

**CORCORAN CITY COUNCIL,
JOINT POWERS FINANCE AUTHORITY,
SUCCESSOR AGENCY FOR CORCORAN RDA,
& HOUSING AUTHORITY
AGENDA**

**City Council Chambers
1015 Chittenden Avenue
Corcoran, CA 93212**

**Tuesday, March 14, 2023
5:30 P.M**

Public Inspection: A detailed City Council packet is available for review at the City Clerk's Office, located at Corcoran City Hall, 832 Whitley Avenue.

Notice of ADA Compliance: In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at (559) 992-2151.

ROLL CALL

Mayor:	Jeanette Zamora-Bragg
Vice Mayor:	Pat Nolen
Council Member:	Greg Ojeda
Council Member:	Sidonio "Sid" Palmerin
Council Member:	Jerry Robertson

INVOCATION

FLAG SALUTE

1. PUBLIC DISCUSSION (Verbal and Written)

Members of the audience may address the Council or submit written comments on non-agenda items; however, in accordance with government code section 54954.2, the Council may not (except in very specific instances) take action on an item not appearing on the posted agenda.

This is the time for members of the public to comment or provide written comments on any matter within the jurisdiction of the Corcoran City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item. The councilmembers ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

After receiving recognition from the chair, speakers shall state their name and address and proceed with comments. Each speaker will be limited to five (5) minutes.

2. CONSENT CALENDAR (VV)

All items listed under the consent calendar are routine and will be enacted by one motion. If anyone desires discussion of any item on the consent calendar, the item can be removed at the request of any member of the City Council and made a part of the regular agenda.

- 2-A. Approval of minutes for the meeting of the City Council on February 28, 2023.
- 2-B. Authorization to read ordinances and resolutions by title only.
- 2-C. Approval of Warrant Register dated March 14, 2023.

3. PRESENTATIONS

- 3-A. Proclamation 2023-05 Commemorating the Recreational Association of Corcoran on their 10 Year Anniversary.

4. PUBLIC HEARINGS

- 4-A. Public Hearing to obtain comments regarding Unmet Transit Needs and consider adoption of Resolution No. 3983, Unmet Transit Needs after second hearing. *(Tromborg) (VV)*

- A. Staff Report
- B. Accept written testimony
- C. Accept oral testimony
- D. Close hearing
- E. Council discussion
- F. By motion, approve/approve with changes/deny recommendation

5. STAFF REPORTS

- 5-A. Approve Proclamation No. 2023-04 commemorating “The Five Pillars of Freedom” statue. *(Gatzka) (VV)*
- 5-B. Appointment to Special City Selection Committee – Air District. *(Spain) (VV)*
- 5-C. Authorize the City Manager to sign on City’s behalf for the Federal Fiscal Year 2023 FTA Certifications and Assurances. *(Tromborg) (VV)*
- 5-D. Review and provide comment on the draft cannabis dispensary ordinance provisions. *(Gatzka)*

6. **MATTERS FOR MAYOR AND COUNCIL**

7-A. Upcoming Events/Meetings

7-B. City Manager's Report

7-C. Council Comments/Staff Referral Items - *Items of Interest (Non-action items the Council may wish to discuss)*

7-D. Committee Reports

7. **CLOSED SESSION** – None

8. **ADJOURNMENT**

I certify that I caused this Agenda of the Corcoran City Council meeting to be posted at the City Council Chambers, 1015 Chittenden Avenue on March 10, 2023.


Marlene Spain, City Clerk

**MINUTES
CORCORAN CITY COUNCIL,
JOINT POWERS FINANCE AUTHORITY,
SUCCESSOR AGENCY FOR CORCORAN RDA,
& HOUSING AUTHORITY REGULAR MEETING**

Tuesday, February 28, 2023

The regular session of the Corcoran City Council was called to order by Mayor Zamora-Bragg, in the City Council Chambers, 1015 Chittenden Avenue, Corcoran, CA at 5:30 P.M.

ROLL CALL

Councilmembers present: Patricia Nolen, Sid Palmerin, Jerry Robertson, and Jeanette Zamora-Bragg

Councilmembers absent: Greg Ojeda

Staff present: Moses Diaz, Joe Faulkner, Greg Gatzka, Tina Gomez, Reuben Shortnacy, Marlene Spain, and Kevin Tromborg

Press present: None

INVOCATION

Invocation was presented by Robertson.

FLAG SALUTE

The flag salute was led by Nolen.

1. PUBLIC DISCUSSION

Susanna Yantes-Duarte, 2109 Philip Avenue was present re: financial donation or meat donation for upcoming fundraiser to help offset the cost of a fence that will be installed around Our Lady of Lourdes Church.

2. CONSENT CALENDAR

Following Council discussion, a **motion** was made by Nolen and seconded by Robertson to approve Consent Calendar. Motion carried by the following vote:

AYES: Nolen, Palmerin, Robertson and Zamora- Bragg

NOES:

ABSENT: Ojeda

ABSTAINED:

2-A. Approval of minutes for the meeting of the City Council on February 14, 2023.

2-B. Authorization to read ordinances and resolutions by title only.

2-C. Approval of Warrant Register dated February 28, 2023.

3. PRESENTATIONS - None

4. **PUBLIC HEARINGS** -None

5. **STAFF REPORTS**

5-A. Following Council discussion, a motion was made by Robertson and seconded by Nolen to consider approval of Resolution No. 3980 authorizing submittal of a 2023 CALHOME Super Nova Program Application for our Housing Rehab and First-Time Buyers programs.

AYES: Nolen, Palmerin, Robertson and Zamora- Bragg
NOES:
ABSENT: Ojeda
ABSTAINED:

5-B. Following Council discussion, a motion was made by Palmerin and seconded by Robertson to consider City Council Authorization to submit an application for the California Automated Permit Processing Program (CalAPP)

AYES: Nolen, Robertson and Zamora- Bragg
NOES:
ABSENT: Ojeda
ABSTAINED:

5-C. Following Council discussion, amotion was made by Robertson and seconded by Palmerin to Approve Ordinance 645 updating the Corcoran Municipal Code and Resolution No. 3982 Updating City Council Meeting and board size for the Planning Commission

AYES: Nolen, Palmerin, Robertson and Zamora- Bragg
NOES:
ABSENT: Ojeda
ABSTAINED:

5-D. Following Council discussion, a motion was made by Robertson and seconded by Nolen to consider the approval of Community Development Department Staffing and Resolution No. 3981 amending the Compensation and Benefit Plan for Fiscal year 2022-23

AYES: Nolen, Palmerin, Robertson and Zamora- Bragg
NOES:
ABSENT: Ojeda
ABSTAINED:

6. **MATTERS FOR MAYOR AND COUNCIL**

6-A. Upcoming Events/Meetings

6-B. City Manager's Report

- 6-C. Council Comments/Staff Referral Items - *Items of Interest (Non-action items the Council may wish to discuss)*
- 6-D. Committee Reports

7. **CLOSED SESSION** -None

8. **ADJOURNMENT**

6:17 P.M.

Marlene Spain, City Clerk

Jeanette Zamora-Bragg, Mayor

APPROVED DATE: _____

City of

CORCORAN

A MUNICIPAL CORPORATION

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Consent Calendar

ITEM #: 2-G

MEMORANDUM

TO: City Council
FROM: Sandra Pineda, Interim Finance Director

DATE: February 28, 2023 **MEETING DATE:** February 28, 2023

SUBJECT: Warrant Register

Recommendation:

Consider approval of the warrant register(s).

Discussion:

The attached appropriations are for services and supplies utilized by City Departments in order to maintain services for the community. The warrant register(s) will be reviewed at the upcoming meeting and staff can address any questions from Council Members.

Budget Impact:

The warrant register includes expenses approved in the Fiscal Year 2022/2023 Budget and may include items which will be addressed through Budget Amendments.

Attachments:

- Warrant Register #1 for warrant request date: 03/14/2023 FY23

#1

Accounts Payable

Blanket Voucher Approval Document



User: lmustain
Printed: 03/08/2023 - 10:15AM
Warrant Request Date: 3/8/2023
DAC Fund:

Batch: 00501.03.2023 - WRNT RGSTR 03/14/23 FY23

Line	Claimant	Amount
1	A & M Consulting Engineers	9,409.69
2	Amtrak	1,625.00
3	Amtrak	1,625.00
4	Amtrak	530.00
5	Armando Perez	50.00
6	Auto Zone, Inc.	115.93
7	Backflow Solutions Inc	495.00
8	BSK Associates	1,669.25
9	California Cartridge Company	1,249.02
10	California Highway Patrol	300.00
11	California Planning & Dev Report	238.00
12	Chemical Waste Management Inc	465.00
13	City of Corcoran	214.52
14	CIVICWELL	913.75
15	Commercial Neon, Inc.	1,879.00
16	Corcoran Hardware	1,265.98
17	Corcoran Publishing Company	361.00
18	David Arredondo	92.00
19	Dept of Justice	49.00
20	Direct Distributing, Inc.	351.54
21	Dylan Zable	92.00
22	ESRI, Inc	11,497.53
23	Ewing Irrigation Products, Inc	579.03
24	Felder Communications	779.50
25	Ferguson Enterprises, Inc. #3325	928.94
26	Frontier Communications	70.63
27	Frontier Communications	94.69
28	Galindo Farms Discing	531.00
29	Interwest Consulting Group	480.00
30	League of California Cities	253.93
31	Linde Inc.	108.25
32	Matson Alarm Co. Inc.	132.50
33	Merle Stone Chevrolet	298.63
34	PACE Supply	3,331.32
35	PG&E	3,623.48
36	PG&E	349.45
37	PG&E	10.41
38	PG&E	5,940.31
39	PG&E	528.33
40	PG&E	196.33
41	PG&E	13,165.71
42	Radius Tire Co.	309.00
43	Richard's Chevrolet	119.21
44	SCA of CA, LLC	6,699.00
45	Scelzi Equipment, Inc.	2,380.96
46	Sequoia Valley Testing & Inspections LLC.	1,390.75

47	TF Tire & Service	790.35
48	The Gas Company	11,830.53
49	The Gas Company	837.03
50	The Gas Company	31.37
51	The Gas Company	140.34
52	The Gas Company	725.55
53	The Gas Company	92.06
54	The Printer	2,604.48
55	Tires 4 Less	20.00
56	Toni Hayhurst	1,175.42
57	UNIFIRST Corporation	2,163.01
58	US Bank Equipment Finance	187.93
59	USPS	4,800.00
60	Valerie Bega	473.86
61	Wells Fargo Bank, N.A.	1,007.04
62	Will Tiesiera Ford-Mercury	105.02
63	Willdan Financial Services	4,560.00

Page Total: \$31,543.99

Grand Total: \$108,333.56

Page Total: \$31,543.99

3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (2X)	109-434-200-125	76.34
3/8/2023	Sequoia Valley Testing & Inspections LLC.	SB1 ROAD MAINTENANCE: OTIS AVE	110-434-300-200	1,390.75
3/8/2023	SCA of CA, LLC	STREET SWEEPING - FEB 2023	112-438-300-200	2,233.00
3/8/2023	The Gas Company	CITY HALL	104-432-300-242	837.03
3/8/2023	PG&E	UTILITIES - 1630 BREWER AVE	301-430-300-316	10.41
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X20%)	121-439-200-125	12.93
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X1)	109-434-200-125	50.30
3/8/2023	The Printer	BUSINESS CARDS - JIMMY ROARK	104-406-300-210	76.32
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	104-412-300-200	16.98
3/8/2023	PG&E	1311 1/2 HANNA AVE	301-430-300-316	196.33
3/8/2023	The Gas Company	1630 BREWER AVE	301-430-300-316	31.37
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X80%)	120-435-200-125	96.65
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	105-437-300-200	16.97
3/8/2023	Radius Tire Co.	TIRE CHANGED 228	104-421-300-260	55.00
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (1X)	104-433-200-125	120.61
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	145-410-300-200	16.97
3/8/2023	The Printer	PRINTING CE MAILER	104-406-300-198	2,528.16
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (1X)	104-432-200-125	35.74
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	120-435-300-200	16.97
3/8/2023	PG&E	UTILITES SE NE SW 25 21 22	105-437-300-240	13,165.71
3/8/2023	Toni Hayhurst	DEPARTMENT PHOTOS	104-421-300-210	1,175.42
3/8/2023	US Bank Equipment Finance	DEPOT COPIER FEB - MAR CHARGES	145-410-300-180	187.93
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (1X)	104-412-200-125	77.30
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X20%)	121-439-200-125	24.16
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X1)	104-433-200-125	64.64
3/8/2023	TF Tire & Service	4 NEW TIRES UNIT 249	120-435-300-260	790.35
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X80%)	120-435-200-125	36.96
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X6)	105-437-200-125	200.30
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X5)	105-437-200-125	259.24
3/8/2023	Radius Tire Co.	TIRE REPAIR 292	104-412-300-260	25.00
3/8/2023	PACE Supply	CONCRETE B16 BOXES FOR STOCK	105-437-300-210	933.89
3/8/2023	Radius Tire Co.	TIRE REPAIR 248	105-437-300-260	25.00
3/8/2023	PG&E	UTILITIES - K.C. STREET LIGHTING	104-432-300-240	528.33
3/8/2023	The Gas Company	POOL	138-413-300-200	11,830.53
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X20%)	121-439-200-125	9.24
3/8/2023	Radius Tire Co.	REPLACE 1 TIRE 242	104-421-300-260	50.00
3/8/2023	SCA of CA, LLC	STREET SWEEPING - FEB 2023	121-439-300-200	2,233.00
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X1)	104-433-200-125	46.20
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X80%)	120-435-200-125	121.65
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X20%)	121-439-200-125	30.41
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X1)	105-437-200-125	195.27
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (1X)	104-433-200-125	106.24
3/8/2023	USPS	POSTAGE FOR BILLING	104-405-300-150	4,800.00

3/8/2023	The Gas Company	750 NORTH AVE - WATER HEATER	104-432-300-242	140.34
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (X1)	105-437-200-125	36.80
3/8/2023	Radius Tire Co.	TIRE REPAIR 217	104-421-300-260	25.00
3/8/2023	UNIFIRST Corporation	UNIFORMS - COST (2X)	104-412-200-125	73.94
3/8/2023	Valerie Bega	PER DIEM : DRUG AND ALCOHOL CONF	145-410-300-260	473.86
3/8/2023	PACE Supply	SERVICE CHARGE	105-437-300-210	32.16
3/8/2023	PG&E	911 HANNA AVE NEW PD	104-432-300-240	3,623.48
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	104-412-300-200	16.41
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	104-412-300-200	16.97
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	145-410-300-200	16.97
3/8/2023	Willdan Financial Services	BUILDING SERVICES	104-406-300-200	4,560.00
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	105-437-300-200	16.41
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	145-410-300-200	16.41
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	105-437-300-200	16.97
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	104-432-300-200	262.50
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	120-435-300-200	16.97
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	120-435-300-200	16.41
3/8/2023	Will Tiesiera Ford-Mercury	REAR LAMP 246	104-421-300-260	105.02
3/8/2023	Wells Fargo Bank, N.A.	TEMP WORKER. G. PASTOR	104-432-300-200	271.57

Warrant Total: 108,333.56

City of

CORCORAN

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**PRESENTATION
ITEM #: 3-A**

MEMO

TO: Corcoran City Council

FROM: Greg Gatzka, City Manager

DATE: March 9, 2023

MEETING DATE: March 14, 2023

SUBJECT: Proclamation 2023-05 Commemorating the Recreational Association of Corcoran on their 10 Year Anniversary.

Recommendation:

Present Proclamation 2023-05 Commemorating the Recreational Association of Corcoran on their 10 Year Anniversary.

Discussion:

The Recreational Association of Corcoran (RAC) is celebrating it's 10 Year Anniversary. The RAC has been instrumental in promoting a community focused on a healthy lifestyle through a variety of health education and family support services. The RAC and staff also provide essential support to numerous Corcoran community events, by providing staff assistance, resources, event space, and logistical coordination and support.

Attachments:

Proclamation 2023-05

PROCLAMATION 2023 – 05
of the City Council of the City of Corcoran
COMMEMORATING
Recreational Association of Corcoran
10 Year Anniversary

WHEREAS, opportunities for health, fitness and open space activities in Corcoran is essential to Corcoran residents maintaining quality of life and wellbeing; and,

WHEREAS, on March 5, 2013, the Recreational Association of Corcoran (RAC) was established as a non-profit corporation for public benefit, and assumed responsibility for the management, upkeep and use of recreational facilities and open space located at 900 Dairy Avenue in Corcoran California; and,

WHEREAS, the RAC has for the past decade been instrumental in promoting a community focused healthy lifestyle through a variety of health education, family support services, team sports and other recreational opportunities that enhance the overall community physical fitness and health of residents; and,

WHEREAS, the RAC and staff also provide essential support to numerous Corcoran community events, by providing staff assistance, resources, event space, and logistical coordination and support, that serves as a solid foundation of support for the community events such as Farmers Markets, and the Corcoran Cotton Festival that enrich and enhance the life enjoyment of Corcoran residents and visitors in Corcoran.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Corcoran hereby recognizes and congratulates the RAC for their 10th Anniversary of dedicated support and service to our Corcoran community.

PASSED AND ADOPTED at a regular meeting of the Corcoran City Council held on the 14th day of March 2023.

Jeanette Zamora-Bragg, Mayor

Patricia Nolen, Vice-Mayor

Sidonio "Sid" Palmerin, Council Member

Jerry Robertson, Council Member

Greg Ojeda, Council Member

City of

CORCORAN

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PUBLIC HEARING ITEM # 4-A

TO: Corcoran City Council

FROM: Kevin J. Tromborg, Community Development Director/Transit Director

DATE: March 3, 2023 **MEETING DATE:** March 14, 2023

SUBJECT: Public Hearing to obtain comments regarding Unmet Transit Needs and consider adoption of Resolution No. 3983, Unmet Transit Needs after second hearing.

Recommendation: Voice Vote

That the Council adopts Resolution No. 3983 after Public Hearing with one of the following findings:

1. There are no unmet transit needs.
2. There are no unmet transit needs that are reasonable to meet.
3. There are unmet transit needs, including needs that are reasonable to meet.

Discussion:

At the March 14, 2023, Council Meeting, the City Council conducted a public hearing mandated by State Law, to allow the opportunity for public input on whether there are transit needs in the community that are reasonable to meet and are not being met by our existing service. At the conclusion of the hearing on March 14, 2023, the Council will be requested to adopt a Resolution with one of the above-listed findings.

The California Transportation Development Act of 1971 established the Local Transportation Fund (LTF), which is administered by the Kings County Association of Governments (KCAG) Transportation Policy Committee (TPC). When claims are received for LTF money for purposes not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, the following items must be considered first:

- a) Low mobility person's transit needs
- b) Adequate accessible public transit service is available in the jurisdictions of each claimant

Currently, staff is unaware of any unmet transit needs in the community. The city provides forms for comment for the users of this service and for the community to notify us of any needs

not being met. Unless new issues are raised during the hearing, staff would recommend the adoption of a Resolution on March 14, 2023, indicating there are no unmet transit needs.

Budget Impact:

There is the potential for additional funds to be available for streets and roads maintenance activities in the City of Corcoran.

RESOLUTION NO. 3983

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORCORAN FINDING
NO UNMET TRANSIT NEEDS AND MAKING A CLAIM FOR LOCAL
TRANSPORTATION FUNDS AND STATE TRANSIT ASSISTANCE FUNDS**

WHEREAS, the California Transportation Development Act of 1971 established the Local Transportation Fund (LTF), which is administered by the Kings County Association of Governments (KCAG) Transportation Policy Committee (TPC); and

WHEREAS, when claims are received for LTF money for purposes not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, the TPC shall insure that:

- a) Low mobility person's transit needs have been considered,
- b) Adequate accessible public transit service is available in the jurisdictions of each claimant has been considered,
- c) Alternative transit services have been considered; and

WHEREAS, pursuant to Public Utilities Code, Section 99238.5, the City of Corcoran held a duty noticed public hearing on March 14, 2023, for the purpose of soliciting comments on the unmet transit needs that may exist within the City of Corcoran transit service area and that may be reasonable to meet by establishing or contracting for new public transportation services or specialized transportation services or by expanding existing services; and

WHEREAS, at said public hearing, testimony was provided concerning; and

WHEREAS, that based on a review of transit services being provided, the testimony received, recent transit studies, and a review of the Regional Transportation Plan which addresses the needs for transit services:

NOW, THEREFORE, BE IT RESOLVED, that there are _____ within the jurisdictions of the City of Corcoran that are _____.

BE IT FURTHER RESOLVED, that after consideration of all available information compiled pursuant to Public Utilities Code, Section 99401.5(a), (b), and (c), that the City Council of the City of Corcoran finds that there are no unmet transit needs that are reasonable to meet. That the City of Corcoran City Manager is authorized to execute and file all claims or any other document required by the Department. That the City of Corcoran City Manager is authorized to provide additional information as the Department may require in connection with the application and is authorized to submit and approve requests for reimbursement of funds from the Department.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Corcoran held on March 14, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jeanette Zamora-Bragg, Mayor

ATTEST:

Marlene Spain, City Clerk

CLERKS CERTIFICATE

I, Marlene Spain, hereby certify that the foregoing is a full, true, and correct copy of a resolution passed and adopted by the City Council of the City of Corcoran at a meeting held on the 14th day of March 2023, by the vote as set forth therein.

DATED: March 14, 202

Marlene Spain, City Clerk

City of

CORCORAN

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**STAFF REPORT
ITEM #: 5-A**

MEMO

TO: Corcoran City Council

FROM: Greg Gatzka, City Manager

DATE: March 7, 2023

MEETING DATE: March 14, 2023

SUBJECT: Approve Proclamation No. 2023-04 commemorating “The Five Pillars of Freedom”.

Recommendation:

Approve Proclamation No. 2023-04 commemorating “The Five Pillars of Freedom”.

Discussion:

The California High Speed Rail Authority provided funding to remedy and enhance visibility of local communities along the rail corridor. The Kings County Board of Supervisors represented local communities and advocated for \$1,000,000 to be devoted to a Veteran’s Memorial in the City of Corcoran. The Veteran’s memorial statue will be unveiled on April 29, 2023.

Budget Impact:

None

Attachments:

Proclamation 2023-04- commemorating “The Five Pillars of Freedom” statue.

City Offices

PROCLAMATION 2023 – 04
of the City Council of the City of Corcoran
COMMEMORATING
“THE FIVE PILLARS OF FREEDOM”
Veterans Memorial Statue
in Corcoran, CA

WHEREAS, the California High Speed Rail Authority (Authority) provided funding to remedy and enhance visibility of local communities along the rail corridor; and,

WHEREAS, the Kings County Board of Supervisors in representing the interest of Kings County communities with the Authority advocated for \$1,000,000 to be devoted to a Veterans Memorial in Corcoran, CA; and,

WHEREAS, the City of Corcoran was issued a \$1,000,000 check for the purpose of creating an iconic Veterans Memorial Statue at the new Gateway Park in Corcoran, CA; and,

WHEREAS, the new Veterans Memorial Statue is nearing completion and will be unveiled on April 29, 2023; and,

WHEREAS, this Veterans Memorial Statue will serve as a unique destination statue for all across our Nation to visit and experience in honoring our Military Veterans who served to protect our Nation’s Freedom, and is deserving of its own unique statue name.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Corcoran in partnership with the Kings County Board of Supervisors hereby commemorates this statue to be named here forthwith in honor and remembrance of all that served in protecting our Nation’s Freedom as:

“THE FIVE PILLARS OF FREEDOM”

PASSED AND ADOPTED at a regular meeting of the Corcoran City Council held on the 14th day of March 2023.

Jeanette Zamora-Bragg, Mayor

Patricia Nolen, Vice-Mayor

Sidonio “Sid” Palmerin, Council Member

Jerry Robertson, Council Member

Greg Ojeda, Council Member

City of

CORCORAN

A MUNICIPAL CORPORATION

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**STAFF REPORT
ITEM #: 5-B**

MEMO

TO: Corcoran City Council

FROM: Marlene Spain/ Assistant to City Manager/City Clerk

DATE: March 7, 2023

MEETING DATE: March 14, 2023

SUBJECT: Appointment to Special City Selection Committee – Air District

RECOMMENDATION: (Voice Vote)

It is recommended that the Corcoran City Council appoint a City Council member and alternate to the San Joaquin Valley Air Pollution Control District (SJVAPCD) Special City Selection Committee.

DISCUSSION:

The appointment to San Joaquin Valley Air Pollution Control District (SJVAPCD) Special City Selection Committee has not been updated since the vacancy left by Councilmember Lerma. Vice-Mayor Nolen is currently the alternate on the committee. The San Joaquin Valley Air Pollution Control District has asked if the City Council could appoint a Special City Selection Committee member and re-appoint an alternate.

BUDGET IMPACT:

No budget impact.

City Offices

MEMORANDUM

TO: Corcoran City Council

FROM: Kevin Tromborg, Community Development Director

DATE: March 3, 2023

MEETING DATE: March 14, 2023

SUBJECT: Certifications and Assurances

RECOMMENDATION: (Voice Vote)

That the Council authorizes the City Manager to sign on their behalf for the Federal Fiscal Year 2023 FTA Certifications and Assurances Signature Page committing the Council and City of Corcoran to comply with all Federal Statues, Regulations, Executive Orders, and Federal Requirements applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2023.

DISCUSSION:

Before the FTA can award a federal grant or agreement, the applicant must submit all certifications and assurances pertaining to itself and its project or projects as required by Federal laws and regulations.

Since 1995, FTA has consolidated the various certifications and assurances that may be required into a single document for publication in the Federal Register.

The City of Corcoran uses FTA funding for its Transit service. This includes funding for operation, expansion of services and capital improvements. Because of these applications and contracts, the City is required to file the attached certifications and assurances.

BUDGET IMPACT:

None, these certifications, and assurances are required to obtain the Federal Funds the City of Corcoran's Transit Division uses for its operation.

ATTACHMENTS:

Certifications and Assurance

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision.

Text in italic is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

animals held for research, teaching, or other activities supported by this award of assistance.

- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.327 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA's state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C.

§ 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

- (a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in the State, unless the Small Public Transportation Provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own Public Transportation Agency Safety Plan; and
- (b) Each Small Public Transportation Provider within the State that opts to use a State-drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT

Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.**7.1. Rolling Stock Buy America Reviews.**

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 672.31 and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (b) Compliant with the requirements of 49 CFR Part 674, "State Safety Oversight".

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost

- Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
- (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
- (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

FEDERAL FISCAL YEAR 2023 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: City of Corcoran

The Applicant certifies to the applicable provisions of all categories: (*check here*) GG.

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs

13 State of Good Repair Grants

14 Infrastructure Finance Programs

15 Alcohol and Controlled Substances Testing

16 Rail Safety Training and Oversight

17 Demand Responsive Service

18 Interest and Financing Costs

19 Cybersecurity Certification for Rail Rolling Stock and Operations

20 Tribal Transit Programs

21 Emergency Relief Program

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

Name of the Applicant: City of Corcoran

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: 03/14/2023

Name Greg Gatzka Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): City of Corcoran

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: 03/14/2023

Name Moses Diaz Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

**STAFF REPORT
ITEM #: 5-D****MEMO****TO: Corcoran City Council****FROM: Greg Gatzka, City Manager****DATE: March 10, 2023****MEETING DATE: March 14, 2023****SUBJECT: Cannabis Dispensary Draft Ordinance****Summary:**

On February 14, 2023, the City Council directed staff to draft ordinance regulations to allow cannabis dispensaries within the Downtown Commercial Zone District.

Recommendation:

Review and provide comment on the draft cannabis dispensary ordinance provisions.

Budget impact:

None with this agenda item.

Background:

On August 9, 2022, a request to establish a cannabis dispensary in Corcoran was presented to the City Council, and Council directed staff to proceed with the application to amend the Zoning Ordinance and take the request before the Planning Commission. On November 21, 2022, the Planning Commission held a public hearing and considered Zone Text Change No. 22-01 filed by Robert Mustain and Parth Patel. The proposal was approved by the Planning Commission, and forwarded to the City Council as a recommendation to allow cannabis dispensaries under a Conditional Use Permit in the Downtown Commercial Zone District with other conditions as determined by Council.

On February 14, 2023, the City Council received and considered the recommendation from the Planning Commission and directed staff to prepare the necessary regulations, conditions, and limitations to establish cannabis dispensaries within the Downtown Commercial Zone District. Staff has prepared draft ordinance language based upon standard applications, regulations and requirements established by other adjacent jurisdictions. The ordinance language is being presented in draft form for the purposes of receiving comment from the Council and public before preparing the final version for consideration and possible adoption. The final version will

require a noticed public hearing, be presented and read at two meetings, and become affective 30 days after approval by the City Council.

The draft ordinance language pertains to changes in two sections of the Corcoran Municipal Code. The first change relates to a change in the Corcoran Zoning Code, which was recommended for approval by the Corcoran Planning Commission and accepted by the City Council to be prepared in a final version for adoption. This change to Title 11, Chapter 11-6 would amend Table 11-6-1 Permitted Land Uses in Commercial and Office Zoning Districts by adding "Cannabis Dispensary" allowed as a Conditional Use within the Downtown Commercial Zone District, subject to compliance with provisions in Title 3, Chapter 11 Cannabis Dispensaries. The second change is to amend in its entirety Title 3, Chapter 11 to be established as the Cannabis Dispensaries regulations under the City's Municipal Code chapter pertaining to Licenses and Business Regulations. This chapter already exists and was established on October 6, 2014 under adopted Ordinance No. 621 that enacted restrictions and prohibitions on medical marijuana dispensaries and delivery, and declared them as public nuisances. Other provisions of the City's municipal code address cannabis activities within the City as public nuisances, and therefore this chapter needed to be amended if cannabis dispensaries are allowed. This chapter can be amended to establish the necessary regulations pertaining to cannabis dispensary permitting requirements.

Attached:

Draft amendment to Table 11-6-1 of Title 11, Chapter 6.

Draft regulations for Title 3, Chapter 11 Cannabis Dispensaries.

**Draft amendment to
 Table 11-6-1 Permitted Land Uses in Commercial and Office Zoning Districts
 as part of Corcoran Zoning Code, Title 11, Chapter 6**

Land Use Activity	Permit Requirement By Zone					
	CN	CC	CH	CD	CO	CS
Commercial Uses						
Cannabis Dispensary				C [7]		

Notes:

[7] Cannabis Dispensaries shall comply with provisions of Title 3, Chapter 11 Cannabis Dispensaries.

**Draft language to amend in its entirety.
Title 3, Chapter 11 Cannabis Dispensaries**

TITLE 3 BUSINESS AND LICENSE REGULATIONS

CHAPTER 3-11 CANNABIS DISPENSARIES

3-11-01	Purpose and Intent.
3-11-02	Definitions.
3-11-03	Legal Authority.
3-11-04	Promulgations Of Regulations.
3-11-05	Cannabis Dispensary Operating Requirements.
3-11-06	Cannabis Dispensary Employee.
3-11-07	Delivery Service Requirements.
3-11-08	Permit Procedure.
3-11-09	Violations and Enforcement.

3-11-01: Purpose and Intent.

It is the purpose and intent of this chapter to accommodate cannabis dispensaries by enacting land use regulations and other requirements to protect the health, safety, and general welfare of the residents of Corcoran, minimize negative impacts of related cannabis activity, and enforce rules and regulations consistent with state law. Establishes an annual permit requirements for cannabis dispensary business operation, employees, and delivery services within Corcoran. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other law.

3-11-02: Definitions.

The following definitions are applicable to the provisions as set forth herein, concerning regulations pertaining to cannabis dispensaries and related activities and operations. Any reference to California statutes are deemed to include any amended version of the referenced statute or regulatory provision.

APPLICANT: Means a person who is required to file an application for a cannabis dispensary, delivery, or employee permit under this article.

BUSINESS OWNER: Means the owner(s) of the cannabis dispensary.

CANNABIS: Means, also referred to as marijuana, all parts of the Cannabis sativa, Cannabis indica, or Cannabis ruderalis, or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties; whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this Code, Cannabis does not mean industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

CANNABIS ACCESSORIES: Means any equipment, products, or materials of any kind which is intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. Cannabis Accessories also has the same meaning as in section 11018.2 of the Health and Safety Code.

CANNABIS DISPENSARY OR DISPENSARY: Means a business which holds a valid Cannabis Dispensary Permit from the City of Corcoran, valid state license required by State law, and authorized to engage in the retail sale of cannabis or cannabis products, including the delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, Dispensary is also defined in California Business and Professions Code division 10 and any successor statute(s), as may be adopted or amended from time to time.

CANNABIS DISPENSARY PERMIT: Means a regulatory permit issued by the City of Corcoran pursuant to this chapter that is required to allow the establishment and operation of a cannabis dispensary within the City of Corcoran. Permit is subject to annual renewal and contingent upon the business's ongoing compliance with all requirements of this chapter and any other regulations adopted by the State or City pertaining to cannabis dispensary related activities and operations.

CANNABIS PRODUCT: Means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles, and those products described in section 11018.1 of the Health and Safety Code.

CITY: Means the City of Corcoran, a California general law City, and the territorial limits subject to the jurisdictional authority of the City of Corcoran.

CITY COUNCIL OR COUNCIL: Means the City Council of the City of Corcoran.

DELIVERY: Means the commercial transfer of cannabis or cannabis products from a permitted dispensary to a customer. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed under this article that enables customers to arrange for or facilitate the commercial transfer by a licensed and permitted dispensary of cannabis or cannabis products.
retailer of cannabis or cannabis products.

DELIVERY EMPLOYEE: Means an individual employed by a licensed and permitted cannabis dispensary within the City of Corcoran who delivers cannabis goods from the dispensary premises to a physical address.

DEVELOPMENT AGREEMENT: Means an agreement entered into between the City and the business owner and any other responsible parties as required by the City, in accordance with chapter 21, series 600, article 609 of this Code.

DISTRIBUTION: Means the procurement, sale, and transport of cannabis or cannabis products between licensees.

EMPLOYEE: Means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

GROSS RECEIPTS: Means the amount a cannabis operation received from all sources during its accounting period, without subtracting any costs or expenses.

MAUCRSA: Means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in division 10 of the California Business and Professions Code, as the same may be amended from time to time.

OPERATOR: Means the business owner and any other person designated by the business owner as responsible for the day to day cannabis dispensary business operation.

PATIENT OR QUALIFIED PATIENT: Means a person who is entitled to the protections of California Health and Safety Code Section 11362.5, and as defined in California Health and Safety Code Section 11362.7 et seq., as it may be amended.

PERSON WITH AN IDENTIFICATION CARD: Has the same meaning as defined by California Health and Safety Code Section 11362.7.

PREMISES: Means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

STATE: Means the State of California.

STATE LAW: Means all regulations and laws pertaining to cannabis business in the State of California.

STATE LICENSE: Means a State license issued by the state of California, or one of its departments or divisions, under MCRSA or AUMA to engage in commercial cannabis activity pursuant to California Business and Professions Code section 26000, et seq., or other applicable State law.

3-11-03: Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the Medical Cannabis Regulation and Safety Act (hereinafter "MCRSA"), and the Adult Use Cannabis Act (hereinafter "AUMA") the City of Corcoran is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state of California, or any of its departments

or divisions, shall be the minimum standards applicable in the City of Corcoran to engage in cannabis dispensary related business activity.

3-11-04: Promulgation Of Regulations.

In addition to any regulations adopted by the City Council, the City manager or designee(s) is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis dispensary permits, employee permits, and/or delivery permits or concerning any other subject determined to be necessary to carry out the purposes of this chapter.

3-11-05: Cannabis Dispensary Operating Requirements.

A. **Maximum Number of Permits.** The maximum number of cannabis dispensaries that may be permitted to operate within the City shall be limited to the number and extent of business operations that can be reasonably accommodated by meeting the standards, requirements, and regulations prescribed by this chapter. Permits may be issued for medical (Type M) or adult use (Type A) businesses as allowed by the State. Nothing in this chapter creates a mandate that the City issue any or all of the Cannabis Dispensary permits if it is determined that the applications do not meet the requirements and standards established for the application process. At any time, the City Council may at their discretion reassess the number of cannabis dispensary permits authorized for issuance.

B. **Minimum Separation.** No Cannabis Dispensary shall be located within the minimum distance separation from the following uses:

1. Within 1,000 feet of any school site.
2. Within 1,000 feet of another cannabis dispensary.
3. Within 600 feet of any recreation center, public library, public park, or church.

C. **City Business License.** Prior to commencing operations, a cannabis dispensary shall obtain a City of Corcoran business license.

D. **Cannabis Dispensary Permit.** No person or entity shall operate a Cannabis Dispensary within the City of Corcoran without first obtaining a Cannabis Dispensary Permit from the City. The Dispensary Permit shall be site specific and shall specifically identify the type of cannabis activity that will be allowed at that business location site.

E. **Fees And Charges.** No person may commence or continue any Cannabis Dispensary in the City, without timely paying in full all fees and charges required for the operation of a Dispensary. Fees and charges associated with the operation of a Cannabis Dispensary shall be established by resolution of the City Council which may be amended from time to time, and/or through a development agreement with owner/operator.

F. **Taxes.** All Cannabis Dispensaries authorized to operate under this chapter shall pay all sales, use, business, and other applicable taxes required under federal, state and local law. Each Cannabis Dispensary shall be subject to audit of the business operation's books and records for the purpose of verifying the amount of taxes required to be paid during any period.

G. **Compliance with Building and Related Codes.** The Premises in which the Cannabis Dispensary operations occur shall comply with all applicable local, State, and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with

Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits, and comply with all applicable City standards.

H. **Authorized Sales.** A cannabis dispensary shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least twenty-one (21) years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least eighteen (18) years of age, but not yet twenty-one (21), if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals twenty-one (21) years of age and older are unrestricted.

I. **Cannabis Products.** All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.

J. **Sales Activity.** All sales activity of cannabis and/or cannabis products shall be conducted within the permitted cannabis dispensary business, or at a delivery address when authorized by a cannabis delivery permit and subject to the following:

1. All cannabis goods sold by a cannabis dispensary shall be contained in child-resistant packaging.
2. Cannabis dispensaries shall video record on a video surveillance system all areas within the facility that engage in point-of-sale and where cannabis goods are displayed for sale. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.
3. Cannabis dispensary shall hire or contract for security personnel who are at least twenty-one (21) years of age to provide security services for the permitted facility. All security personnel hired or contracted for by the owner or operator shall be licensed by the Bureau of Security and Investigative Services.
4. The quantity of cannabis and cannabis products visible within the sales area is limited to the amount of product necessary to support typical daily demand of sales for the cannabis dispensary. Excessive amounts of product visually displayed is to be avoided. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

K. **Limited Access Areas.** A cannabis dispensary shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the permitted owner/operator. A log of all individuals who are not employees and granted access to the limited areas shall be maintained, and made available to the City manager or designee(s) upon request. All restroom facilities shall remain locked and under the control of management.

L. Signage and Notices. The Dispensary operation shall adhere to the following signage requirements:

1. Business identification signage for a cannabis dispensary shall conform to the requirements of the City's signage requirements in Title 11, and any other policies or guidelines adopted by the City.
2. No signs placed on the premises of a cannabis dispensary shall obstruct any entrance or exit to the building or any window.
3. Each entrance to a cannabis dispensary shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis dispensary is prohibited.
4. The entrance to the cannabis dispensary shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis dispensary.
5. Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No cannabis dispensary shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis dispensary or elsewhere including, but not limited to, the public right-of-way.
6. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards, or other prohibited signs may be used at any time.
7. Holders of cannabis dispensary permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any cannabis dispensary located in the City of Corcoran utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a cannabis dispensary to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

M. Odor Control. Odor control devices and techniques shall be incorporated in all cannabis dispensaries to ensure that odors from cannabis are not detectable off-site. Cannabis dispensaries shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis dispensary that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area of the building, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis dispensary. As such, cannabis dispensaries must install and maintain the following equipment, or any other equipment which the City manager or designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally.
2. An air system that creates negative air pressure between the cannabis dispensary's interior and exterior, so that the odors generated inside the cannabis dispensary are not detectable on the outside of the cannabis dispensary.

N. Development Agreement. Cannabis Dispensary permit approval requires the applicant to enter into a Development Agreement with the City that sets forth the terms and conditions under which the Cannabis Dispensary business activities will operate to protect and promote the public health, safety, and welfare. Dispensary business operations shall not be allowed to begin until the development agreement is effective.

O. State Law and Other State Laws. The cannabis dispensary shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State Law, and any other applicable State law. The Operator shall obtain required licenses under State Law prior to opening for business, or if the State is not ready to issue licenses under State Law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of State Law and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State Law. The Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.

P. Labeling. All cannabis products offered to customers at a retail location must provide testing and labeling at a minimum as required by State law and in compliance with any additional City regulations and as they may be amended.

Q. Display of Permit and City Business License. The original copy of the cannabis dispensary permit issued by the City pursuant to this chapter and the City issued business license shall be posted inside the cannabis dispensary in a location readily-visible to the public.

R. Unlawful Consumption. Cannabis shall not be consumed on the premises of any cannabis dispensary, and alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises.

S. Transportation. Transportation shall only be conducted according to activity permitted by State law.

T. Age Verification. Cannabis dispensaries shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is eighteen (18) to twenty (20) years old, Dispensary shall confirm the customer's possession of a valid doctor's recommendation and/or identification card (Medical Cannabis Card) pursuant to Health & Safety Code Section 11362.71. For adult-use purchases, retailers shall verify that all customers are twenty-one (21) years of age or older for the purchase of cannabis or cannabis products. It shall be unlawful for any Dispensary to employ any person who is not at least twenty- one (21) years of age.

U. Hours of Operation. Cannabis Dispensaries shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances but in no case shall exceed the minimum State standards. Additionally, Cannabis

Dispensaries shall not be open before 9:00 a.m., or remain open after 8:00 p.m. Pacific Standard Time.

V. Cannabis Display. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis dispensary permit, or on any of the vehicles owned or used as part of the cannabis dispensary. No outdoor storage of cannabis or cannabis products is permitted at any time.

W. Secure Building. All Cannabis Dispensary operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for commercial structures and include material strong enough to prevent entry except through an open door.

X. Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee or volunteer, of the cannabis dispensary must submit fingerprints and other information deemed necessary by the Police Chief or designee(s) for a background check by the Corcoran police department. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a cannabis dispensary or a related Cannabis Dispensary Employee permit unless they have first cleared the background check, as determined by the Police Chief or designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Corcoran to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a cannabis dispensary permit is submitted.

Y. Premises Security. The following security conditions shall apply.

1. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the Police Chief.

2. Preventing individuals from remaining on the premises of the cannabis dispensary if they are not engaging in an activity directly related to the permitted operations of the cannabis dispensary.

3. Establishing limited access areas accessible only to authorized cannabis dispensary personnel. Entrances into the cannabis dispensary shall be strictly controlled in a manner approved by the Police Chief or designee(s).

4. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault, and displayed for purchase in a manner that prevents diversion, theft, and loss.

5. Installing twenty-four (24) hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the cannabis dispensary which are open and accessible to the public, all interior spaces where cannabis,

cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The cannabis dispensary shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Corcoran police department, and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the Corcoran police department. Video recordings shall be maintained for a minimum of forty-five (45) days, and shall be made available to the Corcoran police department upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the cannabis dispensary.

6. Sensors shall be installed to detect entry and exit from all secure areas.

7. Panic buttons shall be installed in all cannabis dispensaries.

8. Exterior lighting systems for after-hours security.

9. Have a professionally installed, maintained, and monitored alarm system.

10. Any bars installed on the windows or the doors of the cannabis dispensary shall be installed only on the interior of the building.

11. Security personnel shall be on-site twenty-four (24) hours a day or alternative security as authorized by the Police Chief or designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Corcoran police department, with such approval not to be unreasonably withheld.

12. Each cannabis dispensary shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

13. Each cannabis dispensary shall identify a designated security representative or liaison to the City of Corcoran, who shall be reasonably available to meet with the Police Chief or designee(s) regarding any security related measures or any operational issues.

14. Each cannabis dispensary shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

15. The cannabis dispensary shall cooperate with the City whenever the City manager or designee(s) makes a request, upon reasonable notice to the cannabis dispensary, to inspect or audit the effectiveness of any security plan or of any other requirement of this chapter.

16. A cannabis dispensary shall notify the City manager or designee(s) within twenty-four (24) hours after discovering any of the following:

- a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City manager or designee(s).
- b. Diversion, theft, loss, or any criminal activity involving the cannabis dispensary or any agent or employee of the cannabis dispensary.

- c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis dispensary.
- d. Any other breach of security.

17. Each cannabis dispensary shall provide an emergency contact to the City manager or designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

18. The delivery and transport of cannabis supplies to the Dispensary shall comply with the following:

- a. Deliveries to the premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the Cannabis Dispensary permit. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Cannabis Dispensary.
- b. The transportation of cannabis samples and product to and from the premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The Cannabis Dispensary shall stagger transportation times, vary routes from the premises, and take other security measures as requested by the Police Chief.

Z. Record keeping. A Cannabis Dispensary operation shall maintain compliance with all required record keeping, access to records, and review processes including the following:

1. Each owner and operator of a cannabis dispensary shall maintain accurate books and records in an electronic format, detailing all revenues and expenses of the business, and all assets and liabilities.

2. Annual statement of sales shall be submitted to the City, or upon any reasonable request of the City. The statement shall detail the number of sales by the cannabis dispensary during the previous twelve (12) month period. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.

3. Annual financial audit of the business's operations shall be submitted to the City and prepared by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City manager or designee(s).

4. Reporting and Tracking of Product and of Gross Sales. Each cannabis dispensary shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the cannabis dispensary including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The system must have the capability to produce historical transactional data for review, and be approved and authorized by the City manager or designee(s) prior to being used by the Dispensary.

5. The Dispensary shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief or designee(s) at all times immediately upon request. All agents, officers, or other persons acting for or employed by a Dispensary shall display a laminated identification badge issued by the business operator. The identification badge shall, at a minimum, include the Dispensary's name and license

number, the employee's first and last name, and a color photograph of the employee that shows the full front of the employee's face and that is at least 2 inches by 2 inches in size.

6. Each cannabis dispensary shall maintain a record of all persons, patients, collectives, and primary caregivers served by the cannabis dispensary, for a period of no less than four (4) years.

7. All cannabis dispensaries shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products stored on site intended for sale or distribution until purchase is made by a qualified patient, primary caregiver for purpose or an adult twenty-one (21) years of age or older who qualifies to purchase cannabis as set forth in AUMA.

8. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each Cannabis Dispensary shall allow the City Manager or designee(s) to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis dispensary activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

AA. Indemnification and Liability. To the fullest extent permitted by local, state, and/or federal law, the City shall not assume any liability whatsoever with respect to having issued a Cannabis Dispensary permit or executed a development agreement pursuant to this chapter, or otherwise approving the operation of any Cannabis Dispensary business or associated activity. The Dispensary permit shall comply with the following:

1. As a condition of Cannabis Dispensary permit approval, the applicant shall be required to execute an indemnification agreement, in a form approved by the City Attorney, agreeing to indemnify, defend at the applicant's sole cost and expense, and hold harmless the City, and its officers, officials, employees, representatives, and agents from any against all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the City's drafting, adoption and passage of regulations, related resolutions, policies, rules and guidelines, allowing cannabis dispensaries or in the future making any regulatory amendments; the City's issuance of the regulatory permit; the City's approval and execution of a development agreement; the City's decision to approve the operation of the dispensary; the process used by the City in making the decision to issue, approve or deny a permit or a development agreement; and/or the alleged violation of any federal, state or local laws by the dispensary or any of its officers, employees or agents.

2. The dispensary shall maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate from time to time by the City.

3. The dispensary shall reimburse the City for all costs and expenses, including but not limited to attorney fees and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's Cannabis Dispensary permit, or related to the City's approval of the applicant's cannabis business related activities. The City may, at its sole discretion, participate at its own expense in the defense of such action, but such participation shall not relieve any of the obligations imposed hereunder.

3-11-06: Cannabis Dispensary Employee.

Any person who is an employee or who otherwise works or volunteers within a cannabis dispensary business must obtain a Cannabis Dispensary Employee permit from the City prior to performing any work at any cannabis dispensary.

A. Applications for a Cannabis Dispensary Employee permit shall be developed and made available by the City manager or designee(s), and shall include, but not be limited to, the following information:

1. Name, address, and phone number of the applicant.
2. Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport, or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application.
3. Name, address of the cannabis dispensary where the person will be employed, and the name of the primary manager of that business.
4. A list of any crimes enumerated in California Business and Professions Code Section 26507(b)(4) for which the applicant has been convicted.
5. Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing.
6. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Police Chief or designee(s).
7. A signed statement under penalty of perjury that the information provided is true and correct.
8. If applicable, verification that the applicant is a qualified patient or primary caregiver.
9. A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

B. The Police Chief or designee(s) shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

1. Has been convicted of a crime involving dishonesty, fraud, or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states.
2. Has committed a felony or misdemeanor involving fraud, deceit, or embezzlement.

3. Was convicted of a violent felony, or a crime of moral turpitude.
4. Has illegally used, possessed, transported, distributed or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

C. Discovery of these facts showing that the applicant has been convicted of a crime involving dishonesty, fraud or deceit are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a Cannabis Dispensary Employee permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (a) a conviction for any crime listed in subsection (D)(4) of this section for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code; or (b) a conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

D. The City manager or designee(s) shall issue the Cannabis Dispensary Employee permit or a written denial to the applicant within ninety (90) days of the date the application was deemed complete. Upon the request of a Cannabis Dispensary and while processing the application for a work permit, the City manager or designee(s) may issue a temporary work permit for an employee if the business demonstrates to the City manager or designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the City manager or designee(s) upon determination that the applicant has failed the background check.

E. A Cannabis Dispensary Employee permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in this section including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

F. In the event a person changes employment from one Cannabis Dispensary in the City to another, the Cannabis Dispensary Employee permit holder shall notify the City manager or designee(s) in writing of the change within ten (10) days, or the employee permit shall be suspended or revoked and such person shall not be permitted to work at any Cannabis Dispensary in the City.

G. The City may immediately revoke the Cannabis Dispensary Employee permit should the permit holder be convicted of a crime listed in subsections B and C of this section or if facts become known to the Police Chief or designee(s) that the permit holder has engaged in activities showing that the individual is dishonest.

H. The applicant may appeal the denial or revocation of a Cannabis Dispensary Employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the

applicant received the notice of denial, which appeal shall be conducted as set forth in Section 3-11-8 of this chapter.

I. The City manager or designee(s) shall issue a permit in the form of a personal identification card that can be worn by the employee. The personal identification card shall be worn approximately chest-high on their outermost garment, in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

3-11-07: Delivery Service Requirements.

The operation of any cannabis delivery service within the City shall be required to be established in conjunction with a Cannabis Dispensary permitted to operation with the City of Corcoran and in compliance with all provisions of this chapter. The delivery of cannabis or cannabis products to clients located outside of the business premises shall comply with the following additional requirements to ensure adequate measures and protections are in place for the public health, safety, and welfare of those living and working in the City:

A. Obtain a Cannabis Delivery permit from the City that authorizes the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.

B. Provide proof of a valid State license for the Cannabis Dispensary with authorization for delivery service provided to the City manager or designee(s).

C. A licensed dispensary shall not use the services of an independent contractor or courier service to deliver cannabis goods.

D. The Cannabis Dispensary operating the delivery service shall furnish to the City manager or designee(s) the names and driver's license numbers of all the business' delivery drivers, and evidence verifying that criminal background checks have been conducted for all the business's drivers.

E. The Cannabis Dispensary operating the delivery service shall furnish to the City manager or designee(s) the year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

F. A delivery employee of a licensed dispensary shall, during deliveries, carry a copy of the dispensary's current license, the employee's government-issued identification, and an employer provided badge containing a picture and the name of the delivery employee.

G. Delivery operations that fail to provide the necessary licenses and permits demonstrating authority to operate with the City, pose greater risk of criminal activity and negative impacts to the City's public health, safety and general welfare, and are therefore deemed a nuisance subject to violation and citation under the provisions of section 3-11-9 of this chapter.

3-11-08: Permit Procedure.

This section establishes the procedure which governs the Cannabis Dispensary, Employee, and Delivery permit application processes, and manner in which the decision is rendered regarding the issuance of said permit(s).

A. The City manager or designee(s) is hereby authorized to prepare the necessary application procedure, forms, and any necessary rules to review, process, and conduct evaluations of the applicant(s), and determine if the applicant is awarded a permit. An application may be approved, conditionally approved, or rejected at the discretion of the City manager or designee(s). Any correction required for a conditionally approved application must be done in a timely manner as set forth by the City manager or designee(s).

B. Application Fee. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.

C. Cannabis Dispensary Permit. The City Manager shall review the permit application for compliance with all City requirements, conditions, and certify whether the cannabis dispensary permit application meets all the requirements of section 3-11-05, including the following:

1. Signed and notarized Property Owner Acknowledgement is included and states they have read, acknowledge, and authorize a cannabis dispensary business operation on their property, and agree to assume all responsibility for any compliance issues arising on site and in relation to the cannabis dispensary operation on their property.

2. Executed Indemnification Agreement, in a form approved by the City Attorney, is included agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Corcoran, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the City's issuance of a cannabis dispensary permit, the City's decision to approve said business operation, the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the cannabis dispensary, property owner, employees or affiliates.

3. Determination approval from the Police Chief or designee acknowledging that all security measures have been reviewed and approved.

4. Confirmation of insurance coverage limits as determined necessary and appropriate by the City manager.

5. Executed Development Agreement, in a form approved by the City Attorney, is included and establishes the agreed upon infrastructure, implementation, and other measures necessary and mutually agreed upon by both the applicant and City.

6. Cost reimbursement agreement approved by the City Manager to reimburse the City of Corcoran for all costs and expenses, including, but not limited to, consultant costs, attorney fees, and/or any other costs related to the City's approval of the applicant's Cannabis Dispensary permit, or related to the City's approval of a Cannabis Dispensary.

7. Official issuance of the Cannabis Dispensary permit is conditioned upon the applicant obtaining all required land use approvals. The applicant shall apply and obtain a Conditional Use Permit approval and any other required land use approvals or entitlements for the Cannabis

Dispensary site location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The City manager or designee(s) shall formally issue the Cannabis Dispensary permit(s) once it has been affirmed that all of the required land use approvals have been obtained.

8. Issuance of a Cannabis Dispensary permit does not create a land use entitlement, and the permit is valid for a period of twelve (12) months. Permit shall expire at the end of the twelve (12) month period unless it is renewed as provided herein.

D. Cannabis Employee Permit. The City Manager shall review the employee permit application for compliance with all City requirements, conditions, and certify whether the Cannabis Dispensary Employee permit application meets all the requirements of section 3-11-06, including the following:

1. Confirmation from the Police Chief or designee that the background checks and investigation are complete and acceptable under the criteria established by this chapter.

2. After the background checks and investigation are complete, the Police Chief or designee shall render a decision within thirty (30) days to either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.

E. Cannabis Delivery Permit. The City Manager shall review the delivery permit application for compliance with all City requirements, conditions, and certify whether the Cannabis Delivery permit application meets all the requirements of section 3-11-07.

F. Grounds for Denial. Nothing in this article shall be construed to require the City to grant a Cannabis Dispensary, Employee or Delivery permit. Notwithstanding this, applications for a permit are required to be denied for one or more of the following:

1. The applicant is engaging in cannabis related business activities at a particular location that is prohibited by any local or State law, statute, rule, or regulation.

2. The applicant has been issued a local or State permit related to cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or has resulted in disciplinary action relating to the permit.

3. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application.

4. The applicant has been convicted of any of the following:

a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c).

b. Convicted of any of the offenses listed in Business and Professions Code section 19323.

- c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application.
 - d. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act.
 - e. Has engaged in misconduct related to the qualifications, functions, or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under State law.
 - f. Has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 - g. The applicant is under twenty one (21) years of age, or any older other age set by the State.
 - h. The application does not comply with required provisions of this chapter.
 - i. The required annual permit and license fees specified in this Code or the Development Agreement have not been paid.
5. The applicant shall have the right to appeal the City's decision and handled according to provisions in section 3-11-08 (L).

G. Ownership Change. Any time the property ownership and/or business operation ownership is changed, the Cannabis Dispensary permit must be renewed by the new responsible party of interest prior to assuming operation and approved under the new applicant.

H. State License Suspension. Suspension of a license issued by the state of California, or by any of its departments or divisions, shall immediately suspend the ability of a Cannabis Dispensary to operate within the City, until the state of California, or its respective department or division, reinstates or reissues the state license. Should the state of California, or any of its departments or divisions, revoke or terminate the license of a cannabis dispensary, such revocation or termination shall also revoke or terminate the ability of a Cannabis Dispensary to operate within the City of Corcoran.

I. Permit Expiration. Each Cannabis Dispensary and/or operationally necessary permit issued pursuant to this chapter shall expire twelve (12) months after the date of its issuance. Annual renewal of the Cannabis dispensary permits may be renewed as provided in Section ____.

J. Permit Revocation. Cannabis related permits issued under this chapter may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to relevant provision of the Corcoran Municipal Code.

K. **Renewal Applications.** An application for renewal of a cannabis related permit shall be filed at least thirty (30) calendar days prior to the expiration date of the current permit, and shall contain all the required information and be subject to all requirements of new applications.

L. **Appeals.** Unless specifically provided elsewhere to the contrary, an appeal of a City decision or action occurring under this chapter from the City manager or designee(s) shall be conducted as prescribed hereinafter:

1. **Written request for appeal.**

- a. Within ten (10) calendar days after the date of a decision or action of the City Manager or designee(s) occurring pursuant to this chapter, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. The failure to file a timely appeal shall constitute the failure to exhaust administrative remedies.
- b. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

2. **Appeal hearing process.**

- a. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo.
- b. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
- c. At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- d. The failure of an appealing party to appear at the appeal hearing shall constitute a failure to exhaust their administrative remedies.
- e. At the conclusion of the hearing the City Council may affirm, reverse, or modify the decision appealed. The decision of the City Council shall be final.
- f. Following the appeal hearing, an aggrieved party may seek judicial review of the City Council's appeal decision by filing a complaint with the Superior Court of Kings County, California during the period identified by California Code of Civil Procedure Section 1094.6, as may be amended.

3-11-09: Violations And Enforcement.

The authorized representatives of the City, charged with enforcing the provisions of the Corcoran Municipal Code, or any provision thereof, may enter the location of a Cannabis Dispensary at any time, without notice, and inspect the location of any Cannabis Dispensary as well as any recordings and records required to be maintained pursuant to this chapter or under applicable provisions of state law. The following provisions apply to the City's ability to investigate, enforce and remedy any compliance issues arising from a permitted Cannabis Dispensary business, operation, and/or associated employees:

A. **Unlawful Activity.** It is unlawful for any person having responsibility over the operation of a cannabis dispensary, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a dispensary under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law.

B. **Public Nuisance.** Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance. The nuisance abatement remedies and procedures identified in Title 4, Chapter 1 of this code, which are incorporated herein by reference, shall apply to nuisances existing under this chapter.

C. **Separate Violation.** Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Corcoran Municipal Code or by state law. Each day a violation is committed or permitted to continue shall constitute a separate violation. Additionally, as a nuisance, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Corcoran may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis dispensary or persons related to, or associated with, the cannabis dispensary activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City manager or designee(s) may take immediate action to temporarily suspend or revoke a cannabis dispensary permit issued by the City, pending a hearing before the City Council or its designee.

D. **Prosecution.** Each and every violation of the provisions of this chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

E. **Citation Issuance.** In addition to any other remedy available at law, an administrative citation may be issued to any person or entity that violates this chapter.

1. Whenever the City's Police Chief, designee, or a City Code Enforcement Officer determines that a violation of this chapter has occurred, the Police Chief, designee, or a Code Enforcement Officer shall have the authority to issue an administrative citation to any person or entity responsible for the violation.

2. Each administrative citation shall contain the following information:

- a. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified.
- b. The address or a definite description of the location where the violation occurred.
- c. The section of this chapter that was violated and a description of the violation.
- d. The amount of the fine for the violation.
- e. A description of the fine payment process, including a description of the time within which and the place at which the fine shall be paid.
- f. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
- g. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and.
- h. The name and signature of the individual issuing the citation.

3. The amounts of the administrative citation fines for violations of this chapter shall be set forth in a schedule of fines established by resolution of the City Council.

4. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person or entity.

F. Payment of Fines. The payment of fines is subject to the following:

1. Fines shall be paid to the City within thirty (30) days from the date of the administrative citation.
2. Any administrative citation fine paid shall be refunded if it is determined, after an appeal hearing, that a person or entity charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the citation.
3. Payment of a fine under this chapter shall not excuse, discharge, or permit any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

G. Citation Appeal. Any appeal of an administrative citation resulting from violations of this chapter shall be subject to the procedure and processes established under Title 1, Chapter 11 Civil Citations.

H. Late Payment Charges. Any person or entity who fails to pay to the City any fine imposed or amount owed pursuant to the provisions of this chapter on or before the date that the fine or amount is due shall also be liable for a late payment charge equal to ten percent (10%) of the unpaid amount, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month on the unpaid fine; provided however, the additional penalty and/or interest shall not apply if collection of the same by the City would violate state law.

I. Penalties. Any Dispensary that fails to pay the taxes and/or fees required by this Code or the Development Agreement within thirty (30) days after the due date shall pay in addition to those taxes and/or fees a penalty for nonpayment in the sum equal to twenty five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty five percent (25%) penalty if the fee remains unpaid - up to a maximum of one hundred percent (100%) of the fee payable on the due date.

J. Recovery of Administrative Citation Fines and Costs. Any person or entity that violates this chapter shall be responsible for the enforcement costs incurred by the City with respect to such violation. The City may collect any past due administrative citation fines, enforcement and collection costs, and late payment charges by use of all available legal means. Collection costs shall be in addition to any interest and/or late charges imposed upon the delinquent obligation and shall be added to and become a part of the underlying obligation. Any partial payment of an obligation, when a partial payment is permitted, will be applied first to the principal amount of the underlying obligation, then to any penalties, and then to interest.

K. Recovery of Administrative Citation Fines and Costs. Any person or entity that violates this chapter shall be responsible for the enforcement costs incurred by the City with respect to such violation. The City may collect any past due administrative citation fines, enforcement and collection costs, and late payment charges by use of all available legal means, including, without limitation, the lien procedures identified in Sections 17.94.180 and 17.94.190 of this code, which are incorporated herein by reference. Collection costs shall be in addition to any interest and/or late charges imposed upon the delinquent obligation and shall be added to and become a part of the underlying obligation. Any partial payment of an obligation, when a partial payment is permitted, will be applied first to the principal amount of the underlying obligation, then to any penalties, and then to interest.

L. Notices. The administrative citation and all notices required to be given by this chapter shall be served by personal delivery thereof to the person or entity to be notified or by deposit in the United States mail, certified mail with return receipt requested, addressed to such person to be notified at his or her last-known address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the mail.

M. Remedies Cumulative. All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

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City of

CORCORAN

FOUNDED 1914

A MUNICIPAL CORPORATION

MATTERS FOR MAYOR AND COUNCIL

ITEM #:6

MEMORANDUM

MEETING DATE: March 14, 2023
TO: Corcoran City Council
FROM: Greg Gatzka, City Manager
SUBJECT: Matters for Mayor and Council

6-A. Upcoming Events/Meetings

- March 28, 2023 (Tuesday) City Council Meeting - 5:30 PM, Council Chambers
- April 1, 2023 (Saturday) Grand Opening Celebration of Gateway Park – 10:30 AM
- April 11, 2023 (Tuesday) City Council Meeting - 5:30 PM, Council Chambers
- April 25, 2023 (Tuesday) City Council Meeting - 5:30 PM, Council Chambers
- April 29, 2023 (Saturday) Veteran's Memorial -10:30 AM, Gateway Park

6-B. City Manager's Report

6-C. Council Comments/Staff Referral Items – *This is the time for council members to comment on matters of interest.*

6-D. Committee Reports

1. Kings Waste and Recycling Agency (KWRA)
2. Kings County Association of Governments (KCAAG)
3. Kings Community Action Organization

City Offices



**COUNCIL REQUESTS OR REFERRAL ITEMS
PENDING FURTHER ACTION or RESOLUTION BY STAFF**

DATE Sent to Council/ Request made	REQUEST	STATUS	DEPARTMENT RESPONSIBLE Dept/Division
02/28/23	Homelessness encampments. Council directed staff to explore and evaluate avenues to address homeless issues.	In progress	City Manager City Attorney
02/28/23	Vacant and blighted commercial properties. Council directed staff to begin preparing an abatement ordinance.	In progress	City Manager
02/28/23	Expansion of diagonal parking along Whitley Ave.	In progress	Public Works/Community Development
02/28/23	Council directed Staff to begin preparing a public nuisance ordinance.	In progress	Community Development/Police Department