one property in a single resolution. If the City Council confirms the costs, the procedures set forth in this section may be utilized.

(e) Time to Contest Confirmed Special Assessment or Lien.

The validity of any special assessment or lien levied under the provisions of this section shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) calendar days after the special assessment is confirmed by the City Council.

(f) Recording.

Immediately upon the City Council’s confirmation of costs or penalties, the City Clerk shall record a Notice of Special Assessment and Lien in the Office of the County Recorder, which shall constitute a lien on that property for the amount of the assessment, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes that included the special assessment imposed under this section would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of abatement and enforcement relating to the property shall be transferred to the unsecured roll for collection.

(g) Form of Notice of Special Assessment and Lien.

The Notice of Special Assessment and Lien for recordation shall be in the form substantially as follows:

NOTICE OF SPECIAL ASSESSMENT AND LIEN

(Claim of the City of Arvin)

Under authority vested by provision of Chapter \_\_, Article \_\_, of the Arvin Municipal Code, the City of Arvin did on or about the \_\_ day of \_\_\_\_\_, 20\_\_, assess [describe penalties, abatement costs, enforcement costs] on the real property hereinafter described; and the same has not been paid nor any part thereof and the City of Arvin does hereby claim a lien for such [penalties, abatement costs, and enforcement costs] to wit: the sum of \_\_\_\_\_ dollars, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The same shall be a lien upon the real property until it has been paid in full and discharged of record.

The real property hereinafter mentioned, upon which a lien is claimed, is that certain parcel of land in the City of Arvin, County of Kern, State of California, more particularly described as follows:

DATED: this \_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_ City of Arvin

(Job Title)

(h) Collection with Taxes.

After confirmation and recordation, a copy may be turned over to the Kern County Tax Collector. At that point, it will be the duty of the

Tax Collector to add the amounts of the respective assessments to the next regular tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and procedures and sale in the cases of delinquency as provided for with ordinary municipal taxes.

(i) Foreclosure.

After confirmation and recording, the lien may also be foreclosed by judicial or other sale in the manner and means provided by law. The City may recover from the record property owners any costs incurred regarding a foreclosure action.

(j) Priority.

A special assessment and lien imposed under this Article shall have the priority of a tax lien, unless prohibited by State law, in which case the special assessment and lien shall have the priority of a judgment lien.

(k) Release of Lien.

Once payment in full is received for the special assessment and lien, including applicable penalties, administrative fees and interest charges; or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order; or the City has entered into some other arrangement with the property owner for satisfaction of the assessment; the enforcing department shall either record a Notice of Satisfaction or provide the property owner or financial institution with the Notice of Satisfaction so they can record the Notice with the Kern County Recorder's Office.

(l) Refund.

The City Council may order a refund of all or part of a tax paid pursuant to this Article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk in accordance with the City's claim filing requirements, and in no event later than November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his/her guardian, executor or administrator.

## **Article 8. Judicial Review and Severability**

### **Section 8.12.901 Judicial Review.**



**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving the first reading, except by Title only, at a regular meeting thereof held on the 26<sup>th</sup> day of May 2020, and adopted the Ordinance after the second reading at a regular meeting held on the 09<sup>th</sup> day of June 2020, by the following roll call vote:

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

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

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

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

**ATTEST**

\_\_\_\_\_  
**CECILIA VELA**, City Clerk

**CITY OF ARVIN**

By: \_\_\_\_\_  
**JOSE GURROLA**, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**SHANNON L. CHAFFIN**, City Attorney  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

**URGENCY ORDINANCE NO. \_\_\_\_\_**

**AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ARVIN RELATED TO BUSINESSES BEING REQUIRED  
TO POST SIGNAGE REQUIRING USE OF FACIAL COVERINGS  
AND/OR PERSONAL PROTECTIVE EQUIPMENT, IN RESPONSE TO  
THE COVID -19 PANDEMIC**

**WHEREAS**, pursuant to Government Code Section 36937(b), any ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council, shall take effect immediately upon its adoption; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California due to the threats of people within the State from COVID-19; and

**WHEREAS**, on March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and

**WHEREAS**, on March 17, 2020, the City of Arvin declared a local emergency due to the COVID-19 pandemic; and

**WHEREAS**, the City of Arvin has the highest ratio of reported COVID-19 cases per 1000 citizens in Kern County; and

**WHEREAS**, two weeks ago the Arvin Community was forty-four percent (44%) higher than any other city in Kern County, in response to which the City adopted an urgency ordinance requiring facial coverings to be worn by employers and employees; and

**WHEREAS**, the Arvin community rate has since increased to fifty-eight percent (58%) last week; and

**WHEREAS**, there is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces, and in order to limit the spread of COVID-19 within the City, especially by those infected but without clear symptoms, face coverings should be worn by all residents and visitors of the City while in public; and

**WHEREAS**, the State of California currently requires that certain – but not all - businesses which are most likely to create close contact between employees and others, including retail and hotels businesses, post signage outlining face covering requirements; and

**WHEREAS**, based on the foregoing, the City Council seeks and intends to protect health, safety, and welfare of the residents and businesses of the City of Arvin by requiring that all businesses post signage requesting facial coverings be worn by the public when inside the business.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

**SECTION 2. Urgency and Emergency Findings.** The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by COVID-19, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City by the use of facial coverings. Individuals who are infected but not exhibiting symptoms can still spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces. Droplets can land in the mouths or noses of healthy people who are nearby or possibly inhaled into the lungs. The virus can also live on surfaces for varied lengths of time, in some cases for days. It may be possible that a person can get the virus by touching an infected surface or object and then touching their own mouth, nose, or possibly their eyes. Although the use of face coverings will not eliminate the spread of COVID-19, it is an additional tool that will help to slow the disease's spread by limiting the amount of respiratory droplets spread by individuals who are infected.

**SECTION 3. Posting of Signs to use Face Coverings.** All businesses shall post signage related to customer use of a Face Covering ("Signage"), subject to the following requirements:

a. The Signage shall contain a reminder for all customers to wear a Face Covering. The language used on the Signage shall be considered in compliance with this Ordinance, if, at a minimum, it includes the statement: "Please wear a facial covering at all times while inside of this business."

b. The Signage shall be at least 8.5" by 11" in size with 28-point font, and shall be posted in a prominent and obvious place visible to customers;

c. The Signage shall be posted at each public entrance to a structure which is utilized by customers of the business such that it is easily visible to person(s) entering the structure;

d. The following exceptions to the Signage requirements shall apply:

- i. A business that is required to post signage related to the use of Face Covering by State requirements shall follow the State requirements to the extent those requirements are not inconsistent with this Ordinance. Nothing in this exception relieves a business from the obligation to post signage under either applicable State requirements or this Ordinance; or
- ii. Exceptions to the Signage requirement based on special circumstances may be granted as authorized by the City's director of civil defense and disaster (City Manager).

Violation of this requirement shall be enforceable within the City limits per Arvin City Municipal Code Title 8, Chapter 8.12 which provides for enforcement of violations as infractions and/or misdemeanors.

**SECTION 4.** **Adoption and Effective Date.** Pursuant to Government Code Section 36937, this ordinance shall take effective immediately. The City Council finds and determines that the same is necessary to the preservation of the public peace, health or safety, in that adoption of the same will help prevent commercial evictions and control residential rent issues that may arise during declared states of emergency.

**SECTION 5** **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Ordinance, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 6** **Expiration Date.** This Ordinance shall automatically expire upon the sooner of i) June 9, 2020; ii) the termination of the City’s local emergency ratified by the City Council on March 17; or iii) termination of the State emergency by the Governor.

**PASSED, APPROVED and ADOPTED** by a four-fifths (4/5) vote on this 26<sup>th</sup> day of May, 2020.

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**I HEREBY CERTIFY** that the foregoing Urgency Ordinance No. \_\_\_\_ was duly adopted at its regular meeting held on the 26<sup>th</sup> day of May 2020, by the following roll call vote:

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

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

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

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

**ATTEST**

\_\_\_\_\_  
**CECILIA VELA**, City Clerk

**CITY OF ARVIN**

By: \_\_\_\_\_  
**JOSE GURROLA**, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**SHANNON L. CHAFFIN**, City Attorney  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.



# City of Arvin's Capital Projects Workshop 5-26-20

- 10 projects
- \$7.1 Million
- All grants are reimbursable, not advanced cash to the City

## Overview continued

- Total does not include recently applied for CDBG grants for Haven Street (\$3.2 million)
- Cash flow will be a critical part of a successful implementation. City management will have to prioritize how best to 'phase in' the projects

## List of Capital Projects -1-

- TDA 3- Langford sidewalk \$297,000
- Franklin RSTP \$397,048
- Franklin TDA non Transit 61,642
- Varsity Sidewalk ATP 3 \$833,000
- Varsity Sidewalk TDA –NT \$136,000

## List of Capital Projects -2-

- CDBG Franklin \$2,872,137
- Haven RSTP \$645,000
- Haven SB-1 \$331,591
- Urban Greening (pocket park)  
\$457,057

## List of Capital Projects -3-

- Urban Forestry \$50,000
- Electric Bus Charging Infrastructure  
\$375,000
- Sanitation Plant inflow and outflow  
metering system \$50,000
- SB-1 Slurry Seal \$500,000

## Other grant projects

- Prop 68 – Parks \$200,000
- CDBG Economic Development  
\$91,000
- CARES Act from Kern County  
\$760,000

# Next Steps

- Receive advice and guidance (direction) from City Council on any changes or adjustments to the proposed projects presented tonight.
- Include any changes or adjustments in the final version of the budget which will be presented to City Council for adoption on June 9th, 2020.

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE DISSOLVED ARVIN COMMUNITY REDEVELOPMENT AGENCY, TO APPROVE A SUBORDINATION AGREEMENT WITH ROBERT BAZALDUA TO ALLOW FOR RE-FINANCING OF A RESIDENCE AT 101 GONZALES STREET, ARVIN, CA.**

**WHEREAS**, in February 2008, the owner of the residence at 101 Gonzales Street entered into a note in the sum of Thirty-Five Thousand Dollars (\$35,000) dated February 1, 2008 in favor of Arvin Community Redevelopment Agency which was secured by that certain Deed of Trust dated February 1, 2008 and recorded on February 8, 2008 as Instrument No. 0208019317 in the Official Records of Kern County to be used to purchase a home; and

**WHEREAS**, in 2012 the Arvin Community Development Agency was dissolved under state law, and City of Arvin is now acting as the Successor Agency to the Arvin Community Redevelopment Agency; and

**WHEREAS**, Mr. Bazaldua would like to refinance his current property, but cannot do so until the Agency’s loan is subordinated to the new loan; and

**WHEREAS**, the City of Arvin acting as the Successor Agency to the Arvin Community Redevelopment Agency now desires to subordinate its interest and enter into a subordination agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Successor Agency Board as follows:

1. The City Council of the City of Arvin acting as the Successor Agency to the Arvin Community Redevelopment Agency approves the Subordination Agreement attached as Exhibit “A” and authorizes the Chair to execute the same and to take any other action necessary to effectuate the subordination.

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**I HEREBY CERTIFY** that the foregoing resolution was passed, approved and adopted by the Board of Directors of the Successor Agency to the Former Arvin Community Redevelopment Agency at a regular meeting thereof held on the 26<sup>th</sup> day of May 2020 by the following vote:

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

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

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

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

**ATTEST**

\_\_\_\_\_  
**CECILIA VELA**, Agency Secretary

**CITY OF ARVIN ACTING AS THE SUCCESSOR  
AGENCY OF THE ARVIN COMMUNITY  
REDEVELOPMENT AGENCY**

By: \_\_\_\_\_  
**JOSE GURROLA**, Chair

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**SHANNON L. CHAFFIN**, Successor Agency Legal Counsel  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, Secretary to the Board of Directors of the Successor Agency to the former Arvin Community Redevelopment Agency, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Successor Agency Board on the date and by the vote indicated herein.

**Recording Requested By**

Placer Title Company

**And when recorded mail to**

Arvin Community Redevelopment Agency  
200 Campus Drive Arvin, CA 93203

Escrow no. P-365210

(Space above this line for Recorder's use)

**SUBORDINATION AGREEMENT**

**NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.**

**THIS SUBORDINATION AGREEMENT** (this **"Agreement"**), made \_\_\_\_\_, 2020 by ROBERT BAZALDUA (**"Owner"**) and CITY OF ARVIN ACTING AS SUCCESSOR AGENCY TO THE ARVIN COMMUNITY REDEVELOPMENT AGENCY (**"Beneficiary"**).

**RECITALS:**

**A.** Owner owns that certain real property in the City of Arvin, County of Kern, State of California commonly known as 101 Gonzales (APN 189-593-19-00-5) and legally described as (**"Property"**):

Lot 65 of Tract No. 6292, in the City of Arvin, County of Kern, State of California, according to the Map thereof recorded May 2, 2006 in Book 55 Page 31 of Maps, Kern County Records. Excepting therefrom all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as disclosed in deeds of record.

**B.** In February 2008, Owner to secure a note in the sum of Thirty-Five Thousand Dollars (\$35,000) dated February 1, 2008 in favor of Arvin Community Redevelopment Agency (**"Original Beneficiary"**) which was secured by that certain Deed of Trust dated February 1, 2008 and recorded on February 8, 2008 as Instrument No. 0208019317 in the Official Records of Kern County (**"Agency Deed of Trust"**).

**C.** Due to the dissolution of redevelopment agencies under California law, Beneficiary is the successor in interest to the Original Beneficiary with respect to the Agency Note and Agency Deed of Trust.

**D.** Owner has executed, or is about to execute, a note in the amount of One Hundred Twenty-Three Thousand Two Hundred Sixty-Two Dollars (\$123,262) (**"New Loan"**) or less to be secured by a deed of trust dated \_\_\_\_\_, 2020 (**"New Deed of Trust"**) in favor of Kern

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Schools Federal Credit Union (“**New Lender**”) payable with interest and upon the terms and conditions described therein, which Deed of Trust is to be recorded concurrently with this Agreement.

E. It is a condition precedent to obtaining the New Loan, the New Deed of Trust shall unconditionally be and remain at all times a lien or charge upon the Property prior and superior to the lien or charge of the Agency Deed of Trust.

F. New Lender is willing to make the New Loan provided the Deed of Trust securing the same is a lien or charge on the Property prior and superior to the lien or charge of the Agency Deed of Trust and provided that Beneficiary will specifically and unconditionally subordinate the lien or charge of the Agency Deed of Trust to the lien or charge of the New Deed of Trust in favor of New Lender.

G. It is to the mutual benefit of the parties hereto that New Lender make such loan to Owner; and Beneficiary is willing that the New Deed of Trust securing the same shall, when recorded, constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the Agency Deed of Trust.

**NOW, THEREFORE** in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce New Lender to make the New Loan, it is hereby declared, understood and agreed as follows:

- (1) That the New Deed of Trust securing the New Note in favor of New Lender, and any renewals or extensions thereof, shall unconditionally be and remain at all times a lien or charge on the Property, prior and superior to the lien or charge of the Agency Deed of Trust;
- (2) That New Lender would not make the New Loan without this subordination Agreement; and
- (3) That this Agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the Agency Deed of Trust to the lien or charge of the New Deed of Trust in favor of New Lender and shall supersede and cancel, but only insofar as would affect the priority between the respective deeds of trust, any prior agreements as to such subordination, including, but not limited to, those provisions, if any, contained in the Agency Deed of Trust, which provide for the subordination of the lien or charge thereof to another deed or deeds of trust or to another mortgage or mortgages.

Beneficiary declares, agrees, and acknowledges that:

- (a) It consents to and approves (i) all provisions of the Agency Deed of Trust in favor of New Lender, and (ii) all agreements, including but not limited to, any loan or escrow agreements between Owner and Lender for the disbursement of the proceeds of the New Loan;
- (b) New Lender, in making disbursements pursuant to any such agreement, is under no obligation or duty to, nor has New Lender represented that it will, see to the application of such proceeds by the person or persons to whom New Lender disburses such proceeds, and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part;
- (c) It intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the Agency Deed of Trust in favor of the lien or charge upon the Property of the New Deed of Trust in favor of New Lender, and understands that in reliance upon, and in consideration of its waiver, relinquishment and subordination, specific loans and advances

are being and will be made, and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and

(d) An endorsement will be placed upon the Agency Note secured by the Agency Deed of Trust that the Agency Deed of Trust has been subordinated to the lien or charge of the New Deed of Trust in favor of New Lender.

**NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN; A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.**

**IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.**

**"OWNER"**

\_\_\_\_\_  
ROBERT BAZALDUA

**"BENEFICIARY"**

CITY OF ARVIN ACTING AS SUCCESSOR  
AGENCY FOR THE ARVIN COMMUNITY  
REDEVELOPMENT AGENCY

By: \_\_\_\_\_  
Jose Gurrola, Chair

Dated: \_\_\_\_\_, 2020

ATTEST:

\_\_\_\_\_  
Cecilia Vela, Successor Agency Secretary

APPROVED AS TO FORM:  
ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_  
Shannon Chaffin,  
Successor Agency Counsel

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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 that document.

State of California )  
County of Kern ) ss.

On \_\_\_\_\_ before me, \_\_\_\_\_

Notary Public personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

SIGNATURE \_\_\_\_\_

Seal

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Seal

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