



# LINDSAY CITY COUNCIL REGULAR MEETING AGENDA

City Hall, 251 E. Honolulu St., Lindsay, CA 93247

Notice is hereby given that the Lindsay City Council will hold a Regular Meeting on **July 25, 2023**, at **6:00 PM** in person and via webinar. The webinar address for members of the public is <https://zoom.us/j/99279557087>. Those who would like to make a public comment during the public comment portion of the agenda may do so by utilizing the raise hand feature or indicating they would like to make a comment in the chat.

Persons with disabilities who may need assistance should contact the City Clerk prior to the meeting at (559) 562-7102 ext. 8034 or via email at [lindsay.cityclerk@lindsay.ca.us](mailto:lindsay.cityclerk@lindsay.ca.us).

**1. CALL TO ORDER**

**2. PLEDGE**

Led by Mayor CERROS.

**3. ROLL CALL**

**4. APPROVAL OF AGENDA**

**5. PUBLIC COMMENT**

The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council. Please note that speakers that wish to comment on a Regular Item or Public Hearing on tonight's agenda will have an opportunity to speak when public comment for that item is requested by the Mayor. Comments shall be limited to three (3) minutes per person, with thirty (30) minutes for the total comment period, unless otherwise indicated by the Mayor. The public may also choose to submit a comment before the meeting via email. Public comments received via email will be distributed to the Council prior to the start of the meeting and incorporated into the official minutes; however, they will not be read aloud. Under state law, matters presented under public comment cannot be acted upon by the Council at this time.

**6. COUNCIL REPORT**

**7. CITY MANAGER REPORT**

**8. DISCUSSION ITEMS**

**8.1 Beautification of City Roundabouts**

*Requested by Mayor Cerros*

*Presented by Neyba Amezcua, Director of City Services & Planning*

## 9. CONSENT CALENDAR

Routine items approved in one motion unless an item is pulled for discussion.

- 9.1 Minutes from July 11, 2023, Regular Meeting (pp. 4 – 9)
- 9.2 Warrant List for July 03, 2023, through July 16, 2023 (pp. 10 – 11)
- 9.3 Consider the Minute Order Approval of **Resolution No. 23-30**, A Resolution of the City Council of the City of Lindsay Amending the City of Lindsay Records Retention Policy and Repealing and Superseding All Other Resolutions Relative to Records Retention Thereto (pp. 12 – 39)
- 9.4 Consider the Minute Order Approval of Platinum Level Sponsorship and Expenditure Thereto for the Lindsay Youth Football and Cheer Program for the 2023 Season (pp. 40 – 41)

## 10. ACTION ITEMS

- 10.1 Consider the Approval of **Resolution No. 23-28**, A Resolution of the City Council of the City of Lindsay Certifying the Lindsay Professional Firefighters’ Association, Teamsters Local 856, as the Recognized and Designated Employee Organization and Exclusive Bargaining Representative of “All Firemen” Employed by the City, as Specifically Defined by Title 2.40.040 of the City of Lindsay Municipal Code (pp. 42 – 58)  
*Presented by Shelline Bennett, Liebert Cassidy Whitmore*

## 11. PUBLIC HEARING ITEMS

- 11.1 Special Event Permit (pp. 59 – 87)
  - A. First Reading of **Ordinance No. 606**, An Ordinance of the City Council of the City of Lindsay Amending Titles Five (5), Eight (8), and Eighteen (18) In Regards to the Special Event Permit and Authorization to Waive Full Reading of Said Ordinance and Authorize Reading by Title Only (pp. 59 – 83)
  - B. Public Hearing to Consider the Approval of **Resolution No 23-29**, A Resolution of the City Council of the City of Lindsay Amending Special Event Permit Fees and Charges and Repealing All Other Resolutions Relative to Special Event Permit Fees and Charges Thereto (pp. 84 – 87)  
*Presented by Araceli Mejia, Assistant City Planner*

## **12. EXECUTIVE (CLOSED) SESSION**

12.1 Conference with Labor Negotiators Pursuant to Cal Gov. Code § 54957.6

Agency Designated Representative: Joseph M. Tanner, City of Lindsay

Employee Organization: The Lindsay City Employees' Association; 'Service Employees International Union (SEIU)'

## **13. REQUEST FOR FUTURE ITEMS**

Council requests for future agenda items, can be called for by any Councilmember during the 'Request for Future Items' section of a regular meeting. Immediately following the request of an item, a vote will be taken on the item. If a majority of the City Council supports further study of the item, then a full staff analysis will be prepared within a reasonable time as determined by the City Manager unless otherwise directed by a majority of the City Council. Discussion shall be limited to whether an item should be added to an agenda, not the merit of the item.

## **14. ADJOURNMENT**

Lindsay City Council meetings are held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00 P.M. on the second and fourth Tuesday of every month unless otherwise noticed. Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection in the office of the City Clerk during normal business hours. Complete agenda is available at [www.lindsay.ca.us](http://www.lindsay.ca.us). In compliance with the Americans with Disabilities Act & Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the office of the City Clerk at (559) 562-7102 x 8034. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.

*The next Regular Meeting of the Lindsay City Council is scheduled to be held on August 08, 2023.*



**LINDSAY CITY COUNCIL  
REGULAR MEETING AGENDA  
MINUTES**

City Hall, 251 E. Honolulu St., Lindsay, CA 93247

Notice is hereby given that the Lindsay City Council will hold a Regular Meeting on **July 11, 2023**, at **6:00 PM** in person and via webinar. The webinar address for members of the public is <https://zoom.us/j/99279557087>. Those who would like to make a public comment during the public comment portion of the agenda may do so by utilizing the raise hand feature or indicating they would like to make a comment in the chat.

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- 1. CALL TO ORDER**
- 2. PLEDGE**

Led by Mayor Pro Tem FLORES.

- 3. ROLL CALL**

<b>Present</b>	Mayor Cerros Mayor Pro Tem Flores Council Member Sanchez
<b>Absent</b>	*Council Member Caudillo *Council Member Serna

*\*Absent with notice.*

- 4. CONSIDER THE REQUEST BY COUNCILMEMBER CAUDILLO TO EXCUSE HER ABSENCES FROM COUNCIL MEETINGS FROM JULY 11, 2023, TO OCTOBER 08, 2023, DUE TO MEDICAL REASONS**

(pp. 5 – 32)

*Presented by Megan Dodd, City Attorney*

- Mayor CERROS made a motion to approve this action, however not receiving a second to the motion, the CITY CLERK declared the motion dead. Therefore, no action was taken on this item.

**5. APPROVAL OF AGENDA**

<b>Motion to Approve Agenda</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	SANCHEZ	(3-0)	ABSENT	AYE	ABSENT	AYE	AYE

**6. PUBLIC COMMENT**

The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council. Please note that speakers that wish to comment on a Regular Item or Public Hearing on tonight’s agenda will have an opportunity to speak when public comment for that item is requested by the Mayor. Comments shall be limited to three (3) minutes per person, with thirty (30) minutes for the total comment period, unless otherwise indicated by the Mayor. The public may also choose to submit a comment before the meeting via email. Public comments received via email will be distributed to the Council prior to the start of the meeting and incorporated into the official minutes; however, they will not be read aloud. Under state law, matters presented under public comment cannot be acted upon by the Council at this time.

- In person public comment from Jose SORIA. SORIA recommended that the City look into being a part of or joining the Mosquito Factor Abatement District. There are currently many mosquito issues in the County. SORIA hopes the City will consider discussing being a part of this district as most of Tulare County is already a part of said district.

**7. COUNCIL REPORT**

- Mayor Pro Tem FLORES had no report.
- Council Member SANCHEZ had no report.
- Mayor CERROS was happy to partner with the Fresno Area Hispanic Chamber of Commerce to host a Business Resource Fair for the Hispanic Community at the Wellness Center. The event was a great success and the Mayor thanked Recreation Staff and event sponsors for all their help on the event. The event saw over 60 attendees. The event provided many resources to the Hispanic business community. Mayor CERROS also participated in a walk-through and tour of Lindsay with Assemblyman Mathis and his Chief of Staff Matthew Tuttle. Mayor CERROS took this time to inform the assemblyman of the status of downtown and brainstorm plans for the future. Mayor CERROS provided a letter of support for SB326 on a personal capacity. Mayor CERROS attended the Woodlake Firework show and hopes to see a firework show in Lindsay in the future. Mayor CERROS indicated he might request this as a part of the request for future items portion of the meeting.

**8. CITY MANAGER REPORT**

- CITY MANAGER reported that Fourth of July was a very busy night for the Department of Public Safety, some small fires occurred, however staff was able to respond and address any issues that night.

- CITY MANAGER reported that an individual has been offered employment for the position of Director of Finance.
- CITY MANAGER reported that the budget process is currently underway.
- CITY MANAGER shared that the City is officially a part of PRISM, the City's new insurance provider. The City will continue to work with its former insurance provider on any claims that were incurred prior to the City joining the new insurance company. Thanked CITY CLERK for her efforts to complete this project.
- CITY MANAGER informed that there have been a number of security upgrades performed on City accounts by the City's IT company. Informed that should anyone have any issues, then they can reach out to City Staff to get it fixed.

## 9. RECOGNITION ITEMS

- 9.1 Letter of Recognition to Sergeant John Moreno, Officer Manuel Vejar, Fire Apparatus Engineer Brendan Diaz, and Reserve Officer Kenneth Clifford  
*Presented by Chief Rick Carrillo, Director of Public Safety*

## 10. DISCUSSION ITEMS

- 10.1 California Law Regarding Storage of Vehicles (pp. 33 – 49)  
*Requested by Mayor Cerros*  
*Presented by Chief Rick Carrillo, Director of Public Safety*

- 10.2 Lindsay Downtown Highest and Best Use Analysis (pp. 50 – 106)  
*Requested by Mayor Cerros*  
*Presented by Joseph M. Tanner, City Manager*

- In person public comment from Jose SORIA. SORIA appreciates the focus on arts in the downtown area. SORIA recommends that the City start outreach/communicating with downtown vacant property business owners to inquire about the possibility of revitalization to increase property value instead of selling. SORIA does not recommend downtown archway as large trucks might pass through it and knock it down.
- Council Member SANCHEZ requested a list of vacant properties and their status.
- City Council unanimously directed the City to begin the Surplus Land Act Process for City-owned downtown property as well as vacant property tax and downtown business district.

## 11. CONSENT CALENDAR

Routine items approved in one motion unless an item is pulled for discussion.

- 11.1 Minutes from June 27, 2023, Regular Meeting (pp. 107 – 112)  
11.2 Warrant List for June 19, 2023 through July 02, 2023 (pp. 113 – 124)  
11.3 Treasurer's Report for June 2023 (p. 125)

- 11.4 Consider the Minute Order Approval of **Resolution No. 23-26**, A Resolution of the City Council of the City of Lindsay Terminating the Proclamation and Existence of A Local Disaster (pp. 126 – 128)
- 11.5 Consider the Approval of Authorization to Bid the Water Treatment Plant Filter Bank D Project and Finding that Project is Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to Section 15062 and Granting City Staff Authorization to File a California Environmental Quality Act (CEQA) Notice of Exemption (pp. 129 – 131)
- 11.6 Consider the Approval of Downtown Lindsay Demolition and Cleanup Project Request for Proposals (RFPs) Submitted and Recommendation to Award Contract to Resource Environmental, Inc. (pp. 132 – 134)
- 11.7 Consider the Minute Order Acceptance of the Hermosa Street Improvements Project as Complete and Grant City Staff Authorization to File a Notice of Completion with the County of Tulare Recorder (pp. 135 – 137)
- Item 11.6 pulled for discussion, ENGINEER TECHNICIAN provided images of the project.

<b>Motion to Approve Consent Calendar</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	SANCHEZ	(3-0)	ABSENT	AYE	ABSENT	AYE	AYE

## 12. ACTION ITEMS

- 12.1 Consider the Approval of Names for Appointment to the City Water Ad-Hoc Committee (pp. 138 – 143)
- Presented by Francesca Quintana, City Clerk & Assistant to the City Manager*

<b>Motion to Approve Item 12.1</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(3-0)	ABSENT	AYE	ABSENT	AYE	AYE

## 13. PUBLIC HEARING ITEMS

- 13.1 Public Hearing to Consider the Approval of **Resolution No. 23-27**, A Resolution of the City Council of the City of Lindsay Approving **Conditional Use Permit (CUP) No. 23-02** Which Amends Conditional Use Permit (CUP) No. 22-01 Which Allowed for A Cannabis Dispensary, Cultivation, and Consumption Lounge Within the Central Commercial Zone and Retail Cannabis Dispensary Zone for the Property at 123 West Honolulu Street, Lindsay, CA

93247, In Order to Authorize Phase Out of the Building Construction and Finding that Project is Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to Section 15301 (pp. 144 – 156)

*Presented by Curtis Cannon, Planning Manager*

- Mayor opened public hearing at 7:47 PM.
- Receiving no public comment, Mayor closed public hearing at 7:48 PM.

<b>Motion to Approve Item 13.1 with Elevate LLC required to complete Phase I of building construction within six (6) months of the date in which the building permit is issued and Phase II by December 01, 2024.</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
FLORES	CERROS	(3-0)	ABSENT	AYE	ABSENT	AYE	AYE

#### **14. EXECUTIVE (CLOSED) SESSION**

14.1 Conference with Labor Negotiators Pursuant to Cal Gov. Code § 54957.6

Agency Designated Representative: Joseph M. Tanner, City of Lindsay

Employee Organization: The Lindsay City Employees’ Association; ‘Service Employees International Union (SEIU)’

14.2 Conference with Labor Negotiators Pursuant to Cal Gov. Code § 54957.6

Agency Designated Representative: Joseph M. Tanner, City of Lindsay

Employee Organization: Lindsay Public Safety Officers’ Association (LPOA)

- No reportable action out of closed session.

#### **15. REQUEST FOR FUTURE ITEMS**

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- Mayor CERROS made a motion for a future discussion regarding a Lindsay Fireworks show. Minor fireworks show, however not receiving a second to the motion, the CITY CLERK declared the motion dead. Therefore, item was not added to a future agenda.

#### **16. ADJOURNMENT**

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- Mayor adjourned the meeting at 8:36 PM.

Check#	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>23970</b>						<b>(\$164.89)</b>
	400 - WELLNESS CENTER	06/30/23	6924	JAVIER LEON	REFUND MEMBERSHIP	(164.89)
<b>76-607</b>						<b>\$1,291.56</b>
	101 - GENERAL FUND	06/09/23	6408	WEX BANK	76 FUEL 4/24-5/23	1,291.56
<b>NAVIA6</b>						<b>\$294.83</b>
	101 - GENERAL FUND	06/02/23	4924	NAVIA BENEFIT SOLUT	NAVIA 06/02/2023 FSA	294.83
<b>NAVIA6</b>						<b>\$156.70</b>
	101 - GENERAL FUND	06/08/23	4924	NAVIA BENEFIT SOLUT	COBRA ADMIN	56.70
	101 - GENERAL FUND	06/08/23	4924	NAVIA BENEFIT SOLUT	SEC 125 ADMIN	100.00
<b>NAVIA6</b>						<b>\$449.74</b>
	101 - GENERAL FUND	06/09/23	4924	NAVIA BENEFIT SOLUT	NAVIA 06/9/2023 FSA	449.74
<b>NAVIA6</b>						<b>\$814.70</b>
	101 - GENERAL FUND	06/16/23	4924	NAVIA BENEFIT SOLUT	NAVIA 06/16/2023 FSA	814.70
<b>NAVIA6</b>						<b>\$2,609.75</b>
	101 - GENERAL FUND	06/23/23	4924	NAVIA BENEFIT SOLUT	NAVIA 06/23/23 FSA	2,609.75
<b>NAVIA6</b>						<b>\$535.14</b>
	101 - GENERAL FUND	06/30/23	4924	NAVIA BENEFIT SOLUT	NAVIA 06/30/23 FSA	535.14
<b>UBANKS</b>						<b>\$13,599.57</b>
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	FLIGHT-ONO CITY TRIP-CITY CLERK	2,034.45
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	HOBBY LOBBY-GIFT BAGS-DOG PARK EVENT	16.21
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	ONO CITY-PREF. SEAT	86.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	STAPLES-PENS,MARKER	67.38
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	ADOBE	9.99
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	HR MEMBERSHIP	244.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	NEO GOV-ADVERTISEMENT	375.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	TARGET-DOG TREAT BAGS	80.24
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	USPS-2 CERT MAIL	32.52
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	WESTERN CITIES-AD DIRECTOR POSITION	300.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	CHINAS ALLEY-F.D LUNCH MEETING	128.96
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	ICMA CONFERENCE	399.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	ZOOM	14.41
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	ADOBE	19.99
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	CSMFO REGISTRATION	100.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	FLIGHT-ONO CITY TRIP-FINANCE DIRECTOR	(1,440.75)
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	STAPLES-CERT HOLDER	67.37
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	WAYFAIR-DESK	1,165.37
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	TO CO-RECORDING FEE	125.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-BRACELETS	60.06
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-TV CORD COVE	61.71
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-WALL MOUNT	81.52
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-WRISTBANDS	74.91
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	DELL-MONITORS-DISPATCH TERMINAL	1,671.87
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	DONUTS-SCHOOL APPRECIATION	132.02
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	ENGRAVED PLASTIC SI	86.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	EVENTBRITE-PEER COU	1,125.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	FASTRIP-STRUCTURE F	31.20
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	LINDSAY FOOD-TACOS	128.60
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	LOWES-DRILL SET STATION EQUIPMENT	261.11
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	LOWES-RETURNED DRIL	(259.33)
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	MACRIUM SOFTWARE	69.95
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	MICHAELS-FRAMES	120.57
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	MICHAELS-PHOTO FRAM	40.12
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	PIZZA-FF COMM. FIRE	69.51
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	SW WRITING SOFTWARE	257.78
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	TORCH RUN REGISTRAT	166.80
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	WALMART-BOOKCASE	118.54
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	WINDOW TINT	200.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	AUTO CAD PROGRAM	48.00
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	MAGNETIC ENGRAVING	28.65
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	PUBLICWORKS APPRECI	329.84
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	WAYFAIR-SMOKER	705.79
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	CONCRETE FOR DOG PARK SLABS	608.46
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	HOME DEPOT-LUMBER-DOG PARK	76.44
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	HOME DEPOT-PIPE,PVC	53.72
	101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	HOMEDPOT-TRENCH RENTAL -DOG PARK	216.20

101 - GENERAL FUND	06/07/23	6326	CORPORATE PAYMENT S	LOWE'S-DOG PARK SIGNS	107.81
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	AD FOR LIFEGUARD JOB	18.77
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	ADOBE SOFTWARE	35.99
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	ADOBE	14.81
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-INK CARTRIDG	62.03
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-LANYARD,MARK	219.57
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	AMAZON-LIFEGUARD SU	508.39
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	GYM EQUIP. REPAIRS	207.61
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	HOMEDEPOT-CORD COVE	23.79
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	LEXSAY-STAFF MEETING LUNCH	49.00
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	MAGNETIC ENGRAVING	28.65
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	OFFICEDEPOT-DESK TR	50.97
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	SHERWIN WILLIAM-PAI	122.77
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	TRUEVALUE-PAINT	52.18
400 - WELLNESS CENTER	06/07/23	6326	CORPORATE PAYMENT S	WALMART-MOVIES	141.27
552 - WATER	06/07/23	6326	CORPORATE PAYMENT S	LESLIES POOL-WTP	520.79
889 - SIERRA VISTA ASSESSMENT	06/07/23	6326	CORPORATE PAYMENT S	AVID WATER IDC CENT	1,044.99
<b>USB615</b>					<b>\$18,897.50</b>
101 - GENERAL FUND	06/20/23	430	US BANK TRUST NA	2012 MCDERMONT BOND	(2,158.75)
101 - GENERAL FUND	06/20/23	430	US BANK TRUST NA	2012 MCDERMONT INT	21,056.25
<b>USSW06</b>					<b>\$25,623.00</b>
553 - SEWER	06/28/23	1123	USDA RURAL DEVELOPM	92-09 SEWER INT PMT	15,158.57
553 - SEWER	06/28/23	1123	USDA RURAL DEVELOPM	92-09 SEWER PRIN PMT	10,464.43
<b>SUMMARY BY FUNDING SOURCE</b>					
101 - GENERAL FUND					35,547.91
400 - WELLNESS CENTER					1,370.91
552 - WATER					520.79
553 - SEWER					25,623.00
889 - SIERRA VISTA ASSESSMENT					1,044.99
<b>TOTAL</b>					<b>\$ 64,107.60</b>



## STAFF REPORT

TO: Lindsay City Council  
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 9.3  
MEETING DATE: July 25, 2023

### ACTION & RECOMMENDATION

Consider the Minute Order Approval of **Resolution No. 23-30**, A Resolution of the City Council of the City of Lindsay Amending the City of Lindsay Records Retention Policy and Repealing and Superseding All Other Resolutions Relative to Records Retention Thereto.

City Staff recommends that the City Council approve and adopt Resolution No. 23-30, approving the amended retention policy for the City to assist the City in ensuring that it retains information for the period it is needed and prevents keeping records longer than the information is worth in storage and maintenance costs.

### BACKGROUND | ANALYSIS

On June 20, 2017, the Lindsay City Council passed and adopted Resolution No. 17-25 amending the City of Lindsay's Records Retention Policy. Since the adoption of Resolution No. 17-25, City Staff has identified the need to amend the City's Records Retention Policy pursuant to City, State, and Federal Laws as well as departmental requirements.

Due to the continual steady growth in the volume of records the City of Lindsay handles as well as the City's Information Technology (IT) providers recent best practice review, Resolution No. 23-30 proposes an amendment to the City's Records Retention Policy to the City's current Email Retention Policy as demonstrated below. The proposed amendments are demonstrated in red text.

***Email retention policy-*** email is a media format to facilitate communication. In many cases, email communication constitutes "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business" within the meaning of Government Code § 6254(a). Therefore, any email deemed to be a public record, and not just a draft, note or memoranda, shall be either printed and filed in accordance with the City's records retention policy, or saved outside of the email system in a format similar to other permanent electronic records. All email residing in the email system beyond ~~30 days~~ **one (1) year** will automatically be deleted **by the email software**.



## **STAFF REPORT**

It is important to note that Pursuant to California Government Code §34090, the City cannot authorize the destruction of:

- a) Records affecting the title to real property or liens thereon.
- b) Court records.
- c) Records required to be kept by statute.
- d) Records less than two years old.
- e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

*All other sections of the City of Lindsay Records Retention Policy remain unchanged at this time.*

### **FISCAL IMPACT**

No fiscal impact associated with this action.

### **ATTACHMENTS**

- Resolution No. 17-25
- Resolution No. 23-30 with Exhibit

**RESOLUTION NO. 17-25**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY**  
**AMENDING THE RECORDS RETENTION POLICY DESCRIBED IN**  
**RESOLUTION 93-56.**

At a Regular meeting of the City Council of the City of Lindsay held the 20th day of June 2017, at 6:00 p.m. of said day, in the Council Chambers at City Hall, 251 East Honolulu, Lindsay, California 93247, the following resolution was adopted:

**WHEREAS**, the Lindsay City Council adopted Resolution 93-56 on November 15, 1993 to establish a records retention policy; and

**WHEREAS**, the records retention policy is now outdated and requires an update to include evolving and expanding electronic communications media; and

**WHEREAS**, attached Exhibits A and B address needed changes and include regulations for new electronic communications media; and

**WHEREAS**, the retention of obsolete records is not practical or desirable; and

**WHEREAS**, the approval of guidelines for the ongoing disposition of records destruction would not affect the operation of the City and will enable the City Clerk to sort, retain and present records for destruction coherently, and will enable the City Attorney to more quickly and efficiently review records listings presented for disposition;

**NOW, THEREFORE, BE IT RESOLVED** by the Lindsay City Council as follows:

SECTION 1. The disposition of certain types of records generated or received by the city of Lindsay, as listed on Exhibit "A", which schedule is attached hereto and incorporated herein by this reference, is hereby authorized for disposition as outlined and approved by Section 34090 et seq., of the Government Code of the State of California, upon the request of the department head and with the consent in writing of the City Attorney, without further delay by the City Council of the City of Lindsay.

SECTION 2. The provisions of Section 1 above do not authorize the destruction of

- a) Records affecting the title of real property or liens thereon;
- b) Court records
- c) Records required to be kept by statute
- d) Records less than 2 years old
- e) The minutes, ordinance or resolutions of the City Council or the City of Lindsay or any other City Board, Committee or Commission.

SECTION 3. Notwithstanding the provisions of Section 2, the duplicates of original records may be destroyed.

SECTION 4. The destruction of any record as provided herein shall be by burning, shredding or other effective method of destruction, and said destruction shall be witnessed by the City Clerk or a designated representative.

SECTION 5. The City Clerk is authorized to follow examination by and donation to the Lindsay Chamber of Commerce or other historical society designated by the City Council, any of the records described in Exhibit "A" except those deemed to be confidential.

SECTION 6. The disposition of certain types of electronic records generated or received by the city of Lindsay, as listed on Exhibit "B", which schedule is attached hereto and incorporated herein by this reference, is hereby authorized for disposition as outlined and approved by Section 34090 et seq., of the Government Code of the State of California, upon the request of the department head and with the consent in writing of the City Attorney, without further delay by the City Council of the City of Lindsay.

SECTION 7. The term "records" as used herein, shall include documents, instruments, books, microfilm, photographs, tapes, paper or electronic documents, voicemails and text messaging.

SECTION 8. The City Clerk shall certify the adoption and passage of this resolution, shall retain the resolution as a permanent record of the City and shall cause the action of the City Council in adopting this resolution to be entered in the official minutes of the Lindsay /city Council.

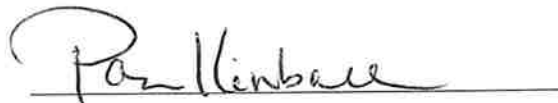
**PASSED AND ADOPTED** by the City Council of the City of Lindsay this 20th day of June 2017.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY



Carmela Wilson, City Clerk



Pamela Kimball, Mayor

CITY OF LINDSAY )  
COUNTY OF TULARE )  
STATE OF CALIFORNIA )

CITY CLERK CERTIFICATION

I, Carmela Wilson, City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution No. 17-25, introduced at a regular meeting of the City Council of the City of Lindsay duly held this 20th day of June 2017, upon motion by Salinas and second by Cortes, by the following vote, as the same appears of record and on file in my office:

AYES: Salinas, Cortes, Watson, Velasquez, Kimball.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

WITNESS my hand and Corporate City Seal of the City of Lindsay this 20th day of June, 2017.

OFFICE OF THE CITY CLERK OF LINDSAY

  
\_\_\_\_\_  
Carmela Wilson, City Clerk



EXHIBIT "A"

RETENTION SCHEDULE  
FOR  
CITY RECORDS

DEPARTMENT

RETENTION YEARS:

**Personnel**

Interest cards and applications for positions not vacant during The one-year period after they were filed.....	2 years
Complete recruitment and selection files for vacant positions.....	3 years
Supplementary information attached to application filed for Vacant positions within the City .....	3 years
General personnel communications and correspondence.....	2 years
Labor relations files and correspondence, excluding Memorandum of Understanding .....	5 years
Files and records on employees who have terminated Employment with the City of Lindsay .....	10 years

**Risk Management**

Liability insurance files, except insurance policies, cost summaries, Liability claim summaries and releases .....	5 years after claim closed, settled or adjudicated
Cost summaries and liability claim summaries .....	5 years

**Workers Compensation**

Files and information, except insurance policies, claim summary	
Reports and frequency and severity analysis .....	3 years
Claim summary reports and frequency and severity analysis .....	5 years

**Health Insurance**

Health insurance files, except insurance policies and  
Cost and claim summaries ..... 2 years  
Cost and claim summaries ..... 7 years

**Administration**

All general non-electronic correspondence, communications and reports ..... 2 years  
All general electronic correspondence, communications and reports ..... Refer to Policy Exhibit B  
Materials relating to Lindsay Olive Growers et al vs  
The City of Lindsay ..... On Specific  
authorization of  
the City Attorney

**Utilities**

Application for Customer Service ..... Permanent  
Receipt Books, yellow copy ..... Permanent  
Receipt Books, pink copy ..... 3 years  
Adjustment cards, blue ..... 3 years  
Utility Master File Maintenance ..... 3 years  
Bill Receipt Stubs ..... 3 years  
Master File: Name, address and account number ..... 3 years  
Mid-month Report ..... 7 years  
Bill Register ..... 7 years  
Adjustments – Computer Run ..... 7 years  
Account Status Report ..... 3 years

**Payroll**

Time Sheets and time cards ..... 7 years  
Labor Distribution Run ..... 7 years  
Check Register ..... 7 years  
PERS Retirement Computer Report ..... 10 years  
Worker’s Compensation ..... 3 years  
Payroll Deductions ..... 3 years  
Payroll Maintenance ..... 3 years  
Year-To-Date, Employee Wages ..... 7 years  
Payroll Audit Run – Biweekly Balance Run ..... 7 years

Personnel Action Forms .....	3 years
Merit Increases, Hires,	after
Terminations, Other	termination
PERS Reports, Status Change .....	3 years
	after
	termination
W2s; Form 1099 .....	7 years
Payroll Quarterly and Annual Reports .....	7 years
Income Tax	
State Tax	
SDI Tax	
SUI Tax	
W4s; Changes and Terminations .....	7 years

**Government Grants**

Fund Request reports	}	3 years
	}	final audit
Monthly/Quarterly Cost Reports	}	or completion
	}	if no audit
Application/Data for Grant Funds	}	longer if grant
	}	requires

**Accounts Payable**

Requisitions.....	3 years
Purchase Orders	
Department Copy (yellow).....	3 years
Finance Copy (pink) .....	5 years
Original invoices with various attachments	
including green warrant stub.....	7 years
Statements and other forms of billing.....	3 years
Warrant Requests .....	7 years

**Other Records**

Liquor License Notices .....	2 years
Notices of Publication .....	3 years
Time Sheets, Finance Department Copy.....	2 years
Retirement Correspondence .....	2 years
Revenue sharing Correspondence .....	2 years

Taxes, Assessed Valuation .....	10 years
Sales Tax, State reports.....	10 years
Fuel Tax, State Reports .....	7 years
Budget Work Sheets .....	4 years

**Miscellaneous Records**

Building Permits, Finance Copy.....	10 years
Warrants/Demands .....	7 years
Payroll Checks .....	7 years
Journal Entries.....	7 years
Business Loan Applications .....	3 years after business closes
Business License (copy).....	3 years
Bank Statements .....	7 years
Bond Records .....	5 years after payoff
1969 LOG Sewer Bond .....	10 years after payoff
Assessment District Records .....	10 years after payoff
Census Bureau Reports.....	10 years
Accounts Receivable Records .....	5 years
Curb & Gutter Agreements/Sewer Agreements, Full Paid .....	3 years
Treasurer’s Reports .....	3 years
Bank Reconciliations .....	5 years
CETA Records .....	5 years
Social Security Reports.....	5 years
Purchase Orders.....	5 years
Petty Cash Records .....	5 years
Leases.....	3 years after expired
Bonds for Contractors .....	3 years after expired
Weed Abatement.....	5 years
Equipment Services Records.....	3 years

Notice of Intent for Public Improvements ..... 10 years after improvement completed

Abstracts of Title (not City-owned property)..... 10 years from date of receipt

**Accounting Records**

General Ledger, Revenue Reports and Expense Reports ..... 7 years or until Grant hold requirement me

All Supporting Posting Records and Histories ..... Same as above

WATER RECLAMATION PLANT CHARTS

<u>CHART DESCRIPTION</u>	<u>RETENTION PERIOD</u>
Return Activated Sludge Flow .....	3 years – Destroy
Influent ph.....	3 years – Destroy
Influent Flow .....	Permanent
Digester Gas .....	3 years – Destroy
Influent Flow (Ter.) .....	Permanent
C1 <sub>2</sub> Residual LAVWMA.....	Permanent
ph LAVWMA.....	Permanent
Plant Effluent .....	Permanent
Reclaimed Flow .....	Permanent
Effluent D.O. ph Conductivity .....	Permanent
Effluent Flow .....	Permanent
C1 <sub>2</sub> Influent & Effluent.....	Permanent
#1 Filter Flow.....	3 years – Destroy
#2 Filter Flow.....	3 years – Destroy
Basin Flow .....	3 years – Destroy
Applied Water Flow .....	3 years – Destroy
Waste RAS Flow .....	3 years – Destroy
Mixed Liquor .....	3 years – Destroy
#1 Head Loss Turbidity.....	3 years – Destroy
#2 Head Loss Turbidity.....	3 years – Destroy
All records pertaining to plant operations, maintenance and performance must be retained at the Water Reclamation Plant for 3 years.	

Attachment II – a

## POLICE DEPARTMENT

### **Two Year Retention**

Animal Bite Reports.

Civil Matters, except those involving City Property or Personnel.

Lost Property, except firearms and items in excess of \$1,000 value.

Miscellaneous Traffic.

Miscellaneous Ordinance Violations.

Outside Assist.

Service to Citizens.

Sick Cared For.

Suspicious Circumstances Reports.

Abandoned Vehicle Reports.

Found Property.

Malicious Mischief Reports.

Runaway Reports, if located, including those from institution.

Warrant Cards, cancelled.

Dispatch Logs.

### **Five Year Retention**

Accident Reports, unless involving fatalities.

Missing Persons, excluding those not located.

Misdemeanor Crime Reports.

Mental Cases, except multiple entry and last entry is less than two years (unless active).

Sudden Deaths and Found Bodies, not involving crimes of violence and Coroner's declaration that death is due to natural causes.

Misdemeanor Arrests not resulting in a conviction or for which no disposition was received.

Retainable Arrests which are later termed "Detention Only Under 849b PC". Retention period begins on the Date of detention (arrest).

Attempted Suicides.

Felony Crime Reports (arrest, no conviction, no outstanding warrants and statute of limitations has expired. Begins date of report or arrest.)

Civil Matters involving City property or personnel, other than traffic collisions.

### Seven Year Retention

Misdemeanor Crime Reports/ Arrests which result in a conviction. (Retention period begins on date of arrest.)

Felony Arrests Reduced to Misdemeanor or Non-Retainable Offenses. (Retention period begins on date of arrest.)

### Permanent or Indefinite Retention

Accidents, Fatalities.

Felony Reports: Convictions and crimes of violence.

Gun Registration.

Lost Property: Firearms and identifiable artifacts where value exceeds \$1,000.

Mental Cases: Multiple cases, active.

Murder, including manslaughter, voluntary/involuntary.

Narcotics Registrants (Terminated upon Court Order).

Registrants 290 PC (Terminated upon Court Order).

Weapons, stolen, with serial numbers or identifiable.

Kidnapping, Falsification or Misuse of Public Records, Train Wrecking, Treason, and all Federal Crimes without statute of limitations.

Suicides.

Missing Persons, unlocated.

*NOTE: Any reports or documents involving a minor in a civil matter shall be retained until at least one year after the minor has attained the age of majority. This provision shall not shorten any of the above periods of retention.*



**Exhibit "B" pg. 1 of 2**

**Electronic Data Retention Policy**

**Email retention policy** – email is a media format to facilitate communication. In many cases, email communication constitutes "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business" within the meaning of Government Code § 6254(a). Therefore, any email deemed to be a public record, and not just a draft, note or memoranda, shall be either printed and filed in accordance with the City's records retention policy, or saved outside of the email system in a format similar to other permanent electronic records. All email residing in the email system beyond 30 days will automatically be deleted.

**Voicemail system policy** – individual voicemail messages are backed-up and therefore, recoverable. All voicemail messages residing in the voicemail system beyond 30 days will automatically be deleted.

**Other electronic data policy** – existing electronic data consists of databases, software, files, or images. Electronic records are kept for operational, historical, fiscal, or legal reasons. In other words, electronic records are another form of records retention, previously maintained in paper format. The type of device, or media, containing the electronic record is immaterial. The retention of electronic records, unless stated elsewhere in this electronic data retention policy, shall be governed by the content, be it databases, software, files, or images. This content classification should fall within previously adopted record retention and destruction guidelines. Therefore, the destruction or deletion of these electronic records is dependent on the records retention schedule as it relates to the destruction of paper documents.

City of Lindsay  
Cellular Phone Use/Text Messaging Policy

Overview:

Information Technology is evolving at a rapid pace. Calls on cell phones and text messaging have become a routine part of daily life. In order to maintain a safe work environment, ensure employee productivity and eliminate the distraction to others, it is necessary to establish defined parameters with regard to cell phone use and text messaging. This policy also identifies the distinction between personal cell phone use and use of cell phones for official City business.

Policy on Personal Cell Phone Use

While at work, employees are expected to use personal cell phones and do text messaging only during break periods and lunch break. Under no circumstance will personal cell phones or text messaging be used while operating any piece of City-owned equipment. Cell phones will be shut off, except for break periods and lunch break.

Policy on Official Cell Phone Use:

The City realizes that there are circumstances when personal cell phones are used by employees for official City-related business; i.e. calls to the office, a supervisor or other government agency. The City also provides cell phones to some of its employees for official use.

In all circumstances, official cell phone use must be conducted in a courteous, safe and professional manner, so as not to disrupt other employees. Under no circumstance will official or other business be conducted by a City employee while operating any piece of City equipment. Employees are instructed to let calls go to message or, if necessary, pull off the road or stop operating any piece of equipment, in order to take or return a call. With one exception, administrative personnel may use Bluetooth devices to conduct business while traveling.

Responsibilities:

The City will not be liable for the loss or damage to personal cell phones or other devices brought into the workplace. Employees who regularly use their personal cell phone, on a daily basis, for official business are encouraged to discuss this matter with their Department Head, as other arrangements and options may be available.

It is the responsibility of all employees to remember to respect co-workers when making or receiving calls. It is the responsibility of management to enforce this policy as required.



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

---

**NUMBER** 23-30

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING THE CITY OF LINDSAY RECORDS RETENTION POLICY AND REPEALING AND SUPERSEDING ALL OTHER RESOLUTIONS RELATIVE TO RECORDS RETENTION THERETO.

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on July 25, 2023, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, the term "records" as used herein, shall include documents, instruments, books, microfilm, photographs, tapes, paper or electronic documents, voicemails, and text messages; and

**WHEREAS**, the City of Lindsay's Records Retention Policy was last adopted via Resolution No. 17-25 on June 20, 2017; and

**WHEREAS**, since the adoption of Resolution No. 17-25, City Staff has identified the need to amend the City's Records Retention Policy pursuant to City, State, and Federal Laws as well as departmental requirements.

**WHEREAS**, due to the continual steady growth in the volume of records the City of Lindsay handles as well as the City's Information Technology (IT) providers recent best practice review, the City Council of the City of Lindsay hereby finds that it is appropriate to amend the City's Records Retention Policy to ensure that it retains information for the period it is needed and prevents keeping records longer than the information is worth in storage and maintenance costs; and

**WHEREAS**, Pursuant to California Government Code §34090, the City cannot authorize the destruction of:

- a) Records affecting the title to real property or liens thereon.
- b) Court records.
- c) Records required to be kept by statute.
- d) Records less than two years old.
- e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

**WHEREAS**, the City Council of the City of Lindsay hereby approved the amended City of Lindsay Records Retention Policy hereto attached as 'Exhibit A'.

RESOLUTION NO. 23-30

Page 1 of 3



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY RESOLVE AS FOLLOWS:**

- SECTION 1. The above recitals are true and correct.
- SECTION 2. Duplicates of original records may be destroyed. The destruction of any record as provided herein shall be by burning, shredding or other effective method of destruction, and said destruction shall be witnessed by the City Clerk or a designated representative.
- SECTION 3. The disposition of records shall be in accordance and abide by California Government Code §34090.
- SECTION 4. The amended Records Retention Policy attached hereto as ‘Exhibit A’ is hereby adopted.
- SECTION 5. This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

MEETING DATE	July 25, 2023
MOTION	
SECOND MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

---

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.

---

FRANCESCA QUINTANA  
CITY CLERK

---

HIPOLITO A. CERROS  
MAYOR

EXHIBIT "A"

RETENTION SCHEDULE  
FOR  
CITY RECORDS

Exhibit A

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DEPARTMENT

RETENTION YEARS:

**Personnel**

Interest cards and applications for positions not vacant during The one-year period after they were filed.....	2 years
Complete recruitment and selection files for vacant positions .....	3 years
Supplementary information attached to application filed for Vacant positions within the City .....	3 years
General personnel communications and correspondence .....	2 years
Labor relations files and correspondence, excluding Memorandum of Understanding .....	5 years
Files and records on employees who have terminated Employment with the City of Lindsay .....	10 years

**Risk Management**

Liability insurance files, except insurance policies, cost summaries, Liability claim summaries and releases.....	5 years after claim closed, settled or adjudicated
Cost summaries and liability claim summaries.....	5 years

**Workers Compensation**

Files and information, except insurance policies, claim summary	
Reports and frequency and severity analysis .....	3 years
Claim summary reports and frequency and severity analysis .....	5 years

Exhibit A

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**Health Insurance**

Health insurance files, except insurance policies and

Cost and claim summaries..... 2 years

Cost and claim summaries..... 7 years

**Administration**

All general non-electronic correspondence, communications and reports..... 2 years

All general electronic correspondence, communications and reports..... Refer to Policy Exhibit B

Materials relating to Lindsay Olive Growers et al vs

The City of Lindsay ..... On Specific authorization of the City Attorney

**Utilities**

Application for Customer Service..... Permanent

    Receipt Books, yellow copy..... Permanent

    Receipt Books, pink copy..... 3 years

Adjustment cards, blue..... 3 years

Utility Master File Maintenance..... 3 years

Bill Receipt Stubs..... 3 years

Master File: Name, address and account number..... 3 years

Mid-month Report..... 7 years

Bill Register..... 7 years

Adjustments - Computer Run..... 7 years

Account Status Report..... 3 years

**Payroll**

Time Sheets and time cards..... 7 years

Labor Distribution Run..... 7 years

Check Register..... 7 years

PERS Retirement Computer Report..... 10 years

Worker's Compensation..... 3 years

Payroll Deductions..... 3 years

Payroll Maintenance..... 3 years

Year-To-Date, Employee Wages..... 7 years

Payroll Audit Run - Biweekly Balance Run..... 7 years

Exhibit A

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Personnel Action Forms .....	3 years
Merit Increases, Hires, Terminations, Other	after termination
PERS Reports, Status Change.....	3 years
	after termination
W2s; Form 1099.....	7 years
Payroll Quarterly and Annual Reports.....	7 years
Income Tax	
State Tax	
SDI Tax	
SUI Tax	
W4s; Changes and Terminations .....	7 years
<b><u>Government Grants</u></b>	
Fund Request reports	}..... 3 years
	} final audit
Monthly/Quarterly Cost Reports	} or completion
	} if no audit
Application/Data for Grant Funds	} longer if grant
	} requires
<b><u>Accounts Payable</u></b>	
Requisitions .....	3 years
Purchase Orders	
Department Copy (yellow) .....	3 years
Finance Copy (pink) .....	5 years
Original invoices with various attachments	
including green warrant stub .....	7 years
Statements and other forms of billing .....	3 years
Warrant Requests .....	7 years
<b><u>Other Records</u></b>	
Liquor License Notices.....	2 years
Notices of Publication .....	3 years
Time Sheets, Finance Department Copy .....	2 years
Retirement Correspondence.....	2 years
Revenue sharing Correspondence .....	2 years



**Exhibit A**

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Taxes, Assessed Valuation.....	10 years
Sales Tax, State reports.....	10 years
Fuel Tax, State Reports.....	7 years
Budget Work Sheets.....	4 years

**Miscellaneous Records**

Building Permits, Finance Copy.....	10 years
Warrants/Demands.....	7 years
Payroll Checks.....	7 years
Journal Entries.....	7 years
Business Loan Applications.....	3 years after business closes
Business License (copy).....	3 years
Bank Statements.....	7 years
Bond Records.....	5 years after payoff
1969 LOG Sewer Bond.....	10 years after payoff
Assessment District Records.....	10 years after payoff
Census Bureau Reports.....	10 years
Accounts Receivable Records.....	5 years
Curb & Gutter Agreements/Sewer Agreements, Full Paid.....	3 years
Treasurer's Reports.....	3 years
Bank Reconciliations.....	5 years
CETA Records.....	5 years
Social Security Reports.....	5 years
Purchase Orders.....	5 years
Petty Cash Records.....	5 years
Leases.....	3 years after expired
Bonds for Contractors.....	3 years after expired
Weed Abatement.....	5 years
Equipment Services Records.....	3 years

Exhibit A

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Notice of Intent for Public Improvements ..... 10 years after improvement completed

Abstracts of Title (not City-owned property) ..... 10 years from date of receipt

**Accounting Records**

General Ledger, Revenue Reports and Expense Reports ..... 7 years or until Grant hold requirement me

All Supporting Posting Records and Histories ..... Same as above

DRAFT

Exhibit A

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WATER RECLAMATION PLANT CHARTS

<u>CHART DESCRIPTION</u>	<u>RETENTION PERIOD</u>
Return Activated Sludge Flow .....	3 years - Destroy
Influent ph .....	3 years - Destroy
Influent Flow .....	Permanent
Digester Gas .....	3 years - Destroy
Influent Flow (Ter.) .....	Permanent
Cl2 Residual LAVWMA .....	Permanent
ph LAVWMA .....	Permanent
Plant Effluent .....	Permanent
Reclaimed Flow .....	Permanent
Effluent D.O. ph Conductivity .....	Permanent
Effluent Flow .....	Permanent
Cl2 Influent & Effluent .....	Permanent
#1 Filter Flow .....	3 years - Destroy
#2 Filter Flow .....	3 years - Destroy
Basin Flow .....	3 years - Destroy
Applied Water Flow .....	3 years - Destroy
Waste RAS Flow .....	3 years - Destroy
Mixed Liquor .....	3 years - Destroy
#1 Head Loss Turbidity .....	3 years - Destroy
#2 Head Loss Turbidity .....	3 years - Destroy

All records pertaining to plant operations, maintenance and performance must be retained at the Water Reclamation Plant for 3 years.

Attachment II - a

Exhibit A

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POLICE DEPARTMENT

**Two Year Retention**

Animal Bite Reports.  
Civil Matters, except those involving City Property or Personnel.  
Lost Property, except firearms and items in excess of \$1,000 value.  
Miscellaneous Traffic.  
Miscellaneous Ordinance Violations.  
Outside Assist.  
Service to Citizens.  
Sick Cared For.  
Suspicious Circumstances Reports.  
Abandoned Vehicle Reports.  
Found Property.  
Malicious Mischief Reports.  
Runaway Reports, if located, including those from institution.  
Warrant Cards, cancelled.  
Dispatch Logs.

**Five Year Retention**

Accident Reports, unless involving fatalities.  
Missing Persons, excluding those not located.  
Misdemeanor Crime Reports.  
Mental Cases, except multiple entry and last entry is less than two years (unless active).  
Sudden Deaths and Found Bodies, not involving crimes of violence and Coroner's declaration that death is due to natural causes.  
Misdemeanor Arrests not resulting in a conviction or for which no disposition was received.  
Retainable Arrests which are later termed "Detention Only Under 849b PC". Retention period begins on the Date of detention (arrest).  
Attempted Suicides.  
Felony Crime Reports (arrest, no conviction, no outstanding warrants and statute of limitations has expired. Begins date of report or arrest.)  
Civil Matters involving City property or personnel, other than traffic collisions.

Exhibit A

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**Seven Year Retention**

Misdemeanor Crime Reports/ Arrests which result in a conviction. (Retention period begins on date of arrest.)

Felony Arrests Reduced to Misdemeanor or Non-Retainable Offenses. (Retention period begins on date of arrest.)

**Permanent or Indefinite Retention**

Accidents, Fatalities.

Felony Reports: Convictions and crimes of violence.

Gun Registration.

Lost Property: Firearms and identifiable artifacts where value exceeds \$1,000.

Mental Cases: Multiple cases, active.

Murder, including manslaughter, voluntary/involuntary.

Narcotics Registrants (Terminated upon Court Order).

Registrants 290 PC (Terminated upon Court Order).

Weapons, stolen, with serial numbers or identifiable.

Kidnapping, Falsification or Misuse of Public Records, Train Wrecking, Treason, and all Federal Crimes without statute of limitations.

Suicides.

Missing Persons, unlocated.

*NOTE: Any reports or documents involving a minor in a civil matter shall be retained until at least one year after the minor has attained the age of majority. This provision shall not shorten any of the above periods of retention.*

Exhibit A

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**Exhibit "B" pg. 1 of 2 Electronic**

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**Data Retention Policy**

**Email retention policy-** email is a media format to facilitate communication. In many cases, email communication constitutes "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business" within the meaning of Government Code § 6254(a). Therefore, any email deemed to be a public record, and not just a draft, note or memoranda, shall be either printed and filed in accordance with the City's records retention policy, or saved outside of the email system in a format similar to other permanent electronic records. All email residing in the email system beyond one (1) year 30-days will automatically be deleted by the email software.-

**Voicemail system policy** - individual voicemail messages are backed-up and therefore, recoverable. All voicemail messages residing in the voicemail system beyond 30 days will automatically be deleted.

**Other electronic data policy** - existing electronic data consists of databases, software, files, or images. Electronic records are kept for operational, historical, fiscal, or legal reasons. In other words, electronic records are another form of records retention, previously maintained in paper format. The type of device, or media, containing the electronic record is immaterial. The retention of electronic records, unless stated elsewhere in this electronic data retention policy, shall be governed by the content, be it databases, software, files, or images. This content classification should fall within previously adopted record retention and destruction guidelines. Therefore, the destruction or deletion of these electronic records is dependent on the records retention schedule as it relates to the destruction of paper documents.

City of Lindsay  
Cellular Phone Use/Text Messaging Policy

Exhibit A

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Overview:

Information Technology is evolving at a rapid pace. Calls on cell phones and text messaging have become a routine part of daily life. In order to maintain a safe work environment, ensure employee productivity and eliminate the distraction to others, it is necessary to establish defined parameters with regard to cell phone use and text messaging. This policy also identifies the distinction between personal cell phone use and use of cell phones for official City business.

Policy on Personal Cell Phone Use

While at work, employees are expected to use personal cell phones and do text messaging only during break periods and lunch break. Under no circumstance will personal cell phones or text messaging be used while operating any piece of City-owned equipment. Cell phones will be shut off, except for break periods and lunch break.

Policy on Official Cell Phone Use:

The City realizes that there are circumstances when personal cell phones are used by employees for official City-related business; i.e. calls to the office, a supervisor or other government agency. The City also provides cell phones to some of its employees for official use.

In all circumstances, official cell phone use must be conducted in a courteous, safe and professional manner, so as not to disrupt other employees. Under no circumstance will official or other business be conducted by a City employee while operating any piece of City equipment. Employees are instructed to let calls go to message or, if necessary, pull off the road or stop operating any piece of equipment, in order to take or return a call. With one exception, administrative personnel may use Bluetooth devices to conduct business while traveling.

Responsibilities:

The City will not be liable for the loss or damage to personal cell phones or other devices brought into the workplace. Employees who regularly use their personal cell phone, on a daily basis, for official business are encouraged to discuss this matter with their Department Head, as other arrangements and options may be available.

It is the responsibility of all employees to remember to respect co-workers when making or receiving calls. It is the responsibility of management to enforce this policy as required.



## STAFF REPORT

TO: Lindsay City Council  
FROM: Joseph M. Tanner, City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 9.4  
MEETING DATE: July 25, 2023

### **ACTION & RECOMMENDATION**

Consider the Minute Order Approval of Platinum Level Sponsorship and Expenditure Thereto for the Lindsay Youth Football and Cheer Program for the 2023 Season.

Staff recommends that the City Council approve the allocation and expenditure of \$1,000.00 for the City to become a Platinum Level Sponsor for Lindsay Youth Football and Cheer (“LYFC”) for the 2023 year as LYFC is a one hundred percent (100%) non-profit organization consisting of four (4) football teams and four (4) cheerleading teams of Lindsay’s youth.

### **BACKGROUND | ANALYSIS**

LYFC is a parent ran competitive sport organization for youth ages five (5) through fourteen (14) and is a one hundred percent (100%) non-profit organization consisting of four (4) football teams and four (4) cheerleading teams. This year there are approximately 330 youth involved in the program, and said program is requesting monetary sponsorships to ensure the program provides equipment, uniforms, facilities, and sport opportunities for Lindsay’s youth, all at a low cost to the community.

Should the City Council approve for the City to become a Platinum Level Sponsor, the City will have its logo placed on a personalized sponsor banner, receive a sponsorship plaque, and appear on LYFC’s social media platforms as well as be recognized on game days.

### **FISCAL IMPACT**

\$1,000 sourced from 101-4010-037002 CITY COUNCIL PUBLIC OUTREACH FUND.

### **ATTACHMENTS**

- LYFC Sponsorship Form





**WE NEED YOUR SUPPORT!!**

***Who Are We?***

We are **Lindsay Youth Football and Cheer**. We are a parent ran competitive sport organization for boys and girls ages 5 through 14. We are 100% non-profit and registered with the IRS as such. LYFC consists of 4 youth football teams and 4 cheerleading squads. This year there are approximately 210 youth football players, 120 youth cheerleaders, 40 coach/advisors and 8 board members participating in the program.

***Our Mission?***

As we prepare for a new season, we are asking you to partner with us to ensure the youth of our community continue to have access to the highest quality equipment, uniforms and facilities. It is the goal of the LYFC board to keep the cost as low as possible for our youth to participate. This is your opportunity to partner with us to help raise the needed funds to continue to run a successful program. **All sponsors will receive a receipt with our tax ID and information.** Please see below for sponsorship opportunities.

**LYFC 2023 sponsorship levels are detailed below:**

- **PLATINUM LEVEL SPONSOR: \$1000 or more:**
  - Business logo or Name on a personalized 3x5 sponsor banner
  - Sponsorship plaque
  - Facebook/Instagram/Game Day advertising
  
- **GOLD LEVEL SPONSOR: \$500-999:**
  - Business logo or Name on a personalized 2x3 sponsors banner
  - Sponsorship plaque
  - Facebook/Instagram/ Game day advertising
  
- **SILVER LEVEL SPONSOR: \$150-499:**
  - Business logo or Name on shared sponsors banner
  - Facebook/Instagram/ Game day advertising
  
- **Other Sponsor Amount: \$ \_\_\_\_\_**

(Banners will be displayed at all home games)

Thank you for taking the time to consider sponsoring LYFC and the youth of our community. **We look forward to partnering with you for the 2023 season.** Please contact a board member listed below if you have any questions. We look forward to speaking with you about our goals for the upcoming year. God Bless you and thank you for your support.

Sincerely, LYFC 2023 Board

**Checks payable to Lindsay Youth Football**

President: Hector Hernandez (520)288-3008  
Vice-President: Juan Vasquez (559)568-8316  
Treasurer: Ofelia Escheveste (559)586-1719





## STAFF REPORT

TO: Lindsay City Council  
FROM: Shelline Bennett, Liebert Cassidy Whitmore  
DEPARTMENT: City Attorney's Office  
ITEM NO.: 10.1  
MEETING DATE: July 25, 2023

### **ACTION & RECOMMENDATION**

Consider the Approval of Resolution No. 23-28, A Resolution of the City Council of the City of Lindsay Certifying the Lindsay Professional Firefighters' Association, Teamsters Local 856, as the Recognized and Designated Employee Organization and Exclusive Bargaining Representative of "All Firemen" Employed by the City, as Specifically Defined by Title 2.40.040 of the City of Lindsay Municipal Code.

### **BACKGROUND | ANALYSIS**

Section A of Title 2.40.040 Employee Organization of the Lindsay Municipal Code states, "In order to be recognized for the purposes of this chapter, an employee organization must represent a majority of the employees in an employee group." Section B states that the City has investigated and made conclusions that there are three separate employee groups, one of which is "all firemen."

Title 2.40.050 Petition for Recognition of the Lindsay Municipal Code states, "Any organization representing employees that seek recognition as the majority representative of the employees in one of the acknowledged employee groups shall file with the city council a petition containing the following information:

- A. Name and address of the employee organization;
- B. Names and titles of its officers;
- C. Names of authorized employee representatives and their authorities and responsibilities;
- D. A copy of the employee organization's constitution or bylaws which shall contain a statement that the employee organization has one of its primary purposes representation of the employees in their employment relations with the city.

Title 2.40.060 Recognition of Employee Organization of the Lindsay Municipal Code states that the City Council shall certify that the employee organization is the recognized employee organization for the group based on reasonable proof that the organization represents a majority of the employees in the group.

Attached to this report are also the following:

- Exhibit A – Bylaws of the Lindsay City Professional Firefighters’ Association
- Exhibit B – Petition for Recognition with the following names and titles of officers: Tyler Fleischmann – President; Jeremiah Arevalo – Vice-President, Brendan Diaz – Secretary/Treasurer.

The petition satisfies all herein referenced requirements necessary for the City Council to now certify Lindsay Professional Firefighters’ Association, Teamsters Local 856 as the recognized and designated employee organization and exclusive bargaining representative for “all firemen” employed by the City.

*Pursuant to the City of Lindsay Municipal Code Title 2.40 et seq. Employee Relations and California Government Code Sections 3500 et seq., Resolution 23-28 (attached to this report) is being brought before the Lindsay City Council certifying the Lindsay Professional Firefighters Association, Teamsters Local 856, as the recognized and designated employee organization and exclusive bargaining representative of “all firemen” employed by the City, as specifically defined by Municipal Code Title 2.40.040.*

#### **FISCAL IMPACT**

No fiscal impact associated with this action at this time.

#### **ATTACHMENTS**

- Exhibit A – Bylaws of the Lindsay City Professional Firefighters’ Association
- Exhibit B – Petition for Recognition
- Resolution No. 23-28

# Bylaws of the LINDSAY CITY PROFESSIONAL FIREFIGHTERS' ASSOCIATION

## **ARTICLE I: NAME AND PURPOSE**

### **NAME**

**Section 1:** This organization shall be known as the Lindsay City Professional Firefighters' Association.

### **MISSION STATEMENT**

**Section 1.1:** The Lindsay City Professional Firefighters' Association represents the fire personnel of the City of Lindsay. Our goal is to work cooperatively with the city government and senior staff to advocate for our members' occupational safety, working conditions, and economic well-being. The Association will also be active throughout the community, by way of its membership, in the areas of charity, volunteerism, and community development. Through our efforts, we hope to attract and retain the highest quality of personnel to serve the citizens of Lindsay.

### **DURATION**

**Section 1.2:** This association shall have perpetual existence.

## **ARTICLE II: MEMBERSHIP**

### **MEMBERSHIP ELIGIBILITY**

**Section 2:** To become an Active Member of this Association, a person must be a sworn Fire Personnel in full-time paid employment of the City of Lindsay. They must also be in good standing with the Association and have completed and turned in the Association Application to the Secretary.

### **ACTIVE/REGULAR MEMBERS**

**Section 2.1:** Active/Regular members are those dues-paying members who are in the bargaining unit.

### **MEMBER IN GOOD STANDING**

**Section 2.3:** All active/regular members in the bargaining unit who have requested to join the Association and have paid their dues in full will be considered members in good standing.

### **MEMBERSHIP OF NON-BARGAINING UNIT MEMBERS**

**Section 2.4:** When an active/regular member in good standing is or has been promoted to a rated position outside of the bargaining unit that member shall no longer retain voting privileges nor have the right to attend and/or participate in bargaining unit membership meetings.

### **MILITARY LEAVE**

**Section 2.5:** Any member of this Association who is in good standing and who is, or becomes, a member of the United States Armed Forces and who is put on active duty status for longer the thirty (30) days shall remain an Active Member of this Association. They will be relieved of their payment of dues to the Association while they remain on active duty status and shall be eligible for all benefits otherwise owed to them.

## **TERMINATION OF MEMBERSHIP**

**Section 2.6:** Any Member of the Association may be removed from Active status within the Association by a majority vote of the Association's Board of Directors if their past or present actions are deemed detrimental to the Association.

**Section 2.7:** Any Active Member of this Association whose regular membership dues become more than forty-five (45) days past due shall lose his or her voting privilege and rights in the affairs of the Association, except in matters of the Memorandum of Understanding (MOU) with the City of Lindsay, and shall be considered a Non-Active Member of this Association until said member becomes current on their dues

**Section 2.8:** If a member has been voted to be removed from active status, the Secretary shall notify that member in writing to be mailed by certified mail to the member's home address on file. The member shall be notified as to the reason for the removal/suspension.

## **REINSTATEMENT**

**Section 2.9:** The removed member has ten (10) calendar days to notify the Secretary in writing if they wish to challenge their removal. Once received, the Secretary will notify the Board of Directors and a special meeting shall be called within thirty (30) days to allow the member to present their case to the Board of Directors. The Board of Directors will have final say on the status of said member and it shall be noted in the minutes of the special meeting. The Board of Directors shall determine whether or not to reinstate any former member and set conditions of reinstatement, which may include payment of monthly dues not paid during the period of termination or suspension.

## **TERMINATION NULLIFIES CLAIM FOR REFUND OF DUES**

**Section 2.10:** Whenever any member shall have terminated their membership in this Association by any of the methods herein provided, such member, or anyone claiming under them shall have no claim whatsoever to any fees, dues or contributions which may have been paid to this Association at any time.

# **ARTICLE III: BOARD OF DIRECTORS**

## **AUTHORITY**

**Section 3:** The Association's Board of Directors shall have the authority to set and approve policies and procedures for the Association.

**Section 3.1:** The business and affairs of the Lindsay City Professional Firefighters' Association shall be managed by its Board of Directors. The Board shall consist of personnel elected by the Active Membership and shall include a President, Vice President, Treasurer, and Secretary as Officers, with three additional "At Large" Board members so long as the number of active employees allows for the board size.

## **BOARD ELIGIBILITY**

**Section 3.2:** Before running for or being appointed to an elected position on the Association's Board of Directors, an Active Member must have been active and in good standing in the Association for at least the preceding three (3) consecutive months prior to the open position, which is either up for a regular election or is being appointed by the Association's Board of Directors. Eligibility requirements shall be in effect as per Article II, Section 2.

## **ELECTION OF OFFICERS**

**Section 3.3:** The Officers of the Association shall be elected by secret ballot, except where otherwise noted, prior to the expiration of that Officer's or Director's term. The elected officers of this Association shall be President, Vice-president, Secretary, and Treasurer. For a member to be eligible for an Officer position, the member shall have at least one of the following: (A) have been an Officer in a different position on the current Board, or have been an At-Large Director on the Board for a minimum of one (1) year on the succeeding Board. Should the Board of Directors be required to fill a vacancy among the Executive group, the above rules shall apply unless a replacement cannot be found. At that time, it will be up to a majority vote from the Board of Directors to determine how the vacancy will be filled.

**Section 3.4:** Except as otherwise expressly provided in these Bylaws or as otherwise required by California law, a simple majority of the Active membership who choose to participate in the voting shall decide all elections of the Association. In the election of the Board of Directors, the persons receiving the highest number of votes for such positions shall be elected.

## **BALLOTING FOR OFFICERS AND DIRECTORS**

**Section 3.5:** Balloting for all Directors and Officers shall take place the first full week of November beginning on Monday through the following Monday. This is to provide sufficient time for run-off votes and any needed adjustments as deemed necessary by the current Board of Directors.

**Section 3.6:** The month of December shall be an overlap month of incoming and outgoing Directors and Officers. This time is to allow for training and transfer of necessary information to the incoming Director or Officer. This is to promote the overall well-being of the Association and provide guidance for the next Board of Directors term.

**Section 3.7:** No member of this Association may be elected to more than one (1) office at any time.

## **TERMS**

**Section 3.8:** Terms for the President, Vice-President, Secretary and Treasurer shall run for two (2) years consecutively and be staggered as follows: President and Secretary shall be voted on during even years and Vice-President and Treasurer shall be voted on during odd years. These terms will remain active unless; challenged during the end of their term, said Officer steps down or is removed.

**Section 3.9:** Directors who are Members at Large will serve for a term of one year. These terms will remain active unless challenged during the end of their term, said Director steps down or is removed.

## **RESIGNATION OF OFFICERS & DIRECTORS**

**Section 3.10:** Any Director may resign at any time by giving written notice to the Association's Board of Directors. A Director's resignation shall take effect at the time specified in such notice, and the acceptance of such resignation shall not be necessary to make it effective. Any Director shall be deemed to have resigned as a Director of the Association upon the failure to attend three (3) consecutive Association Board of Directors meetings without an excuse approved by the President of the Association.

## **REMOVAL OF OFFICERS AND DIRECTORS**

**Section 3.11:** Any Officer/Director of the Association may be removed from office for (a) non-exemplary conduct; (b) conduct not becoming an officer; (c) negligence; or (d) dereliction in the performance of the duties as an Officer of the Association

## **OFFICER VACANCY**

**Section 3.12:** Any office which becomes vacant for any reason shall be filled for the remainder of the term as per Section 3.3.

# **ARTICLE IV: DUTIES OF OFFICERS**

## **PRESIDENT**

**Section 4:** The President shall be the principal Executive Officer of the Association and shall supervise and control all the business and affairs of the Association. The President shall preside at all meetings of the Association. The President may enter into, or execute on behalf of the Association, any deed, mortgage, bond, contract, or other instrument which has been duly authorized by the Association's Board of Directors. The President shall perform all duties incident to the office of President and such other duties as the general membership may direct. The President shall act as, or appoint for the Association, a labor representative. The President shall vote only to break a tie at Board of Directors meetings.

## **VICE-PRESIDENT**

**Section 4.1:** The Vice-President shall perform all the duties and enjoy all the powers of the President when the President is absent or otherwise unable to act or perform the President's duties. When acting in such capacity, the Vice-President shall be subject to all restrictions ordinarily placed upon the President. The Vice-President shall perform such other duties as the President or general membership shall direct.

## **TREASURER**

**Section 4.2:** The Treasurer, or his designee, shall (a) have charge and custody of, and be responsible for, all funds and securities of the Association; (b) receive and give receipts for monies due and payable to the Association from any source, and shall deposit all such monies in the name of the Association in such banks, trust companies or other depositories as deemed appropriate; (c) keep all books and accounts for the Association; (d) provide to the Board of Directors of the Association a financial condition statement of the Association monthly; (e) present to the general membership at the annual meeting of the Association a statement of the financial condition of the Association; (f) prepare and present the annual budget of the Association to the general membership; (g) prepare all necessary tax documents for the Association's general fund as required by the IRS, within the timeframe designated by the IRS; and, (i) in the absence of the Vice-President, perform such other duties as the President or general membership shall direct.

## **SECRETARY**

**Section 4.3:** The Secretary shall be responsible for the minutes of the meetings of the general membership, and meetings of the Board of Directors. The Secretary, or their designee, shall see that all notices are given as provided for by these By-laws or by law. The Secretary shall read all minutes of the Association and shall read correspondence directed to the Association as required. The Secretary shall maintain a list of all members of the Association and shall perform such other duties as the President and general membership shall direct.

## **ARTICLE V: MEETINGS**

### **MONTHLY MEETING**

**Section 5:** Regular meetings of the Association's Board of Directors shall be held once a month at a time and place determined by the Board, for the purpose of transacting any and all necessary business. The time and place of that meeting shall be posted on the Association's website at least seven days in advance and is open to all members who wish to attend or within the common areas of the workplace. Only items on the Agenda may be voted on at the current meeting

### **ANNUAL MEETING**

**Section 5.1:** The annual meeting of the members shall be held on such day and time as established by the Association's Board of Directors for the given year.

### **SPECIAL MEETING**

**Section 5.2:** Special meetings of the members, for any purpose or purposes, unless otherwise prescribed by statute, may be called by the President of the Association, or by written request to the President of the Association by: (a) at least two members of the Association's Board of Directors, or (b) by not less than one-tenth (1/10) of the Active Membership of the Association.

### **LOCATION**

**Section 5.3:** The Association's Board of Directors may designate any place, within 15 miles of the City of Lindsay, as the place of meeting for any annual meeting or for any special meeting.

### **ANNUAL AND/OR SPECIAL MEETING NOTIFICATION**

**Section 5.4:** Written notice stating the place, day, and hour of the annual meeting of members and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered to each member of record entitled to vote at such meetings not less than seven, or more than fifty calendar days before the date of the meeting. That notice shall be delivered either personally, by mail, or by electronic posting on the Association's Web page, by or at the direction of the President, or the Secretary, or the officer or other persons calling the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the member at his address as it appears on the records of the Lindsay Public Safety Department, with postage thereon prepaid, or when electronically mailed to the email address as provided by the member to the Association.

### **EXECUTIVE SESSION**

**Section 5.6:** The Board of Directors may decide to enter into Executive Session if there is pressing business of the Association to be decided, but no formal quorum is reached. To enter Executive Session during these situations, there must be a unanimous vote to do so by the Directors who are present. Any business that is decided during one of these Executive Sessions shall be considered valid until the matter is brought before the entire Board for its consideration at its next meeting.

**Section 5.7:** The Secretary shall take separate minutes for the executive session and shall keep those minutes confidential unless determined by the Board of Directors that the information contained therein may be released.

**Section 5.8:** Meetings shall be conducted in accordance to standard business practices, as determined by the Board.



## **ARTICLE VI: QUORUM**

### **DEFINITION OF QUORUM**

**Section 6:** A quorum is the minimum number of persons required to be present before Association business can be voted on.

### **QUORUM AT MEMBERSHIP MEETINGS**

**Section 6.1:** To conduct business of the Association, a quorum of fifty percent (50%) of the Active Members must be present in person or by proxy.

### **QUORUM OF OFFICERS**

**Section 6.2:** A majority of the Directors shall be present to constitute a quorum for the transaction of business at any meeting of the Board of Directors. The vote of a majority of the Directors present in person at a meeting at which a quorum is present shall be the act of the Board of Directors. If less than a quorum is present at a meeting, a majority of the Directors present may adjourn the meeting without further notice, other than an announcement at the meeting, until a quorum shall be present.

**Section 6.3:** A Director of the Association who is present at a meeting of the Board of Directors where any action is taken shall be presumed to have assented to the action taken unless his dissent has been entered in the minutes of the meeting.

## **ARTICLE VII: VOTING**

### **VOTING**

**Section 7:** Each Active Member of the Association shall have one vote in the affairs of the Association. Such vote shall be cast in person at any open meeting of the Association or by proxy under such requirements as the Association's Board of Directors may direct. Voting shall be by a show of hands or by voice vote, unless a member requests a secret ballot or a secret ballot is deemed appropriate by the Association's Board of Directors. If the vote is set to take place via the Association's web site, the web site shall be configured so that the members vote anonymously.

**Section 7.1:** When a quorum has not been established at a meeting where a vote of the Active membership is required, the vote shall be taken by secret ballot via the Association's web page.

### **MOU VOTING**

**Section 7.2:** Excluding all previous voting processes, voting on the ratification or modification of the MOU shall take place in person during a General Membership meeting and shall be required for Association acceptance and ratification of any and all MOU between the Association and the City of Lindsay. Voting will be done by secret ballot immediately following a presentation by the President of the Association or their designee. There will be no less than two separate days of presentations. The Board of Directors will determine the number of, and times of presentations.

### **NON-VOTING MEMBERS**

**Section 7.3:** Only Active/Regular members of the Association shall have a vote in the affairs of the Association and be eligible to be elected or appointed to a position on the Association's Board of Directors, except as otherwise expressed.

## **ARTICLE VIII: COMMITTEES**

**Section 8:** The Board of Directors may appoint different committees as necessary to accomplish the Association's purpose.

**Section 8.1:** Each committee, whether of standing or special status, will report in writing about its activities monthly to the Vice-President for purposes of accomplishment and accountability to the Board of Directors and the general membership. If the committee has had no activity during the monthly period, a written report will not be required. The chair of the committee will report to the Board orally during the monthly meeting that no activity has occurred so that the oral report may be entered into the minutes.

## **ARTICLE IX: DUES, FEES, ASSESSMENTS**

### **DUES**

**Section 9:** The dues of the Association for all active/regular members shall be set by the Board of Directors to a maximum sum equal to one and one-half percent (1.5%) of the top step Fire Officer base pay. If necessary; dues will be changed once per year during the month of January. Base pay is an amount that excludes all incentives such as specialty pay, uniform, education, and overtime. Dues shall be payable to the Association by filing with the Treasurer a request for payroll deduction, or by paying the entire year's dues by cash or check prior to January 31 of each year by check.

### **FAILURE TO PAY DUES**

**Section 9.2:** Any member who has failed or neglected to pay their dues in advance as provided herein shall be deemed to have withdrawn from the membership and shall forfeit any and all rights and benefits except as otherwise specifically provided elsewhere in this Constitution and By-laws.

## **ARTICLE X: GENERAL**

### **AMENDMENT**

**Section 10:** This Association may from time to time make additional By-laws or revise, amend or repeal the By-laws or any part thereof by a unanimous vote of the Association's Board of Directors. All bylaw changes will be presented by the Board of Directors to the membership for review. If deemed necessary, a membership meeting will be called to discuss the changes and a vote will follow in accordance with Section 7.2.

Amendments, additions or repeals may be proposed by the Board of Directors or by an initiative petition signed by twenty-five percent (25%) of the members. Whenever the Board of Directors shall adopt a proposed amendment or resolution for any additions or repeal, or when an initiative has been signed by twenty-five (25%) of the membership shall be filed with the Secretary, the Secretary shall post copies thereof for the period of two weeks. Such posting shall consist of a copy of the proposal and be posted in each of the districts, headquarters and online on the Associations website. After two weeks, a ballot shall take place in the same manner provided for elections.

## **NON-PROFIT**

**Section 10.1:** The Association is not organized for profit and is to be operated exclusively for the promotion of social welfare in accordance with the purposes stated in the Association's articles of incorporation. The net earnings of the Association shall be devoted exclusively to the mission of the Association and shall not inure to the benefit of any private individual. No director or person from whom the Association may receive any property or funds, shall receive or shall be entitled to receive any monetary profit from the operation thereof, and in no event shall any part of the funds or assets of the Association be paid as salary or compensation to, or distributed to, or inure to the benefit of any member of the Board of Directors;

## **COMPENSATION**

**Section 10.2:** Reasonable compensation may be paid to any director while acting as an agent, contractor, or employee of the Association for services rendered in effecting one or more of the purposes of the Association; or any director may, from time-to-time, be reimbursed for his actual and reasonable expenses incurred in connection with the administration of the affairs of the Association; or the Association may, by resolution of the Board of Directors, make distributions to persons from whom the Association has received contributions previously made to support its activities to the extent such distributions represent no more than a return of all or a part of the contributor's contribution.

## **BOARD ACTIONS**

**Section 10.3:** Any action required or permitted to be taken at a meeting of the Directors or any committee thereof may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by all of the Directors entitled to vote with respect to the subject matter thereof, or by approval of the minutes of the meeting where the issue was discussed. Such consent, which may be signed in counterparts, shall have the same force and effect as a unanimous vote of the Directors.

## **RECORDS**

**Section 10.4:** The Association shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its Board of Directors and committees. All books and records of the Association may be inspected by any member or his accredited agent or attorney, for any proper purpose at any reasonable time.

**Section 10.5:** If any person who is a Director or Officer of the Association is aware that the Association is about to enter into any business transaction directly or indirectly with himself, any member of his family, or any entity in which he has any legal, equitable or fiduciary interest or position, including without limitation as a director, officer, shareholder, partner, beneficiary or trustee, such person shall (a) immediately inform those charged with approving the transaction on behalf of the Association of his interest or position; (b) aid the persons charged with making the decision by disclosing any material facts within his knowledge that bear on the advisability of such transaction from the stand point of the Association; and (c) not be entitled to vote on the decision to enter into such transaction.

## **REPRESENTATION OF THE ASSOCIATION**

**Section 10.6:** No member, unless expressly given authority from the Board of Directors to do so, shall represent the Association or present themselves as speaking on behalf of the Association in any affairs or events.

## **LOANS**

**Section 10.7:** No loans shall be made by the Association to any of its Directors or Officers. Any Director or Officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of such loan until it is repaid, and shall immediately be removed from office.

## **PROPERTY OF THE ASSOCIATION**

**Section 10.8:** The association may purchase and maintain equipment, materials or property that may be needed for conducting normal business or events. The items purchased must be approved by the Board of Directors and shall be maintained in good working order for the life of the equipment or materials. The equipment may be entrusted to any member at the direction of the Board of Directors. It will be the member's responsibility whom the property has been entrusted to keep it in good working order and should the entrusted property become damaged or destroyed at the fault of the member, they shall be responsible to the association for replacing the item(s). It shall be the responsibility of the Board of Directors to maintain all property purchased and an itemized list shall be maintained by the Secretary of all property owned by the Association.

**Section 10.9:** The invalidity of any provision of these bylaws shall not affect the other provisions thereof, and in such event these bylaws shall be construed in all respects as if such invalid provision were omitted.

## **DISSOLUTION**

**Section 10.10:** In case of dissolution of the Association, its assets on the date of dissolution shall be disposed of as follows: (a) pay all indebtedness of the Association; (b) pay all expense of liquidation; and (c) wind down the Association according to applicable California State law.

## **ARTICLE XI: COLLECTIVE BARGAINING**

**Section 11:** The Association shall strive to and act as the sole collective bargaining agent for wages and benefits for the Association's sworn members of the Lindsay Public Safety Department and shall strive to act in such capacity for all officers of the Lindsay Public Safety Department.

## **ARTICLE XII: MEMBERSHIP BENEFITS**

### **BENEFITS**

**Section 12:** The Board of Directors will determine the benefits available to the Active Members. Such benefits may or may not include: legal coverage, holiday parties and summer outings, retirement badges, health and welfare fund for aid to members, and Academic scholarships, etc.

### **DEATH BENEFITS**

**Section 12.1:** In pursuance of the charitable purposes and stated objectives of the Association, the Association shall pay a death benefit to the spouse, child or children, or specifically designated beneficiary of any active member upon the death of such member as indicated on the Association's beneficiary designation form.

**BENEFIT ACCESS**

**Section 12.2:** Only Active members in good standing with the Association will be allowed to access the benefits provided by the association. Any Active member who is financially delinquent to the Association in any way, or has been removed as an active member by a vote of the Board of Directors shall be deemed a member not in good standing and as such, will not be eligible for any derivative benefits of members until the delinquency is cured.

**BYLAWS CERTIFICATE**

We hereby certify that the foregoing Bylaws, consisting of ten (10) pages including this page, constitute the Bylaws of THE LINDSAY CITY PROFESSIONAL FIREFIGHTERS' ASSOCIATION., duly adopted by the Board of Directors as the attested and continuing Bylaws of the Association, on this 14 day of March 2023, at Lindsay, California (the "Effective Date".)

Signature on Original

\_\_\_\_\_  
Tyler Fleischman, President

Petitioner: Lindsay Professional Firefighters Association

Tyler Fleischmann

(661) 373-9508

185 N Gale Hill Ave

Lindsay, Ca 93247

Designated Representative: Teamsters Local 856

Peter Finn, Secretary-Treasurer

Thomas Higgins, Labor Representative

453 San Mateo Ave

San Bruno, CA 94066

To: Joseph Tanner, City Manager

RE: Petition for Designation of Representation

Date:

Mr. Tanner,

The Lindsay Professional Firefighters Association (LPFFA) hereby submits this letter designating Teamsters Local 856 and its representatives as the sole representative of Lindsay Professional Firefighters Association.

The LPFFA has unanimously voted to approve this agreement which is attested by the signatures of all members in the attached letter.

This letter is being filed in accordance with the Personnel Rules and Regulations policy and is signed under penalty of perjury that all included documents are true and correct.

Sincerely,

Tyler Fleischmann

President

Lindsay Professional Firefighters Association

\*\*\*\*\*This Page Needs name and signatures of each current member\*\*\*\*\*

Tyler W. Fleischmann TP 6/20/2023

Jeremiah L. Aronau JA 6/20/2023

Brendan Diaz BD 06/21/23



# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**NUMBER** 23-28

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY CERTIFYING THE LINDSAY PROFESSIONAL FIREFIGHTERS’ ASSOCIATION, TEAMSTERS LOCAL 856, AS THE RECOGNIZED AND DESIGNATED EMPLOYEE ORGANIZATION AND EXCLUSIVE BARGAINING REPRESENTATIVE OF “ALL FIREMEN” EMPLOYED BY THE CITY, AS SPECIFICALLY DEFINED BY TITLE 2.40.040 OF THE CITY OF LINDSAY MUNICIPAL CODE

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on July 25, 2023, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, Section A of Title 2.40.040 Employee Organization of the Lindsay Municipal Code states, “In order to be recognized for the purposes of this chapter, an employee organization must represent a majority of the employees in an employee group.”; and

**WHEREAS**, Section B of said Title states that the City has investigated and made conclusions that there are three separate employee groups, one of which is “all firemen.”; and

**WHEREAS**, Title 2.40.050 Petition for Recognition of the Lindsay Municipal Code states, “Any organization representing employees that seek recognition as the majority representative of the employees in one of the acknowledged employee groups shall file with the city council a petition containing the following information:

- A. Name and address of the employee organization;
- B. Names and titles of its officers;
- C. Names of authorized employee representatives and their authorities and responsibilities;
- D. A copy of the employee organization’s constitution or bylaws which shall contain a statement that the employee organization has one of its primary purposes representation of the employees in their employment relations with the city.

**WHEREAS**, Title 2.40.060 Recognition of Employee Organization of the Lindsay Municipal Code states that the City Council shall certify that the employee organization is the recognized employee organization for the group based on reasonable proof that the organization represents a majority of the employees in the group; and

**WHEREAS**, Pursuant to the City of Lindsay Municipal Code Title 2.40 et seq. Employee Relations and California Government Code Sections 3500 et seq., this Resolution serves as the Lindsay City Council’s certification of the Lindsay Professional Firefighters Association,





## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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Teamsters Local 856, as the recognized and designated employee organization and exclusive bargaining representative of “all firemen” employed by the City, as specifically defined by Municipal Code Title 2.40.040.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY RESOLVE AS FOLLOWS:**

- SECTION 1. The above recitals are true and correct.
- SECTION 2. The City Council of the City of Lindsay hereby finds that the petition made by the Lindsay Professional Firefighters Association, Teamsters Local 856, satisfies all referenced requirements of Title 2.40 of the Lindsay Municipal Code necessary for the City Council to now certify Lindsay Professional Firefighters Association, Teamsters Local 856 as the recognized and designated employee organization and exclusive bargaining representative for “all firemen” employed by the City.
- SECTION 3. This Resolution is effective immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

MEETING DATE	July 25, 2023
MOTION	
SECOND MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND  
ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.

---

FRANCESCA QUINTANA  
CITY CLERK

---

HIPOLITO A. CERROS  
MAYOR



## STAFF REPORT

TO: Lindsay City Council  
FROM: Araceli Mejia, Assistant City Planner  
DEPARTMENT: City Services and Planning  
ITEM NO.: 11.1  
MEETING DATE: July 25, 2023

### ACTION & RECOMMENDATION

#### Special Event Permit

- A. First Reading of Ordinance No. 606, An Ordinance of the City Council of the City of Lindsay Amending Titles Five (5), Eight (8), and Eighteen (18) In Regards to the Special Event Permit and Authorization to Waive Full Reading of Said Ordinance and Authorize Reading by Title Only
- B. Public Hearing to Consider the Approval of Resolution No 23-29, A Resolution of the City Council of the City of Lindsay Amending Special Event Permit Fees and Charges and Repealing All Other Resolutions Relative to Special Event Permit Fees and Charges Thereto

Staff recommends that the City Council approve the first reading of Ordinance No. 606 to update the existing code to provide up-to-date and applicable regulation language to the application and process for requesting a Special Event Permit(s).

### BACKGROUND | ANALYSIS

The City of Lindsay (“City”) Municipal Code Title 18.17.180 allows nonpermanent, special promotional, or seasonal land uses with the approval of a Special Event Permit (“SEP”). SEP’s are for a fixed period of time and permit each type of event. Ordinance No. 606 (attached to this report) proposes amendments to the current provisions within Title 18.17.180 of the Municipal Code to provide up-to-date and applicable regulation language to the application and process for requesting a Special Event Permit(s).

It is the City’s goal to work closely with applicants to understand the needs of each Special Event and provide applicants with guidance and information relative to the Special Event Permit process. Therefore, City Staff has identified the need to amend the existing provisions of Title 18.17.180.

The recommended amendments clarify the provisions of each class of event as summarized below.

- **Class I:** Temporary Uses of 31 days or Less for Special Occasions as defined as Valentine's Day sales, Easter sales, Mother’s Day sales, Father's Day sales, Graduation Day sales, and Fireworks sales *only*. Please note that Fireworks sales must also comply with the provisions of chapter 8.22 of the Lindsay Municipal Code.

- Requirements: Special Event Permit Application, Site Plan (if applicable), Business License, and Property Owner's Permission.
  - ***Applications must be submitted at least 15 calendars days prior to the event date. Applications that are not received at least 15 calendar days prior to the event date will be automatically denied.***
- **Class II:** Events involving low impact road closures or on City-owned public property involving low impact to normal operations/use.
    - Requirements: Special Event Permit Application, Site Plan, and Traffic Control/Parking Plan (if applicable only).
    - An event is determined as ‘low impact’ by the City Manager and/or their designee.
    - ***Applications must be submitted at least 15 calendars days prior to the event date. Applications that are not received at least 15 calendar days prior to the event date will be automatically denied.***
- **Class III:** Events involving the sale of alcohol; Events involving high impact street closures; Events that are open to the public on private property; Events charging an entry fee on private property; Events involving the use of public space and/or City-owned public property involving high impact to normal operations/use, Marathons, Cycling Tours, Fairs, Carnivals, Rodeos, Concerts.
    - Requirements: Special Event Permit Application, Site Plan, Traffic Control/Parking Plan (if applicable), Waste Plan (if applicable), ABC License (if applicable), Fire Department Inspection (if applicable), Building and Safety Inspection and Safety Plan (if applicable).
    - Additional requirements may be applicable based on the type of event.
    - An event is determined as ‘high impact’ by the City Manager and/or their designee.
    - ***All Class III applications must be submitted at least 60 calendars days prior to the event date. All Class III applications that are not received at least 60 calendar days prior to the event date will be automatically denied.***

Also reflected in Ordinance No. 606 you will find proposed amendments to the SEP approval process, insurance requirements, and fee waivers. If a structure is not apt for the activity or event, or if it will create parking or circulation disturbances, a Special Event Permit is required in conjunction with proper planning and impact mitigation. Staff will provide guidance in determining the categorization of the event.

Pursuant to California State Law, public notice was provided at least 10 days in advance of the first reading of the Ordinance via publication in the Porterville Recorder.

Should the City Council approve the first reading of Ordinance No. 606, then a second reading will be held at the next regular meeting of the City Council. The Ordinance would take effect 30 days after the adoption of said Ordinance after a duly held second reading. Resolution No. 23-29 attached to this report reflects the amended Special Event Class types and amended fees.

## **FISCAL IMPACT**

No fiscal impact associated with Ordinance No. 606.

Should Ordinance No. 606 be approved after a duly held second reading, as well as Resolution No. 23-29, then the Special Event Permit fees would be amended and charged as follows:

Category I:	<i>\$100.00</i>
Category II:	<i>\$250.00 + Staff Fully Burdened Hourly Rate + Facility Rental Fee (if applicable)</i>
Class III:	<i>\$500.00 + Staff Fully Burdened Hourly Rate + Facility Rental Fee (if applicable)</i>

## **ATTACHMENTS**

- Proof of Public Hearing Notice Publication – Ordinance No. 606
- Ordinance No. 606 – Redline Copy
- Amended Special Event Permit Application
- Proof of Public Hearing Notice Publication – Resolution No. 23-29
- Resolution No. 23-29 with Exhibit

**CITY OF LINDSAY  
PUBLIC HEARING NOTICE**

Date: Tuesday, July 25, 2023  
Time: 6:00 PM or as soon thereafter  
Location: Council Chambers City Hall  
251 East Honolulu Street, Lindsay, CA 93247

NOTICE IS HEREBY GIVEN that the City Council of the City of Lindsay, California, will hold a public hearing on Tuesday, July 25, 2023, beginning at 6:00 PM (or as soon thereafter as the matter can be heard) to solicit public comments relating to the following matter:

FIRST READING OF ORDINANCE NO. 606, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY  
AMENDING TITLES FIVE (5), EIGHT (8), AND EIGHTEEN (18) IN REGARDS TO THE SPECIAL EVENT PERMIT

FURTHER information on this matter and the full text of the proposed documents may be obtained from the City Clerk at 251 East Honolulu Street, Lindsay, CA 93247 during normal business hours 9:00AM-5:00PM Monday through Friday.

ALL INTERESTED PARTIES are encouraged to attend said PUBLIC HEARING to ask questions, express opinions and/or submit evidence for or against the matter. Written comments should be submitted via mail to the City Clerk at P.O. Box 369, Lindsay, CA 93247, or in person at 251 East Honolulu Street, Lindsay, CA 93247, or via email to [lindsaycityclerk@lindsay.ca.us](mailto:lindsaycityclerk@lindsay.ca.us) at least 24 hours prior to the scheduled public hearing.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF LINDSAY

Dated: JULY 12, 2023

**ORDINANCE NO. 606**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY  
AMENDING TITLES FIVE (5), EIGHT (8), AND EIGHTEEN (18) IN REGARDS TO  
THE SPECIAL EVENT PERMIT**

**Section 1. PURPOSE.** The provisions of this ordinance are intended to amend the Lindsay Municipal Code to provide up-to-date and applicable regulation language to the application and process for requesting a Special Event Permit(s).

**Section 2. CODE AMENDMENT.** Lindsay Municipal Code Titles Five (5), Eight (8), AND Eighteen (18) are hereby amended to read in their entirety as follows:

**Chapter 5.36.030**

**Sidewalk Vending Activities Prohibited In Designated Areas**

Notwithstanding this Chapter and any provisions of the Lindsay Municipal Code, it is unlawful for any person to engage in sidewalk vending activities within the following locations or areas within the City:

- A. Any public property that does not meet the definition of a sidewalk or pathway, including but not limited to, any roadway, street, alley, or parking lot;
- B. Within any area zoned for residential purposes, provided that roaming sidewalk vending activities operated in compliance with this chapter shall not be prohibited;
- C. On any sidewalk or pathway that is not a minimum width of eight (8) feet.
- D. Within 500 feet of the following:
  - 1. An area designated for a special event permit issued in accordance with Section 18.17.180, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City's special event permit are also provided to a sidewalk vendor permitted to operate in the area, if applicable. A prohibition on sidewalk vendor activities pursuant to this paragraph shall only be effective for the duration of the special event permit;

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- 2. Lindsay City Hall, a police station or a fire station;
- 3. Any public or private school, or a child day-care facility, between the hours of 6:00 a.m. and 6:00 p.m.;
- 4. Any place of assembly or worship, between one hour before and one hour after scheduled event or presentation times;
- 5. An area designated for a permitted certified farmers' market during the limited operating hours of that certified farmers' market;
- 6. Any sheriff or police officer, firefighter, or emergency medical personnel who are actively performing their duties or providing services to the public;
- E. Within fifty (50) feet of any public picnic area, playground area, playground equipment, public community center, athletic field or court, or public restroom;
- F. Within fifty (50) feet of another sidewalk vendor;
- G. Within ten (10) feet of a marked crosswalk, a curb return of an unmarked crosswalk, a fire hydrant, a fire call box, a fire department connection, other emergency facility, a bus bench, a transit or bus shelter, a driveway or driveway apron, a curb which has been designated as white, yellow, green, blue, or red zone, an ATM or other vending machine, an entrance or exit to a building, structure or facility, or a bike rack;
- H. Within ten (10) feet ahead, and forty-five (45) feet to the rear, of a sign designating a bus stop;
- I. Within ten (10) feet of a commercial outdoor dining or patio dining area;
- J. At any park, or the sidewalk adjacent to any park, where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire;
- K. In or on the median of any street, road, or highway;
- L. In or immediately adjacent to any area designed for parking, bus zones,

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stopping, or loading;

M. In any location where the sidewalk vending activities would block manholes, utility access points, vents, or views through windows;

N. In any location where the operation of sidewalk vending activities would result in or cause a violation of applicable law, including but not limited to the Americans with Disabilities Act; and

O. Notwithstanding any specific prohibition in this chapter, any location or area where the operation of sidewalk vending activities creates a reasonably foreseeable danger to the safety of persons or property.

Chapter 8.22.060

Special Event Permit

Permittees must obtain a special event permit from the Lindsay planning department. Applicants for the special event permit must identify the proposed site and show written permission from the owner authorizing use of said site for the stated purpose.

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Chapter 18.17.180

18.17.180 Special Event Permit

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The 'Special Event Permit' hereby replaces and rescinds any and all 'Temporary Use Permit' provisions within the Lindsay Municipal Code.

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Background

It is the purpose of this section to establish a process for allowing special events to use city streets, sidewalks, facilities, and/or services. The City recognizes the substantial community benefits that may result from special events, they can provide cultural enrichment, promote economic vitality, and enhance community identity. They may also provide funding opportunities for service organizations and communicate a group's message to the public. Special events include temporary outdoor sales activities, retail events, and special activities such as carnivals, fairs, and large

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neighborhood block parties.

Based on the nature and intensity of the event, either City Staff or the City Council will approve or deny the Special Event Permit ("SEP"). A Pre-Application Meeting with Planning Staff will determine the Class of Special Event, the and required materials and documents (site plan, waste plan, Fire Department inspection, etc.), as well as a timeline for all required documents. If City Staff finds that the Special Event Permit appears to be non-confirming with current City Municipal Code, Lindsay Zoning Code or State of California Code, then the Special Event Permit will be subject to approval by the Lindsay City Council, regardless of Event Class Type.

### Special Event Classes and Required Materials

- Class I: Temporary Uses of 31 days or Less for Special Occasions as defined as Valentine's Day sales, Easter sales, Mother's Day sales, Father's Day sales, Graduation Day sales, and Fireworks sales only. Please note that Fireworks sales must also comply with the provisions of chapter 8.22 of the Lindsay Municipal Code.
  - Requirements: Special Event Permit Application, Site Plan (if applicable), Business License, and Property Owner's Permission. Verification of insurance must be submitted along with the Special Event Application: 1) Certificate of Insurance documenting General Liability insurance coverage in the amount of not less than \$1 million per occurrence and \$2 million in the Aggregate submitted for the event date and any set-up and/or teardown dates; 2) An Additional Insured Endorsement is required to reflect that the insurance policy has been amended to include the City of Lindsay as an additional insured; 3) Indemnity Letter.
  - Applications must be submitted at least 15 calendar days prior to the event date. Applications that are not received at least 15 calendar days prior to the event date will be automatically denied.
- Class II: Events involving low impact road closures or on City-owned public property involving low impact to normal operations/use.
  - Requirements: Special Event Permit Application, Site Plan, and Traffic Control/Parking Plan (if applicable only). Verification of insurance must

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be submitted along with the Special Event Application: 1) Certificate of Insurance documenting General Liability insurance coverage in the amount of not less than \$1 million per occurrence and \$2 million in the Aggregate submitted for the event date and any set-up and/or teardown dates; 2) An Additional Insured Endorsement is required to reflect that the insurance policy has been amended to include the City of Lindsay as an additional insured; 3) Indemnity Letter

- o An event is determined as 'low impact' by the City Manager and/or their designee.
- o Applications must be submitted at least 15 calendars days prior to the event date. Applications that are not received at least 15 calendar days prior to the event date will be automatically denied.

- Class III: Events involving the sale of alcohol; Events involving high impact street closures; Events that are open to the public on private property; Events charging an entry fee on private property; Events involving the use of public space and/or City-owned public property involving high impact to normal operations/use, Marathons, Cycling Tours, Fairs, Carnivals, Rodeos, Concerts.

- o Requirements: Special Event Permit Application, Site Plan, Traffic Control/Parking Plan (if applicable), Waste Plan (if applicable), ABC License (if applicable), Fire Department Inspection (if applicable), Building and Safety Inspection and Safety Plan (if applicable). Verification of insurance must be submitted along with the Special Event Application: 1) Certificate of Insurance documenting General Liability insurance coverage in the amount of not less than \$2 million per occurrence and \$3 million in the Aggregate submitted for the event date and any set-up and/or teardown dates; 2) An Additional Insured Endorsement is required to reflect that the insurance policy has been amended to include the City of Lindsay as an additional insured; 3) Indemnity Letter. Events classified by Staff as "high risk" require \$3 million General Liability and \$6 million Aggregate insurance.
- o Additional requirements may be applicable based on the type of event.
- o An event is determined as 'high impact' by the City Manager and/or their designee.
- o All Class III applications must be submitted at least 60 calendars days

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*prior to the event date. All Class III applications that are not received at least 60 calendar days prior to the event date will be automatically denied.*

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Pursuant to the California Department of Alcoholic Beverage Control (ABC), events involving the sale of alcoholic beverages will be required to submit a Special Event Permit Application, regardless of the number of attendees and category Class of the event. Said events will be subject to approval by the Lindsay City Council. An ABC License will only be signed by the Chief of Police after the City Council has approved the SEP application.

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**Additional Guidelines**

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Approval of the Special Event Permit is subject to the following findings and guidelines:

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A Special Event Permit shall be required for any of the following activities:

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- ~~A. Temporary signs, banners, or balloons that promote an activity or event;~~
- A. Temporary sales such as Valentine's Day sales, Easter sales, Mother's Day sales, Father's Day sales, Graduation Day sales, and Fireworks sales; Valentine's Day flowers or 4th of July fireworks;
- B. Events involving road closures;
- C. Events within the public right of way (sidewalk, public streets, parks, etc.);
- D. Any activity on public or private property that, due to the anticipated number of attendees or nature of the event, is not compatible with the generally intended use of the property.
- E. Any activity on vacant land or commercial property that due to the anticipated number of attendees or nature of the event, is not compatible with the generally intended use of the property.

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Please note that a Special Event Permit will not be issued for an event classified as Class II or III if the event location identified within the application resides in the Single Family Residential (R-1-7) or Multi-Family Residential (RM-3, RM-MH8) zones.

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D. Special Events that do not require a Special Event Permit are:

A. An event hosted by the City.

A.B. An event sponsored by the City.

B.C. An event ~~at~~ a private ~~property~~~~residence~~ where no admission is charged, the event is not open or advertised to the public, and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required.

C.D. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests), and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required.

D.E. Events sponsored by religious entities held in the religious entity's facility that only members by permission attend and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required.

E.F. Events that are authorized by and consistent with existing use permits and licenses governing the establishment, unless that person, entity, or business holds an event that, in the opinion of the Chief of Police, will foreseeably result in extraordinary police services.

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Approval Process

Events classified as Class I or II events shall be approved administratively by City Staff. City Staff reserves the right to refer applications for events classified as Class I or II to the City Council for consideration if they deem it necessary. Class I or II event applications must be submitted at least 15 calendar days prior to the event.

Events classified as Class III events are subject to approval by the Lindsay City Council.

Applicants for events classified as Class III events must submit a complete SEP application and accompanying materials for the SEP to be brought to the City Council for consideration. *Class III event applications must be submitted at least 60 calendar days prior to the event.*

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Applications requesting the use of Parks for a private event will be subject to City Council approval. Please note that a Park cannot be closed to the public for any event.

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If the applicant cancels or postpones their event, then the applicant forfeits any and all fees paid to the City and will be required to submit a new application for the new event.

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If the applicant cancels or postpones their event due to an event that is deemed uncontrollable by human intervention, then the City will honor the fees paid.

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### Additional Requirements

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Special Events are subject to the additional requirements:

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• Adequate and safe ingress and egress shall be provided to the project site. Directional signing, barricades, fences, and landscaping may be required as a condition of permit approval.

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• Private security personnel may also be required for events based on the recommendation of the Lindsay Department of Public Safety.

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• Adequate parking facilities shall be provided for each Special Event.

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• The proposed Special Event will not adversely impact traffic circulation nor result in traffic congestion in the event project area.

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• Upon termination of a Special Event, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.

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• Reasonable time limits for hours of operation may be set by the city council or City Staff as a condition of permit approval.

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• Applicants for Special Event Permits shall secure all other applicable licenses and permits prior to issuance of a Special Event Permit.

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- Signage for Special Events shall be subject to the approval of the **Planning community development** department.

~~The city council may deny an application for a special event permit if it is determined that conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas.~~

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- A deposit may be required depending on the type and specific circumstances of the event. **The City reserves the right to seek funds from applicant should any damages be incurred by the event.**

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~~All SEP applications must be submitted at least 15 days prior to the event date. It is the applicant's responsibility to pass all required inspections, submit all required documentation, and meet all deadlines. Failure to do so may result in denial of the application. The City Reserves the right to deny a Special Event from taking place if the application requirements have not been met, required materials have not been submitted, if fees have not been paid, or if inspections have not been passed.~~

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~~The City Council, at their discretion reserves the right to deny any SEP application if they determine that conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas, or be a significant risk to Public Safety.~~

An assessment of the event and specific circumstances and requirements will be completed to determine the final cost of the Special Event Permit based on the use of City facilities and Staff time and/or extraordinary police costs.

The City Council, City Staff, and/or Chief of Police shall impose conditions to the Special Event Permit that are reasonably required to assure the protection of the public health, the safety of persons attending the event and residents near the event, and the safety of property at or near the event. The conditions shall be in writing and shall be attached to the permit.

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### Insurance Requirements

Verification of insurance must be submitted along with the Special Event Permit Application and meet the insurance requirements identified within the application. The City Manager, or their designee, reserves the right to modify applicants insurance



~~requirements as they see fit pursuant to the City's Risk Management Authority. To the extent authorized by law, the permittee shall defend, indemnify, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event that were caused by the omissions or authorized acts of permittee's officers, agents, or employees.~~

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### Fee Waivers

Fee Waivers are subject to the following requirements:

SEP applicants requesting that SEP associated fees be waived, must submit their fee waiver at time that they submit application. SEP fee waivers are subject to approval by the Lindsay City Council.

Applicants must provide written justification addressed to the Lindsay City Council as well as submit their SEP applications by the deadline for their waiver to be considered.

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Please note that the City reserves the right to participate in any special event that is approved and be exempt from the registration fee.

### Chapter 18.14.220

#### Search Lights And Klieg Lights

Search lights and klieg lights are prohibited, except when used for public safety purposes or when specifically approved with a special event permit for a special event.

All other remaining code sections in chapter eighteen of the Lindsay Municipal Code remain unchanged.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not

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subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15060(c)(2) (The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment).

**Section 4. NO LIABILITY.** The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability, or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

**Section 5. PENDING ACTIONS.** Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

**Section 6. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 7. CONSTRUCTION.** The City Council intends this ordinance to supplement, not to duplicate, contradict or otherwise conflict with, applicable State and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Lindsay Municipal Code as amended by this ordinance are substantially the same as provisions in the Lindsay Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**Section 8. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City

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Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE, read by title only with waiving of the reading in full, was introduced at a regularly scheduled meeting on the \_\_\_\_\_ th day of \_\_\_\_\_ 2023.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the \_\_\_\_\_ th day of \_\_\_\_\_ 2023.

CITY COUNCIL OF THE CITY OF LINDSAY

\_\_\_\_\_  
Hipolito A. Cerros, Mayor

ATTEST:

\_\_\_\_\_  
Francesca Quintana, City Clerk

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**City of Lindsay  
Special Event Permit Application  
City Services and Planning Department  
150 N Mirage Ave. Lindsay, CA 93247  
(559)562-7102 ext. 4**

<b>*OFFICE USE ONLY*</b>	
Fee Paid: \$ _____	
Receipt #: _____	
Accepted by: _____	
Date Received: _____	

**Event Details**  
 Event Name: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Hours: \_\_\_\_\_  
 Anticipated Attendance: \_\_\_\_\_  
 Sale of Alcohol:  Yes  No  
 Street Closure:  Yes  No  
 Park Reservation:  Yes  No

**Applicant Information**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**Event Organizer/Producer (if different than applicant)**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**Sponsoring Organizer/Company**  
 Company: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**Class I:** Temporary Uses of 31 days or Less for Special Occasions as defined as Valentine's Day sales, Easter sales, Mother's Day sales, Father's Day sales, Graduation Day sales, and Fireworks sales only. Please note that Fireworks sales must also comply with the provisions of chapter 8.22 of the Lindsay Municipal Code. **Requirements:** Special Event Permit Application, Site Plan (if applicable), Business License, Property Owner's Permission  
**Fee: \$100.00**

**Class II:** Events involving low impact road closures or on City-owned public property involving low impact to normal operations/use. **Requirements:** Special Event Permit Application, Site Plan, Traffic Control/Parking Plan (if applicable)  
**Fee: \$250 + Staff Fully Burdened Hourly Rate + Facility Rental Fee (if applicable)**

**Class III:** Events involving the sale of alcohol; Events involving high impact street closures; Events that are open to the public on private property; Events charging an entry fee on private property; Events involving the use of public space and/or City-owned public property involving high impact to normal operations/use, Marathons, Cycling Tours, Fairs, Carnivals, Rodeos, Concerts. **Requirements:** Special Event Permit Application, Site Plan, Traffic Control Plan, Waste Plan, Safety Plan, Insurance Certificate, Letter of Indemnification, ABC (Alcoholic Beverage Control) License, Fire Department Inspection, Building and Safety Inspection. Additional requirements may be applicable depending on specifics of event.  
**Fee: \$500 + Staff Fully Burdened Hourly Rate + Facility Rental Fee (if applicable)**

**CHECKLIST FOR OFFICE USE ONLY**

	Completed application	Site plan/map	Business license	Permission of property owner	Traffic/parking control plan	Waste plan	ABC license	Security plan	Sign permit	Insurance certificate
<b>Needed</b>										
<b>Submitted</b>										

## **Purpose**

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A Special Event Permit Application allows for special events to use city streets, sidewalks, facilities, and/or services. The City Services Department will review the application and evaluate the proposed uses to ensure safety and appropriateness.

## **Review Process**

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Prior to applying, the applicant is required to schedule a pre-application meeting with Planning Staff to determine the Class of special use. This will allow Staff to determine what materials and documentation are required and expedite the process. Class I and II may be approved administratively. Class III events must be approved by Lindsay City Council. Class III events cannot be held in a residential zone. Special Events held in Parks cannot charge an entrance fee. Special Events that inquire for a city park to be closed must be brought forth to City Council.

### **Meeting Information**

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

Time: \_\_\_\_\_

In attendance: \_\_\_\_\_

Scheduled by: \_\_\_\_\_

## **Instructions**

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This comprehensive application has been designed to assist you in developing your event plan while also informing you of your responsibilities as an event organizer and the fees, requirements, and other permits that may be required. All sections must be completed. *Incomplete applications will not be accepted.* Applications for Class I and II Events must be submitted no less than 15 calendar days in advance. Class III Event applications must be submitted no less than 60 calendar days in advance. *Applications that do not meet this time frame will not be accepted.*

### **Additional Event Details**

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Set-up Date \_\_\_\_\_ to \_\_\_\_\_

Set-up Time \_\_\_\_\_ to \_\_\_\_\_

Tear-down Date \_\_\_\_\_ to \_\_\_\_\_

Tear-down Time \_\_\_\_\_ to \_\_\_\_\_

Event Hours (the time the event is open to the public) \_\_\_\_\_ to \_\_\_\_\_

Number of Participants (use total number of units/floats for parades) \_\_\_\_\_

Number of Spectators \_\_\_\_\_

Total Anticipated Attendance \_\_\_\_\_

Type of Event:

- Run  Walk  Cycling  Parade  Concert  Carnival   
Certified Farmers Market  Street Festival  Park Festival   
Fireworks  Promotional/Marketing  Fundraiser   
Protest/Rally  Filming  Tournament  Rodeo  Circus

Open to Public  or Private Event

Has this event been produced before? If so, state the previous name, date, and location of event.

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Will there be an admission fee? If so, provide a detailed description of your event. Attach additional pages and materials as needed.

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Event will occupy:

- One Lane  Two Lanes  Half a Street  Full Street   
Sidewalk Only

Closure Type:

- Rolling Street Closure (Street opens to normal traffic after participants pass)  
 Hard Street Closure (Street will be closed for an extended period of time and/or event equipment will be placed in street for the duration of the event, meaning, no vehicle access)

Street Name \_\_\_\_\_

Between \_\_\_\_\_ and \_\_\_\_\_

Start Time \_\_\_\_\_ End Time \_\_\_\_\_

Street Name \_\_\_\_\_

Between \_\_\_\_\_ and \_\_\_\_\_

Start Time \_\_\_\_\_ End Time \_\_\_\_\_

## Alcohol Management Plan

Alcohol services and consumption on public property are allowed by Special Event Permit only. If you are interested in *selling* alcohol at your event, you will need to receive approval and signature from the Director of Public Safety for a California Alcoholic Beverage Control (ABC) license. Commercial enterprises and caterers are subject to different requirements. Please contact ABC's Fresno District Office at (559)225-6334 or visit [www.abc.ca.gov](http://www.abc.ca.gov) for more information.

The following rules apply to alcohol service or sales on City of Lindsay public property:

- All alcohol must be sold and consumed within a fenced venue (ABC license type will dictate the size and type of fencing)
- If the alcohol area is accessible to all ages wishing to purchase or consume alcohol must present a current ID, and if that attendee is 21 years old or older, they must be issued a nontransferable wristband. All attendees must present their wristband to be served or consume alcohol.
- Servers must be 21 years of age or older.
- Servers may not consume alcoholic beverages while serving.
- Attendees may be served no more than two standard drinks at a time. The City of Lindsay defines one standard drink size as:
  - 12 oz. beer
  - 5 oz. of wine
  - 1 oz. of distilled spirit/hard alcohol in a mixed drink
  - Shots are not permitted on public property.
- Alcohol cups must be paper or plastic and be distinguishable from other beverages.
- Service must end a minimum of 30 minutes before the scheduled event's end time.
- City staff may establish a start and end time when alcohol may be served.
- Non-alcoholic beverages and water must be available at the event.

Are you requesting permission to serve alcohol at your event? If so, which kind.

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Will the alcohol be *sold* to the attendees?

Yes       No

Is the event open to all ages?

Yes       No

Explain your sales plan (ticket system, cash at service area, how IDs will be checked, etc.).

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Explain who will be serving the alcohol (professional bartenders, volunteers, etc.).

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How many alcohol service locations will you have and where will they be located? Please include locations on the site plan/map.

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Do you have an alcohol sponsor? If yes, state who.

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### **Amplified Sound/Entertainment Related Activities**

The City of Lindsay defines “amplified sound” as speech, music, or other sound projected or transmitted by electronic equipment including amplifiers, loudspeakers, microphones, or similar devices or combinations of devices, which are powered by electricity, battery, or combustible fuel and which are intended to increase the volume, range, distance or intensity of speech, music, or other sound. In accordance with Lindsay Municipal Code 8.20 Noise Control, the following restrictions apply to amplified sound: no person, shall use amplified sound, before 7am and after 10pm unless prior authorization is received, and permission is included in your Special Event Permit.

Will your event include amplified sound?

Yes       No

What times are you requesting amplified sound?

\_\_\_\_\_ to \_\_\_\_\_

Will sound checks be conducted prior to start time? If yes, state the start time and end time.

\_\_\_\_\_ to \_\_\_\_\_

Describe the sound equipment that will be used at the event.

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Will there be any musical entertainment related features at your event?

Yes       No

Does the entertainment include the use of fireworks, strobes, lasers, or other electrical equipment? If yes, explain.

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Does the entertainment include any inflatables (bounce houses)? If yes, explain.

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Does the entertainment include any carnival rides? If yes, explain.

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Does the entertainment include animals (petting zoo, pony rides, etc.)? If yes, explain.

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Does the entertainment include any vehicles (car show, displays, etc.)? If yes, explain.

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### **Stages/Platforms**

Stages/platforms may require an inspection by the City Building inspector for a fee. Will your event include the installation of stages or platforms? If yes, indicate the number of stages and their corresponding sizes. Please include it on the site plan/map.

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### **Tents/Canopies/Temporary Structures**

The standard canopy allowed at events without a special permit is 10x10. These canopies can be grouped into clusters of no more than seven. There must be a minimum 12-foot space between each cluster of canopies. Tents larger than 200 sq ft must be permitted and inspected by the Lindsay Fire Department.



Will your event include tents or canopies? If yes, indicate the number and their corresponding sizes. Please include it on the site map/plan.

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### Vendors

The City of Lindsay defines "vendor" as an organization or business that sells or advertises products and/or services to event attendees. Generally, there are three categories of vendors: 1) food/beverage, 2) merchandise and 3) information. A City of Lindsay Business License is required for vendors who wish to sell, expose for sale, or offer for sale any food/beverage or merchandise in the City of Lindsay. Please contact the Lindsay Department of City Services at (559) 562-7102 ext. 4 for business license information. You should require each vendor to provide you, the event organizer, with a copy of their business license (if applicable).

Does your event include food vendors? If yes, how many? \_\_\_\_\_

Does your event include food trucks? If yes, how many? \_\_\_\_\_

Will any of the food vendors or food trucks be cooking or heating food on-site? If yes, how many? \_\_\_\_\_

What method(s) will be used?

Gas     Electric     Charcoal     Other

What is your plan for disposing of grease, charcoal and/or wastewater?

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Does your event include merchandise vendors? If yes, how many? \_\_\_\_\_

Does your event include information vendors? If yes, how many? \_\_\_\_\_

Will any items or services sold at your event present any unique liability issues (massages, pony rides, tattooing, piercing, etc.)? Please describe the services.

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### Marketing/Advertisement/Promotions

**Please ensure that you have conditional approval *before* you begin to market, advertise, or promote your event.** Acceptance of the Special Event Permit Application *does not* guarantee approval of your event. Once you have conditional approval, you may proceed to market, advertise, or promote your event at your

own risk. However, if the permit is not guaranteed and the event is therefore cancelled, **YOU MAY NOT HOLD THE CITY OF LINDSAY RESPONSIBLE OR LIABLE FOR ANY OF THE COSTS INCURRED FROM YOUR MARKETING, ADVERTISING, OR PROMOTIONS.**

Applicants may not use the City of Lindsay’s logo for promotional purposes unless authorized by the City Council.

Do you plan to place signs or hang banners on city property? If yes, please explain and submit conceptual design of proposed signs and a sign permit application.

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### **Insurance**

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Verification of insurance must be submitted along with the Special Event application. You must submit two documents to satisfy insurance requirements:

1. Certificate of Insurance documenting General Liability insurance coverage in the amount of \$1 million coverage and \$2 million aggregate for Class Events I and II. Class III must provide \$2 million coverage and \$3 million aggregate. The coverage should extend from the event date to any set-up and/or tear down dates. The standard proof of insurance is the ACORD certificate form. The name of the insured, the insurance carrier, the policy number, coverage limits, and effective and expiration dates for the coverage must be stated on the certificate of insurance. If alcohol is to be sold at the event, an additional \$1 million in liquor liability insurance is required. Insurance certificates must be signed by an authorized representative of the insurance carrier. Electronic signatures are acceptable.
2. An additional Insured Endorsement is required to reflect that the insurance policy has been amended to include the City of Lindsay as additional insured. The Additional Endorsement must reference the policy number as it appears on the certificate. “The City of Lindsay, it’s officials, agents, employees and volunteers” must be named as additionally insured on the Additional Insured Endorsement. Your permit will not be issued until both the Certificate of Insurance and Additional Insured Endorsement have been received.

The promoter and/or vendor must agree to indemnify, save, hold harmless, and at City’s request, defend the City, its officers, agents, and employees from any and all costs and expenses (including attorney and legal fees), damages, liabilities, claims, and losses occurring or resulting to the City in connection with the performance, or failure to perform, by Promoter and/or Vendor, its officers, agents, or employees under this agreement arising out of the event.

## Form of Payment

Your application is not considered complete until this fee is received. Checks must be payable to “City of Lindsay.”

Please indicate the type of payment method you will be using:

- Cash
- Personal/Business Check
- Money Order
- Visa/MasterCard

- Class I: \$100
- Class III: \$250 + the hourly rate of staff
- Class III: \$500 + the hourly rate of staff to put together documents and present to council.

## Signature

I have read the rules and regulations contained in this document and agree to abide by these rules and regulations. I am duly authorized by the Organizer or Sponsoring Company to submit this application on their behalf and agree to be financially responsible for any fees and costs that may be incurred by or on behalf of the event in the City of Lindsay. I certify that the information that I have provided on this application is true and to the best of my knowledge.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

By checking this box as an electronic signature, I agree to all the terms and conditions that may apply to the special event permitting process and agree that all information contained in this application is correct and to the best of my knowledge.

Date \_\_\_\_\_ Driver’s License/ID Number \_\_\_\_\_

## City Use Only

APPROVAL DATES	COMMENTS
Planning:	
Building:	
Other:	
APPROVAL SIGNATURES	
Planning Dept.	Building Dept.

## **CITY OF LINDSAY PUBLIC HEARING NOTICE**

Date: Tuesday, July 25, 2023  
Time: 6:00 PM or as soon thereafter  
Location: Council Chambers City Hall  
251 East Honolulu Street, Lindsay, CA 93247

NOTICE IS HEREBY GIVEN that the City Council of the City of Lindsay, California, will hold a public hearing on July 25, 2023, beginning at 6:00 PM (or as soon thereafter as the matter can be heard) to solicit public comments relating to the following matter:

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING SPECIAL EVENT PERMIT FEES AND CHARGES THERETO**

FURTHER information on this matter and the full text of the proposed documents may be obtained from the City Clerk at 251 East Honolulu Street, Lindsay, CA 93247 during normal business hours 9:00 AM-5:00 PM Monday through Friday.

ALL INTERESTED PARTIES are encouraged to attend said PUBLIC HEARING to ask questions, express opinions and/or submit evidence for or against the matter. Written comments should be submitted via mail to the City Clerk at P.O. Box 369, Lindsay, CA 93247, or in person at 251 East Honolulu Street, Lindsay, CA 93247, or via email to [lindsaycityclerk@lindsay.ca.us](mailto:lindsaycityclerk@lindsay.ca.us) at least 24 hours prior to the scheduled public hearing.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF LINDSAY

Dated: JULY 12, 2023



# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**NUMBER** 23-29

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING SPECIAL EVENT PERMIT FEES AND CHARGES AND REPEALING ALL OTHER RESOLUTIONS RELATIVE TO SPECIAL EVENT PERMIT FEES AND CHARGES THERETO

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on July 25, 2023, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, pursuant to the provisions of the California Constitution and the laws of the State of California, the City is authorized to adopt and impose user and regulatory fees and charges for the municipal services and activities, it provides (collectively hereinafter “User Fees”); and

**WHEREAS**, the City last adopted Special Event Permit related fees on December 13, 2022 via Resolution No. 22-65; and

**WHEREAS**, pursuant to Government Code Section 66016 notice of the proposed adoption of the amended Special Event Permit Fees were provided in the form of a notice mailed to interested parties at least fourteen days prior to the public hearing, and public hearing notices published at least ten (10) days prior to the public hearing, in the Porterville Recorder; and

**WHEREAS**, City Staff developed an amended fee schedule based upon the recently adopted User Fee Study, Cost Allocation Plan, and needs of the community which identifies all proposed updates to Special Event Permit Fees recommended for adoption by the City Council, attached hereto as ‘Exhibit A’; and

**WHEREAS**, the City Council conducted a duly noticed public hearing regarding the proposed amendment of the Special Event Permit Fees at its regularly scheduled meeting on July 25, 2023, during which it heard public testimony and comment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY RESOLVE AS FOLLOWS:**

- SECTION 1. The above recitals are true and correct.
- SECTION 2. The City Council has reviewed and hereby approves and adopts the amended Special Event Permit Fee Schedule attached hereto as ‘Exhibit A’.
- SECTION 3. The amended Special Event Permit Fees will become effective forty-five (45) days post public hearing adoption.

RESOLUTION NO. 23-29  
Page 1 of 2



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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SECTION 4. This Resolution shall take effect immediately upon its adoption. However, the amended Special Event Permit Fees set forth in the attached Exhibit A shall not be in force or effective until forty-five (45) days post public hearing adoption.

**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

MEETING DATE	July 25, 2023
MOTION	
SECOND MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.

\_\_\_\_\_  
FRANCESCA QUINTANA  
CITY CLERK

\_\_\_\_\_  
HIPOLITO A. CERROS  
MAYOR

'Exhibit A'

<b>Planning Fees</b>		
<b>Special Event Permit</b>		
<b>Special Event Permit</b>		
	Current Fee	Proposed Fee
<b>Category I; Temporary Uses of 31 days or Less for Special Occasions as defined as Valentine's Day sales, Easter sales, Mother's Day sales, Father's Day sales, Graduation Day sales, and Fireworks sales only. Please note that Fireworks sales must also comply with the provisions of chapter 8.22 of the Lindsay Municipal Code. Temporary Signs, Grand Opening Banners/ Balloons,</b>	\$250.00	\$100.00
<b>Category II; Events involving low impact road closures or on City-owned public property involving low impact to normal operations/use,</b>	\$350.00	\$250.00 + Staff Fully Burdened Hourly Rate + Facility Rental Fee (if applicable),
<b>Temporary Uses Of 3 Days or Less (Valentine's Day Flower Sales, Firework Sales)</b>		
<b>Category III; Events involving the sale of alcohol; Events involving high impact street closures; Events that are open to the public on private property; Events charging an entry fee on private property; Events involving the use of public space and/or City-owned public property involving high impact to normal operations/use, Marathons, Cycling Tours, Fairs, Carnivals, Rodeos, Concerts,</b>	\$450.00	\$500.00 + Staff Fully Burdened Hourly Rate + Facility Rental Fee (if applicable),
<b>Events with Less than 100 Attendees</b>		
<b>Category IV; Events With 100-499 Attendees,</b>	\$800	N/A
	Deposit	
<b>Category V; Events with Greater than 500 Attendees; Events Involving the Sale of Alcohol,</b>	\$1,500	N/A
	Deposit	