

COUNCIL AGENDA: February 17, 2015

SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

SOURCE: Administration

COMMENT: As has been reported at prior City Council meetings, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

At its last meeting on February 3<sup>rd</sup>, the City Council considered the Tulare Operational Area Task Requests (attached) received on January 20<sup>th</sup> from the County pursuant to Mutual Aid Agreement. The first Task Request was to continue to provide water delivery service by Mutual Aid Agreement for the next 120 days to the 300-gallon tanks that were previously placed by Porterville Area Coordinating Council. To date, a total of eighty (80) of these tanks are serviced by City staff and equipment on a weekly basis. The second Task Request was for the City to provide water for purchase to fill 1,500-gallon tanks for the next twelve (12) months in East Porterville, referred to as the County Household Tank Program. Both the City Council and staff expressed significant concerns relative to the provision of water, especially for the County Household Tank Program, without the commitment of a new water source to compensate for the expected impact to the City's water system. The City Council approved a 30-day extension of the current water delivery service, and deferred action on the County Household Tank Program pending the result of meetings to be conducted by City, County and State representatives toward securing a supporting new water source.

Pursuant to Council direction, a teleconference was conducted on Tuesday, February 10<sup>th</sup> involving City, County and State representatives. Through discussion, it was determined that the State could combine several funding sources to support the full-funding of a new water well to be dedicated to the City's water system. Given the funds cannot be used to purchase property, City and County representatives are evaluating several local County-owned properties to locate the new water well.

  
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Under the Task Request for the County Household Tank Program, County representatives have stated that a maximum of 2,000,000 gallons per month is requested to support the Program, though it may be up to nine (9) months before that volume of water would be necessary as the new tanks are located. A new well developed to City standards would be sufficient to support the requested volume of water, although the City may want to retain the ability to reduce the volume of water sales during the mid-summer months due to the City's water system experiencing its most taxing period, as well as the Governor's likely continued and/or enhanced mandated water conservation measures.

In a related matter, the City has been invited to participate in a Hearing conducted by Assemblymember Luis Alejo (D-Salinas) before the Assembly Environmental Safety & Toxic Materials Committee on Wednesday, February 18<sup>th</sup> in Sacramento. The purpose of the Hearing is for local non-profit, City, County and State representatives to specifically discuss the effects of the drought on the water supply in East Porterville, as well as the response to the emergency conditions in East Porterville. Mayor Stowe and Councilmember Gurrola have indicated their willingness to participate and represent the City at the Hearing, providing comment as to the City's participation and both short- and long-term proposals to address the water supply issues in East Porterville.

- RECOMMENDATION: That the City Council consider:
1. The request for continuation of water delivery service by Mutual Aid Agreement with the County effective January 10, 2015, for at least 90 days; and
  2. The request for purchase of potable water by Mutual Aid Agreement with the County effective January 20, 2015, for at least twelve (12) months.

- ATTACHMENTS:
1. Governor Executive Order B-26-14
  2. Tulare Operational Area SEMS Mission/Task Requests
  3. City Council Agenda Staff Report: February 3, 2014

**Executive Department**  
**State of California**

**EXECUTIVE ORDER B-26-14**

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

**WHEREAS** on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

**WHEREAS** drought conditions have persisted for the last three years and the duration of this drought is unknown; and

**WHEREAS** many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

**WHEREAS** the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

**WHEREAS** additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

**WHEREAS** the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.**

**IT IS HEREBY ORDERED THAT:**

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq, and California Code of Regulations. Title 19, section 2900 et seq.

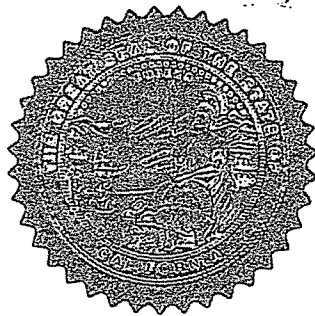
2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

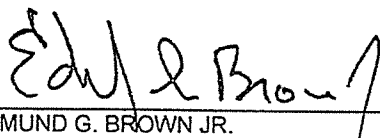
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.


I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18<sup>th</sup> day of September 2014.

  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:

  
DEBRA BOWEN  
Secretary of State





## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST **XTU-2015-LG-001**

To: **City of Porterville**

Date: **1/10/15**

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

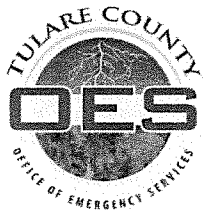
1. **As of January 10, 2015:** Renew request XTU-2014-LG-001 to continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: **120 days**

County endeavours to replace the existing tanks with larger, potable water tanks, to be filled by commercial water haulers, prior to the end of the 120 day period of this request. Should such transition be incomplete at that time, this request may be renewed. Similarly, this request may be terminated prior to expiration should such transition be completed prior to expiration, and/or if the need has abated. Should the request be terminated prior to expiration, such termination shall occur at a time mutually agreed upon.

Should City of Porterville wish to cease performing the requested task, at least 15 days prior notice is requested.



## Office of Emergency Services

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### **XTU-2015-LG-001**

#### COMPENSATION:

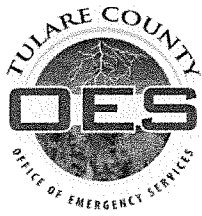
The **County of Tulare** shall reimburse the **City of Porterville** for **100%** of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The **County of Tulare** shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST **XTU-2015-LG-002**

To: **City of Porterville**

Date: **1/20/15**

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

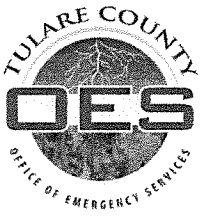
1. Provide potable water from City of Porterville municipal water system, to be purchased by County of Tulare and transported by its agents to residential tanks placed in nearby unincorporated areas as part of the County's Household Tank Program.
2. Establish parameters under which water will be provided, to include:
  - a. Cost per water unit
  - b. Equipment and administrative costs
  - c. Designated filling locations
  - d. Other desired provisions or restrictions

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: **12 months**

This request may be renewed prior to expiration should the Household Tank Program continue to operate and require source water. This request may be terminated prior to expiration by County of Tulare should the need abate; such termination shall occur at a time mutually agreed upon.

City of Porterville may terminate performance of the requested tasks for any reason. Should City of Porterville wish to cease performing the requested task, at least 15 days prior written notice is requested.



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### **XTU-2015-LG-002**

#### COMPENSATION:

The **County of Tulare** shall reimburse the **City of Porterville** for **100%** of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The **County of Tulare** shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



COUNCIL AGENDA: February 3, 2015

SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

SOURCE: Administration

COMMENT: As has been reported at prior City Council meetings, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

As was also previously reported, City Council and staff representatives were invited to participate this past October in a coordination meeting with State and County representatives in regards to the long-term water needs and possible solutions in the East Porterville area. State agencies represented in the meeting included the Governor's Offices of Emergency Services and Planning and Research, Department of Water Resources, and Department of Housing and Community Development. During the course of the meeting, the participants discussed the feasibility of the City allowing a manageable number of residents to connect to the City's municipal water system, with the remainder to have a 1,500-gallon tank placed at their residence that is proposed to be filled every other week. The Governor's Office of Emergency Services representatives indicated that they could fund the necessary water main infrastructure to connect County residents to the City's water system, and the Department of Housing and Community Development indicated they could potentially fund the individual connection fees (approximately \$5,000 per connection). In addition, the Office of Emergency Services indicated that they could fund at least one (1) and potentially two (2) new wells for both connecting residents to the City's water system, as well as provide a water source for the filling of the 1,500-gallon tanks.

It has been reported by the County that there are now at least five hundred East Porterville residences whose wells are dry, and may increase to six hundred as drought conditions continue. However, since the coordination meeting in October, the City has not been asked to participate in any further coordination meetings, nor is it aware of any further efforts toward providing funding toward the discussed long-

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term and permanent connection of approximately one hundred residences. However, the City was recently made aware by representatives of Self-Help Enterprises (County Contractor) that the size of the large individual water storage tanks has been increased from 1,500-gallons to 3,000-gallons, and that they are beginning to locate these tanks at residences in East Porterville. Referred to as the County Household Tank Program, the City received a Tulare Operational Area Task Request (attached) from the County on January 20<sup>th</sup> to provide water to fill the 3,000-gallon tanks for the next twelve (12) months pursuant to Mutual Aid Agreement. Although the Agreement states that the provision of water is subject to "Other desired provisions or restrictions," the City is not aware of any effort or funding to provide any additional water sources in support of this request. Staff has significant concerns in regards to the impact the provision of water to these tanks could have on the City's water system come the summer months.

In addition, the City also received from the County on January 20<sup>th</sup> a Tulare Operational Area Task Request (attached) to continue to provide water delivery service by Mutual Aid Agreement for the next 120 days to the 300-gallon tanks that were previously placed by Porterville Area Coordinating Council. To date, a total of sixty-five (65) of these tanks are serviced by City staff and equipment on a weekly basis. Under the County Household Tank Program, the County will be replacing the 300-gallon tanks with 3,000-gallon tanks, and requests the City continue its delivery service to the smaller tanks until they are replaced by the larger tank. The City is eligible for full reimbursement for appropriate expenses in providing assistance and support for drought-related activities, and is submitting reimbursement requests to the County for past activities.

- RECOMMENDATION: That the City Council consider:
1. The long-term planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order;
  2. The request for continuation of water delivery service by Mutual Aid Agreement with the County effective January 10, 2015, for at least 120 days; and
  3. The request for purchase of potable water by Mutual Aid Agreement with the County effective January 20, 2015, for at least twelve (12) months.

- ATTACHMENTS:
1. Governor Executive Order B-26-14
  2. Tulare Operational Area SEMS Mission/Task Requests
  3. City Council Agenda Staff Report: November 4, 2014

**Executive Department**  
**State of California**

**EXECUTIVE ORDER B-26-14**

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

**WHEREAS** on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

**WHEREAS** drought conditions have persisted for the last three years and the duration of this drought is unknown; and

**WHEREAS** many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

**WHEREAS** the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

**WHEREAS** additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

**WHEREAS** the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.**

**IT IS HEREBY ORDERED THAT:**

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq, and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

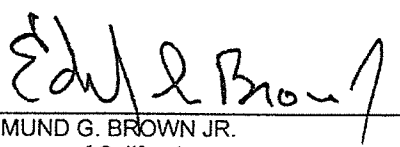
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

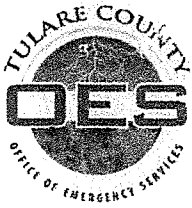
IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18<sup>th</sup> day of September 2014.



  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:

  
DEBRA BOWEN  
Secretary of State



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST XTU-2015-LG-002

To: City of Porterville

Date: 1/20/15

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

1. Provide potable water from City of Porterville municipal water system, to be purchased by County of Tulare and transported by its agents to residential tanks placed in nearby unincorporated areas as part of the County's Household Tank Program.
2. Establish parameters under which water will be provided, to include:
  - a. Cost per water unit
  - b. Equipment and administrative costs
  - c. Designated filling locations
  - d. Other desired provisions or restrictions

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: 12 months

This request may be renewed prior to expiration should the Household Tank Program continue to operate and require source water. This request may be terminated prior to expiration by County of Tulare should the need abate; such termination shall occur at a time mutually agreed upon.

City of Porterville may terminate performance of the requested tasks for any reason. Should City of Porterville wish to cease performing the requested task, at least 15 days prior written notice is requested.



## Office of Emergency Services

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### **XTU-2015-LG-002**

#### COMPENSATION:

The **County of Tulare** shall reimburse the **City of Porterville** for **100%** of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The **County of Tulare** shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



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### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST **XTU-2015-LG-001**

To: **City of Porterville**

Date: **1/10/15**

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#### TASK(S) TO BE PERFORMED:

1. **As of January 10, 2015:** Renew request XTU-2014-LG-001 to continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: **120 days**

County endeavours to replace the existing tanks with larger, potable water tanks, to be filled by commercial water haulers, prior to the end of the 120 day period of this request. Should such transition be incomplete at that time, this request may be renewed. Similarly, this request may be terminated prior to expiration should such transition be completed prior to expiration, and/or if the need has abated. Should the request be terminated prior to expiration, such termination shall occur at a time mutually agreed upon.

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### XTU-2015-LG-001

#### COMPENSATION:

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The County of Tulare shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



COUNCIL AGENDA: November 4, 2014

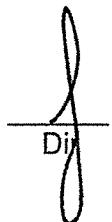
SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS


SOURCE: Administration


COMMENT: As has been reported at prior City Council meetings, Governor Brown recently issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

On Wednesday, October 15, 2014, City Council and staff representatives were invited to participate in a coordination meeting with State and County representatives in regards to the long-term water needs in the East Porterville area. State agencies represented in the meeting included the Governor's Offices of Emergency Services and Planning and Research, Department of Water Resources, and Department of Housing and Community Development. During the course of the meeting, the participants discussed the feasibility of the City allowing a manageable number of residents to connect to the City's municipal water system, with the remainder to have a 1,500-gallon tank placed at their residence that is proposed to be filled every other week (likely by Self-Help Enterprises). The Governor's Office of Emergency Services representatives indicated that they could fund the necessary water main infrastructure to connect County residents to the City's water system, and the Department of Housing and Community Development indicated they could fund the individual connection fees (approximately \$5,000 per connection). In addition, the Office of Emergency Services indicated that they could fund at least one (1) and potentially two (2) new wells for both connecting residents to the City's water system, as well as to provide a water source for the filling of the 1,500-gallon tanks.

It was reported in the meeting by the County that there are at least four hundred East Porterville residences whose wells are dry, of which the City indicated that it would begin planning toward the initial

  
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connection of at least one hundred residences, focusing on the areas that meet the LAFCO definition of an "Island", which are most probable for future annexation into the city (please see attached proposed connection map). These areas are generally in the western most part of East Porterville, and also contain some of the largest clusters of residences currently without water.

As was reported at the October 21<sup>st</sup> City Council meeting, recognizing that the Council's funding authorization for providing water delivery service in coordination with the Porterville Area Coordinating Council would soon be expended, County representatives had requested that the City consider continuing this service by Mutual Aid Agreement with the County as long-term solutions are developed and put into effect. To ensure adequate funding was available to continue water delivery service, the Council authorized the continuation of water delivery service through Friday, November 7<sup>th</sup>. Under the Executive Order's funding authorization, and by Mutual Aid Agreement, effective Monday, November 10<sup>th</sup>, the City would be eligible for full reimbursement for appropriate expenses in providing assistance and support for drought-related activities, for a period of at least sixty (60) days. Please see the attached Tulare Operational Area Task Request.

To date, the PACC has currently placed sixty-five (65) 300-gallon water tanks at East Porterville residences, which is planned to increase to one hundred (100) by the end of this month. Currently, City staff and a water truck deliver water to each residence with a tank once per week, which requires two full days to fill the tanks, and will require at least an additional day of delivery as the additional tanks are placed.

On Thursday, October 16<sup>th</sup>, representatives from the Tulare County Farm Bureau, County of Tulare, and Cities of Exeter, Lindsay and Visalia met to discuss the need for Federal legislation to address the drought. It is desired that a "one voice" letter to Federal legislators would encourage the passage of the essential drought relief bills that are currently in committee in Washington, D.C. The Draft Letter is provided for the Council's consideration and approval of support.

- RECOMMENDATION: That the City Council consider:
1. The planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order;
  2. The continuation of water delivery service by Mutual Aid Agreement with the County effective November 10, 2014, for at least sixty (60) days; and
  3. Approval of the Draft Letter requesting immediate action and support for Federal Drought Relief Legislation.

ATTACHMENTS:    1. Governor Executive Order B-26-14  
                         2. East Porterville Proposed Connection Map  
                         3. Tulare Operational Area SEMS Mission/Task Request  
                         4. Draft Letter to Federal Legislators for Drought Relief Legislation

**Executive Department**  
**State of California**

**EXECUTIVE ORDER B-26-14**

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS drought conditions have persisted for the last three years and the duration of this drought is unknown; and

WHEREAS many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

WHEREAS the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

WHEREAS additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq, and California Code of Regulations, Title 19, section 2900 et seq.
2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

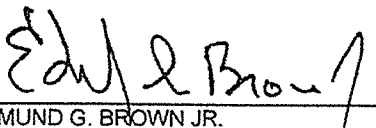
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.


I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18<sup>th</sup> day of September 2014.








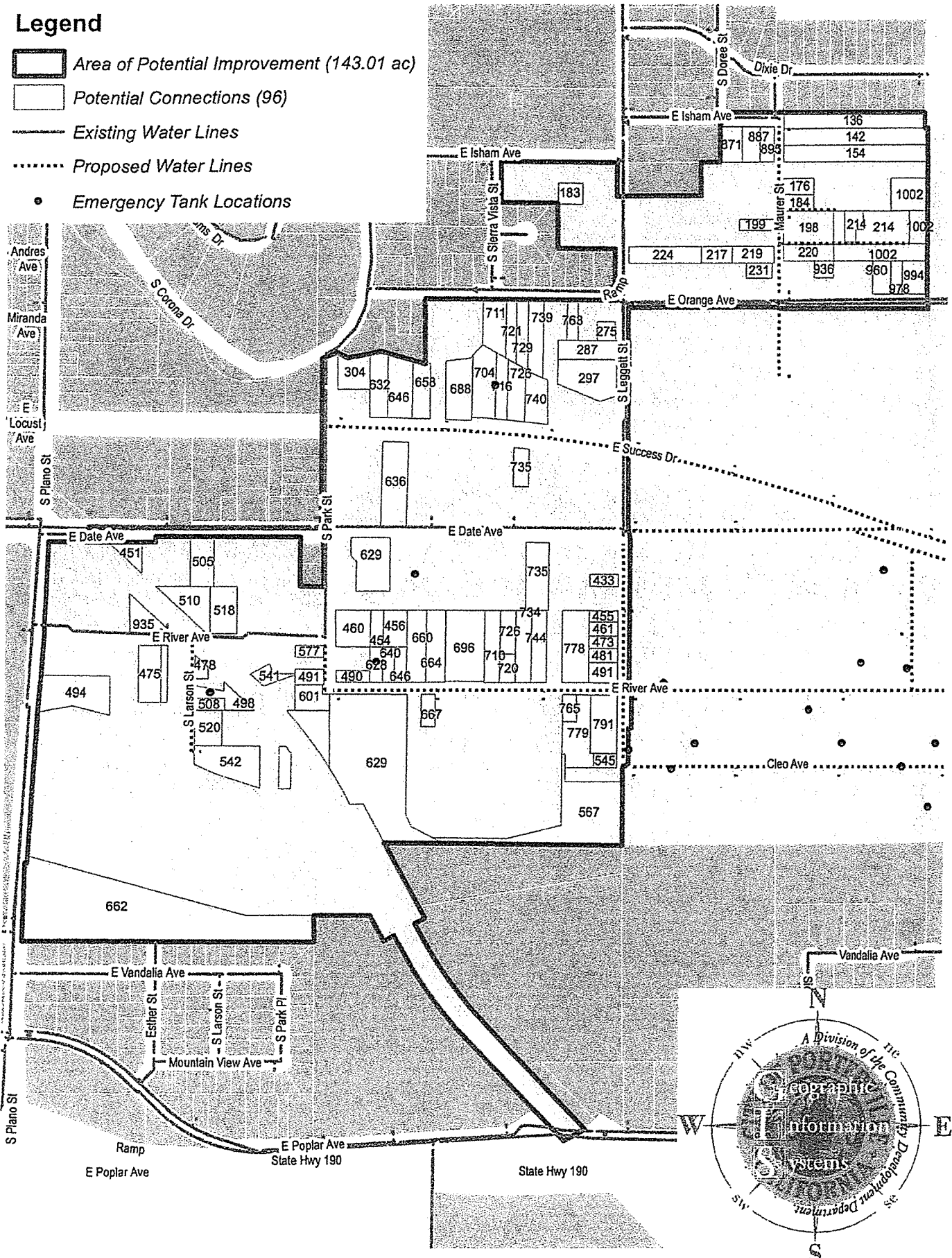
  
EDMUND G. BROWN JR.  
Governor of California

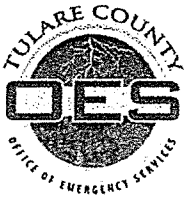
ATTEST:

  
DEBRA BOWEN  
Secretary of State

# Legend

-  Area of Potential Improvement (143.01 ac)
-  Potential Connections (96)
-  Existing Water Lines
-  Proposed Water Lines
-  Emergency Tank Locations





## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST XTU-2014-004-LG

To: City of Porterville

Date: 10/29/14

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

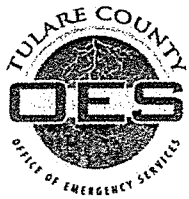
1. **As of November 10, 2014:** Continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: At least 60 days. This request is anticipated to be renewed prior to expiration, unless the need has abated; should the need abate prior to expiration, the request shall be terminated at such time as mutually agreed upon. Should City of Porterville wish to cease performing the requested task, at least 10 days prior notice is requested.

#### COMPENSATION:

The County of Tulare shall reimburse the City of Porterville for 100% of actual costs associated with this request. The County of Tulare shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent



## Office of Emergency Services

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reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



DATE

**Re: Request for Immediate Action and Support for Federal Drought Relief Legislation**

Dear U.S. Senators and Members of the House of Representatives:

Tulare County constituents continue to remain very concerned about water reliability in the San Joaquin Valley and throughout California and supports the efforts of both the House and Senate to craft legislative proposals that can respond to our urgent and dire situation and develop comprehensive long term solutions.

The Valley's economy depends on healthy rural communities that can provide safe and reliable water supplies to their residents. These residents fuel the economy in the Valley by contributing to the agricultural workforce and beyond. The bills now in conference must address storage and short term relief in the immediate future, and long term solutions for more storage infrastructure and less environmental restriction.

We write to thank each of you for the effort you have made to address the dire water situation facing the State of California. The passage of S. 2198, the Emergency Drought Relief Act out of the U.S. Senate, and H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act out of the U.S. House of Representatives, are significant and commendable milestones. The efforts you have taken are greatly appreciated. We are, however, acutely aware of the need for you to promptly resolve the differences between these bills before any legislation will become law. We also know that we are in urgent need of a change in law.

While the bills have been in conference the number of dry domestic wells in Tulare County has climbed to 724. That means more than 750 homes and more than 3,375 people are without water. The availability of surface water to curb groundwater pumping and recharge our aquifers is key to addressing the private well issue.

Therefore, we are asking each of you to work diligently and in good faith to bridge your differences. Failure will ensure that the current regulatory and policy regimes that were put in place to improve the health of the Delta and the Central Valley, but have actually done the opposite, will continue unchecked. As a result, more acreage will be fallowed further diminishing our ability to provide a safe and sustainable food supply and threatening our national security. In addition, the demands on food banks, existing high unemployment, the inability of families to pay utilities and stay in their homes, and the lack of job opportunity that already exists in disadvantaged communities will all be exacerbated.

A comprehensive solution should including the following key provisions:

**In the Short Term,**

- Immediate emergency relief from the Endangered Species Act
- Operate the State Water Project and Central Valley Project with maximum discretion and flexibility
- Cessation of restoration flows on the San Joaquin River until such a time surplus water exists beyond the needs of communities and industry

**In the Long Term,**

- Increase storage capacity within our existing reservoir systems
- Create new storage throughout the state
- Re-evaluate the current management plans to allow improved operational flexibility of our water projects

The signors below support a bipartisan effort from the House and the Senate to craft this comprehensive solution for immediate relief and long term solutions. Thereby securing a reliable water supply for our residents and to protect our robust agricultural economy. We respectfully ask for your collective help and influence to save our state from catastrophic losses.

Sincerely,