

AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

REGULAR MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA

February 9, 2023
6:00 PM

In Person Meeting

How to submit 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. There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City’s business without them present.

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, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Mayor Saul Ayon

ROLL CALL:

Mayor, Saul Ayon
Vice Mayor, Ricardo Cano
Council Member/Board Member, Amador Ayon
Council Member/ Board Member, Anita Gonzalez
Council Member/Board Member, Vacant

INVOCATION: Pastor Phil Corr and Henry Robledo

PLEDGE OF ALLEGIANCE

FEATURED PET

Is a feature that highlights a pet available for adoption from the McFarland Animal Shelter.

- Presented by: Community Development Director Larry Ronk III

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Recognition Award Presented to Annika Fernandez- On Behalf of Mayor Saul Ayon
2. Safe Surrender Baby Awareness Month Proclamation- Presented by: Mayor Saul Ayon
3. Grand Jury Month Proclamation- Presented by: Mayor Saul Ayon

PUBLIC COMMENT: The public may address the Council/Board Member on items, which do not appear on the agenda. Council/Board Members may respond briefly to statements made or questions posed. They may ask a question for clarification; may refer the item to staff for further study or for placement on a future agenda. Speakers are limited to two minutes for each person. Please state your name and address for the record prior to making a presentation. Fifteen minutes total will be allowed for any one subject.

DEPARTMENTAL REPORTS

None

CONSENT AGENDA: The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless a Council Member/ Board Member or Member from the Public requests to remove a particular item.

1. Approval of the Expense Report in the Amount of \$290,968.31 from December 28, 2022, to January 10, 2023.
2. Approval of Payroll Report in the Amount of \$265,834.95 for the Month of January 2023.
3. Approval of the Regular Meeting Minutes for January 26, 2023.
4. Approval of **Resolution No. 2023-0012** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING CERTIFICATE OF ACCEPTANCE FOR THE SALE OF PERMANENT EASEMENT.

PUBLIC HEARINGS

5. It Is Recommended That the City Council Conduct a Public Hearing to Receive Public Input Regarding any Unmet Transit Needs and Direct Staff to Forward All Comments to the Kern County Council of Governments (KCOG).
 - a. Open Public Hearing and Receive Public Testimony:
 - b. Close Public Hearing:

ADMINISTRATIVE AGENDA

6. Report, Discussion, and Possible Approval of **Resolution No. 2023-0013**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND FINDING THERE ARE NO UNMET PUBLIC TRANSIT NEEDS WHICH CAN REASONABLY BE MET IN THE CITY OF MCFARLAND (2023/2024).
7. Staff Recommends the City Council Conduct Applicant Interviews to Fill the Vacancy on the City Council and Take Action as May be Appropriate.
8. As needed: Approve **Resolution No. 2023-0014** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF THE CITY COUNCIL FOR THE REMAINDER OF AN UNEXPIRED TERM.
9. Report, Discuss, and Possible Approval to Transition one of the Administrative Assistant Positions to Executive Administrative Assistant and Approve **Resolution No. 2023-0015**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, TO CHANGE THE SALARY RANGE OF THE EXECUTIVE ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER.
10. Report, Discuss, and Possible Approval of **Resolution No. 2023-0016**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING THE POLICE OFFICER HIRING AND RETENTION BONUS PROGRAMS.
11. Report, Discussion, and Appointment of Councilmembers on Subcommittees and Special District Committees.
12. Report, Discussion, and Possible Approval of **Resolution No. 2023-0017**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE UPDATED WRITTEN POLICY FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE.
13. Report, Discussion, and Possible Approval of **Resolution No. 2023-0018**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE UPDATED WRITTEN PROTOCOL FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE.

PUBLIC HEARINGS

14. Introduction of proposed **Ordinance No. 0001-2023**, An Ordinance of the City Council of the City of McFarland Approving amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and removing Sections 17.08.045 and 17.08.050 of Title 17. Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.
 - a. Open Public Hearing and Receive Public Testimony;
 - b. Close Public Hearing;
 - c. Waive the Reading of the Ordinance Text in Its Entirety, Read by Title Only, and Introduce for Reading, **Ordinance No.0001-2023**, AN ORDINANCE OF THE CITY

COUNCIL OF THE CITY OF MCFARLAND AMENDING MCFARLAND
MUNICIPAL CODE CHAPTERS 17.84.020 B, 17.88.020 B, 17.84.020 B, AND
17.152.030 AND REMOVAL OF CODE CHAPTERS 17.08.045 AND 17.08.050.

- d. Direct Staff to Schedule Second Reading and Adoption of ***Ordinance No. 0001-2023***
For the February 23rd, 2023, Regular City Council Meeting.

15. Proposed Cannabis ***Ordinance No. 0002-2023***, AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MCFARLAND AMENDING TITLE 5, CHAPTER 5.04.045 AND ADDING
TITLE 19, CHAPTERS 19.04.010 THROUGH 19.04.370 OF THE MCFARLAND
MUNICIPAL CODE.

- a. Open Public Hearing and Receive Public Testimony;
- b. Close Public Hearing;
- c. Waive the Reading of the Ordinance Text in Its Entirety, Read by Title Only, and
Introduce for Reading, ***Ordinance No.0002-2023***, AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF MCFARLAND AMENDING TITLE 5, CHAPTER
5.04.045 AND ADDING TITLE 19, CHAPTERS 19.04.010 THROUGH 19.04.370 OF
THE MCFARLAND MUNICIPAL CODE.
- d. Direct Staff to Schedule Second Reading and Adoption of ***Ordinance No. 0002-2023***
For the February 23rd, 2023, Regular City Council Meeting.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD)
- b. Kern Council of Governments (KCOG)
- c. Kern Economic Development Corp. (KEDC)
- d. Poso Creek (IRWMP)
- e. Kern Local Agency Formation Commission (LAFCO)

COUNCIL STATEMENTS AND REPORTS

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. In addition, Council Members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for information. Alternatively, request staff to report to the City Council at a later meeting concerning any matter. Furthermore, the City Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

CLOSED SESSION

1. Potential Litigation: Government Code Section 54957: One Case

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on February 06, 2023.

Francisca Alvarado
Francisca Alvarado, City Clerk

Kenneth Williams
Kenneth Williams, City Manager/ Chief of Police

Next Meeting: Regular City Council February 23, 2023.

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (661) 792-3091 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.

All agenda item and/or supporting documentation is available for public review on the city website at www.mcfarlandcity.org and the office of the City Clerk of the City of McFarland, at 401 W, Kern Ave. McFarland, CA 93250 during regular business hours of 8:00 am – 5:00 pm Monday through Friday, following the posting of the agenda. Any supporting documentation related to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location and available at the meeting.





PROCLAMATION

SAFELY SURRENDERED BABY AWARENESS MONTH

WHEREAS, the Safely Surrendered Baby Law was created in 2001, with the intent is to save the lives of newborn infants at risk of abandonment by encouraging parents or persons with lawful custody to safely surrender the infant within 72 hours of birth, with no questions asked; and,

WHEREAS, since 2006, the Safely Surrendered Baby Law has saved 95 infants in Kern County and placed them in loving homes; and,

WHEREAS, in McFarland and throughout Kern County, a newborn baby can be safely surrendered into the hands of any hospital emergency room or Fire Station staff; and,

WHEREAS, the Safely Surrendered Baby Coalition, under the coordination of the Department of Human Services, works to educate McFarland Citizens and all Kern County residents about this important law. The coalition is led by the Department of Human Services and includes a group of dedicated individuals representing a long list of agencies, non-profits, hospitals, and stakeholders, including First Five Kern, the Kern County Fire Department, Bakersfield City Fire Department, Bakersfield Pregnancy Center, Right to Life Kern County, Kern Medical, Dignity & Mercy Hospitals, Adventist Health Hospitals, Clinica Sierra Vista, Kern Family Healthcare to name as few.

NOW, THEREFORE, BE IT PROCALAIMED by the City Council of the City of McFarland does hereby proclaim the month of February as Safely Surrendered Baby Awareness Month and encourages all McFarland citizens to reach out and assist the Safely Surrender Baby Coalition with their endeavors.

Proclaimed this 9th day of February in the year 2023,



Saul Ayon, Mayor of the City of McFarland



PROCLAMATION

KERN COUNTY GRAND JURY AWARENESS MONTH

WHEREAS, The Grand Jury is one of oldest government institutions in our jurisprudence, devised to check the excesses of the English monarchy and to ensure the rights of the accused; and,

WHEREAS, The California Constitution, adopted in 1879, provided “that a grand jury shall be drawn and summoned at least once a year in each county.”; and,

WHEREAS, The California Grand Jury is an arm of the Superior Court; and,

WHEREAS, The Grand Jury acts as the public’s “watchdog” by investigating and reporting on affairs of local government and recommending ways local governments can be more efficient, transparent, and accountable; and,

WHEREAS, The Kern County Grand Jury is a body of 19 citizens and is a diverse group of men and women with a wide range of backgrounds and interests; and,

WHEREAS, The Grand Jurors make a commitment to serve a minimum of 20 hours per week for a term of 12 months; and,

WHEREAS, A new Grand Jury is impaneled in June of each year.

THEREFORE, The City of McFarland City Council Does Hereby Proclaim the month of February 2023, to be Kern County Grand Jury Awareness Month and encourage all citizens to consider volunteering for the Kern County Grand Jury.

Proclaimed this 9th day of February, year 2023.

Saul Ayon, Mayor of the City of McFarland





City of McFarland, CA

Expense Approval Report

By Vendor Name

Payment Dates 12/28/2022 - 1/10/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Advanced Data Storage - Advanced Data Storage, Inc.					
Advanced Data Storage, Inc.	158456	01/05/2023	Inv. 158456 12/17/22	01-150-52200-0000-1	41.40
Vendor Advanced Data Storage - Advanced Data Storage, Inc. Total:					41.40
Vendor: American Fidelity - American Fidelity					
American Fidelity	INV0022772	12/29/2022	American Fidelity Accident 2* P...	30-22800-0000-1	15.41
American Fidelity	INV0022772	12/29/2022	American Fidelity Accident 2* P...	34-22800-0000-1	15.41
American Fidelity	INV0022773	12/29/2022	Life 1	30-22900-0000-1	15.43
American Fidelity	INV0022773	12/29/2022	Life 1	34-22900-0000-1	9.81
American Fidelity	INV0022774	12/29/2022	American Fidelity - Disability In...	01-22700-0000-1	101.73
American Fidelity	INV0022774	12/29/2022	American Fidelity - Disability In...	30-22700-0000-1	88.40
American Fidelity	INV0022774	12/29/2022	American Fidelity - Disability In...	31-22700-0000-1	10.67
American Fidelity	INV0022774	12/29/2022	American Fidelity - Disability In...	32-22700-0000-1	45.85
American Fidelity	INV0022774	12/29/2022	American Fidelity - Disability In...	34-22700-0000-1	30.76
American Fidelity	INV0022775	12/29/2022	Health FSA	01-22600-0000-1	19.23
American Fidelity	INV0022775	12/29/2022	Health FSA	32-22600-0000-1	25.00
American Fidelity	INV0022776	12/29/2022	Life 1	01-22900-0000-1	48.54
American Fidelity	INV0022776	12/29/2022	Life 1	30-22900-0000-1	64.61
American Fidelity	INV0022776	12/29/2022	Life 1	31-22900-0000-1	11.23
American Fidelity	INV0022776	12/29/2022	Life 1	32-22900-0000-1	34.21
American Fidelity	INV0022776	12/29/2022	Life 1	34-22900-0000-1	34.33
American Fidelity	INV0022777	12/29/2022	Life 2	01-22900-0000-1	1.52
American Fidelity	INV0022777	12/29/2022	Life 2	30-22900-0000-1	21.69
American Fidelity	INV0022777	12/29/2022	Life 2	32-22900-0000-1	1.13
American Fidelity	INV0022777	12/29/2022	Life 2	34-22900-0000-1	13.85
American Fidelity	INV0022778	12/29/2022	Life 3	01-22900-0000-1	1.40
American Fidelity	INV0022778	12/29/2022	Life 3	30-22900-0000-1	1.05
American Fidelity	INV0022778	12/29/2022	Life 3	32-22900-0000-1	1.03
American Fidelity	INV0022779	12/29/2022	Life 3	01-22900-0000-1	1.64
American Fidelity	INV0022779	12/29/2022	Life 3	30-22900-0000-1	1.23
American Fidelity	INV0022779	12/29/2022	Life 3	32-22900-0000-1	1.21
American Fidelity	INV0022780	12/29/2022	Life 3	01-22900-0000-1	1.36
American Fidelity	INV0022780	12/29/2022	Life 3	30-22900-0000-1	1.03
American Fidelity	INV0022780	12/29/2022	Life 3	32-22900-0000-1	1.00
American Fidelity	INV0022802	12/29/2022	Cancer 1 American Fidelity	30-22950-0000-1	5.54
American Fidelity	INV0022803	12/29/2022	Cancer 1 American Fidelity	34-22950-0000-1	8.12
American Fidelity	INV0022804	12/29/2022	Cancer 2* - American Fidelity Pr...	30-22950-0000-1	16.50
American Fidelity	INV0022805	12/29/2022	Cancer 2* - American Fidelity Pr...	34-22950-0000-1	16.65
American Fidelity	INV0022820	12/29/2022	American Fidelity Accident 1	01-22800-0000-1	19.34
American Fidelity	INV0022821	12/29/2022	Life 1	01-22900-0000-1	9.81
American Fidelity	INV0022822	12/29/2022	American Fidelity - Disability In...	01-22700-0000-1	200.64
American Fidelity	INV0022823	12/29/2022	Health FSA	01-22600-0000-1	14.04
American Fidelity	INV0022823	12/29/2022	Health FSA	30-22600-0000-1	2.59
American Fidelity	INV0022823	12/29/2022	Health FSA	32-22600-0000-1	2.60
American Fidelity	INV0022824	12/29/2022	Life 1	01-22900-0000-1	88.60
American Fidelity	INV0022825	12/29/2022	Life 2	01-22900-0000-1	24.00
American Fidelity	INV0022834	12/29/2022	Cancer 1 American Fidelity	01-22950-0000-1	13.53
Vendor American Fidelity - American Fidelity Total:					1,041.72
Vendor: BHT Engineering, Inc - BHT Engineering, Inc.					
BHT Engineering, Inc.	22-155	01/05/2023	INV 22-155 April 2022 Ebell St....	25-000-52960-2303-1	560.00
BHT Engineering, Inc.	22-156	01/05/2023	INV 22-156 April 2022 Wiley St.	25-000-52960-2304-1	465.00
BHT Engineering, Inc.	22-157	01/05/2023	INV 22-157 April 2022 San Juan ...	25-000-52960-2305-1	670.00
BHT Engineering, Inc.	22-158	01/05/2023	INV 22-158 April 2022 E.Kern A...	25-000-52960-2306-1	550.00

Expense Approval Report

Payment Dates: 12/28/2022 - 1/10/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
BHT Engineering, Inc.	22-191	01/05/2023	INV 22-191 Wiley, Sherwood to...	25-000-52960-2304-1	940.00
Vendor BHT Engineering, Inc - BHT Engineering, Inc. Total:					3,185.00
Vendor: BSK ASSOCIATES - BSK ASSOCIATES					
BSK ASSOCIATES	100398	01/05/2023	INV 0100398 Davis Ave. & Hail ...	25-000-52960-8490-1	9,073.75
BSK ASSOCIATES	100643	01/05/2023	INV 0100643 Davis Ave & Hail L...	25-000-52960-8490-1	4,576.50
Vendor BSK ASSOCIATES - BSK ASSOCIATES Total:					13,650.25
Vendor: CA Department of Jus - CA Department of Justice					
CA Department of Justice	593049	01/05/2023	Inv. 593049 Live Scan - City Cle...	01-105-56000-0000-1	49.00
CA Department of Justice	593049	01/05/2023	Inv. 593049 Live Scan - Public S...	01-150-56000-0000-1	66.00
CA Department of Justice	593049	01/05/2023	Inv. 593049 Live Scan - Code En...	01-165-56000-0000-1	32.00
Vendor CA Department of Jus - CA Department of Justice Total:					147.00
Vendor: Cannon - Cannon Corporation					
Cannon Corporation	82859	01/05/2023	INV 82859 Services through Nov...	30-500-56410-0000-1	270.00
Vendor Cannon - Cannon Corporation Total:					270.00
Vendor: Nun-100 - Catalina Nunez					
Catalina Nunez	Mileage Reimbursement Dece...	01/05/2023	Reimbursement (POV Mileage) ...	01-150-54000-0000-1	12.81
Catalina Nunez	Mileage Reimbursement Dece...	01/05/2023	Reimbursement (POV Mileage) ...	01-150-54000-0000-1	7.12
Catalina Nunez	Mileage Reimbursement Nove...	01/05/2023	Reimbursement (POV Mileage)	01-150-54000-0000-1	44.75
Vendor Nun-100 - Catalina Nunez Total:					64.68
Vendor: Cintas - Cintas Corporation No.3					
Cintas Corporation No.3	4139958724	01/05/2023	INV 4139958724 Garment Repo...	01-180-51800-0000-1	94.50
Cintas Corporation No.3	4139958724	01/05/2023	INV 4139958724 Garment Repo...	20-200-51800-0000-1	10.78
Cintas Corporation No.3	4139958724	01/05/2023	INV 4139958724 Garment Repo...	30-500-51800-0000-1	51.60
Cintas Corporation No.3	4139958724	01/05/2023	INV 4139958724 Garment Repo...	32-510-51800-0000-1	16.39
Cintas Corporation No.3	4140668214	01/05/2023	INV 4140668214 Garment Repo...	01-180-51800-0000-1	89.51
Cintas Corporation No.3	4140668214	01/05/2023	INV 4140668214 Garment Repo...	20-200-51800-0000-1	10.77
Cintas Corporation No.3	4140668214	01/05/2023	INV 4140668214 Garment Repo...	30-500-51800-0000-1	45.22
Cintas Corporation No.3	4140668214	01/05/2023	INV 4140668214 Garment Repo...	32-510-51800-0000-1	11.89
Cintas Corporation No.3	4141381849	01/05/2023	INV 4141381849 Garment Repo...	01-180-51800-0000-1	91.15
Cintas Corporation No.3	4141381849	01/05/2023	INV 4141381849 Garment Repo...	20-200-51800-0000-1	12.41
Cintas Corporation No.3	4141381849	01/05/2023	INV 4141381849 Garment Repo...	30-500-51800-0000-1	46.86
Cintas Corporation No.3	4141381849	01/05/2023	INV 4141381849 Garment Repo...	32-510-51800-0000-1	6.97
Vendor Cintas - Cintas Corporation No.3 Total:					488.05
Vendor: Continental Labor Re - Continental Labor Resources, Inc.					
Continental Labor Resources, In...	70569	01/05/2023	INV 70569 General Laborer Abit...	20-200-52200-0000-1	1,024.00
Continental Labor Resources, In...	70569	01/05/2023	INV 70569 General Laborer Abit...	32-510-52200-0000-1	1,024.00
Continental Labor Resources, In...	70674	01/05/2023	INV 70674 General Laborer Abit...	20-200-52200-0000-1	1,100.80
Continental Labor Resources, In...	70674	01/05/2023	INV 70674 General Laborer Abit...	32-510-52200-0000-1	857.60
Vendor Continental Labor Re - Continental Labor Resources, Inc. Total:					4,006.40
Vendor: Core & Main LP - Core & Main LP					
Core & Main LP	S023389	01/05/2023	INV S023389 Hydrant MTR STD ...	32-510-57400-0000-1	849.15
Vendor Core & Main LP - Core & Main LP Total:					849.15
Vendor: CSJVRMA - CSJVRMA					
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-105-54400-0000-1	1.84
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-110-54400-0000-1	6.72
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-115-54400-0000-1	2.99
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-140-54400-0000-1	4.61
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-150-54400-0000-1	172.47
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-155-54400-0000-1	6.49
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-160-54400-0000-1	7.01
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-165-54400-0000-1	6.20
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-175-54400-0000-1	3.58
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	01-180-54400-0000-1	22.51
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	20-200-54400-0000-1	1.81
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	30-500-54400-0000-1	56.64
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	31-505-54400-0000-1	15.76
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	32-510-54400-0000-1	57.16
CSJVRMA	2023-00170 BTA	01/05/2023	2023-00170 Business Travel Acc...	34-520-54400-0000-1	3.21

Expense Approval Report

Payment Dates: 12/28/2022 - 1/10/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-105-50600-0000-1	264.18
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-110-50600-0000-1	961.63
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-115-50600-0000-1	427.98
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-140-50600-0000-1	660.46
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-150-50600-0000-1	24,696.03
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-155-50600-0000-1	929.93
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-160-50600-0000-1	1,003.90
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-165-50600-0000-1	887.66
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-175-50600-0000-1	512.52
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	01-180-50600-0000-1	3,223.06
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	20-200-50600-0000-1	258.90
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	30-500-50600-0000-1	8,110.48
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	31-505-50600-0000-1	2,256.14
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	32-510-50600-0000-1	8,184.45
CSJVRMA	2023-00170 LP	01/05/2023	CSJVRMA Workers Comp	34-520-50600-0000-1	459.68
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-105-54400-0000-1	198.55
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-110-54400-0000-1	722.72
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-115-54400-0000-1	321.65
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-140-54400-0000-1	496.38
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-150-54400-0000-1	18,560.44
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-155-54400-0000-1	698.90
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-160-54400-0000-1	754.49
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-165-54400-0000-1	667.13
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-175-54400-0000-1	385.19
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	01-180-54400-0000-1	2,422.31
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	20-200-54400-0000-1	194.58
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	30-500-54400-0000-1	6,095.48
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	31-505-54400-0000-1	1,695.62
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	32-510-54400-0000-1	6,151.08
CSJVRMA	2023-00170 WCP	01/05/2023	Liability Program	34-520-54400-0000-1	345.48
Vendor CSJVRMA - CSJVRMA Total:					92,916.00

Vendor: De Lage Landen - De Lage Landen Financial Services Inc

De Lage Landen Financial Servic...	77713184 - LATE FEE	01/05/2023	Inv. 77713184 (9/24/22) Contr...	01-150-52200-0000-1	7.46
De Lage Landen Financial Servic...	78421605	01/05/2023	Inv. 78421605 (12/10/22) Cont...	01-150-52200-0000-1	118.25
Vendor De Lage Landen - De Lage Landen Financial Services Inc Total:					125.71

Vendor: Dee Jaspar - Dee Jaspar & Associates, Inc

Dee Jaspar & Associates, Inc	22-01138	01/05/2023	Invoice# 22-01138 SRF Grant App..	32-510-56000-0000-1	1,278.63
Dee Jaspar & Associates, Inc	22-01139	01/05/2023	Invoice 22-01139 Emergengy G...	32-510-56000-0000-1	1,065.00
Vendor Dee Jaspar - Dee Jaspar & Associates, Inc Total:					2,343.63

Vendor: EDD - EDD

EDD	INV0022809	12/29/2022	State Income Tax Withholding	01-22200-0000-1	505.44
EDD	INV0022809	12/29/2022	State Income Tax Withholding	20-22200-0000-1	3.73
EDD	INV0022809	12/29/2022	State Income Tax Withholding	30-22200-0000-1	366.33
EDD	INV0022809	12/29/2022	State Income Tax Withholding	31-22200-0000-1	90.28
EDD	INV0022809	12/29/2022	State Income Tax Withholding	32-22200-0000-1	202.07
EDD	INV0022809	12/29/2022	State Income Tax Withholding	34-22200-0000-1	16.89
EDD	INV0022810	12/29/2022	SDI - State Disability Insurance	01-22200-0000-1	230.50
EDD	INV0022810	12/29/2022	SDI - State Disability Insurance	20-22200-0000-1	15.34
EDD	INV0022810	12/29/2022	SDI - State Disability Insurance	30-22200-0000-1	143.72
EDD	INV0022810	12/29/2022	SDI - State Disability Insurance	31-22200-0000-1	40.27
EDD	INV0022810	12/29/2022	SDI - State Disability Insurance	32-22200-0000-1	100.70
EDD	INV0022810	12/29/2022	SDI - State Disability Insurance	34-22200-0000-1	15.14
EDD	INV0022811	12/29/2022	State Unemployment Insurance	01-22250-0000-1	44.04
EDD	INV0022811	12/29/2022	State Unemployment Insurance	30-22250-0000-1	62.41
EDD	INV0022811	12/29/2022	State Unemployment Insurance	31-22250-0000-1	2.45
EDD	INV0022811	12/29/2022	State Unemployment Insurance	32-22250-0000-1	62.38
EDD	INV0022815	12/29/2022	State Income Tax Withholding	01-22200-0000-1	11.10
EDD	INV0022816	12/29/2022	SDI - State Disability Insurance	01-22200-0000-1	14.56
EDD	INV0022838	12/29/2022	State Income Tax Withholding	01-22200-0000-1	2,211.19

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
EDD	INV0022838	12/29/2022	State Income Tax Withholding	30-22200-0000-1	58.78
EDD	INV0022838	12/29/2022	State Income Tax Withholding	31-22200-0000-1	54.37
EDD	INV0022838	12/29/2022	State Income Tax Withholding	32-22200-0000-1	58.71
EDD	INV0022839	12/29/2022	SDI - State Disability Insurance	01-22200-0000-1	671.68
EDD	INV0022839	12/29/2022	SDI - State Disability Insurance	30-22200-0000-1	3.90
EDD	INV0022839	12/29/2022	SDI - State Disability Insurance	32-22200-0000-1	3.88
EDD	INV0022840	12/29/2022	State Unemployment Insurance	01-22250-0000-1	155.81
EDD	INV0022840	12/29/2022	State Unemployment Insurance	30-22250-0000-1	9.22
EDD	INV0022840	12/29/2022	State Unemployment Insurance	32-22250-0000-1	9.22
Vendor EDD - EDD Total:					5,164.11

Vendor: EFTPS - Electronic Federal Tax Payment System

Electronic Federal Tax Payment ...	INV0022807	12/29/2022	Federal Income Tax Withholding	01-22050-0000-1	1,370.56
Electronic Federal Tax Payment ...	INV0022807	12/29/2022	Federal Income Tax Withholding	20-22050-0000-1	11.22
Electronic Federal Tax Payment ...	INV0022807	12/29/2022	Federal Income Tax Withholding	30-22050-0000-1	998.38
Electronic Federal Tax Payment ...	INV0022807	12/29/2022	Federal Income Tax Withholding	31-22050-0000-1	208.68
Electronic Federal Tax Payment ...	INV0022807	12/29/2022	Federal Income Tax Withholding	32-22050-0000-1	496.62
Electronic Federal Tax Payment ...	INV0022807	12/29/2022	Federal Income Tax Withholding	34-22050-0000-1	69.80
Electronic Federal Tax Payment ...	INV0022808	12/29/2022	Social Security	01-22100-0000-1	2,598.30
Electronic Federal Tax Payment ...	INV0022808	12/29/2022	Social Security	20-22100-0000-1	172.88
Electronic Federal Tax Payment ...	INV0022808	12/29/2022	Social Security	30-22100-0000-1	1,620.10
Electronic Federal Tax Payment ...	INV0022808	12/29/2022	Social Security	31-22100-0000-1	453.98
Electronic Federal Tax Payment ...	INV0022808	12/29/2022	Social Security	32-22100-0000-1	1,135.46
Electronic Federal Tax Payment ...	INV0022808	12/29/2022	Social Security	34-22100-0000-1	170.62
Electronic Federal Tax Payment ...	INV0022812	12/29/2022	Medicare	01-22150-0000-1	607.64
Electronic Federal Tax Payment ...	INV0022812	12/29/2022	Medicare	20-22150-0000-1	40.44
Electronic Federal Tax Payment ...	INV0022812	12/29/2022	Medicare	30-22150-0000-1	378.88
Electronic Federal Tax Payment ...	INV0022812	12/29/2022	Medicare	31-22150-0000-1	106.16
Electronic Federal Tax Payment ...	INV0022812	12/29/2022	Medicare	32-22150-0000-1	265.56
Electronic Federal Tax Payment ...	INV0022812	12/29/2022	Medicare	34-22150-0000-1	39.90
Electronic Federal Tax Payment ...	INV0022813	12/29/2022	Federal Income Tax Withholding	01-22050-0000-1	71.36
Electronic Federal Tax Payment ...	INV0022814	12/29/2022	Social Security	01-22100-0000-1	164.18
Electronic Federal Tax Payment ...	INV0022817	12/29/2022	Medicare	01-22150-0000-1	38.40
Electronic Federal Tax Payment ...	INV0022836	12/29/2022	Federal Income Tax Withholding	01-22050-0000-1	5,385.38
Electronic Federal Tax Payment ...	INV0022836	12/29/2022	Federal Income Tax Withholding	30-22050-0000-1	128.35
Electronic Federal Tax Payment ...	INV0022836	12/29/2022	Federal Income Tax Withholding	31-22050-0000-1	111.02
Electronic Federal Tax Payment ...	INV0022836	12/29/2022	Federal Income Tax Withholding	32-22050-0000-1	128.33
Electronic Federal Tax Payment ...	INV0022837	12/29/2022	Social Security	01-22100-0000-1	7,571.78
Electronic Federal Tax Payment ...	INV0022837	12/29/2022	Social Security	30-22100-0000-1	43.88
Electronic Federal Tax Payment ...	INV0022837	12/29/2022	Social Security	32-22100-0000-1	43.86
Electronic Federal Tax Payment ...	INV0022841	12/29/2022	Medicare	01-22150-0000-1	1,899.80
Electronic Federal Tax Payment ...	INV0022841	12/29/2022	Medicare	30-22150-0000-1	36.06
Electronic Federal Tax Payment ...	INV0022841	12/29/2022	Medicare	31-22150-0000-1	25.80
Electronic Federal Tax Payment ...	INV0022841	12/29/2022	Medicare	32-22150-0000-1	36.02
Vendor EFTPS - Electronic Federal Tax Payment System Total:					26,429.40

Vendor: EWING - Ewing Irrigation Products Inc.

Ewing Irrigation Products Inc.	18461120	01/05/2023	INV 14832691 X-core 600 Hunte..	01-180-57400-0000-1	185.64
Vendor EWING - Ewing Irrigation Products Inc. Total:					185.64

Vendor: Fastenal Company - Fastenal Company

Fastenal Company	107945	01/05/2023	INV CADEL 107945 Inverted Stri...	01-180-57400-0000-1	43.52
Fastenal Company	107945	01/05/2023	INV CADEL 107945 Inverted Stri...	32-510-57400-0000-1	95.06
Vendor Fastenal Company - Fastenal Company Total:					138.58

Vendor: Fastlane Food Store - Fastlane Food Store

Fastlane Food Store	461492	01/05/2023	INV461492 Fuel for Vactor Truck	30-500-54000-0000-1	300.00
Vendor Fastlane Food Store - Fastlane Food Store Total:					300.00

Vendor: Franchise Tax - Franchise Tax

Franchise Tax	INV0022835	12/29/2022	Case#609265321	01-22350-0000-1	75.00
Vendor Franchise Tax - Franchise Tax Total:					75.00

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Frontier - Frontier California Inc.					
Frontier California Inc.	6617920161-0621105	01/05/2023	661-792-0161 12012022	01-150-57800-0000-1	247.36
Frontier California Inc.	6617923164-0831175	01/05/2023	INV 6617923164- 12012022	01-185-57800-0000-1	83.51
Frontier California Inc.	6617923391-0702095	01/05/2023	INV 6617923391 -12012022	30-500-57800-0000-1	219.78
Vendor Frontier - Frontier California Inc. Total:					550.65

Vendor: gotocom - GoTo Communications Inc

GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-105-57800-0000-1	9.26
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-110-57800-0000-1	28.94
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-115-57800-0000-1	32.41
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-140-57800-0000-1	32.41
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-150-57800-0000-1	231.52
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-155-57800-0000-1	9.26
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-160-57800-0000-1	9.26
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-165-57800-0000-1	26.16
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-175-57800-0000-1	32.41
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	01-180-57800-0000-1	38.70
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	20-200-57800-0000-1	0.69
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	30-500-57800-0000-1	141.92
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	31-505-57800-0000-1	68.29
GoTo Communications Inc	101609529	01/05/2023	GoTo Monthly Billing	32-510-57800-0000-1	149.10
Vendor gotocom - GoTo Communications Inc Total:					810.33

Vendor: Granite Auto Parts I - Granite Auto Parts Inc

Granite Auto Parts Inc	825854	01/05/2023	INV 825854 Nipple	32-510-57400-0000-1	5.13
Granite Auto Parts Inc	825952	01/05/2023	INV 825952 Z Hose End Fitting	30-500-56410-0000-1	34.30
Vendor Granite Auto Parts I - Granite Auto Parts Inc Total:					39.43

Vendor: HDS WHITE CAP - HDS WHITE CAP

HDS WHITE CAP	10017223351	01/05/2023	INV 10017223351 6" B30 Vari-D...	01-180-56500-0000-1	352.42
Vendor HDS WHITE CAP - HDS WHITE CAP Total:					352.42

Vendor: Home Depot - Home Depot

Home Depot	1532985	01/05/2023	Auth Code 002099/1532985 Sc...	01-190-56400-0000-1	231.47
Home Depot	1541277	01/05/2023	Auth Code 012295/1541277 Ke...	01-180-57400-0000-1	117.79
Home Depot	1541277	01/05/2023	Auth Code 012295/1541277 Ke...	01-190-56400-0000-1	195.85
Home Depot	2532125	01/05/2023	Auth Code 021347/2532125 Key..	01-180-57400-0000-1	7.22
Home Depot	3531240	01/05/2023	Auth Code 010496/3531240 AA...	01-180-57400-0000-1	90.81
Home Depot	3531256	01/05/2023	Auth Code 010437/3531256 Sig...	01-180-57400-0000-1	23.69
Home Depot	7523617	01/05/2023	Auth Code 016859/7523617 50...	30-500-56410-0000-1	236.31
Home Depot	8090820	01/05/2023	Auth Code 005599/8090820 Ke...	01-185-56400-0000-1	54.18
Home Depot	8540918	01/05/2023	Auth Code 005558/8540918 GL...	01-190-56400-0000-1	143.31
Vendor Home Depot - Home Depot Total:					1,100.63

Vendor: Jim Burke - Jim Burke

Jim Burke	1491698	01/05/2023	INV 1491698 Cover Sensor	30-500-56600-0000-1	1,675.21
Vendor Jim Burke - Jim Burke Total:					1,675.21

Vendor: John Hancock - John Hancock

John Hancock	INV0022769	12/29/2022	401K - Employer	01-20800-0000-1	1,062.34
John Hancock	INV0022769	12/29/2022	401K - Employer	30-20800-0000-1	839.92
John Hancock	INV0022769	12/29/2022	401K - Employer	31-20800-0000-1	279.74
John Hancock	INV0022769	12/29/2022	401K - Employer	32-20800-0000-1	689.50
John Hancock	INV0022770	12/29/2022	401K - Employee	01-20800-0000-1	708.71
John Hancock	INV0022770	12/29/2022	401K - Employee	20-20800-0000-1	78.62
John Hancock	INV0022770	12/29/2022	401K - Employee	30-20800-0000-1	327.47
John Hancock	INV0022770	12/29/2022	401K - Employee	31-20800-0000-1	236.76
John Hancock	INV0022770	12/29/2022	401K - Employee	32-20800-0000-1	406.01
John Hancock	INV0022771	12/29/2022	401K - Employer	20-20800-0000-1	131.04
John Hancock	INV0022781	12/29/2022	401K Loan 1	32-20800-0000-1	32.25
John Hancock	INV0022782	12/29/2022	401K Loan 1	01-20800-0000-1	45.90
John Hancock	INV0022783	12/29/2022	401K Loan 2	01-20800-0000-1	21.14
John Hancock	INV0022783	12/29/2022	401K Loan 2	30-20800-0000-1	15.86
John Hancock	INV0022783	12/29/2022	401K Loan 2	32-20800-0000-1	15.85

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
John Hancock	INV0022784	12/29/2022	401K Loan 3	01-20800-0000-1	35.73
John Hancock	INV0022784	12/29/2022	401K Loan 3	30-20800-0000-1	26.80
John Hancock	INV0022784	12/29/2022	401K Loan 3	32-20800-0000-1	26.80
John Hancock	INV0022785	12/29/2022	401K Loan 3	34-20800-0000-1	100.00
John Hancock	INV0022786	12/29/2022	401K Loan 3	01-20800-0000-1	34.35
John Hancock	INV0022787	12/29/2022	401K Loan 4	34-20800-0000-1	75.00
John Hancock	INV0022788	12/29/2022	401K Loan 4	01-20800-0000-1	28.72
John Hancock	INV0022789	12/29/2022	401K Loan 5	01-20800-0000-1	157.75
John Hancock	INV0022790	12/29/2022	401K Loan 4	01-20800-0000-1	105.27
John Hancock	INV0022791	12/29/2022	401K Loan 4	01-20800-0000-1	17.08
John Hancock	INV0022791	12/29/2022	401K Loan 4	30-20800-0000-1	25.62
John Hancock	INV0022791	12/29/2022	401K Loan 4	31-20800-0000-1	17.08
John Hancock	INV0022791	12/29/2022	401K Loan 4	32-20800-0000-1	25.64
John Hancock	INV0022792	12/29/2022	401K Loan 4	01-20800-0000-1	19.69
John Hancock	INV0022792	12/29/2022	401K Loan 4	30-20800-0000-1	29.53
John Hancock	INV0022792	12/29/2022	401K Loan 4	31-20800-0000-1	19.69
John Hancock	INV0022792	12/29/2022	401K Loan 4	32-20800-0000-1	29.51
John Hancock	INV0022793	12/29/2022	401K Loan 4	01-20800-0000-1	145.50
John Hancock	INV0022793	12/29/2022	401K Loan 4	20-20800-0000-1	4.50
John Hancock	INV0022794	12/29/2022	401K Loan 4	01-20800-0000-1	51.07
John Hancock	INV0022794	12/29/2022	401K Loan 4	20-20800-0000-1	1.58
John Hancock	INV0022795	12/29/2022	401k Contribution	01-20800-0000-1	399.04
John Hancock	INV0022796	12/29/2022	401k Contribution	01-20800-0000-1	204.37
John Hancock	INV0022797	12/29/2022	401k Contribution	01-20800-0000-1	78.76
John Hancock	INV0022797	12/29/2022	401k Contribution	30-20800-0000-1	118.15
John Hancock	INV0022797	12/29/2022	401k Contribution	31-20800-0000-1	78.76
John Hancock	INV0022797	12/29/2022	401k Contribution	32-20800-0000-1	118.15
John Hancock	INV0022798	12/29/2022	401k Contribution	30-20800-0000-1	255.20
John Hancock	INV0022799	12/29/2022	401k Contribution	01-20800-0000-1	213.48
John Hancock	INV0022799	12/29/2022	401k Contribution	20-20800-0000-1	6.60
John Hancock	INV0022800	12/29/2022	401k Contribution	34-20800-0000-1	137.60
John Hancock	INV0022801	12/29/2022	401k Contribution	01-20800-0000-1	137.07
John Hancock	INV0022818	12/29/2022	401K - Employer	01-20800-0000-1	3,475.37
John Hancock	INV0022818	12/29/2022	401K - Employer	30-20800-0000-1	17.18
John Hancock	INV0022818	12/29/2022	401K - Employer	32-20800-0000-1	17.17
John Hancock	INV0022819	12/29/2022	401K - Employee	01-20800-0000-1	1,465.52
John Hancock	INV0022819	12/29/2022	401K - Employee	30-20800-0000-1	4.10
John Hancock	INV0022819	12/29/2022	401K - Employee	32-20800-0000-1	4.10
John Hancock	INV0022826	12/29/2022	401K Loan 1	01-20800-0000-1	138.52
John Hancock	INV0022827	12/29/2022	401k Contribution	01-20800-0000-1	275.46
John Hancock	INV0022828	12/29/2022	401k Contribution	01-20800-0000-1	171.92
John Hancock	INV0022829	12/29/2022	401k Contribution	01-20800-0000-1	298.89
John Hancock	INV0022830	12/29/2022	401k Contribution	01-20800-0000-1	281.57
John Hancock	INV0022831	12/29/2022	401k Contribution	01-20800-0000-1	267.96
John Hancock	INV0022832	12/29/2022	401k Contribution	01-20800-0000-1	251.92
John Hancock	INV0022833	12/29/2022	401k Contribution	01-20800-0000-1	525.24
John Hancock	INV0022833	12/29/2022	401k Contribution	30-20800-0000-1	105.05
John Hancock	INV0022833	12/29/2022	401k Contribution	31-20800-0000-1	105.05
John Hancock	INV0022833	12/29/2022	401k Contribution	32-20800-0000-1	105.04
Vendor John Hancock - John Hancock Total:					15,125.26

Vendor: Jorge's Smog & Repai - Jorge's Smog & Repai

Jorge's Smog & Repai	17550	01/05/2023	17550	01-165-56600-0000-1	502.80
Jorge's Smog & Repai	17684	01/05/2023	INV 017684 Smog for 2014 Ford...	01-155-56600-0000-1	51.75
Vendor Jorge's Smog & Repai - Jorge's Smog & Repai Total:					554.55

Vendor: J's Automotive - J's Automotive

J's Automotive	9669	01/05/2023	INV 9669 2016 Ford Fusion	01-180-56600-0000-1	77.66
Vendor J's Automotive - J's Automotive Total:					77.66

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Kern County Forensic - Kern County Forensic Services, LLC					
Kern County Forensic Services, ...	1921	01/05/2023	Inv. 1921 Case #22-01339 (12/0...	01-150-56000-0000-1	1,500.00
Vendor Kern County Forensic - Kern County Forensic Services, LLC Total:					1,500.00
Vendor: leonorsanchez - Leonor Sanchez					
Leonor Sanchez	04/18/2022 Refund	12/28/2022	Veterans Hall Refund Robert M...	01-24000-0000-1	350.00
Vendor leonorsanchez - Leonor Sanchez Total:					350.00
Vendor: Mario Sanchez - Mario Sanchez					
Mario Sanchez	12082022	01/05/2023	Translation Invoice Dec 8, 2022...	01-105-52200-0000-1	150.00
Mario Sanchez	12222022	01/05/2023	Translation & Interpreting Inv D...	01-105-52200-0000-1	300.00
Vendor Mario Sanchez - Mario Sanchez Total:					450.00
Vendor: Office Depot - Office Depot					
Office Depot	273256478001	01/05/2023	INV273257225001 OFFICE SUPP...	01-105-57200-0000-1	41.92
Vendor Office Depot - Office Depot Total:					41.92
Vendor: Pace Analytical Serv - Pace Analytical Services, LLC					
Pace Analytical Services, LLC	464876	01/05/2023	INV B464876 Drinking Water- G...	32-510-58200-0000-1	40.73
Pace Analytical Services, LLC	465519	01/05/2023	INV B465519 Drinking Wate- CL...	32-510-58200-0000-1	40.73
Vendor Pace Analytical Serv - Pace Analytical Services, LLC Total:					81.46
Vendor: Quad Knopf - Quad Knopf					
Quad Knopf	116639	01/05/2023	Community Garden Inv 116639	25-000-52960-8425-1	12,482.39
Vendor Quad Knopf - Quad Knopf Total:					12,482.39
Vendor: R&F Disposal - R&F Disposal					
R&F Disposal	12302	01/04/2023	INV 12302 Community Building ...	01-185-58050-0000-1	93.72
R&F Disposal	12303	01/04/2023	INV 12303 Sewer Plant 3yd Bin ...	30-500-58050-0000-1	143.56
R&F Disposal	12304	01/04/2023	INV 12304 Blanco Park-3yd Bin ...	01-190-58000-0000-1	143.56
R&F Disposal	12305	01/04/2023	INV 12305 PD Commercial Cart...	01-150-52200-0000-1	107.32
R&F Disposal	December 2022 Disposal Garba...	01/05/2023	December 2022 RF Disposal Ga...	01-100-41300-0000-1	-4,116.72
R&F Disposal	December 2022 Disposal Garba...	01/05/2023	December 2022 RF Disposal Ga...	31-505-42340-0000-1	-2,166.75
R&F Disposal	December 2022 Disposal Garba...	01/05/2023	December 2022 RF Disposal Ga...	31-505-52400-0000-1	82,334.32
R&F Disposal	December 2022 Disposal Organi...	01/05/2023	December 2022 RF Disposal Est...	31-505-52400-0000-1	2,126.04
R&F Disposal	December 2022 Disposal Recycl...	01/05/2023	December 2022 RF Disposal Est...	31-505-52500-0000-1	11,354.34
Vendor R&F Disposal - R&F Disposal Total:					90,019.39
Vendor: The Gas Co. - SoCalGas					
SoCalGas	07591626002 12	01/05/2023	07591626002 12-2022	01-190-58000-0000-1	149.12
Vendor The Gas Co. - SoCalGas Total:					149.12
Vendor: SpeakWrite - SpeakWrite					
SpeakWrite	72aca31c	01/05/2023	Inv. 72aca31c - Transcription Se...	01-130-56000-0000-1	123.60
SpeakWrite	d64809db	01/05/2023	Inv. d64809db - Transcription S...	01-130-56000-0000-1	441.11
Vendor SpeakWrite - SpeakWrite Total:					564.71
Vendor: Statewide Saftey - Statewide Saftey					
Statewide Saftey	12016966	01/05/2023	INV 12016966 Jumbo head drive..	01-180-56500-0000-1	247.96
Vendor Statewide Saftey - Statewide Saftey Total:					247.96
Vendor: Stinson Stationers, - Stinson Stationers, Inc.					
Stinson Stationers, Inc.	204608	01/05/2023	Inv 204608-0 12/27/22 Copy/La...	01-130-57200-0000-1	115.26
Stinson Stationers, Inc.	204608	01/05/2023	Inv 204608-0 12/27/22 Copy/La...	30-500-57200-0000-1	115.27
Stinson Stationers, Inc.	204608	01/05/2023	Inv 204608-0 12/27/22 Copy/La...	31-505-57200-0000-1	115.27
Stinson Stationers, Inc.	204608	01/05/2023	Inv 204608-0 12/27/22 Copy/La...	32-510-57200-0000-1	115.27
Vendor Stinson Stationers, - Stinson Stationers, Inc. Total:					461.07
Vendor: Stockdale Aire, Inc. - Stockdale Aire, Inc.					
Stockdale Aire, Inc.	85560-1	01/05/2023	INV I-85560-1 McFarland R-410...	30-500-56410-0000-1	498.00
Vendor Stockdale Aire, Inc. - Stockdale Aire, Inc. Total:					498.00
Vendor: Vulcan Industries - Vulcan Industries					
Vulcan Industries	22553-17394	01/05/2023	INV 22553-17394 Lot spare part...	30-500-56410-0000-1	11,706.89
Vendor Vulcan Industries - Vulcan Industries Total:					11,706.89
Vendor: William Dorsey - William Dorsey					
William Dorsey	12122022 Hall deposit Refund	01/05/2023	Hall Rental Deposit Refund 12/...	01-24000-0000-1	350.00
Vendor William Dorsey - William Dorsey Total:					350.00

Expense Approval Report

Payment Dates: 12/28/2022 - 1/10/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Witcher Electric - Witcher Electric					
Witcher Electric	39091aa	01/05/2023	INV 39091AA Garzolli Location	32-510-57400-0000-1	357.54
Vendor Witcher Electric - Witcher Electric Total:					357.54
Grand Total:					290,968.31

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	97,330.08
20 - LIGHTING & LANDSCAPING-DISTRICT 1	3,080.69
25 - CAPITAL IMPROVEMENTS PROJECTS	29,317.64
30 - SEWER	35,595.89
31 - REFUSE/RECYCLING	99,651.02
32 - WATER	24,430.74
34 - PUBLIC TRANSPORTATION	1,562.25
Grand Total:	290,968.31

Account Summary

Account Number	Account Name	Payment Amount
01-100-41300-0000-1	Franchise Fees	-4,116.72
01-105-50600-0000-1	Workers Compensation In...	264.18
01-105-52200-0000-1	Contract Services	450.00
01-105-54400-0000-1	Insurance - CSJV Rsk Mgm...	200.39
01-105-56000-0000-1	Professional Services - Ot...	49.00
01-105-57200-0000-1	Supplies - Office	41.92
01-105-57800-0000-1	Telephone & Communicat...	9.26
01-110-50600-0000-1	Workers Compensation In...	961.63
01-110-54400-0000-1	Insurance - CSJV Rsk Mgm...	729.44
01-110-57800-0000-1	Telephone & Communicat...	28.94
01-115-50600-0000-1	Workers Compensation In...	427.98
01-115-54400-0000-1	Insurance - CSJV Rsk Mgm...	324.64
01-115-57800-0000-1	Telephone & Communicat...	32.41
01-130-56000-0000-1	Professional Services - Ot...	564.71
01-130-57200-0000-1	Supplies - Office	115.26
01-140-50600-0000-1	Workers Compensation In...	660.46
01-140-54400-0000-1	Insurance - CSJV Rsk Mgm...	500.99
01-140-57800-0000-1	Telephone & Communicat...	32.41
01-150-50600-0000-1	Workers Compensation In...	24,696.03
01-150-52200-0000-1	Contract Services	274.43
01-150-54000-0000-1	Fuel	64.68
01-150-54400-0000-1	Insurance - CSJV Rsk Mgm...	18,732.91
01-150-56000-0000-1	Professional Services - Ot...	1,566.00
01-150-57800-0000-1	Telephone & Communicat...	478.88
01-155-50600-0000-1	Workers Compensation In...	929.93
01-155-54400-0000-1	Insurance - CSJV Rsk Mgm...	705.39
01-155-56600-0000-1	Repairs & Maintenance - ...	51.75
01-155-57800-0000-1	Telephone & Communicat...	9.26
01-160-50600-0000-1	Workers Compensation In...	1,003.90
01-160-54400-0000-1	Insurance - CSJV Rsk Mgm...	761.50
01-160-57800-0000-1	Telephone & Communicat...	9.26
01-165-50600-0000-1	Workers Compensation In...	887.66
01-165-54400-0000-1	Insurance - CSJV Rsk Mgm...	673.33
01-165-56000-0000-1	Professional Services-Oth...	32.00
01-165-56600-0000-1	Repairs & Maintenance - ...	502.80
01-165-57800-0000-1	Telephone & Communicat...	26.16
01-175-50600-0000-1	Workers Compensation In...	512.52
01-175-54400-0000-1	Insurance - CSJV Rsk Mgm...	388.77
01-175-57800-0000-1	Telephone & Communicat...	32.41
01-180-50600-0000-1	Workers Compensation In...	3,223.06
01-180-51800-0000-1	Clothing Allowance	275.16
01-180-54400-0000-1	Insurance - CSJV Rsk Mgm...	2,444.82
01-180-56500-0000-1	Repairs/Maintenance Str...	600.38
01-180-56600-0000-1	Repairs/Maintenance - V...	77.66
01-180-57400-0000-1	Supplies - Operating	468.67
01-180-57800-0000-1	Telephone & Communicat...	38.70

Account Summary

Account Number	Account Name	Payment Amount
01-185-56400-0000-1	Repairs & Maint - Build & ...	54.18
01-185-57800-0000-1	Telephone & Communicat...	83.51
01-185-58050-0000-1	Utilities Other	93.72
01-190-56400-0000-1	Repairs & Maint - Build & ...	570.63
01-190-58000-0000-1	Utilities	292.68
01-20800-0000-1	Pension Payable	10,618.34
01-22050-0000-1	Federal Withholding Paya...	6,827.30
01-22100-0000-1	FICA Payable	10,334.26
01-22150-0000-1	Medicare Payable	2,545.84
01-22200-0000-1	State Withholding Payable	3,644.47
01-22250-0000-1	SUTA Payable	199.85
01-22350-0000-1	Garnishments	75.00
01-22600-0000-1	Health FSA	33.27
01-22700-0000-1	Disablity LTD	302.37
01-22800-0000-1	Accident	19.34
01-22900-0000-1	Life	176.87
01-22950-0000-1	Cancer-American Fidelity	13.53
01-24000-0000-1	Deposits	700.00
20-200-50600-0000-1	Workers Compensation In...	258.90
20-200-51800-0000-1	Clothing Allowance	33.96
20-200-52200-0000-1	Contract Services	2,124.80
20-200-54400-0000-1	Insurance- CSJ Risk Mana...	196.39
20-200-57800-0000-1	Telephone & Communicat...	0.69
20-20800-0000-1	Pension Payable	222.34
20-22050-0000-1	Federal Withholding Paya...	11.22
20-22100-0000-1	FICA Payable	172.88
20-22150-0000-1	Medicare Payable	40.44
20-22200-0000-1	State Withholding Payable	19.07
25-000-52960-2303-1	Street & Roads (Capital)	560.00
25-000-52960-2304-1	Street & Roads (Capital)	1,405.00
25-000-52960-2305-1	Street & Roads (Capital)	670.00
25-000-52960-2306-1	Street & Roads (Capital)	550.00
25-000-52960-8425-1	Streets & Roads Capital	12,482.39
25-000-52960-8490-1	Streets & Roads Capital S...	13,650.25
30-20800-0000-1	Pension Payable	1,764.88
30-22050-0000-1	Federal Withholding Paya...	1,126.73
30-22100-0000-1	FICA Payable	1,663.98
30-22150-0000-1	Medicare Payable	414.94
30-22200-0000-1	State Withholding Payable	572.73
30-22250-0000-1	SUTA Payable	71.63
30-22600-0000-1	Health FSA	2.59
30-22700-0000-1	Disablity LTD	88.40
30-22800-0000-1	Accident	15.41
30-22900-0000-1	Life	105.04
30-22950-0000-1	Cancer- American Fidelity	22.04
30-500-50600-0000-1	Workers Compensation In...	8,110.48
30-500-51800-0000-1	Clothing Allowance	143.68
30-500-54000-0000-1	Fuel	300.00
30-500-54400-0000-1	Insurance - CSJV Rsk Mgm...	6,152.12
30-500-56410-0000-1	Repairs & Maintenance E...	12,745.50
30-500-56600-0000-1	Repairs & Maintenance - ...	1,675.21
30-500-57200-0000-1	Supplies - Office	115.27
30-500-57800-0000-1	Telephone & Communicat...	361.70
30-500-58050-0000-1	Utilities Other	143.56
31-20800-0000-1	Pension Payable	737.08
31-22050-0000-1	Federal Withholding Paya...	319.70
31-22100-0000-1	FICA Payable	453.98
31-22150-0000-1	Medicare Payable	131.96

Account Summary

Account Number	Account Name	Payment Amount
31-22200-0000-1	State Withholding Payable	184.92
31-22250-0000-1	SUTA Payable	2.45
31-22700-0000-1	Disability LTD	10.67
31-22900-0000-1	Life	11.23
31-505-42340-0000-1	Administration Fee	-2,166.75
31-505-50600-0000-1	Workers Compensation In...	2,256.14
31-505-52400-0000-1	Contract Services - Refuse...	84,460.36
31-505-52500-0000-1	Contract Services - Recycl...	11,354.34
31-505-54400-0000-1	Insurance - CSJV Rsk Mgm...	1,711.38
31-505-57200-0000-1	Supplies - Office	115.27
31-505-57800-0000-1	Telephone & Communicat...	68.29
32-20800-0000-1	Pension Payable	1,470.02
32-22050-0000-1	Federal Withholding Paya...	624.95
32-22100-0000-1	FICA Payable	1,179.32
32-22150-0000-1	Medicare Payable	301.58
32-22200-0000-1	State Withholding Payable	365.36
32-22250-0000-1	SUTA Payable	71.60
32-22600-0000-1	Health FSA	27.60
32-22700-0000-1	Disability LTD	45.85
32-22900-0000-1	Life	38.58
32-510-50600-0000-1	Workers Compensation In...	8,184.45
32-510-51800-0000-1	Clothing Allowance	35.25
32-510-52200-0000-1	Contract Services	1,881.60
32-510-54400-0000-1	Insurance - CSJV Rsk Mgm...	6,208.24
32-510-56000-0000-1	Professional Services - Ot...	2,343.63
32-510-57200-0000-1	Supplies - Office	115.27
32-510-57400-0000-1	Supplies - Operating	1,306.88
32-510-57800-0000-1	Telephone & Communicat...	149.10
32-510-58200-0000-1	Water/Soil/Other Analysis	81.46
34-20800-0000-1	Pension Payable	312.60
34-22050-0000-1	Federal Withholding Paya...	69.80
34-22100-0000-1	FICA Payable	170.62
34-22150-0000-1	Medicare Payable	39.90
34-22200-0000-1	State Withholding Payable	32.03
34-22700-0000-1	Disability LTD	30.76
34-22800-0000-1	Accident	15.41
34-22900-0000-1	Life	57.99
34-22950-0000-1	Cancer-American Fidelity	24.77
34-520-50600-0000-1	Workers Compensation In...	459.68
34-520-54400-0000-1	Insurance - CSJV Rsk Mgm...	348.69
Grand Total:		290,968.31

Project Account Summary

Project Account Key	Payment Amount
None	290,968.31
Grand Total:	290,968.31



Payroll Set: City-City of McFarland

Department: 105 - City Council

Employee Number	Pay Code	# of Payments	Units	Pay Amount
AYO300	Salary - Elected - Salary - Elected	1	0	200
	Gross Total:		0	200
Ayo100	Salary - Elected - Salary - Elected	1	0	200
	Gross Total:		0	200
Cano100	Salary - Elected - Salary - Elected	1	0	200
	Gross Total:		0	200
GON610	Salary - Elected - Salary - Elected	1	0	200
	Gross Total:		0	200
	105 - City Council Total:		0	800

Department: 110 - City Administration

Employee Number	Pay Code	# of Payments	Units	Pay Amount
ALV100	Bilingual - Bilingual	2	0	27.68
	Holiday - Holiday Pay	2	44	1096.48
	Hourly - Hourly	2	116	2890.54
	OT - Overtime	2	25.95	970.01
	Gross Total:		185.95	4984.71
ARI100	Cell Phone Reimb - Cell Phone R	2	0	115.4
	Holiday - Holiday Pay	2	32	1323.08
	Hourly - Hourly	2	118	4878.84
	Sick - Sick Pay	1	2	82.69
	Vacation - Vacation Pay	1	8	330.77
	Gross Total:		160	6730.78
DRA100	Holiday - Holiday Pay	1	31	520.49
	Holiday - Reg - Holiday - Regular	1	9	151.11
	Hourly - Hourly	2	120	2014.8
	OT - Overtime	1	5	125.93
	Gross Total:		165	2812.33
	110 - City Administration Total:		510.95	14527.82

Department: 115 - Finance & Accounting

Employee Number	Pay Code	# of Payments	Units	Pay Amount
ARC100	Holiday - Holiday Pay	2	35	1129.2
	Hourly - Hourly	2	109.4	3853.07
	OT - Overtime	1	31.65	1672.07
	Gross Total:		176.05	6654.34
AYO110	Hourly - Hourly	1	32.82	524.46
	Gross Total:		32.82	524.46
ESP100	Bachelor's Degree - Bachelor's D	2	0	18.46
	Bilingual - Bilingual	2	0	27.7
	Holiday - Holiday Pay	2	44	1043.68
	Hourly - Hourly	2	116	2751.52
	OT - Overtime	2	18.73	666.42
	Gross Total:		178.73	4507.78
GON600	Bilingual - Bilingual	2	0	27.7
	Holiday - Holiday Pay	2	35	664.65
	Hourly - Hourly	2	125	2373.75
	OT - Overtime	2	17.37	494.78
	Sick - Sick Pay	1	1	18.99
	Gross Total:		178.37	3579.87
TOR100	Hourly - Hourly	1	31.78	507.84
	Gross Total:		31.78	507.84
VEL100	Holiday - Holiday Pay	2	44	815.32
	Hourly - Hourly	2	106.18	1967.52
	OT - Overtime	2	22.58	627.61
	Sick - Sick Pay	1	11.97	221.8
	Gross Total:		184.73	3632.25
VIR100	Holiday - Holiday Pay	2	32	1846.15
	Hourly - Hourly	2	128	7384.61
	Gross Total:		160	9230.76
115 - Finance & Accounting Total:			942.48	28637.3

Department: 140 - Planning

Employee Number	Pay Code	# of Payments	Units	Pay Amount
DEL100	Bachelor's Degree - Bachelor's D	2	0	18.46
	Holiday - Holiday Pay	2	36	1120.68
	Hourly - Hourly	2	101.75	3167.48
	OT - Overtime	2	1.27	59.3
	Vacation - Vacation Pay	1	11.59	360.8
	Gross Total:		150.61	4726.72
140 - Planning Total:			150.61	4726.72

Department: 150 - Police

Employee Number	Pay Code	# of Payments	Units	Pay Amount
ALB100-142	Holiday - Reg - Holiday - Regular	2	24	711.12
	Hourly - Hourly	2	154	4563.02
	OT - Overtime	2	6	266.67
	Sick - Sick Pay	2	14	414.82
	Gross Total:		198	5955.63
ALW100-145	Workers Comp - Workers Comp	2	218	6427.78
	Gross Total:		218	6427.78
AYON100				
	Holiday - Reg - Holiday - Regular	2	40	798.4
	Hourly - Hourly	2	160	3193.6
	OT - Overtime	2	4	119.76
	Gross Total:		204	4111.76
CAZ100-151	Holiday - Reg - Holiday - Regular	2	48	1422.24
	Hourly - Hourly	2	168	5173.68
	OT - Overtime	2	14.5	708.72
	PD - Court Stand-by - PD Court S	1	9	400.01
	Sick - Sick Pay	1	0	16.32
	Vacation - Vacation Pay	1	0	16.32
	Gross Total:		239.5	7737.29
DEW100-147				
	Holiday - Reg - Holiday - Regular	2	48	1732.8
	Hourly - Hourly	2	168	6064.8
	OT - Overtime	2	14.5	785.18
	Gross Total:		230.5	8582.78
DON100				
	Holiday - Reg - Holiday - Regular	2	40	759.6
	Hourly - Hourly	2	160	3038.4
	OT - Overtime	2	13	370.3
	Gross Total:		213	4168.3

EST150	Holiday - Reg - Holiday - Regular	2	48	1438.56
	Hourly - Hourly	2	168	5203.6
	OT - Overtime	2	57	2646.59
	Gross Total:		273	9288.75
GAL100-149	Holiday - Reg - Holiday - Regular	2	48	1493.76
	Hourly - Hourly	2	168	5228.16
	Intermediate POST - Intermediate	2	0	27.68
	OT - Overtime	2	41	1913.88
	Gross Total:		257	8663.48
GAR100-146	Cash Out - VAC - Cash Out - Vacat	1	49.58	1469.06
	Holiday - Reg - Holiday - Regular	2	24	711.12
	Hourly - Hourly	2	152	4503.76
	OT - Overtime	2	24	1066.68
	Sick - Sick Pay	2	16	474.08
	Gross Total:		265.58	8224.7
GAR150	Holiday - Reg - Holiday - Regular	1	8	151.92
	Hourly - Hourly	1	44	835.56
	Gross Total:		52	987.48
HAN100-112	Holiday - Reg - Holiday - Regular	2	48	1732.8
	Hourly - Hourly	2	144	5198.4
	K-9 Officer - K-9 Officer	2	0	36.92
	OT - Overtime	2	8	433.2
	Sergeant - Sergeant	2	0	41.54
	Vacation - Vacation Pay	1	24	866.4
	Gross Total:		224	8309.26
HAS100-143	Holiday - Reg - Holiday - Regular	2	40	759.6
	Hourly - Hourly	2	160	3038.4
	OT - Overtime	2	32.5	925.76
	Gross Total:		232.5	4723.76
HEL100-128	Holiday - Reg - Holiday - Regular	2	44	1611.17
	Hourly - Hourly	2	139	5448.98
	OT - Overtime	1	9	475.47
	Sick - Sick Pay	1	5	176.1
	Gross Total:		197	7711.72
KNO100	Holiday - Reg - Holiday - Regular	2	44	1646.38
	Hourly - Hourly	2	144	5944.52
	Workers Comp - Workers Comp	1	12	422.52
	Gross Total:		200	8013.42

[LOP125](#)

Bachelor's Degree - Bachelor's D	2	0	18.46
Bilingual - Bilingual	2	0	27.68
Holiday - Reg - Holiday - Regular	2	40	881.2
Hourly - Hourly	2	106.5	2346.2
OT - Overtime	1	2	66.09
Sick - Sick Pay	1	13.5	297.41
Vacation - Vacation Pay	1	40	881.2
Gross Total:		202	4518.24

[New100-148](#)

Holiday - Reg - Holiday - Regular	2	48	1569.6
Hourly - Hourly	2	108	3531.6
Intermediate POST - Intermediate	1	0	13.85
OT - Overtime	2	33	1618.65
Vacation - Vacation Pay	2	60	1962
Gross Total:		249	8695.7

[NIE100-34](#)

Military - Military Leave With Out	2	0	0
Gross Total:		0	0

[Nun100](#)

Comp Time Earned - Compensat	1	3	0
Comp Time Taken - Compensat	1	0.5	11.86
Holiday - Holiday Pay	2	36	853.92
Hourly - Hourly	2	101.5	2407.58
OT - Overtime	1	1.22	43.41
Vacation - Vacation Pay	1	18	426.96
Gross Total:		160.22	3743.73

[PAD100](#)

Holiday - Reg - Holiday - Regular	2	40	759.6
Hourly - Hourly	2	150	2848.5
OT - Overtime	1	12	341.82
Sick - Sick Pay	1	10	189.9
Gross Total:		212	4139.82

[PES100-152](#)

Holiday - Reg - Holiday - Regular	2	32	1099.52
Hourly - Hourly	2	109.5	3762.42
Gross Total:		141.5	4861.94

[SHA-100-152](#)

Advanced POST - Advanced POS	2	0	32.3
Bachelor's Degree - Bachelor's D	2	0	18.46
Holiday - Reg - Holiday - Regular	2	48	1732.8
Hourly - Hourly	2	156	5631.6
OT - Overtime	2	14.5	785.18
Sick - Sick Pay	1	12	433.2
Gross Total:		230.5	8633.54

[VEL200](#)

Holiday - Reg - Holiday - Regular	2	40	759.6
Hourly - Hourly	2	160	3038.4
OT - Overtime	1	0.5	14.24
Gross Total:		200.5	3812.24

[WIL100-150](#)

Holiday - Reg - Holiday - Regular	2	32	2846.15
Hourly - Hourly	2	120	10673.07
Sick - Sick Pay	1	8	711.54
Gross Total:		160	14230.76
150 - Police Total:		4559.8	145542.08

Department: 155 - Animal Control

Employee Number	Pay Code	# of Payments	Units	Pay Amount
MUN100	Holiday - Reg - Holiday - Regular	2	36	619.56
	Hourly - Hourly	2	124	2134.04
	OT - Overtime	2	25.52	658.8
	Standby - Standby	2	0	214.32
	Gross Total:		185.52	3626.72
RIV200	Holiday - Reg - Holiday - Regular	2	31	483.29
	Hourly - Hourly	2	129.09	2012.51
	OT - Overtime	2	10.3	240.87
	Standby - Standby	2	0	200
	Gross Total:		170.39	2936.67
	155 - Animal Control Total:		355.91	6563.39

Department: 160 - Building Inspection

Employee Number	Pay Code	# of Payments	Units	Pay Amount
RON100	Bldg Insp - Building Inspector	2	0	400
	Holiday - Holiday Pay	2	32	1230.72
	Hourly - Hourly	2	94	3615.24
	Sick - Sick Pay	1	2	76.92
	Vacation - Vacation Pay	2	32	1230.72
	Gross Total:		160	6553.6
	160 - Building Inspection Total:		160	6553.6

Department: 165 - Code Enforcement

Employee Number	Pay Code	# of Payments	Units	Pay Amount
ESQ100	Admin Leave - Admin Leave	1	74.75	1419.5
	Holiday - Reg - Holiday - Regular	1	22	417.78
	Hourly - Hourly	2	36.25	688.39
	Vacation - Vacation Pay	1	27	512.73
	Gross Total:		160	3038.4

[PER200](#)

Hourly - Hourly	2	116	2202.84
Gross Total:		116	2202.84
165 - Code Enforcement Total:		276	5241.24

Department: 175 - Grants Administration

Employee Number	Pay Code	# of Payments	Units	Pay Amount
GAR200	Bilingual - Bilingual	2	0	27.7
	Holiday - Holiday Pay	2	40	1021.83
	Hourly - Hourly	2	100.53	2568.12
	Notary - Notary	2	0	27.7
	Vacation - Vacation Pay	2	19.45	496.86
	Gross Total:		159.98	4142.21
	175 - Grants Administration Total:		159.98	4142.21

Department: 180 - Public Works

Employee Number	Pay Code	# of Payments	Units	Pay Amount
GON200	Auto Allowance - Auto Allowanc	2	0	323.08
	Holiday - Holiday Pay	2	32	1575.29
	Hourly - Hourly	2	128	6301.19
	Gross Total:		160	8199.56
GUE100	Comp Time Earned - Compensat	1	6	0
	Holiday - Holiday Pay	2	36	990.36
	Hourly - Hourly	2	115	3163.65
	OT - Overtime	1	5	206.33
	Sick - Sick Pay	1	9	247.59
	Gross Total:		171	4607.93
MAR210	Holiday - Holiday Pay	2	40	671.6
	Hourly - Hourly	2	112.45	1888.04
	OT - Overtime	2	0.34	8.56
	Sick - Sick Pay	1	9	151.11
	Gross Total:		161.79	2719.31
MAR100	Comp Time Taken - Compensatc	2	18	294.84
	Holiday - Holiday Pay	1	26	425.88
	Hourly - Hourly	2	97	1588.86
	Sick - Sick Pay	1	9	147.42
	Gross Total:		150	2457
PEN300	Holiday - Holiday Pay	2	40	688
	Hourly - Hourly	2	109.5	1883.4
	Vacation - Vacation Pay	1	10.5	180.6
	Gross Total:		160	2752

[TEL100](#)

Holiday - Holiday Pay	2	35	573.3
Hourly - Hourly	2	125	2047.5
OT - Overtime	1	4	98.28
Gross Total:		164	2719.08
180 - Public Works Total:		966.79	23454.88

Department: 200 - Lighting & Landscaping

Employee Number	Pay Code	# of Payments	Units	Pay Amount
Cruz100	Holiday - Holiday Pay	2	36	589.68
	Hourly - Hourly	2	98	1605.24
	Sick - Sick Pay	1	17	278.46
	Vacation - Vacation Pay	1	9	147.42
	Gross Total:		160	2620.8
VAS300	Holiday - Holiday Pay	1	9	147.42
	Hourly - Hourly	1	55.5	909.09
	Workers Comp - Workers Comp	1	1	880.96
	Gross Total:		65.5	1937.47
	200 - Lighting & Landscaping Total:		225.5	4558.27

Department: 500 - Sewer

Employee Number	Pay Code	# of Payments	Units	Pay Amount
GON400	Holiday - Holiday Pay	2	44	1403.6
	Hourly - Hourly	2	116	3700.4
	OT - Overtime	2	1.25	59.81
	PW Cert - Grade 3 - Public Work	2	0	69.24
	Gross Total:		161.25	5233.05
MED100	Holiday - Holiday Pay	2	40	759.6
	Hourly - Hourly	2	120	2278.8
	OT - Overtime	2	20.5	583.94
	PW Cert - Grade 1 - Public Work	2	0	23.08
	Standby - Standby	2	0	185.74
	Gross Total:		180.5	3831.16

[Pop100](#)

Holiday - Holiday Pay	2	35	743.85
Hourly - Hourly	2	117	2791.63
OT - Overtime	2	26	814.86
Personal - Personal Day	1	0	39.6
PW Cert - Grade 1 - Public Work	2	0	69.24
Sick - Sick Pay	1	9	188.51
Standby - Standby	2	0	214.32
Vacation - Vacation Pay	1	0	17.6
Gross Total:		187	4879.61
500 - Sewer Total:		528.75	13943.82

Department: 510 - Water

Employee Number	Pay Code	# of Payments	Units	Pay Amount
Brau100	Holiday - Holiday Pay	2	44	738.76
	Hourly - Hourly	2	116	1947.64
	OT - Overtime	2	51	1284.44
	Standby - Standby	2	0	385.77
	Gross Total:		211	4356.61
	510 - Water Total:		211	4356.61

Department: 520 - Public Transit

Employee Number	Pay Code	# of Payments	Units	Pay Amount
MOR100	Holiday - Holiday Pay	2	35	602
	Hourly - Hourly	2	92.4	1589.28
	OT - Overtime	1	3.37	86.95
	Sick - Sick Pay	2	2.58	44.38
	Vacation - Vacation Pay	1	27	464.4
	Gross Total:		160.35	2787.01
	520 - Public Transit Total:		160.35	2787.01
	Report Total:		9208.12	265834.95



Payroll Set: City-City of McFarland

Account	Account Description	Units	Pay Amount
	BENEFIT AND NON GL TRANSACTIONS	9	0
	- Total:	9	0
01-105-50100-0000-1	Salaries - Permanent Employees	87.4	3070.26
01-110-50100-0000-1	Salaries - Permanent Employees	177.2	5948.89
01-115-50100-0000-1	Salaries - Permanent Employees	96.34	2924.93
01-115-50200-0000-1	Overtime	10.53	416.61
01-140-50100-0000-1	Salaries - Permanent Employees	213.63	6440.29
01-140-50200-0000-1	Overtime	1.33	61.01
01-150-50100-0000-1	Salaries - Permanent Employees	4019.08	121805.21
01-150-50150-0000-1	Wages - Temporary Employees	200	3798
01-150-50200-0000-1	Overtime	292.5	12872.11
01-155-50100-0000-1	Salaries - Permanent Employees	352.09	6894.44
01-155-50200-0000-1	Overtime	35.82	899.67
01-160-50100-0000-1	Salaries - Permanent Employees	32	1630.72
01-165-50100-0000-1	Salaries - Permanent Employees	233.48	5056.83
01-175-50100-0000-1	Salaries - Permanent Employees	191.98	5372.93
01-180-50100-0000-1	Salaries - Permanent Employees	678.23	14146.7
01-180-50200-0000-1	Overtime	4	98.28
01-180-50800-0000-1	Auto Allowance	0	64.62
	01 - GENERAL FUND Total:	6625.61	191501.5
20-200-50100-0000-1	Salaries/Permanent Employees	230.45	4696.51
	20 - LIGHTING & LANDSCAPING-DISTRICT 1 Total:	230.45	4696.51
30-500-50100-0000-1	Salaries - Permanent Employees	991.45	29119.38
30-500-50150-0000-1	Wages - Temporary Employees	21.61	410.18
30-500-50200-0000-1	Overtime	75.54	2830.02
30-500-50800-0000-1	Auto Allowance	0	96.92
	30 - SEWER Total:	1088.6	32456.5
31-505-50100-0000-1	Salaries - Permanent Employees	297.48	10499.46
31-505-50200-0000-1	Overtime	24.04	923.81
31-505-50800-0000-1	Auto Allowance	0	64.62
	31 - REFUSE/RECYCLING Total:	321.52	11487.89
32-510-50100-0000-1	Salaries - Permanent Employees	693.62	20260.81
32-510-50200-0000-1	Overtime	78.97	2547.81
32-510-50800-0000-1	Auto Allowance	0	96.92
	32 - WATER Total:	772.59	22905.54
34-520-50100-0000-1	Salaries - Permanent Employees	156.98	2700.06

Account	Account Description	Units	Pay Amount
34-520-50200-0000-1	Overtime	3.37	86.95
34 - PUBLIC TRANSPORTATION Total:		160.35	2787.01
Report Total:		9208.12	265834.95



Payroll Set: City-City of McFarland

Pay Code	Description	# of Payments	Units	Pay Amount
Admin Leave - Admin Lea	Admin Leave	1	74.75	1419.5
Advanced POST - Advanc	Advanced POST Certificate	2	0	32.3
Auto Allowance - Auto All	Auto Allowance	2	0	323.08
Bachelor's Degree - Bach	Bachelor's Degree	8	0	73.84
Bilingual - Bilingual	Bilingual	10	0	138.46
Bldg Insp - Building Insp	Building Inspector	2	0	400
Cash Out - VAC - Cash Ou	Cash Out - Vacation	1	49.58	1469.06
Cell Phone Reimb - Cell Pl	Cell Phone Reimb	2	0	115.4
Comp Time Earned - Com	Compensatory Time Earned	2	9	0
Comp Time Taken - Comp	Compensatory Time Taken	3	18.5	306.7
Holiday - Holiday Pay	Holiday Pay	47	893	22575.54
Holiday - Reg - Holiday - R	Holiday - Regular	45	882	26289.68
Hourly - Hourly	Hourly	98	6047.15	168904.54
Intermediate POST - Inter	Intermediate POST Certificate	3	0	41.53
K-9 Officer - K-9 Officer	K-9 Officer	2	0	36.92
Military - Military Leave V	Military Leave With Out Pay	2	0	0
Notary - Notary	Notary	2	0	27.7
OT - Overtime	Overtime	58	556.55	21240.56
PD - Court Stand-by - PD	PD Court Stand-by	1	9	400.01
Personal - Personal Day	Personal Day	1	0	39.6
PW Cert - Grade 1 - Public	Public Works Certification - Grade 1	4	0	92.32
PW Cert - Grade 3 - Public	Public Works Certification - Grade 3	2	0	69.24
Salary - Elected - Salary -	Elected Officials	4	0	800
Sergeant - Sergeant	Sergeant	2	0	41.54
Sick - Sick Pay	Sick Pay	21	151.05	4171.24
Standby - Standby	Standby	10	0	1200.15
Vacation - Vacation Pay	Vacation Pay	17	286.54	7894.78
Workers Comp - Workers	Workers Comp Pay	4	231	7731.26
Report Total:			9208.12	265834.95

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
January 26, 2023

McFARLAND CITY COUNCIL
McFARLAND SUCCESSOR AGENCY
McFARLAND PUBLIC FINANCE AUTHORITY
McFARLAND IMPROVEMENT AUTHORITY
McFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor S. Ayon called the meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers Present: Mayor S. Ayon, Vice Mayor Cano, Councilmember A. Ayon, Councilmember Gonzalez

Councilmembers Absent: None

**1 Vacant Councilmember Seat*

OFFICIALS PRESENT

City Manager/Chief of Police Williams, City Attorney Hodges, Community Development Director L. Ronk III, Public Works Director Gonzales, Human Resources Director Arias, Finance Director Viramontes, City Clerk Alvarado

Officials Absent: None

INVOCATION

Pastor Bobby Sharp

PLEDGE OF ALLEGIANCE

Councilmember A. Ayon

FEATURED PET

Is a feature that highlights a pet available for adoption from the McFarland Animal Shelter.

Community Development Director Larry Ronk III presented the featured pet of the week to City Council Members and the Community. He introduced “Café” a Chihuahua Mix available for immediate adoption to anyone interested.

PRESENTATIONS, INTRODUCTIONS AND AWARDS

None

PUBLIC COMMENTS

Public comment opened at 6:04 p.m.

- 1. Geno Barajas (Resident)-informed the council of his concerns regarding the non-working signal light on east Sherwood Ave. He requested an update on his previous comments for better lighting in front of the McFarland High School and thanked the streets department for the pothole repairs around town.*
- 2. Matthew Cauthron with Adventist Health informed the community of their mobile health clinic located at the learning center Monday and Tuesday from 9 am to 3 pm.*
- 3. Rob Duchow with the SoCal Gas Company informed the community of recent high gas bills. He gave resource information on utility assistance and website links on how to lower your gas bill.*
- 4. Mari L. Jauregui (resident) came to voice her concerns over the high water usage bills the community is receiving. And requested more information on what was being done to address the issue.*

Public Comment Closed at 6:16 p.m.

DEPARTMENTAL REPORTS

None

CONSENT AGENDA

- 1.** Approval of the Expense Report in the Amount of \$225,906.44 from December 14, 2022, to December 27, 2022.
- 2.** Approval of the Regular Meeting Minutes for November 23, 2022.

Motion was made by: Councilmember A. Ayon to approve the consent agenda; 2nd by: Vice Mayor Cano

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:17 p.m.

**1 Vacant Councilmember Seat*

PUBLIC HEARINGS

None

ADMINISTRATIVE AGENDA

3. Report, Discuss, and Possible Approval of Resolution No. 2023-0007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AN APPROPRIATION FOR ADDITIONAL ALLOCATION OF FUNDS FROM THE GENERAL FUND AND AN AGREEMENT BETWEEN MCFARLAND AND DYNAMIC PLANNING + SCIENCE FOR THE LOCAL HAZARD MITIGATION PLAN 2023 UPDATE.

No Comments from the public were presented.

Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0007; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:19 p.m.

**1 Vacant Councilmember Seat*

4. Report, Discuss, and Possible Approval of Resolution No. 2023-0009 Approving an Agreement between City of McFarland and Sterling Administration to provide administrative services of continuation of coverage provision of COBRA and Authorizing City Manager to Execute the Agreement.

Eric Trost - with Benefits Options was present via phone he gave a brief overview on items in discussion. He was available to answer any questions from the Council and the Public.

No Comments from the public were presented.

Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0009; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:24 p.m.

**1 Vacant Councilmember Seat*

5. Report, Discuss and Possible Approval of Resolution NO. 2023-0010, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, TERMINATING MEMBERSHIP IN THE PUBLIC AGENCY COALITION ENTERPRISE.

Public Comment: Ron Woods

Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0010; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:28 p.m.

**1 Vacant Councilmember Seat*

6. Report, Discuss, and Possible Approval of Resolution NO. 2023-0011, A Resolution of the City of McFarland Authorizing the City Manager to Sign and Execute an Agreement between the City and Boon-Chapman Benefits, Inc. to provide user access of the online portal for employee benefits and comply with the requirements of HIPPA.

No Comments from the public were presented.

Motion was made by: Councilmember A. Ayon to approve Resolution No. 2023-0011; 2nd by: Vice Mayor Cano.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:31 p.m.

**1 Vacant Councilmember Seat*

7. Report, Discuss, and Possibly Approve the City to Negotiate with the McFarland Employee Unions, SEIU and MPOA, for Employee Salary Increases.

No Comments from the public were presented.

Motion was made by: Councilmember Gonzalez to approve the city to Negotiate with the SEIU and MPOA for Employee Salary Increases; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:36 p.m.

**1 Vacant Councilmember Seat*

8. Report, Discuss, and Possible Approval of Resolution No. 2023-0008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING DELEGATION OF AUTHORITY FOR CHECK SIGNING.

No Comments from the public were presented.

Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0008; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:38 p.m.

**1 Vacant Councilmember Seat*

9. Report, Discuss, and Possible Approval Selecting the Finance Director for the Administrative Pro Tempore for the City of McFarland.

No Comments from the public were presented.

Motion was made by: Councilmember Gonzalez to approve selecting the Finance Director for the Administrative Pro Tempore; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:40 p.m.

**1 Vacant Councilmember Seat*

10. Report, Discuss, and Possible Approval of Resolution No. 2023-0006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE AN AGREEMENT WITH WILLDAN FINANCIAL SERVICES FOR A COST ALLOCATION PLAN AND A WATER, SEWER, AND SOLID WASTE RATE STUDY.

Public Comment: Mari L. Jauregui

Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0006; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:45 p.m.

**1 Vacant Councilmember Seat*

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Vice Mayor Ricardo Cano
- b. Kern Council of Governments (KCOG)- Mayor S. Ayon
- c. Kern Economic Development Corp. (KEDC) – Nothing to Report
- d. Poso Creek (IRWMP)- Nothing to Report.
- e. Kern Local Agency Formation Commission (LAFCO) – Mayor S. Ayon

COUNCIL STATEMENTS AND REPORTS

Amador Ayon- No Comments.

Anita Gonzalez- No Comments.

Ricardo Cano- Assured the Community that the issue with the water bills was being addressed and asked City staff to get a grip on it as soon as possible.

Saul Ayon- Informed the community that he went to Sacramento to meet some of our representatives and voiced our city's concerns. He assured the residents that he is doing everything in his power to bring attention to the City of McFarland and its needs.

ADJOURNMENT:

Motion was made by: Councilmember A. Ayon to Adjourn Meeting; 2nd by: Vice Mayor Cano. Meeting Adjourned at 6:49 p.m.

ROLL CALL VOTE: 4/0

AYES: S. Ayon, R. Cano, A. Ayon, A. Gonzalez

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus 6:49 p.m.

**1 Vacant Councilmember Seat*

CLOSED SESSION

None

Francisca Alvarado, City Clerk

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and Council Members

FROM: Kenny Williams, City Manager
Larry A Ronk III, Community Development Director

DATE: February 9, 2023

SUBJECT: City Council Approval of Resolution No. 2023-0012 Approving Certificate of Acceptance for Sale of Permanent Easement.

SUMMARY:

A new housing development, Tract- 7393 was approved by this Council and is currently being constructed bounded by Taylor Avenue and Garzoli Avenue. Currently, privately owned property is impeding the development at the intersections of Taylor Avenue and Garzoli Avenue. To ensure the new development has appropriate access the City must widen the roads and add curbs, gutters and sidewalks. This construction will provide a safe passage for both pedestrian and vehicle traffic into and out of the development.

The City, does not own the property which is located across from Horizon Elementary at the Southwest corner of Taylor Avenue and Garzoli Avenue. The property is designated as single-family residential, R-1, zoning on the City General Plan Map and Zoning map. Therefore, to complete these improvements, the City must acquire rights of way and/or public utility easements from the affected property along the corridor within the Project area.

Through negotiation with the Property Owner, the City and owner have come to an agreement for the purchase of the land needed to provide these improvements to Taylor Avenue and Garzoli Avenue around his property. The agreement of the sale requires a Certificate of Acceptance to complete the sale and close escrow. Staff has provided all documents to Chicago Title to complete the sale.

FISCAL IMPACT:

LEGAL REVIEW

RECOMMENDATION:

Staff recommends the City Council Approve Resolution No. 2023-0012 Approving Certificate of Acceptance for Sale of Permanent Easement.

ATTACHMENTS:

RESOLUTION NO. 2023-0012
CERTIFICATE OF ACCEPTANCE

RESOLUTION NO. 2023-0012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
APPROVING CERTIFICATE OF ACCEPTANCE FOR THE SALE OF PERMANENT
EASEMENT**

WHEREAS, the City Council of the City of McFarland has approved a fiscal year budget for 2022/2023; and

WHEREAS, the City Council believes the purchase of the land needed for improvements is in the best interest of the City and a necessity; and

WHEREAS, the total funds needed for this purchase of the land and legal fee is \$78,000.00; and

WHEREAS, staff has begun the process with Chicago Title to complete the sale and escrow for the portion of property being purchased; and

WHEREAS, the certificate of acceptance is the last item needed to complete the sale.; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of McFarland that it hereby finds and determines as follows:

- 1) The foregoing recitals are true and correct and incorporated herein as if set forth in full.
- 2) The City Council approves the Certificate of Acceptance for the sale of permanent easement.
- 3) The Mayor is authorized to sign the Certificate of Acceptance and direct staff to record the Certificate of Acceptance with title company through escrow.
- 4) The City Clerk shall certify to the passage and adoption of this resolution.
- 5) This resolution is effective immediately.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the 9th day of February 2023 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Francisca Alvarado, City Clerk

CITY OF MCFARLAND:

Saul Ayon, Mayor

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

Francisca Alvarado, City Clerk

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant of Easement dated January 9th, 2023 from Grantors – Eliseo Santillano Jr. and Leticia Santillano, to Grantee, the City of McFarland, a municipal corporation is hereby accepted by order of the undersigned officer on behalf of the City Council pursuant to authority conferred by action of the City Council on February 9, 2023, and the Grantee consents to recordation thereof by its duly authorized officer and agrees to be bound by the terms of such Grant of Easement.

Dated: February 9, 2023

Saul Ayon

Mayor, City of McFarland

Attest

Francisca Alvarado

City Clerk, City of McFarland

APN 060-090-08 Portion Of

CITY OF MCFARLAND

STAFF REPORT

TO: The Honorable Mayor, And Members of The City Council

FROM: Kenny Williams, City Manager

DATE: February 9, 2023

SUBJECT: Interviews and Consideration of Candidates for Appointment to fill a Council Vacancy, and Adoption of Resolution of the City of McFarland Providing for the Appointment to the Office of the City Council for the Remainder of an Unexpired Term.

SUMMARY:

By way of background, Saul Ayon was elected to the Mayor seat in November 2023, therefore resigned his Councilmember seat upon accepting his new role as Mayor on December 22, 2022. This resignation has created a vacancy on the City Council that will need to be filled either by appointment or by calling a special election. The person appointed or elected would fill the vacant seat for the remainder of the term until November 2024. At the meeting of December 22, 2022 the City Council decided to first pursue the appointment option, and directed the following:

- Notice: Notice of the vacancy to be provided on the City's website, and by word of mouth
 - Application content: Among others, the Application form should address:
 - Length of residency in the community (how long they have lived in McFarland)
 - Community involvement in McFarland, including community service.
 - Ties to, or experience with, working with the City Council or City staff.
 - Vision for the City.
 - Deadline for Submittals: Applications to be received by the City Clerk by no later than 5:00 p.m. on February 02, 2023.
- Deadline for Distribution: Staff to assemble and provide all applications to the City Council.
- Council Meeting: The Council will then consider this matter at the regular meeting of February 09, 2023, and may conduct any interviews, discuss, appoint, or continue the item to a subsequent meeting as may be appropriate. Final action will be taken by the City Council no later than Monday, February 20, 2023 or at the same meeting.

Staff provided notice and an application form as directed by City Council, and the application form was also provided on the City's website.

Applications from 2 candidates were received by the City Clerk, which were redacted to remove personal information and provided to the City Council and attached to this report.

Filling Vacancy by Appointment

Under State law, the City Council must either appoint a qualified individual to fill the vacancy or call for a special election within 60 days after the vacancy is created. Consequently, the City Council must either appoint a qualified individual to fill the vacancy or call for a special election by no later than Monday, February 20, 2023.

To be eligible, any person appointed must meet the minimum legal requirements required to run for office. For the City of McFarland, these are:

- The candidate must be a registered voter of the City (including age requirements).
- The candidate must maintain a legal residence or domicile within the City.
- The candidate must be willing to be appointed.

In addition to the minimum qualifications, the City Council can consider a wide variety of other factors that may affect a potential appointee's suitability to serve in office, including experience, background, etc.

City Council options include:

- Select and appoint a candidate at this meeting (or hold the swearing in ceremony at a future meeting prior to February 20, 2023).
- Continue this matter to allow for additional assessment of the candidates.
- Direct staff to return with a resolution calling for a special election (i.e., do not fill the vacancy by appointment).

FINANCIAL IMPACT:

There is no fiscal impact for appointment other than staff time. The exact cost of holding a special election is not known at this time. However, they typically start out \$15,000 or more depending on the number of voters and other factors (a recent Bakersfield special election to fill a ward seat cost over \$100,000).

RECOMMENDATION:

Staff recommends the City Council review applications received from candidates for appointment to fill a vacancy on the City Council and take action as may be appropriate.

ATTACHMENT:

1. Resolution No. 2023-0014
2. Applications

CITY COUNCIL VACANCY

CITY OF MCFARLAND

NOTICE OF CITY COUNCIL VACANCY

The City of McFarland is seeking applications for a City Council Position. McFarland City Council positions are elected and/or appointed by Council, when a vacancy occurs, until the next general election.

To qualify, candidates must reside within the City limits and be a registered voter in the City prior to submitting an application for appointment. **Applications must be submitted to the City Clerk, Francisca Alvarado no later than 5:00 p.m. on Thursday, February 2, 2023 to be considered.**

McFarland City Council will conduct a public interview of candidates at its regular meeting of **Thursday, February 9, 2023 at 6:00 p.m.** City Council Chamber, located at 103 W. Sherwood Ave, McFarland, CA 93250.

The appointee's term shall begin immediately upon his/her appointment with term ending December 2024.

Applications may be obtained at City Hall, 401 W. Kern Ave, McFarland, CA 93250; Francisca Alvarado, City Clerk falvarado@mcfarlandcity.org; Phone 661-792-3091 ext 2135, or www.mcfarlandcity.org. Posted 12/29/2022



4:39pm

APPLICATION FOR APPOINTMENT TO CITY COUNCIL OF THE CITY OF MCFARLAND

(Separate page(s) may be attached if additional space is needed however, all sections and all questions on this application form must be completed.)

1. Full legal name: María T. Pérez
2. Address of legal residence or domicile within the City (attach two utility bills or similar documents as proof of residency):
1055 Kala Loop
McFarland, CA 93250
3. Contact information: [REDACTED] Phone [REDACTED] Email [REDACTED]
4. Occupation/Employer: Educator - McFarland USD
5. Are you a resident of the City of McFarland? Yes
6. How long have you lived in McFarland? Since 1979
7. Are you a registered voter and over 18 years old? Yes
8. Are you disqualified, or have you been disqualified, by the Constitution or laws of the state from holding a civil office? NO
9. Have you ever been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States, or another country? If so, have you been granted a pardon in accordance with law? NO

10. Why do you wish to serve as a member of the City Council of the City of McFarland? _____

I believe in ^{the} ability of local government to make a real difference for local people. I want to spend time doing something that makes my community a better place to be and I want to be able to integrate ideas and skillsets to get better outcomes for my city.

11. What would you bring in the way of perspective or experience to the City Council? _____

Having served in the McFarland City Council the last four years, I primarily learned how important it is for members of a city council to be able to work together in order to achieve common goals for the city and its citizens.

12. Describe your qualifications which will assist the City Council in evaluating your application: _____

In my current job I serve as a teacher and administrator designee. I have been employed with McFarland USD for over twenty-two years and during this time I was an administrator from 2009-2017. My job has provided me with plenty of leadership experience that includes supervisory duties as well as managing program budgets.

13. Describe your involvement with the community in McFarland, including any community service: _____

I am involved with my church and assist once a month with duties as assigned. I enjoy participating with local events especially those sponsored by the city, the schools and local businesses.

14. Describe any prior governmental experience, including any ties to, or experience with, working with the City Council or City staff: _____

I served as city council member for the first two years of my term and then was appointed Mayor Pro-Tem the last two years. During this time I worked closely with my fellow council member and city staff. I also built relationships with council members from surrounding cities, with our Supervisor David Couch and other dignitaries important to our community.

15. What is your vision for the City? My vision for McFarland

is to have a city that can
provide core infrastructure and
give a decent quality of life
to its citizens.

16. What do you perceive to be the primary issues facing the community now and over the next 2-4 years? Do you have any ideas of how the community should approach solutions to these issues?

• Roads • Police Department services • Fire Department

The community should actively participate in city council
This is a great way to communicate concerns
and engage with city council members to come up
with possible solutions. The community can also
participate in other meetings related to the
betterment of this community.

17. What do you believe is the responsibility of a City Councilmember to the general community? To developers or business? To the City Council?

• Maintain a working budget that will sustain
important city projects.

• Ensure safety for the community

• Keep an open and transparent communication
when working with developers and businesses

• Always maintain professionalism with fellow council members

18. Regular meetings of the City Council are on the 2nd and 4th Thursdays of each month starting at 6:00 p.m. Will you be able to attend regular Council meetings if appointed? Yes

19. Will you be willing to serve on the City Council including any Council subcommittees or appointments to boards and commissions? _____

20. Please state any other information you would like to provide: Thank you for
your consideration.

Next Steps:

- Please submit your completed application to: Francisca Alvarado, City Clerk, McFarland City Hall, 401 W. Kern Avenue, McFarland, CA 93250 or via email to falvarado@mcfarlandcity.org.
- All applications must be received by the City Clerk by no later than 5:00 p.m. on Thursday, February 2, 2023. City Staff will then distribute the applications to the City Council.
- The Council will be considering this matter at the regular meeting at 6:00 p.m. on Thursday, February 9, 2023. Please attend the meeting in person and be prepared to participate if requested by the City Council. The agenda and contact information will be posted by no later than Monday evening on February 6, 2023 and can be found at <https://www.mcfarlandcity.org/AgendaCenter>. During the meeting, the City Council may conduct any interviews, discuss, appoint, or continue the item to a subsequent meeting as may be appropriate.

Additional Information:

- If appointed, you will need to complete an FPPC conflict of interest form 700.
- You may also be subject to a background check.
- If appointed, the City will provide orientation and opportunities for training including any training required by State law.

Acknowledgement:

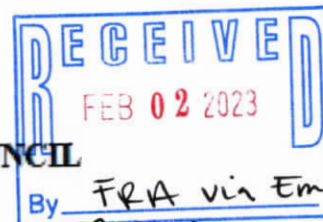
I declare under the penalty of perjury that I am a registered voter with a legal residence or domicile within the City of McFarland. I also acknowledge and agree that the appointment to fill a vacancy on the City Council is a public process. As a result, this application may be used or released to the public subject to redaction of personal information by the City as appropriate. Further, I understand that as a potential candidate I may be subject to subsequent public interviews or discussion of the merits by the City Council during City Council meetings which are open to the public. Finally, I confirm that I will be able to attend and participate, including attendance of regular Council meetings, if appointed as a Councilmember.

Print Name: Maria T. Perez

Signature: 

Date: January 6, 2023

APPLICATION FOR APPOINTMENT TO CITY COUNCIL
OF THE CITY OF MCFARLAND



(Separate page(s) may be attached if additional space is needed however, all sections and all questions on this application form must be completed.)

1. Full legal name: Ivan Sandoval

2. Address of legal residence or domicile within the City (attach two utility bills or similar documents as proof of residency):

486 Taylor Avenue, McFarland CA 93250

3. Contact information: [REDACTED]
Phone

[REDACTED]
Email

4. Occupation/Employer: Environmental and Political Consultant/Self Employed

5. Are you a resident of the City of McFarland? Yes

6. How long have you lived in McFarland? 21 Years

7. Are you a registered voter and over 18 years old? Yes

8. Are you disqualified, or have you been disqualified, by the Constitution or laws of the state from holding a civil office? No

9. Have you ever been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States, or another country? If so, have you been granted a pardon in accordance with law? No

10. Why do you wish to serve as a member of the City Council of the City of McFarland? _____

I believe the answer is in the question: to serve the McFarland community. Having a seat on the City Council means undertaking the responsibility of making McFarland a better place for residents of all generations. As someone who was raised here, I care deeply about the future of our city, especially as the valley's economy transitions away from the legacy economic drivers. A team player, I want to collaborate with the current council and support their efforts in delivering a McFarland residents can be proud of.

11. What would you bring in the way of perspective or experience to the City Council? _____

I bring to the table professional experience in the environmental justice sector. I have built a network of relationships with decision makers that I hope to leverage for the benefit of the City. Additionally, I've been blessed with experiences outside of our city's limits. I have worked in Chicago, studied in Philadelphia, and represented the United States in Germany. In each of these places I've witnessed municipal innovations that won't work here, some that might, and others that should. I bring with me a repertoire of solutions that I'd like to put to use for the betterment of this small town I call home.

12. Describe your qualifications which will assist the City Council in evaluating your application: I studied Science, Technology and Society at the University of Pennsylvania. Upon graduation I won a Fulbright scholarship and served as a Cultural Ambassador to Germany, 1 of only 75 Americans. After returning to the US, I worked in electoral politics throughout the Central Valley. Most recently I've worked as an environmental justice community organizer, successfully advocating for funds on behalf of rural, low-income communities throughout Kern County.

13. Describe your involvement with the community in McFarland, including any community service: _____

I spent my high school summers coaching little league baseball at the Mouser Center. Due to the pandemic, all in-person activities came to a halt after I moved back from Germany. However, that didn't stop me from volunteering at food distribution drives at the 40 Acres, where I served farmworkers from rural Kern County, including many McFarland residents. If brought onto the council, I would like to canvass McFarland, going door to door recording residents' concerns, experiences, and dreams for our city.

14. Describe any prior governmental experience, including any ties to, or experience with, working with the City Council or City staff: _____

As a community organizer, one of my main responsibilities has been working with elected officials throughout Kern County and the State. This means that I communicate with mayors, city council members, and county supervisors as part of my professional responsibilities.

15. What is your vision for the City? _____

I believe that McFarland is in a special moment in its history. After years of fiscal mismanagement, we now know where we stand financially. In knowing our economic health, we also become aware of our limits. Unfortunately our funding limits our aspirations, however I'm hopeful that we can overcome those financial restraints by seeking funds from federal and state sources. Billions of dollars in funding have been allocated for energy transition and environmental purposes. I believe that McFarland has a strong claim to these funds and I'd like to work with the state and federal government to bring those funds to the city.

16. What do you perceive to be the primary issues facing the community now and over the next 2-4 years? Do you have any ideas of how the community should approach solutions to these issues?

We have an opportunity to grow McFarland to the south, if we can find the funding to expand our basic infrastructure. Because of McFarland's small size, we have a golden opportunity to buck the trend of sprawl-like expansion seen throughout the Valley. If we plan McFarland properly, we can create a unique, walkable town that fosters community for all residents, potentially attracting folks who might also want to call this city home. This type of planning requires outreach to professionals that can help guide us build in a way that can make McFarland stand out not only at the state level, but at a national level. Growing McFarland responsibly and providing a safe environment for families is of the utmost importance.,

17. What do you believe is the responsibility of a City Councilmember to the general community? To developers or business? To the City Council? _____

I believe a City Council member should be proactive in reaching out to their constituents. Due to exhausting jobs, family responsibilities, or a myriad of other reasons that prevent working class folks from regularly attending Council meetings, a council member should make an effort to seek the public's feedback. Whether it is cold calling households or knocking on doors, a council member should not wait to be contacted by the public.

18. Regular meetings of the City Council are on the 2nd and 4th Thursdays of each month starting at 6:00 p.m. Will you be able to attend regular Council meetings if appointed? Yes

19. Will you be willing to serve on the City Council including any Council subcommittees or appointments to boards and commissions? Yes

20. Please state any other information you would like to provide: _____

Next Steps:

- Please submit your completed application to: Francisca Alvarado, City Clerk, McFarland City Hall, 401 W. Kern Avenue, McFarland, CA 93250 or via email to falvarado@mcfarlandcity.org.
- All applications must be received by the City Clerk by no later than 5:00 p.m. on _____ City Staff will then distribute the applications to the City Council.
- The Council will be considering this matter at the regular meeting at 6:00 p.m. on Thursday, _____. Please attend the meeting in person and be prepared to participate if requested by the City Council. The agenda and contact information will be posted by no later than Monday evening on _____ and can be found at <https://www.mcfarlandcity.org/AgendaCenter>. During the meeting, the City Council may conduct any interviews, discuss, appoint, or continue the item to a subsequent meeting as may be appropriate.

Additional Information:

- If appointed, you will need to complete an FPPC conflict of interest form 700.
- You may also be subject to a background check.
- If appointed, the City will provide orientation and opportunities for training including any training required by State law.

Acknowledgement:

I declare under the penalty of perjury that I am a registered voter with a legal residence or domicile within the City of McFarland. I also acknowledge and agree that the appointment to fill a vacancy on the City Council is a public process. As a result, this application may be used or released to the public subject to redaction of personal information by the City as appropriate. Further, I understand that as a potential candidate I may be subject to subsequent public interviews or discussion of the merits by the City Council during City Council meetings which are open to the public. Finally, I confirm that I will be able to attend and participate, including attendance of regular Council meetings, if appointed as a Councilmember.

Print Name: Ivan Sandoval

Signature: 

Date: 2/02/23

RESOLUTION NO. 2023- 0014

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MCFARLAND, PROVIDING FOR THE APPOINTMENT
TO THE OFFICE OF THE CITY COUNCIL FOR THE
REMAINDER OF AN UNEXPIRED TERM**

WHEREAS, Councilmember Saul Ayon resigned his office as a member of the Council effective December 22, 2022.

WHEREAS, Councilmember Saul Ayon was elected to office in 2020, and has less than 2 years remaining in his term of office as a Councilmember. This resignation has created a vacancy on the City Council that will need to be filled by the new City Council either by appointment or by calling a special election.

WHEREAS, the person appointed or elected would fill the vacant seat for the remainder of the term of that seat, and that seat would then be up for election in November 2024.

WHEREAS, the City of McFarland has not enacted an ordinance as contemplated by Government Code Section 36512(c), which states that a city may enact an ordinance that requires that a special election be called immediately or provides that a person appointed to the vacant seat only hold the office until the date of the special election; and

WHEREAS, pursuant to Government Code Section 36512(b), if a vacancy occurs in an elective office, the Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy; and

WHEREAS, pursuant to Government Code Section 36512, at the Regular meeting of December 22, 2022, the newly seated City Council unanimously chose the appointment process to fill that vacancy; and

WHEREAS, at that meeting, the Council also directed those interested in being appointed to file applications with the City Clerk on or before 5:00 p.m. on February 02, 2023; and

WHEREAS, 2 applications were timely filed; and

WHEREAS, the Council reviewed those applications and, at its February 09, 2023 meeting, the public and each applicant were provided an opportunity to address the Council; and

WHEREAS, the Council has duly considered input received at the meeting; and,

WHEREAS, the Council desires to select one of the applicants to fill the Council term vacated by Councilmember Saul Ayon; and

WHEREAS, such an appointment would not result in a majority of the members serving on the Council having been appointed; and

WHEREAS, the person being appointed meets all of the following qualifications:

- A registered voter of the City (including age requirements).
- A legal residence or domicile within the City.
- Willingness to be appointed; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution and appointment have occurred.

NOW, THEREFORE, the City Council of the City of McFarland resolves as follows:

SECTION 1. The foregoing recitals are true and correct and incorporated herein as if set forth in full.

SECTION 2. Pursuant to Government Code Section 36512, _____ is hereby appointed to the office of Council Member that was vacated by the resignation of former incumbent Councilmember Saul Ayon to the office of Councilmember and shall serve for the unexpired term of that Council office. _____ shall be deemed to have taken that office immediately upon being sworn in on or before February 20, 2023, and shall serve exactly as if elected at a municipal election for the office of Council Member.

SECTION 3. The City Clerk shall notify the Kern County Registrar of Voters of the City Council's action.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution.

SECTION 5. This resolution is effective immediately.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the 9th day of February 2023 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Francisca Alvarado, City Clerk

CITY OF MCFARLAND:

Saul Ayon, Mayor

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

Francisca Alvarado, City Clerk

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and City Council Members
FROM: Mario Gonzalez, Public Works Director
DATE: February 9, 2023
SUBJECT: Report, Discuss, and Possible Approval of Request for Public Hearing to Receive Input Regarding Unmet Transit Needs (23/24).

SUMMARY:

Each year, the Kern County Council of Governments (KCOG) reviews unmet transit needs through a multi-jurisdictional public hearing process throughout Kern County. As part of this annual process, KCOG encourages member entities to conduct separate public hearings to receive local comments. Comments generated during the public hearing process are to be submitted to KCOG for inclusion in the annual Unmet Transit Needs Report of Findings. Public input will be then put into one of three categories:

- A. That there are no unmet transit needs; or
- B. That there are no unmet transit needs which are reasonable to meet; or
- C. That there are unmet transit needs, including those that are reasonable to meet.

FINANCIAL IMPACT:

No immediate financial impact.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing to receive input regarding unmet transit needs and direct staff to forward all comments to Kern County Council of Governments (KCOG).

ATTACHMENT:

Resolution No. 2023-0013

RESOLUTION NO. 2023-0013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
FINDING THERE ARE NO UNMET PUBLIC TRANSIT NEEDS WHICH CAN
REASONABLY BE MET IN THE CITY OF MCFARLAND (2023/2024)**

WHEREAS, the Transportation Development Act of 1971 provides for the disbursement of funds from the Local Transportation Fund held in trust by Kern County Auditor-Controller for the purpose authorized by Article 8, Section 994000(a) Streets and Roads and Article 4, Section 99260(a) Public Transportation; and

WHEREAS, an eligible claimant wishing to receive an allocation from the Local Transportation Fund must first hold a Public Hearing where all Unmet Public Transit Needs can be reasonably be met are discussed.

NOW THEREFORE BE IT RESOLVED, the McFarland City Council does hereby resolve that:

- 1) Pursuant to the provisions of law, a duly noticed and Public Hearing regarding Unmet Public Transit Needs was held; and
- 2) The finding was made that there was no Unmet Public Transit Needs that could reasonably be met in the City of McFarland; and
- 3) The City Manager of the City of McFarland is hereby duly authorized to sign all claims, assurances and necessary paperwork; and
- 4) A copy of this Resolution will be transmitted to the Kern Council of Governments in conjunction with the filing of a claim; and
- 5) The Kern Council of Governments is requested to concur in these findings and grant the allocation of funds specified in the Article 8 claim.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the 9th day of February 2023 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Francisca Alvarado, City Clerk

CITY OF MCFARLAND:

Saul Ayon, Mayor

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

Francisca Alvarado, City Clerk

NOTICE OF PUBLIC HEARING
CITY OF MCFARLAND, CALIFORNIA

NOTICE IS HEREBY GIVEN that the **CITY COUNCIL** of the City of McFarland, County of Kern, State of California, does hereby set notice of public hearing wherein all **unmet public transit needs** that can reasonably be met are discussed.

Thursday, February 9, 2022 at 6:00 p.m. In Person Meeting
103 W. Sherwood Ave. McFarland, CA 93250
City Council Chambers

How to Submit 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.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City’s business without them present.

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, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

Francisca Alvarado
Francisca Alvarado, City Clerk

Posted 01/03/2023

PUBLIC HEARING

THE CITY OF MCFARLAND DOES HEREBY
SET NOTICE OF PUBLIC HEARING
WHEREIN ALL UNMET PUBLIC TRANSIT
NEEDS THAT CAN REASONABLY MET ARE
DISCUSSED

DATE: February 09, 2023

TIME: 6:00 P.M.

103 WEST SHERWOOD AVE.
MCFARLAND, CA 93250
CITY COUNCIL CHAMBERS

ANY WRITTEN COMMENTS MAY BE
DIRECTED TO THE ATTENTION OF
FRANCISCA ALVARADO,
CITY CLERK @ 661-792-3091
FALVARADO@MCFARLANDCITY.ORG

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and City Council Members
FROM: Kenny Williams Chief of Police / City Manager
DATE: February 9, 2023
SUBJECT: Report, Discuss, and Possible Approval to transition one of the Administrative Assistant positions to an Executive Administrative Assistant position and approve Resolution number 2023-0015 modifying the salary for the position.

SUMMARY:

In 2021 the executive administrative assistant to the city manager resigned from her position. Shortly thereafter, the city hired an assistant city manager to assist with oversight of the administrative functions of the City of McFarland.

During that time, several departments used a part-time employee and two full-time administrative assistants to handle the work for the various departments and the assistant city manager.

When the assistant city manager's contract ended the chief of police started the process of transitioning to the city manager position, which is expected to be completed by March 1, 2023.

With this transition, staff believes it is necessary to transition an administrative assistant to an executive administrative assistant as the functions of this position includes performing more complex and advanced administrative duties.

This position will handle the executive administrative duties of the city manager and will also handle some of the administrative functions of the human resources department. To better serve the community, staff is also planning to have the executive administrative assistant sworn in as a deputy city clerk to allow the community more resources for city council and planning meetings.

Fortunately, the executive administrative assistant position is still existing in the city structure, however, staff is recommending a change in the salary range for the position. The previous salary range for the executive administrative assistant position was at a salary range 38, \$30.37 - \$38.87 hourly.

Staff conducted an examination of similar positions at other municipalities and determined the average hourly rate was \$30.08 an hour which is consistent with the city's salary range 33. (refer to the table below) Staff is recommending reestablishing the position at salary range 33.

Position Titles	Location	Salary	Hourly	Year
Administrative Analyst	Ridgecrest	\$71,044.00	\$34.15	2021
Administrative Assistant to City Manager	Taft	\$60,484.00	\$29.07	2021
Executive Assistant	Wasco	\$64,798.00	\$31.15	2021
Senior Administrative Assistant	Tehachapi	\$54,459.00	\$26.18	2021
Administrative Assistant	California City	\$62,073.00	\$29.84	2020
Average Totals		\$62,571.60	\$30.08	

Additional funding is not needed as the funding can be augmented by the remaining funds within the 22/23 budget for the assistant city manager position. For fiscal year 23/24 the funding for the position will be included in the budget.

FINANCIAL IMPACT:

This change will have no impact on current budget of the city.

RECOMMENDATION:

Staff recommends City Council discuss and possibly approve the executive administrative assistant position at a salary range 33.

ATTACHMENT:

1. Job Description
2. Resolution NO. 2023-0015

RESOLUTION NO. 2023-0015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MCFARLAND, CALIFORNIA, TO CHANGE THE SALARY
RANGE OF THE EXECUTIVE ADMINISTRATIVE ASSISTANT
TO THE CITY MANAGER.**

WHEREAS, The City of McFarland (“City”) desires to modify the salary range for the classification of executive administrative assistant; and

WHEREAS, The City will modify the Salary Range from Range 38, at \$30.37-\$38.87 hourly to Salary range 33, at \$26.84 to \$34.36 hourly; and

WHEREAS, The Salary Range modification will reduce the budget needed for the executive administrative assistant position; and

WHEREAS, This, change will allow the city to fund the position within the confines of the current budget based on the remaining funds within the 22/23 budget for the recently vacated assistant city manager position; and

WHEREAS, This modification will be included in the job description for the executive administrative assistant Position.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCFARLAND as follows:

1. The City of McFarland (“City”) desires to modify the salary range for the classification of executive administrative assistant; and
2. The City will modify the Salary Range from Range 38, at \$30.37-\$38.87 hourly to Salary range 33, at \$26.84 to \$34.36 hourly; and
3. This resolution will reduce the budget needed for the executive administrative assistant position; and
4. This, change will allow the city to fund the position within the confines of the current budget based on the remaining funds within the 22/23 budget for the recently vacated assistant city manager position; and
5. This modification will be included in the job description for the executive administrative assistant Position.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the 9th day of February 2023 by the following vote:

	AYE	NO	ABSENT	ABSTAIN
Saul Ayon				
Amador Ayon				
Anita Gonzalez				
Ricardo Cano				

Saul Ayon, Mayor

ATTEST: _____
Francisca Alvarado,
City Clerk

By: _____
NATHAN HODGES, City Attorney
Hodges Law Group



CITY OF MCFARLAND

EXECUTIVE ADMINISTRATIVE ASSISTANT

Hourly: \$26.84-\$34.36

Salary: Range 33 (Monthly \$4294.26- \$5496.96)

Opening: February 10, 2023

Closing: Open until filled

POSITION SUMMARY:

Reporting to the City Manager, the Executive Administrative Assistant provides a variety of responsible, complex, and confidential support and management to the City Manager. The Executive Administrative Assistant plans, organizes, oversees, coordinates, and reviews functions of the City Manager's Office, including general administration. Exercises direct and general supervision over assigned staff. Successful performance of the work requires knowledge of public administration and policy principles, municipal functions and activities and the ability to develop, oversee, and implement projects and programs in a variety of areas. Responsibilities include coordinating the activities with those of other departments and outside agencies and managing and overseeing the complex and varied functions of the department. The incumbent provides professional-level support and receives general direction from the City Manager and performs other duties as assigned.

CLASS CHARACTERISTICS

This class is distinguished from other City administrative classes in that the nature, diversity, complexity, and scope of responsibilities required, including, but not limited to the frequent use of tact, discretion, initiative, and high degree of independent judgment. Responsibilities include regular contact with government officials, City Council and/or board and commission members, representatives of business and/or community organizations, the public, and all levels of City personnel to exchange information and explain administrative policies and procedures.

ESSENTIAL RESPONSIBILITIES:

- Provides professional-level support to the City Manager.
- Plans, manages, and oversees the daily functions, operations, and activities of the City Manager's office.
- Evaluates programs, projects, processes, procedures, systems, and standards; ensures compliance with Federal, State, and local laws, regulations, codes, and/or standards.
- Represents and supports the City Manager to the public and interacts with executive-level management from public and private organizations and entities, department heads, City staff, and the general public.
- Responds to requests for information and assistance; provide information regarding City policies, procedures, rules, and regulations.
- Receives, investigates, and responds to difficult and sensitive problems in a professional manner. Identifies and reports findings to the appropriate individual to take necessary corrective action.

- Resolves major problems which are confidential, controversial, or of major significance to the organization, including but not limited to access to confidential information contributing significantly to the development of management positions and the development or presenting management staff with information in respect to employer-employee relations as required.
- Composes correspondence, reports, documents, memos, and other material of an important and often confidential nature from dictation, notes, and personal knowledge.
- Research, compile, and summarize a variety of information and prepare reports, as assigned.
- Communicates management policies and procedures.
- Schedules appointments for the City Manager, arrange and coordinate meetings, and schedule the use of facilities as needed. Prepares required informational materials; makes travel arrangements for the City Manager.
- Screens incoming calls, mail, and visitors, evaluates the relative importance of each and independently resolves routine matters and refers others to the appropriate persons.
- Maintains department fiscal records, prepares and processes purchase orders and invoices, requisitions, expense claims, and monthly departmental credit card accounts.
- Assists in planning special events for employees and the community.
- Operates computer utilizing word processing, spreadsheet, and other various software applications.
- Takes and transcribes dictation, types and assembles the information into reports, manuals, newsletters and/or other materials and distributes to appropriate staff or public.
- Review finished materials for completeness, accuracy, format, compliance with policies and procedures, and appropriate English and grammar usage.
- Responsible for the proper flow of administrative materials in the City Manager's Office.
- Participates in/on a variety of meetings, task forces, and/or other related groups in order to receive and convey information.
- Performs related duties as required.
- May maintain custody of official records and archives of the City, certifies copies as required, and executes official City documents.
- May attend non-routine, confidential, or important meetings and hearings to record official action and significant elements of the discussion.

MINIMUM QUALIFICATIONS

Knowledge of-

Standard office administrative and secretarial practices and procedures, including business letter writing and technical report writing. The operation of common office equipment, including a personal computer, basic organization and function of public agencies, record keeping, report preparation, filing methods, and records management principles and techniques: Correct English usage, including spelling, grammar, punctuation, and vocabulary.

Skilled in-

- Providing varied, responsible, and often confidential secretarial and office administrative assistance to department head and high-level administrative staff.
- Using initiative and independent judgment within established guidelines.
- Using tact, discretion, and prudence in establishing and maintaining effective working relationships with those contacted in the course of the work.
- Analyzing and resolving administrative situations and problems.
- Researching, compiling, and summarizing a variety of informational materials.
- Composing correspondence independently or from brief instructions.
- Typing at an acceptable rate from printed copy.

- Organizing work, setting priorities, meeting critical deadlines, and following up on assignments with a minimum direction.
- Planning, directing, coordinating, and reviewing the work of assigned staff and training staff in work procedures.

Ability to-

- Interpret and apply administrative and departmental policies, procedures, laws and regulations.
- Work cooperatively with other departments, city officials, community members, and outside agencies.
- Perform responsible and difficult secretarial work involving the use of independent judgment and personal initiative.
- Recommend and implement goals, objectives, policies, procedures, work standards, and internal controls.
- Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Analyze situations carefully and adopt an effective course of action.
- Compile and maintain complex and extensive records and prepare routine reports.
- Maintain confidential data and information.
- Independently prepare correspondence and memorandums.
- Work independently in the absence of supervision.
- Communicate effectively in oral and written form, develop and maintain effective working relationships with co-workers, other city employees and members of the community.
- Type at a rate of speed sufficient to meet the requirements of the position, and compose clear and concise letters, reports, memoranda, and other written materials independently.
- Operate and learn various computer applications, including word-processing and spreadsheet applications.

Physical Abilities and Work Environment-

Positions in this class are typically situated in a standard office environment resulting in little exposure to the weather. Subject to standing, walking, sitting, bending, reaching, kneeling, pushing, and pulling. Occasional lifting of objects up to 25 pounds. Must be able to perform repetitive motion and fine manipulation tasks for long intervals of time. Must be able to sit or stand for long periods of time.

Other-

Bilingual fluency in English and Spanish is preferred.

Education and Experience-

Any combination of experience and education that would be likely to provide the required knowledge, skills, and abilities could be qualifying, as determined by the City. A typical way to obtain the required qualifications would be:

Experience- Two years of increasingly responsible administrative assistant, executive secretarial, or clerical experience.

Experience- Graduation from High School or GED. Some college coursework is preferred.

Licenses and Certificates-

- Typing certificate for 50 WPM preferred.
- Valid California driver's license with a good driving record acceptable to the City's insurance company.

COMPENSATION AND BENEFITS:

The City of McFarland offers an excellent benefit package including:

- Comprehensive City paid medical including buy-up option, City paid dental, and vision benefits for the employee and dependents
- Life insurance \$50,000 (employee only)
- Retirement: Deferred Compensation 401(k) - The City of McFarland contributes an additional 10% of an employee's pay each pay period into a 401K plan, at no cost to the employee.
- Supplemental life insurance (Optional)
- Deferred Compensation 457 Plan (Optional)
- Section 125 plan participation
- 12 days' vacation and 12 days of sick pay accrued annually
- 13.5 Days of Holiday Pay
- 9/80 Work Schedule

APPLICATION

To apply, please complete the online application at www.mcfarlandcity.org. **Resumes will not be accepted in lieu of a City employment application.** To be considered for this position, please submit complete employment application and resume.

EQUAL OPPORTUNITY EMPLOYER

The City of McFarland is an Equal Opportunity Employer. In accordance with the Americans with Disabilities Act of 1990 (ADA), requests for special accommodations during any stage of the examination process should be made in advance to the Human Resources Department.

ACKNOWLEDGEMENT

A review of this position has excluded the marginal functions of the position that are incidental to the performance of essential job duties. The duties and responsibilities are essential job responsibilities and requirements and are subject to possible modification to reasonably accommodate individuals with disabilities. To perform this job successfully, the incumbent(s) will possess the knowledge, skills and abilities to perform each duty proficiently. The requirements listed in this document are the minimum levels required for this position.

I acknowledge that I have received a copy this position job description.

Print Name

Signature

Date

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and City Council Members
FROM: Kenny Williams Chief of Police /City Manager
DATE: February 9, 2023
SUBJECT: Report, Discuss, and Possible Approval of Retention/Hiring Bonuses for all Non-Contracted Police Sworn Staff Members.

SUMMARY:

According to the International Association of Chiefs of Police, police agencies across the globe are struggling to recruit, hire, and retain police officers. For years, we've seen news stories and statistics about how the profession is seeing the departure of officers. Departments are suffering personnel shortages, agencies are having difficulty recruiting candidates, and departments are relaxing policies and offering incentives to help lure people into the profession. Though agency-specific needs depend on size or locale, the difficulty with recruitment is a significant problem that is broadly affecting the policing profession on a global scale.

In 2021 the McFarland Police Department had its staffing issue which resulted in a part-time law enforcement agency. The only hours in which the McFarland Police Department had officers on duty were noon to midnight. After those hours, officers were on call and responded from their residences to calls for service.

In mid-2021 the police department recruited and hired enough police officers to allow the department to become a full-time police department, twenty-four hours per day, seven days a week.

Late last year the department had two officers resign for law enforcement positions at other departments and the city has been unable to replace those two positions. Recently the city has received a resignation notice from one more police officer and received information that another two officers are in backgrounds for other agencies. In addition, two other officers are in the recruitment stages for other departments.

In the event all these positions become vacated, the department will have lost seven officers within the past year. Although the police department has been actively recruiting, there have been no viable candidates for the positions.

Other agencies have taken the initiative to offer hiring and retention bonuses to recruit and retain police officers. The Kern County Sheriff's office is offering a \$25,000 hiring bonus, the Sonoma County Sheriff's office is offering a \$25,000 signing bonus, the Capitola Police Department is

offering a \$25,000 hiring bonus, the Nevada City Police Department is offering a \$5,000 hiring bonus, the Kensington Police Department is offering a \$10,000 hiring bonus and the Oakland Police Department is offering a \$50,000 hiring bonus.

To compete with other municipalities, staff believes the offering of a retention/hiring bonus for the sworn officer positions would help assure the police department remains appropriately staffed.

Staff believes separating the bonuses into two different categories, Lateral and Trainee Retention/Hiring Bonuses, would be beneficial in recruiting both lateral police officers and individuals currently in police academies.

The retention/hiring bonus would be for all current sworn staff members that are not contract employees and any lateral police officers that are hired by the city. Along with the bonus would be a formal agreement with the city to remain employed with the city for a period of two years. For current employees who have successfully completed their field training program the term of the agreement would start immediately.

For lateral officers, the term of the agreement would start upon the successful completion of the field training program. The proposed bonus would be \$10,000 upon signing of the contract. Any dismissal or resignation prior to the term of the agreement would contractually bind the officer to repay the \$10,000 to the city.

For trainees currently in a police academy, the hiring/retention bonus would be a formal agreement with the city to remain employed with the city for a period of two years in exchange for a \$5,000 bonus. The term of the agreement would start upon the successful completion of the field training program. Any dismissal or resignation prior to the term of the agreement would contractually bind the officer to repay the \$5,000 to the city.

FINANCIAL IMPACT:

The financial impact on the city depends upon the number of officers willing to agree to the terms of the contract. If all fifteen (15) sworn staff members were to receive the retention/hiring bonus the cost to the city would be \$150,000.

RECOMMENDATION:

Staff recommends City Council discuss and possibly approve the implementation of the retention /hiring bonus to assist the city with the recruitment and retention of sworn staff members.

ATTACHMENT:

- I. Lateral Retention/Hiring Agreement.
- II. Trainee Retention/Hiring Agreement.

RESOLUTION NO. 2023 -0016

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND,
CALIFORNIA, AUTHORIZING THE
POLICE OFFICER HIRING AND RETENTION BONUS PROGRAMS**

WHEREAS, the McFarland Police Department, along with police departments across the nation, are raising concerns about current and future staffing levels; and

WHEREAS, the number of viable police recruits is drastically low; and

WHEREAS, hiring bonuses are being used as a competitive hiring strategy; and

WHEREAS, the costs per Police Recruit to cover their salary, benefits, and academy, in addition to staff time on recruitment, testing, and background investigations is well over \$20,000; and

WHEREAS, hiring lateral officers who are already certified and trained is more cost effective and offering a hiring bonus of \$10,000 is a costs savings to the city; and

WHEREAS, Police Officer Laterals are defined as, an applicant who has successfully completed a police academy and possesses a California Basic POST Certificate or equivalent. Traditionally, these individuals fall into two categories; 1. Police academy graduates that have not yet been hired by police departments; 2. Laterals that are currently employed with another police department; and

WHEREAS, Police Officer Trainees are defined as an applicant who has not yet successfully completed a police academy and does not yet possess a California Basic POST Certificate or equivalent; and

WHEREAS, in order to qualify for the bonus, the officer would be required to execute a formal agreement with the City agreeing to remain employed with the City for a period of two years;

WHEREAS, officers currently employed by the City, who have successfully completed their field training program, would be immediately eligible for the “Lateral” Retention Bonus Program.

WHEREAS, the McFarland City Police Department will continue to recruit and hire the best candidates available; and

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

Section 1: That the City Council hereby authorizes the creation of the Police Officer Lateral Bonus Program. Lateral Officers hired between the effective date of this Resolution and December 31, 2025 shall be eligible to receive a bonus paid in the following manner:

- Hiring Bonus Program: \$10,000 upon the date of hire and execution of the Police Officer Hiring Bonus Program Contract.

Section 2: That the City Council hereby authorizes the creation of the Police Officer Trainee Bonus Program. Trainee Officers hired between the effective date of this Resolution and December 31, 2025, will receive a bonus paid in the following manner:

- Hiring Bonus Program: \$5,000 upon the date of hire and execution of the Police Officer Hiring Bonus Program Contract.

Section 3: That the City Council hereby authorizes the creation of the Police Officer Retention Program. McFarland Police Officers shall be eligible to receive a bonus paid in the following manner:

- Current Officers: \$10,000 upon execution of the Police Officer Retention Bonus Program Contract.
- Upon each two-year anniversary date after the effective date of the officer's previous Police Officer Retention Program Contract, each officer shall be eligible for an additional \$10,000 Police Officer Retention Bonus where the officer received Standard or Above Performance Evaluations and the officer executes another Police Officer Retention Program Contract. (The continuance of this program will depend on the financial position of the city)

Section 4: All Hiring and Retention Bonus Program Contracts shall state that any dismissal for cause or resignation prior to the term of the Contract would contractually bind the officer to repay the Bonus amount to the City.

Section 5: That the City Council hereby authorizes the City Manager and/or their designee to sign a side letter to the current Memorandum of Understanding (MOU) with the McFarland Police Officers Association formalizing the bonus program as stated.

Section 6: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 9th day of February, 2023.

Saul Ayon, Mayor

ATTEST:

Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and City Council Members
FROM: Kenny Williams, City Manager/ Chief of Police
DATE: February 09, 2023
SUBJECT: Report, Discussion, and Appointment of Councilmembers on Subcommittees and Special District Committees.

SUMMARY:

Many elected bodies divide into subcommittees to study specific matters impacting their communities. Subcommittees can facilitate the decision-making process on critical items and preform the following functions:

- Clearly define the mission before creating a subcommittee.
- Set deadlines for reports.
- Monitor assignments to check on progress.
- Rotate membership periodically.
- Keep nonmembers informed of meetings and action.
- Monitor the amount of staff effort required.
- ***Review the list of subcommittees annually*** and delete those that are no longer necessary.

FINANCIAL IMPACT:

None

RECOMMENDATION:

Staff recommends the City Council review, update and appoint two (2) members to the San Joaquin Valley Air Special City Selection Committee.

ATTACHMENT:

Attachment 1- SJV Special District List

Attachment 2- Subcommittee List

SUBCOMMITTEES LIST

1. Kern Council of Governments (KCOG)-Primary: Mayor, Saul Ayon -Alternate: Vice Mayor, Ricardo Cano
2. Kern Economic Development Corp. (KEDC) – Primary: Mayor, Saul Ayon -Alternate: Vice Mayor, Ricardo Cano
3. Delano Mosquito Abatement District (DMAD) – Vice Mayor, Ricardo Cano
4. Poso Creek (IRWMP)- Councilmember, Anita Gonzalez
5. Kern Local Agency Formation Commission (LAFCO) – Mayor, Saul Ayon
6. Public Policy and Finance Committee- Mayor, Saul Ayon, Vice Mayor, Ricardo Cano
7. Public Safety Committee- Mayor, Saul Ayon, Vice Mayor, Ricardo Cano
8. Quality of Life Committee- Councilmember, Anita Gonzalez, Councilmember, Amador Ayon
9. Ad Hoc Committee- Mayor, Saul Ayon, Councilmember, Anita Gonzalez
10. Cannabis Committee- Vice Mayor, Ricardo Cano, Councilmember, Amador Ayon
11. San Joaquin Valley Air Pollution Control District (SJV)-

San Joaquin Valley Air Pollution Control District
Special City Selection Committee Directory

CITY	CLERK AND CONTACT INFORMATION	COMMITTEE MEMBERS
Arvin	Cecilia Vela, City Clerk P.O. Box 548 Arvin, CA 93203 (661)854-3134 Ext: <i>cvela@arvin.org</i>	COMMITTEE MEMBER: Mayor Olivia Trujillo 6615575840 <i>otrujillo@arvin.org</i> ALTERNATE: Councilmember Donny Horton 6619031522 <i>dhorton@arvin.org</i>
Atwater	Lucy Armstrong, City Clerk 750 Bellevue Rd Atwater, CA 95301 (209)357-6317 Ext: <i>larmstrong@atwater.org</i>	COMMITTEE MEMBER: Mayor pro tem John Cale <i>jcalle@atwater.org</i> ALTERNATE: Councilmember Tyler Button <i>tbutton@atwater.org</i>
Avenal	Angela Ortiz, City Clerk 919 Skyline Blvd Avenal, CA 93204 (559)386-5782 Ext: <i>cityclerk@cityofavenal.us</i>	COMMITTEE MEMBER: Councilmember Alvaro Preciado 5593813347 <i>apreciado@cityofavenal.com; alvaro0</i> ALTERNATE:
Bakersfield	Julie Drimakis, City Clerk 1600 Truxton Bakersfield, CA 93301 (661)326-3767 Ext: <i>jdrimakis@bakersfieldcity.us</i>	COMMITTEE MEMBER: Councilmember Eric Arias 6613330753 <i>ariaseric7@gmail.com</i> ALTERNATE: Councilmember Chris Parlier 6614965476 <i>chrisparlier@sbcglobal.net</i>
Ceres	Annabelle Aguilar, Interim City Clerk 2220 Magnolia Street Ceres, CA 95307 (209)538-5731 Ext: <i>cityclerk@ci.ceres.ca.us</i>	COMMITTEE MEMBER: Councilmember Bret Silveira <i>bret.silveira@ci.ceres.ca.us</i> ALTERNATE: Vacant
Chowchilla	Joanne McClendon, City Clerk 130 S. Second Street, Civic Center Plaza Chowchilla, CA 93610 (559)665-8615 Ext: 102 <i>cityclerk@cityofchowchilla.org</i>	COMMITTEE MEMBER: Mayor Diana Palmer 5592480542 <i>DPalmer@CityOfChowchilla.org</i> ALTERNATE: Councilmember Kelly Smith 5592673534 <i>ksmith@cityofchowchilla.org</i>
Clovis	Karey Cha, City Clerk 1033 5th St Clovis, CA 93612 (559)324-2057 Ext: <i>kareyc@cityofclovis.com</i>	COMMITTEE MEMBER: Councilmember Drew Bessinger 5593242063 <i>drewb@cityofclovis.com</i> ALTERNATE: Councilmember Diane Pearce 559-324-2060 <i>dianep@cityofclovis.com</i>
Coalinga	Shannon Jensen, City Clerk 155 W Durian Coalinga, CA 93210 (559)935-1533 Ext: 113 <i>sjensen@coalinga.com</i>	COMMITTEE MEMBER: Mayor Ron Ramsey 559 93033 <i>rramsey@coalinga.com</i> ALTERNATE: Mayor Pro Tem James Horn <i>jhorn@coalinga.com</i>
Corcoran	Marlene Spain, City Clerk 832 Whitley Ave Corcoran, CA 93212 (559)992-2151 Ext: 250 <i>marlene.spain@cityofcorcoran.com</i>	COMMITTEE MEMBER: ALTERNATE: Councilmember Patricia Nolen 5596398199 <i>Patnolen23@gmail.com</i>

CITY	CLERK AND CONTACT INFORMATION	COMMITTEE MEMBERS
Delano	Ricardo Chavez, City Clerk PO Box 3010 Delano, CA 93215 (661)721-3303 Ext: <i>rchavez@cityofdelano.org</i>	COMMITTEE MEMBER: Mayor Brian Osorio 6617213303 <i>bosorio@cityofdelano.org</i> ALTERNATE: Councilmember Salvador Solorio-Ruiz Jr 6617213303 <i>ssolorio-ruiz@cityofdelano.org</i>
Dinuba	Maria Alaniz, Interim City Clerk 405 E. El Monte Dinuba, CA 93618 (559)591-5900 Ext: 108 <i>malaniz@dinuba.ca.gov</i>	COMMITTEE MEMBER: Councilmember Kuldip Thusu 5592881871 <i>Kthusu@dinuba.ca.gov</i> ALTERNATE: Mayor Linda Launer <i>llauner@dinuba.ca.gov</i>
Dos Palos	Ysidro Garcia, City Clerk 2174 Blossom Street Dos Palos, CA 93620 (209)392-2174 Ext: <i>cityofdp@cityofdp.com</i>	COMMITTEE MEMBER: Councilmember Debbie Orlando 2093922174 <i>councilmemberorlando@cityofdp.com</i> ALTERNATE: Vacant
Escalon	Dominique Romo, City Clerk 2060 McHenry Ave Escalon, CA 95320 (209)691-7400 Ext: <i>cityclerk@cityofescalon.org</i>	COMMITTEE MEMBER: Mayor Pro Tem Andrew Hagan 2096917412 <i>Ahagan@Cityofescalon.org</i> ALTERNATE: Mayor David Bellinger 2096917412 <i>dbellinger@cityofescalon.org</i>
Exeter	Shonna O'Neal, City Clerk P.O. Box 237 Exeter, CA 93221 (559)592-9244 Ext: <i>soneal@exetercityhall.com</i>	COMMITTEE MEMBER: Mayor Pro Tem Mills 559592-9244 <i>jmills@exetercityhall.com</i> ALTERNATE: Public Works Director Daymon Qualls 5595923318 <i>dqualls@exetercityhall.com</i>
Farmersville	Rochelle Giovani, City Clerk 909 W. Visalia Road Farmersville, CA 93223 (559)747-0458 Ext: <i>rgiovani@cityoffarmersville-ca.gov</i>	COMMITTEE MEMBER: Councilmember Ruben Macareno 5595710177 <i>rcmacareno@outlook.com</i> ALTERNATE: Councilmember Tina Hernandez 5597502053 <i>tinagonzalezrealtor@gmail.com</i>
Firebaugh	Rita Lozano, Deputy City Clerk 1133 "P" Street Firebaugh, CA 93622 (559)659-2043 Ext: 5 <i>Rlozano@firebaugh.org</i>	COMMITTEE MEMBER: Mayor Freddy Valdez 5595156961 <i>fvaldez@firebaugh.org</i> ALTERNATE: Mayor Pro Tem Brady Jenkins 5599999011 <i>bjenkins@firebaugh.org</i>
Fowler	Angela Vasquez, Deputy City Clerk 128 S. 5th St Fowler, CA 93625 (559)834-3113 Ext: <i>avasquez@ci.fowler.ca.us</i>	COMMITTEE MEMBER: Mayor Pro-Tem Mark Rodriguez 5599672888 <i>mark@kingfresh.com</i> ALTERNATE: Councilmember Karnig Kazarian 5598326965 <i>kkazarian@ci.fowler.ca.us</i>
Fresno	Todd Stermer, City Clerk 2600 Fresno Street, Room 2133 Fresno, CA 93721 (559)621-7650 Ext: <i>todd.stermer@fresno.gov</i>	COMMITTEE MEMBER: Councilmember Miguel Arias 5596217834 <i>miguel.arias@fresno.gov</i> ALTERNATE: Vacant
Gustine	Melanie Correa, Deputy City Clerk P.O. Box 16 Gustine, CA 95322 (209)854-6471 Ext: <i>mcorrea@cityofgustine.com</i>	COMMITTEE MEMBER: Councilmember Dennis Brazil 2097688853 <i>dennis9599@att.net; dbrazil@cityofgu</i> ALTERNATE: Councilmember Rich Ford 2092058043 <i>rford@cityofgustine.com; richfordii@s</i>

CITY	CLERK AND CONTACT INFORMATION	COMMITTEE MEMBERS
Hanford	Natalie Corral, City Clerk 319 N. Douty St Hanford, CA 93230 (559)585-2517 Ext: ncorral@cityofhanfordca.com	COMMITTEE MEMBER: Mayor Kalish Morrow 9092340776 kmorrow@cityofhanfordca.com ALTERNATE:
Hughson	Ashton Gose, Deputy City Clerk P.O. Box 9 Hughson, CA 95326 (209)883-4054 Ext: agose@hughson.org	COMMITTEE MEMBER: Councilmember Sam Rush 2095816409 srush@hughson.org ALTERNATE: Councilmember Michael Buck mbuck@hughson.org
Huron	Juanita Veliz, Administrative Assistant P.O. Box 339 Huron, CA 93234 (559)945-2241 Ext: 3 adminasst@cityofhuron.com	COMMITTEE MEMBER: Councilmember Roberto Pimentel 5598168703 profe_chivas@yahoo.com ALTERNATE: Councilmember Hilda Plasencia 5599452241 adminasst@cityofhuron.com
Kerman	Marci Reyes, City Clerk 850 S. Madera Kerman, CA 93630 (559)846-9380 Ext: mreyes@cityofkerman.org	COMMITTEE MEMBER: Councilmember Ismael Herrera 5598469380 herrera.district3@gmail.com ALTERNATE: Mayor Gary Yep 5595671234 gyep93630@gmail.com
Kingsburg	Abigail Palsgaard, City Clerk 1401 Draper St Kingsburg, CA 93631 (559)897-6520 Ext: apalsgaard@cityofkingsburg-ca.gov	COMMITTEE MEMBER: Councilmember Brandon Pursell Jr 5598976520 Bpursell@cityofkingsburg-ca.gov ALTERNATE: Mayor Pro Tem Vince Palomar 5598595437 vpalomar@cityofkingsburg-ca.gov
Lathrop	Teresa Vargas, City Clerk 390 Towne Center Dr Lathrop, CA 95330 (209)941-7230 Ext: tvargas@ci.lathrop.ca.us	COMMITTEE MEMBER: Councilmember Paul Akinjo 5107737874 pakinjo@ci.lathrop.ca.us ALTERNATE: Mayor Sonny Dhaliwal 2099417230 sdhaliwal@ci.lathrop.ca.us
Lemoore	Marisa Avalos, City Clerk 711 W. Cinnamon Drive Lemoore, CA 93245 (559)924-6744 Ext: 700 cityclerk@lemoore.com	COMMITTEE MEMBER: Councilmember Patricia Matthews 5599246744 pmatthews@lemoore.com ALTERNATE: Councilmember Jim Chaney 5599246744 jchaney@lemoore.com
Lindsay	Mayra Espinoza-Martinez, City Clerk P.O. Box 369 Lindsay, CA 93247 (559)562-7102 Ext: 801 mespinoza@lindsay.ca.us	COMMITTEE MEMBER: Councilmember Ramiro Serna 5595627102 rserna@lindsay.ca.us ALTERNATE: Mayor Tem Cerros 5595627102 hcerros@lindsay.ca.us
Livingston	Monica Cisneros, Deputy City Clerk 1416 "C" Street Livingston, CA 95334 (209)394-5544 Ext: mcisneros@livingstoncity.com	COMMITTEE MEMBER: Councilmember Maria Baptista-Soto 2097614453 msoto@livingstoncity.com ALTERNATE:
Lodi	Olivia Nashed, City Clerk P.O. Box 3006 Lodi, CA 95241 (209)333-6702 Ext: onashed@lodi.gov or cityclerk@lodi.gov	COMMITTEE MEMBER: Mayor Mark Chandler 2093336702 mchandler@lodi.gov ALTERNATE: Mayor pro tempore Mikey Hothi 2093336702 mhothi@lodi.gov

CITY	CLERK AND CONTACT INFORMATION	COMMITTEE MEMBERS
Los Banos	Lucy Mallonee, City Clerk 520 J St Los Banos, CA 93635 (209)827-2412 Ext: 124 lucy.mallonee@losbanos.org	COMMITTEE MEMBER: Councilmember Deborah Lewis 2098299441 deborah.lewis@losbanos.org ALTERNATE: Councilmember Brett Jones 2097692738 brett.jones@losbanos.org
Madera	Alicia Gonzales, City Clerk 205 West Fourth Street Madera, CA 93637 (559)661-5405 Ext: agonzales@madera.gov	COMMITTEE MEMBER: Council Member Cece Gallegos 5597065451 cgallejos@madera.gov ALTERNATE: Council Member Steve Montes 5598715255 smontes@madera.gov
Manteca	Cassandra Tilton-Candini, City Manager 1001 West Center St Manteca, CA 95337 (209)456-8017 Ext: ccandini@ci.manteca.ca.us	COMMITTEE MEMBER: Mayor Gary Singh 2094568010 gsingh@manteca.gov ALTERNATE:
Maricopa	Vanessa Bueras, City Clerk P.O. Box 550 Maricopa, CA 93252 (661)769-8279 Ext: MaricopaCityClerk@bak.rr.com	COMMITTEE MEMBER: Mayor Pro Tem Virgil Bell 6614440890 ALTERNATE: Councilmember Cynthia Tonkin 6617454234 ctonkin35@gmail.com
McFarland	Francisca Alvarado, City Clerk 401 W Kern St McFarland, CA 93250 (661)792-3091 Ext: falvarado@mcfarlandcity.org	COMMITTEE MEMBER: ALTERNATE:
Mendota	Celeste Cabrera-Garcia, City Clerk 643 Quince St Mendota, CA 93640 (559)655-4298 Ext: Ccabrera@cityofmendota.com	COMMITTEE MEMBER: Councilmember Oscar Rosales 5598608583 orosales@cityofmendota.com ALTERNATE: Mayor Pro Tem Jesus Mendoza 5598608466 jmendoza@cityofmendota.com
Merced	Stephanie R. Dietz, City Clerk 678 W 18th Street, 1st Floor Merced, CA 95340 (209)388-8650 Ext: cityclerk@cityofmerced.org	COMMITTEE MEMBER: Councilmember Kevin Blake 2093856983 blakek@cityofmerced.org ALTERNATE: Councilmember Bertha Perez 2093856203 perezb@cityofmerced.org
Modesto	Dana Sanchez, Interim City Clerk P.O. Box 642 Modesto, CA 95353 (209)577-5397 Ext: dasanchez@modestogov.com	COMMITTEE MEMBER: Councilmember Rosa Escutia-Braaton 2095715597 rescutiabraaton@modestogov.com ALTERNATE: Councilmember Douglas Ridenour dridenour@modestogov.com
Newman	Mike Maier, Deputy City Clerk P.O. Box 787 Newman, CA 95360 (209)862-3725 Ext: mmaier@cityofnewman.com	COMMITTEE MEMBER: Councilmember Laroy McDonald 2098949238 LaroyMcDonaldCouncilman@gmail.com ALTERNATE: Councilmember John Pimentel 2097478186 johnlpimentel9@gmail.com
Oakdale	Colleen Anderson, City Clerk 280 N. Third Ave Oakdale, CA 95361 (209)845-3573 Ext: candersen@ci.oakdale.ca.us	COMMITTEE MEMBER: Mayor Pro Tem Christopher Smith 2098453696 csmith@ci.oakdale.ca.us ALTERNATE: Vacant

CITY	CLERK AND CONTACT INFORMATION	COMMITTEE MEMBERS
Orange Cove	June V. Bracamontes, City Clerk 633 6th St Orange Cove, CA 93646 (559)626-4488 Ext: 214 jvb@cityoforangecove.com	COMMITTEE MEMBER: Mayor Pro Tem Diana Guerra Silva 5598598365 ALTERNATE:
Parlier	Dorothy Garza, City Clerk 1100 East Parlier Parlier, CA 93648 (559)646-3545 Ext: 227 bertha@parlier.ca.us	COMMITTEE MEMBER: ALTERNATE:
Patterson	Alegre Aracely, City Clerk P.O. Box 667 Patterson, CA 95363 (209)895-8014 Ext: cityclerk@ci.patterson.ca.us	COMMITTEE MEMBER: Councilmember Cynthia Homen 2098958005 chomen@ci.patterson.ca.us ALTERNATE: Councilmember Shivaugn Alves 2098958003 salves@ci.patterson.ca.us
Porterville	John D. Lollis, City Clerk 291 N. Main Porterville, CA 93257 (559)782-7464 Ext: jlollis@ci.porterville.ca.us	COMMITTEE MEMBER: Councilmember Monte Reyes 5595444258 montereyes@portervilleca.gov ALTERNATE:
Reedley	Ruthie Greenwood, City Clerk 1717 9th St Reedley, CA 93654 (559)637-4200 Ext: 212 ruthie.greenwood@reedley.ca.gov	COMMITTEE MEMBER: Suzanne Byers SByers@reedley.ca.gov ALTERNATE: Councilmember Anita Betancourt 5593975820 gilbertanita70@aol.com
Ripon	Lisa Roos, City Clerk 259 N. Wilma Ave Ripon, CA 95366 (209)599-2108 Ext: lroos@cityofripon.org	COMMITTEE MEMBER: Mayor Dean Uecker Uecker105@yahoo.com ALTERNATE:
Riverbank	Kathy L. Teixeira, Interim City Clerk 6707 Third St Riverbank, CA 95367 (209)863-7198 Ext: cityclerk@riverbank.org	COMMITTEE MEMBER: Councilmember Darlene Barber-Martinez 2097199254 dbmartinez@riverbank.org ALTERNATE: Councilmember Luis Uribe 2097199255 luribe@riverbank.org
San Joaquin	Lupe Estrada, City Clerk P.O. Box 758 San Joaquin, CA 93660 (559)693-4311 Ext: 16 lupee@cityofsanjoaquin.org	COMMITTEE MEMBER: Councilmember Christina Covarrubia 5593534956 christinac@cityofsanjoaquin.org ALTERNATE: Mayor Pro Tem Julia Hernandez 5595384059 juliah@cityofsanjoaquin.org
Sanger	Rebeca P. Ramirez, City Clerk 1700 7th St Sanger, CA 93657 (559)876-6300 Ext: 4 bramirez@ci.sanger.ca.us	COMMITTEE MEMBER: Mayor Eli Ontiveros 5596182840 eontiveros@ci.sanger.ca.us ALTERNATE: Councilmember Esmerelda Hurtado 5596187591 ehurtado@ci.sanger.ca.us
Selma	Reyna Rivera, City Clerk 1710 Tucker St Selma, CA 93662 (559)891-2200 Ext: 310 reynar@cityofselma.com	COMMITTEE MEMBER: Mayor Pro Tem Beverly Cho BeverlyC@cityofselma.com ALTERNATE: Councilmember Sarah Guerra 5598912310 sarahg@cityofselma.com

CITY	CLERK AND CONTACT INFORMATION	COMMITTEE MEMBERS
Shafter	Yazmina Pallares, City Clerk 336 Pacific Ave Shafter, CA 93263 (661)746-5006 Ext: ypallares@shafter.com	COMMITTEE MEMBER: Mayor Pro Tem Chad Givens 6619795796 cgivens@shafter.com ALTERNATE: Mayor Cathy Prout 6612037334 cprout@shafter.com
Stockton	Eliza Garza, Interim City Clerk 425 N. El Dorado St Stockton, CA 95202 (209)937-8458 Ext: eliza.garza@stocktonca.gov	COMMITTEE MEMBER: Councilmember Susan Lenz 2099378279 Susan.Lenz@stocktonca.gov ALTERNATE: Councilmember Christina Fugazi 2099378279 Christina.Fugazi@stocktonca.gov
Taft	Yvette Mayfield, City Clerk 209 E. Kern St Taft, CA 93268 (661)763-1222 Ext: 16 ymayfield@cityoftaft.org	COMMITTEE MEMBER: Mayor Pro Tem Orchel Krier 6618094634 okrier@cityoftaft.org ALTERNATE: Councilmember Josh Bryant 6614773230 jbryant@cityoftaft.org
Tracy	Adrianne Richardson, City Clerk 333 Civic Center Plaza Tracy, CA 95376 (209)831-6000 Ext: 0 cityclerk@cityoftracy.org	COMMITTEE MEMBER: Councilmember Mateo Bedolla 2092296351 mateo.bedolla@cityoftracy.org ALTERNATE: Councilmember Dan Evans 2098840577 Dan.evans@cityoftracy.org
Tulare	Melissa Hermann, Chief Deputy City Clerk 411 E. Kern Ave Tulare, CA 93274 (559)684-4200 Ext: mhermann@tulare.ca.gov	COMMITTEE MEMBER: Councilmember Jose Sigala 5593299864 jsigala@tulare.ca.gov ALTERNATE:
Turlock	Kellie Weaver, City Clerk 156 S. Broadway Ste 230 Turlock, CA 95380 (209)668-5540 Ext: 110 kweaver@turlock.ca.us	COMMITTEE MEMBER: Councilmember Pam Franco 2096685540 pfranco@turlock.ca.us ALTERNATE: Councilmember Nicole Larson 2092627570 nlarson@turlock.ca.us
Visalia	Leslie Caviglia, City Manager 220 N Santa Fe Street Visalia, CA 93292 (559)713-4512 Ext: cityclerk@visalia.city	COMMITTEE MEMBER: Councilmember Liz Wynn 5597134400 liz.wynn@visalia.city ALTERNATE:
Wasco	Maria O. Martinez, City Clerk 746 8th Street Wasco, CA 93280 (661)758-7214 Ext: mamartinez@cityofwasco.org	COMMITTEE MEMBER: Councilmember Alexandro Garcia 6617790427 algarcia@cityofwasco.org ALTERNATE: Councilmember Vincent Martinez 6612928557 vimartinez@cityofwasco.org
Waterford	Patricia Krause, Deputy City Clerk 101 E. Street Waterford, CA 95386 (209)874-2328 Ext: pkrause@cityofwaterford.org	COMMITTEE MEMBER: Mayor Jose Aldaco 2094027901 jaldaco@cityofwaterford.org ALTERNATE: Councilmember Elizabeth Talbott 2095187163 etalbott@cityofwaterford.org
Woodlake	Irene Zacarias, City Clerk 350 N. Valencia Woodlake, CA 93286 (559)564-8055 Ext: izacarias@ci.woodlake.ca.us	COMMITTEE MEMBER: Councilmember Jose Martinez 5595648055 hey.jose@earthlink.net ALTERNATE: Councilmember William Valero 5597897754 William.valero55@gmail.com

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and City Council Members

FROM: Kenny Williams, City Manager
Diego Viramontes, Finance Director

DATE: February 9, 2023

SUBJECT: Report, Discuss, and Possible Approval of Resolutions No. 2023-0017 A Resolution of the City Council of the City of McFarland Adopting the Updated Written Policy for Discontinuation of Residential Water Service and No.2023-0018 A Resolution of the City Council of the City of McFarland Adopting the Updated Written Protocol for Discontinuation of Residential Water Service.

SUMMARY:

On February 13, 2020, the City adopted a Discontinuation Policy in accordance with Senate Bill 998 which is known as the Water Shutoff Protection Act. In December of 2022, the Office of the Attorney General of the State of California initiated an investigation on the City's Water Shutoff Protection Act Compliance. This investigation concluded that the City must update its written policy and protocol to include the following:

- Policy – Define the meaning of a deferred and alternate payment plan in sections 6 and 7, respectively.
- Protocol – Include that water will not be shut off until an account is at least 60 days delinquent within steps 4 and 5.

The attached updated written policy and protocol has incorporated these required changes and has been reviewed and approved by the Office of the Attorney General.

FINANCIAL IMPACT:

There is no financial impact.

RECOMMENDATION:

Staff recommends approving the resolutions that adopt the updated written policy and protocol for discontinuation of residential water service.

ATTACHMENT:

1. Resolution No. 2023-0017 Adopting the Updated Written Policy

2. Exhibit A – Updated Written Policy
3. Resolution No. 2023-0018 Adopting the Updated Written Protocol
4. Exhibit A – Updated Written Protocol

RESOLUTION NO. 2023-0017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
ADOPTING THE UPDATED WRITTEN POLICY FOR DISCONTINUATION OF
RESIDENTIAL WATER SERVICE**

**THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES HEREBY FIND,
DETERMINE, ORDER AND RESOLVE AS FOLLOWS:**

Section 1. Recitals. The City Council of the City of McFarland hereby finds as follows:

- a. The City collects rates and charges for water services and facilities furnished by the City.
- b. In some cases, residential water customers become delinquent on the payment of their rates and charges for water services and facilities.
- c. The California State Legislature adopted SB 998 to require the City to adopt a written policy on discontinuing residential service for nonpayment.
- d. The City Council wishes to adopt the updated policy attached hereto as Exhibit A (the “Policy”).

Section 2. The City Council hereby adopts the Policy and directs staff to amend the City Policy Handbook section on the “Utility Billing and Customer Account Management Policy and Procedure” to reflect the Policy adopted pursuant to this Resolution.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

I hereby certify that the foregoing is a full, true and correct copy of the resolution of the City Council of the City of McFarland at a meeting held on Thursday, February 9, 2023, moved by Councilmember _____ and seconded by Councilmember _____, duly adopted and passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Francisca Alvarado, City Clerk

Saul Ayon, Mayor

EXHIBIT A

DISCONTINUATION OF RESIDENTIAL WATER SERVICE POLICY for the City of McFarland, California

The City of McFarland recognizes that all of its' water customers have a right to safe accessible and affordable drinking water and that the loss of water services causes tremendous hardship and undue stress, including health risks to vulnerable populations. The City has established this policy to minimize the number of customers who lose access to water service due to the inability to pay because water service discontinuations threaten human health and well-being and water service discontinuation have disproportionate impact on certain segments of the population. These segments include infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons, and persons with the life-threatening medical conditions. This policy is adopted in accordance with the guidelines established by California Health and Safety Code Section 116900 et seq also known as the Water Shutoff Protection Act. Prior to discontinuing the water service of any residential customer on account of nonpayment of a duly owed water service rate, charge, or fee, the City will comply with the procedures and requirements of this Policy. This Policy is only applicable to residential customer accounts based on nonpayment and does not preclude the City from discontinuing service for other unauthorized customer actions.

1. Contact Information. A residential customer may call the following phone number during normal business hours to discuss options to avert a service discontinuation:
661-792-3058.
2. Account Delinquency. A water bill is due and payable upon receipt by the customer. A water bill not paid in full by the 20th day after it has been mailed is delinquent and subject to an applicable penalty. If any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that his or her household's annual income is less than 200 percent of the federal poverty level, then the City will waive interest charges on delinquent bills once every 12 months
3. Delinquency Period Causing Discontinuation. Residential water service may be discontinued for nonpayment if a required customer payment has been delinquent for at least sixty (60) days.

Water service will not be discontinued on any Saturday, Sunday, legal holiday, or at any time during outside the City's normal business hours.

4. Procedure for Discontinuing Service.
 - a. At least seven (7) business days before discontinuing the customer's service, a representative of the City will contact the customer by telephone, in writing, or both to warn of the impending service discontinuation, make available and explain the

terms of this Policy, discuss options to avoid the service discontinuation, and provide other information required by law. Notice provided by mail shall be mailed to the customer's address on file with the City.

- i. If provided telephonically, the representative will specifically do the following: (1) offer to provide a copy of this Policy; (2) offer options to avert the service discontinuation, including alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance; (3) and explain the process to request a review and/or appeal of the delinquent service rate, charge, or fee.
 - ii. If the notice is provided in writing, the notice will specifically contain the following: (1) the customer's name and address; (2) the delinquent amount; (3) the date by which payment or arrangement for payment is required in order to avoid service discontinuation; (4) a description of the process to apply for an extension of time to pay the delinquent service rate, charge, or fee; (5) a description of the procedure to petition for bill review and appeal; and (6) a description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with this Policy. If the customer's address is not the address of the property to which water service is provided, the notice also shall be sent to the address of the property to which water service is provided, addressed to "Occupant."
 - b. If the City is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned as undeliverable, the City will visit the residence and post a conspicuous notice of imminent discontinuation of water service and a copy of this Policy.
5. Bill Review and Appeal. Any customer or adult resident in receipt of a notice of impending service discontinuation may appeal the delinquent rate, charge, or fee giving rise to the discontinuation notice, unless an appeal of the same rate, charge, or fee has previously been received and resolved. The appeal shall be filed within five (5) business days of receiving the disputed bill, or by delivering a written notice of appeal on a form provided by the City that explains the basis for the appeal, including an explanation of any alleged errors in the City's billing practices. The appeal will be reviewed, heard, and resolved in accordance with the following procedure:
- a. The Administrative Services Director ("Review Manager") shall review the appeal form and all materials submitted in support of the appeal and shall issue a tentative decision regarding the appeal within ten (10) business days from the date of receipt of the appeal.
 - b. The Review Manager shall mail the tentative decision to the appellant.
 - c. The appealing party has ten (10) business days from the date of decision to accept the tentative decision or request a hearing with the Review Manager.
 - d. If a hearing is requested, the Review Manager shall schedule and hold a hearing within thirty (30) calendar days.

- e. At least ten (10) business days prior to the hearing, written notice of the date and time of the hearing shall be mailed to the customer.
 - f. At the conclusion of the hearing, the Review Manager shall have fifteen (15) business days to issue a final, written decision justifying his or her decision. The Review Manager may grant the appeal and adjust or rescind the delinquent rate, charge, or fee under the following circumstances:
 - i. The rate, charge, or fee was erroneously calculated and therefore imposed in error due to a meter defect, accounting mistake, or other reason;
 - ii. During the relevant billing period, there was a leak of water at the customer's residence which could not have been reasonably discovered by the customer and which was corrected immediately upon its discovery;
 - iii. In the interest of fairness or justice, extraordinary circumstances merit an adjustment or rescission of the rate, charge, or fee.
 - g. Such decision shall be mailed to the appellant.
 - h. The customer may appeal an adverse determination by the Review Manager to the City Council.
6. Deferred or Reduced Payments. The City may allow customers to defer or reduce delinquent rates, charges, or fees in accordance with the terms of this Section 6. A Deferred Plan shall be defined as a plan where the total delinquent amount, or an agreed upon reduced amount, is agreed to be paid in total on a date certain.

A customer must contact the Utilities Division to arrange a mutually agreed upon payment plan to defer or reduce delinquent rates, charges, or fees. Any such payment plan will ordinarily result in repayment of the delinquent amount within twelve (12) months. The City will not grant more than two requests for a deferred or reduced payment plan within one fiscal year (July 1 to June 30).

If the customer breaches the agreed upon plan or does not pay his or her current residential services charges for sixty (60) days or more, then service may be discontinued no sooner than five (5) business days after the City posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.

7. Alternate Payment Schedules. The City may provide an amortization or alternative payment to customers for delinquent rates, charges, or fees in accordance with the term of this Section 7. An alternate payment plan shall be defined as a plan where the total delinquent amount is agreed to be paid over multiple monthly or weekly payments.

A customer must contact the Utilities Division to arrange a mutually agreed upon payment plan to pay a delinquent amount. Any such alternate payment schedule will ordinarily result in repayment of the delinquent amount within twelve (12) months. The City will not grant more than two requests for an amortization or alternative payment plan within one fiscal year (July 1 to June 30).

If the customer breaches the agreed upon plan or does not pay his or her current residential services charges for sixty (60) days or more, then service may be discontinued no sooner

than five (5) business days after the City posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.

8. **Prohibitions on Discontinuation.** Water service will not be discontinued for nonpayment under any of the following situations:
 - a. During any appeal of the City's decision to discontinue service.
 - b. During the pendency of an investigation by the City of a customer dispute or complaint.
 - c. During any period where the customer is in compliance with a duly authorized alternative payment schedule or a plan for deferred or reduced payment in accordance with Section 6 or 7 of this Policy.
 - d. In situations where the customer satisfies all of the following three conditions (the "Need-Based Exemption"):
 - i. The customer, or the customer's tenant, submits a certification of a primary care provider that discontinuation of water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises serviced by the delinquent account;
 - ii. The customer demonstrates that he or she is financially unable to pay for residential water service within the normal billing cycle. Facts demonstrating that the customer is financially unable to pay for residential service during the normal billing cycle include the following: a member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that his or her household's annual income is less than 200 percent of the federal poverty level. If one or more of these circumstances is demonstrated, then the customer is considered a "Low-Income Customer"; and
 - iii. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment for all delinquent charges in accordance with this Policy.
9. **Special Considerations for Low-Income Customers.** For a Low-Income Customer that qualifies for the Need-Based Exemption, the City will offer one or more of the following options for repayment of the delinquent rate, charge, or fee: (1) amortize the unpaid balance; (2) participate in an alternative payment schedule; (3) partially or fully reduce the unpaid balance financed from the General Fund; or (4) temporarily defer payment. The terms of the payment option will be in accordance with Sections 6 and 7 of this Policy and are expected to result in repayment within twelve (12) months, unless additional time is required to avoid undue hardship. If the customer breaches the agreed upon plan or does not pay his or her current residential services charges for sixty (60) days or more, then service may be discontinued no sooner than five (5) business days after the City posts a final notice of intent to discontinue service in a prominent and conspicuous location at the customer's property.

10. Landlord-Tenant Relationships (Individually Metered Units). The provisions of this Section apply where individually metered service is provided to each dwelling unit for residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in California Health & Safety Code Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record.
- a. At least ten (10) days prior to discontinuing service, the City will make a good faith effort to inform the residential occupants in writing that the dwelling unit's account is delinquent and that service will be terminated.
 - b. The written notice will inform the occupants that they may become a customer of record and accept bills for the unit's water service. The occupants will not be held responsible for delinquent amounts owed by the existing customer of record.
 - c. Notwithstanding the foregoing, if the dwelling unit is a detached single-family dwelling unit, then the City will (1) give notice to the occupant of service discontinuation at least seven (7) days prior to the proposed discontinuation; and (2) require the occupant to verify that the delinquent account customer was the landlord, manager, or agent of the dwelling unit. Verification may include a lease or rental agreement, rent receipts, or other government document.
11. Landlord-Tenant Relationships (Master Metered Units). The provisions of this Section apply where water is provided through a master meter to residential occupants in a multiunit residential structure, mobile home park, or permanent residential structure in a labor camp as defined in California Health & Safety Code Section 17008, and the owner, manager, or operator of the structure or park is the customer of record.
- a. At least fifteen (15) days prior to discontinuing service, the City will make a good faith effort to inform the residential occupants by written notice that their dwelling units' account is delinquent and that service will be terminated on the date specified in the notice.
 - b. The notice will be posted on the door of each dwelling unit at the structure or park. If it is not reasonable or practicable to post the notice on the door of each dwelling unit, the City will post two copies of the notice in each accessible common area and at each point of access to the structure or park.
 - c. The notice will inform the residential occupants that they have the right to become City water customers, to whom service will then be billed, without being held responsible for delinquent amounts owed by the existing customer of record. The notice will also specify, in plain language the following: (1) what the residential occupants are required to do in order to prevent the termination of, or to reestablish, service; (2) the estimated monthly cost of service; (3) the title, address, and telephone number of a representative of the City who can assist the residential occupants in continuing service; and (4) the address and telephone number of a qualified legal services project recommended by the local county bar association.
 - d. The City may decline to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to and meets the requirements of the City's terms and conditions of service and other provisions of law. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume

responsibility for subsequent charges to the account to the City's satisfaction, or if there is a physical and legal means of selectively terminating service to those residential occupants who have not met the City's requirements or for whom the representative of the residential occupants is not responsible, the City will make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met.

- e. When required, residence and proof of prompt payment of rent or other credit obligation is an acceptable means of establishing credit with the City.
- f. In addition to the limitations set forth in Section 8, water service will not be discontinued for nonpayment under the following situations: (1) for an indebtedness owned by the existing customer of record to another public agency; (2) if the delinquent account relates to another property owned, managed, or operated by the existing customer of record; or (3) if a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

12. Third-Party Notification. The City maintains a third-party notification service for customers who are 65 years of age or older, or who are dependent adults as defined in Section 15610 of the Welfare and Institutions Code. The City will attempt to notify a person designated by the customer when the customer's account is past due and subject to termination. The notification will include information on what is required to prevent termination of service.

13. Restoring Service. The City will promptly provide information regarding the procedures for restoring service to customers once their service is discontinued, including the payment of applicable reconnection service fees. For Low-Income Customers, the reconnection service fee will not exceed the City's actual cost to reconnect water service, up to a maximum of \$50 for reconnection during normal business hours and \$150 during nonoperational hours. The fee may be annually adjusted for changes in the Consumer Price Index beginning January 1, 2021.

RESOLUTION NO. 2023-0018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
ADOPTING THE UPDATED WRITTEN PROTOCOL FOR DISCONTINUATION OF
RESIDENTIAL WATER SERVICE**

**THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES HEREBY FIND,
DETERMINE, ORDER AND RESOLVE AS FOLLOWS:**

- Section 1. Recitals.** The City Council of the City of McFarland hereby finds as follows:
- a. The City collects rates and charges for water services and facilities furnished by the City.
 - b. In some cases, residential water customers become delinquent on the payment of their rates and charges for water services and facilities.
 - c. The California State Legislature adopted SB 998 to require the City to adopt a written policy on discontinuing residential service for nonpayment.
 - d. The City Council wishes to adopt the updated protocol attached hereto as Exhibit A (the “Protocol”).

Section 2. The City Council hereby adopts the Protocol and directs staff to amend the Billing Cycle section on the “Utility Billing and Customer Account Management Policy and Procedure” to reflect the protocol adopted pursuant to this Resolution.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

I hereby certify that the foregoing is a full, true and correct copy of the resolution of the City Council of the City of McFarland at a meeting held on Thursday, February 9, 2023, moved by Councilmember _____ and seconded by Councilmember _____, duly adopted and passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Francisca Alvarado, City Clerk

Saul Ayon, Mayor

EXHIBIT A

City of McFarland

Utilities Division

Shut-Off Protocol

1. Monthly utility bill is mailed out on the first of every month.
2. A second notice for delinquency status of utility bills in excess of \$10.00 is mailed out on the 9th day of every month.
3. Past due amount must be paid by the 15th before 5:00 pm every month (note; if the 15th falls on a weekend or holiday then past due date is extended till the next business day before 5:00 pm to pay).
4. Any account, which is past due for at least 60 days, where no deferred or reduced payment plan or alternate payment plan has been entered into, which is not paid by the by the 15th, or an extended date if the 15th is a weekend or holiday, shall be shut off the next business day.
5. Accounting Assistant prepares the turn off list first thing in the morning and provides a copy to the Water Department Supervisor and distribute to the Water Department Operators. No residence shall be placed on the "turn off list" until the residence is at least 60 days delinquent. Each operator is to start on his or her assigned shut off list by 8:30 am (note: Meter are simply turned off and not locked). Shut off lists are to be projected to be completed by each operator by 12:00 pm.
6. At 1:00 pm Water Department Operators will report to the office to compare list and update their assigned shut-off list with customers that have paid. Accounting and Operator personnel should INITIAL EACH account that was off or needs to be turn on. Photocopies will be exchanged to eliminate any errors and provide accountability to each department. Operators are to then return to the field to turn on water services for those customers that paid.
7. At 3:30 pm Water Department Operators will report to the office for the second time to compare list and update their assigned shut-off list with customers that have paid. Operators are to then return to the field to turn on water services for those customers that paid.
8. At 4:30 pm Water Department Operators will report to the office for the third and final time of the shut off day to compare list and update their assigned shut-off list with customers that have paid. Operators are to then return to the field to turn on water services for those customers that paid.
9. Any payments received by 4:30 pm - 5:00 pm the office staff will contact the operator ON-CALL for the reconnection of water services.
10. After 5:00 pm any shut-off delinquency related calls placed to the (661)792-3058 after hours number (which is directed to the on-call operator) for turning water services back on would have to sign a promise to pay form authorizing a service fee in the amount of \$50.00 and water services be turned back on. The signed promise to pay allows the

delinquent customer to return to the office the following business day before 10:00 am to the pay the delinquent amount plus the service fee of \$50.00.

11. The following day after shut-offs the ON-CALL operator provides the shut-off list with any after-hour promise to pay forms to the Water Department Supervisor. The Supervisor will then submit the shut-off list and forms to the Accounting Assistant. The Accounting Assistant will then return an updated shut-off list back to the Water Department Supervisor and distribute to the assigned operator to place locks on customers who have not yet paid delinquency.
12. The office staff will provide a list of TURN ON's to the Water Department Supervisor and it's to be place on the outgoing correspondence water department box. The Supervisor will check this box on a daily bases at 10am, 1pm and 3pm.
13. Special circumstances or turn on requests will be handle by each department Supervisor and Director.
14. An Operator will be assigned to review the shut-off list to make sure locks are intact and water services are off.
15. Customers are to follow the protocol for any complaints. Filling out a complaint form will be the first step in solving any issues they may have. The only calls that will be taken by the department are leaks and water quality concerns. High usage inspections will be provided at customers request and the water department will do the best to accommodate and coordinate with customer to be present at the time of inspection.

_____ have received a copy of the City of McFarland Utilities Division Shut-Off Protocol and have read and understand the process that will be followed.

Signature

Date

CITY OF MCFARLAND

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Kenny Williams, City Manager
Larry A Ronk III, Community Development Director

DATE: February 9, 2023

SUBJECT: Report, Discussion, and Possible Approval of Ordinance No. 0001
-2023 amending McFarland Municipal Code Chapters 17.84.020B,
17.88.020 B, 17.84.020 B, and 17.152.030.

Discussion:

The City Council put a measure in the November 2022 election which would allow the City to tax any cannabis business/activity within the city. With the approval of this tax, staff was directed to create an ordinance to allow cannabis retail, cultivation, and distribution within certain zones per recommendation of the Cannabis Standing Committee. This committee chose to provide three (3) zones as a primary with a possible additional zone with approval through a conditional use permit process. The ordinance that staff has put together with review from the City Attorney has provided a guideline, enforcement, application process, and fees associated with Cannabis entering our City for business.

This new ordinance will require an amendment to the zoning ordinance to allow cannabis activity within those zones. This amendment will allow cannabis to be allowed in Industrial zones and Commercial zone with Conditional Use Permits.

Fiscal Impact:

Legal Review – City Attorney Review Cost

Recommendation:

Staff Recommends Council to introduce the ordinance amendment, open a public hearing, and direct staff to bring back for a second reading and possible adoption at the next regular city council meeting.

Attachments:

1. Ordinance No. 0001-2023

ORDINANCE NO. 0001-2023

**AN ORDINANCE OF THE CITY OF
MCFARLAND AMENDING MCFARLAND MUNICIPAL
CODE CHAPTERS 17.84.020 B, 17.88.020 B, 17.92.020 B, AND
17.152.030 AND REMOVAL OF CODE CHAPTERS 17.08.045
AND 17.08.050.**

Section 1. Recitals.

WHEREAS, The City of McFarland (“City”) desires to codify its Municipal Code Chapter related to permitted uses within the zoning ordinance;

WHEREAS, the City Council desires to amend Sections 17.84.020 B, 17.88.020 B, 17.92.020 B and 17.152.030 and remove Sections 17.08.045 and 17.08.050 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity; and

WHEREAS, on February 7th, 2023 at after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

WHEREAS, after the above mentioned public hearing, the Planning Commission _____ Resolution No. 2023-0001PC, which recommended that the City Council adopt this Ordinance; and

WHEREAS, on February 9th, 2023, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public; and

WHEREAS, after the above-mentioned City Council public hearing, the City Council now desires to amend Title 17, “Zoning”; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN

Section 2. The Recitals set forth above are true and correct and incorporated herein.

Section 3. Chapter 17.84.020 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.84.020 B, to read as follows:

“F. Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

Section 4. Chapter 17.88.020 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.88.020 B, to read as follows:

“F. Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

Section 5. Chapter 17.92.020 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.92.020 B, to read as follows:

“G. Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

Section 6. Chapter 17.152.030 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.152.030, to read as follows:

“U. Commercial Retail Cannabis in C-2 zones.”

Section 7. Chapter 17.08.045 of the McFarland Municipal Code is hereby removed from the McFarland Municipal Code.

Section 8. Chapter 17.08.050 of the McFarland Municipal Code is hereby removed from the McFarland Municipal Code.

Section 9. **NOTICE.** The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 10. **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 11. **Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 12. **Certification; Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

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INTRODUCED, at a Regular meeting of the City Council of the City of McFarland, California on the 9th day of February 2023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 23rd day of February 2023, by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon				
Ricardo Cano				
Amador Ayon				
Anita Gonzales				

Saul Ayon, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly introduced/adopted by the City Council of the City of McFarland by a regular meeting thereof held on February 9,2023 .

ATTEST:

Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney

NOTICE OF PUBLIC HEARING

Ordinance Amendment for Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity at City Council Chambers (103 Sherwood Ave, McFarland)

Notice is hereby given that the City Council of the City of McFarland will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of a Resolution Recommending the Planning Commission of the City of McFarland Approve and Recommend the presentation of the proposed adoption to amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and remove Sections 17.08.045 and 17.152.030 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.

Special McFarland Planning Commission Public Hearing Information

Date: February 7, 2023

Time: 5:00 PM

Place: City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

Join on-line: Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

Notice is further given that the City Council of the City of McFarland, California, will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of a Ordinance of the City Council of the City of McFarland Approving amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and remove Sections 17.08.045 and 17.152.030 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.

Regular McFarland City Council Public Hearing Information

Date: February 9, 2023

Time: 6:00 PM

Place: City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

Join on-line: Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

These meetings shall be held in person at the City of McFarland Council Chambers, located at 103 W. Sherwood Avenue, McFarland, CA 93250. Additionally, these meetings shall be broadcast for listening and/or viewing purposes only via Facebook. To access the meetings for viewing or listening purposes

only, please use the following information:

Join on-line: Facebook Webpage at: <https://www.facebook.com/cityofmcfarland/>

Members of the public are encouraged to participate by providing public comment at the meetings. The agenda of the Regular City Council Meeting will be posted at least 72 hours prior to the meeting. The meeting the agendas will be posted at <https://www.mcfarlandcity.org/AgendaCenter>. Please check the agendas for any modifications to how the meetings may be conducted and for ways in which the public can participate.

Description of Project:

The City of McFarland City Council placed a measure in November 2022 election which would allow the City to tax any cannabis business/activity within the city. With the direction of City Council, staff reviewed the Municipal Code and is now recommending amendments to various sections in order to establish consistency throughout the Municipal Code.

Additional information on the proposed project and proposed environmental finding may be obtained from the City of McFarland, City Hall, 401 W. Kern Avenue, McFarland, CA 93250, or the City's web site at www.mcfarlandcity.org.

All persons interested in this topic who have questions, would like to provide feedback, or who have comments are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Francisca Alvarado, City Clerk, at 401 W. Kern Avenue, McFarland, CA 93250, (661) 792-3091, falvarado@mcfarlandcity.org

CITY OF MCFARLAND

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Kenny Williams, City Manager
Larry A Ronk III, Community Development Director

DATE: February 9, 2023

SUBJECT: Report, Discussion, and Possible Approval of Ordinance No.
0002-2023 adopting Cannabis Ordinance Title 19.

Discussion:

The City Council put a measure in the November 2022 election which would allow the City to tax any cannabis business/activity within the city. With the approval of this tax, staff was directed to create an ordinance to allow cannabis retail, cultivation, and distribution within certain zones per recommendation of the Cannabis Standing Committee. This committee chose to provide three (3) zones as a primary with a possible additional zone with approval through a conditional use permit process. The ordinance that staff has put together with review from the City Attorney has provided a guideline, enforcement, application process, and fees associated with Cannabis entering our City for business.

Based on research from other municipalities, cannabis has provided over a minimum of \$1M in revenue from sales taxes. This income does not include property tax or employments. Staff has addressed many concerned with buffer zones for churches, schools, parks and residential zones. The adoption of the Cannabis Ordinance will allow business submit State Verified application to the city for review and be selected for issuance of a cannabis license within the City of McFarland.

Fiscal Impact:

Legal Review – City Attorney Review Cost

Recommendation:

Staff Recommends Council to introduce the ordinance amendment, open a public hearing, and direct staff to bring back for a second reading and possible adoption at the next regular city council meeting.

Attachments:

1. Ordinance 0002-2023 - Cannabis Ordinance Title 19

ORDINANCE NO. 0002-2023

**AN ORDINANCE OF THE CITY OF MCFARLAND ADDING
TITLE 19, CHAPTERS 19.04.010 THROUGH 19.04.370 OF
THE MCFARLAND MUNICIPAL CODE.**

Section 1. Recitals

WHEREAS, the City of McFarland (the “City”) has the authority under Article XI, Section 7 of the California Constitution, to enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420, the Medical Marijuana Program Act (Health and Safety Code § 11362.7 *et seq.*), clarifying the scope of the Compassionate Use Act, providing additional statutory guidance regarding medical cannabis use, and allowing cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, the Governor signed the Medical Marijuana Regulation and Safety Act (“MMRSA”), comprised of California legislative bills AB 243, AB 266, and SB 643, creating a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medicinal marijuana, all subject to local control; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, changing the title of MMRSA to the Medical Cannabis Regulation and Safety Act (“MCRSA”), changing the terminology therein from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis,” and making other technical changes thereto. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, at the November 8, 2016, general election, the California voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), establishing a comprehensive regulatory and licensing scheme for commercial recreational (adult-use) cannabis operations, and legalizing limited personal adult-use cannabis use, possession, and cultivation; and

WHEREAS, on June 27, 2017, Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA; and

WHEREAS, MAUCRSA, at Business & Professions Code §26050, establishes 20 different types of state licenses, including permit types pertaining to cannabis cultivation,

manufacturing, testing, retailing, and distribution, which medicinal and adult-use cannabis businesses must obtain, depending on the nature of the cannabis business, in order to operate legally in the State; and

WHEREAS, MAUCRSA, at Business & Professions Code §26200(a)(1), provides that local jurisdictions may adopt and enforce local ordinances to regulate or prohibit any or all types of medicinal and adult-use business operations licensed by the state under Business & Professions Code §26050, including, but not limited to, by imposing local zoning and land use requirements; and

WHEREAS, MAUCRSA, at Business & Professions Code §26055(d), provides that a State commercial cannabis license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

WHEREAS, MAUCRSA, at Business & Professions Code §26201, provides that any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state for the various types of medicinal and adult-use commercial cannabis operations licensed by the state under Business & Professions Code §26050 shall be the minimum standards, and that a local jurisdiction may establish additional or more stringent standards, requirements, and regulations; and

WHEREAS, pursuant to MAUCRSA, the California Bureau of Cannabis Control (“BCC”), Department of Food and Agriculture (“CDFA”), and Department of Public Health (“CDPH”) adopted emergency regulations which establish additional State license types and specify the process and requirements for obtaining state licenses to engage in all types of commercial medicinal and adult-use cannabis activities in the State of California (“Regulations”); and

WHEREAS, the Regulations were approved by the State Office of Administrative Law on December 7, 2017; and

WHEREAS, the BCC is now accepting applications for temporary and annual state licenses for commercial cannabis retailers, distributors, microbusinesses, testing laboratories, and cannabis events; and

WHEREAS, the CDPH is now accepting applications for temporary and annual state licenses for commercial cannabis manufacturers; and

WHEREAS, the CDFA is now accepting applications for temporary and annual state licenses for commercial cannabis cultivators, nurseries and processors; and

WHEREAS, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, cannabis plants, as they begin to flower and for a period of two months or

more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and can constitute a public nuisance, in that cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, unregulated indoor cultivation of cannabis has potential adverse effects on the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and excessive use of electricity in such buildings increases the risk of fire, which presents a risk of property damage to the building and neighboring buildings, and endangers the building's occupants and nearby residents; and

WHEREAS, unregulated indoor cultivation of cannabis can also be harmful to the public health, safety and welfare in that electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, there are numerous well publicized studies and reports, as well as numerous documented incidents in Kern County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community; and

WHEREAS, in the absence of a formal regulatory framework, the adverse impacts frequently associated with commercial cannabis activities will occur, resulting in a potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community; and

WHEREAS, outdoor cannabis cultivation and unregulated indoor cannabis cultivation are likely to result in these negative effects on the public health, safety, and welfare in the City, as reflected by the experiences of other cities; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating commercial cannabis activities; and

WHEREAS, based on the foregoing and pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit certain cannabis activities, including outdoor cultivation (for both medicinal and adult-use), and to enact reasonable regulations for other commercial cannabis activities to protect and promote public health, safety and welfare; and

WHEREAS, under U.S. Supreme Court precedent, government agencies generally may conduct regulatory inspections of “closely regulated” businesses without reasonable suspicion that the business subject to inspection has violated a statute or regulation, provided that the governmental agency conducting the inspection has “special needs,” beyond its ordinary interest in enforcement of criminal statutes, to conduct inspections, the regulations in the particular area could not be enforced if public officials could conduct inspections only when they have a reasonable suspicion that a violation has occurred, the businesses subjected to inspection are engaged in a particular category of activity that reduces the reasonable expectation of privacy of those engaged in such activities in relation to the inspections at issue, and the discretion of inspecting officials is reasonably constrained by the authorizing statute (*People v. Maikhio*, 51 Cal.4th 1074, 1091-92 (2011)); and

WHEREAS, commercial cannabis businesses cultivate, manufacture, dispense, distribute, test, or engage in other business activities relating to a historically criminalized substance which is often used for medical purposes, which can cause health and safety issues for those consuming it, which can be unsafe if improperly cultivated, manufactured or handled, and which is subject to illegal diversion, and as a result, state and local government agencies, including the City, have a strong governmental interest in regulating such businesses; and

WHEREAS, businesses engaged in commercial cannabis activities constitute “closely regulated” businesses which have a reduced reasonable expectation of privacy due to the strong governmental interest in regulating such activities to protect against the potential risks to public health and safety relating to such activities, and therefore the probable cause and warrant requirements ordinarily required for law enforcement searches are relaxed as to such businesses; and

WHEREAS, the City has a special need, beyond its ordinary interest in enforcement of criminal statutes, to conduct regulatory inspections of commercial cannabis businesses due to the unique threats to public health, safety and welfare posed by such businesses, including but not limited to risks of fire and explosion resulting from improper cultivation, manufacturing or other processes used by such businesses, and the increased risk of crime, in the absence of proper security measures, resulting from the presence of valuable property on the premises of such businesses; and

WHEREAS, the regulations imposed by this Ordinance could not be effectively enforced if the City’s officials could conduct inspections only when they have a reasonable suspicion that a violation has occurred, because often the threats to public health, safety and welfare arising from a commercial cannabis business will not be apparent from the outside, and any prior notice requirements associated with such inspections would allow such businesses to temporarily conceal or remove the conditions that give rise to such threats for purposes of passing the inspection, only to allow such conditions to return thereafter; and

WHEREAS, based on the foregoing, the City Council intends to authorize reasonable suspicionless inspections of commercial cannabis business in the City by local officials as necessary to enforce this Ordinance and thereby safeguard public health, safety and welfare, and to impose reasonable constraints on the discretion of such inspecting officials by limiting their inspection authority to confirming compliance with this Ordinance and the applicable laws and regulations referenced herein; and

WHEREAS, in 2017, the City adopted Sections 5.04.045 of Title 5 of the McFarland Municipal Code, 17.08.045 and 17.08.050 of Title 17 of the McFarland Municipal Code pertaining to Cannabis, placing a complete ban on medical and adult use cannabis in the City based upon various health, safety and welfare and land use findings relating to marijuana cultivation, dispensing, and consumption; and

WHEREAS, The City of McFarland (“City”) desires to adopt a Municipal Code Chapter related to Commercial Cannabis Activity;

WHEREAS, The Ordinance updates the Municipal Code to add the definition of Commercial Cannabis Activity, and the Standards for, and Process, Procedures, and Permits necessary for attaining a Commercial Cannabis Activity;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Title 19, Chapters 19.04.010 through 19.04.370 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from potentially deficient and/or incomplete/incompatible Municipal Code Chapters.

WHEREAS, it is the intention of the City Council that this Ordinance be interpreted to (1) not allow any person to engage in conduct that endangers others or causes a public nuisance; and (2) be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

Section 2. Chapter 19.04 of the McFarland Municipal Code is hereby added to the McFarland Municipal Code to read as follows:

TITLE 19 - MARIJUANA
CHAPTER – 19.04 COMMERCIAL CANNABIS ACTIVITY

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Section 19.04.010 - Purpose and Intent.

- (a) It is the purpose and intent of this Chapter to adopt local prohibitions and regulations applicable to commercial cannabis activity as may be permitted by the Medicinal and Adult-Use Cannabis Regulation and Safety Act and other applicable State law, as amended, pertaining to regulation of commercial cannabis and the use of land, in order to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing and testing of cannabis and cannabis products in a manner which is responsible and which protects the health, safety, and welfare of the residents of the City, and to enforce rules and regulations consistent with applicable state law including, but not limited to, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, the Adult Use of Marijuana Act, the Compassionate Use Act of 1996, and the Medical Marijuana Program Act. In furtherance of these objectives, this Chapter imposes an annual regulatory permit requirement, employee work permit requirements, and operating requirements applicable to persons who seek to own, operate, or engage in commercial cannabis businesses within the City as authorized under this Chapter or the McFarland Municipal Code. Nothing in this Chapter is intended to authorize any activity which is in violation of state or federal law. The provisions of this Chapter are in addition to the business license requirements applicable to business conducted in the City, and to all other applicable requirements of the McFarland Municipal Code.
- (b) Pursuant to Section 7 of Article XI of the California Constitution, the City is authorized to adopt ordinances that establish standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding commercial cannabis activity, including health and safety, testing, laboratory operations and safety, security, and worker protections established by the State, or any of its agencies, departments, or divisions, shall be the minimum standards applicable in the City, and the provisions of this ordinance shall apply in addition thereto.

Section 19.04.020 - Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them in this Section. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) "Building Official" means the Building Official for the City or his/her designee.
- (b) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. (c) "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. For the purpose of this Chapter, "Cannabis"

does not mean industrial hemp as that term is defined by Section 11018.5 of the California Health and Safety Code.

- (c) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health & Safety Code, or a drug, as defined by Section 109925 of the Health & Safety Code.
- (d) "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- (e) "Chief of Police" means the Chief of Police for the McFarland Police Department or his/her designee.
- (f) "City Manager" means the City Manager for the City or his/her designee.
- (g) "Commercial cannabis activity" or "commercial cannabis business" includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale (including retail and wholesale) of cannabis or cannabis products conducted or engaged in by any person, except cultivation and possession of cannabis for personal use as governed by McFarland Municipal Code Chapter 8.29, Section 8.29.05 and/or as preempted by State law.
- (h) "Commercial cannabis permit" means a permit issued by the City pursuant to this Chapter to a commercial cannabis business.
- (i) "Cultivation" means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (j) "Cultivation site" means a facility where cannabis is propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or where all or any combination of those activities occur.
- (k) "Day care center" means, as the term is understood in Business & Professions Code Section 26001(o), as may be amended, any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers.
- (l) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer at the customer's home or other location remote from the premises of the commercial cannabis business making the delivery and includes the use by a retailer of any technology platform. "Delivery" does not mean or include storefront sales.

- (m) "Distribution" means the procurement, sale and transport of cannabis and cannabis products between licensees.
- (n) "Distributor" means a licensee engaged in distribution.
- (o) "Edible cannabis product" means a cannabis product that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.
- (p) Employee – See (ff) Responsible Person.
- (q) "Fire Chief" means the Fire Chief for the City as designated by the Kern County Fire Department, or his or her designee.
- (r) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996.
- (s) "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
- (t) "License" or "State License" means a license issued by the State of California, or one of its departments or divisions, pursuant to Division 10 of the California Business & Professions Code. "Licensee" means a person holding a State License.
- (u) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
- (v) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (w) "Manufacturer" means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container; "Manufacturer" includes the activity of manufacturing.
- (x) "Manufacturer 1" means a licensee that manufactures cannabis products using nonvolatile solvents, or no solvents.
- (y) "Manufacturer 2" means a licensee that manufactures cannabis products using volatile solvents.
- (z) "Microbusiness" means a license that does at least three of the following activities at one location: Cultivation- up to 10,000 total square feet, Manufacturing- use of non-volatile solvents, mechanical extraction or infusion, Distribution or Distribution Transport Only, Retail – storefront or non-storefront.

- (aa) "Nursery" means a licensee that produces only cannabis clones, immature cannabis plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- (bb) "Owner" means any person who has an ownership interest in a commercial cannabis business.
- (cc) "Package" means any container or receptacle used for holding cannabis or cannabis products.
- (dd) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, nonprofit organization, or any other group or combination acting as a unit and includes the plural as well as the singular.
- (ee) "Premises" means the designated structure or structures and the surrounding land that is owned, leased or otherwise held under the control of a commercial cannabis permit applicant or permittee where commercial cannabis activity will be or is conducted. This definition does not alter the meaning of the term "Premises" as utilized by the State of California for commercial cannabis licensing.
- (ff) "Responsible person" means any person who is responsible for, or who will oversee or participate in, the direction, control, management, or supervision of a commercial cannabis business.
- (gg) "Retailer" means a person who engages in the retail sale of cannabis or cannabis products to customers.
- (hh) "Sell," "sale" and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting and receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (ii) "School" means, as the term is understood in Business & Professions Code Section 26054(b), as may be amended, a place of instruction in kindergarten or any grades 1 through 12.
- (jj) "State" means the State of California and all of its departments, divisions and agencies, including but not limited to the Bureau of Cannabis Control, the Department of Public Health, and the Department of Food and Agriculture.
- (kk) "Stacking" means cultivating cannabis plants on platforms or tables and stacking them in multiple layers on top of each other.

- (ll) "Storefront sales" means the retail sale of cannabis or cannabis products directly to customers from a storefront, dispensary, or other permanent building or structure, or in any manner that does not constitute delivery. "Storefront sales" does not include delivery
- (mm) "Testing Laboratory" means a laboratory, facility or entity that offers or performs tests of cannabis or cannabis products and that is both: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity; and (2) a State licensee.
- (nn) "Topical cannabis" means a cannabis product intended for external application. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (oo) "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
- (pp) "Youth center" means, as the term is understood in Business & Professions Code Section 26001(av), as may be amended, any public or private facility that is primarily used to host recreational or social activities for minors, including but not limited to private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Section 19.04.030 - Applicability to Personal Cannabis Activity.

This Chapter applies only to commercial cannabis activities. Except as otherwise provided by this Chapter, cultivation of cannabis for personal use is governed by Section 19.04.030 of the McFarland Municipal Code, as may be amended from time to time, and consumption of cannabis is governed by Section 19.04.370 of the McFarland Municipal Code, as may be amended from time to time.

Section 19.04.040 - Permitted Types of Commercial Cannabis Businesses

- (a) Commercial cannabis operations within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, nursery cultivation, retailer, manufacturer, testing laboratory, distributor, and microbusiness are allowed subject to issuance and maintenance of the permits and entitlements set forth in Section 19.04.060, continuing compliance with this Chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a classification listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:
 - 1. Type 1A = Cultivation; Specialty Indoor; Small.
 - 2. Type 2A = Cultivation; Indoor; Small.
 - 3. Type 3A = Cultivation; Indoor; Medium.
 - 4. Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.
 - 5. Type 6 = Manufacturer 1.
 - 6. Type 7 = Manufacturer 2.
 - 7. Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).

- 8. Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).
- 9. As authorized by California Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. retail sales by delivery only, pursuant to 16 CCR § 5414, as may be amended).
- 10. Type 10 = Retailer (subject to Section 8.29.050, i.e. delivery only).
- 11. Type 10 = Store Front Retail. A storefront retailer has a physical location Where cannabis goods are sold. Store front retailers can also deliver cannabis goods.
- 8. Type 11 = Distributor.
- 9. Type 12 = Microbusiness (subject to Sections 8.29.05.04(c) and 8.29.050).
- 10. Type 13 = Distributor (i.e. transport only, pursuant to 16 CCR § 5315, as may be amended)

- (b) Any commercial cannabis activity not expressly authorized by this Chapter is prohibited.
- (c) The number of commercial cannabis permits authorizing the operation of a microbusiness requiring a Type-12 State License that may be active or valid in the City at any given time shall not exceed two (2) permits, or a lower number as may be established by the City Council.
- (d) The number of commercial cannabis permits authorizing the operation of a retail requiring a Type-10 State License that may be active or valid in the City at any given time shall not exceed two (2) permits, or a lower number as may be established by the City Council.
- (e) The number of commercial cannabis permits authorizing the operation of distribution requiring Type 11 and 13 State License that may be active or valid in the City at any given time shall not exceed two (2) permits, or a lower number as may be established by the City Council.
- (f) The number of commercial cannabis permits authorizing the operation of cultivation requiring Type 1A, 2A, 3A, and 5A State License that may be active or valid in the City at any given time shall not exceed two (2) permits, or a lower number as may be established by the City Council.
- (g) The number of commercial cannabis permits authorizing the operation of manufacturing requiring Type 6, 7, N, and P State License that may be active or valid in the City at any given time shall not exceed two (2) permits, or a lower number as may be established by the City Council.

Section 19.04.050 - Prohibited Types of Commercial Cannabis Businesses

- (a) Commercial cannabis businesses within the City which involve the activities of outdoor cultivation and storefront sales are prohibited in the City. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the State license classifications

listed below, as provided for in Business & Professions Section 26050 and applicable State regulations:

1. Type 1= Cultivation; Specialty Outdoor; Small.
2. Type 1B = Cultivation; Specialty Mixed-Light; Small
3. Type 1C = Cultivation: Specialty Cottage; Small
4. Type 2 = Cultivation; Outdoor; Small.
5. Type 2B = Cultivation; Mixed-Light; Small
6. Type 3= Cultivation; Outdoor; Medium.
7. Type 3B = Cultivation; Mixed-Light; Medium
8. Type 4 = Cultivation; Nursery
9. Type 5 = Cultivation; Outdoor; Large.
10. Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.
11. Type 8 = Testing Laboratory

(b) Except as otherwise expressly provided in this Chapter, the prohibition of subsection (a) includes any similar commercial cannabis activities authorized under new or revised State licenses, or any other State authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced or similar activities or operations.

(c) Consistent with Business & Professions Code Section 26080, nothing in this Chapter shall be interpreted to prohibit the use of the public roads of the City by a State licensee in the course of making cannabis deliveries to and from areas outside of the City.

Section 19.04.060 - Required Licenses and Permits.

(a) It shall be unlawful to own, establish, operate, use, or allow the establishment or activity of a commercial cannabis business, or to participate in a commercial cannabis business as an employee, contractor, agent, volunteer, or in any manner or capacity, other than as provided in this Chapter and pursuant to the following:

1. A valid and current commercial cannabis permit(s) issued by the City pursuant to this Chapter; and
2. The equivalent State license(s) for such commercial cannabis business issued pursuant Division 10 of the Business & Professions Code, as may be amended; and
3. Employee Badge pursuant to Section 19.04.090 ; and
4. A valid City business license.

(b) The City Manager is hereby authorized to issue commercial cannabis permits on behalf of the City. The City Manager, or designee, in his or her sole discretion, may issue a commercial cannabis permit only upon confirming that the applicant to whom the permit is to be issued has satisfied all of the requirements of this Chapter and the other applicable provisions of the McFarland Municipal Code, as may be amended from time to time, any regulations promulgated pursuant to this Chapter, and any law or regulation enacted by the State of California or any department of the State governing commercial cannabis activities.

(c) Commercial cannabis permits shall be governed by the following requirements and limitations:

1. Commercial cannabis permits may only permit the types of cannabis activity expressly authorized by this Chapter.
2. No commercial cannabis permit shall authorize public access to any commercial cannabis business. Only persons involved in the bona fide business activities of a commercial cannabis business shall be authorized to access the premises of a commercial cannabis business.
3. Commercial cannabis businesses shall not employ or grant access to any individual who is under twenty-one (21) years of age.
4. Each commercial cannabis permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance and must thereupon be renewed. Continued operation of a commercial cannabis business after expiration of a commercial cannabis permit shall be unlawful and a violation of this Chapter.
5. Prior to issuance of any commercial cannabis permit, each proposed commercial cannabis business shall be subject to the mandatory inspections provided by Section 19.04.150 and shall obtain all required permits or approvals which are otherwise required for the premises by applicable law, including, but not limited to, building permits, California Fire Code approvals, and planning-level permit(s) required by Title 17 Zoning of the McFarland Municipal Code. City Manager may issue a Conditional Commercial Cannabis Permit where the business is actively implementing conditions, obtaining clearances and licenses from local agencies and the state of California. Temporary Certificate of Occupancy may be issued by the Building Official where such occupancy is near completion of required improvements and where the Building Official and Fire Agency finds that no health and safety factors exists.
6. Consistent with Business and Professions Code Section 26053, a commercial cannabis business conducting multiple commercial cannabis activities shall obtain a commercial cannabis permit authorizing each type and location of commercial cannabis activity prior to engaging in that activity. A commercial cannabis business licensed by the State to conduct multiple commercial cannabis activities shall not receive a commercial cannabis permit authorizing any commercial cannabis activity within the City that is not expressly authorized by this Chapter. An applicant may be issued a commercial cannabis permit authorizing multiple different types of commercial cannabis activities as defined by applicable State license classifications, consistent with the requirements of Business and Professions Code Section 26053 and/or a Type 12 "Microbusiness" State license.
7. Revocation, termination, denial, non-issuance or suspension of a State license shall immediately and automatically terminate the commercial cannabis permit, and all commercial cannabis activity shall immediately cease. Upon reinstatement or receipt of a new State license, the commercial cannabis activity may file for a new permit from the City. While a new application for a commercial cannabis permit is pending, the applicant shall not engage in any commercial cannabis activity. Violations of this Section shall be grounds for denial of an application for a commercial cannabis permit and for the enforcement, penalties and cost recovery

prescribed within Section 19.04.107 and any other applicable provisions of the McFarland Municipal Code.

8. The issuance of a commercial cannabis permit shall constitute a revocable privilege and shall not create or establish any vested rights for the development or use of any property.
9. A County Health Depart Permit shall be required of any cannabis business who produces or sales edible cannabis products.
10. A Commercial Cannabis business is not required to acquire a City conditional use permit to operate under this Chapter.

(d) Renewals of commercial cannabis permits shall be governed by the following requirements and limitations:

1. Applications for renewal of commercial cannabis permits shall be filed with the City Manager at least sixty (60) calendar days prior to the expiration date of the permit and shall be subject to all requirements applicable to an application for initial issuance of a commercial cannabis permit.
2. An application for renewal of a commercial cannabis permit shall be denied if any of the following exists:
 - i. The application is filed less than sixty (60) calendar days before expiration of the commercial cannabis permit. Notwithstanding the foregoing, the City Manager, in his discretion, may accept an application filed between thirty (30) and sixty (60) days before expiration based upon a showing of good cause by the applicant for the late filing.
 - ii. The commercial cannabis permit, or any of the other entitlements required for the commercial cannabis to operate in compliance with this Chapter, is suspended or revoked at the time the application for renewal is submitted or is suspended or revoked while the application for renewal is pending.
 - iii. The commercial cannabis business or activity has not been in regular and continuous operation during the four (4) months prior to the submission of the application for renewal.
 - iv. The commercial cannabis business is in noncompliance with any provision of this Chapter, any regulation promulgated pursuant hereto, any other provision of the McFarland Municipal Code applicable to the commercial cannabis business, or any condition of approval of the commercial cannabis permit or any other entitlement issued by the City to the commercial cannabis business.
 - v. The applicant for renewal of the commercial cannabis permit has failed to obtain or renew any required State license or is in violation of any applicable provision of State law or any applicable State regulation.
 - vi. The applicant for renewal has failed to pay in full all fees, administrative fines, penalties and/or charges imposed by the City relating to the commercial cannabis business, unless assessment of the fees, administrative fines, penalties and/or charges are being appealed.
3. If a renewal application is denied, the applicant may file an appeal. The appeal must be in writing, must identify the grounds for reversing the denial, and must be submitted to the City Clerk within ten (10) days from the date of the denial. The

appeal shall be conducted pursuant to Section 19.04.190 (j). In the alternative, the applicant may file a wholly new application for a commercial cannabis permit pursuant to this Chapter. Upon expiration of the commercial cannabis permit and regardless of a pending appeal or new application for a commercial cannabis permit, all of the applicant's commercial cannabis activity shall immediately cease. Violations of this Section shall subject the violator to denial of the appeal or new application for a commercial cannabis permit and/or the enforcement, penalties and cost recovery mechanisms prescribed within this Chapter and/or the McFarland Municipal Code.

4. Any unpaid fees, administrative fines, penalties and/or costs imposed by the City relating to the commercial cannabis business shall be added to the fee for renewal of the commercial cannabis permit, unless assessment of the fees, administrative fines, penalties and/or costs are being appealed.
 5. A commercial cannabis permit shall not be renewed until the City receives payment in full of the fee for the commercial cannabis permit renewal application. Said fee shall be governed by and subject to the provisions of Section 19.04.190 (b), unless otherwise provided by resolution of the City Council.
- (e) Failure of a commercial cannabis business to obtain and maintain a valid City business license, and to remain in compliance with all applicable provisions and requirements of that license, shall constitute grounds for denial of an application for renewal of a commercial cannabis permit, suspension, or revocation of a current commercial cannabis permit.

Section 19.04.070 - Existing Commercial Cannabis Businesses.

Commercial cannabis businesses in existence in the City as of the date of adoption of this Chapter may continue to operate under the approved and issued Commercial Cannabis Permit and associated entitlements, Site Development Plan, Development Agreement, or may, upon its annual renewal, utilize this Chapter for permitting and compliance with the requirements of this Chapter. An unpermitted commercial cannabis business that can demonstrate to the City Manager's satisfaction that it is diligently applying to obtain the required permits and licenses, and that it is in good standing and otherwise in compliance with all applicable local and state laws and regulations, may, at the discretion of the City Manager, be temporarily permitted to continue its operations while its applications for the required permits and licenses are pending.

Section 19.04.080 - Security Measures.

- (a) A permitted commercial cannabis business, regardless of building type utilized, shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products at the premises. These security measures shall include, but shall not be limited to, all of the following, in addition to any other security measures deemed necessary by the City Manager or required pursuant to any regulations as may be promulgated by the City Manager in furtherance of the purposes of this Chapter:
 1. Preventing persons from remaining on the premises of the commercial cannabis business if they are not engaging in bona fide business activity of the commercial cannabis business.

2. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
3. Ensuring that live growing plants which are being cultivated are kept in a secured cultivation site, and that all cannabis and cannabis products are stored in a secured and locked room, safe, or vault at all times. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
4. Installing twenty-four (24) hour security surveillance cameras with night vision capability and of at least 1080p HD-quality to monitor all entrances and exits to and from the premises and to monitor all interior spaces, excluding all restroom and changing room facilities, within the commercial cannabis business. The security surveillance system shall be compatible with software and hardware utilized by the McFarland Police Department and as approved by the Chief of Police or designee. The security surveillance system shall be capable of providing the McFarland Police Department with remote real-time/live access to the video footage during emergency situations, including but not limited to armed robbery, active shooter, hostage, and exposure to hazardous or volatile substances. Video recordings shall be maintained for a minimum of forty-five (45) days. Upon request by the Chief of Police, video recordings will be provided to the McFarland Police Department within twenty-four (24) hours. If the commercial cannabis business refuses to provide the Chief of Police access to the real-time/live video feed or the requested video recordings, the City Attorney shall be authorized to seek reimbursement of all costs, including but not limited to court costs, attorney's fees, filing fees, administrative time and fees and employee time, incurred by the City while seeking a warrant and/or judicial intervention granting the requested access. The requirements of this Section shall be in addition to any other applicable provision of the McFarland Municipal Code.
5. Sensors shall be installed to detect entry and exit from all secure areas.
6. Panic buttons shall be installed in all commercial cannabis businesses. The panic alarms will ring to the Police Department or a private security firm, as determined by the City Manager.
7. A professionally installed, maintained, and monitored alarm system shall be maintained in an operable condition at all times.
8. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building and shall be installed in compliance with all applicable requirements of the McFarland Municipal Code, California Building Code and California Fire Code.
9. Each commercial cannabis business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage. All doors need to be compliant with fire code for emergency exiting in case of fire and fire personnel entering the building in case of an emergency. All cannabis businesses shall have a generator sufficient to run all security systems and minimal security lighting.
10. All security personnel to be hired or used by each commercial cannabis business shall be licensed by and in good standing with the State Bureau of Security and

Investigative Services and shall obtain an Employee Badges pursuant to Section 19.04.090 . At least one such security guard shall be on the premises of each commercial cannabis business during all operating hours. The City Manager may increase the number of security guards required to be on the premises of any commercial cannabis business as a condition of approval of any commercial cannabis permit application, if he or she deems such additional security guards necessary to adequately protect the premises based on the size or other characteristics of the commercial cannabis business or its premises.

11. Fencing shall be installed along the perimeter of the project site. Fencing location, design, and materials shall be approved by the City Manager or designee. Fencing shall be a minimum of 10'-0" with angled or electrified top. The Fire Department has a special permit for electrified fences. Materials shall be limited to wrought iron fencing, masonry, a combination of the two, or alternatives subject to approval by the City Manager or their designee. All fencing shall have angled wrought iron topping or must be electrified. Electronic entry gates for automobiles and pedestrian shall be designed as noted above and the City Manager or designee shall have final approval. Fencing must be in place to the satisfaction of the City Manager or their designee as well as the Building Department prior to being eligible for a certificate of occupancy or a temporary certificate of occupancy.
 - i. Exception:
 1. All Fencing Requirements will be addressed via CUP in all C-2 zones and will not be subject to section (a) 11 of 19.04.080.
12. Any portion of the fencing that is electrified shall comply with all State, Federal and Local laws, including, but not limited to, California Civil Code section 835 and any amendments thereto.
13. Developer must submit a detailed fencing plan to the City Engineer or their designee for approval. Plans may be included within a larger Civil Design Plan required for overall site development approval. At a minimum, the plans must show the layout of all proposed exterior fences with locations of gates for pedestrians and vehicles. Plans must also include typical sections, typical elevations, and details regarding hardware, materials, color, textures, and any additional information requested by the City Engineer upon review of a fencing plan. The use of existing fences must also be shown on the plans, detailed appropriately, and shall be subject to approval on a case-by-case basis by the City Engineer. City Engineer review shall be independent of any necessary review by the Building Department which the Developer must submit plans to for a separate permit following City Engineer approval.
14. The use of razor wire, barbed wire, or similar materials is strictly prohibited. In cases of masonry walls, all public facing sides must be covered in an approved anti-graffiti material or must have climbing vines attached to the walls which must be maintained over time to the satisfaction of the City Manager. In cases of wrought iron fences, the Developer may install an opaque cover to prevent the public from seeing into the site. In these cases, such a cover must also have an approved anti-graffiti coating. Any graffiti must be immediately removed by the Developer within 72 hours when notified by the City Manager or their designee regardless of when

the graffiti first appeared. Similarly, any damage to the perimeter fencing must be immediately repaired within 72 hours when notified by the City Manager or their designee regardless of when the damage first appeared.

15. Approved colors and textures for public facing portions of fences are as follows unless otherwise approved by the City Manager or their designee:

- Masonry: Smooth Faced with Pilasters every 20'; split faced
- Wrought iron and opaque coverings: black or green; opaque covering to be metallic or durable plastic capable of withstanding substantial winds and must be UV and rust resistant.

(b) Each commercial cannabis business shall provide the City Manager with the identity and contact information for a liaison who shall be reasonably available to meet and discuss compliance with the requirements of the McFarland Municipal Code, state law and/or any other laws and regulations applicable to the commercial cannabis business. The liaison from each cannabis business shall have a standing meeting with the City Manager every 90 days.

(c) As part of the application and permitting process, each commercial cannabis business shall provide the City Manager with a detailed transportation plan describing the procedures for safely and securely transporting cannabis, cannabis products and/or currency.

(d) A commercial cannabis business shall notify the Chief of Police within twenty-four (24) hours after discovering any of the following:

1. Significant discrepancies identified in inventory. The level of significance may be determined by regulations promulgated by the City Manager.
2. Diversion, theft, loss or any criminal activity involving the commercial cannabis business, an employee or any agent of the commercial cannabis business.
3. The loss or unauthorized alteration of records referring or related to cannabis, cannabis products, employees or agents of the commercial cannabis business.
4. Any other breach of security.

(e) A commercial cannabis business shall notify the Chief of Police immediately after discovering any diversion, theft, loss or any criminal activity involving the commercial cannabis business, an employee or any agent of the commercial cannabis business.

Section 19.04.090 - Employee Badge Requirement.

Every employee or independent contractor working at or for a commercial cannabis business or involved in security, delivery or distribution, or other services for a commercial cannabis business shall obtain an employee badge pursuant to Title 4 Cal. Code Regulations Section 15043 or as may be amended. (§15043. Licensee Employee Badge Requirement. All agents, officers, or other persons acting for or employed by a licensee conducting retail sales or participating in a temporary cannabis event shall display a laminated or plastic-coated identification badge always issued by the licensee while engaging in commercial cannabis activity. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first name, an employee number exclusively assigned to that employee for identification purposes, and a color photograph of the employee that clearly shows the full front of the employee's face and that is at least 1 inch in width and 1.5 inches in height.).

Persons who are listed as commercial cannabis permit holders or owners thereof, who are subject to criminal history records checks pursuant to Section **19.04.230** (k), shall be required to obtain an Employee Badge if such person also serves as an employee or contractor for the permit holder's commercial cannabis business.

Section 19.04.100 - Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a commercial cannabis permit pursuant to this Chapter, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location is leased from another person, the applicant for a permit under this Chapter shall provide a signed and notarized statement from the owner of the property to demonstrate the property owner has acknowledged and has consented to the operation of a commercial cannabis business on the property.

Section 19.04.110 - Location of Commercial Cannabis Business - Proximity to Sensitive Uses.

- (a) Commercial cannabis activity shall be authorized **within** the following zoning districts of the City: M-1 limited Manufacturing, M-2 Light Manufacturing, M-3 General Manufacturing, zoning districts. Commercial cannabis activity is prohibited in all other zoning districts of the City. Commercial retail storefront cannabis activity Type - 10 shall be authorized within C-2 Commercial zone districts with an approved Conditional Use Permit only.
- (b) Notwithstanding subsection (a) of this Section, no commercial cannabis business shall be located within six hundred feet (600') from any school, day care center, youth center, public park, or public library ("Sensitive Uses"). Location distance separating Sensitive Uses, as described above, shall be measured from the exterior of the structure(s). Applicant shall prepare locational map verifying locational distance and shall certify that the structure locations meet the six hundred feet separation.
- (c) No commercial cannabis business may operate within any residential zoning district or area of the City.
- (d) A commercial cannabis business generally may not operate adjacent to, across a street or alley from, or within two hundred feet (200') of, any residential zoning district or area of the City. Location distance and/or separating commercial cannabis business, as described above, shall be measured from the exterior of the structure(s). Applicant shall prepare locational map verifying locational distance and shall certify that the structure locations meet the two hundred feet separation. However, if an existing building or facility in a City zoning district enumerated in subsection (a) is located adjacent to or across a street or alley from a residential zoning district or area of the City, a commercial cannabis business may be permitted to operate in such location if, in the opinion of City Manager, the operation of a commercial cannabis business in such location would not tend to cause a public nuisance, nor a situation which may result in repeated police department responses or a negative impact on the adjacent residential units or dwellings. Any subsequent expansion of a commercial cannabis business permitted to operate in such a location, which expansion

requires a new or amended commercial cannabis permit, shall also be subject to a determination by the City Manager that the expansion would not tend to cause a public nuisance or a situation which may result in repeated police department responses or a negative impact on the adjacent residential units or dwellings.

- (e) Commercial cannabis businesses shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in Title 17 of the McFarland Municipal Code.
- (f) Any commercial cannabis business which has been determined by the City Manager to be an existing commercial cannabis business on the effective date of this Chapter shall be exempt from compliance with the limitations prescribed in this Section, unless such location is otherwise determined to constitute a public nuisance or otherwise a disturbance to the adjacent or neighboring uses as determined by the provisions of this Chapter.

Section 19.04.120 - Alcohol and Tobacco Restrictions.

- (a) In accordance with Business & Professions Code Section 26054, as may be amended, no commercial cannabis business shall cause or allow the sale (whether retail or wholesale) of alcoholic beverages or tobacco products on its premises.
- (b) No commercial cannabis business shall cause or allow alcoholic beverages to be dispensed or consumed on its premises.
- (c) No commercial cannabis business shall operate in a location that requires persons to pass through a business that sells alcohol or tobacco to access the premises of the commercial cannabis business, or that requires persons to pass through the premises of the commercial cannabis business to access a business that sells tobacco or alcohol.
- (d) No commercial cannabis business shall operate in a location that is adjacent to a business that sells alcoholic beverages at retail. Applicant shall certify that the commercial cannabis business/structure(s) is not adjacent to a business that sells alcoholic beverages at retail.

Section 19.04.130 - Concurrent Regulation with State.

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City concurrently and consistently with State law. Except where an express provision of this Ordinance applies to create an obligation that is more stringent than the minimum standards established by State law, this Chapter shall be construed in accordance with that intent.

Section 19.04.140 - Compliance with Laws.

- (a) It shall be the responsibility of the commercial cannabis permit holder, including its owners and operators, to ensure that the permitted commercial cannabis business is, at all times, operating in compliance with all applicable state and local laws and regulations, as amended, and any conditions of approval of a State license or City-issued commercial cannabis permit or other entitlement.

- (b) Nothing in this Chapter shall be construed as an authorization of any action or conduct in violation of state law or local law with respect to the operation of a commercial cannabis business.
- (c) Nothing in this Chapter shall be construed as an authorization by the City, its elected or appointed officials, employees, agents, representatives and/or consultants, collectively or individually, of any conduct in violation of federal law.

Section 19.04.150 - Inspections and Enforcement.

- (a) No commercial cannabis business shall commence operation, and no commercial cannabis permit application shall be approved for any commercial cannabis business, unless and until:
 - 1. The City Manager, or designee, and Police Chief, or designee, have inspected the premises of the commercial cannabis business and reviewed all written procedures, standards and protocols developed by such business pursuant to this Chapter, and have confirmed in writing that the business is in compliance with all applicable requirements of this Chapter and other applicable provisions of the McFarland Municipal Code, any applicable local regulations, and any applicable state laws, administration or enforcement of which is within their jurisdiction; and
 - 2. The Fire Chief and Building Official have inspected the premises of the commercial cannabis business and reviewed all written procedures, standards and protocols developed by such business pursuant to this Chapter and have confirmed in writing that the premises are in compliance with the California Building Standards Code and the State Fire Marshal regulations, as adopted by the City, and all other applicable building and fire safety-related requirements, administration or enforcement of which is within their jurisdiction.
- (b) In addition to the initial permit inspections pursuant to subsection (a) and after permitted commercial cannabis business activities have commenced, the City Manager, the Building Official, the Police Chief, and the Fire Chief are authorized to conduct reasonable unannounced and suspicion less inspections of the interior and exterior premises of any commercial cannabis businesses at any time during regular business hours (generally eight (8:00) a.m. and seven (7:00) p.m., Monday through Sunday), for the purpose of ensuring compliance with this Chapter and applicable state law as specified in subsection (a).
 - 1. If any member of the police department observes any activity that they believe may be suspicious, the Police Chief may order an immediate inspection of the grounds or building of a cannabis business. Members of the staff or night security team shall give immediate access to police personnel at any hour of the day or night.
- (c) Each commercial cannabis business shall be subject to two mandatory inspections conducted pursuant to subsection (b) per calendar year. Notwithstanding the foregoing, further inspections may be conducted at any time in response to complaints received by the City relating to violations on the premises of a commercial cannabis business.
- (d) During all inspections conducted pursuant to this Section, the inspecting officials are authorized to photograph and otherwise document the conditions on the premises, and to

take such other measures as are reasonably necessary to ascertain whether the business is in compliance with this Chapter, subject to adherence to all HIPAA rights and all other applicable privacy rights unrelated to the purpose and intent of the inspection. Samples of cannabis and cannabis products may be temporarily taken from the commercial cannabis business and retained for the minimum time and to the minimum extent necessary to ascertain compliance with this Chapter, provided that any such samples shall be logged, recorded, and maintained in accordance with the McFarland Police Department standards for evidence.

- (e) For all inspections required by this Section (not including complaint-based inspections), inspection fees sufficient to cover the costs of such inspections shall be paid by each commercial cannabis business as part of such business' commercial cannabis permit application fees or annual permit fees.
- (f) Failure or refusal of a commercial cannabis business, or any owner, manager, employee or agent thereof, to grant access to the premises of the commercial cannabis business to facilitate any inspection pursuant to this Section shall constitute a violation of this Chapter and shall constitute grounds for the City to obtain an inspection warrant to inspect the commercial cannabis business in accordance with State law.
- (g) All inspections shall be subject to adherence to applicable HIPAA rights and other applicable privacy rights unrelated to the purpose and intent of the inspections.
- (h) The requirements and remedies set forth in this Section shall be in addition to all other applicable provisions of the McFarland Municipal Code.

Section 19.04.160 - Fees and Charges.

- (a) No person may commence or continue any commercial cannabis activity in the City without timely paying in full all fees, costs, penalties and charges required in connection with the establishment or operation of a commercial cannabis activity. Fees and charges associated with the establishment or operation of a commercial cannabis activity shall be set by resolution or ordinance of the City Council.
- (b) All commercial cannabis businesses operating pursuant to this Chapter shall pay any and all applicable sales, use, business or other taxes, and all license, registration, or other fees required pursuant to federal, state, and local law.
- (c) Commercial Cannabis Tax Revenues and Rates are established for Commercial Cannabis businesses in accordance with Title III Revenue and Finance, Chapter 3.19.
 - 1. Pursuant to Section 19.04.280 (a), the City has limited the total square footage of Commercial Cannabis to 8,712,000 square feet,
 - 2. Pursuant to Section 19.04.280 (c), the City has limited the Type 12 Microbusiness to a total of 2 business within the current City limits.
 - 3. Due to the limitation of square footage for commercial cannabis business, the applicant of and any assignee shall pay, upon approval of each Commercial Cannabis permit, a minimum sum of \$25,000.00 per quarter, regardless of

operational status. The payment shall be paid within 10 days of the approval/conditional approval of a Commercial Cannabis permit.

- i. Should the Commercial Cannabis business be operational, the minimum quarterly payment shall be credited toward that business's following quarter's tax liability.
- ii. Should the Permit Holder fail to begin operations within two years of the first permit's issuance, payment of the quarterly \$25,000.00 minimum required payment shall not be refunded. The quarterly payment is required due to the limited square footage for Commercial Cannabis and is established as a deterrent against non-operational permit holders. The non-operation of permitted Commercial Cannabis establishments is determined to be detrimental to the health and welfare of the City.

Section 19.04.170 - Violations and Enforcement.

- (a) It is unlawful for any person to violate any provision of this Chapter.
- (b) Each and every violation of this Chapter constitutes a misdemeanor punishable in accordance with Chapter 1.20.010 of the McFarland Municipal Code.
- (c) Each and every violation of this Chapter constitutes a public nuisance which may be abated by the City pursuant to the McFarland Municipal Code.
- (d) Violations of this Chapter may be redressed by any and all applicable civil remedies available to the City, including but not limited to civil actions for injunctive relief.
- (e) Violations of this Chapter are subject to all applicable administrative remedies under the McFarland Municipal Code, including but not limited to issuance of administrative citations. Notwithstanding the foregoing, the administrative citation penalty for all violations of this Chapter, within a rolling twelve (12) month period, shall be as follows: one thousand dollars and no cents (\$1,000.00) per violation.
- (f) Any person that violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which the violation exists. and shall be penalized pursuant to this Chapter and the applicable provisions of the McFarland Municipal Code.
- (g) The remedies set forth in this Section are cumulative of each other and of any other legal remedies available at law.
- (h) The City Manager may suspend or revoke a commercial cannabis permit when the permit holder or anyone acting on its behalf has committed any of the following acts or maintained any of the following conditions:
 1. Any action or condition which would constitute grounds for denial of a commercial cannabis permit.
 2. Any violation of this Chapter, the McFarland Municipal Code, any applicable state law governing the commercial cannabis business or activity, or any applicable

condition of approval of the commercial cannabis permit or any other entitlement pertaining to the operation of the commercial cannabis business.

- (i) Prior to suspending or revoking a commercial cannabis permit, the City Manager shall conduct a hearing. Written notice of the hearing shall be provided to the permit holder at least five (5) calendar days prior to the hearing. The notice shall contain the basis for suspending or revoking the commercial cannabis permit. Notice may be provided by either personal service, U.S. mail and/or posting or depositing the notice at the commercial cannabis business. After the hearing, the City Manager shall provide notice of the decision whether to suspend or revoke the commercial cannabis permit in the same manner applicable to the notice of hearing. The decision of the City Manager shall be final, subject to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision. The commercial cannabis permit holder has no right to an administrative appeal of the decision.
- (j) The City Manager may immediately suspend a commercial cannabis permit without notice or hearing, subject to a subsequent hearing prior to reinstatement or revocation pursuant to subsection (i), under the following circumstances:
 - 1. The commercial cannabis permit holder is convicted of a public offense in any court for the violation of any law which would be grounds for denial of a commercial cannabis permit.
 - 2. The City Manager, Chief of Police, Fire Chief or any other authorized public safety or building official determines that immediate suspension is necessary to protect the public health, safety and welfare of the community. The City Manager shall provide notice of the grounds for immediate suspension of the commercial cannabis permit, and the suspension shall only be for as long as reasonably necessary to address the grounds which led to the suspension.

Section 19.04.180 - Limitations on City's Liability.

To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a commercial cannabis permit or otherwise approving the operation of any commercial cannabis business pursuant to this Chapter. As a condition of approval of any commercial cannabis permit issued pursuant to this Chapter, the person to which a commercial cannabis permit is issued shall be required to meet all of the following conditions:

- (a) Execute an agreement indemnifying, defending (at its sole cost and expense), and holding the City and its officers, employees, representatives, and agents harmless from any and all claims, losses, damages, injuries or liabilities associated with permitting or approving the operation of a commercial cannabis activity or the operation thereof or associated with the commercial cannabis business or its members' violation of any federal, state or local laws.
- (b) Maintain insurance at coverages, limits, and with conditions thereon determined necessary by the City Manager, in consultation with the City Attorney. Commercial General Liability insurance shall be maintained at all times with coverage limits that meet or exceed one million dollars (\$1,000,000.00) per occurrence and in the aggregate. In the alternative to maintaining Commercial General Liability insurance, a commercial cannabis permit holder

may post a bond, in a form subject to approval by the City Attorney, with the City in the minimum amount of one million dollars (\$1,000,000.00). The City Manager may, in his or her sole discretion, increase the minimum bond amount required by a commercial cannabis permit holder.

- (c) Reimburse the City for any and all costs and expenses, including attorneys' fees and costs and court costs, that the City may be required to pay as a result of any legal challenge related to the City's approval of a commercial cannabis permit pursuant to this Chapter or the City's approval of the operation of a commercial cannabis activity. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the obligations imposed under this Section.

The City may revoke a commercial cannabis permit for failure to maintain the required insurance or bond. The City may provide a commercial cannabis permit holder with written notice of its intent to revoke the commercial cannabis permit and for failure to maintain the required insurance or bond. Within seven (7) calendar days from the date upon the notice of intent to terminate, a commercial cannabis permit holder shall tender to the City proof that it has obtained the required insurance or posted the required bond. If a commercial cannabis permit holder fails to timely provide proof of the required insurance or bond to the City, the commercial cannabis permit shall be revoked, and the commercial cannabis permit holder shall immediately cease all commercial cannabis business activities. Failure to immediately cease all commercial cannabis business activities shall subject the commercial cannabis permit holder to the penalties, enforcement and cost recovery provisions established within the McFarland Municipal Code and any other legal remedies available to the City.

Section 19.04.190 - Commercial Cannabis Permit Application Procedures and Requirements.

- (a) In addition to the authority granted pursuant to the express provisions of this Section and Chapter, to the extent consistent with this Chapter and other applicable law, the City Council may by resolution adopt such fees, and the City Manager may adopt such forms and procedures, as are necessary to implement this Chapter with respect to the review, processing, evaluation, selection, investigation, approval, denial, renewal, suspension, and revocation of commercial cannabis permits and related appeals.
- (b) The owner of a proposed commercial cannabis operation shall file an application with the City Manager upon a form provided by the City and shall pay an application filing fee as established by resolution of the City Council, as may be amended from time to time. The fee may be established as a trust deposit for actual costs. The fee, or the initial trust deposit, shall be in an amount the City Manager estimates will cover the costs of reviewing and processing the application. If a trust deposit-based fee is established, it shall be used and drawn upon as a retainer to cover the actual costs incurred by the City. If the initial amount of the trust deposit is not sufficient, the applicant shall provide additional amounts as necessary within thirty (30) days of a request from the City. If the applicant fails to do so, application review and processing shall cease and shall not continue until such additional amounts are paid.

- (c) Each commercial cannabis permit application shall contain, at minimum, the following:
1. The printed full name, signature, date of birth, social security number, a color photocopy of the California Driver's license or equivalent form of identification approved by the City Manager, and current address and telephone number of all owners of and responsible persons for the commercial cannabis business that is the subject of the application.
 2. Signed consent of each owner and responsible person, who is identified pursuant to subsection (c)(1) and who is not required to obtain an employee badge pursuant to Section 19.04.090, to a fingerprint-based state and federal criminal history records check conducted by the City or an agency authorized or requested to do so by the City, including but not limited to fingerprint analysis conducted utilizing the California Department of Justice Live Scan system or any other system deemed necessary or appropriate in the discretion of the City Manager.
 3. The address of the commercial cannabis business to which correspondence from the City is to be sent, if other than the permitted premises.
 4. The names and addresses of all businesses operated by, and the employment of, the applicant and its owners for the five (5) years immediately preceding the date of the application.
 5. Any litigation in which the applicant(s) has been involved within the five (5) years immediately preceding the date of the application and a statement of whether any business currently operated by the applicant(s) or operated by the applicant(s) within the five (5) years immediately preceding the date of the application has been investigated or the permit or license authorizing the operation of such business has been revoked or suspended within the five (5) years immediately preceding the date of the application.
 6. The address of any commercial cannabis business currently being operated by the applicant or any of its owners, or which has been previously operated by any of them.
 7. The existing and/or anticipated supply sources and product supply chain for all cannabis and cannabis products entering and leaving the commercial cannabis business, including the site(s) where cultivation occurs, where the cannabis or cannabis products are processed or manufactured, where any required testing of cannabis or cannabis products occurs, and distribution information. Packaging and labelling information and criteria, demonstrating compliance with Section 19.04.230 (w), shall also be included.
 8. Odor control devices and techniques demonstrating compliance with Section 19.04.230 (i), sufficient to prevent odors from cannabis from being detectable off of the premises.
 9. Procedures for safety and adequately identifying, storing, managing, and disposing of all litter, waste, hazardous materials, contaminants, or adulterated, deteriorated or excess cannabis or cannabis products or byproducts of the commercial cannabis business, and demonstrating compliance with Section 19.04.230 (t).
 10. Information reflecting adequate capitalization of the commercial cannabis business.
 11. Procedures for inventory control to prevent diversion of cannabis and cannabis product, employee screening, storage of cannabis and cannabis product, personnel policies, and record-keeping procedures.

12. A detail of the operating procedures to be utilized at the facility, including a description of how chemicals and fertilizers will be stored, handled, used and disposed of, manufacturing methods, the transportation process, inventory procedures, and quality control procedures.
13. A site plan and floor plan of the premises of the commercial cannabis business denoting the property lines and the layout of all structures and areas of the commercial cannabis business including storage, cultivation, manufacturing, testing, distributing, reception or waiting areas, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses, indicating compliance with the California Building Standards Code and Title 17 of the McFarland Municipal Code.
14. A plan for the proposed signage at the site, including size, height, colors and design of all signage, demonstrating compliance with Section 19.04.230 (g). A City sign permit issued pursuant to applicable provisions of the McFarland Municipal Code shall be required.
15. A security plan satisfactorily addressing all required security measures identified in Section 19.04.080 and lighting as required by Section 19.04.230 (x).
16. Standard operating procedures detailing how operations will comply with state and local regulations, how safety and quality of products will be ensured, record-keeping procedures for financing, testing, and adverse event recording, and product recall procedures.
17. Proposed days and hours of operation.
18. Recycling and waste disposal procedures reflecting, to the extent practicable, efficiency and conservation of materials and resources used in the commercial cannabis business.
19. Youth access restriction procedures demonstrating compliance with Section 19.04.230 (h).
20. A transportation plan providing procedures for safely and securely transporting all cannabis, cannabis products and currency to and from the premises.
21. A detailed description of energy and water usage plan enumerating best practices and leading industry practices in efficient utilization of both resources.
22. Evidence of compliance with all applicable insurance-related requirements of this Chapter and State law, including but not limited to Section 19.04.180. Endorsements reflecting the City's status as an additional insured on all required policies shall also be included.
23. A copy of the valid and current City business license held by the applicant.
24. A copy of the valid and current seller's permit issued by the California Department of Tax and Fee Administration (formerly the Board of Equalization) to the applicant, or confirmation from said agency that a seller's permit is not required. If a seller's permit is required but the applicant has not yet received it, an attestation that the applicant is currently applying for a seller's permit shall suffice, provided that a copy of the permit shall be provided to the City immediately upon being obtained by the applicant, and the applicant shall not commence activities for which a seller's permit is required until it is obtained.
25. Identification of any and all other licenses and permits currently or formerly held by the applicant, and any other applications pending review for the applicant,

relating to commercial cannabis activities, from any licensing or permitting authority, and specific identification of any licenses or permits denied to, suspended for, or revoked from the applicant.

26. Signed acknowledgment of the requirements of this Chapter, including biannual inspections as established within Section 19.04.150.
 27. Signed authorization for the City Manager to seek verification of the information contained in the application.
 28. A signed statement by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
 29. Any other information deemed necessary by the City Manager.
- (d) A commercial cannabis permit application may be denied based upon any of the following grounds:
1. The applicant has been issued a state or local permit or license to conduct commercial cannabis activities (in California or another state) and the permit or license has been suspended or revoked, or the applicant has otherwise been sanctioned or subjected to administrative disciplinary action relating to the permit or license by any licensing or permitting authority, or the applicant has been involved in a cannabis business that was ordered closed by a civil injunction or other court order based on a violation of law.
 2. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has been convicted of a serious or violent offense as listed within California Penal Code Sections 667.5 and 1192.7(c), or the applicant has been convicted of any other offense listed within Business and Professions Code Section 26057.
 3. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has been convicted of a misdemeanor involving theft, dishonesty, fraud, narcotics sales or narcotic trafficking within the five (5) years preceding the date of the application.
 4. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has been convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined within the Federal Controlled Substance Act, unless the applicant received a Certificate of Rehabilitation as defined in that Act, within the ten (10) years preceding the date of the application.
 5. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has engaged in misconduct related to the ownership, qualifications, functions or duties of their position with the commercial cannabis business.
 6. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, has engaged in unlawful, fraudulent, unfair, or deceptive business practices as defined by the McFarland Municipal Code and/or state or federal law.
 7. The applicant, or any owner or responsible person of the commercial cannabis business that is the subject of the application, is under the age of twenty-one (21).

8. The applicant has violated or failed to comply with any of the requirements of this Chapter or other applicable state or local laws or regulations, or any condition of any entitlement issued to the commercial cannabis business, as determined by the City Manager.

A conviction within the meaning of this Chapter means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

This Section shall not constitute an exhaustive list of grounds for denial of a commercial cannabis application. The City Manager may promulgate regulations identifying additional grounds for denial.

- (e) The City Manager shall review each application to determine whether it contains all of the required information. If the application does not contain all of the required information, it shall be returned to the applicant for completion. The City Manager shall endeavor to conclude his or her review within ninety (90) days of the filing of the application. If additional time is necessary, the City Manager will advise the applicant of an estimated review time.
- (f) In reviewing an application for a commercial cannabis permit, the City Manager may request whatever additional information is deemed necessary to determine whether the application meets the requirements of this Chapter or other applicable local laws or regulations.
- (g) The City Manager shall have the authority to either approve or deny the application for a commercial cannabis permit. The City Manager shall approve the application if and only if it meets all applicable requirements of this Chapter. Notwithstanding any other provision of this Chapter, the City Manager, when approving a commercial cannabis permit, may place any additional limitations and conditions on the operation of a commercial cannabis business as he or she deems necessary, consistent with the with this Chapter and any regulations promulgated pursuant hereto.
- (h) Payment of an annual commercial cannabis permit fee, in an amount set by resolution of the City Council sufficient to cover the City's annual costs of administering the mandatory regulatory functions of this Ordinance in regard to the permitted commercial cannabis business, including but not limited to inspections, audits and investigations, shall be required before issuance or renewal of any commercial cannabis permit pursuant to this Chapter. The fee may be established as a trust deposit for actual costs. The fee, or initial trust deposit, shall be in an amount the City Manager estimates will cover the City's annual costs as described in this paragraph. If a trust deposit-based fee is established, the trust deposit shall be used and drawn upon as a retainer to cover the actual costs incurred by the City. If the initial amount is not sufficient, the applicant shall provide additional amounts as necessary upon request from the City. Failure to pay such additional amounts within thirty (30) days of a request by the City shall constitute a violation of this Ordinance and grounds for denial, non-renewal or revocation of the subject commercial cannabis permit.

- (i) When an application is denied, the City Manager shall provide a statement of decision giving the reasons for the denial and the findings upon which the decision is based. Notice of the denial may be provided by either personal service or U.S. mail. Notice is presumed to be served upon the applicant once deposit into the U.S. mail. Any person denied a commercial cannabis permit shall have the right to appeal such denial in accordance with this Section.
- (j) Any appeal of a denial of an application shall be filed and conducted as prescribed in this subsection.
 - 1. Within ten (10) calendar days from the date of the denial of an application, the aggrieved party may appeal such action by filing with the City Clerk a written appeal setting forth the grounds for reversing the denial. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived. Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.
 - 2. Upon receipt of such written appeal, the City Clerk shall set the matter for a hearing before the City Manager. The hearing shall be conducted pursuant to 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, 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 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: call and examine witnesses on any matter relevant to the issues of the hearing; introduce documentary and physical evidence; cross-examine opposing witnesses on any matter relevant to the issues of the hearing, subject to the control of the City Manager, including the imposition of reasonable alternatives to cross-examination; impeach any witness regardless of which party first called the witness to testify; rebut the evidence; and be represented by anyone who is lawfully permitted to do so.
 - vii. 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 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 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, and

- viii. The City Manager may provide for reasonable continuances of the hearing, on his/her own initiative or at the request of a party, as necessary to properly conduct the appeal.

The hearing shall be set for hearing in a reasonable time after the date of filing the appeal with the City Clerk, but in no event later than ninety (90) days from the date of such filing. At least ten (10) days prior to the date of the hearing on the appeal, the City shall notify the appellant of the time and the place of the hearing. Notice may be provided by either personal service or U.S. mail. Notice is presumed to be served upon deposit into the U.S. mail.

- 3. At the conclusion of the hearing, 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 City Manager may affirm, reverse, or modify the denial issued pursuant to this Code as the facts and law warrant, subject to the following limitations:
 - i. The City Manager shall not have authority to waive any requirements of the McFarland Municipal Code or other applicable law.
 - ii. Nothing in these procedures shall be deemed to authorize 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.

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.

- 4. The decision of the City Manager shall be subject to a further administrative appeal to the Planning Commission, which shall be conducted in accordance with the procedures and requirements applicable to the appeal to the City Manager pursuant to this subsection. The decision of the Planning Commission shall be subject to further administrative appeal to the City Council, which shall be conducted in accordance with the procedures and requirements applicable to the appeal to the City Manager pursuant to this subsection.
- 5. The decision of the City Council on the appeal shall constitute a final administrative decision. The appellant may thereafter file a petition for writ of mandate in superior court pursuant to Code of Civil Procedure Section 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision.

Section 19.04.200 Development Agreement.

A qualified applicant, pursuant to subsection (b) of this Section, may apply to enter into a development agreement with the City pertaining to a commercial cannabis operation. The provisions of this Section shall apply to such applications.

- (a) Content and Procedures.

- (1) Development agreements entered into pursuant to this Chapter shall set forth the terms and conditions under which the commercial cannabis

business will operate that are in addition to the requirements of this Chapter, including, but not limited to, public outreach and education, community benefit, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare of the City.

- (2) The procedures for commercial cannabis development agreements shall comply with Resolution 2021-0043 and Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code. To the extent there is a conflict between this Chapter and Resolution 2021-0043 with respect to a development agreement for a commercial cannabis business, this Chapter shall govern.
- (b) **Qualified Applicant.** Development agreements are for substantial development projects, often requiring an investment in infrastructure and/or improvements, payment of development impact fees, and contribution of non-restricted funds that benefit the community. Such agreements are special contracts to be negotiated with property owners or those with an interest in the land. A qualified applicant is a person who meets all of the following criteria, with satisfaction of each criterion to be determined in the sole discretion of the City Manager:
- (1) The applicant has a pending or approved application for a commercial cannabis permit on file with the City pertaining to the real property that will be subject to the development agreement.
 - (2) The applicant holds a legal or equitable interest in the real property that will be the site of the commercial cannabis business. If the applicant does not own the property, the applicant must have a legal right to purchase or develop the property and/or notarized written consent from the owner of the property to operate a commercial cannabis business on the property and to enter into a development agreement with the City pertaining to the property.
- (c) **Filing Requirements.**
- (1) Only a qualified applicant may file an application to enter into a development agreement. An applicant shall provide, to the satisfaction of the City Manager, written proof of meeting the criteria in subsection (b) above, as well as proof of the authority of any agent or representative to act for the applicant.
 - (2) The City Manager shall prescribe the form for each application, notice and documents provided for or required under this Section for the preparation and implementation of development agreements. The applicant shall complete and submit such an application form to the City Manager, along with a deposit for the estimated direct and indirect costs of processing the development agreement. Each applicant pursuant to this Section shall be required to pay a development agreement application fee, in an amount established by resolution of the City Council, sufficient to cover the City's

costs of review and processing of the development agreement application pursuant to this Section. The fee may be established as a trust deposit for actual costs. The fee, or the initial trust deposit, shall be in an amount the City Manager estimates will cover the costs of reviewing and processing the application. If a trust deposit-based fee is established, the trust deposit shall be used and drawn upon as a retainer to cover the actual costs incurred by the City. If the initial trust deposit is not sufficient, the applicant shall provide additional amounts as necessary within thirty (30) days upon of a request from the City. If the applicant fails to do so, the application review and processing shall cease and shall not continue until such additional amounts are paid.

- (3) The City Manager shall require an applicant to submit such information and supporting data as the City Manager considers necessary to process the application, including but not limited to a community benefit assessment to evaluate the benefits the development agreement will provide to the community.

(d) Processing Requirements.

- (1) The City Manager shall endorse on the application the date it is received. An application or related document shall not be complete until an estimated deposit for the cost of processing has been paid to the City. The City Manager shall review the application and determine any additional requirements necessary to complete processing of the application. If within thirty (30) days of receiving the application the City Manager finds that all required information has not been submitted or the application is otherwise incomplete or inaccurate, the processing of the application and the running of any limits shall be suspended upon written notice to the applicant and a new thirty (30) day period shall commence once the required material is received by the City Manager.
- (2) If the City Manager finds that the application is complete, it shall be accepted for filing and the applicant so notified. After receiving the required information and determining that the application is complete, the City Manager shall prepare a staff report and recommendation to the Planning Commission and City Council stating whether or not the agreement as proposed or in an amended form would be consistent with policies of the City, this Chapter and any applicable general or specific plan. The City Attorney shall review the proposed development agreement as to legal form.
- (3) Notice of a hearing regarding the development agreement shall be given by the City Manager and shall comply with the requirements of Section 65867 of the California Government Code, as may be amended, as well as in the manner set forth in this Code.
- (4) The Planning Commission shall review the proposed development

agreement and provide a recommendation to the City Council to approve, approve with modifications or deny the proposed development agreement. If the Planning Commission fails to take action within sixty (60) days of opening the hearing on the matter, such failure shall be deemed to have made a recommendation of denial to the City Council unless the applicant has requested an extension of time, either in writing or on the record, which has been approved by the Planning Commission prior to the running of the sixtieth day.

- (5) The proposed development agreement shall be set for hearing and consideration before the City Council within sixty (60) days of the recommendation of the Planning Commission, unless the applicant agrees in writing to an extension of time with the City Manager prior to the matter being heard by the City Council.
- (6) Within ten (10) calendar days after the City enters into any development agreement pursuant to this Section, the City Clerk shall have the agreement recorded with the County Recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the California Government Code for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.
- (e) Findings and Development Agreement Conditions. After the City Council completes the public hearing, the City Council may not approve the development agreement unless it finds that the provisions of the agreement:
 - (1) Are consistent with the goals, objectives, and policies of the general plan and any applicable specific plan;
 - (2) Are compatible with the uses authorized in and the regulations prescribed by this Chapter, zoning district in which the activity is located, and area in which the real property is located;
 - (3) Will not be detrimental to the health, safety, environmental quality, and general welfare of the community;
 - (4) Will provide for or result in contributions, services or facilities that benefit the community, which may include, but are not limited to, public facilities, improvements, and services, parks, recreation and open space improvements, public art, youth sports programs, other public youth benefit programs, substance abuse awareness and recovery programs, and other public service programs.
 - (5) Will not adversely affect the orderly development of property or the preservation of property values;

- (6) Provides for payment by the applicant of all costs associated with preparing and entering into the agreement; and
 - (7) Provides for a reasonable penalty for any violation of the development agreement.
- (f) Effectiveness of a development agreement pursuant to this Section shall be contingent upon issuance of a commercial cannabis permit and all other entitlements necessary to operate a commercial cannabis business on the subject property.
- (g) Modifications and Extensions.
 - (1) The provisions of Section 65868 of the California Government Code shall apply for all modifications, with the exception of Minor Modifications, extensions or other amendments of the terms of a development agreement subject to this Chapter.
 - (2) Either party may propose an amendment or termination of an approved development agreement subject to the following:
 - (i) The procedure for amending or terminating the development agreement is the same as the procedure for entering into an agreement in the first instance.
 - (ii) The development agreement may be amended or cancelled only by the mutual consent of the parties, as provided in Section 65868 of the California Government Code.
 - (3) Nothing herein shall limit the City's ability to terminate or modify the agreement consistent with Section 65865.1 or 65865.3 of the California Government Code, or as may be amended.
 - (4) Minor modifications to a Development Agreement may be authorized by the City Manager, upon consultation with the City Attorney.
 - (5) The Development Agreement may necessitate further planning and development of the Project and may demonstrate that refinements and changes are appropriate with respect to the details and performance in implementing the Project under a Development Agreement. The Development Agreement may permit a certain degree of flexibility with respect to the details of the development of the Project and with respect to those items covered in general terms under a Development Agreement. A Minor Changes (as hereinafter defined) when found to be necessary or appropriate, a written request shall be submitted to the City Manager, unless otherwise required by federal, state or local ordinance and/or regulation, effectuate such changes or adjustments through administrative amendments executed by the City Manager or designee. Upon approval of a Minor Modification, it shall be attached as addenda and become a part of the Development Agreement. Minor Modifications shall be recorded with the Development Agreement.

- (6) The term “Minor Changes” or “minor modifications” collectively means:
- (a) minor deviations to the Project Approvals that are permitted under the Existing City Requirements and are reasonably approved by the City Manager;
 - (b) a reduction in the parking ratio requirements for the Project under consistent with the McFarland Municipal Code, provided that (i) the reduction does not exceed ten percent (10%) of the Code requirement, and (ii) the reduction is approved by the City Manager, which approval shall not be unreasonably withheld or denied; or
 - (c) such other changes, modifications or adjustments to the Project Approvals, which the City Manager determines are consistent with the overall intent of the Project Approvals and which do not materially alter the overall nature, scope, or design of the Project, and which are consistent with the requirements of Chapter 19.04 of the McFarland Municipal Code and any commercial cannabis activity regulations or policies established by the City Manager.
- (7) Assumption Agreement(s) - No Modification. An Assumption Agreement shall be subject to the terms of an approved Development Agreement. An Assumption Agreement shall not limit, restrict, modify, alter, amend or otherwise change in any manner the rights and obligations of an Assignor or Assignee under the DA, and in the event of any conflict between the terms and provisions of an Assumption Agreement and the terms and provisions of the DA, the terms and provisions of the DA shall control.
- (8) In effecting any Minor Changes, the City shall cooperate with the Developer, provided that the permitted uses are not modified from those in the Project Approvals and any changes are in accordance with the Existing City Requirements. Minor Changes shall not be deemed to be an amendment to a Development Agreement under California Government Code section 65868 but are ministerial clarifications and adjustments, and unless otherwise required by law, no such administrative amendments shall require prior notice or hearing by the City Council. Any amendment or change requiring a environmental impact report, or a supplement thereto, pursuant to CEQA shall not be considered a Minor Change, but shall be considered substantive amendment which shall be reviewed and approved by the City Council as determined by the applicable provisions of the McFarland Municipal Code relating to the hearing and approval procedures for the specific Project Approval.

Section 19.04.210 - Records and Reporting.

- (a) Commercial cannabis operations shall maintain on the permitted premises the following records either in paper or electronic form:

1. The full name, address, and telephone numbers of the owner and lessee of the property.
 2. The name, date of birth, address, and telephone number of each employee and independent contractor of the commercial cannabis operation; the date each was hired or retained; and the nature of each person's participation in the commercial cannabis business.
 3. Copies of all required state licenses.
 4. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the site, the daily amounts of cannabis and cannabis products on the site, and the daily amounts of cannabis and cannabis products leaving the site for any reason, including but not limited to cannabis that is sold, delivered, or distributed.
 5. A written accounting of all expenditures, costs, revenues and profits of the commercial cannabis operation, including but not limited to cash and in-kind transactions.
 6. A copy of all insurance policies related to the operation of the commercial cannabis operation.
 7. A copy of the commercial cannabis operation's most recent year's financial statement and tax return.
 8. Proof of a valid and current permit issued by the City in accordance with this chapter, and the equivalent State of California license to operate the commercial cannabis business. Every commercial cannabis business shall display at all times during business hours the City permit issued pursuant to the provisions of this Chapter, and the equivalent State license, in a conspicuous place so that it may be readily seen by all persons entering the location of the commercial cannabis operation.
- (b) Subject to HIPAA rights and regulations unrelated to the purpose and intent of the inspection, each commercial cannabis business shall allow City officials, upon request, to inspect all books, accounts, records, information and data required to be maintained by the cannabis business pursuant to this Chapter or otherwise relevant to its permitted activities for the purpose of facilitating any inspection, audit or investigation deemed necessary by the City. Such records shall be produced within twenty-four (24) hours after receipt of the City's request.
- (c) By December 1 of each year, each commercial cannabis business shall file with the City Manager a complete audited report detailing its financial operations for the previous fiscal year, including its gross revenues, net profits, and total expenditures, which report shall be certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles. The report shall also include a discussion, analysis, and verification of each of the records required to be maintained pursuant to this Chapter. The information contained in the report shall be made available to the City in standard electronic format which shall be compatible with Microsoft Office programs and software and which can easily be imported into either Excel, Access or any other contemporary software designated by the City Manager, and shall be subject to audit by the City.

- (d) All records required by this Chapter shall be maintained by commercial cannabis businesses for a period of not less than seven (7) years, and commercial cannabis businesses shall maintain accurate records of all commercial cannabis activities. All such records shall be made available for immediate inspection by the City upon request consistent with California Business and Professions Code Section 26160.

Section 19.04.220 - Prohibition on Transfer of Commercial Cannabis Permits.

- (a) No commercial cannabis business shall operate under a commercial cannabis permit issued pursuant to this Chapter at any place or location other than that identified in the commercial cannabis permit.
- (b) Any permit issued pursuant to this Chapter shall be null and void upon sale or transfer of ownership of the commercial cannabis business.
- (c) Any attempt to transfer or any transfer of a commercial cannabis permit issued pursuant to this Chapter shall be void and the commercial cannabis permit shall be deemed immediately revoked and no longer of any force or effect.
- (d) Notwithstanding (a) or (b) above, the City Manager may conditionally approve a Commercial Cannabis Business permit transfer subject to the proposed transferee submittal of all required application materials (new Commercial Cannabis Permit), pays all applicable fees and charges, and independently meets the requirements of this Chapter. Prior to approval or conditional approval of a transfer, the existing Commercial Cannabis permit must have met all the applicable requirements. Before being eligible for a Commercial Cannabis Business permit transfer, the Commercial Cannabis Business must first have been operating the Cannabis Business for 12 months in the City and has followed all State and local cannabis regulations.

Section 19.04.230 - General Operating Requirements for Commercial Cannabis Businesses.

In addition to those operating requirements specifically set forth elsewhere in this Chapter and except as may otherwise be expressly set forth in this Chapter, the following operating requirements shall apply to all commercial cannabis businesses operating in the City:

- (a) Hours of Operation. Normal business hours for commercial cannabis businesses are eight (8:00) a.m. and seven (7:00) p.m., Monday through Sunday. Subject to the night-time operating restrictions applicable to retail storefront sales and deliveries set forth in Section 19.04.270, commercial cannabis businesses may operate outside normal business hours, provided that any business activity conducted outside of normal business hours shall be sensitive to surrounding land uses and occupants and shall not result in excessive light, noise or other impacts that could cause a nuisance to members of the surrounding community.
- (b) Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial cannabis businesses, except that medicinal cannabis may be consumed within a clinic, health care facility, residential care facility, or residential hospice licensed

pursuant to applicable provisions of the California Health & Safety Code, as stated in Section 19.04.060 of the McFarland Municipal Code.

- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the public right-of-way or other public area or any adjacent property. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale tracking system to track and to report on all aspects of the commercial cannabis business including, but not limited to, such matters as tracking of cannabis and cannabis products, inventory data, and gross sales (by weight and by sale price) and shall ensure that such information is compatible with the City's recordkeeping systems. The system must have the capability to produce historical transactional data for review by the City. All information provided to the City pursuant to this subsection shall be confidential and shall not be disclosed, except as may otherwise be required under law.
- (e) All cannabis and cannabis products sold, cultivated, manufactured, delivered, distributed or tested shall be cultivated, manufactured, delivered, distributed or tested by State licensees that maintain operations in full conformance with the state and local laws and regulations.
- (f) Emergency Contact. Each commercial cannabis business shall provide the City Manager with the name and telephone number (office and mobile) of an on-site employee or owner to whom emergency notice can be provided on a 24-hour per day, 7-day per week basis.
- (g) Signage and Notices.
 - 1. In addition to the requirements otherwise set forth in this Section, business identification signage for a commercial cannabis business shall conform to the signage requirements of the McFarland Municipal Code, including, but not limited to, issuance of a City of McFarland sign permit.
 - 2. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - 3. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
 - 4. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
 - 5. Signage shall not be directly illuminated, internally or externally. No banners, flags or other prohibited signs may be used at any time.

- (h) Minors. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business. It is unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
- (i) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected off the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment or any other equipment which the City Manager determines has the same or better effectiveness:
 - 1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - 2. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
- (j) Display of Commercial Cannabis Permit, State License and City Business License. The original copy of the commercial cannabis permit issued by the City pursuant to this Chapter, the required State license, and the business license issued by the City pursuant to the McFarland Municipal Code shall be posted inside the commercial cannabis business in a location readily visible to the public.
- (k) Criminal History Records Check.
 - 1. Every owner of each commercial cannabis business must submit to annual fingerprint-based state and federal criminal history records checks, conducted by the City or another agency authorized or requested to do so by the City, as an application requirement in connection with each application for issuance or renewal of a commercial cannabis permit for the commercial cannabis business.
 - 2. The criminal history records check may be conducted utilizing the California Department of Justice Live Scan system or any other system deemed necessary or appropriate in the discretion of the City Manager. The City Manager is authorized to request subsequent notification service, if Live Scan is used, or an equivalent service, if another system is used, sufficient to obtain ongoing notifications of criminal offenses committed by owners of commercial cannabis businesses. In the event the City Manager does so, and such subsequent notification or equivalent service reveals a conviction or other conduct, such a conviction or other conduct

shall constitute grounds for immediate suspension or revocation of the subject commercial cannabis permit.

3. Owners and responsible persons shall be disqualified from involvement with a commercial cannabis business where the results of a criminal history records check would constitute grounds for denial.
 4. A fee for the City's costs of conducting the criminal history records check, as established by resolution of the City Council, shall be paid at the time the application for a commercial cannabis permit is submitted. The fee may be established as a trust deposit for actual costs. The fee, or the initial trust deposit, shall be in an amount the City Manager estimates will cover the costs of conducting the criminal history records check, including City review and processing services and any third-party fees. If a trust deposit-based fee is established, it shall be used and drawn upon as a retainer to cover the actual costs of such investigation. If the initial trust deposit is not sufficient, the applicant shall provide additional amounts as necessary within thirty (30) days of a request from the City. If the applicant fails to do so, the investigation shall cease and shall not continue until such additional amounts are paid.
 5. In the alternative to subsection (k)(4) above, the commercial cannabis business or the subject owner, may provide the City Manager with a completed criminal history records check performed by a third-party vendor, as deemed necessary or appropriate in the discretion of the City Manager. If this alternative is used, the fee established pursuant to subsection (k)(4) above shall not apply, except as may be necessary for the City to confirm the validity and the results of the records check used.
- (l) Upon completion of the investigation or in the event the applicant withdraws its application, any unused amount of any trust deposit made pursuant to this Chapter will be refunded to the applicant within thirty (30) days of request by the applicant.
- (m) Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering on the premises of the commercial cannabis business.
- (n) Permits and other Approvals. Prior to the establishment or operation of any commercial cannabis business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.
- (o) Greenhouses. Greenhouses may be utilized only for commercial cannabis cultivation businesses, including nurseries. Greenhouses used for cannabis cultivation shall be fully enclosed permanent structures with solid walls that are clad in an opaque material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that use a combination of natural and supplemental artificial lighting. The cultivation activities conducted within a greenhouse shall not be visible from any public right-of-way or adjacent private property. All greenhouses shall comply with the requirements of this Chapter and the McFarland Municipal Code, including the adopted

requirements of the California Building Code, the California Fire Code and any other code adopted or incorporated by reference within the McFarland Municipal Code, as amended. Greenhouse must have a minimum of 2,000 square feet.

- (p) No commercial cannabis business may store food grade alcohol or any other volatile chemical, solvent or substance in an amount which exceeds the maximum authorized amount determined by the Fire Chief. Subject to the foregoing, use of food grade alcohol solely for the purposes of cleaning machinery and dissolving wax, unless otherwise prohibited by the State, is allowed.
- (q) Commercial cannabis businesses shall comply with all pesticide use requirements of local, state and federal law.
- (r) All weighing devices used by commercial cannabis businesses shall be maintained in compliance with local, state or federal law and applicable regulations regarding device registration with the Agricultural Commissioner.
- (s) Commercial cannabis businesses shall comply with all applicable provisions of the California Building Standards Code, as adopted or incorporated into the McFarland Municipal Code.
- (t) Commercial cannabis businesses shall comply with all local, state and federal laws and regulations and best practices applicable to storage and disposal of chemicals, solid waste, contaminants, hazardous materials, adulterated, deteriorated or excess cannabis and cannabis products, and all byproducts of the commercial cannabis business.
- (u) In no case shall any commercial cannabis business utilize any volatile solvents or other flammable, explosive or toxic substances to process or manufacture cannabis products in the City, except as expressly authorized pursuant to both a Type 7 State license and a City-issued commercial cannabis permit.
- (v) All food products, food storage facilities, food-related utensils, equipment and materials shall be approved, used, managed and handled in accordance to the provisions of the California Retail Food Code, California Health and Safety Code Sections 113700 through 114437. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases.
- (w) All cannabis and cannabis products, prior to leaving any licensed premises for transfer to any retailer, shall be properly labeled and placed in resealable, tamper-evident, child-resistant packaging, shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products, and shall otherwise comply with applicable State laws, including Business and Professions Code Section 26120, and applicable State regulations, all as may be amended from time to time.

- (x) The premises of all commercial cannabis businesses shall have sufficient lighting such that all areas subject to monitoring by the security surveillance camera system shall be always visible to all cameras of the system.

Section 19.04.240 - Operating Requirements for Cultivation Businesses and Nurseries.

- (a) Outdoor commercial cultivation and outdoor nursery activity is prohibited.
- (b) If a commercial cannabis business includes nursery activities, only one nursery may be located on the premises of the commercial cannabis business, and the nursery activity must be permitted pursuant to this Chapter and State law.
- (c) Cannabis cultivation and nursery activity shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (e) In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site, except as otherwise stated in this Chapter pertaining to food grade alcohol.
- (f) The cultivation of cannabis and any nursery activity shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (g) Stacking shall be allowed in a given structure only to the point that measuring the total canopy of each level of stacking is cumulatively no greater than the maximum canopy size allowed under State laws or regulations applicable to the State cultivation license held by the commercial cannabis business.
- (h) All applicants for a commercial cannabis permit for cultivation or nursery activity shall submit the following, which shall be subject to approval by the City Manager prior to issuance of a commercial cannabis permit to the applicant, in addition to the information otherwise required for a commercial cannabis permit application:
 - 1. An operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products

to be used on the parcel, proper disposal of waste materials, and a description of the nursery or cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

2. A description of a legal water source, irrigation plan, and projected water use.
3. Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
4. Plan for addressing odor and other public nuisances which may result from the nursery or cultivation site.

Section 19.04.250 Cannabis Manufacturing Business Operating Requirements.

- (a) Manufacturer 1 (Type 6) permittees shall utilize only manufacturing processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
- (b) Manufacturer 2 (Type 7) permittees shall utilize only manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:
 1. The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
 2. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
 3. A licensed engineer certifies that the system is commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OSHA Nationally Recognized Testing Laboratories (NRTLs).
 4. The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
- (c) No compressed gases used in the manufacturing process shall be stored on the premises of any manufacturer in excess of the amount authorized by the Fire Chief
- (d) No manufacturer may engage in the retail sale, by delivery or otherwise, of any manufactured cannabis products, including edible cannabis products, on a retail basis in the City.
- (e) All cannabis products shall be properly packaged and labeled in accordance with Business & Professions Code Section 26120 and applicable State regulations before leaving the commercial cannabis manufacturing business. All edible cannabis products must be in an opaque (non-see-through) package.

- (f) Manufacturers shall comply with all applicable federal, State and local laws and regulations relating to manufacturing safety procedures.

Section 19.04.260 - Reserved

Section 19.04.270 - Cannabis Retail/Delivery Businesses Operating Requirements

- (a) Retail sales of cannabis and cannabis products in the City shall be conducted by storefront or delivery pursuant to the provisions of 19.04.
- (b) No commercial cannabis retailer offering storefront purchase shall be located within 1000 feet from another commercial cannabis storefront retailer. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of one commercial cannabis storefront retailer to the closest property line of the lot on which another commercial cannabis business is located without regard to intervening structures.
- (c) A Storefront Retailer shall operate in compliance with state and local laws and regulations, including but not limited to State Laws, at all times. Such laws and regulations shall include, but are not limited to:
- a. A Storefront Retailer shall Sell no more than 28.5 grams of nonconcentrated Cannabis in a single day to a single customer.
 - b. A Storefront Retailer shall Sell no more than eight grams of Cannabis Concentrate, including Cannabis Concentrate contained in Cannabis Products, in a single day to a single customer.
 - c. A Storefront Retailer shall Sell no more than six immature Cannabis plants in a single day to a single customer.
 - d. A Storefront Retailer shall not Sell edible Cannabis Products containing more than 10 milligrams of THC per serving.
 - e. A Storefront Retailer shall not Sell edible Cannabis Products containing more than 100 milligrams of THC per package.
 - f. A Storefront Retailer shall not Sell Cannabis Products that are in the shape of a human being, either realistic or caricature, animal, insect, or fruit.
 - g. A Storefront Retailer shall not Sell Cannabis-infused beverages or powder, gel, or other concentrate with instruction for the preparation of Cannabis-infused beverages.
 - h. A Storefront Retailer shall not provide free Cannabis or Cannabis Products to any Person.

- i. A Storefront Retailer shall notify customers of the following verbally (or by written agreement) and by posting of a notice or notices in a minimum of 24-point font conspicuously within the Storefront Retailer Premises:
 - i. “The sale or diversion of cannabis or cannabis products without a license issued by the City of Chula Vista is a violation of State law and the Chula Vista Municipal Code.”
 - ii. “Secondary sale, barter, or distribution of cannabis or cannabis products purchased from [Insert Name of Licensee] is a crime and can lead to arrest.”
 - iii. “Patrons must immediately leave the premises and not consume cannabis or cannabis products until at home or in an equivalent private location. Staff shall monitor the location and vicinity to ensure compliance.”
 - iv. “Commercial cannabis businesses shall post viewable, written warnings that the use of cannabis or cannabis products may impair a person’s ability to drive a motor vehicle or operate heavy machinery.”
 - v. “CALIFORNIA PROP. 65 WARNING: Smoking of cannabis and cannabis-derived products will expose you and those in your immediate vicinity to cannabis smoke. Cannabis smoke is known by the State of California to cause cancer.”
 - j. All restroom facilities on the Premises shall remain locked and under the control of management. (Ord. 3418 § 2, 2018).
- (d) Adult use retailers/delivery shall verify the age of all customers to ensure persons under the age of 21 are not permitted on the premises. Entrances into the retailer shall be locked at all times with entry strictly controlled. A “buzz-in” electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.
- (e) All commercial cannabis businesses conducting deliveries shall have permitted premises in the City from which all deliveries to addresses in the City or outside of the City shall be conducted.
- (f) The premises of all commercial cannabis businesses that are permitted to conduct deliveries but not permitted for retail storefront sales shall be closed to the general public at all times and shall be accessible only to employees and persons with a bona fide business or regulatory purpose for accessing the premises.
- (g) In accordance with Business & Professions Code Section 26070.1, cannabis or cannabis products purchased by a customer shall not leave the permitted premises of a retailer unless they are placed in an opaque package.

- (h) Retailers shall not accept, possess, or sell cannabis or cannabis products that are not packaged and labeled as they will be sold at final sale and in accordance with Business & Professions Code Section 26120, as may be amended. Retailers shall not package or label cannabis or cannabis products.
- (i) No employee or other person acting on behalf of a commercial cannabis operation permitted to conduct deliveries may possess or deliver more than \$3,000 worth of cannabis or cannabis products at any given time.
- (j) No delivery shall be made to any person other than the person who requested the delivery, except when the person requesting the delivery is a qualified patient and the person receiving the delivery is his or her primary caregiver, or vice versa.
- (k) Any person who is present on the permitted premises of a commercial cannabis business permitted to conduct deliveries who is not an employee, officer, agent, or representative of the retailer must sign in and wear a "visitor" identification badge at all times while on the premises.
- (l) Proof of the required State license and commercial cannabis permit, and a copy of all requests/orders for deliveries being conducted, shall be carried at all times in all vehicles being used to make deliveries, and shall be immediately available upon request from law enforcement officers.
- (m) Deliveries shall not be conducted between the hours of 11:00 p.m. and 7:00 a.m.

Section 19.04.280 - Total Area Devoted to Commercial Cannabis Businesses

- (a) No more than 200 acres or eight million, seven hundred and twelve thousand (8,712,000) square feet of area shall be permitted for use by commercial cannabis businesses in the City. Notwithstanding the foregoing, land annexed into the City after the date of enactment of this Chapter shall not be subject to, nor shall be counted toward, this restriction.
- (b) The square footage of premises of each permitted commercial cannabis business shall be a minimum of 2,000 square feet in area. A coexisting, Commercial Cannabis business, subtenant, may be located, with the City Manager or designee's approval or conditional approval, in a building area of less than 2,000 square feet where the Commercial Cannabis business is in conjunction with another approved Commercial Cannabis activity permitted in a building larger than 2,000 square feet.
- (c) Accessory Structures in Support of Commercial Cannabis Businesses may, at the City Manager's or designee approval or conditional approval, be authorized. The ratio of 1:1 square footage (Accessory Structure vs Commercial Cannabis Business) shall not exceed 25,000 square feet. (Example: Commercial Cannabis Business with 25,000 square feet may be authorized to have up to 25,000 square feet of Accessory Structures). All Accessory Structures shall be affixed to concrete foundations and must conform to the California Building Code (CBC), California

Electrical Code (CEC) and American Mechanical Code (AMC). Accessory structures shall meet the requirements of Section 19.04.080 Security Measures and must have exterior lights around all four sides or appropriate detached lighting as approved by the City. Accessory structure(s) may be less than the minimum square footage as established in 19.04.280 (b). Accessory Structures shall be screened from public view – design of screening shall be at the discretion of the City Manager or designee. Accessory Structures square footage shall be included as established by Section 19.04.280 Total Area Devoted to Commercial Cannabis Businesses. Temporary buildings for a Non-Store Front Delivery license may be permitted by the City Manager or his designee. However, reasonable progress must be made on a permanent structure, or the license may be revoked. The permanent fencing requirements required by this chapter, for the site, shall apply to these temporary buildings.

Section 19.04.290 - Periodic Review by the City Council.

Upon request of the City Manager, the City Attorney and the Chief of Police shall report to the City Council with findings on the operation of any commercial cannabis business permitted pursuant to this Chapter and a recommendation as to whether the business should be permitted to continue operating for the remaining period of its commercial cannabis permit (in addition to whatever other recommendations may be made) and whether the City should renew the permit upon application for renewal. Any termination or revocation of a permit based on such findings shall be in accordance with the provisions of this Chapter.

Section 19.04.300 - Promulgation of Regulations and Standards.

The City Manager, in his or her discretion, is authorized to promulgate reasonable regulations as he or she deems necessary to implement procedures or requirements in furtherance of the purposes of this Chapter. Regulations promulgated by the City Manager shall have the same force and effect of law and shall become effective upon the date of approval and execution of such regulations by the City Manager.

Section 19.04.310 - Community Relations.

- (a) Each commercial cannabis business shall provide the City Manager with the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided.
- (b) The owner, manager, and community relations representative of a commercial cannabis permit holder operating in the City shall, upon request of the City Manager, meet to discuss costs, benefits, and other community issues resulting from implementation or application of this Chapter.

Section 19.04.320 - Unpaid Fees Deemed Debt to City.

The amount of any unpaid fee, cost or charge imposed pursuant to this Chapter shall be deemed a civil debt to the City that is recoverable in any court of competent jurisdiction.

Section 19.04.330 - Permit Holder Responsible for Violations.

Commercial cannabis permit holders shall be responsible for all violations of State or local laws or regulations, whether or not committed by the permit holder or any employee or agent of the

permit holder, which occur in or on the premises of the commercial cannabis business, whether or not said violations occur within the permit holder's presence.

Section 19.04.340 – Effect on Other Ordinances

Except as designated in this chapter, the provisions of this chapter shall control for regulation of commercial cannabis businesses as defined herein if other provisions of the code conflict therewith. This chapter shall not, however, relieve any person of his or her duty to comply with such laws if additional obligations, duties, or prohibitions are imposed thereby.

Section 19.04.350 – Unlawful Businesses Prohibited

In no event shall any business license be granted for any use or activity that is illegal or unlawful under federal, state or city laws or regulations. No business license issued hereunder shall be construed as authorizing the conduct of or continuance of any illegal or unlawful business, or the furnishing, sale or provisioning of any service, good or product that is illegal under this code, the laws of the State of California, or the laws of the United States of America. Notwithstanding the foregoing, a business license may be granted for businesses permitted under this chapter, provided the applicant has complied with all provisions of this code and state law.

Section 19.04.360 – City Manager Designee

The City Manager may designate a staff member to be the City Manager's designee and act on some or all the City Manager decisions of this chapter.

Section 19.04.370 Consumption of Marijuana or Marijuana Products

- (a) No person shall smoke, ingest, or otherwise consume marijuana or marijuana products, whether recreational or medical, within the city limits of the City of McFarland, unless such smoking, ingesting or consumption occurs entirely within a private residence. "Within a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings unless those buildings are at all times fully enclosed during the consumption.
- (b) Medical marijuana may also be consumed within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of the California Health and Safety Code.
- (c) All consumption shall be done in a manner so as to not cause a nuisance to nearby residents with noxious odors or other adverse health and safety impacts.

Section 3. Notice. The City clerk shall certify to the passage and adoption of this ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 5. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 6. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED at a regular meeting of the City Council of the City of McFarland, California on the 9th day of February, 2023, by the following vote:

ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 23rd day of February, 2023, by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon				
Ricardo Cano				
Anita Gonzales				
Amador Ayon				

ATTEST:

Francisca Alvarado, City Clerk

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the Planning Commission of the City of McFarland by a regular meeting thereof held on 9th day February, 2023.

Saul Ayon, Mayor

APPROVED AS TO FORM:

Nathan Hodges, City Attorney

NOTICE OF PUBLIC HEARING

Adoption of Cannabis Ordinance at City Council Chambers (103 W Sherwood Ave, McFarland)

Notice is hereby given that the City Council of the City of McFarland will conduct a public hearing, at which time you may be heard to consider the following:

Consideration and Adoption of a Cannabis Ordinance.

Regular McFarland City Council Public Hearing Information

Date: February 9, 2023

Time: 6:00 PM

Place: City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

Join on-line: Facebook Webpage at:
<https://www.facebook.com/cityofmcfarland/>

These meetings shall be held in person at the City of McFarland Council Chambers, located at 103 W. Sherwood Avenue, McFarland, CA 93250. Additionally, these meetings shall be broadcast for listening and/or viewing purposes only via Facebook. To access the meetings for viewing or listening purposes only, please use the following information:

Join on-line: Facebook Webpage at: <https://www.facebook.com/cityofmcfarland/>

Members of the public are encouraged to participate by providing public comment at the meetings. The agenda of the Regular City Council Meeting will be posted at least 72 hours prior to the meeting. The meeting the agendas will be posted at <https://www.mcfarlandcity.org/AgendaCenter>. Please check the agendas for any modifications to how the meetings may be conducted and for ways in which the public can participate.

Description of Project:

The City of McFarland has drafted a cannabis ordinance which would allow for the sale and cultivation of cannabis within the city limits. This ordinance will set all the restrictions and guidelines for bona-fide businesses to develop a cannabis business. This ordinance with the passing of a Measure that the city council elected to have in the recent election, will allow the city to create sales tax and revenue from all cannabis sales within the city limits. This ordinance and possible measure can create close to \$1.2M in revenue for the city's general fund.

Additional information on the proposed project and proposed environmental finding may be obtained from the City of McFarland, City Hall, 401 W. Kern Avenue, McFarland, CA

93250, or the City's web site at www.mcfarlandcity.org.

All persons interested in this topic who have questions, would like to provide feedback, or who have comments are invited to attend. If you challenge the approval or denial of these matters in court, you maybe limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Francisca Alvarado, City Clerk, at 401 W. Kern Avenue, McFarland, CA 93250, (661) 792-3091, falvarado@mcfarlandcity.org

Francisca Alvarado, City Clerk