

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 23, 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, Maria T. Pérez

INVOCATION: Pastor Daniel Arellano

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

- Certificate of Recognition to McFarland High School Varsity Basketball Team Head Coach - Johnny Samaniego, Alyssa Medina-Assistant Coach, and Geno Barajas- Assistant Coach on behalf of Mayor Saul Ayon.
- Certificates of Recognition to the Following McFarland High School Varsity Basketball Team Players: Mari Gonzalez, Melina Gonzalez, Mia Samaniego, Emily Lopez, Sarah Lopez, Delilah Cervantes, Lindzee Garza, Olivia Samaniego, Annika Fernandez, and Bella Fernandez on behalf of 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 \$996,389.30 from January 11 to January 24, 2023.
2. Approval of the Regular Meeting Minutes for January 12, 2023.
3. Approval of the Regular Meeting Minutes for February 09, 2023.
4. Approval of the Special Meeting Minutes for December 22, 2022.
5. Approval of the Special Meeting Minutes for December 22, 2022.
6. Approval of **Resolution No. 2023-0019**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE CHP CANNABIS GRANT POLICE ENFORCEMENT.

PUBLIC HEARINGS

7. Second Reading and Adoption of **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. Motion to Waive the Reading of the Ordinance Text in Its Entirety, Read by Title Only, and adopt **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 Within 15 days of its Passage Publish in at Least Three Public Places in the City.
8. Second Reading and Adoption of **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. Motion to Waive the Reading of the Ordinance Text in Its Entirety, Read by Title Only, and Adopt, **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 Within 15 days of its Passage Publish in at Least Three Public Places in the City.
9. Staff recommends City Council Conduct a Public Hearing for Consideration and Adoption of the Following **Resolution No. 2023-0020**, A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND UPDATING AND ESTABLISHING CANNABIS APPLICATION FEES AND ANNUAL CANNABIS RENEWAL FEES.
 - a. Open Public Hearing and Receive Public Testimony:
 - b. Close Public Hearing:

- c. Motion to Adopt **Resolution No. 2023-0020**, A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND UPDATING AND ESTABLISHING CANNABIS APPLICATION FEES AND ANNUAL CANNABIS RENEWAL FEES.

ADMINISTRATIVE AGENDA

10. Report, Discuss, and Possible Approval of **Resolution No. 2023-0021**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AN ADDITIONAL ALLOCATION OF FUNDS FROM THE GENERAL FUND TO PURCHASE CIVICCLERK (AGENDA AND MINUTES MANAGEMENT SOFTWARE) AND APPROVAL OF THE AGREEMENT WITH CIVICPLUS WITH AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE AGREEMENT.
11. Report, Discuss, and Possible Approval of **Resolution No. 2023-0022**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ESTABLISHING A COMMUNITY GRANT PROGRAM TO BE GIVEN BY THE CITY COUNCIL OF THE CITY OF MCFARLAND FOR THE BENEFIT OF QUALIFYING NON-PROFIT GROUPS WITHIN CITY LIMITS OF THE CITY OF MCFARLAND.
12. Report, Discussion, and Approval of **Resolution No. 2023-0023**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AUTHORIZING A BUDGET AMENDMENT OF \$10,000.00 TO THE GENERAL FUND FOR THE COMMUNITY GRANT PROGRAM.
13. Report, Discussion, and Possible Approval of **Resolution No. 2023-0024**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING THE FUNDING OF THE CORPORAL POSITION.
14. Report, Discussion, and Possible Approval of **Resolution No. 2023-0025**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING A STANDBY STIPEND FOR THE CRIME SCENE TECHNICIAN.
15. Report, Discussion, and Possible Approval of **Resolution No. 2023-0026**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING THE CREATION OF THE MEASURE M OVERSIGHT COMMITTEE.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Kern Council of Governments (KCOG)
- b. Kern Economic Development Corp. (KEDC)
- c. Kern Local Agency Formation Commission (LAFCO)
- d. Delano Mosquito Abatement District (DMAD)
- e. Poso Creek (IRWMP)
- f. San Joaquin Valley Air Pollution Control District (SJV)
- g. Public Policy and Finance Committee
- h. Public Safety Committee
- i. Quality of Life Committee
- j. Ad Hoc Committee
- k. Cannabis Committee

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. Public Employment (Government Code §54957)
2. Public Employment (Government Code §54957)

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on February 20 2023.

Francisca Alvarado
Francisca Alvarado, City Clerk

Kenneth Williams, City Manager/ Chief of Police

Next Meeting: Regular City Council March 09, 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.



City of McFarland, CA

Expense Approval Report

By Vendor Name

Payment Dates 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: AJEXAC - A.J. Excavation Inc.					
A.J. Excavation Inc.	INV 22-150-01	01/11/2023	Davis & Hail Lane Road Reconst...	25-000-52960-8490-1	257,879.36
A.J. Excavation Inc.	INV 22-150-02	01/11/2023	Davis & Hail Lane Road Reconst...	25-000-52960-8490-1	412,400.50
Vendor AJEXAC - A.J. Excavation Inc. Total:					670,279.86
Vendor: American Fidelity - American Fidelity					
American Fidelity	INV0022846	01/12/2023	American Fidelity Accident 2* P...	30-22800-0000-1	15.41
American Fidelity	INV0022846	01/12/2023	American Fidelity Accident 2* P...	34-22800-0000-1	15.41
American Fidelity	INV0022847	01/12/2023	Life 1	30-22900-0000-1	15.43
American Fidelity	INV0022847	01/12/2023	Life 1	34-22900-0000-1	9.81
American Fidelity	INV0022848	01/12/2023	American Fidelity - Disability In...	01-22700-0000-1	101.73
American Fidelity	INV0022848	01/12/2023	American Fidelity - Disability In...	30-22700-0000-1	88.40
American Fidelity	INV0022848	01/12/2023	American Fidelity - Disability In...	31-22700-0000-1	10.67
American Fidelity	INV0022848	01/12/2023	American Fidelity - Disability In...	32-22700-0000-1	45.85
American Fidelity	INV0022848	01/12/2023	American Fidelity - Disability In...	34-22700-0000-1	30.76
American Fidelity	INV0022849	01/12/2023	Health FSA	01-22600-0000-1	19.23
American Fidelity	INV0022849	01/12/2023	Health FSA	32-22600-0000-1	25.00
American Fidelity	INV0022850	01/12/2023	Life 1	01-22900-0000-1	48.54
American Fidelity	INV0022850	01/12/2023	Life 1	30-22900-0000-1	64.60
American Fidelity	INV0022850	01/12/2023	Life 1	31-22900-0000-1	11.21
American Fidelity	INV0022850	01/12/2023	Life 1	32-22900-0000-1	34.24
American Fidelity	INV0022850	01/12/2023	Life 1	34-22900-0000-1	34.33
American Fidelity	INV0022851	01/12/2023	Life 2	01-22900-0000-1	1.53
American Fidelity	INV0022851	01/12/2023	Life 2	30-22900-0000-1	21.69
American Fidelity	INV0022851	01/12/2023	Life 2	32-22900-0000-1	1.12
American Fidelity	INV0022851	01/12/2023	Life 2	34-22900-0000-1	13.85
American Fidelity	INV0022852	01/12/2023	Life 3	01-22900-0000-1	1.39
American Fidelity	INV0022852	01/12/2023	Life 3	30-22900-0000-1	1.05
American Fidelity	INV0022852	01/12/2023	Life 3	32-22900-0000-1	1.04
American Fidelity	INV0022853	01/12/2023	Life 3	01-22900-0000-1	1.64
American Fidelity	INV0022853	01/12/2023	Life 3	30-22900-0000-1	1.23
American Fidelity	INV0022853	01/12/2023	Life 3	32-22900-0000-1	1.21
American Fidelity	INV0022854	01/12/2023	Life 3	01-22900-0000-1	1.36
American Fidelity	INV0022854	01/12/2023	Life 3	30-22900-0000-1	1.02
American Fidelity	INV0022854	01/12/2023	Life 3	32-22900-0000-1	1.01
American Fidelity	INV0022877	01/12/2023	Cancer 1 American Fidelity	30-22950-0000-1	5.54
American Fidelity	INV0022878	01/12/2023	Cancer 1 American Fidelity	34-22950-0000-1	8.12
American Fidelity	INV0022879	01/12/2023	Cancer 2* - American Fidelity Pr...	30-22950-0000-1	16.50
American Fidelity	INV0022880	01/12/2023	Cancer 2* - American Fidelity Pr...	34-22950-0000-1	16.65
American Fidelity	INV0022895	01/12/2023	American Fidelity Accident 1	01-22800-0000-1	19.34
American Fidelity	INV0022896	01/12/2023	Life 1	01-22900-0000-1	9.81
American Fidelity	INV0022897	01/12/2023	American Fidelity - Disability In...	01-22700-0000-1	200.64
American Fidelity	INV0022898	01/12/2023	Health FSA	01-22600-0000-1	14.04
American Fidelity	INV0022898	01/12/2023	Health FSA	30-22600-0000-1	2.60
American Fidelity	INV0022898	01/12/2023	Health FSA	32-22600-0000-1	2.59
American Fidelity	INV0022899	01/12/2023	Life 1	01-22900-0000-1	88.60
American Fidelity	INV0022900	01/12/2023	Life 2	01-22900-0000-1	24.00
American Fidelity	INV0022914	01/12/2023	Cancer 1 American Fidelity	01-22950-0000-1	13.53
Vendor American Fidelity - American Fidelity Total:					1,041.72
Vendor: American Office Solu - American Office Solutions, LLC					
American Office Solutions, LLC	INV 2011	01/05/2023	INV 20211	01-310-52200-0000-1	70.35
American Office Solutions, LLC	INV 20143	01/06/2023	INV 20143	01-310-52200-0000-1	211.63
American Office Solutions, LLC	INV 20144	01/06/2023	INV 20144	01-310-52200-0000-1	56.00
American Office Solutions, LLC	INV 20185	01/06/2023	INV 20185	01-310-52200-0000-1	3,600.00
American Office Solutions, LLC	INV 20210	01/05/2023	INV 20210	01-310-52200-0000-1	1,218.29

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
American Office Solutions, LLC	20145	01/17/2023	INV 20145	32-510-52200-0000-1	27,012.96
Vendor American Office Solu - American Office Solutions, LLC Total:					32,169.23

Vendor: GAL 100-149 - Andrew Galvan

Andrew Galvan	01/22-01/27/2023 Lompoc	01/17/2023	Galvan Reimbursement- Lodgin...	01-150-52010-0000-1	1,839.85
Vendor GAL 100-149 - Andrew Galvan Total:					1,839.85

Vendor: At&t Mobility - At&t Mobility

At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-105-57800-0000-1	135.07
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-110-57800-0000-1	36.28
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-115-57800-0000-1	102.93
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-140-57800-0000-1	27.71
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-155-57800-0000-1	27.70
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-160-57800-0000-1	27.70
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-165-57800-0000-1	106.08
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	01-175-57800-0000-1	27.70
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	20-200-57800-0000-1	5.55
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	30-500-57800-0000-1	267.89
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	31-505-57800-0000-1	34.37
At&t Mobility	INV0022930	01/09/2023	287327972024x11112022	32-510-57800-0000-1	267.90
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-105-57800-0000-1	105.99
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-110-57800-0000-1	29.12
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-115-57800-0000-1	27.41
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-140-57800-0000-1	21.57
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-155-57800-0000-1	21.57
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-160-57800-0000-1	21.57
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-165-57800-0000-1	71.23
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	01-175-57800-0000-1	21.57
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	20-200-57800-0000-1	1.71
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	30-500-57800-0000-1	165.40
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	31-505-57800-0000-1	10.28
At&t Mobility	INV0022931	01/09/2023	287237972024x12112022	32-510-57800-0000-1	165.37
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-105-57800-0000-1	104.60
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-110-57800-0000-1	27.45
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-115-57800-0000-1	25.76
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-140-57800-0000-1	25.63
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-155-57800-0000-1	25.63
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-160-57800-0000-1	25.63
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-165-57800-0000-1	75.44
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	01-175-57800-0000-1	25.63
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	30-500-57800-0000-1	164.07
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	31-505-57800-0000-1	8.59
At&t Mobility	287237972024 01032023	01/19/2023	287237972024	32-510-57800-0000-1	164.06
Vendor At&t Mobility - At&t Mobility Total:					2,402.16

Vendor: Auto Zone - Auto Zone

Auto Zone	6270573958	01/19/2023	INV 6270573958 Adapter & Dur...	01-110-56600-0000-1	139.96
Vendor Auto Zone - Auto Zone Total:					139.96

Vendor: Best Digital Solutio - Best Digital Solutions, LLC

Best Digital Solutions, LLC	INV 1088	01/05/2023	INV 1088	32-510-52200-0000-1	2,241.42
Vendor Best Digital Solutio - Best Digital Solutions, LLC Total:					2,241.42

Vendor: BHT Engineering, Inc - BHT Engineering, Inc.

BHT Engineering, Inc.	22-306	01/05/2023	INV 22-306 San Juan, Sherwood...	25-000-52960-2305-1	3,770.00
BHT Engineering, Inc.	22-307	01/05/2023	INV 22-307 E.Kern-Industrial to ...	25-000-52960-2306-1	4,970.00
BHT Engineering, Inc.	INV 22-192	01/05/2023	INV 22-192 San Juan, Sherwood...	25-000-52960-2305-1	1,225.00
BHT Engineering, Inc.	INV 22-567	01/05/2023	Inv No 22-567 - Tract 7393	01-140-56000-8472-1	173.75
BHT Engineering, Inc.	22-225	01/19/2023	INV 22-225 Davis from Elmo to ...	25-000-52960-8490-1	1,355.00
BHT Engineering, Inc.	22-519	01/19/2023	INV 22-519 Davis from Elmo to ...	25-000-52960-8490-1	15,472.50
BHT Engineering, Inc.	22-597	01/19/2023	INV 22-597 12/2022 Davis Ave. ...	25-000-52960-8490-1	1,760.00
BHT Engineering, Inc.	22-598	01/19/2023	INV 22-598 12/2022 Harlow Ave..	25-000-52960-8290-1	1,322.50
BHT Engineering, Inc.	22-600	01/19/2023	INV 22-600 12/2022 Ebell St. W...	25-000-52960-2303-1	1,432.50
BHT Engineering, Inc.	22-601	01/19/2023	INV 22-600 12/2022 Ebell St. W...	25-000-52960-2304-1	1,695.00

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
BHT Engineering, Inc.	22-602	01/19/2023	INV 22-602 12/2022 San Juan St...	25-000-52960-2305-1	3,930.00
BHT Engineering, Inc.	22-603	01/19/2023	INV 22-603 12/2022 E. Kern Ave...	25-000-52960-2306-1	5,427.50
Vendor BHT Engineering, Inc - BHT Engineering, Inc. Total:					42,533.75
Vendor: bootbarn - Boot Barn					
Boot Barn	LVasquez 01/2023	01/19/2023	Annual Boot Purchase for Leo V...	20-200-51800-0000-1	200.00
Vendor bootbarn - Boot Barn Total:					200.00
Vendor: Brenntag - Brenntag Pacific Inc.					
Brenntag Pacific Inc.	BPI300259	01/19/2023	INV BPI300259 12-29-22 L A Ch...	32-510-57400-0000-1	1,074.55
Vendor Brenntag - Brenntag Pacific Inc. Total:					1,074.55
Vendor: CA DCSS - California Dept of Child Support Services					
California Dept of Child Support...	INV0022842	01/12/2023	CA Dept Child Support Services	20-22350-0000-1	304.03
Vendor CA DCSS - California Dept of Child Support Services Total:					304.03
Vendor: Cannon - Cannon Corporation					
Cannon Corporation	INV 82284	01/05/2023	Inv No 82284 - Elmo Hwy Medic...	01-140-56000-8449-1	1,046.75
Cannon Corporation	81785	01/19/2023	INV 81785 SRF On call Wastewa...	30-500-56500-0000-1	569.50
Vendor Cannon - Cannon Corporation Total:					1,616.25
Vendor: Central Valley Office - Central Valley Office Supply Inc					
Central Valley Office Supply Inc	338891-001	01/19/2023	0026769 P2	26-110-53100-8550-1	15,910.80
Vendor Central Valley Office - Central Valley Office Supply Inc Total:					15,910.80
Vendor: Cintas - Cintas Corporation No.3					
Cintas Corporation No.3	INV 4142046531	01/05/2023	INV 4142046531 Garment Repo...	01-180-51800-0000-1	91.15
Cintas Corporation No.3	INV 4142046531	01/05/2023	INV 4142046531 Garment Repo...	20-200-51800-0000-1	12.41
Cintas Corporation No.3	INV 4142046531	01/05/2023	INV 4142046531 Garment Repo...	30-500-51800-0000-1	46.86
Cintas Corporation No.3	INV 4142046531	01/05/2023	INV 4142046531 Garment Repo...	32-510-51800-0000-1	56.16
Cintas Corporation No.3	INV 4142740483	01/10/2023	INV 4142740483 Garment Repo...	01-180-51800-0000-1	91.15
Cintas Corporation No.3	INV 4142740483	01/10/2023	INV 4142740483 Garment Repo...	20-200-51800-0000-1	12.41
Cintas Corporation No.3	INV 4142740483	01/10/2023	INV 4142740483 Garment Repo...	30-500-51800-0000-1	46.86
Cintas Corporation No.3	INV 4142740483	01/10/2023	INV 4142740483 Garment Repo...	32-510-51800-0000-1	5.52
Cintas Corporation No.3	4143427318	01/19/2023	INV 4143427318 Garment Rep...	01-180-51800-0000-1	91.15
Cintas Corporation No.3	4143427318	01/19/2023	INV 4143427318 Garment Rep...	20-200-51800-0000-1	12.41
Cintas Corporation No.3	4143427318	01/19/2023	INV 4143427318 Garment Rep...	30-500-51800-0000-1	46.86
Cintas Corporation No.3	4143427318	01/19/2023	INV 4143427318 Garment Rep...	32-510-51800-0000-1	5.52
Vendor Cintas - Cintas Corporation No.3 Total:					518.46
Vendor: CLA - CLIFTONLARSONALLEN LLP					
CLIFTONLARSONALLEN LLP	INV3392887 and INV3405437	01/05/2023	INV 3392887 and INV3405437	01-130-56050-0000-1	11,530.46
CLIFTONLARSONALLEN LLP	INV3392887 and INV3405437	01/05/2023	INV 3392887 and INV3405437	30-500-56050-0000-1	11,530.46
CLIFTONLARSONALLEN LLP	INV3392887 and INV3405437	01/05/2023	INV 3392887 and INV3405437	31-505-56050-0000-1	5,321.75
CLIFTONLARSONALLEN LLP	INV3392887 and INV3405437	01/05/2023	INV 3392887 and INV3405437	32-510-56050-0000-1	11,973.95
CLIFTONLARSONALLEN LLP	INV3392887 and INV3405437	01/05/2023	INV 3392887 and INV3405437	34-520-56050-0000-1	3,991.31
Vendor CLA - CLIFTONLARSONALLEN LLP Total:					44,347.93
Vendor: Consolidated Electri - Consolidated Electrical Distributors, Inc					
Consolidated Electrical Distrib...	0332-1051580	01/19/2023	INV 0332-1051580 Aircond Cab...	30-500-56410-0000-1	2,362.74
Vendor Consolidated Electri - Consolidated Electrical Distributors, Inc Total:					2,362.74
Vendor: Continental Labor Re - Continental Labor Resources, Inc.					
Continental Labor Resources, In...	INV 70782	01/05/2023	INV 70782 General Laborer Abit...	20-200-52200-0000-1	1,024.00
Continental Labor Resources, In...	INV 70782	01/05/2023	INV 70782 General Laborer Abit...	32-510-52200-0000-1	819.20
Continental Labor Resources, In...	3001603	01/19/2023	INV 3001603 Abitia & Soria PPE...	20-200-52200-0000-1	1,024.00
Continental Labor Resources, In...	3001603	01/19/2023	INV 3001603 Abitia & Soria PPE...	32-510-52200-0000-1	1,024.00
Vendor Continental Labor Re - Continental Labor Resources, Inc. Total:					3,891.20
Vendor: De Lage Landen - De Lage Landen Financial Services Inc					
De Lage Landen Financial Servic...	INV 78597503	01/05/2023	Inv. 78597503 (12/24/22) Cont...	01-150-52200-0000-1	149.08
De Lage Landen Financial Servic...	INV 78653804	01/07/2023	Inv. 78653804 (01/07/23) Cont...	01-150-52200-0000-1	127.85
Vendor De Lage Landen - De Lage Landen Financial Services Inc Total:					276.93
Vendor: Dee Jaspar - Dee Jaspar & Associates, Inc					
Dee Jaspar & Associates, Inc	INV 22-01036	01/05/2023	Inv No 22-01036 - Elmo Hwy M...	01-140-56000-8449-1	194.50
Dee Jaspar & Associates, Inc	INV 22-01136	01/05/2023	Urban Water Management Plan...	01-140-55500-8500-1	327.83

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Dee Jaspar & Associates, Inc	22-01134	01/19/2023	INV 22-01134 123TCP Professio...	32-510-56000-0000-1	5,037.00
Vendor Dee Jaspar - Dee Jaspar & Associates, Inc Total:					5,559.33

Vendor: Dep. of Conservation - Department of Conservation

Department of Conservation	INV0022891	01/06/2023	SMI 10/01/2022 through 12/31...	01-160-51400-0000-1	235.84
Vendor Dep. of Conservation - Department of Conservation Total:					235.84

Vendor: EDD - EDD

EDD	INV0022884	01/12/2023	State Income Tax Withholding	01-22200-0000-1	370.43
EDD	INV0022884	01/12/2023	State Income Tax Withholding	20-22200-0000-1	1.49
EDD	INV0022884	01/12/2023	State Income Tax Withholding	30-22200-0000-1	369.68
EDD	INV0022884	01/12/2023	State Income Tax Withholding	31-22200-0000-1	100.13
EDD	INV0022884	01/12/2023	State Income Tax Withholding	32-22200-0000-1	194.89
EDD	INV0022884	01/12/2023	State Income Tax Withholding	34-22200-0000-1	15.97
EDD	INV0022885	01/12/2023	SDI - State Disability Insurance	01-22200-0000-1	179.66
EDD	INV0022885	01/12/2023	SDI - State Disability Insurance	20-22200-0000-1	12.39
EDD	INV0022885	01/12/2023	SDI - State Disability Insurance	30-22200-0000-1	124.66
EDD	INV0022885	01/12/2023	SDI - State Disability Insurance	31-22200-0000-1	38.59
EDD	INV0022885	01/12/2023	SDI - State Disability Insurance	32-22200-0000-1	85.93
EDD	INV0022885	01/12/2023	SDI - State Disability Insurance	34-22200-0000-1	12.42
EDD	INV0022886	01/12/2023	State Unemployment Insurance	01-22250-0000-1	798.48
EDD	INV0022886	01/12/2023	State Unemployment Insurance	20-22250-0000-1	55.06
EDD	INV0022886	01/12/2023	State Unemployment Insurance	30-22250-0000-1	554.00
EDD	INV0022886	01/12/2023	State Unemployment Insurance	31-22250-0000-1	171.48
EDD	INV0022886	01/12/2023	State Unemployment Insurance	32-22250-0000-1	382.07
EDD	INV0022886	01/12/2023	State Unemployment Insurance	34-22250-0000-1	55.18
EDD	INV0022887	01/12/2023	Employment Training Tax	01-22275-0000-1	19.95
EDD	INV0022887	01/12/2023	Employment Training Tax	20-22275-0000-1	1.38
EDD	INV0022887	01/12/2023	Employment Training Tax	30-22275-0000-1	13.85
EDD	INV0022887	01/12/2023	Employment Training Tax	31-22275-0000-1	4.28
EDD	INV0022887	01/12/2023	Employment Training Tax	32-22275-0000-1	9.55
EDD	INV0022887	01/12/2023	Employment Training Tax	34-22275-0000-1	1.38
EDD	INV0022918	01/12/2023	State Income Tax Withholding	01-22200-0000-1	2,469.46
EDD	INV0022918	01/12/2023	State Income Tax Withholding	30-22200-0000-1	55.44
EDD	INV0022918	01/12/2023	State Income Tax Withholding	31-22200-0000-1	51.53
EDD	INV0022918	01/12/2023	State Income Tax Withholding	32-22200-0000-1	55.47
EDD	INV0022919	01/12/2023	SDI - State Disability Insurance	01-22200-0000-1	646.21
EDD	INV0022919	01/12/2023	SDI - State Disability Insurance	30-22200-0000-1	11.19
EDD	INV0022919	01/12/2023	SDI - State Disability Insurance	31-22200-0000-1	8.00
EDD	INV0022919	01/12/2023	SDI - State Disability Insurance	32-22200-0000-1	11.19
EDD	INV0022920	01/12/2023	State Unemployment Insurance	01-22250-0000-1	2,869.21
EDD	INV0022920	01/12/2023	State Unemployment Insurance	30-22250-0000-1	49.16
EDD	INV0022920	01/12/2023	State Unemployment Insurance	31-22250-0000-1	35.00
EDD	INV0022920	01/12/2023	State Unemployment Insurance	32-22250-0000-1	49.15
EDD	INV0022921	01/12/2023	Employment Training Tax	01-22275-0000-1	71.71
EDD	INV0022921	01/12/2023	Employment Training Tax	30-22275-0000-1	1.23
EDD	INV0022921	01/12/2023	Employment Training Tax	31-22275-0000-1	0.87
EDD	INV0022921	01/12/2023	Employment Training Tax	32-22275-0000-1	1.24
Vendor EDD - EDD Total:					9,958.96

Vendor: Edison - Edison

Edison	December 2022	01/19/2023	700669486061 December 2022	01-180-58100-0000-1	869.46
Edison	December 2022	01/19/2023	700539630040 December 2022	01-180-58100-0000-1	1,473.32
Edison	December 2022	01/19/2023	700599695773 December 2022	01-180-58100-0000-1	382.72
Edison	December 2022	01/19/2023	700326486684 December 2022	01-180-58100-0000-1	65.99
Edison	December 2022	01/19/2023	700091551977 December 2022	01-180-58100-0000-1	12.67
Edison	December 2022	01/19/2023	700457158822 December 2022	01-180-58100-0000-1	144.52
Edison	December 2022	01/19/2023	700494850594 December 2022	30-500-58000-0000-1	72.37
Edison	December 2022	01/19/2023	700468456995 December 2022	32-510-58000-0000-1	10,840.72
Vendor Edison - Edison Total:					13,861.77

Vendor: EFTPS - Electronic Federal Tax Payment System

Electronic Federal Tax Payment ...	INV0022882	01/12/2023	Federal Income Tax Withholding	01-22050-0000-1	1,177.04
------------------------------------	------------	------------	--------------------------------	-----------------	----------

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Electronic Federal Tax Payment ...	INV0022882	01/12/2023	Federal Income Tax Withholding	20-22050-0000-1	5.89
Electronic Federal Tax Payment ...	INV0022882	01/12/2023	Federal Income Tax Withholding	30-22050-0000-1	1,029.58
Electronic Federal Tax Payment ...	INV0022882	01/12/2023	Federal Income Tax Withholding	31-22050-0000-1	239.88
Electronic Federal Tax Payment ...	INV0022882	01/12/2023	Federal Income Tax Withholding	32-22050-0000-1	492.70
Electronic Federal Tax Payment ...	INV0022882	01/12/2023	Federal Income Tax Withholding	34-22050-0000-1	65.52
Electronic Federal Tax Payment ...	INV0022883	01/12/2023	Social Security	01-22100-0000-1	2,475.26
Electronic Federal Tax Payment ...	INV0022883	01/12/2023	Social Security	20-22100-0000-1	170.66
Electronic Federal Tax Payment ...	INV0022883	01/12/2023	Social Security	30-22100-0000-1	1,717.30
Electronic Federal Tax Payment ...	INV0022883	01/12/2023	Social Security	31-22100-0000-1	531.52
Electronic Federal Tax Payment ...	INV0022883	01/12/2023	Social Security	32-22100-0000-1	1,184.56
Electronic Federal Tax Payment ...	INV0022883	01/12/2023	Social Security	34-22100-0000-1	171.08
Electronic Federal Tax Payment ...	INV0022888	01/12/2023	Medicare	01-22150-0000-1	578.94
Electronic Federal Tax Payment ...	INV0022888	01/12/2023	Medicare	20-22150-0000-1	39.92
Electronic Federal Tax Payment ...	INV0022888	01/12/2023	Medicare	30-22150-0000-1	401.60
Electronic Federal Tax Payment ...	INV0022888	01/12/2023	Medicare	31-22150-0000-1	124.30
Electronic Federal Tax Payment ...	INV0022888	01/12/2023	Medicare	32-22150-0000-1	276.98
Electronic Federal Tax Payment ...	INV0022888	01/12/2023	Medicare	34-22150-0000-1	40.00
Electronic Federal Tax Payment ...	INV0022916	01/12/2023	Federal Income Tax Withholding	01-22050-0000-1	5,910.92
Electronic Federal Tax Payment ...	INV0022916	01/12/2023	Federal Income Tax Withholding	30-22050-0000-1	121.90
Electronic Federal Tax Payment ...	INV0022916	01/12/2023	Federal Income Tax Withholding	31-22050-0000-1	106.14
Electronic Federal Tax Payment ...	INV0022916	01/12/2023	Federal Income Tax Withholding	32-22050-0000-1	121.89
Electronic Federal Tax Payment ...	INV0022917	01/12/2023	Social Security	01-22100-0000-1	9,002.70
Electronic Federal Tax Payment ...	INV0022917	01/12/2023	Social Security	30-22100-0000-1	154.16
Electronic Federal Tax Payment ...	INV0022917	01/12/2023	Social Security	31-22100-0000-1	110.28
Electronic Federal Tax Payment ...	INV0022917	01/12/2023	Social Security	32-22100-0000-1	154.14
Electronic Federal Tax Payment ...	INV0022922	01/12/2023	Medicare	01-22150-0000-1	2,105.48
Electronic Federal Tax Payment ...	INV0022922	01/12/2023	Medicare	30-22150-0000-1	36.06
Electronic Federal Tax Payment ...	INV0022922	01/12/2023	Medicare	31-22150-0000-1	25.80
Electronic Federal Tax Payment ...	INV0022922	01/12/2023	Medicare	32-22150-0000-1	36.04
Vendor EFTPS - Electronic Federal Tax Payment System Total:					28,608.24

Vendor: Fastlane Food Store - Fastlane Food Store

Fastlane Food Store	461433	01/19/2023	INV 011INV 461433 Diesel Fuel-...	30-500-54000-0000-1	200.00
Vendor Fastlane Food Store - Fastlane Food Store Total:					200.00

Vendor: FedEx - FedEx

FedEx	INV 9-634-04786	01/09/2023	INV 9-634-04786 Late Fee	01-155-55600-0000-1	2.32
FedEx	INV 9639-82236	01/09/2023	INV 9-639-82236 Late Fee	01-150-55600-0000-1	4.59
FedEx	INV9-637-85006	01/09/2023	INV 9-637-85006 Late Fee	01-150-55600-0000-1	4.70
FedEx	7-950-40976	01/19/2023	INV 7-950-40976 (11-18-22) Fe...	01-150-55600-0000-1	10.80
Vendor FedEx - FedEx Total:					22.41

Vendor: Franchise Tax - Franchise Tax

Franchise Tax	INV0022915	01/12/2023	Case#609265321	01-22350-0000-1	75.00
Vendor Franchise Tax - Franchise Tax Total:					75.00

Vendor: Frontier - Frontier California Inc.

Frontier California Inc.	INV0022890	01/09/2023	530-198-2194 12/22/2022	32-510-57800-0000-1	46.51
Frontier California Inc.	INV0022926	01/10/2023	6617923391-01252023	30-500-57800-0000-1	222.53
Frontier California Inc.	INV0022927	01/10/2023	6617920161-01252023	01-150-57800-0000-1	250.42
Frontier California Inc.	INV0022928	01/10/2023	6617923164-01252023	01-185-57800-0000-1	85.15
Frontier California Inc.	6617923437 12192022	01/19/2023	6617923437 12192022	01-185-57800-0000-1	92.67
Vendor Frontier - Frontier California Inc. Total:					697.28

Vendor: Golden Valley Orchar - Golden Valley Orchard Supply Inc.

Golden Valley Orchard Supply Inc.	INV 1034573	01/06/2023	INV 1034573 Carburetor, Spark ...	20-200-57400-0000-1	84.11
Golden Valley Orchard Supply Inc.	1034757	01/19/2023	INV 1034757 Folding Saw #1 1-9..	20-200-57400-0000-1	24.65
Vendor Golden Valley Orchar - Golden Valley Orchard Supply Inc. Total:					108.76

Vendor: gotocom - GoTo Communications Inc

GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-105-57800-0000-1	9.24
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-110-57800-0000-1	28.88
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-115-57800-0000-1	32.35
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-140-57800-0000-1	32.35

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-150-57800-0000-1	231.06
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-155-57800-0000-1	9.24
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-160-57800-0000-1	9.24
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-165-57800-0000-1	26.11
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-175-57800-0000-1	32.35
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	01-180-57800-0000-1	38.60
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	20-200-57800-0000-1	0.69
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	30-500-57800-0000-1	141.64
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	31-505-57800-0000-1	68.16
GoTo Communications Inc	IN7101662418	01/10/2023	IN7101662418	32-510-57800-0000-1	148.79
Vendor gotocom - GoTo Communications Inc Total:					808.70
Vendor: Granite Auto Parts I - Granite Auto Parts Inc					
Granite Auto Parts Inc	INV 826192	01/05/2023	INV 826192 Cap Scrw, Lockwash..	30-500-56410-0000-1	139.94
Granite Auto Parts Inc	INV 826287	01/05/2023	INV 826287 Guage, Valve, Nippl...	30-500-56410-0000-1	57.23
Granite Auto Parts Inc	INV 826346	01/06/2023	INV 826346 Hydraulic Oil & Def ...	01-180-56440-0000-1	117.63
Granite Auto Parts Inc	826677	01/19/2023	INV 826677 Recoil Starter 1-17-...	30-500-56410-0000-1	100.76
Vendor Granite Auto Parts I - Granite Auto Parts Inc Total:					415.56
Vendor: Granite Construction - Granite Construction					
Granite Construction	INV 2355799	01/06/2023	INV 2355799 Natural Fines 8.82...	01-180-56500-0000-1	240.94
Granite Construction	2403375	01/19/2023	INV 2403375 #4Natural Fines Q...	01-180-56500-0000-1	136.05
Vendor Granite Construction - Granite Construction Total:					376.99
Vendor: Gregs Petroleum - Gregs Petroleum					
Gregs Petroleum	INV 358049	01/05/2023	INV 358049	01-115-54000-0000-1	1,855.08
Gregs Petroleum	INV 358913	01/05/2023	INV 358913	01-115-54000-0000-1	1,516.23
Gregs Petroleum	INV 360145	01/05/2023	INV 360145	01-115-54000-0000-1	1,959.69
Vendor Gregs Petroleum - Gregs Petroleum Total:					5,331.00
Vendor: Haaker Equipment Co. - Haaker Equipment Co.					
Haaker Equipment Co.	W5A03N	01/19/2023	INV W5A03N Street Sweeper R...	01-180-56440-0000-1	1,766.26
Vendor Haaker Equipment Co. - Haaker Equipment Co. Total:					1,766.26
Vendor: HDL and Associates - Hinderliter, de Llamas & Associates					
Hinderliter, de Llamas & Associa...	INV SIN018013	01/11/2023	HDL SIN018013	01-130-56000-0000-1	1,284.18
Hinderliter, de Llamas & Associa...	INV SIN020970	01/11/2023	HDL SIN020970	01-130-56000-0000-1	1,306.40
Vendor HDL and Associates - Hinderliter, de Llamas & Associates Total:					2,590.58
Vendor: Home Depot - Home Depot					
Home Depot	INV0022934	01/05/2023	AUTH CODE 003282/9514870 T...	01-180-57400-0000-1	16.22
Home Depot	INV0022935	01/05/2023	AUTH CODE 0032821/9542022 ...	01-180-57400-0000-1	84.29
Home Depot	0060550	01/19/2023	Auth Code 012454/0060550 5 ...	01-185-57400-0000-1	55.73
Home Depot	2020686	01/19/2023	Auth Code 010821/2020686 20'	32-510-57400-0000-1	233.08
Vendor Home Depot - Home Depot Total:					389.32
Vendor: Triple A Contruction - Ignacio Alejandro Ayon					
Ignacio Alejandro Ayon	1537 Quote 1658	01/19/2023	1685 - City Hall Renovation	26-110-53100-8550-1	12,157.50
Vendor Triple A Contruction - Ignacio Alejandro Ayon Total:					12,157.50
Vendor: Visual Edge - Image Source					
Image Source	INV 25AR1552895	01/06/2023	INV 25AR1552895	01-130-54800-0000-1	703.77
Vendor Visual Edge - Image Source Total:					703.77
Vendor: Information Technolo - Information Technology					
Information Technology	INV 1160-05209	01/05/2023	Inv. 1160-05209 CJIS Access Lic...	01-150-57800-0000-1	420.00
Vendor Information Technolo - Information Technology Total:					420.00
Vendor: interstateGroup - Interstate Group LLC					
Interstate Group LLC	TRPL24-47547	01/19/2023	INV TRPL24-47547 Dump Steel ...	26-110-53100-8550-1	9,969.40
Vendor interstateGroup - Interstate Group LLC Total:					9,969.40
Vendor: Irrigation Concepts - Irrigation Concepts					
Irrigation Concepts	INV 47092	01/05/2023	INV 47092 1 SSS TEE SCH 40 1...	32-510-57400-0000-1	51.10
Irrigation Concepts	INV 47093	01/05/2023	INV 47093 1" SST TEE SCH 40 ...	32-510-57400-0000-1	11.73
Irrigation Concepts	INV 47097	01/05/2023	INV 47097 Pull Pit Pump Sewer ...	30-500-56410-0000-1	675.00
Vendor Irrigation Concepts - Irrigation Concepts Total:					737.83

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: John Hancock - John Hancock					
John Hancock	INV0022843	01/12/2023	401K - Employer	01-20800-0000-1	1,082.45
John Hancock	INV0022843	01/12/2023	401K - Employer	30-20800-0000-1	865.80
John Hancock	INV0022843	01/12/2023	401K - Employer	31-20800-0000-1	326.61
John Hancock	INV0022843	01/12/2023	401K - Employer	32-20800-0000-1	715.26
John Hancock	INV0022844	01/12/2023	401K - Employee	01-20800-0000-1	217.07
John Hancock	INV0022844	01/12/2023	401K - Employee	20-20800-0000-1	78.62
John Hancock	INV0022844	01/12/2023	401K - Employee	30-20800-0000-1	332.76
John Hancock	INV0022844	01/12/2023	401K - Employee	31-20800-0000-1	240.60
John Hancock	INV0022844	01/12/2023	401K - Employee	32-20800-0000-1	410.17
John Hancock	INV0022845	01/12/2023	401K - Employer	20-20800-0000-1	131.04
John Hancock	INV0022855	01/12/2023	401K Loan 1	32-20800-0000-1	32.25
John Hancock	INV0022856	01/12/2023	401K Loan 1	01-20800-0000-1	801.30
John Hancock	INV0022857	01/12/2023	401K Loan 1	01-20800-0000-1	45.90
John Hancock	INV0022858	01/12/2023	401K Loan 2	01-20800-0000-1	21.14
John Hancock	INV0022858	01/12/2023	401K Loan 2	30-20800-0000-1	15.86
John Hancock	INV0022858	01/12/2023	401K Loan 2	32-20800-0000-1	15.85
John Hancock	INV0022859	01/12/2023	401K Loan 3	01-20800-0000-1	35.73
John Hancock	INV0022859	01/12/2023	401K Loan 3	30-20800-0000-1	26.80
John Hancock	INV0022859	01/12/2023	401K Loan 3	32-20800-0000-1	26.80
John Hancock	INV0022860	01/12/2023	401K Loan 3	34-20800-0000-1	100.00
John Hancock	INV0022861	01/12/2023	401K Loan 3	01-20800-0000-1	34.35
John Hancock	INV0022862	01/12/2023	401K Loan 4	34-20800-0000-1	75.00
John Hancock	INV0022863	01/12/2023	401K Loan 4	01-20800-0000-1	28.72
John Hancock	INV0022864	01/12/2023	401K Loan 5	01-20800-0000-1	157.75
John Hancock	INV0022865	01/12/2023	401K Loan 4	01-20800-0000-1	105.27
John Hancock	INV0022866	01/12/2023	401K Loan 4	01-20800-0000-1	17.08
John Hancock	INV0022866	01/12/2023	401K Loan 4	30-20800-0000-1	25.63
John Hancock	INV0022866	01/12/2023	401K Loan 4	31-20800-0000-1	17.08
John Hancock	INV0022866	01/12/2023	401K Loan 4	32-20800-0000-1	25.63
John Hancock	INV0022867	01/12/2023	401K Loan 4	01-20800-0000-1	19.69
John Hancock	INV0022867	01/12/2023	401K Loan 4	30-20800-0000-1	29.52
John Hancock	INV0022867	01/12/2023	401K Loan 4	31-20800-0000-1	19.69
John Hancock	INV0022867	01/12/2023	401K Loan 4	32-20800-0000-1	29.52
John Hancock	INV0022868	01/12/2023	401K Loan 4	01-20800-0000-1	145.50
John Hancock	INV0022868	01/12/2023	401K Loan 4	20-20800-0000-1	4.50
John Hancock	INV0022869	01/12/2023	401K Loan 4	01-20800-0000-1	51.07
John Hancock	INV0022869	01/12/2023	401K Loan 4	20-20800-0000-1	1.58
John Hancock	INV0022870	01/12/2023	401k Contribution	01-20800-0000-1	366.63
John Hancock	INV0022871	01/12/2023	401k Contribution	01-20800-0000-1	204.32
John Hancock	INV0022872	01/12/2023	401k Contribution	01-20800-0000-1	78.76
John Hancock	INV0022872	01/12/2023	401k Contribution	30-20800-0000-1	118.15
John Hancock	INV0022872	01/12/2023	401k Contribution	31-20800-0000-1	78.76
John Hancock	INV0022872	01/12/2023	401k Contribution	32-20800-0000-1	118.15
John Hancock	INV0022873	01/12/2023	401k Contribution	30-20800-0000-1	255.20
John Hancock	INV0022874	01/12/2023	401k Contribution	01-20800-0000-1	213.48
John Hancock	INV0022874	01/12/2023	401k Contribution	20-20800-0000-1	6.60
John Hancock	INV0022875	01/12/2023	401k Contribution	34-20800-0000-1	137.96
John Hancock	INV0022876	01/12/2023	401k Contribution	01-20800-0000-1	137.60
John Hancock	INV0022893	01/12/2023	401K - Employer	01-20800-0000-1	4,572.11
John Hancock	INV0022893	01/12/2023	401K - Employer	30-20800-0000-1	14.87
John Hancock	INV0022893	01/12/2023	401K - Employer	32-20800-0000-1	14.87
John Hancock	INV0022894	01/12/2023	401K - Employee	01-20800-0000-1	2,047.05
John Hancock	INV0022894	01/12/2023	401K - Employee	30-20800-0000-1	4.11
John Hancock	INV0022894	01/12/2023	401K - Employee	32-20800-0000-1	4.09
John Hancock	INV0022902	01/12/2023	401K Loan 1	01-20800-0000-1	138.52
John Hancock	INV0022903	01/12/2023	401k Contribution	01-20800-0000-1	275.46
John Hancock	INV0022904	01/12/2023	401k Contribution	01-20800-0000-1	171.92
John Hancock	INV0022905	01/12/2023	401k Contribution	01-20800-0000-1	298.89
John Hancock	INV0022906	01/12/2023	401k Contribution	01-20800-0000-1	281.57

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
John Hancock	INV0022907	01/12/2023	401k Contribution	01-20800-0000-1	267.96
John Hancock	INV0022908	01/12/2023	401k Contribution	01-20800-0000-1	251.92
John Hancock	INV0022909	01/12/2023	401k Contribution	01-20800-0000-1	436.30
John Hancock	INV0022909	01/12/2023	401k Contribution	30-20800-0000-1	87.26
John Hancock	INV0022909	01/12/2023	401k Contribution	31-20800-0000-1	87.26
John Hancock	INV0022909	01/12/2023	401k Contribution	32-20800-0000-1	87.26
John Hancock	INV0022910	01/12/2023	401K Contribution	01-20800-0000-1	400.00
John Hancock	INV0022911	01/12/2023	401K Contribution	01-20800-0000-1	400.00
John Hancock	INV0022912	01/12/2023	401K Contribution	01-20800-0000-1	400.00
John Hancock	INV0022913	01/12/2023	401K Contribution	01-20800-0000-1	400.00
Vendor John Hancock - John Hancock Total:					18,666.62

Vendor: J's Automotive - J's Automotive

J's Automotive	INV 12841	01/05/2023	INV 12841 Tow (9-1-22)	01-150-56000-0000-1	182.00
J's Automotive	INV 12860	01/05/2023	INV 12860 Tow (10-01-22)	01-150-56000-0000-1	273.00
J's Automotive	INV 12992	01/06/2023	INV 12992 Tow (date not given)	01-150-56000-0000-1	182.00
J's Automotive	INV 9635	01/05/2023	INV 9635 Unit 30 (9-21-22)Oil a...	01-150-56600-0000-1	309.63
J's Automotive	INV 9638	01/05/2023	INV 9638 (9-29-22) Oil Filter	01-150-56600-0000-1	119.80
J's Automotive	INV 9640	01/05/2023	INV 9640 Unit 30 (10-1-22) Car ...	01-150-56600-0000-1	759.72
J's Automotive	INV 9641	01/05/2023	INV 9641 (10-3-22) Oil and Oil Fi...	01-150-56600-0000-1	69.81
J's Automotive	INV 9644	01/05/2023	INV 9644 Unit 33 (10-6-22) Radi...	01-150-56600-0000-1	651.93
J's Automotive	INV 9650	01/05/2023	INV 9650 Unit 38 (10-20-22)	01-150-56600-0000-1	70.75
J's Automotive	INV 9656	01/05/2023	INV 9656 Unit 37 (11-2-22) Bu...	01-150-56600-0000-1	3,286.78
J's Automotive	INV 9660	01/05/2023	INV 9660 (11-10-22) Bracket, R...	01-150-56600-0000-1	577.62
J's Automotive	INV 9666	01/05/2023	NV 9666 Unit 36 (11-11-22) Oil, ...	01-150-56600-0000-1	3,364.70
J's Automotive	INV 96722	01/05/2023	INV 9672 Unit 34 (11-19-22) Ve...	01-150-56600-0000-1	135.00
J's Automotive	INV 9707	01/05/2023	INV 9707 Replace catalytic conv...	30-500-56600-0000-1	85.00
J's Automotive	INV 9967	01/05/2023	INV 9667 Unit 30 (11-16-22) Pa...	01-150-56600-0000-1	863.57
J's Automotive	INV0022942	01/05/2023	INV 9651 Unit 30 (10-25-22) Oil...	01-150-56600-0000-1	79.49
J's Automotive	9688	01/17/2023	INV 9688 2011 Ford C/V (12/16...	01-150-56600-0000-1	165.00
J's Automotive	13007	01/19/2023	INV 13007 Tow Service (11-28-...	01-150-56000-0000-1	270.00
J's Automotive	9685	01/19/2023	INV 9685 Unit 33 (11-29-22) Oil...	01-150-56600-0000-1	79.98
J's Automotive	9686	01/19/2023	INV 9686 Unit 29 (11-29-22) Oil...	01-150-56600-0000-1	79.98
J's Automotive	9690	01/19/2023	INV 9690 Unit 35 (12-01-22) Ch...	01-150-56600-0000-1	208.62
J's Automotive	9691	01/19/2023	INV 9691 Unit 66 (12-03-22) Pa...	01-150-56600-0000-1	653.53
J's Automotive	9699	01/19/2023	INV 9699 2011 Ford C/V (12/16...	01-150-56600-0000-1	918.62
J's Automotive	9700	01/19/2023	IMV 9700 2016 Toyota Sennan ...	34-520-56600-0000-1	65.00
J's Automotive	9705	01/19/2023	INV 9705 20M Ford C/V (12/27...	01-150-56600-0000-1	204.98
J's Automotive	9708	01/19/2023	INV 9708 Unit 35 (12-30-22) Val...	01-150-56600-0000-1	170.41
J's Automotive	9713	01/19/2023	INV 9713 Unit 32 5 Quarts Oil a...	01-150-56600-0000-1	61.58
J's Automotive	9719	01/19/2023	INV 9719 Unit 37 Shift Cable (1...	01-150-56600-0000-1	85.00
Vendor J's Automotive - J's Automotive Total:					13,973.50

Vendor: K.C. Waste - K.C. Waste

K.C. Waste	INV0022941	01/11/2023	December 2022 Gate Fees	31-505-52800-0000-1	5,545.80
Vendor K.C. Waste - K.C. Waste Total:					5,545.80

Vendor: KOEFRAN - Koefran Industries, Inc.

Koefran Industries, Inc.	INV 0000522047	01/05/2023	Invoice Koefran Inv 000052204...	01-155-51100-0000-1	220.50
Vendor KOEFRAN - Koefran Industries, Inc. Total:					220.50

Vendor: Law & Associates Inv - Law & Associates Inv

Law & Associates Inv	INV 22-323	01/05/2023	Inv. 22-323 Background - S. Gar...	01-150-56000-0000-1	900.00
Vendor Law & Associates Inv - Law & Associates Inv Total:					900.00

Vendor: Leaf - LEAF Capital Funding LLC

LEAF Capital Funding LLC	INV 14044427	01/10/2023	INV 14044427	01-130-52200-0000-1	409.68
LEAF Capital Funding LLC	INV 14172318	01/10/2023	INV 14172318	01-130-52200-0000-1	396.83
Vendor Leaf - LEAF Capital Funding LLC Total:					806.51

Vendor: Golden Empire Water - Mario A. Cervantes

Mario A. Cervantes	INV 1314	01/05/2023	INV 1314 Services for December...	32-510-50100-0000-1	1,462.00
Vendor Golden Empire Water - Mario A. Cervantes Total:					1,462.00

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Matthew Dewar - Matthew Dewar					
Matthew Dewar	INV0022036	09/07/2022	Commuter Lunch Wk1 Sept 12-...	01-150-52000-0000-1	40.00
Matthew Dewar	INV0022037	09/07/2022	Commuter Lunch Wk2 Sept 19-...	01-150-52000-0000-1	40.00
Vendor Matthew Dewar - Matthew Dewar Total:					80.00
Vendor: McFarland Tire - McFarland Tire					
McFarland Tire	INV 27895	01/05/2023	INV 27895 Fix flat #04 Jesse Tru...	01-180-56600-0000-1	17.00
McFarland Tire	25952	01/19/2023	INV 25952 (8-4-22) Chevy Impal...	01-150-56600-0000-1	400.00
McFarland Tire	26865	01/19/2023	INV 26865 (9-24-22) Parts	01-150-56600-0000-1	976.00
Vendor McFarland Tire - McFarland Tire Total:					1,393.00
Vendor: Office Depot - Office Depot					
Office Depot	INV 277366876001	01/05/2023	Inv. 277366876001 Office Suppl...	01-150-57200-0000-1	149.14
Office Depot	263879375001	01/19/2023	INV 263879375001 (11/22/22) ...	01-150-57200-0000-1	162.08
Office Depot	280062507001	01/19/2023	INV 280062507001 (11/22/22) ...	01-150-57200-0000-1	96.41
Vendor Office Depot - Office Depot Total:					407.63
Vendor: Pace Analytical Serv - Pace Analytical Services, LLC					
Pace Analytical Services, LLC	INV B465802	01/05/2023	INV B465802 Effluent/ Influent...	30-500-58200-0000-1	103.17
Pace Analytical Services, LLC	B466626	01/19/2023	INV B466626 Drinking Water-CL...	32-510-58200-0000-1	171.21
Pace Analytical Services, LLC	B467112	01/19/2023	INV B467112 Drinking Water-CL...	32-510-58200-0000-1	803.64
Vendor Pace Analytical Serv - Pace Analytical Services, LLC Total:					1,078.02
Vendor: Pacific West Sound - Pacific West Sound Professional Audio Design Inc					
Pacific West Sound Professional...	INV 31384	01/05/2023	INV 31384 Council Chamber M...	01-185-56400-0000-1	1,819.71
Vendor Pacific West Sound - Pacific West Sound Professional Audio Design Inc Total:					1,819.71
Vendor: PG&E COMPANY - PG&E COMPANY					
PG&E COMPANY	January 2023	01/19/2023	0664171738-1 01052023	01-180-58000-0000-1	28.49
PG&E COMPANY	January 2023	01/19/2023	7576987527-1 01052023	01-180-58000-0000-1	109.75
PG&E COMPANY	January 2023	01/19/2023	4453174177-3 12212022	01-180-58000-0000-1	592.12
PG&E COMPANY	January 2023	01/19/2023	2514556883-5 01072023	01-180-58000-0000-1	22.51
PG&E COMPANY	January 2023	01/19/2023	0891499733-6 01052023	01-180-58000-0000-1	90.92
PG&E COMPANY	January 2023	01/19/2023	4022268837-2 01052023	01-180-58000-0000-1	150.53
PG&E COMPANY	January 2023	01/19/2023	2012021553-6 12212022	01-180-58100-0000-1	844.17
PG&E COMPANY	January 2023	01/19/2023	1601672325-2 12212022	01-180-58100-0000-1	249.11
PG&E COMPANY	January 2023	01/19/2023	7663752590-8 12212022	01-180-58100-0000-1	24.21
PG&E COMPANY	January 2023	01/19/2023	0741726506-8 12212022	01-180-58100-0000-1	478.74
PG&E COMPANY	January 2023	01/19/2023	5629608181-5 12212022	01-180-58100-0000-1	25.16
PG&E COMPANY	January 2023	01/19/2023	3877090180-9 12212022	01-180-58100-0000-1	397.29
PG&E COMPANY	January 2023	01/19/2023	5568620890-5 12212022	01-180-58100-0000-1	9.34
PG&E COMPANY	January 2023	01/19/2023	4483764300-4 12212022	01-180-58100-0000-1	49.20
PG&E COMPANY	January 2023	01/19/2023	4191871709-5 12212022	01-185-58000-0000-1	892.18
PG&E COMPANY	January 2023	01/19/2023	5794429226-7 12142022	20-200-58100-0000-1	207.20
PG&E COMPANY	January 2023	01/19/2023	3047362805-2 01052023	20-200-58100-0000-1	70.07
PG&E COMPANY	January 2023	01/19/2023	0309941756-4 01052023	20-200-58100-0000-1	262.29
PG&E COMPANY	January 2023	01/19/2023	0979037755-1 01052023	20-200-58100-0000-1	47.58
PG&E COMPANY	January 2023	01/19/2023	7336692458-4 12212022	20-200-58100-0000-1	1,315.03
PG&E COMPANY	January 2023	01/19/2023	6372122228-7 12212022	20-200-58100-0000-1	641.09
PG&E COMPANY	January 2023	01/19/2023	5842445837-8 12202022	30-500-58000-0000-1	283.01
PG&E COMPANY	January 2023	01/19/2023	9048125100-8 12202022	30-500-58000-0000-1	143.33
PG&E COMPANY	January 2023	01/19/2023	2687153110-4 01052023	32-510-58000-0000-1	8,805.96
PG&E COMPANY	January 2023	01/19/2023	0843084856-7 01072023	32-510-58000-0000-1	191.12
PG&E COMPANY	January 2023	01/19/2023	7305081533-8 01062023	32-510-58000-0000-1	79.50
PG&E COMPANY	January 2023	01/19/2023	7699604118-2 12212022	32-510-58000-0000-1	257.45
PG&E COMPANY	January 2023	01/19/2023	0425382282-1 12212022	32-510-58000-0000-1	99.10
Vendor PG&E COMPANY - PG&E COMPANY Total:					16,366.45
Vendor: Phoenix Group - Phoenix Group					
Phoenix Group	92022202	01/19/2023	Citation Processing Services - # ...	01-165-56000-0000-1	493.70
Vendor Phoenix Group - Phoenix Group Total:					493.70
Vendor: Pitney Bowes Global - Pitney Bowes Global					
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-105-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-110-55600-0000-1	14.43

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-115-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-130-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-140-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-150-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-155-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-160-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-165-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	01-175-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	30-500-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	31-505-55600-0000-1	14.43
Pitney Bowes Global	INV 3105834375	01/05/2023	INV 3105834375	32-510-55600-0000-1	14.45
Vendor Pitney Bowes Global - Pitney Bowes Global Total:					187.61
Vendor: Pre-Paid Legal - Pre-Paid Legal					
Pre-Paid Legal	INV0022901	01/12/2023	Pre-Paid Legal	01-22500-0000-1	24.90
Vendor Pre-Paid Legal - Pre-Paid Legal Total:					24.90
Vendor: R&F Disposal - R&F Disposal					
R&F Disposal	INV 342862	01/05/2023	INV 342862	01-180-58050-0000-1	100.00
R&F Disposal	INV 342949	01/05/2023	INV 342949	01-185-58050-0000-1	416.00
R&F Disposal	INV0022892	01/05/2023	INV 342941	01-180-58050-0000-1	201.50
Vendor R&F Disposal - R&F Disposal Total:					717.50
Vendor: Rancho Tree Service - Rancho Tree Service					
Rancho Tree Service	9757	01/19/2023	INV 9757 Removal of 1 dead tr...	01-180-56500-0000-1	1,600.00
Vendor Rancho Tree Service - Rancho Tree Service Total:					1,600.00
Vendor: Raymond's Trophy - Raymond's Trophy					
Raymond's Trophy	87222	01/19/2023	Inv 87222- Mayor Recognitions...	01-105-57100-0000-1	125.57
Raymond's Trophy	87584	01/19/2023	Inv 87584 Council Awards, desk...	01-105-57100-0000-1	384.54
Raymond's Trophy	87706	01/19/2023	Inv 87706 R. Cano -Vice Mayor ...	01-105-57200-0000-1	10.28
Raymond's Trophy	87792	01/19/2023	Inv 87792 - Name Correction -...	01-150-55200-0000-1	21.94
Vendor Raymond's Trophy - Raymond's Trophy Total:					542.33
Vendor: Arrowhead - Ready Refresh					
Ready Refresh	INV 02L0033594904	01/05/2023	INV 02L0033594904	01-150-57200-0000-1	9.42
Vendor Arrowhead - Ready Refresh Total:					9.42
Vendor: PLATT - Rexel USA Supply					
Rexel USA Supply	3032519	01/17/2023	INV 3032519 Phi Mhc150 u m 4...	01-180-57400-0000-1	203.72
Vendor PLATT - Rexel USA Supply Total:					203.72
Vendor: SC SITES Services - SC SITES Services					
SC SITES Services	INV 51533	01/05/2023	INV 51533 Monthly Radio Dispa...	01-180-57800-0000-1	70.00
SC SITES Services	INV 51533	01/05/2023	INV 51533 Monthly Radio Dispa...	32-510-57800-0000-1	70.00
SC SITES Services	INV 51533	01/05/2023	INV 51533 Monthly Radio Dispa...	34-520-57800-0000-1	70.00
SC SITES Services	51520	01/19/2023	INV 51520 Repeater Rental Jan...	01-150-52200-0000-1	1,569.00
Vendor SC SITES Services - SC SITES Services Total:					1,779.00
Vendor: The Gas Co. - SoCalGas					
SoCalGas	December 2022	01/19/2023	16861631949 01312023	01-185-58000-0000-1	316.49
SoCalGas	December 2022	01/19/2023	07591626002 02012023	01-190-58000-0000-1	383.95
SoCalGas	December 2022	01/19/2023	096962218738 122022	01-190-58000-0000-1	45.24
Vendor The Gas Co. - SoCalGas Total:					745.68
Vendor: SPD - SPD					
SPD	18936	01/19/2023	Inv 18936 Council Business Cards	01-105-55800-0000-1	108.25
Vendor SPD - SPD Total:					108.25
Vendor: Spectrum - Spectrum					
Spectrum	INV0022929	01/10/2023	119560501-010123	01-190-57800-0000-1	1,190.00
Vendor Spectrum - Spectrum Total:					1,190.00
Vendor: Supplyworks - Supplyworks Inc					
Supplyworks Inc	INV 725009781	01/10/2023	INV 725009781 Renown Center...	01-150-57400-0000-1	178.54
Vendor Supplyworks - Supplyworks Inc Total:					178.54

Expense Approval Report

Payment Dates: 1/11/2023 - 1/24/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: ADT - The ADT Security Corporation					
The ADT Security Corporation	INV 148307394	01/05/2023	INV 148307394	32-510-58050-0000-1	53.40
Vendor ADT - The ADT Security Corporation Total:					53.40
Vendor: Criscom Public Relat - The Criscom Company					
The Criscom Company	INV 271031	01/05/2023	Inv No 271031- Grant Research...	01-175-52200-0000-1	4,500.00
Vendor Criscom Public Relat - The Criscom Company Total:					4,500.00
Vendor: Ultrex Business - Ultrex Business					
Ultrex Business	3671172	01/19/2023	Inv 3671172 Contract Services (...)	01-150-52200-0000-1	127.52
Vendor Ultrex Business - Ultrex Business Total:					127.52
Vendor: UNWIREDBROADBAND - unWired Broadband LLC					
unWired Broadband LLC	INV01542673	01/09/2023	INV01542673	01-155-57800-0000-1	144.99
unWired Broadband LLC	INV01542673	01/09/2023	INV01542673	30-500-57800-0000-1	145.00
Vendor UNWIREDBROADBAND - unWired Broadband LLC Total:					289.99
Vendor: Verizon - Police Dep - Verizon - Police Dep					
Verizon - Police Dep	INV0022924	01/05/2023	9922846483-772387786	01-150-57800-0000-1	1,569.95
Verizon - Police Dep	INV0022924	01/05/2023	9922846483-772387786	01-155-57800-0000-1	73.04
Verizon - Police Dep	INV0022924	01/05/2023	9922846483-772387786	30-500-57800-0000-1	11.20
Verizon - Police Dep	INV0022924	01/05/2023	9922846483-772387786	32-510-57800-0000-1	10.99
Vendor Verizon - Police Dep - Verizon - Police Dep Total:					1,665.18
Vendor: WestAir - WestAir Gases & Equipment, Inc.					
WestAir Gases & Equipment, Inc.	INV 0080488040	01/05/2023	INV 0080488040 Acetylene, Hig...	30-500-53800-0000-1	82.48
Vendor WestAir - WestAir Gases & Equipment, Inc. Total:					82.48
Vendor: Witcher Electric - Witcher Electric					
Witcher Electric	INV 39133AA	01/05/2023	INV 39133AA 1-3-23 SCADA-Wel..	32-510-56000-0000-1	875.00
Vendor Witcher Electric - Witcher Electric Total:					875.00
Vendor: Zalco Laboratories I - Zalco Laboratories Inc					
Zalco Laboratories Inc	2211363	01/19/2023	INV 2211363 STA 24+00-Taylor ...	32-510-58200-0000-1	150.00
Vendor Zalco Laboratories I - Zalco Laboratories Inc Total:					150.00
Grand Total:					996,389.30

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	118,482.53
20 - LIGHTING & LANDSCAPING-DISTRICT 1	5,758.36
25 - CAPITAL IMPROVEMENTS PROJECTS	712,639.86
26 - MISCELLANEOUS GRANTS	38,037.70
30 - SEWER	24,326.97
31 - REFUSE/RECYCLING	13,343.06
32 - WATER	78,871.07
34 - PUBLIC TRANSPORTATION	4,929.75
Grand Total:	996,389.30

Account Summary

Account Number	Account Name	Payment Amount
01-105-55600-0000-1	Postage	14.43
01-105-55800-0000-1	Printing & Legal Notices	108.25
01-105-57100-0000-1	Special Activities	510.11
01-105-57200-0000-1	Supplies - Office	10.28
01-105-57800-0000-1	Telephone & Communicat...	354.90
01-110-55600-0000-1	Postage	14.43
01-110-56600-0000-1	Repairs & Maintenance - ...	139.96
01-110-57800-0000-1	Telephone & Communicat...	121.73
01-115-54000-0000-1	Fuel	5,331.00
01-115-55600-0000-1	Postage	14.43
01-115-57800-0000-1	Telephone & Communicat...	188.45
01-130-52200-0000-1	Contract Services	806.51
01-130-54800-0000-1	Maintenance Agreements	703.77
01-130-55600-0000-1	Postage	14.43
01-130-56000-0000-1	Professional Services - Ot...	2,590.58
01-130-56050-0000-1	Accounting/Auditing Servi...	11,530.46
01-140-55500-8500-1	Special Studies/Master Pl...	327.83
01-140-55600-0000-1	Postage	14.43
01-140-56000-8449-1	Professional Services - M...	1,241.25
01-140-56000-8472-1	Professional Services - Int...	173.75
01-140-57800-0000-1	Telephone & Communicat...	107.26
01-150-52000-0000-1	Conferences/Meetings/Tr...	80.00
01-150-52010-0000-1	Conference/Meeting/Tr...	1,839.85
01-150-52200-0000-1	Contract Services	1,973.45
01-150-55200-0000-1	Miscellaneous	21.94
01-150-55600-0000-1	Postage	34.52
01-150-56000-0000-1	Professional Services - Ot...	1,807.00
01-150-56600-0000-1	Repairs & Maintenance - ...	14,292.50
01-150-57200-0000-1	Supplies - Office	417.05
01-150-57400-0000-1	Supplies - Operating	178.54
01-150-57800-0000-1	Telephone & Communicat...	2,471.43
01-155-51100-0000-1	Animal Disposal	220.50
01-155-55600-0000-1	Postage	16.75
01-155-57800-0000-1	Telephone & Communicat...	302.17
01-160-51400-0000-1	Building Plan Check/Insp...	235.84
01-160-55600-0000-1	Postage	14.43
01-160-57800-0000-1	Telephone & Communicat...	84.14
01-165-55600-0000-1	Postage	14.43
01-165-56000-0000-1	Professional Services-Oth...	493.70
01-165-57800-0000-1	Telephone & Communicat...	278.86
01-175-52200-0000-1	Contract Services	4,500.00
01-175-55600-0000-1	Postage	14.43
01-175-57800-0000-1	Telephone & Communicat...	107.25
01-180-51800-0000-1	Clothing Allowance	273.45
01-180-56440-0000-1	Repairs & Maintenance-St...	1,883.89

Account Summary

Account Number	Account Name	Payment Amount
01-180-56500-0000-1	Repairs/Maintenance Str...	1,976.99
01-180-56600-0000-1	Repairs/Maintenance - V...	17.00
01-180-57400-0000-1	Supplies - Operating	304.23
01-180-57800-0000-1	Telephone & Communicat...	108.60
01-180-58000-0000-1	Utilities	994.32
01-180-58050-0000-1	Utilities Other	301.50
01-180-58100-0000-1	Street Lighting	5,025.90
01-185-56400-0000-1	Repairs & Maint - Build & ...	1,819.71
01-185-57400-0000-1	Supplies - Operating	55.73
01-185-57800-0000-1	Telephone & Communicat...	177.82
01-185-58000-0000-1	Utilities	1,208.67
01-185-58050-0000-1	Utilities Other	416.00
01-190-57800-0000-1	Telephone & Communicat...	1,190.00
01-190-58000-0000-1	Utilities	429.19
01-20800-0000-1	Pension Payable	14,105.51
01-22050-0000-1	Federal Withholding Paya...	7,087.96
01-22100-0000-1	FICA Payable	11,477.96
01-22150-0000-1	Medicare Payable	2,684.42
01-22200-0000-1	State Withholding Payable	3,665.76
01-22250-0000-1	SUTA Payable	3,667.69
01-22275-0000-1	ETT Payable	91.66
01-22350-0000-1	Garnishments	75.00
01-22500-0000-1	Pre-Paid Legal	24.90
01-22600-0000-1	Health FSA	33.27
01-22700-0000-1	Disability 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
01-310-52200-0000-1	Contract Services	5,156.27
20-200-51800-0000-1	Clothing Allowance	237.23
20-200-52200-0000-1	Contract Services	2,048.00
20-200-57400-0000-1	Supplies - Operating	108.76
20-200-57800-0000-1	Telephone & Communicat...	7.95
20-200-58100-0000-1	Street Lighting	2,543.26
20-20800-0000-1	Pension Payable	222.34
20-22050-0000-1	Federal Withholding Paya...	5.89
20-22100-0000-1	FICA Payable	170.66
20-22150-0000-1	Medicare Payable	39.92
20-22200-0000-1	State Withholding Payable	13.88
20-22250-0000-1	SUTA Payable	55.06
20-22275-0000-1	ETT Payable	1.38
20-22350-0000-1	Garnishments	304.03
25-000-52960-2303-1	Street & Roads (Capital)	1,432.50
25-000-52960-2304-1	Street & Roads (Capital)	1,695.00
25-000-52960-2305-1	Street & Roads (Capital)	8,925.00
25-000-52960-2306-1	Street & Roads (Capital)	10,397.50
25-000-52960-8290-1	RSTP/HIP West Side - Harl...	1,322.50
25-000-52960-8490-1	Streets & Roads Capital S...	688,867.36
26-110-53100-8550-1	Grant Expenditure - ARPA...	38,037.70
30-20800-0000-1	Pension Payable	1,775.96
30-22050-0000-1	Federal Withholding Paya...	1,151.48
30-22100-0000-1	FICA Payable	1,871.46
30-22150-0000-1	Medicare Payable	437.66
30-22200-0000-1	State Withholding Payable	560.97
30-22250-0000-1	SUTA Payable	603.16
30-22275-0000-1	ETT Payable	15.08
30-22600-0000-1	Health FSA	2.60
30-22700-0000-1	Disability LTD	88.40

Account Summary

Account Number	Account Name	Payment Amount
30-22800-0000-1	Accident	15.41
30-22900-0000-1	Life	105.02
30-22950-0000-1	Cancer- American Fidelity	22.04
30-500-51800-0000-1	Clothing Allowance	140.58
30-500-53800-0000-1	Equipment Rental	82.48
30-500-54000-0000-1	Fuel	200.00
30-500-55600-0000-1	Postage	14.43
30-500-56050-0000-1	Accounting/Auditing Servi...	11,530.46
30-500-56410-0000-1	Repairs & Maintenance E...	3,335.67
30-500-56500-0000-1	Repairs and Maintenance ...	569.50
30-500-56600-0000-1	Repairs & Maintenance - ...	85.00
30-500-57800-0000-1	Telephone & Communicat...	1,117.73
30-500-58000-0000-1	Utilities	498.71
30-500-58200-0000-1	Water/Soil/Other Analysis	103.17
31-20800-0000-1	Pension Payable	770.00
31-22050-0000-1	Federal Withholding Paya...	346.02
31-22100-0000-1	FICA Payable	641.80
31-22150-0000-1	Medicare Payable	150.10
31-22200-0000-1	State Withholding Payable	198.25
31-22250-0000-1	SUTA Payable	206.48
31-22275-0000-1	ETT Payable	5.15
31-22700-0000-1	Disablity LTD	10.67
31-22900-0000-1	Life	11.21
31-505-52800-0000-1	County Waste Manageme...	5,545.80
31-505-55600-0000-1	Postage	14.43
31-505-56050-0000-1	Accounting/Auditing Servi...	5,321.75
31-505-57800-0000-1	Telephone & Communicat...	121.40
32-20800-0000-1	Pension Payable	1,479.85
32-22050-0000-1	Federal Withholding Paya...	614.59
32-22100-0000-1	FICA Payable	1,338.70
32-22150-0000-1	Medicare Payable	313.02
32-22200-0000-1	State Withholding Payable	347.48
32-22250-0000-1	SUTA Payable	431.22
32-22275-0000-1	ETT Payable	10.79
32-22600-0000-1	Health FSA	27.59
32-22700-0000-1	Disablity LTD	45.85
32-22900-0000-1	Life	38.62
32-510-50100-0000-1	Salaries - Permanent Emp...	1,462.00
32-510-51800-0000-1	Clothing Allowance	67.20
32-510-52200-0000-1	Contract Services	31,097.58
32-510-55600-0000-1	Postage	14.45
32-510-56000-0000-1	Professional Services - Ot...	5,912.00
32-510-56050-0000-1	Accounting/Auditing Servi...	11,973.95
32-510-57400-0000-1	Supplies - Operating	1,370.46
32-510-57800-0000-1	Telephone & Communicat...	873.62
32-510-58000-0000-1	Utilities	20,273.85
32-510-58050-0000-1	Utilities Other	53.40
32-510-58200-0000-1	Water/Soil/Other Analysis	1,124.85
34-20800-0000-1	Pension Payable	312.96
34-22050-0000-1	Federal Withholding Paya...	65.52
34-22100-0000-1	FICA Payable	171.08
34-22150-0000-1	Medicare Payable	40.00
34-22200-0000-1	State Withholding Payable	28.39
34-22250-0000-1	SUTA Payable	55.18
34-22275-0000-1	ETT Payable	1.38
34-22700-0000-1	Disablity LTD	30.76
34-22800-0000-1	Accident	15.41
34-22900-0000-1	Life	57.99

Account Summary

Account Number	Account Name	Payment Amount
34-22950-0000-1	Cancer-American Fidelity	24.77
34-520-56050-0000-1	Accounting/Auditing Servi...	3,991.31
34-520-56600-0000-1	Repairs & Maintenance - ...	65.00
34-520-57800-0000-1	Telephone & Communicat...	70.00
Grand Total:		996,389.30

Project Account Summary

Project Account Key	Payment Amount
None	996,389.30
Grand Total:	996,389.30

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
January 12, 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

Vice Mayor Cano

PLEDGE OF ALLEGIANCE

Councilmember Gonzalez

PET OF THE WEEK

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 “Peso” a Chihuahua Mix available for immediate adoption to anyone interested.

PRESENTATIONS, INTRODUCTIONS AND AWARDS

- Recognition Award Presented to Elias Cruz on Behalf of Mayor Saul Ayon

Mayor Saul Ayon presented Elias Cruz (Public Works Department) with an award for his hard work.

- Appreciation Award to Marias's Pizza on Behalf of Vice Mayor Ricardo Cano

Vice Mayor Cano presented Maria's Pizza with an award for there over 40 Years of service to the Community.

- Recognition Award Presented to McFarland Police Officers Juan Estrada & Andrew Galvan

Item not addressed.

PUBLIC COMMENTS

Public comment opened at 6:08 p.m.

1. *Cal Rossi-Government Relations Manager for Southern California Edison – Introduced himself to the community and informed that he would be our district representative and voice moving forward.*
2. *Claribel Gutierrez- Field Representative for Assembly Woman Dr. Bains- Informed the community and council that she was here on behalf of Assembly Woman Dr. Jasmin Bains to hear our concerns to move forward in the right direction. She extended her service to the community and encouraged anyone to reach out to her if needed.*
3. *Georgina Diaz (Resident)- Voiced her concern to the council regarding over charge on water bills. She requested council's help to correct the issue and stated that there were multiple homes impacted.*
4. *Phil Corr (Resident)- Mr. Corr spoke briefly about New York times article he distributed to Council. He expressed his dissatisfaction with the answers and time frame in receiving documents or information related to his Public Records Requests. And lastly, he thanked Maria from Maria's Pizza for her contributions to the Summer Reading Program.*

Public Comment Closed at 6:18 p.m.

DEPARTMENTAL REPORTS

None

CONSENT AGENDA

1. Approval of Expense Report in the Amount of \$328,427.35 from November 30, 2022, to December 13, 2022.
2. Approval of Payroll Report in the Amount of \$365,376.95 for the Month of December 2022.
3. Approval of Special Meeting Minutes of December 08, 2022.
4. Approval of Regular Meeting Minutes of December 22, 2022.
5. Approval of Regular meeting Minutes of December 08, 2022.
6. Resolution No. 2023- 0001, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR SPAY AND NEUTER.

Motion was made by: Councilmember A. Ayon to approve the entire 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

**1 Vacant Councilmember Seat*

PUBLIC HEARINGS

None

ADMINISTRATIVE AGENDA

7. Report, Discuss, and Possible Approval of Cannon's proposal for the Engineering Services to Update to the Sewer System Management Plan (SSMP).

Public Comments:

1. *Phil Corr – Clarification.*

Motion was made by: Vice Mayor Cano to approve Cannon's proposal for the Engineering Services to Update to the Sewer System Management Plan (SSMP); 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

*1 Vacant Councilmember Seat

8. Motion was made by: Councilmember A. Ayon to Approve Resolution No. 2023-0002, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING THE RECLASSIFICATION OF THE WASTEWATER TREATMENT PLANT OPERATOR IN TRAINING TO WASTERWATER TREATMENT PLANT OPERATOR 1 AND AN APPROPRIATION OF AN ADDITIONAL ANNUAL SUM OF \$5,383.66 FROM THE WASTEWATER FUND, TO FUND A RECOMMENDED HIGHER SALARY RANGE INCREASE FOR THE WASTEWATER TREATMENT PLANT OPERATOR 1 POSITION AT RANGE 09 STEP “F” AT \$18.99/HOUR; 2nd by: Vice Mayor Cano.

No Comments from the public were presented.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

9. Motion was made by: Vice Mayor Cano to approve Resolution No. 2023- 0003, A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND APPROVING THE POLICY RELATING TO THE USE OF ROAD UNDULATIONS FOR TRAFFIC SPEED CONTROL ON PUBLIC STREETS; 2nd by: Councilmember A. Ayon.

Public Comments:

1. Gina Diaz 702 Melgar Ave McFarland – asked who would be financially responsible to fund the speed bumps requested.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

10. Motion was made by: Councilmember A. Ayon to approve Resolution No. 2023-0004, A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND APPROVING THE FINAL MAP FOR TRACT MAP NO. 7393 PHASE 1, CONTINGENT UPON THE RECEIPT OF REQUIRED IMPROVEMENT BONDS, SUBDIVISION GUARANTEE AND IMPROVEMENT AGREEMENT AUTHORIZING THE CITY CLERK TO ENDORSE THE FINAL MAP, AND AUTHORIZING THE CITY ENGINEER TO TRANSMIT SAME TO THE COUNTY CLERK’S OFFICE; 2nd by: Vice Mayor Cano.

Public Comments:

1. *Ron Woods 13053 Garzoli Ave- Clarification*

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

**1 Vacant Councilmember Seat*

11. Motion was made by: Vice Mayor Cano to approve Resolution No. 2023-0005, A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND APPROVING THE IMPROVEMENT AGREEMENT WITH LEORA, LLC FOR TRACT 7393 PHASE 1; 2nd by: Councilmember A. Ayon.

No Comments from the public were presented.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

**1 Vacant Councilmember Seat*

12. Report, Discussion, and Appointment of Councilmembers on Subcommittees and Special District Committees.

No Comments from the public were presented.

Mayor S. Ayon appointed the following members:

1. *Public Safety Committee: Mayor Saul Ayon & Ricardo Cano*
2. *Quality of Life Committee: Councilmember Anita Gonzalez & Amador Ayon*
3. *Public Policy and Finance Committee: Mayor Saul Ayon & Ricardo Cano*
4. *Ad Hoc Committee: Mayor Saul Ayon & Anita Gonzalez*
5. *Cannabis Committee: Vice Mayor Ricardo Cano & Amador Ayon*
6. *Delano Mosquito Abatement District: Vice Mayor Ricardo Cano*
7. *Kern Council of Governments (KCOG): Mayor Saul Ayon & ALT: Ricardo Cano*
8. *Kern Economic Development Corp. (KEDC): Mayor Saul Ayon & ALT: Ricardo Cano*
9. *Poso Creek (IRWMP): Councilmember Anita Gonzalez*
10. *Kern Local Agency Formation Commission (LAFCO): Mayor Saul Ayon*

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

Anita Gonzalez- Asked Public Works Director Gonzales if the after-hours number was working properly.

Public Works Director Gonzales responded that he would ensure the phone line was working properly.

Ricardo Cano- Thanked everyone in attendance and informed the community that the alley issues were being addressed. He also encouraged the community to stay safe during these storm warnings. And let the community know to reach out to them if they have any issues or concerns and to reach out to the after-hours number for emergencies.

Amador Ayon- Thanked the city employees and everyone involved. He also thanked the citizens who voice their concerns and assured them that they are being heard and addressed.

Saul Ayon- Thanked everyone in attendance. He informed the community that sandbags would be available for residents if needed. and encouraged everyone to stay safe.

Open Session ended at 6:49 p.m.

Council went into closed session.

CLOSED SESSION

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

ADJOURNMENT:

Francisca Alvarado, City Clerk

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
February 09, 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 Phil Corr and Henry Robledo

PLEDGE OF ALLEGIANCE

Councilmember A. Ayon

PET OF THE WEEK

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 “Choco” a Chihuahua Mix breed available for immediate adoption to anyone interested.

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Recognition Award Presented to Annika Fernandez

Mayor Saul Ayon presented Annika Fernandez with a recognition for her outstanding performance in Basketball.

2. Safe Surrender Baby Awareness Month Proclamation- Presented by: Mayor Saul Ayon

Mayor Saul Ayon presented the Safe Surrender Baby Awareness Month Proclamation to Noel Ayon, Human Services Supervisor.

3. Grand Jury Month Proclamation- Presented by: Mayor Saul Ayon

Mayor Saul Ayon presented a proclamation proclaiming February as Grand Jury Month to Enrique Vicuna, Grand Jury Foreman and Alfredo Robledo, Grand Jury Pro-Tem.

PUBLIC COMMENTS

1. Russell Coker, 300 Harlow Ave.- Requested status on the city's budgets and Fire Contract in regard to payment increase.
2. Gina Diaz, 702 Melgar Ave- Requested water meter mis-read update, stating although she met with staff nothing has been resolved. She believes that some fraudulent activity is going on. Ms. Diaz urged the Council to look into this issue and help the residents.

Public Comment Closed at 6:30 p.m.

DEPARTMENTAL REPORTS

None

CONSENT AGENDA

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.

Motion was made by: Councilmember A. Ayon to approve the entire 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

*1 Vacant Councilmember Seat

PUBLIC HEARINGS

- 5. Item Tabled:** 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:

*Public Hearing was tabled to March 9, 2023, Regular City Council Meeting.

ADMINISTRATIVE AGENDA

- 6. Item Tabled:** 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).

*Resolution No. 2023-0013 was tabled to March 9, 2023 Regular City Council Meeting.

- 7.** Motion was made by: Councilmember A. Ayon to select Candidate Maria T. Pérez to fill the vacant seat on the City Council; 2nd by: Vice Mayor Cano. Motion to appoint Candidate Pérez was put to vote by roll call.

Council conducted brief interviews of Candidates Maria T. Pérez and Ivan Sandoval.

Public Comments:

- 1. Olivia Trujillo, Mayor City of Arvin- Spoke in favor of candidate Maria Pérez to fill vacant seat.

Public Comment: Closed 6:45 p.m.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

Mayor Ayon thanked Ivan Sandoval for his interest in the City Council and commended his potential.

City Clerk Alvarado administered oath of office to newly appointed City Council Member Maria T. Pérez.

8. Motion was made by: Councilmember A. Ayon to 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; 2nd by: Councilmember Gonzalez.

No Comments from the public were presented.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

*1 Vacant Councilmember Seat

9. Motion was made by: Councilmember A. Ayon to Approve 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; 2nd by: Councilmember Pérez.

No Comments from the public were presented.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

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

Public Comment:

1. Ron Woods- Asked if the city can afford these bonuses.
2. Russell Coker- McFarland Police Department Phone Directory Issue.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

11. Report, Discussion, and Appointment of Councilmembers on Subcommittees and Special District Committees.

*Mayor S. Ayon appointed members to Subcommittees and Special District Committees as follows:

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. San Joaquin Valley Air Pollution Control District (SJV)

Primary: Councilmember Amador Ayon - Alternate: Councilmember Anita Gonzalez

4. Delano Mosquito Abatement District (DMAD)

Vice Mayor Ricardo Cano

5. Poso Creek (IRWMP)

Councilmember Anita Gonzalez

6. Kern Local Agency Formation Commission (LAFCO)

Mayor Saul Ayon

7. Public Policy and Finance Committee

Mayor Saul Ayon, & Councilmember Anita Gonzalez

8. Public Safety Committee

Mayor Saul Ayon & Vice Mayor Ricardo Cano

9. Quality of Life Committee

Councilmember Anita Gonzalez, & Councilmember Amador Ayon

10. Ad Hoc Committee

Mayor Saul Ayon & Vice Mayor Ricardo Cano

11. Cannabis Committee

Vice Mayor Ricardo Cano & Councilmember Maria Pérez

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

Public Comments:

1. Gina Diaz- Requested clarification of time frame on when the water issues were going to be resolved before the water is shut off and notification. She also requested a clarification on what is an appeal.

City Attorney Hodges gave detail clarification on purpose of resolution No. 2023-0017.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

13. Motion was made by: A. Ayon to approve 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; 2nd by: Councilmember Pérez.

No Comments from the public were presented.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

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; 7:25 p.m.

Public Comments:

1. Tony Caudle- Valley Pure Group- Mr. Caudle spoke in support of Cannabis Zoning Ordinance and informed the Council of his interest in working with the City of McFarland if Council decided to move forward with the Cannabis zoning Ordinance. He also stated he would be more than happy to help and participate in the Cannabis Committee answering any questions they may have.
2. Danny Sanchez -512 10th Street, - Spoke in support of the Zoning Ordinance stating it will provide more funding for the city.

3. Jose Hernandez- 602 7th Street- Spoke against the Cannabis Zoning Ordinance. Voiced his concerns against the negative image of the city.
4. Russell Coker -300 Harlow Ave- Requested clarification on Zoning Areas and buffer zones where cannabis business would be allowed (map).
5. Catherin Woods- 13053 Garzoli Ave- Mrs. Wood's stated that she has lived in McFarland all her life and she just turned 80 years old. She stated that this is a big change but understands why it is happening. She just hopes the zoning would be out far enough so our kids will not be exposed. She asked the Council to be very careful and thanked them for listening to the residents' concerns.
6. Gina Diaz- 702 Melgar- Spoke in support of the Cannabis Zoning Ordinance for Medical purposes only to help people sick people who need it for pain.

b. Close Public Hearing; 7:38 p.m.

c. Vice Mayor Cano: Motioned to 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; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

d. Mayor S. Ayon Directed 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; 7:41 p.m.

Public Comments:

1. Bobby Sharp- 799 5th Street- Thanked the council for their service. Mr. Sharp expressed to Council that he was strongly against the Cannabis Ordinance. He stated that he understood the measure that voted on was to approve the taxation of cannabis Urged council not to move forward with the Cannabis Ordinance believes the cons will outweigh the pros. Does not think it would be a good fit for our city with not enough law enforcement.

2. Oliva Trujillo City of Arvin, Mayor- Spoke in favor of the Cannabis Ordinance. Ms. Trujillo clarified to Council and Residents that Arvin is not distributing or selling cannabis in the City of Arvin, they are only collecting revenue from the people who harvest it. She also stated that it has not affected the Arvin youth community negatively.
3. Russell Coker 300 Harlow Ave- Mr. Coker requested clarification if this Ordinance would allow distribution or cultivation? Expressed he believes this is the wrong way to do things.

Staff clarified that based on the ordinance recommended by the Cannabis Committee there would be a total of 10 licenses: 2 retail, 2 distribution, 2, micro, 2 manufacturing, 2 cultivation.

4. Tony Caudle- Clarified some facts regarding cannabis retail businesses stating that these businesses are protected via live feed cameras directly tapped into law enforcement. Cannabis business have helped improve dilapidated areas in some city's which in return has reduced crime. He also stated that research as shown that states who legalize marijuana have shown a decrease in cannabis use amongst young adults via education.
5. Danny Sanchez- encouraged residents to educate themselves about these types of business and how they operate. Stated he prefers secure commercial facilities with protocols versus mom-and-pop shops that bring gang related and affiliated activity. Marijuana is a growing business that will improve our Community.

b. Close Public Hearing; 7:54 p.m.

- c.** Motion was made by: Councilmember Pérez to 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; 2nd by: Councilmember A. Ayon.

ROLL CALL VOTE: 5/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

- d.** Mayor S. Ayon Directed 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

Anita Gonzalez- No Comments.

Maria Pérez- Councilmember Pérez commended applicant Ivan Sandoval and encouraged him to continue his pursue in life to do great things. She also commended Annika Fernandez for inspiring our youth in our community and thanked everyone for their attendance.

Amador Ayon- No Comments.

Ricardo Cano- Vice Mayor Cano thanked everyone for coming out tonight and encouraged the community to continue to voice their options and ideas to the City Council during these difficult decisions that need to be made.

Saul Ayon- Mayor Ayon thanked everyone in attendance. He assured the community that they are doing their best to handle the difficult discussions they come across with the best interest of the city and with full transparency.

CLOSED SESSION

1. Potential Litigation: Government Code Section 54957: One Case
Reportable Action: Direction to City Attorney to join the National Opioid Settlement.

ADJOURNMENT:

Closed session adjourned at 8:30 p.m.

Francisca Alvarado, City Clerk

SPECIAL CITY COUNCIL MINUTES
IN PERSON MEETING
December 22, 2022

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

CALL TO ORDER

Mayor Pro Tem Pérez called the meeting to order at 4:30 p.m.

ROLL CALL

Councilmembers Present: Mayor Pro-Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Councilmembers Absent: Mayor Sally Tafoya

OFFICIALS PRESENT

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

Officials Absent: Finance Director Viramontes

INVOCATION

None

PLEDGE OF ALLEGIANCE

None

PRESENTATIONS, INTRODUCTIONS AND AWARDS

None

PUBLIC COMMENTS

No Comments from the public were presented.

Public Comment Closed at 4:31 p.m.

ADMINISTRATIVE AGENDA

Report, Discussion, and Possible Approval of Resolution No. 2022-0147, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McFARLAND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ALEXANDER'S CONTRACT

SERVICES, INC. TO PERFORM MONTHLY METER READING SERVICES FOR THE PURPOSE OF UTILITY BILLING.

ROLL CALL VOTE: 4/0

AYES: Mayor Pro-Tem Pérez, S. Ayon, R. Cano, A. Ayon

NAYS: None

ABSTAIN: None

ABSENT: Mayor Sally Tafoya

ADJOURNMENT

Meeting adjourned at 4:36 p.m.

Francisca Alvarado, City Clerk

SPECIAL CITY COUNCIL MINUTES
IN PERSON MEETING
December 22, 2022

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

CALL TO ORDER

Mayor Pro Tem Pérez called the meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers Present: Mayor Pro-Tem Pérez, Councilmember S. Ayon, Councilmember Cano, Councilmember A. Ayon

Councilmembers Absent: Mayor Sally Tafoya

OFFICIALS PRESENT

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

Officials Absent: Finance Director Viramontes

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Councilmember S. Ayon

PUBLIC COMMENTS

1. Margie Martinez 212 7th Street – Expressed her concerns about the potholes in the alley ways. She asked the council if the city could level it out and cut the overgrown trees. She is concerned for the trash truck having trouble getting through the alleyways and having to drive closer to the residents fencing, which she believes is concerning.

Public Comment Closed at 5:04 p.m.

PRESENTATIONS, INTRODUCTIONS AND AWARDS

1. Motion was made by: Councilmember S. Ayon to Adopt Resolution NO. 2022-0146 to be read by title only and further reading waived: A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF MCFARLAND CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2022; DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW; 2nd by: Councilmember Ricardo Cano.

ROLL CALL VOTE: 4/0

AYES: Mayor Pro-Tem Pérez, S. Ayon, R. Cano, A. Ayon

NAYS: None

ABSTAIN: None

ABSENT: Mayor Sally Tafoya

2. Council Comments & City Staff: City Manager Williams
Exiting Members – Awards

Councilmembers expressed their appreciation and gratitude for the exiting members Mayor Sally Tafoya and Mayor Pro Tem Pérez and presented them with an award for their efforts.

Departing Mayor Pro Tem Pérez gave a brief exiting speech.

3. Oath of Office to be Administered to the Newly Elected Mayor and City Council Members

City Clerk Alvarado administered the Oath of Office to the newly elected members of the City Council.

4. Recess for City Council Reorganization (10 minutes)-City Manger Williams

Newly elected and sworn members assumed their positions on the diocese.

New City Council Members gave brief self-introductions to the Council and Community and thanked everyone who voted and supported them through this process.

Mayor S. Ayon moved forward with the administrative agenda.

ADMINISTRATIVE AGENDA

5. Councilmember A. Ayon nominated Councilmember R. Cano for the Mayor Pro Tem position, Councilmember A. Gonzalez 2nd that nomination.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

***1 Vacant Councilmember Seat**

Newly appointed Mayor Pro Tem Cano express his gratitude to the community and council.

6. Motion was made by: Councilmember Amador Ayon to move forward with the application/interview method for the Appointment of the Vacant City Council Seat; 2nd by: Councilmember Anita Gonzalez.

Council directed staff to move forward with the application/interview method to appoint a new member of the community to the vacant city council seat that became vacant immediately after Saul Ayon accepted and was sworn into the Mayor Seat.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

***1 Vacant Councilmember Seat**

ADJOURNMENT

Motion was made by: Councilmember A. Ayon and 2nd by: Vice Mayor R. Cano to Adjourn the Special City Council Meeting.

ROLL CALL VOTE: 4/0

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

NAYS: None

ABSTAIN: None

ABSENT: None

Full consensus

***1 Vacant Councilmember Seat**

Meeting adjourned at 5:29 p.m.

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 23, 2023

SUBJECT: City Council Approval of Resolution No. 2023-0019 authorizing the grant application, acceptance, and execution for the CHP Cannabis Grant Police Enforcement.

SUMMARY:

The City is in the process of completing an application to the State of California to provide funding to train and fund operations such as Drinking Under the Influence (DUI) checkpoints and Saturation Patrols. The goal behind this project is to provide a safer community and protect everyone from drivers operating a vehicle under the influence. The state of California has given the opportunities to local government to apply for funds to help enforce DUI checkpoints and saturation patrols. This grant also allows for local agencies to purchase equipment needed to provide this service.

This application was developed working closely with our Chief of Police and Acting Captain. The need for the overtime funding and possible command post to hold DUI checkpoints would bolster the Police Departments ability to provide excellent service and help prevent drivers from operating under the influence. The staff will also received certification training with the possible grant funding if awarded.

FISCAL IMPACT:

NO FISCAL IMPACT

RECOMMENDATION:

Staff recommends the City Council Approve Resolution No. 2023-0019 authorizing the grant application, acceptance, and execution for the CHP Cannabis Grant Police Enforcement.

ATTACHMENTS:

RESOLUTION NO. 2023-0019

RESOLUTION NO. 2023-0019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION
FOR THE CHP CANNABIS GRANT POLICE ENFORCEMENT**

WHEREAS, the City of McFarland proposes to implement CHP Cannabis Grant Police Enforcement;

WHEREAS, the City of McFarland has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the City of McFarland intends to apply for grant funding from the California Highway Patrol for the CHP Cannabis Grant Police Enforcement;

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

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, ch. 240, § 80) as amended (Stats. 2022, ch. 44, § 25), the City of McFarland City Manager, or designee is hereby authorized and directed to prepare and file an application for funding with the California Highway Patrol and take such other actions necessary or appropriate to obtain grant funding.
2. The City of McFarland City Manager, or designee is hereby authorized and directed to execute the funding agreement with the California Highway Patrol and any amendments thereto.
3. The City of McFarland City Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.
4. The foregoing recitals are true and correct and incorporated herein as if set forth in full.
5. The City Clerk shall certify to the passage and adoption of this resolution.
6. This resolution is effective immediately.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the 23rd 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 COUNCIL MEMBERS

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

DATE: February 23, 2023

SUBJECT: Second Reading of Ordinance No. 0001 -2023 amending McFarland Municipal Code Chapters 17.84.020B, 17.88.020 B, 17.92.020 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 City Council to received public testimony, read ordinance by title only and motion for adoption Ordinance No. 0001-2023 amending McFarland Municipal Code Chapters 17.84.020 B, 17.88.020 B, 17.92.020 B, and 17.152.030.

Attachments:

1. Ordinance No. 0001-2023
2. Zoning Map

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 denied 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
AS FOLLOWS:**

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.

///

///

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				
Maria T. Pérez				

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 23, 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.

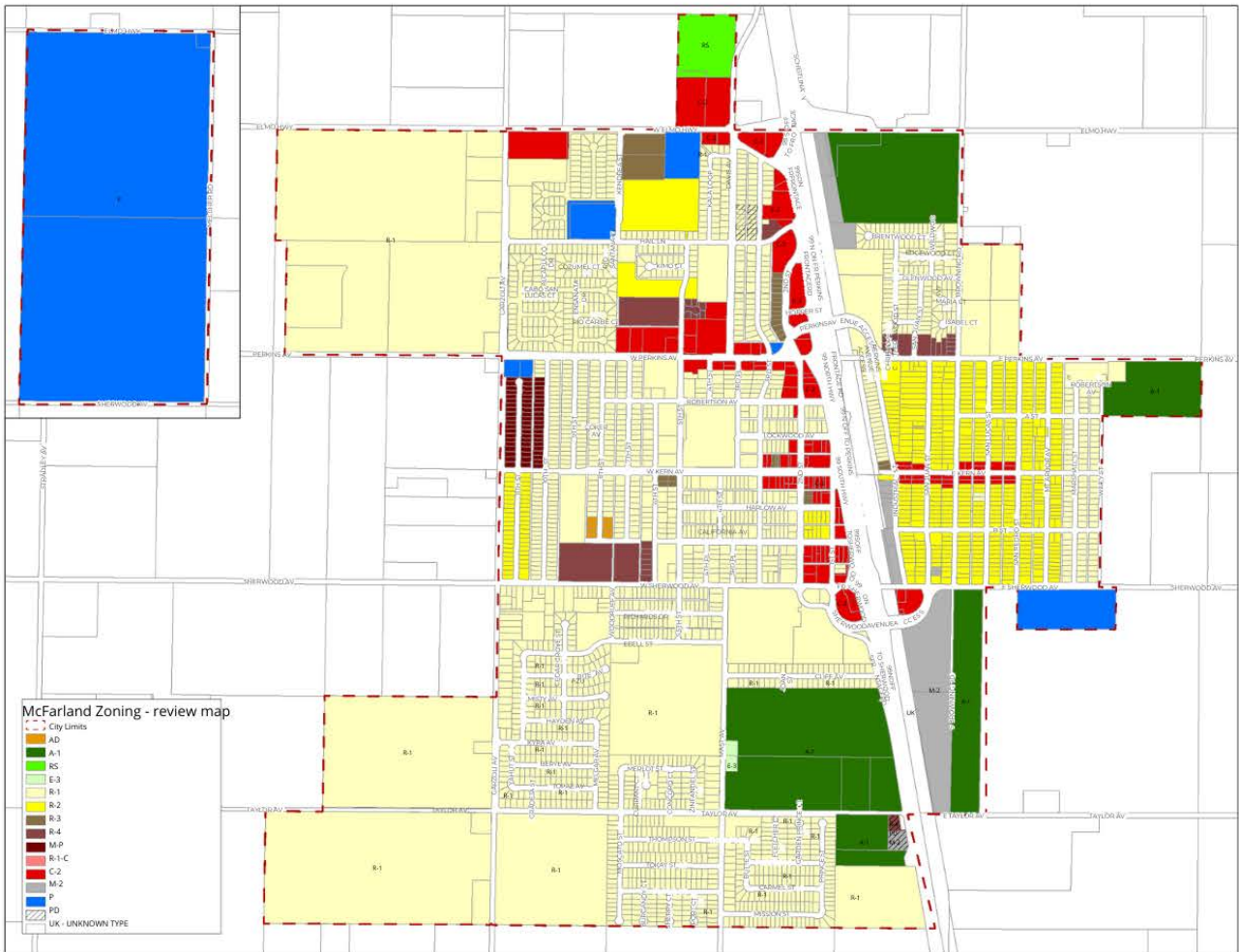
Description of Project:

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

Annexation 18



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 23, 2023

SUBJECT: Second Reading 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 City Council to received public testimony, read ordinance by title only and motion for adoption Ordinance No. 0002-2023 adopting Cannabis Ordinance Title 19.

Attachments:

1. Ordinance 0002-2023 - Cannabis Ordinance Title 19
2. Zoning Map

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

Table of contents for CHAPTER 19.04 COMMERCIAL CANNABIS ACTIVITY

1. Section 19.04.010 – Purpose and Intent. ----- Pg. 2

2. Section 19.04.020 – Definitions. ----- Pg. 2

3. Section 19.06.030 – Applicability to Personal Cannabis Activity ----- Pg. 6

4. Section 19.04.040 – Permitted Types of Commercial Cannabis Businesses ----- Pg. 6

5. Section 19.04.050 – Prohibited Types of Commercial Cannabis Businesses ----- Pg. 7

6. Section 19.04.060 – Required Licenses and Permits ----- Pg. 8

7. Section 19.04.070—Existing Commercial Cannabis Businesses ----- Pg. 11

8. Section 19.04.080 – Security Measures ----- Pg. 11

9. Section 19.04.090 – Employee Badge Requirement. ----- Pg. 14

10. Section 19.04.100 – Right to Occupy and to Use Property. -----Pg. 15

11. Section 19.04.110 – Location of Commercial Cannabis Business – Proximity to Sensitive Uses -Pg. 15

12. Section 19.04.120 – Alcohol and Tobacco Restrictions. ----- Pg. 16

13. Section 19.04.130 – Concurrent Regulation with State ----- Pg. 16

14. Section 19.04.140 – Compliance with Laws ----- Pg. 16

15. Section 19.04.150 – Inspections and Enforcement ----- Pg. 17

16. Section 19.04.160 – Fees and Charges -----	Pg. 18
17. Section 19.04.170 – Violations and Enforcement -----	Pg. 19
18. Section 19.04.180 – Limitations on City’s Liability-----	Pg. 20
19. Section 19.04.190 – Commercial Cannabis Permit Application Procedures and Requirements -	Pg. 21
20. Section 19.04.200 – Development Agreement-----	Pg. 27
21. Section 19.04.210 – Records and Reporting -----	Pg. 32
22. Section 19.04.220 – Prohibition on Transfer of Commercial Cannabis Permits ____	Pg. 34
23. Section 19.04.230 – General Operating Requirements for Commercial Cannabis Businesses ----	Pg. 34
24. Section 19.04.240 – Operating Requirements for Cultivation Businesses and Nurseries -----	Pg. 39
25. Section 19.04.250 – Cannabis Manufacturing Business Operating Requirements -----	Pg. 40
26. Section 19.04.260 – Reserved -----	Pg. 41
27. Section 19.04.270 – Cannabis Retail/Delivery Businesses Operating Requirements -----	Pg. 41
28. Section 19.04.280 – Total Area Devoted to Commercial Cannabis Businesses -----	Pg. 43
29. Section 19.04.290 – Periodic Review by the City Council -----	Pg. 44
30. Section 19.04.300 – Promulgation of Regulations and Standards ____	Pg. 44
31. Section 19.04.310 – Community Relations -----	Pg. 44
32. Section 19.04.320 – Unpaid Fees Deemed Debt to City -----	Pg. 44
33. Section 19.04.330 – Permit Holder Responsible for Violations -----	Pg. 44
34. Section 19.04.340 – Effect on Other Ordinances -----	Pg. 44
35. Section 19.04.350 – Unlawful Businesses Prohibited -----	Pg. 45
36. Section 19.04.360 – City Manager Designee -----	Pg. 45
37. Section 19.04.370 – Consumption of Marijuana or Marijuana Products -----	Pg. 45

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) (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				
Maria T. Pérez				

Francisca Alvarado, City Clerk

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

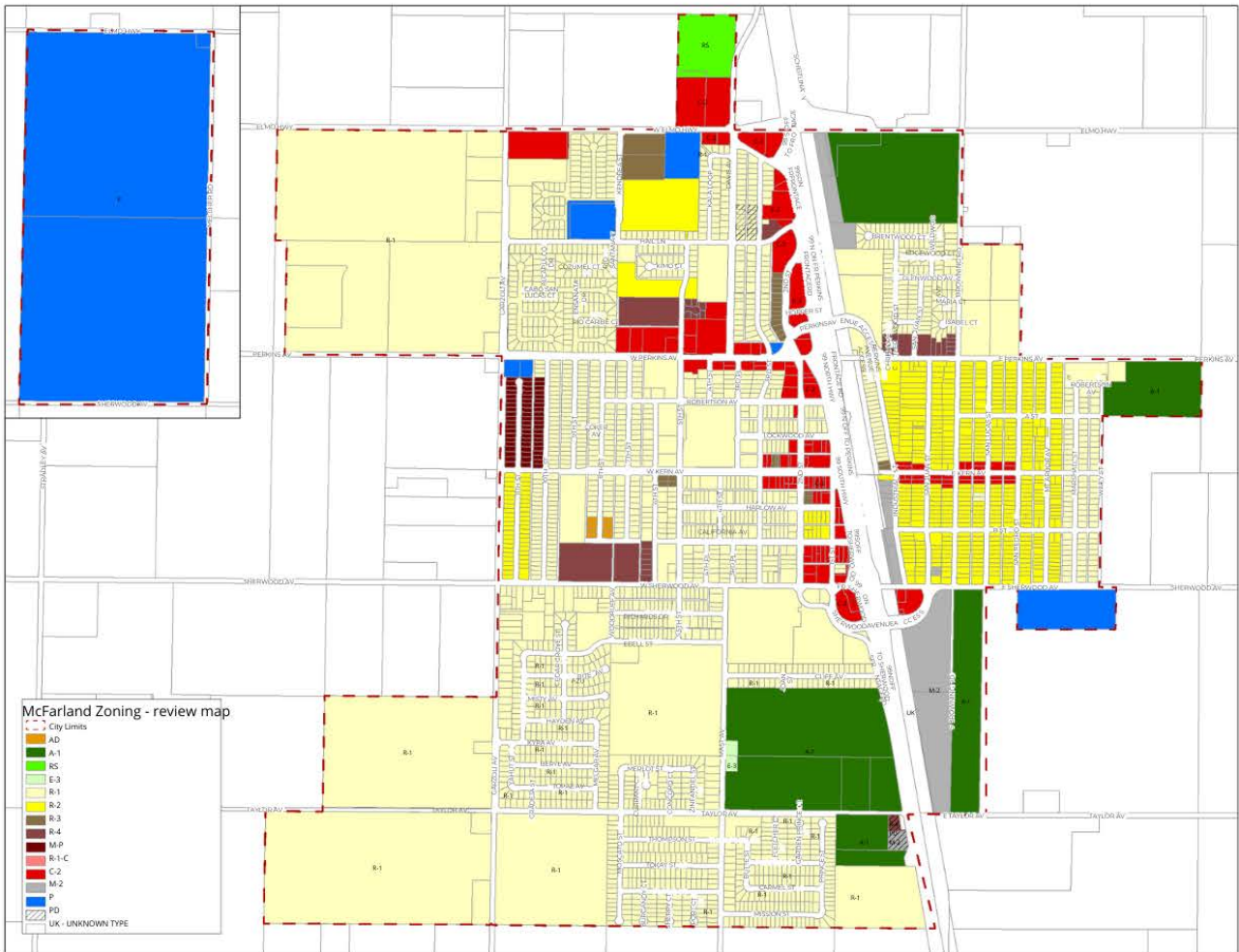
ATTEST:

Saul Ayon, Mayor

APPROVED AS TO FORM:

Nathan Hodges, City Attorney

Annexation 18



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 23, 2023

SUBJECT: Report, Discussion, and Possible Approval of Resolution No.
2023-0020 Adopting Cannabis Application Fee.

Discussion:

The City Council has approved Commercial Cannabis and has adopted all ordinance necessary to create process, procedure, standards, enforcement, and all necessary requirements. This resolution provided by staff is to set an application fee by Resolution of the City Council so that staff time is covered through review of all new applications and renewals. This process requires many hours of review and background checks to verify that all necessary requirements are met. This fee will help the city recover all time spent by staff.

Fiscal Impact:

Legal Review – City Attorney Review Cost

Recommendation:

Staff Recommends Council to approve Resolution No. 2023-0020 adopting fees for Commercial Cannabis Activity application and renewals.

Attachments:

1. Resolution NO. 2023-0020
2. Exhibit A – Fee Chart

RESOLUTION No. 2023-0020

**A RESOLUTION OF THE CITY COUNCIL OF McFARLAND UPDATING AND
ESTABLISHING CANNABIS APPLICATION FEES AND ANNUAL CANNABIS
RENEWAL FEES**

WHEREAS, user and regulatory fees are established by City Council; and

WHEREAS, the City recently completed a comparison of neighboring cities that conduct cannabis activity; and

WHEREAS, the City determined that the following fees in Exhibit A shall be established; and

WHEREAS, the City Council finds that providing these services is of special benefit to applicants both separate and apart from the general benefit to the public; and therefore, in the interests of fairness to the general public, the City desires to better recover the costs of providing these services from applicants who have sought or require the City's services by revising its schedule of fees; and

WHEREAS, prior to adopting adjustments or creation of new fees, the City Council shall have the opportunity to review and consider said adjustments; and

WHEREAS, this action is found to be in compliance with the requirements of California Government Code 66016 and 66018; and

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

- 1.) Each WHEREAS paragraph, set forth above, is hereby adopted as a specific finding of this City Council.
- 2.) The City Council hereby adopts the fees as set forth in attached Exhibit "A" and incorporated by this reference.
- 3.) Any and all provisions of prior resolutions of the City Council establishing or modifying fees for the services, programs or products set forth in Exhibit "A," are hereby repealed and replaced as of the effective date of this Resolution in the manner set forth in Exhibit "A;" provided, however, that such repeal shall not excuse or affect the failure of any person or entity to pay any fee heretofore imposed upon such person or entity. The City Council desires to clarify that in adopting this Resolution, it is taking action only on those fees for the services, programs or products set forth in Exhibit "A" which have been modified from prior resolutions of the City Council. The remaining fees that have not been modified from prior resolutions shall remain in full force and effect.
- 4.) This resolution shall become effective March 27, 2023.
- 5.) The City Clerk shall certify to the passage and adoption of this resolution.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of McFarland on the 23rd day of February 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Saul Ayon, Mayor
City of McFarland, California

ATTEST:

Francisca Alvarado, City Clerk
City of McFarland, California

Exhibit A

Application Fee	Annual Renewal Fee
\$7500 + \$500 Background*	\$11,500

*Background required for all owners and employees on site within City Limits. A \$500 fee will be required for each background check for each owner and/or employee.

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 Resolution Establishing Cannabis Application Fees and Renewals

Regular McFarland City Council Public Hearing Information

Date: February 23, 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. With the adoption of this cannabis ordinance, an application fee and renewal fee is required per type of cannabis activity applied for.

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

Francisca Alvarado, City Clerk

**STAFF REPORT
CITY OF MCFARLAND**

TO: Honorable Mayor and City Council Members

FROM: Kenny Williams, Chief of Police/ City Manager

DATE: February 23, 2023

SUBJECT: Report, Discuss, and Possible Approval of Resolution No. 2023-0021 Appropriations Resolution and CivicPlus Master Services Agreement to add CivicClerk (agenda and minute management software) to assist with the Agenda Management and Process.

Discussion:

Staff would like to improve its efforts and efficiency by providing a better agenda. In order to enhance the ability to produce a more accurate and time saving agenda we are asking council to consider approving this resolution that would allow city staff to contract with CivicPlus to add CivicClerk an additional software that would help prevent grammar and inconsistency throughout the agenda and would help the clerk produce a complete agenda in a timely manner. This software would be able to track, record, and output a clean, and accurate document.

Staff received a quote from CivicPlus for CivicClerk in the amount of \$7,752.00 total investment for 1- year, if council approves with a 2-year agreement the cost would be a total of \$5,035.80. This cost includes the configuration, template design, consulting, and virtual training. Currently City of McFarland contracts with CivicPlus for the City's website software.

Financial impact:

The total impact to the 2022/2023 budget is \$5,035.80. The total impact to the 2023/2024 budget is \$5,035.80.

Recommendation:

STAFF RECOMMENDS COUNCIL DISCUSS & APPROVE RESOLUTION NO. 2023-0021 APPROVING AN ADDITIONAL ALLOCATION OF FUNDS FROM THE GENERAL FUND TO PURCHASE CIVICCLERK (AGENDA AND MINUTES MANAGEMENT SOFTWARE) AND APPROVAL OF THE AGREEMENT WITH CIVICPLUS WITH AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE AGREEMENT.

Attachment:

- A: Appropriations Resolution
- B. CivicClerk Quote.
- C. Master Services Agreement

RESOLUTION NO. 2023- 0021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING AN ADDITIONAL ALLOCATION OF FUNDS FROM THE GENERAL FUND TO PURCHASE CIVICCLERK (AGENDA AND MINUTES MANAGEMENT SOFTWARE) AND APPROVAL OF THE AGREEMENT WITH CIVICPLUS WITH AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE AGREEMENT.

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

WHEREAS, the current budget does not allocate funds for the purchase of CivicClerk.

WHEREAS, a one time allocation in the amount of \$ 7,752.00 is needed to add CivicClerk for a one year period from the 2022/2023 budget. Or \$5,035.80 from the 2022/2023 budget and \$5, 035.80 from 2023/2024 budget for a two year agreement.

WHEREAS, the City desires to allocate an additional \$ from the General Fund for the purchase of CivicClerk to improve the agenda and minute management process.

WHEREAS, the City Council desires to have the City Manager execute the lease agreement and all related documents for the implementation of the CivicPlus agreement.

WHEREAS, the purchasing agent has determined that this purchase is exempt from the bidding requirements based on the sole source exemption of the bidding process.

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) An additional \$ shall be allocated to the budget line for the purchase and implementation of CivicClerk from the City's General Fund.
- 3) The increased allocation shall be in full force and effect for the 2022/2023 and/or fiscal year budget 2023/2024.
- 4) The City Manager is hereby authorized and directed to increase the General Fund by \$ for the purchase of CivicClerk.
- 5) The City Manager is hereby authorized to execute the master agreement and all related documents for the implementation of the CivicClerk for CivicPlus agreement.
- 6) The City Clerk shall certify to the passage and adoption of this resolution.
- 7) This resolution is effective immediately.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the 23rd day of February 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

**CivicPlus**

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-37031-1

Date:

1/31/2023 10:11 AM

Expires On:

3/30/2023

Client:

MCFARLAND, CALIFORNIA

Bill To:

MCFARLAND, CALIFORNIA

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Gabby Bond	x	gabriel.bond@civicplus.com		Net 30

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE
1.00	CivicClerk Annual Fee	CivicClerk Annual Fee - Agenda and Minutes Management	Renewable
1.00	CivicClerk Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	Renewable
1.00	CivicClerk Premium Implementation Package	Premium Implementation Package – Up to # of Boards	
1.00	CivicClerk Premium Configuration	CivicClerk Premium Configuration	One-time
1.00	CivicClerk Custom Template Design	CivicClerk Custom Template Set - includes 2 Agenda templates, 1 Item Report template, 1 Minutes template, 1 Agenda Script template	One-time
2.00	CivicClerk Consulting (1h, virtual)	1 hour Virtual Consulting	One-time
1.00	CivicClerk Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours	One-time

List Price - Year 1 Total	USD 8,636.00
Total Investment - Year 1	USD 7,752.00
Annual Recurring Services - Year 2	USD 5,035.80

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicClerk Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.

2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal

Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".

3. The Total Investment - Year 1 will be invoiced at signing of this SOW. Client will pay all invoices within 30 days of the date of invoice.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in year 2 of service.
5. Client shall have sole control and responsibility over the determination of which data and information shall be included in the content that is to be transmitted and stored by CivicPlus. Client shall not provide to CivicPlus or allow to be provided to CivicPlus any content that (a) infringes or violates any 3rd party's Intellectual Property rights, rights of publicity or rights of privacy, (b) contains any defamatory material, or (c) violates any federal, state, local, or foreign laws, regulations, or statutes.
6. The scope of the initial implementation services to be delivered by CivicPlus are as listed above. Client is responsible for providing all information required for the configuration of the services in accordance with the scope and project timeline.
7. Upon Go-Live, any unused implementation services (ie: board configuration) will expire. Any configuration of additional boards by CivicPlus after Go-Live may incur additional one-time charges based on the scope of the desired configuration, design, and training services.
8. Completion of implementation services will be determined by Go Live status. The parties agree to cooperate in a timely manner to complete all implementation tasks and deliverables in order to obtain Go-Live status of the services. CivicPlus will make reasonable efforts to confirm Go Live status with the Client, but reserves the right to deem Client's use of the services in the intended course of business as Go Live. "Go-Live" is defined as the Client's use of the services implemented by CivicPlus under this SOW for the intended purpose and with the intended audience.

Signature Page to follow.

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization

URL

Street Address

Address 2

City

State

Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays).
Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for
ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact

E-Mail

Phone

Ext.

Fax

Billing Address

Address 2

City

State

Postal Code

Tax ID #

Sales Tax Exempt #

Billing Terms

Account Rep

Info Required on Invoice (PO or Job #)

Are you utilizing any external funding for your project (ex. FEMA, CARES): Y [] or N []

Please list all external sources:

Contract Contact

Email

Phone

Ext.

Fax

Project Contact

Email

Phone

Ext.

Fax



CivicPlus

Master Services Agreement

This Master Services Agreement (this “Agreement”) governs all Statements of Work (“SOW”) entered into by and between CivicPlus, LLC (“CivicPlus”) and the client entity identified on the SOW (“Client”). This Agreement governs the use and provision of any Services purchased by Client, as described in any signed SOW, and the effective date of this Agreement shall commence on the date of signature of the SOW (“Effective Date”). If a SOW has not been executed, then the Effective Date shall be determined as the start date of implementation of any software solution or codification services by CivicPlus for Client. CivicPlus and Client referred to herein individually as “Party” and jointly as “Parties”.

Recitals

I. WHEREAS, CivicPlus is engaged in the business of developing and providing access to proprietary community engagement and government content management software solutions, platforms and associated services (the “Services”); and

II. WHEREAS, Client wishes to engage CivicPlus for the procurement of the Services and/or receive a license subscription for the ongoing use of the Services, as set forth in the SOW;

NOW, THEREFORE, Client and CivicPlus agree as follows:

Agreement

Term & Termination

1. This Agreement shall commence on the Effective Date and shall remain in full force and effect for as long as any SOW is in effect between CivicPlus and Client, or Services are being provided by CivicPlus to Client, unless terminated in accordance with this §1 or as otherwise provided in this Agreement (the “Term”). Either Party may terminate this Agreement or any SOW as set forth in such SOW, or at its discretion, effective immediately upon written notice to the other Party, if the other Party materially breaches any provision of this Agreement and does not substantially cure the breach within thirty (30) days after receiving notice of such breach. A delinquent Client account remaining past due for longer than 90 days is a material breach by Client and is grounds for CivicPlus termination.

2. Upon termination of this Agreement or any SOW for any reason, (a) the licenses granted for such relevant SOW by §11 below will terminate and Client shall cease all use of the CivicPlus Property and Services associated with the terminated SOW and (b) any amounts owed under outstanding invoices or future planned billing for the completed development and implementation of the Client’s Services, as defined in the SOW (“Project Development”), shall immediately become due in full and payable. Sections 7, 8, 10, 14, 15, 18, 29 -31, 39, and 40 will survive any expiration or termination of this Agreement.

3. At any time during the Term, CivicPlus may, immediately upon notice to Client, suspend access to any Service due to a threat to the technical security or technical integrity of the Services.

Invoicing & Payment Terms

4. Client will pay the amounts owed to CivicPlus for the Project Development, subscription and licensing, and annual hosting, support and maintenance services (“Annual Recurring Services”) in accordance with the payment schedule set forth on the applicable SOW. Invoices shall be sent electronically to the individual/entity designated in the SOW’s contact sheet that is

required to be filled out and submitted by Client (the "Contact Sheet"). Client shall provide accurate, current and complete information of Client's legal business name, address, email address, and phone number in the Contact Sheet upon submission of a signed SOW. Client will maintain and promptly update the Contact Sheet information if it should change. Upon Client's request, CivicPlus will mail hard-copy invoices for a \$5.00 convenience fee.

5. Each SOW will state the amount of days from date of invoice payment is due. Unless otherwise limited by law, a finance charge of 1.5 percent (%) per month or the maximum rate permitted by applicable law, whichever is less, will be added to past due accounts from due date until paid. Payments received will be applied first to finance charges, then to the oldest outstanding invoice(s). If the Client's account exceeds 60 days past due, support will be discontinued until the Client's account is made current. If the Client's account exceeds 90 days past due, Annual Recurring Services will be discontinued, and the Client will no longer have access to the Services until the Client's account is made current. Client will be given 15 days' notice prior to discontinuation of Services for non-payment.

6. During the performance of services during Project Development, if a change that requires repeated efforts to previously approved work product and such change causes CivicPlus to incur additional expenses (i.e. airline change fees, resource hours, consultant fees, Client does not show up for scheduled meetings or trainings), Client agrees to reimburse CivicPlus for such fees, not to exceed \$1,000 per CivicPlus employee. CivicPlus shall notify Client prior to incurring such expenses and shall only incur those expenses which are approved by Client.

Ownership & Content Responsibility

7. Upon full and complete payment of amounts owed for Project Development under the applicable SOW, Client will own the website graphic designs, webpage or Services content, module content, importable/exportable data, and archived information ("Client Content") created by CivicPlus on behalf of Client pursuant to this Agreement. "Client Content" also includes any elements of text, graphics, images, photos, designs, artworks, logos, trademarks, services marks, and other materials or content which Client provides or inputs into any website, software or module in connection with any Services. Client Content excludes any content in the public domain; and any content owned or licensed by CivicPlus, whether in connection with providing Services or otherwise.

8. Upon completion of the Project Development, Client will assume full responsibility for Client Content maintenance and administration. Client, not CivicPlus, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Client Content. Client hereby grants CivicPlus a worldwide, non-exclusive right and license to reproduce, distribute and display the Client Content as necessary to provide the Services. Client represents and warrants that Client owns all Client Content or that Client has permission from the rightful owner to use each of the elements of Client Content; and that Client has all rights necessary for CivicPlus to use the Client Content in connection with providing the Services.

9. At any time during the term of the applicable SOW, Client will have the ability to download the Client Content and export the Client data through the Services. Client may request CivicPlus to perform the export of Client data and provide the Client data to Client in a commonly used format at any time, for a fee to be quoted at time of request and approved by Client. Upon termination of the applicable SOW for any reason, whether or not Client has retrieved or requested the Client data, CivicPlus reserves the right to permanently and definitively delete the Client Content and Client data held in the Services thirty (30) days following termination of the applicable SOW. During the thirty (30) day period following termination of the SOW, regardless of the reason for its termination, Client will not have access to the Services.

10. Intellectual Property in the software or other original works created by or licensed to CivicPlus, including all software source code, documents, and materials used in the Services ("CivicPlus Property") will remain the property of CivicPlus. CivicPlus Property specifically excludes Client Content. Client shall not (i) license, sublicense, sell, resell, reproduce, transfer, assign, distribute or otherwise commercially exploit or make available to any third party any CivicPlus Property in any way, except as specifically provided in the applicable SOW; (ii) adapt, alter, modify or make derivative works based upon any CivicPlus Property; (iii) create internet "links" to the CivicPlus Property software or "frame" or "mirror" any CivicPlus

Property administrative access on any other server or wireless or internet-based device that may allow third party entities, other than Client, to use the Services; (iv) reverse engineer, decompile, disassemble or otherwise attempt to obtain the software source code to all or any portion of the Services; or (v) access any CivicPlus Property in order to (a) build a competitive product or service, (b) build a product using similar ideas, features, functions or graphics of any CivicPlus Property, or (c) copy any ideas, features, functions or graphics of any CivicPlus Property. The CivicPlus name, the CivicPlus logo, and the product and module names associated with any CivicPlus Property are trademarks of CivicPlus, and no right or license is granted to use them outside of the licenses set forth in this Agreement.

11. Provided Client complies with the terms and conditions herein, the relevant SOW, and license restrictions set forth in §10, CivicPlus hereby grants Client a limited, nontransferable, nonexclusive, license to access and use the CivicPlus Property associated with any valid and effective SOW, for the term of the respective SOW.

12. All CivicPlus helpful information and user's guides for the Services ("Documentation") are maintained and updated electronically by CivicPlus and can be accessed through the CivicPlus "Help Center". CivicPlus does not provide paper copies of its Documentation. Client and its Users are granted a limited license to access Documentation as needed. Client shall not copy, download, distribute, or make derivatives of the Documentation.

13. Client acknowledges that CivicPlus may continually develop, alter, deliver, and provide to the Client ongoing innovation to the Services, in the form of new features and functionalities. CivicPlus reserves the right to modify the Services from time to time. Any modifications or improvements to the Services listed on the SOW will be provided to the Client at no additional charge. In the event that CivicPlus creates new products or enhancements to the Services ("New Services"), and Client desires these New Services, then Client will have to pay CivicPlus the appropriate fee for the access to and use of the New Services. If Client disputes any change, then CivicPlus shall use its reasonable best efforts to resolve the dispute.

14. CivicPlus in its sole discretion, may utilize all comments and suggestions, whether written or oral, furnished by Client to CivicPlus in connection with its access to and use of the Services (all reports, comments and suggestions provided by Client hereunder constitute, collectively, the "Feedback"). Client hereby grants to CivicPlus a worldwide, non-exclusive, irrevocable, perpetual, royalty-free right and license to incorporate the Feedback in the CivicPlus products and services.

Indemnification

15. Unless prohibited by the law of Client's state, the Parties shall defend, indemnify and hold the other Party, its partners, employees, and agents harmless from and against any and all third party lawsuits, claims, demands, penalties, losses, fines, liabilities, damages, and expenses, including attorney's fees, of any kind, without limitation, arising out of the negligent actions and omissions, or intentionally malicious actions or omissions of the indemnifying Party or its affiliates, partners, employees, and agents, directly associated with this Agreement and the installation and ongoing operations of Services contemplated by the SOW. This section shall not apply to the extent that any lawsuits, claims, demands, penalties, losses, fines, liabilities, damages, and expenses is caused by the negligence or willful misconduct on the part of the indemnified Party.

Responsibilities of the Parties

16. CivicPlus will not be liable for any act, omission of act, negligence or defect in the quality of service of any underlying carrier, licensor or other third-party service provider whose facilities or services are used in furnishing any portion of the Service received by the Client.

17. CivicPlus will not be liable for any failure of performance that is caused by or the result of any act or omission by Client or any entity employed/contracted on the Client's behalf. During Project Development, Client will be responsive and cooperative with CivicPlus to ensure the Project Development is completed in a timely manner.

18. Client agrees that it is solely responsible for any solicitation, collection, storage, or other use of end-user's personal data on any Service provided by CivicPlus. Client further agrees that CivicPlus has no responsibility for the use or storage of end-users'

personal data in connection with the Services or the consequences of the solicitation, collection, storage, or other use by Client or by any third party of personal data.

19. Client is responsible for all activity that occurs under Client's accounts by or on behalf of Client. Client agrees to (a) be solely responsible for all designated and authorized individuals chosen by Client ("User") activity, which must be in accordance with this Agreement and the CivicPlus [Terms of Use](#); (b) be solely responsible for Client data; (c) obtain and maintain during the term all necessary consents, agreements and approvals from end-users, individuals or any other third parties for all actual or intended uses of information, data or other content Client will use in connection with the Services; (d) use commercially reasonable efforts to prevent unauthorized access to, or use of, any User's log-in information and the Services, and notify CivicPlus promptly of any known unauthorized access or use of the foregoing; and (e) use the Services only in accordance with applicable laws and regulations.

20. The Parties shall comply with all applicable local, state, and federal laws, treaties, regulations, and conventions in connection with its use and provision of any of the Services or CivicPlus Property.

21. CivicPlus shall not be responsible for any act or omission of any third-party vendor or service provider that Client has selected to integrate any of its Services with.

22. If implementation services, such as consulting or training, are purchased by Client and are not used solely due to the inaction or unresponsiveness of Client during the implementation period, then these services shall expire within 30 days after implementation closeout. The Client may choose to re-schedule any unused implementation services during this 30 day period as mutually agreed upon by the Parties. Any implementation services that have not been used or rescheduled shall be marked complete and closed upon the expiration of the 30 day period.

Data Security

23. CivicPlus shall, at all times, comply with the terms and conditions of its [Privacy Policy](#). CivicPlus will maintain commercially reasonable administrative, physical, and technical safeguards designed to protect the security and confidentiality of Client data. Except (a) in order to provide the Services; (b) to prevent or address service or technical problems in connection with support matters; (c) as expressly permitted in writing by Client; or (d) in compliance with our [Privacy Policy](#), CivicPlus will not modify Client data or disclose Client data, unless specifically directed by Client or compelled by law. Notwithstanding the foregoing, CivicPlus reserves the right to delete known malicious accounts without Client authorization.

24. Client acknowledges and agrees that CivicPlus utilizes third-party service providers to host and provide the Services and store Client data and the protection of such data will be in accordance with such third party's safeguards for the protection and the security and confidentiality of Client's data.

25. CivicPlus may offer Client the ability to use third-party applications in combination with the Services. Any such third-party application will be subject to acceptance by Client. In connection with any such third-party application agreed to by Client, Client acknowledges and agrees that CivicPlus may allow the third-party providers access to Client data as required for the interoperation of such third-party application with the Services. The use of a third-party application with the Services may also require Client to agree to a separate agreement or terms and conditions with the provider of the third-party application, which will govern Client's use of such third-party application.

26. In the event of a security breach at the sole fault of the negligence, malicious actions, omissions, or misconduct of CivicPlus, CivicPlus, as the data custodian, will comply with all remediation efforts as required by applicable federal and state law.

CivicPlus Support

27. CivicPlus will use commercially reasonable efforts to perform the Services in a manner consistent with applicable industry standards, including maintaining Services availability 24 hours a day, 7 days a week. Client will have 24/7 access to the online

CivicPlus Help Center ([civicplus.help](https://www.civicplus.help/hc/en-us/requests/new)) to review use articles, software best practices, receive maintenance release notes, as well as submit and monitor omni-channel support tickets and access solution specific support contact methods (<https://www.civicplus.help/hc/en-us/requests/new>).

28. CivicPlus provides live support engineers based in the domestic United States to respond to basic questions concerning use and configuration, to diagnose software code-related errors, and proactively identify potential systems issues. CivicPlus support engineers serve a preliminary function in the agile development process and escalate defects to software developers or architects for remediation. For security purposes, CivicPlus support engineers are not permitted to modify user accounts, and permissions nor distribute access outside of accounts established by means of a support interaction for testing. Client delegated Users may receive tutorials and guidance on account modifications but will perform the action themselves.

29. CivicPlus support hours span between the hours of 7 am to 7 pm CST, but may vary by product. Client will have 24/7 access to the online CivicPlus Help Center ([civicplus.help](https://www.civicplus.help/hc/en-us/requests/new)) to obtain each product's support hours, review use articles, software best practices, receive maintenance release notes, as well as submit and monitor omni-channel support tickets and access solution specific support contact methods (<https://www.civicplus.help/hc/en-us/requests/new>). After-hours support is available by toll-free phone call only. Non-emergency support requested outside of support hours will be subject to additional fees, such fees will be quoted to Client at the time of the request and will be subject to Client acceptance and invoiced the next business day following the non-emergency support. CivicPlus shall have the sole discretion to determine whether support requests qualify as an emergency, exceed reasonable use or are outside the scope of services outlined in any SOW.

30. If a reported problem cannot be solved during the first support interaction, Client will be provided a ticket number that will be used as communication method throughout ticket escalation until a solution is provided. Support service does not include support for errors caused by third party products or applications for which CivicPlus is not responsible.

Marketing

31. Client hereby authorizes CivicPlus to use Client's name and logo on CivicPlus's website and in sales and marketing presentations. Such authorization may be withdrawn by Client at any time for any reason or no reason at all upon written notice to CivicPlus. Client may publicly refer to itself as a customer of the CivicPlus Services, including on Client's website and in sales presentations. Notwithstanding the foregoing, Each Party hereby grants the other a limited, worldwide, license to use the other's logo in conformance with such Party's trademark usage guidelines and solely for the purpose set forth in this §28. In no event will either party issue a press release publicly announcing this relationship without the approval of the other party, such approval not to be unreasonably withheld.

Limitation of Liability

32. CivicPlus' liability arising out of or related to this Agreement, or any associated SOW, will not exceed the Annual Recurring Services amounts paid by Client in the year prior to such claim of liability.

33. In no event will CivicPlus be liable to Client for any consequential, indirect, special, incidental, or punitive damages arising out of or related to this Agreement.

34. The liabilities limited by Section 32 and 33 apply: (a) to liability for negligence; (b) regardless of the form of action, whether in contract, tort, strict product liability, or otherwise; (c) even if Client is advised in advance of the possibility of the damages in question and even if such damages were foreseeable; and (d) even if Client's remedies fail of their essential purposes. If applicable law limits the application of the provisions of this Limitation of Liability section, CivicPlus' liability will be limited to the maximum extent permissible.

Warranties and Disclaimer

35. Each person signing the SOW, or otherwise agreeing to the terms of this Agreement, represents and warrants that he or she is duly authorized and has legal capacity to execute and bind the respective Party to the terms and conditions of the SOW and this Agreement. Each Party represents and warrants to the other that the execution and delivery of the SOW and the performance

of such Party's obligations thereunder have been duly authorized and that this Agreement is a valid and legal agreement binding on such Party and enforceable in accordance with its terms.

36. CivicPlus warrants that the Services will perform substantially in accordance with documentation and marketing proposals, and free of any material defect. CivicPlus warrants to the Client that, upon notice given to CivicPlus of any defect in design or fault or improper workmanship, CivicPlus will remedy any such defect. CivicPlus makes no warranty regarding, and will have no responsibility for, any claim arising out of: (i) a modification of the Services made by anyone other than CivicPlus, even in a situation where CivicPlus approves of such modification in writing; or (ii) use of the Services in combination with a third party service, web hosting service, or server not authorized by CivicPlus.

37. EXCEPT FOR THE EXPRESS WARRANTIES IN THIS AGREEMENT, CIVICPLUS HEREBY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ARISING FROM A PRIOR COURSE OF DEALING.

38. EACH PROVISION OF THIS AGREEMENT THAT PROVIDES FOR A LIMITATION OF LIABILITY, DISCLAIMER OF WARRANTIES, OR EXCLUSION OF DAMAGES IS TO ALLOCATE THE RISKS OF THIS AGREEMENT BETWEEN THE PARTIES. THIS ALLOCATION IS REFLECTED IN THE PRICING OFFERED BY CIVICPLUS TO CLIENT AND IS AN ESSENTIAL ELEMENT OF THE BASIS OF THE BARGAIN BETWEEN THE PARTIES. EACH OF THESE PROVISIONS IS SEVERABLE AND INDEPENDENT OF ALL OTHER PROVISIONS OF THIS AGREEMENT.

Force Majeure

39. No party shall have any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by force majeure, meaning any act of God, storm, pandemic, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civic disturbance, riot, war, national emergency, act of public enemy, or other cause of similar or dissimilar nature beyond its control.

Taxes

40. The amounts owed for the Services exclude, and Client will be responsible for, all sales, use, excise, withholding and any other similar taxes, duties and charges of any kind imposed by any federal, state or local governmental entity in connection with the Services (excluding taxes based solely on CivicPlus's income). If the Client is tax-exempt, the Client must provide CivicPlus proof of their tax-exempt status, within fifteen (15) days of contract signing, and the fees owed by Client under this Agreement will not be taxed. If such exemption certificate is challenged or held invalid by a taxing authority then Client agrees to pay for all resulting fines, penalties and expenses.

Other Documents

41. This Agreement, including all exhibits, amendments, and addenda hereto and all SOWs, constitutes the entire agreement between the Parties and supersedes all prior and contemporaneous agreements, proposals or representations, written or oral, concerning its subject matter. No modification, amendment, or waiver of any provision of this Agreement or any SOW will be effective unless in writing and signed by each Party. However, to the extent of any conflict or inconsistency between the provision in the body of this Agreement and any exhibit, amendment, or addenda hereto or any SOW, the terms of such exhibit, amendment, addenda or SOW will prevail. Notwithstanding any language to the contrary therein, no terms or conditions stated in a Client purchase order or other order documentation (excluding SOWs) will be incorporated into or form any part of this Agreement, all such terms or conditions will be null and void, unless such term is to refer and agree to this Agreement .

Interlocal Purchasing Consent/ Cooperative Purchasing

42. With the prior approval of CivicPlus, which may be withheld for any or no reason within CivicPlus's sole discretion, this Agreement and any SOW may be extended to any public entity in Client's home-state to purchase at the SOW prices and specifications in accordance with the terms stated herein.

43. To the extent permitted by law, the terms of this Agreement and set forth in one or more SOW(s) may be extended for use by other local government entities upon execution of a separate agreement, SOW, or other duly signed writing by and between CivicPlus and such entity, setting forth all of the terms and conditions for such use, including applicable fees and billing terms.

Miscellaneous Provisions

44. The invalidity, in whole or in part, of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

45. The Parties negotiated this Agreement with the opportunity to receive the aid of counsel and, accordingly, intend this Agreement to be construed fairly, according to its terms, in plain English, without constructive presumptions against the drafting Party. The headings of Sections of this Agreement are for convenience and are not to be used in interpreting this Agreement. As used in this Agreement, the word “including” means “including but not limited to.”

46. The Parties will use reasonable efforts to resolve any dispute between them in good faith prior to initiating legal action.

47. This Agreement and any SOW, to the extent signed and delivered by means of a facsimile machine or electronic mail, shall be treated in all manner and respects as an original agreement or instrument and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person. The Parties agree that an electronic signature is the legal equivalent of its manual signature on this Agreement and any SOW. The Parties agree that no certification authority or other third party verification is necessary to validate its electronic signature and that the lack of such certification of third party verification will not in any way affect the enforceability of the Parties’ electronic signature or any resulting agreement between CivicPlus and Client.

48. Due to the rapidly changing nature of software as a service and digital communications, CivicPlus may unilaterally update this Agreement from time to time. In the event CivicPlus believes such change is a material alteration of the terms herein, CivicPlus will provide Client with written notice describing such change via email or through its website. Client’s continued use of the Services following such updates constitutes Client’s acceptance of the same. In the event Client rejects the update to the terms herein, Client must notify CivicPlus of its objection within ten (10) days receipt of notice of such update.

CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and Council Members

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

DATE: February 23, 2023

SUBJECT: Report, Discuss, and Possible Approval of resolution No.2023-0022 A Resolution of the City Council of the City of McFarland establishing a Community Grant Program to be given by the City Council of the City of McFarland for the benefit of qualifying non-profit groups within city limits of the City of McFarland and resolution No. 2023-0023 A Resolution of the City Council of the City of McFarland authorizing a budget amendment of \$10,000.00 to the General Fund for the Community Grant Program.

SUMMARY:

Per the direction of Mayor Saul Ayon, it has been determined that the City Council recognizes the many benefits that various groups, organizations, volunteers, and events within the Municipality provide by promoting and improving upon the cultural, social and economic well-being of the City.

Council also recognizes that citizens have the right to expect that tax dollars will be expended in a manner that is justifiable, fair and holds groups accessing public funds accountable for their spending. In that regard, municipal grant funding demonstrates Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups.

This policy recognizes that many groups and organizations conduct events and provide programs that benefit the community. The policy will set the stage for Council to consider requests for events and programs that:

- Provide a public service, or otherwise promote the health, safety or welfare of the community; and
- benefit the community
- and must be approved by a majority of Council Members.

FINANCIAL IMPACT:

General Fund - \$10,000.00

RECOMMENDATION:

Staff recommends the City Council discuss and possibly adopt a resolution establishing the McFarland Community Grant Program and authorize a budget amendment of \$10,000.00 to the General Fund for the Community Grant Program.

ATTACHMENTS:

1. Resolution of the City Council of the City of McFarland establishing a Community Grant Program to be given by the City Council of the City of McFarland for the benefit of qualifying non-profit groups within city limits of the City of McFarland.
2. Resolution of the City Council of the City of McFarland authorizing a budget amendment of \$10,000.00 to the General Fund for the Community Grant Program.
3. Community Grant Program Policy
4. Community Grant Program Application

RESOLUTION NO. 2023-0022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ESTABLISHING A COMMUNITY GRANT PROGRAM TO BE GIVEN BY THE CITY COUNCIL OF THE CITY OF MCFARLAND FOR THE BENEFIT OF QUALIFYING NON-PROFIT GROUPS WITHIN CITY LIMITS OF THE CITY OF MCFARLAND

WHEREAS, The City Council recognizes the many benefits that various groups, organizations, volunteers, and events within the City of McFarland provide by promoting and improving upon the cultural, social and economic well-being of the City; and

WHEREAS, Council also recognizes that citizens have the right to expect that tax dollars will be expended in a manner that is justifiable, fair and holds groups accessing public funds accountable for their spending; and

WHEREAS, in that regard, municipal grant funding demonstrates Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups; and

WHEREAS, this policy recognizes that many groups and organizations conduct events and provide programs that benefit the community; and

WHEREAS, this policy will promote the economic advancement of the citizens, the culture, heritage, social, environmental well-being of the community and education, training for people within the community; and

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

SECTION 1: Establish a Community Grant Program to be given by the City for the benefit of the community of McFarland.

SECTION 2: In order for a grant to be considered it must be as follows:

1. All grants must be applied for in writing with a City grant application within the dates required and established by the City Staff, and
2. The City Council will select grant opportunities from filled out formal applications, and
3. A grant cannot exceed \$2,500 in total per organization, and
4. Grants will be allowed only to eligible non-profit organizations, and
5. The organization must be located within the city limits of the City of McFarland.
6. A majority of the Council must approve the annual grants during a regular council meeting, and
7. The total amount of the annual grants approved by the City Council shall not exceed the amount appropriated per year.

SECTION 3: In order to assure that the funds distributed are for the benefit of the

community, the grants shall:

1. Not be for discriminatory activities or events or those that would incite hatred towards any group; or
2. Not be for activities that are contrary to the policies of the City of McFarland; or
3. Not be for any activity that is deemed to be unlawful; or
4. Not be for any activity that is political or religious in nature; and

SECTION 4: Authorizes the City Manager to approve in-kind donations, subject to any terms and conditions the City Manager deems reasonable and for City-wide and reoccurring events, including but not limited to the following:

- 4th of July events
- Christmas Parade/Christmas Tree Lighting Event
- Cinco de Mayo
- Trunk or Treat

SECTION 5: That the City Council adopts the City of McFarland Community Grant Program Policy (Exhibit A).

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.

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 23rd, 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

RESOLUTION NO. 2023-0023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
AUTHORIZING A BUDGET AMENDMENT OF \$10,000.00 TO THE GENERAL FUND
FOR THE COMMUNITY GRANT PROGRAM**

WHEREAS, the City Council of the City of McFarland has approved the operating budget for fiscal year 2022-23; and

WHEREAS, the fiscal year 2022-23 adopted operating budget did not account for \$10,000.00 for the McFarland Community Grant Program; and

WHEREAS, the City Council of the City of McFarland believes a budget amendment of \$10,000.00 fiscal year 2022-23 adopted operating budget is necessary for the McFarland Community Grant Program.

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.
- 2) The City Manager is hereby authorized and directed to make the monetary budget amendment of \$10,000.00 to the General Fund for the McFarland Community Grant Program.
- 3) The City Clerk shall certify to the passage and adoption of this resolution.
- 4) This resolution is effective immediately.

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 23rd, 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



CITY OF MCFARLAND COMMUNITY GRANT POLICY

Purpose

The City Council of the City of McFarland desires to establish a standardized process to award grants to qualifying non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, for events, activities, and competitions that provide a public benefit for the City of McFarland and its residents. The City of McFarland recognizes the many benefits and importance that various groups, organizations, volunteers, and events that serve to support, promote, and enhance the quality of life for our residents and McFarland's community vitality. It is for this reason that the City Council is committed to treating all requests for contributions in a consistent, fair and equitable manner subject to the community's needs, priorities and Council's approved budget.

Whereas the program shall be supported predominately by the city's General Fund, the City Council recognizes that citizens have the right to expect that public funds and public resources will be used in a manner that is not only justifiable and fair but that groups requesting public funds are financially responsible and accountable. The community grant program demonstrates the City Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups.

Policy

The Council will consider requests for grant funding for event and programs that provide a public service, or otherwise promote the health, safety or welfare of the community; and benefit the community.

- Annually, the City Council shall specify an amount to appropriate as part of the approval of the city's budget, subject to availability of funds.
- Eligible applicants may apply for up to \$2,500.00 in grant funding.
- The City Council may also consider any in-kind donations such as fee waivers, labor, materials or other resources the City Council authorizes the City Manager to provide at their discretion. Under certain circumstances, in-kind donations may be restricted or not allowable if doing so increases the City's liability and/or conflicts with the City's insurance carrier's policies and regulations.
- The City Council authorizes the City Manager to approve in-kind donations, subject to any terms and conditions the City Manager deems reasonable and for City-wide and reoccurring events, including but not limited to the following:



- 4th of July events
- Christmas Parade/Christmas Tree Lighting Event
- Cinco de Mayo
- Trunk or Treat
- In-kind donations shall not count towards the \$2,500.00 limit per applicant. Request for in-kind donations shall include a calculation of the value of in-kind donation based on current fees, equipment, estimated wage and benefits cost, etc.
- The City Council may establish a committee to review applications for grant funding and make recommendation to the City Council
- Grant application forms may be amended and revised from time to time as the City deems appropriate.
- Grants may be awarded at the sole and exclusive discretion of the City Council and may include certain terms and conditions. The letter of award will state if any particular restrictions apply to the grant. Acceptance of any grant, donation, contribution (in-kind or otherwise), or any other benefit by the applicant serves both as an acknowledgment of, and obligation to comply with, any such terms and conditions. Failure to comply with those terms and conditions, and with this policy, can require the applicant to refund 100% of the grant, donation, or contribution at the discretion of the City.
- All approved grant applications must include the City of McFarland logo when possible on all advertising and printed material and reference the City of McFarland contribution. Applicants must contact the City for an approved logo and submit advertising and printed material to the City Manager for review and approval.

Contributions will not be made for the following purposes:

- Discriminatory activities or events or those that would incite hatred towards any groups
- Activities that are contrary to the policies of the Municipality; or
- Activities which are deemed to be unlawful.
- Any activity that is political or religious.

Eligibility Criteria

1. Applicants are limited to educational groups and organizations associated with schools in McFarland and non-profit organizations who are in compliance with applicable state and federal regulations. This includes I.R.S. and California Franchise Tax Board regulations governing non-profit, tax-exempt status. Applicants must be in active and in good standing and submit documentation of their compliance and status. School affiliated groups and organizations must submit a letter of support by the respective principal or designee and be sponsored by the school.
2. In addition to a timely and complete application, the applicant must demonstrate that the event or activity being funded by the City's grant will satisfy all of the following criteria:
 - a) Provides a benefit to McFarland residents
 - b) Contributes positively to the recognition and image of the City of McFarland



- c) If the grant is for an event, then the event will be open to the general public and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law
 - d) Grant funds will not be used for political or religious purposes
- 3. Grant funds are not intended to replace or supplement operating funding sources but are intended to be utilized for new or enhance projects, activities, or events.
- 4. It is expected that grant recipients will, to the maximum extent possible, purchase funded materials and services from businesses located in McFarland
- 5. Applicants requesting funds for public events, the applicant must maintain appropriate liability insurance in amounts approved by the City of McFarland and name the City of McFarland as an additional insured.

Procedure

1. City Council approves an annual budget item for City grants.
2. City Council establishes an application period for a grant application to be submitted by
3. Applicants submit timely and complete grant applications to the City Clerk for review
4. City Manager or designee reviews application for compliance with eligibility criteria and availability of funds. City Manager may seek additional information from the applicant as necessary.
5. Review and consideration of grant application shall be placed on a future City Council meeting or referred to a committee first if City Council so chooses.
6. If an application is approved by the City Council, then the applicant shall be notified with additional instructions or terms, if any.
7. If an application is not approved by the City Manager's Office, the City Manager shall notify the applicant in writing.
8. All approved grant applications - applicant shall submit post-project report articulating the success of the project and that the grant funds have been spent in the manner and for the purposes stated on the application within forty-five (45) days after the event/activity. Report must include proof, including copies of original receipts.
9. If an applicant makes a grant request directly to a member of the City Council, whether individually or as a group, the Council shall refer the applicant to the City Clerk for application and review in accordance with this policy.
10. Staff shall report any distributions in accordance with applicable tax law.







401 W. Kern Avenue
McFarland, CA 93250
661-792-3091 – Office
661-792-3093 - Fax

City of McFarland Community Grant Application

INTRODUCTION

Please review and complete this application.

- All applications must be submitted by mail to the City Clerk at 401 W. Kern Street, McFarland CA 93250
- Submission of this application in no way obligates the City of McFarland to award a grant.
- The City of McFarland reserves the right to reject any or all applications, wholly or in part, at any time, without penalty.
- If you have any questions, please contact the City of McFarland; (661) 792-3091.

TO BE COMPLETED BY APPLICANT

Name of Individual/Entity/Non-Profit Organization:

Address:

Federal Tax ID #:

Contact Person Name and Title:

Contact Person E-mail:

Contact Person Phone:

Are you a non-profit organization?

Yes [] No []

If yes, please attach proof of current non-profit status to this application.



Does your Entity/Organization have a governing board?

Yes [] No []

*If yes, please provide attach list governing board members and indicate if they serve specific terms.
Please also include a letter of support or acknowledgment of application for the City of McFarland
Community Grant.*

**If applicant is a school affiliated group and organization, is a letter of support by the respective
principal or designee included?**

Yes [] No []

Please indicate what type of event/activity you are requesting grant funding for:

EVENT/ACTIVITY FOR WHICH GRANT FUNDS ARE BEING SOUGHT

Event/Activity Name:

Event/Activity Date:

Event/Activity Start Time:

Event/Activity End Time:

Event/Activity Description:

Event/Activity Venue:

Event/Activity Address:

Organization/Event/Activity Website:

Expected # of Attendees:



DESCRIPTION OF EVENT/ACTIVITY FOR WHICH GRANT FUNDS ARE BEING SOUGHT

Describe in detail what the grant funds will be used for and how it will benefit McFarland residents, students, or schools.

Describe how your event or activity will contribute positively to the recognition and image of the City of McFarland.

Is your event or activity open to the public? Yes [] No []

Is your event or activity political or religious in nature? Yes [] No []

Have you received grant funding from the City of McFarland in the past? Yes [] No []

If yes, please describe when, how much was received, and how the funds were used.

List all other sources of funding for the event or activity:

Amount of Anticipated Expenses:

Amount of Grant Request:

Please note that applicants requesting grant funding for any type of event or activity may require a completed Temporary Use Permit Application be submitted and a copy of the event/activity budget with this application.



By my signature below, I have read and understand the Community Grant Policy. I make the following representations and acknowledge agreement to the following terms and conditions:

- I am the duly authorized representative of the entity named above and can bind the entity to the terms of this Agreement.
- If funds are provided by the City, the funds will be used for the purposes set forth above.
- In no event shall the City's financial responsibility exceed the approved amount, set forth below.
- I bear full responsibility for any and all tax consequences of receiving grant funds including, but not limited to, issuance of a 1099 by the City.
- This application and award of grant shall be subject to the requirements of the Community Grant Policy.
- There is no agency, employment, joint venture or other such relationship created by virtue of award of the grant.
- Applicant shall defend and indemnify the City and its employees from and against any claim, injury, liability, loss, cost and/or expense or damage including all costs and reasonable attorney's fees, arising from or alleged to arise from the activity or event.
- If applicable, the applicant shall satisfy the City's insurance requirements.
- The City may reconsider funding requests at any time upon discovery that any of the information set forth above is inaccurate, that these terms have been violated, or any provision of the Community Grant Policy has been violated.

Applicant Signature: _____

Print Name: _____

Title: _____

Date: _____



CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and Council Members

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

DATE: February 23, 2023

SUBJECT: Report, Discuss, and Possible Approval of resolution No.2023-0022 A Resolution of the City Council of the City of McFarland establishing a Community Grant Program to be given by the City Council of the City of McFarland for the benefit of qualifying non-profit groups within city limits of the City of McFarland and resolution No. 2023-0023 A Resolution of the City Council of the City of McFarland authorizing a budget amendment of \$10,000.00 to the General Fund for the Community Grant Program.

SUMMARY:

Per the direction of Mayor Saul Ayon, it has been determined that the City Council recognizes the many benefits that various groups, organizations, volunteers, and events within the Municipality provide by promoting and improving upon the cultural, social and economic well-being of the City.

Council also recognizes that citizens have the right to expect that tax dollars will be expended in a manner that is justifiable, fair and holds groups accessing public funds accountable for their spending. In that regard, municipal grant funding demonstrates Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups.

This policy recognizes that many groups and organizations conduct events and provide programs that benefit the community. The policy will set the stage for Council to consider requests for events and programs that:

- Provide a public service, or otherwise promote the health, safety or welfare of the community; and
- benefit the community
- and must be approved by a majority of Council Members.

FINANCIAL IMPACT:

General Fund - \$10,000.00

RECOMMENDATION:

Staff recommends the City Council discuss and possibly adopt a resolution establishing the McFarland Community Grant Program and authorize a budget amendment of \$10,000.00 to the General Fund for the Community Grant Program.

ATTACHMENTS:

1. Resolution of the City Council of the City of McFarland establishing a Community Grant Program to be given by the City Council of the City of McFarland for the benefit of qualifying non-profit groups within city limits of the City of McFarland.
2. Resolution of the City Council of the City of McFarland authorizing a budget amendment of \$10,000.00 to the General Fund for the Community Grant Program.
3. Community Grant Program Policy
4. Community Grant Program Application

RESOLUTION NO. 2023-0022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ESTABLISHING A COMMUNITY GRANT PROGRAM TO BE GIVEN BY THE CITY COUNCIL OF THE CITY OF MCFARLAND FOR THE BENEFIT OF QUALIFYING NON-PROFIT GROUPS WITHIN CITY LIMITS OF THE CITY OF MCFARLAND

WHEREAS, The City Council recognizes the many benefits that various groups, organizations, volunteers, and events within the City of McFarland provide by promoting and improving upon the cultural, social and economic well-being of the City; and

WHEREAS, Council also recognizes that citizens have the right to expect that tax dollars will be expended in a manner that is justifiable, fair and holds groups accessing public funds accountable for their spending; and

WHEREAS, in that regard, municipal grant funding demonstrates Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups; and

WHEREAS, this policy recognizes that many groups and organizations conduct events and provide programs that benefit the community; and

WHEREAS, this policy will promote the economic advancement of the citizens, the culture, heritage, social, environmental well-being of the community and education, training for people within the community; and

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

SECTION 1: Establish a Community Grant Program to be given by the City for the benefit of the community of McFarland.

SECTION 2: In order for a grant to be considered it must be as follows:

1. All grants must be applied for in writing with a City grant application within the dates required and established by the City Staff, and
2. The City Council will select grant opportunities from filled out formal applications, and
3. A grant cannot exceed \$2,500 in total per organization, and
4. Grants will be allowed only to eligible non-profit organizations, and
5. The organization must be located within the city limits of the City of McFarland.
6. A majority of the Council must approve the annual grants during a regular council meeting, and
7. The total amount of the annual grants approved by the City Council shall not exceed the amount appropriated per year.

SECTION 3: In order to assure that the funds distributed are for the benefit of the

community, the grants shall:

1. Not be for discriminatory activities or events or those that would incite hatred towards any group; or
2. Not be for activities that are contrary to the policies of the City of McFarland; or
3. Not be for any activity that is deemed to be unlawful; or
4. Not be for any activity that is political or religious in nature; and

SECTION 4: Authorizes the City Manager to approve in-kind donations, subject to any terms and conditions the City Manager deems reasonable and for City-wide and reoccurring events, including but not limited to the following:

- 4th of July events
- Christmas Parade/Christmas Tree Lighting Event
- Cinco de Mayo
- Trunk or Treat

SECTION 5: That the City Council adopts the City of McFarland Community Grant Program Policy (Exhibit A).

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.

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 23rd, 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

RESOLUTION NO. 2023-0023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND
AUTHORIZING A BUDGET AMENDMENT OF \$10,000.00 TO THE GENERAL FUND
FOR THE COMMUNITY GRANT PROGRAM**

WHEREAS, the City Council of the City of McFarland has approved the operating budget for fiscal year 2022-23; and

WHEREAS, the fiscal year 2022-23 adopted operating budget did not account for \$10,000.00 for the McFarland Community Grant Program; and

WHEREAS, the City Council of the City of McFarland believes a budget amendment of \$10,000.00 fiscal year 2022-23 adopted operating budget is necessary for the McFarland Community Grant Program.

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.
- 2) The City Manager is hereby authorized and directed to make the monetary budget amendment of \$10,000.00 to the General Fund for the McFarland Community Grant Program.
- 3) The City Clerk shall certify to the passage and adoption of this resolution.
- 4) This resolution is effective immediately.

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 23rd, 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



CITY OF MCFARLAND COMMUNITY GRANT POLICY

Purpose

The City Council of the City of McFarland desires to establish a standardized process to award grants to qualifying non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, for events, activities, and competitions that provide a public benefit for the City of McFarland and its residents. The City of McFarland recognizes the many benefits and importance that various groups, organizations, volunteers, and events that serve to support, promote, and enhance the quality of life for our residents and McFarland's community vitality. It is for this reason that the City Council is committed to treating all requests for contributions in a consistent, fair and equitable manner subject to the community's needs, priorities and Council's approved budget.

Whereas the program shall be supported predominately by the city's General Fund, the City Council recognizes that citizens have the right to expect that public funds and public resources will be used in a manner that is not only justifiable and fair but that groups requesting public funds are financially responsible and accountable. The community grant program demonstrates the City Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups.

Policy

The Council will consider requests for grant funding for event and programs that provide a public service, or otherwise promote the health, safety or welfare of the community; and benefit the community.

- Annually, the City Council shall specify an amount to appropriate as part of the approval of the city's budget, subject to availability of funds.
- Eligible applicants may apply for up to \$2,500.00 in grant funding.
- The City Council may also consider any in-kind donations such as fee waivers, labor, materials or other resources the City Council authorizes the City Manager to provide at their discretion. Under certain circumstances, in-kind donations may be restricted or not allowable if doing so increases the City's liability and/or conflicts with the City's insurance carrier's policies and regulations.
- The City Council authorizes the City Manager to approve in-kind donations, subject to any terms and conditions the City Manager deems reasonable and for City-wide and reoccurring events, including but not limited to the following:



- 4th of July events
- Christmas Parade/Christmas Tree Lighting Event
- Cinco de Mayo
- Trunk or Treat
- In-kind donations shall not count towards the \$2,500.00 limit per applicant. Request for in-kind donations shall include a calculation of the value of in-kind donation based on current fees, equipment, estimated wage and benefits cost, etc.
- The City Council may establish a committee to review applications for grant funding and make recommendation to the City Council
- Grant application forms may be amended and revised from time to time as the City deems appropriate.
- Grants may be awarded at the sole and exclusive discretion of the City Council and may include certain terms and conditions. The letter of award will state if any particular restrictions apply to the grant. Acceptance of any grant, donation, contribution (in-kind or otherwise), or any other benefit by the applicant serves both as an acknowledgment of, and obligation to comply with, any such terms and conditions. Failure to comply with those terms and conditions, and with this policy, can require the applicant to refund 100% of the grant, donation, or contribution at the discretion of the City.
- All approved grant applications must include the City of McFarland logo when possible on all advertising and printed material and reference the City of McFarland contribution. Applicants must contact the City for an approved logo and submit advertising and printed material to the City Manager for review and approval.

Contributions will not be made for the following purposes:

- Discriminatory activities or events or those that would incite hatred towards any groups
- Activities that are contrary to the policies of the Municipality; or
- Activities which are deemed to be unlawful.
- Any activity that is political or religious.

Eligibility Criteria

1. Applicants are limited to educational groups and organizations associated with schools in McFarland and non-profit organizations who are in compliance with applicable state and federal regulations. This includes I.R.S. and California Franchise Tax Board regulations governing non-profit, tax-exempt status. Applicants must be in active and in good standing and submit documentation of their compliance and status. School affiliated groups and organizations must submit a letter of support by the respective principal or designee and be sponsored by the school.
2. In addition to a timely and complete application, the applicant must demonstrate that the event or activity being funded by the City's grant will satisfy all of the following criteria:
 - a) Provides a benefit to McFarland residents
 - b) Contributes positively to the recognition and image of the City of McFarland



- c) If the grant is for an event, then the event will be open to the general public and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law
 - d) Grant funds will not be used for political or religious purposes
- 3. Grant funds are not intended to replace or supplement operating funding sources but are intended to be utilized for new or enhance projects, activities, or events.
- 4. It is expected that grant recipients will, to the maximum extent possible, purchase funded materials and services from businesses located in McFarland
- 5. Applicants requesting funds for public events, the applicant must maintain appropriate liability insurance in amounts approved by the City of McFarland and name the City of McFarland as an additional insured.

Procedure

1. City Council approves an annual budget item for City grants.
2. City Council establishes an application period for a grant application to be submitted by
3. Applicants submit timely and complete grant applications to the City Clerk for review
4. City Manager or designee reviews application for compliance with eligibility criteria and availability of funds. City Manager may seek additional information from the applicant as necessary.
5. Review and consideration of grant application shall be placed on a future City Council meeting or referred to a committee first if City Council so chooses.
6. If an application is approved by the City Council, then the applicant shall be notified with additional instructions or terms, if any.
7. If an application is not approved by the City Manager's Office, the City Manager shall notify the applicant in writing.
8. All approved grant applications - applicant shall submit post-project report articulating the success of the project and that the grant funds have been spent in the manner and for the purposes stated on the application within forty-five (45) days after the event/activity. Report must include proof, including copies of original receipts.
9. If an applicant makes a grant request directly to a member of the City Council, whether individually or as a group, the Council shall refer the applicant to the City Clerk for application and review in accordance with this policy.
10. Staff shall report any distributions in accordance with applicable tax law.







401 W. Kern Avenue
McFarland, CA 93250
661-792-3091 – Office
661-792-3093 - Fax

City of McFarland Community Grant Application

INTRODUCTION

Please review and complete this application.

- All applications must be submitted by mail to the City Clerk at 401 W. Kern Street, McFarland CA 93250
- Submission of this application in no way obligates the City of McFarland to award a grant.
- The City of McFarland reserves the right to reject any or all applications, wholly or in part, at any time, without penalty.
- If you have any questions, please contact the City of McFarland; (661) 792-3091.

TO BE COMPLETED BY APPLICANT

Name of Individual/Entity/Non-Profit Organization:

Address:

Federal Tax ID #:

Contact Person Name and Title:

Contact Person E-mail:

Contact Person Phone:

Are you a non-profit organization?

Yes [] No []

If yes, please attach proof of current non-profit status to this application.



Does your Entity/Organization have a governing board?

Yes [] No []

*If yes, please provide attach list governing board members and indicate if they serve specific terms.
Please also include a letter of support or acknowledgment of application for the City of McFarland
Community Grant.*

**If applicant is a school affiliated group and organization, is a letter of support by the respective
principal or designee included?**

Yes [] No []

Please indicate what type of event/activity you are requesting grant funding for:

EVENT/ACTIVITY FOR WHICH GRANT FUNDS ARE BEING SOUGHT

Event/Activity Name:

Event/Activity Date:

Event/Activity Start Time:

Event/Activity End Time:

Event/Activity Description:

Event/Activity Venue:

Event/Activity Address:

Organization/Event/Activity Website:

Expected # of Attendees:



DESCRIPTION OF EVENT/ACTIVITY FOR WHICH GRANT FUNDS ARE BEING SOUGHT

Describe in detail what the grant funds will be used for and how it will benefit McFarland residents, students, or schools.

Describe how your event or activity will contribute positively to the recognition and image of the City of McFarland.

Is your event or activity open to the public? Yes [] No []

Is your event or activity political or religious in nature? Yes [] No []

Have you received grant funding from the City of McFarland in the past? Yes [] No []

If yes, please describe when, how much was received, and how the funds were used.

List all other sources of funding for the event or activity:

Amount of Anticipated Expenses:

Amount of Grant Request:

Please note that applicants requesting grant funding for any type of event or activity may require a completed Temporary Use Permit Application be submitted and a copy of the event/activity budget with this application.



By my signature below, I have read and understand the Community Grant Policy. I make the following representations and acknowledge agreement to the following terms and conditions:

- I am the duly authorized representative of the entity named above and can bind the entity to the terms of this Agreement.
- If funds are provided by the City, the funds will be used for the purposes set forth above.
- In no event shall the City's financial responsibility exceed the approved amount, set forth below.
- I bear full responsibility for any and all tax consequences of receiving grant funds including, but not limited to, issuance of a 1099 by the City.
- This application and award of grant shall be subject to the requirements of the Community Grant Policy.
- There is no agency, employment, joint venture or other such relationship created by virtue of award of the grant.
- Applicant shall defend and indemnify the City and its employees from and against any claim, injury, liability, loss, cost and/or expense or damage including all costs and reasonable attorney's fees, arising from or alleged to arise from the activity or event.
- If applicable, the applicant shall satisfy the City's insurance requirements.
- The City may reconsider funding requests at any time upon discovery that any of the information set forth above is inaccurate, that these terms have been violated, or any provision of the Community Grant Policy has been violated.

Applicant Signature: _____

Print Name: _____

Title: _____

Date: _____



CITY OF MCFARLAND

STAFF REPORT

TO: Honorable Mayor and City Council Members

FROM: Kenny Williams Chief of Police /City Manager

DATE: February 23, 2023

SUBJECT: Report, Discuss, and Possible Approval of Resolution No. 2023-0024 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING THE FUNDING OF THE CORPORAL POSITION.

SUMMARY:

In 2022 a request was made to hold the corporals position vacant to allow for a restructuring of the police department. The restructuring took place and staff believes the refunding of the corporals position will provide an incentive to retain sworn staff members in the police department.

According to the International Association of Chiefs of Police (IACP), 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 addition, the IACP, indicated that the lack of career growth or better opportunities decreases retention. Officers often cite limited opportunities to grow or 'move up' as a reason for leaving their current position. For years, larger agencies have successfully used more opportunities in a larger agency as a way to poach exceptional officers from smaller departments.

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 received

another resignation, and the officer has since left the city for another law enforcement agency. Additionally, two other officers are in backgrounds for another agencies. In the event all these positions become vacated, the department will have lost five officers within the past year. Although the police department has been actively recruiting, there have been no viable candidates for the positions.

One method to assure the retention of officers is by providing upward mobility through promotion opportunities within the department. In December of last year council approved a change in the McFarland police structure to eliminate a sergeant's position and temporarily not fund the corporals position in exchange for raises and the creation of a captains position.

To improve officer retention, staff is now recommending that we fund the corporals position to provide a promotion opportunity for staff.

Currently the salary range for the corporal's position is funded at salary range 33, which is the same salary range as an officers position. Staff is recommending that we increase the salary range from range 33 to salary range 37 to eliminate the issue of compaction and provide some separation of pay scale, as the corporals position requires handling more complex duties and investigations.

Over the past two years the MPD has been unable to fill all of its vacancies and currently there are four vacancies within the MPD. Staff believes there will continue to be vacancies within the MPD and these vacancies will help offset the costs of funding the corporals position.

FINANCIAL IMPACT:

In the event all positions are funded the financial impact of the refunding the corporals position is listed below and includes salary and benefits:

	Range 37 Step A	Step F
Corporal		
Hourly Rate	29.63	37.92
Annual	61,630.40	78,873.60
Employer 401K	6,163.04	7,887.36
Health	27,199.92	27,199.92
Dental	1,733.04	1,733.04
Life	92.40	92.40
Vision	349.80	349.80
Employer Payroll Tax	4,714.73	6,033.83
Total Cost	101,883.33	122,169.95

RECOMMENDATION:

Staff recommends City Council discuss and possibly approve the refunding of the Corporals position and changing the salary range from range 33 to salary range 37.

ATTACHMENT:

- I. Corporal job description
- II. Resolution No. 2023-0024

RESOLUTION NO. 2023 -0024

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND,
CALIFORNIA, AUTHORIZING THE FUNDING OF THE CORPORAL POSITION**

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

WHEREAS the City Council believes it is necessary to approve the funding of the corporal position; and

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, providing upward mobility within a police department can increase officer retention; and

WHEREAS, the police department currently has five vacancies in its sworn staff positions; and

WHEREAS, the existing vacancies within the police department will allow for the funding of the corporals position; and

WHEREAS, the current salary range is causing a compaction issue between the officer positions and the corporal position; and

WHEREAS, increasing the salary range from range 33 to salary range 37 will eliminate all issues of compaction.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF MCFARLAND AS FOLLOWS:**

1. The forgoing recitals are true and correct and incorporated herein as if set forth in full.
2. That the City Council hereby authorizes the refunding of the corporal position.
3. The City Manager is hereby authorized and directed to proceed with the recruitment for the corporals position.
4. That the City Council hereby authorizes the increase from salary range 33 to salary range of 37 for the corporal position.

5. That the City Council hereby authorizes the city manager to use the remaining funds in the vacated positions to fund the corporal position for the remainder of the current fiscal year.
6. The City Clerk shall certify to the passage and adoption of this resolution.
7. This resolution is effective immediately.

PASSED and ADOPTED this 23rd day of February 2023.

	AYE	NO	ABSENT	ABSTAIN
Saul Ayon				
Amador Ayon				
Anita Gonzalez				
Ricardo Cano				
Maria T. Pérez				

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 Chief of Police /City Manager
DATE: February 23, 2023
SUBJECT: Report, Discuss, and Possible Approval of Resolution No. 2023-0025 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING A STANDBY STIPEND FOR THE CRIME SCENE TECHNICIAN.

SUMMARY:

The city currently does not have standby pay for the position of crime scene technician. The crime scene technicians' duties include responding to crime scenes such as homicides, sexual assaults, kidnapping and other incidents in which evidence may need to be processed.

Because the crime scene technician response is initiated by the occurrence of various types of criminal activity it is extremely unpredictable. Because of this unpredictability the crime scene technician must remain on call during most of her time off duty.

In June of 2022 Council approved the creation of standby pay for other positions within the city. The employees currently receiving standby pay are required to be within a one-hour response time from the city and the same time frame will apply to the crime scene technician.

The current stand-by policy allows for the compensation of all hours in which an employee is on stand-by in a week period. This compensation rate is \$100.00 per week and is provided as a stipend to each employee on standby.

Staff believes by implementing this standby pay, it will ensure the police department has resources available to process crimes scenes within the appropriate time frame and in the most efficient and effective method possible.

FINANCIAL IMPACT:

The financial impact to the city for providing the standby pay for the crime scene technician is estimated to be \$1600 for the remainder of this fiscal year.

RECOMMENDATION:

Staff recommends City Council discuss and possibly approve the funding and attached resolution for the standby stipend for the crime scene technician position.

ATTACHMENT:

Resolution No. 2023-0025

RESOLUTION NO. 2023 –0025

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND,
CALIFORNIA, AUTHORIZING A STANDBY STIPEND FOR THE CRIME SCENE
TECHNICIAN**

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

WHEREAS the City Council believes it is necessary to approve the implementation of a standby stipend for the crime scene technician position; and

WHEREAS, the crime scene technician position is a crucial part of the investigative team involved in the investigation of homicides, sexual assaults and other serious incidents occurring within the city of McFarland; and

WHEREAS, there is currently no method to compensate for the crime scene technicians for standby status; and

WHEREAS, standby pay is a method of ensuring these serious incidents are thoroughly investigated, by providing for the crime scene technicians availability; and

WHEREAS, the total funds needed for this appropriation to fund the standby stipend as described above is \$1600 for the remainder of the fiscal year.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF MCFARLAND AS FOLLOWS:**

1. The forgoing recitals are true and correct and incorporated herein as if set forth in full.
2. The City Manager is hereby authorized and directed to adopt the standby stipend for the crime scene technician.
3. An additional \$1600 shall be allocated to the budget of the City's general fund.
4. The City Manager is hereby authorized and directed to utilize funds for the standby stipend.
5. The City Clerk shall certify to the passage and adoption of this resolution.
6. This resolution is effective immediately.

PASSED and ADOPTED this 23rd day of February, 2023.

	AYE	NO	ABSENT	ABSTAIN
Saul Ayon				
Amador Ayon				
Anita Gonzalez				
Ricardo Cano				
Maria T. Pérez				

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 Chief of Police/ City Manager
DATE: February 23, 2023
SUBJECT: Report, Discuss, and Possible Approval of Resolution number 2023-0026 to form an oversight committee as required by the passing of Measure M.

SUMMARY:

The City of McFarland's Council approved Measure M at its meeting of March 24, 2022 and requested that Kern County place Measure M on the ballot at the November 8, 2022 general election. Measure M is a transaction and use tax within the City of McFarland that would tax retail sales at the rate of one cent (1.00%) of the retail sales price, i.e. one cent for an item that costs one dollar.

The current sales tax rate in McFarland is 7.250%. Currently, the City receives 0%. The State General Fund receives 6%. Kern County receives 1.25%.

A transactions and use tax is collected in the same manner as a traditional sales tax with minor exceptions. Measure M would authorize a one cent (1.00%) transactions and use tax which would increase the combined sales tax in McFarland to 8.250 percent (8.25%). Taxes collected pursuant to Measure M would be deposited into the City's general fund and used for any purpose for which general fund revenues may be used.

Measure M is classified as a general tax and not a special tax. General tax proceeds may be used for any municipal purpose including, but not limited to, police patrols, crime prevention, and quick 9-1-1 emergency response; fire service; repairing roads, potholes, maintaining streets, repairing infrastructure, revitalizing the downtown area, and improving community facilities, parks, senior services, and other general city services. Retailers collect the tax from customers at the time of a retail purchase and remit the funds to the California Department of Tax and Fee Administration, which administers the tax. The tax will be paid by anyone, including residents of McFarland, who purchase goods at retail establishments within McFarland.

Measure M is estimated to generate approximately five-hundred and seventy-nine thousand dollars (\$579,000.00) in revenue annually. Measure M requires oversight in the form of independent financial audits. These audits are public records and available for inspection by any member of the public.

In November 2022 the community of McFarland approved Measure M by a vote of 63.59 percent "yes" and 36.41 percent "no".

The passing of Measure M requires the creation of a citizen oversight committee, independent audits and the funds to be controlled locally.

This staff report and resolution will be used to ensure the creation of the citizen oversight committee and help provide transparency and accountability for the one percent sales tax.

Each council member shall appoint one member to the committee and staff will ensure each appointed member is a resident and taxpayer of the city of McFarland. The committee will meet at least annually or when needed to address concerns.

The focus of the committee will be to review the Annual Review Report (discussed in 3.22.050 B) and provide comments/recommendations to Council to ensure compliance with the ordinance.

FINANCIAL IMPACT:

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

RECOMMENDATION:

Staff recommends City Council Discuss and Possibly Approve the creation of the Measure M Oversight committee and the corresponding resolution.

ATTACHMENT:

- I. Resolution Number 2023-0026

RESOLUTION NO. 2023 –0026

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND,
CALIFORNIA, AUTHORIZING
THE CREATION OF THE MEASURE M OVERSIGHT COMMITTEE**

WHEREAS, the City of McFarland’s Council approved Measure M at its meeting of March 24, 2022 and requested that Kern County place Measure M on the ballot at the November 8, 2022 general election; and

WHEREAS, in November of 2022 the voters of McFarland approved Measure M by a vote of 63.59 percent “yes” and 36.41 percent “no”; and

WHEREAS, the passing of Measure M requires the creation of a citizen oversight committee, independent audits, and the funds to be controlled locally; and

WHEREAS, the committee will hereafter be referred to as the Measure M oversight committee; and

WHEREAS, the committee members will be selected by an appointment by each council member who shall appoint one member to the committee; and

WHEREAS, city staff will ensure each appointed member is a resident and taxpayer of the city of McFarland; and

WHEREAS, the committee will meet at least annually or when needed to address concerns related to the Measure M tax; and

WHEREAS, the focus of the committee will be to review the Annual Review Report (discussed in 3.22.050 B) and provide comments/recommendations to Council to ensure compliance with the ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCFARLAND AS FOLLOWS:

1. The City of McFarland (“City”) desires to create the Measure M oversight committee; and
2. The oversight committee will be named the “Measure M Oversight Committee”; and
3. Each City Council member will appoint one committee member to the Measure M oversight committee; and
4. City staff will ensure each member is a resident and taxpayer of the city of McFarland; and

5. The committee will meet at least annually or when needed to address concerns related to Measure M; and
6. The focus of the committee will be to review the Annual Review Report and provide comments/ recommendation to Council to ensure compliance with the ordinance.

PASSED and ADOPTED this 23rd day of February, 2023.

	AYE	NO	ABSENT	ABSTAIN
Saul Ayon				
Amador Ayon				
Anita Gonzalez				
Ricardo Cano				
Maria T. Pérez				

Saul Ayon, Mayor

ATTEST:

Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney