



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

FEBRUARY 15, 2017

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)

Faria ____, Johnson-Santos ____, Lewis ____, Silveira ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PRESENTATIONS – CERTIFICATES OF RECOGNITION FOR LOS BANOS AND PACHECHO HIGH SCHOOLS FUTURE FARMERS OF AMERICA (FFA) STUDENTS WHO PARTICIPATED IN 'PROJECT COMPETITION'.

6. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)

7. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
 - A. Check Register for #203036 – #203344 in the Amount of \$1,050,539.82.
Recommendation: Approve the check register as submitted.

 - B. Minutes for the February 1, 2017 City Council Meeting.
Recommendation: Accept the minutes as submitted.

 - C. City Council Resolution No. 5837 – Amendment to Agreement for City Attorney Services with the Law Offices of William A. Vaughn.
Recommendation: Adopt the resolution as submitted.

8. PRESENTATION BY MERCED COUNTY ASSOCIATION OF GOVERNMENTS REGARDING MEASURE V, THE REGIONAL TRANSPORTATION PLAN, AND THE REGIONAL TRANSPORTATION IMPACT FEE PROGRAM.
Recommendation: Informational item only, no action to be taken.

9. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)
 - A. Public Hearing – To Receive Public Comment and Consideration Regarding a Conditional Use Permit and California Environmental Quality Action (CEQA) Exemption to Allow the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place, Las Palmas Taqueria Y Mariscos, Located at 502 Pacheco Boulevard, APN 026-044-035.
 - 1) City Council Resolution No. 5838 – Approving Conditional Use Permit #2016-21 for the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place for Las Palmas Taqueria Y Mariscos Located at 502 Pacheco Boulevard.
Recommendation: Receive staff report, open public hearing, receive public comment, and adopt the resolution as submitted.

10. CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5839 – ADOPTING A REVISED BUDGET FOR THE 2016-2017 FISCAL YEAR AS IT PERTAINS TO REVENUE AND EXPENDITURES IN THE FIRE DEPARTMENT FUNDS ASSOCIATED WITH STATE HOMELAND SECURITY GRANT FUNDS FOR THE PURCHASE OF A MOBILE DECONTAMINATION TRAILER AND ACCESSORIES.

Recommendation: Receive staff report and adopt the resolution as submitted.

11. CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5840 – ADOPTING THE 2017 CITY OF LOS BANOS' EMERGENCY OPERATIONS PLAN REVISION AND THE 2017 EMERGENCY OPERATION CENTER ANNEX.

Recommendation: Receive staff report and adopt the resolution as submitted.

12. PUBLIC NOTICES. (Two Reports)

13. CITY MANAGER REPORT.

14. CITY COUNCIL MEMBER REPORTS.

- A. Tom Faria

- B. Daronica Johnson-Santos

- C. Deborah Lewis

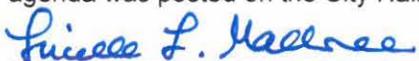
- D. Scott Silveira

- E. Mayor Mike Villalta

15. CLOSED SESSION – Conference with Real Property Negotiators, Pursuant to Government Code Section 54956.8; Property Located at 1111 G Street, Los Banos, California, (APN 026-161-003, 026-161-008 (portion)), Approximately 6.04 Acres; City Negotiators: City Manager Terrazas, City Attorney Vaughn, Finance Director Williams, Police Chief Brizzee; Negotiating Parties: Sam Watson; Under Negotiation: Purchase Price and Terms of Sale.

16. ADJOURNMENT.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.



Lucille L. Mallonee, City Clerk

Dated this 9th day of February 2017

CK # 203036 - 203344

02/15/2017

\$1,050,539.82

Bank Reconciliation

Checks by Date

User: sorozco

Printed: 02/07/2017 - 3:55PM

Cleared and Not Cleared Checks

Print Void Checks



City of
Los Banos
At the Crossroads of California

Check	Check Date	Name	Modul	Void	Amount
203036	1/26/2017	US Bank Corp Pymt System	AP		13,490.72
203037	1/26/2017	Westamerica Bank - Cafeteria Plan	AP		51,247.80
203038	1/27/2017	Advanced Chemical Transport	AP		766.80
203039	1/27/2017	Advantage Gear, Inc.	AP		102.17
203040	1/27/2017	Anthony Gomes	AP		207.13
203041	1/27/2017	Aramark	AP		86.39
203042	1/27/2017	Aramark Uniform Ser Inc	AP		581.27
203043	1/27/2017	AT&T	AP		1,057.14
203044	1/27/2017	Auto Zone Commercial	AP		29.08
203045	1/27/2017	BJ's Consumers Choice	AP		331.00
203046	1/27/2017	Bruce's Tire Inc	AP		886.06
203047	1/27/2017	BSK Associates	AP		5,070.28
203048	1/27/2017	Ca Dept of Justice	AP		922.00
203049	1/27/2017	Central Valley Toxicology, Inc	AP		432.00
203050	1/27/2017	Charles M. Salter Associates, Inc.	AP		1,800.00
203051	1/27/2017	Comcast	AP		326.14
203052	1/27/2017	Comcast	AP		808.00
203053	1/27/2017	LN Curtis & Sons	AP		285.16
203054	1/27/2017	City of Los Banos Utility	AP		4,548.03
203055	1/27/2017	Echo Process Instrumentation, Inc.	AP		397.02
203056	1/27/2017	Edges Electrical Group, LLC	AP		922.58
203057	1/27/2017	ABY MFG Group. Inc.	AP		144.31
203058	1/27/2017	Environmental Products & Accessories, LLC	AP		554.69
203059	1/27/2017	Fast Track Car Wash	AP		91.00
203060	1/27/2017	Ferguson Enterprises Inc DBA Groeniger & Company	AP		172.42
203061	1/27/2017	Edgar Godinez	AP		1,240.00
203062	1/27/2017	Hardware Distribution	AP		226.24
203063	1/27/2017	Holt of California	AP		1,653.24
203064	1/27/2017	Sandra Heredia	AP		600.00
203065	1/27/2017	Krazan & Associates Inc	AP		3,723.75
203066	1/27/2017	Lawson Products, Inc.	AP		68.29
203067	1/27/2017	Los Banos Express Oil & Lube	AP		163.85
203068	1/27/2017	Humphrey Plumbing Inc.	AP		77.00
203069	1/27/2017	Steve Macillas	AP		87.50
203070	1/27/2017	Marfab Inc	AP		682.13
203071	1/27/2017	Merced County Regional Waste Management Authority	AP		1,399.37
203072	1/27/2017	Merced County Regional Waste Management Authority	AP		73,696.86
203073	1/27/2017	Merced County Regional Waste Management Authority	AP		3,619.06
203074	1/27/2017	Merced Truck & Trailer Inc	AP		159.28
203075	1/27/2017	Merced Uniform & Accessories	AP		205.43
203076	1/27/2017	Juan Moll	AP		500.00

Check	Check Date	Name	Modul	Void	Amount
203077	1/27/2017	Napa Auto Parts	AP		22.53
203078	1/27/2017	North Central Laboratories	AP		67.90
203079	1/27/2017	The Office City	AP		516.91
203080	1/27/2017	OSE	AP		1,478.13
203081	1/27/2017	O'Reilly Auto Parts	AP		407.38
203082	1/27/2017	PG&E Company	AP		85,361.74
203083	1/27/2017	PG&E Company	AP		3,916.16
203084	1/27/2017	Pacific Water Resources	AP		1,273.07
203085	1/27/2017	Proforce Law Enforcement	AP		1,429.66
203086	1/27/2017	Provost and Pritchard Engineering, Inc.	AP		7,184.38
203087	1/27/2017	Protech Security & Electronics, Inc.	AP		60.00
203088	1/27/2017	Praise Fellowship International Church	AP		500.00
203089	1/27/2017	Scott Savage	AP		390.00
203090	1/27/2017	Angel H. Saucedo	AP		770.00
203091	1/27/2017	Sharpening Shop	AP		50.35
203092	1/27/2017	Sherwin Williams Co	AP		189.66
203093	1/27/2017	Sorensens True Value	AP		335.53
203094	1/27/2017	Sorensens True Value	AP		62.92
203095	1/27/2017	Spriggs Inc.	AP		692.83
203096	1/27/2017	Sprint Solutions, Inc.	AP		759.81
203097	1/27/2017	Syar Industries Inc.	AP		1,894.27
203098	1/27/2017	Shinnick & Ryan	AP		250.00
203099	1/27/2017	T & T Pavement Markings and Products, Inc.	AP		1,258.52
203100	1/27/2017	Terryberry Company LLC	AP		451.97
203101	1/27/2017	Tulare Firestone	AP		26.89
203102	1/27/2017	Unique Glass	AP		475.85
203103	1/27/2017	USA Blue Book	AP		326.12
203104	1/27/2017	Krystal Villa	AP		42.32
203105	1/27/2017	Stanley Smith	AP		65.39
203106	1/27/2017	Deborah Walsh	AP		42.32
203107	1/27/2017	Stephanie Delgado	AP		1.97
203108	1/27/2017	UC Construction	AP		72.02
203109	1/27/2017	RB Construction	AP		80.17
203110	1/27/2017	RB Construction	AP		70.33
203111	1/27/2017	UC Construction	AP		70.25
203112	1/27/2017	Pacifica L 27	AP		19.26
203113	1/27/2017	Granson and Graciela Clark	AP		19.26
203114	1/27/2017	AMG Enterprise, LLC	AP		13.49
203115	1/27/2017	Merced OKR, LLC	AP		36.57
203116	1/27/2017	Anna Silva	AP		2.13
203117	1/27/2017	Leonard Fernandez	AP		50.97
203118	1/27/2017	Craig & Craig Prof. Services, Gina	AP		10.60
203119	1/27/2017	Valley Vanguard Properties Inc.	AP		76.04
203120	1/27/2017	UC Construction	AP		68.83
203121	1/27/2017	Verizon Wireless	AP		588.42
203122	1/27/2017	Walmart	AP		164.39
203123	1/27/2017	West Publishing Corporation	AP		419.05
203124	1/27/2017	Jennifer Williams	AP		662.50
203125	1/27/2017	Eriberto Alonzo	AP		130.99
203126	1/27/2017	City of Atwater	AP		26,879.00
203127	1/27/2017	City of Dos Palos	AP		4,809.00
203128	1/27/2017	City of Gustine	AP		5,224.00
203129	1/27/2017	City of Merced	AP		75,075.00

Check	Check Date	Name	Modul	Void	Amount
203130	1/27/2017	City of Livingston	AP		12,383.00
203131	1/27/2017	Gerald B Davidson	AP		250.00
203132	1/27/2017	Donlee Pump Company	AP		71,230.51
203133	1/27/2017	Tommy Flynn	AP		15.00
203134	1/27/2017	Ford Motor Credit Company LLC	AP		3,689.59
203135	1/27/2017	Mary Lou Gilardi	AP		27.35
203136	1/27/2017	Jason Hedden	AP		1,790.85
203137	1/27/2017	Don Hughes Photography	AP		100.44
203138	1/27/2017	Liebert Cassidy Whitmore	AP		5,031.00
203139	1/27/2017	Los Banos Volunteer	AP		2,416.67
203140	1/27/2017	Merced County Auditor Controller	AP		1,155.00
203141	1/27/2017	Gerald "Obie" O'Brien	AP		77.14
203142	1/27/2017	PERS - Public Employees	AP		87,016.86
203143	1/27/2017	Pinnacle Medical Group	AP		103.00
203144	1/27/2017	State Water Resources Control Board	AP		60.00
203145	1/27/2017	Law Offices of William A Vaughn	AP		9,000.00
203171	2/3/2017	Aflac-Customer Service	AP		580.98
203172	2/3/2017	Franchise Tax Board	AP		40.00
203173	2/3/2017	In Shape Health Clubs Inc	AP		440.00
203174	2/3/2017	Los Banos Police Assn	AP		385.00
203175	2/3/2017	Los Banos Police Assn	AP		175.00
203176	2/3/2017	Los Banos Police Assn	AP		1,596.00
203177	2/3/2017	MassMutual	AP		1,231.04
203178	2/3/2017	MassMutual	AP		4,530.00
203179	2/3/2017	Nationwide Retirement Solutions	AP		1,550.00
203180	2/3/2017	Professional Fire Fighter	AP		630.00
203181	2/3/2017	State Disbursement Unit	AP		1,537.50
203182	2/3/2017	Vantagepont Transfer Agents - 306797	AP		1,017.40
203183	2/3/2017	Vantagepoint Transfer Agents - 705827	AP		25.00
203184	2/3/2017	Vantagepoint Transfer Agents - 801838	AP		2,025.00
203185	2/3/2017	Alhambra	AP		176.97
203186	2/3/2017	Ameripride Valley Uniform Services Inc.	AP		215.92
203187	2/3/2017	Anderson Pump Company Inc	AP		300.00
203188	2/3/2017	Aramark Uniform Ser Inc	AP		374.37
203189	2/3/2017	AT&T	AP		374.44
203190	2/3/2017	AT&T	AP		1,212.63
203191	2/3/2017	Helen Aguirre	AP		600.00
203192	2/3/2017	Dorothy June Baker	AP		128.70
203193	2/3/2017	Barton Overhead Door Inc	AP		554.89
203194	2/3/2017	Bruce's Tire Inc	AP		14.50
203195	2/3/2017	BSK Associates	AP		694.00
203196	2/3/2017	Central Sanitary Supply	AP		531.75
203197	2/3/2017	Clark Pest Control Inc	AP		152.00
203198	2/3/2017	Comcast	AP		4.26
203199	2/3/2017	Copy Shipping Solutions	AP		72.19
203200	2/3/2017	Cal Valley Construction, Inc.	AP		913.78
203201	2/3/2017	Dell Marketing L P	AP		903.23
203202	2/3/2017	Electric Drives Inc	AP		8.64
203203	2/3/2017	Espana's Restaurant	AP		226.48
203204	2/3/2017	Farmer Brothers Coffee	AP		51.57
203205	2/3/2017	Fastenal Company	AP		206.49
203206	2/3/2017	Federal Express	AP		48.88
203207	2/3/2017	Ferguson Enterprises Inc DBA Groeniger & Company	AP		1,233.11

Check	Check Date	Name	Modul	Void	Amount
203208	2/3/2017	Ferrellgas, Inc.	AP		119.88
203209	2/3/2017	Foster Bros Security Systems Inc.	AP		1,665.64
203210	2/3/2017	Adariana Garcia	AP		500.00
203211	2/3/2017	Hach Company	AP		62.51
203212	2/3/2017	Heppner Precision Machine	AP		121.69
203213	2/3/2017	Holt of California	AP		248.00
203214	2/3/2017	Home Depot	AP		3,094.26
203215	2/3/2017	ICS Jail Supplies, Inc.	AP		147.57
203216	2/3/2017	Impact Absorbents, Inc.	AP		416.90
203217	2/3/2017	Lawson Products, Inc.	AP		425.34
203218	2/3/2017	Los Banos Express Oil & Lube	AP		76.68
203219	2/3/2017	Los Banos Vet Clinic	AP		1,123.00
203220	2/3/2017	Life Line Screening	AP		600.00
203221	2/3/2017	Valley Iron Works	AP		52.00
203222	2/3/2017	Marfab Inc	AP		309.14
203223	2/3/2017	Merced Sun Star	AP		46.80
203224	2/3/2017	Merced Truck & Trailer Inc	AP		2,679.25
203225	2/3/2017	Merced Uniform & Accessories	AP		604.85
203226	2/3/2017	Miracle Playsystems, Inc.	AP		197.08
203227	2/3/2017	Napa Auto Parts	AP		13.32
203228	2/3/2017	The Office City	AP		257.76
203229	2/3/2017	OSE	AP		952.50
203230	2/3/2017	O'Reilly Auto Parts	AP		1,321.88
203231	2/3/2017	Owen Equipment Sales	AP		1,029.00
203232	2/3/2017	PG&E Company	AP		90,930.78
203233	2/3/2017	PG&E Company	AP		47.00
203234	2/3/2017	PCMG, Inc.	AP		3,445.60
203235	2/3/2017	Mark Reid	AP		585.09
203236	2/3/2017	Maria Rodriguez	AP		550.00
203237	2/3/2017	Sample Traps LLC	AP		375.00
203238	2/3/2017	Save Mart Supermarkets	AP		142.06
203239	2/3/2017	Sherwin Williams Co	AP		487.68
203240	2/3/2017	Shred-It US JV LLC	AP		194.40
203241	2/3/2017	Sorensens True Value	AP		977.27
203242	2/3/2017	Terryberry Company LLC	AP		416.97
203243	2/3/2017	Terminix Processing Center	AP		90.00
203244	2/3/2017	Universal Printing Solutions, Inc.	AP		180.00
203245	2/3/2017	Carla Martinez	AP		23.00
203246	2/3/2017	Irene Sanchez	AP		86.51
203247	2/3/2017	Valentin and Maria Granados	AP		13.49
203248	2/3/2017	Home Sweet Home Property Management	AP		11.52
203249	2/3/2017	Home Sweet Home Property Management	AP		43.74
203250	2/3/2017	Home Sweet Home Property Management	AP		33.67
203251	2/3/2017	Credit Bureau Associates	AP		170.13
203252	2/3/2017	UC Construction	AP		21.25
203253	2/3/2017	UC Construction	AP		21.25
203254	2/3/2017	UC Construction	AP		21.25
203255	2/3/2017	UC Construction	AP		21.25
203256	2/3/2017	UC Construction	AP		21.25
203257	2/3/2017	Valley Vanguard Properties Inc.	AP		35.19
203258	2/3/2017	Valley Vanguard Properties Inc.	AP		21.25
203259	2/3/2017	East Pacheco Center Inc.	AP		100.00
203260	2/3/2017	James Tillotson	AP		13.49

Check	Check Date	Name	Modul	Void	Amount
203261	2/3/2017	David and Kelly Signorotti	AP		13.49
203262	2/3/2017	Jesse Banuelos	AP		13.49
203263	2/3/2017	Aurora Zapien	AP		12.67
203264	2/3/2017	Maria Delariva-Herrera	AP		13.49
203265	2/3/2017	Casimiro Del Rio Munoz	AP		13.49
203266	2/3/2017	Dawn Burr	AP		100.00
203267	2/3/2017	Lucia's Bridal Shop	AP		7.36
203268	2/3/2017	Mary Parreira	AP		13.49
203269	2/3/2017	Harbans Singh	AP		13.49
203270	2/3/2017	Margarita Ruedas	AP		13.49
203271	2/3/2017	Rafael or Blanca Trevino, Sr	AP		13.49
203272	2/3/2017	Lucila Flores	AP		13.49
203273	2/3/2017	Daniel Torres	AP		100.00
203274	2/3/2017	Linda N & Jesus M Gonzalez	AP		13.49
203275	2/3/2017	David Biehl	AP		100.00
203276	2/3/2017	Felix Lopez	AP		13.49
203277	2/3/2017	Charles White	AP		100.49
203278	2/3/2017	Michael Tackett	AP		13.49
203279	2/3/2017	Rigoberto Campbell	AP		100.00
203280	2/3/2017	Joel & Carmen De La Torre	AP		13.49
203281	2/3/2017	Maria and Juan Ruiz	AP		13.49
203282	2/3/2017	Carlos Alvarado Lara	AP		100.00
203283	2/3/2017	Marie De La Cruz	AP		100.00
203284	2/3/2017	Carlos Contreras Isaola	AP		13.49
203285	2/3/2017	Home Sweet Home Property Management	AP		13.49
203286	2/3/2017	Thea and Roman Ordunez	AP		13.49
203287	2/3/2017	Yesenia Lopez	AP		13.49
203288	2/3/2017	Anselmo & Maria Correia	AP		13.49
203289	2/3/2017	Eddie Tumacder	AP		13.49
203290	2/3/2017	Clint Rericha	AP		13.49
203291	2/3/2017	Dario Valle Mercado	AP		13.49
203292	2/3/2017	Robert Winchester	AP		13.49
203293	2/3/2017	Ronald Ledesma	AP		13.49
203294	2/3/2017	Alicia Trujillo	AP		14.47
203295	2/3/2017	Michael Gomes	AP		13.49
203296	2/3/2017	John Romero III	AP		13.49
203297	2/3/2017	Devin Bowen	AP		13.49
203298	2/3/2017	Francisco Panduro	AP		13.49
203299	2/3/2017	Susana Pena	AP		13.49
203300	2/3/2017	Frank Bettencourt Jr.	AP		13.49
203301	2/3/2017	Samantha Bennett	AP		13.49
203302	2/3/2017	Luis Nunes	AP		13.49
203303	2/3/2017	Cornelio Guzman	AP		13.49
203304	2/3/2017	Javier Gonzalez Bedoya	AP		13.49
203305	2/3/2017	Eduardo Nava	AP		13.49
203306	2/3/2017	Tiffany Ann Pedraza	AP		13.49
203307	2/3/2017	Maria Estrada Frias	AP		13.49
203308	2/3/2017	Luis and Maria Gomez	AP		13.49
203309	2/3/2017	Rosana Soliz	AP		14.25
203310	2/3/2017	Miguel Ayala	AP		13.49
203311	2/3/2017	Alfred Munoz	AP		13.49
203312	2/3/2017	Raquel Causor	AP		100.00
203313	2/3/2017	Jesus Garcia	AP		13.49

Check	Check Date	Name	Modul	Void	Amount
203314	2/3/2017	Shelley Hiatt	AP		13.49
203315	2/3/2017	Marian Spada	AP		13.49
203316	2/3/2017	Bertha Hernandez Valdivia	AP		13.49
203317	2/3/2017	Julieta & Barry Butler	AP		13.49
203318	2/3/2017	Jorge and Jeorgina Davalos	AP		100.00
203319	2/3/2017	Erasmus Cruz	AP		13.49
203320	2/3/2017	Maria Cardona	AP		100.00
203321	2/3/2017	Maria Villalobos	AP		13.49
203322	2/3/2017	Terry Tindell	AP		100.00
203323	2/3/2017	Aaron Barcellos	AP		13.49
203324	2/3/2017	Pauline Shinseki	AP		100.00
203325	2/3/2017	Joseph Knoester	AP		13.49
203326	2/3/2017	Westside Water Conditioning	AP		253.00
203327	2/3/2017	Windecker Inc	AP		13,040.08
203328	2/3/2017	Young's Air Conditioning	AP		72.00
203329	2/3/2017	Zee Medical Service Co	AP		206.57
203330	2/3/2017	Richard A Blak Phd	AP		375.00
203331	2/3/2017	Jesse Castillo	AP		11.85
203332	2/3/2017	Chevron Usa Inc	AP		425.39
203333	2/3/2017	CSMFO	AP		75.00
203334	2/3/2017	Bradley Ellien	AP		445.06
203335	2/3/2017	Mary Lou Gilardi	AP		117.55
203336	2/3/2017	Jason Hedden	AP		857.32
203337	2/3/2017	Michael J Hill	AP		100.00
203338	2/3/2017	Sara Huff	AP		69.00
203339	2/3/2017	Pinnacle Medical Group	AP		115.00
203340	2/3/2017	Todd Silva	AP		19.31
203341	2/3/2017	John P. Soares	AP		434.19
203342	2/3/2017	Alex Terrazas	AP		88.60
203343	2/3/2017	U.S. Bank Equipment Finance	AP		1,886.45
203344	2/3/2017	Westamerica Bank - Cafeteria Plan	AP		297,576.89

Break in check sequence due to the following:
Check #203146 - 203170 (Payroll)

Total Void Check Count:	0
Total Void Check	0.00
Total Valid Check Count:	284
Total Valid Check	1,050,539.82
Total Check Count:	284
Total Check Amount:	1,050,539.82

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 1, 2017**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/HR Director Mallonee, Police Chief Brizzee, Finance Director Williams, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that staff is requesting that removal of item 11 – CLOSED SESSION – Conference with Real Property Negotiators, Pursuant to Government Code Section 54956.8; Property Located at 1111 G Street, Los Banos, California, (APN 026-161-003, 026-161-008 (portion), Approximately 6.04 Acres; City Negotiators: City Manager Terrazas, City Attorney Vaughn, Finance Director Williams, Police Chief Brizzee; Negotiating Parties: Sam Watson; Under Negotiation: Purchase Price and Terms of Sale. City Attorney Vaughn commented that they are working on this but are not quite ready to present anything new tonight but are hoping to have something on February 15, 2017.

Motion by Faria, seconded by Silveira to approve the City Council Meeting agenda as stated with the removal of item 11 – CLOSED SESSION – Conference with Real Property Negotiators, Pursuant to Government Code Section 54956.8; Property Located at 1111 G Street, Los Banos, California, (APN 026-161-003, 026-161-008 (portion)), Approximately 6.04 Acres; City Negotiators: City Manager Terrazas, City Attorney Vaughn, Finance Director Williams, Police Chief Brizzee; Negotiating Parties: Sam Watson; Under Negotiation: Purchase Price and Terms of Sale. The motion carried by the affirmative action of all City Council Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE

POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. BERTHA FARIA, Los Banos Chamber of Commerce, welcome to February, after a very productive January the Chamber is looking forward to the upcoming year, welcomed six new members to the Chamber of Commerce since her previous visit, Castro Business Services offers mobile Notary Public services as well as loan signing, Lupe Castro can be reached at 752-2583, Cara's Consulting with Dr. Niko de Paz provides much needed help and support to parents to children with Autism and will be hosting a special movie event for those families on Saturday, February 18, 2017, beginning at 9:30 a.m. at Premiere Cinemas, contact Cara's Consulting on their website at www.asdcares.com or call 489-6315, welcomed Hotel Mission de Oro in Santa Nella who kicked off their membership by holding a photo contest in which the winner's picture will be spotlighted on their website and will also receive a complimentary stay at the hotel, PMZ Real Estate has joined the Chamber as well with realtor Jeanette Boyd offering her hometown knowledge and ambition and can be reached at 675-3634, Central Valley Geeks owned and operated by Dave Hogue is located at 924 Sixth Street and has been serving Los Banos and the surrounding communities for over eleven years, Operation Packing Company Inc. presented by the Moonshine Bandits and Shiner Nation is dedicated to the collection, organization, packing, and sending of care packages to the soldiers overseas, to donate items for shipment or for more information visit operationpackingcompany.org, Friday is the deadline to order Marie Callendar pies from the Los Banos Kiwanis Club for their Valentine's Day Pie Sale, call any Kiwanis member to place an order for \$13 and pies can be picked up at the Miller and Lux Building on February 14, 2017, held their first ribbon cutting of the year on Thursday for Grid Alternatives who hosted the monthly Chamber Mixer at the Chamber office, they are a 501C3 certified non-profit organization that brings together community partners, volunteers, and trainees to implement solar power and energy efficiency for low-income families, and tonight Espana's Restaurant is celebrating their 50th Anniversary and will be bringing their 1967 menu and is a sold-out event and is expecting over 500 people to visit this evening, thanked the Amabiles and the rest of the Espana's family for their long-time Chamber membership and their combined service for the community, tomorrow we will welcome Sutter Rural Clinic with a ribbon cutting at 4:00 p.m., they are located at 1253 West I Street, on Friday Sheila Menezes and her staff at West Coast Rayz N Sprayz located at 2220 E. Pacheco Boulevard will celebrate with a ribbon cutting launching Esthetics by Cindy at 11:00 a.m. and will also hold an open house on Saturday, February 11, 2017, beginning at 10:00 a.m., Tiger Youth Football signups will be on the weekend of February 18th and 19th, 2017, in the parking lot from 9:00 a.m. until 2:00 p.m., on Saturday, February 18, 2017, Antsy McClain and the Trailer Park Troubadours will visit the Los Banos Arts Council at 7:00 p.m., get your tickets before they sell out, thanked Council. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested that item 6D – City Council Resolution No. 5834 – Amending Division 4, Salary Schedule, Employee Classifications Relating to Changes to Section E – Public Works be removed from the Consent Agenda.

Motion by Lewis, seconded by Faria to approve the consent agenda as amended as follows: Check Register for #202794 – #203035 in the Amount of \$692,608.07; Minutes

for the January 4, 2017 City Council Meeting; Minutes for the January 18, 2017 City Council Meeting; ~~City Council Resolution No. 5834 – Amending Division 4, Salary Schedule, Employee Classifications Relating to Changes to Section E – Public Works;~~ City Council Resolution No. 5835 – Approving a Boundary Map and Declaring Its Intention to Annex Property to the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) and to Levy a Special Tax Therein to Finance Certain Public Safety Services for Such Community Facilities District. The motion carried by the affirmative action of all City Council Members present.

CITY COUNCIL RESOLUTION NO. 5834 – AMENDING DIVISION 4, SALARY SCHEDULE, EMPLOYEE CLASSIFICATIONS RELATING TO CHANGES TO SECTION E – PUBLIC WORKS.

Council Member Lewis inquired as to the contract of the cost of the janitorial services the City previously held for which Finance Director Williams stated that there was two separate contracts, one being for servicing City Hall in the approximate amount of \$14,400 per year and the other contract for servicing the Miller & Lux Building, the Child Development Center and the Public Works building on Madison Avenue in the approximate amount of \$19,700 per year, the employee being hired for this custodian position would additionally be responsible for servicing the Public Works building on F Street which would in turn eliminate the current part time position that normally services that building, the total cost for cleaning services for those locations for the current contract is approximately \$37 or \$38,000; Council Member Lewis asked if the \$42,00 included benefits for which Finance Director Williams confirmed it does include the salary and the benefits based on the highest assumption being employee plus family members.

Motion by Lewis, seconded by Silveira to approve City Council Resolution No. 5834 – Amending Division 4, Salary Schedule, Employee Classifications Relating to Changes to Section E – Public Works. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5836 – ACCEPTING THE 2015-2016 FISCAL YEAR AUDIT REPORTS CONSISTING OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), THE GOVERNMENT AUDITING STANDARDS REPORT, AND THE ABANDONED VEHICLE ABATEMENT PROGRAM FINANCIAL STATEMENTS.

Finance Director Williams thanked her staff members Kim Tomas and Rosemarie Souto and the staff at Price and Paige for all the hard work they do regarding the City's budget, continued on with presenting the staff report. She then introduced Fausto, a managing partner with Price, Paige and Company, who spoke in further detail to the audit reports.

Mayor Pro Tem Silveira stated that the City receives an unmodified audit opinion and asked if Mr. Fausto explain in more detail what the language means because it's a bit confusing for which Mr. Fausto explained that when a report conducted on a certain organization shows that they are conducting business as they should, it produces a standard report which needs no modifications, therefore it is unmodified report.

Mayor Villalta stated that its come to be the norm in this City to have an unmodified report, our finances are correct, and that fact is backed by an auditor, said that it is a big

headache that Council and the City Manager do not have to worry about when the Finance department is fine tuned, thanked Finance Director Williams and her team for the great job they have done.

Mayor Pro Tem Silveira praised the Finance Department and pointed out the certificate of achievement they received for their excellence in financial reporting issued by the Government Finance Officers Association, he has been here seven (7) years and it has become the norm where we do not have findings compared to the years when he was first here there were many findings and it has gotten better and better each year, once more congratulated and thanked the Finance Department.

Finance Director Williams spoke about the award and stated that was the second year the department received that award and they are anticipating to once again receive the award for the 2015-2016 fiscal year and will inform Council when it comes through.

Council Member Faria congratulated the staff and thanked the auditing company, noted how the Finance staff is top-notch, they had a lot of work to do years ago and have come a long way to where they are now, the City is one of the most financially sound cities in the State.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5836 – Accepting the 2015-2016 Fiscal Year Audit Reports Consisting of the Comprehensive Annual Financial Report (CAFR), the Government Auditing Standards Report, and the Abandoned Vehicle Abatement Program Financial Statements. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. City Manager Terrazas stated that in February we will be having a Traffic Safety Month where the Los Banos Police Department will begin a month-long city event focusing on pedestrian safety and distracted drivers, rescheduled MCAG presentation for February 15, 2017 for council's consideration.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Stated that he attended the Empty Bowls festivities last week, plenty of soup and a lot of bowls, loves the French Onion soup, really good turn out and commended the Rotary and all the volunteers for a job well done and for raising money for a good cause.

TOM FARIA: Stated that those that attended the Frank Wiens concert saw people there from Santa Cruz, Fresno, Dos Palos, had a wonderful time, very appreciative of the audience and the beautiful concert, the Arts Council does a lot to support them and will continue to do so, spoke about how his high school choir gets to attend an opera on a scholarship, the San Francisco Opera comes in groups to town and he has been talking with the Arts Council to possibly hold some type of Opera workshop for the children in Los Banos, next week the Arts Council will host the Trailer Park Troubadours performance, very funny group, believes that will be on February 18, 2017, Kiwanis pie

fundraiser is always a welcome addition to the holiday, thanked the City and County firemen for helping cook chicken for the choir dinner fundraiser, was a very successful event selling over 300 dinners, La Morenita donated the beans, rice and tortillas and does a lot of other donating to help make the choir a financial success, thanked Assistant Fire Chief Hurley for leading the firemen in this event, see you in a couple weeks, thanks.

DARONICA JOHNSON-SANTOS: Apologized for being absent from the last council meeting, thanked City staff for sending her to the League of California Cities conference where she learned a lot and engaged in networking, thanked the City Manager for preparing her for the conference.

DEBORAH LEWIS: Congratulated Finance Director Williams and the financial staff for the great job they have done, ever since she has been on Council they have received great reviews, really proud of our staff for putting us in the position that we are in as far as monitoring finances and elevating us to the status we are at as far as awards received, thanked them again, had the opportunity to attend the Empty Bowls event and you do not go away hungry, noticed the youth made most of the bowls, joked about how she picked a very nice bowl but the City Manager grabbed the bowl she wanted, was a very well-attended and wonderful gathering with great purpose, thanked the Rotary Club for putting on the event, attended the Frank Wiens concert at the Arts Council and spoke about how she loves classical music, it was a site to be hold, encouraged others to attend his concert if he returns and other concerts put on by the Arts Council.

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MAYOR MICHAEL VILLALTA: Stated that alot has been said about the Empty Bowls event, this year the Rotary donated \$3,000.00 to the canned food drive and Police Chief Brizzee donated his hair, 8,000 cans were collected this year, if they collect 12,000 cans next year he will let them cut his hair, thanked Chief Brizzee for his contributions to this cause over the years, on behalf of the City Council he contacted Senator Feinstein's office to ask them to help intervene on the situation of the father and daughter from our City being held overseas and they, along with Congressman Costa are at a San Francisco office and they are working diligently to bring them home, heard on the news that an attorney has secured a way to bring them back but we will see, this Council did want to weigh in on this and we wish them a safe return home, at the February 15, 2017, City Council meeting there will be a presentation by MCAG, Anthony Zepeda will be here to talk about the recently passed Measure V and how the "Westside" can start utilizing these funds along with State and Federal funds in order to achieve our projects, funds from Measure V alone will not secure any large projects, reminded all that this is Black History month and many people are celebrating to let individuals know the struggles that were conquered so many years ago.

CLOSED SESSION — CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT 1111 G STREET, LOS BANOS, CALIFORNIA, (APN 026-161-003, 026-161-008 (PORTION)), APPROXIMATELY 6.04 ACRES; CITY NEGOTIATORS: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE; NEGOTIATING PARTIES: SAM WATSON;

~~**UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE.**~~ *Removed from the agenda at the beginning of the meeting.*

CLOSED SESSION – PUBLIC EMPLOYEE EMPLOYMENT, CITY ATTORNEY, PURSUANT TO GOVERNMENT CODE SECTION 54957. No reportable action.

ADJOURNMENT. The meeting was adjourned at 8:42 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Alex Terrazas, City Manager *AT*
DATE: February 15, 2017
SUBJECT: Resolution Approving Amendment to Contract City Attorney Agreement
TYPE OF REPORT: Consent Agenda

RECOMMENDATION:

Approve the attached Resolution of the City Council of the City of Los Banos Approving Amendment To Agreement For City Attorney Services.

BACKGROUND

Every general law city in California may appoint an attorney to be its legal advisor. (Cal. Govt. Code Section 36505). Given the varying legal needs of cities in California we see many diverse legal representation arrangements. The typical city attorney is an independent practitioner or a member of a law firm who provides legal services on a contractual basis. Other cities have one or more full-time attorneys who are employees of the city and work exclusively on the one city's legal matters.

In 2003, the City Council, after an RFP process, appointed William A. Vaughn as a contract City Attorney, and entered into a contract with the law firm of William A. Vaughn for legal services. The current agreement provides a monthly retainer for the services of in the amount of \$9,000.00 for unlimited monthly retainer services and requires the City Attorney to attend all meetings and provide general legal advice to the City as needed. For services outside the retainer the billing rate is \$175.00 per hour. The above rates have not been adjusted/increased since 2004 (12 years). As a contract City Attorney Mr. Vaughn does not receive employee benefits and the City is

not charged for clerical staff or general overhead for the services provided under contract.

DISCUSSION:

While the vast majority of the city attorney work is performed by the City Attorney the City retains the services of other law firms for specialty work as set forth below:

Liebert, Cassidy & Whitmore (Labor and Employment)	\$260 - \$350.00 per hour
Abbott and Kindermann, Inc. (Land Use)	\$330.00 per hour.

Staff has reviewed the rates for other contract city attorneys in the Merced County area:

City of Merced	\$29,000.00 monthly retainer; \$220 - \$300.00 per hour for non-retainer services.
City of Atwater	\$225 - \$275.00 per hour.
City of Livingston	\$210 - \$310.00 per hour.

Mr. Vaughn is requesting consideration of an amendment to the current City Attorney Agreement to increase of the monthly retainer to \$12,000.00 (equating to approximately \$220.00 per hour based upon the current hours provided under the retainer); an increase of the hourly rate for services outside the retainer to \$210.00 per hour; a \$600.00 increase to the retainer in three years and a \$15.00 per hour increase to the hourly rate for services outside the retainer in three years. This proposed increase is in line with other local jurisdictions.

FISCAL IMPACT

The annual costs for City Attorney services are not entirely predictable; due to the changing activity level of the City Departments and the number and complexity of special projects required by the City Council or City Staff, in any given year. What is certain is the \$3,000.00 per month increase in the cost of the retainer which is allocated to various city departments and allocated to the general fund and various enterprise funds.

RECOMMENDATION

Approve the attached Resolution of the City Council of the City of Los Banos Approving Amendment To Agreement For City Attorney Services.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LOS BANOS APPROVING AMENDMENT TO
AGREEMENT FOR CITY ATTORNEY SERVICES

WHEREAS, William A. Vaughn was appointed City Attorney for the City of Los Banos on May 21, 2003; and

WHEREAS, the City and the City Attorney entered a contract dated May 22, 2003 as amended in December 2004, and April 1, 2009 by which William A. Vaughn has been providing City Attorney services for the City of Los Banos; and

WHEREAS, the City and the City Attorney desire to amend their agreement for legal services.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Los Banos does hereby approve the Amendment for City Attorney Services, dated February 15, 2017 and authorizes and directs the Mayor to execute said Amendment.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the ____ day of _____ 2017, by City Council Member _____, who moved its adoption, which motion was duly seconded by City Council Member _____, and the Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

///

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed with all the formalities required by law on the date first written above.

WILLIAM A. VAUGHN

Date: _____, 2017

William A. Vaughn

CITY OF LOS BANOS, a California
municipal corporation

Date: _____, 2017

By: Michael Villalta, Mayor

ATTEST:
CITY CLERK

Lucille L. Mallonee, City Clerk

AGREEMENT FOR CITY ATTORNEY SERVICES

THIS AGREEMENT entered into as of the 1st day of April, 2009, by and between the CITY OF LOS BANOS, a California Municipal Corporation, hereinafter referred to as "CITY," and LAW OFFICES OF WILLIAM A.VAUGHN hereinafter referred to as "ATTORNEY," for the mutual benefits to be derived, hereby agree as follows:

RECITALS:

A. CITY and ATTORNEY entered a contract dated May 22, 2003 as amended in December 2004, by which ATTORNEY has been providing city attorney services for CITY.

B. CITY and ATTORNEY desire to restate and amend their agreement as set forth herein.

Based upon the foregoing Recitals and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CITY and ATTORNEY hereby agree as follows:

ARTICLE 1 APPOINTMENT OF CITY ATTORNEY

1.1. Pursuant to Government Code Section 36505, City Council of CITY hereby appoints ATTORNEY to provide contract city attorney services for CITY.

1.2. WILLIAM A. VAUGHN shall serve as City Attorney for CITY, who shall be primarily responsible to perform or cause to be performed the work described in this Agreement. ATTORNEY shall have the authority vested in City Attorneys by the applicable laws of the State of California.

1.3. The City Attorney shall be entitled to appoint one Assistant City Attorney and Deputy City Attorneys as necessary to perform the services referenced in this Agreement. The selection of the Attorney to act in the capacity of Assistant City Attorney and/or Deputy City Attorney shall be subject to the prior approval of the City Council.

ARTICLE 2 RESPONSIBILITIES OF ATTORNEY

2.1. ATTORNEY shall perform any and all work necessary for the provision of City Attorney services to CITY as set forth in the scope of services, attached hereto as Exhibit "A", and other services as may be assigned from time to time by the City Manager or City Council.

2.2. ATTORNEY represents the tasks and services required herein will be performed by ATTORNEY, or under its direct supervision, and that all personnel engaged in such work shall be fully qualified and shall be authorized and permitted under applicable state and local law to perform such tasks and services.

2.3. ATTORNEY shall perform all work required hereunder in a prompt and professional manner and shall exercise the standards of care required for the provision of legal services. Upon request or in accordance with such procedures as CITY may establish from time to time, ATTORNEY shall periodically report to CITY regarding the status of all legal matters being handled by ATTORNEY.

2.4. ATTORNEY shall comply with all applicable federal, state and local laws, ordinances, and regulations.

2.5. ATTORNEY shall not represent any party before the City Council of CITY or any of CITY's commissions, boards, or committees. Nor shall ATTORNEY represent any party in any litigation when CITY is an adversary party in such litigation.

2.6. ATTORNEY shall not be prohibited from engaging in private civil or criminal legal work providing that no private case shall be knowingly accepted or work done in connection therewith which would cause a conflict of interest to arise wherein ATTORNEY would be unable to represent CITY under this Agreement.

2.7. CITY and ATTORNEY recognize, that from time to time, it may become necessary to associate with special legal counsel for matters involving litigation, land use planning, CEQA,, labor negotiations, worker's compensation personnel or bond issue proceedings and other matters where either the City Council or ATTORNEY feel effective representation requires special legal counsel.

ARTICLE 3 RESPONSIBILITIES OF CITY

3.1. CITY shall provide full information to ATTORNEY and cooperate with ATTORNEY to the extent necessary to enable ATTORNEY to provide all services required pursuant to this Agreement.

ARTICLE 4 COMPENSATION

4.1. CITY shall compensate ATTORNEY for the Retainer and Non-Retainer Services as provided herein. CITY shall compensate ATTORNEY for Retainer Services at a rate of \$9,000.00 per month, plus reimbursable costs. CITY shall compensate ATTORNEY for Non-Retainer Services at the rate of \$175.00 per hour, plus reimbursable costs. The monthly rate for Retainer Services shall apply regardless of the number of hours of legal services actually provided.

4.2. For the purposes of the this Agreement, Retainer Services shall mean all the legal services as set forth in the attached Exhibit "B". Non-Retainer Services shall include all legal services provided to CITY other than Retainer Services, as set forth in attached hereto as Exhibit "C" and Reimbursable Services. Reimbursable Services are services for which CITY will be reimbursed by third parties and ATTORNEY may bill CITY at its current rates for all such services.

4.3. In addition to its billing for attorney services, ATTORNEY shall be paid for all of its reimbursable costs. As used herein, the term "reimbursable costs" shall include the following: ATTORNEY's normal hourly charge for paralegal services; charges for any expert witnesses, consultants or subcontractors authorized to be retained by ATTORNEY on behalf of CITY; reasonable travel, meal, and lodging expenses; registration fees for attendance at conferences and seminars, document reproduction expenses; telecopier charges; computerized research charges; litigation expenses, including without limitation court filing fees, court reporter's fees, jury fees, witness fees, and the like; and other reasonable and necessary out-of-pocket expenses. The term "reimbursable costs" shall not include any overhead or administrative charge relating to ATTORNEY's office or ATTORNEY's normal cost of equipment and supplies except as expressly set forth herein. In addition, the CITY shall reimburse ATTORNEY for any reasonable out of pocket expenses incurred in attending conferences pre approved by the CITY.

4.4. ATTORNEY shall bill CITY monthly for services performed pursuant to this Agreement. ATTORNEY shall establish such separate billing matters as deemed appropriate by CITY and consistent with this Agreement. Each bill shall be itemized and shall reflect the date each task is performed, the amount of time spent performing each task, a brief description of the task performed, and the total monthly charge. Reimbursable costs shall be separately itemized. CITY shall pay all fees and reimbursable costs due to ATTORNEY within 30 days after receipt of invoice.

ARTICLE 5 INDEPENDENT CONTRACTOR

5.1. The designated City Attorney in ATTORNEY's office shall be directly responsible and shall report to the City Council in accordance with applicable California law. Otherwise, ATTORNEY is an independent contractor and not an employee of CITY and neither CITY nor any of its employees shall have any control over the conduct of ATTORNEY or any of ATTORNEY's employees, except as herein set forth, and ATTORNEY expressly warrants not to, at any time or in any manner, represent that ATTORNEY, or any of ATTORNEY's agents, servants, or employees, are in any manner agents, servants, or employees of CITY, it being distinctly understood that said ATTORNEY is and shall at all times remain as to CITY a wholly independent contractor and that ATTORNEY's obligations to CITY are solely such as are prescribed by this Agreement.

5.2. This Agreement contemplates the personal services of ATTORNEY and ATTORNEY's partners and employees, and it is recognized by the parties hereto that a

substantial inducement to CITY for entering into this Agreement was, and is, the professional reputation and competence of ATTORNEY and ATTORNEY's employees. Neither this Agreement nor any interest therein may be assigned by ATTORNEY, except upon written consent of CITY. Nothing herein contained is intended to or shall be construed as preventing ATTORNEY from employing or hiring as many employees as ATTORNEY may deem necessary for the proper and efficient execution of this Agreement.

ARTICLE 6 TERM, RENEWAL AND TERMINATION

6.1. The Term of this Agreement shall commence on April 1, 2009 and shall continue until March 31, 2012 unless sooner terminated in the manner provided in this agreement. If on or before March 31 of each year this agreement or any extension thereof, either party does not deliver to the other a notice stating their intention not to extend this agreement, the agreement shall be deemed to be extended for an additional one year beyond the term or extended term on the same terms, and conditions as set forth in this agreement.

6.2. During the term or extended term CITY may terminate this Agreement upon written notice to ATTORNEY that this Agreement shall terminate no sooner than one hundred twenty (120) days from the date of said notice. Upon the conclusion of the notice period ATTORNEY shall be relieved from duties to CITY under this Agreement however CITY shall continue to pay the monthly retainer for one half of the remaining months of the term or extended term not to exceed twelve (12) months.

6.3. During the term or extended term ATTORNEY may terminate this Agreement upon written notice to CITY that this Agreement shall terminate no sooner than one hundred twenty (120) days from the date of said notice. Upon the conclusion of the notice period ATTORNEY and CITY shall be relieved from their obligations under this Agreement.

6.4. ATTORNEY will comply with all obligations required of it pursuant to the State Bar Act in connection with such termination and the transition to replacement counsel. ATTORNEY shall be compensated for its costs and services rendered through the effective date of such termination.

ARTICLE 7 MISCELLANEOUS

7.1. Insurance. (i) ATTORNEY carries Professional Liability/Errors and Omissions insurance in the amount of \$1,000,000 and will do so throughout the term hereof. (ii) The amount of said coverage will not be materially changed without ATTORNEY notifying CITY of such change in writing. (iii) ATTORNEY shall carry Workers Compensation insurance in amounts that satisfy all legal requirements, or otherwise comply with all laws and regulations relating to such coverage. (iv) ATTORNEY shall

carry General Liability insurance, with coverage limits in of \$1,000,000 and will do so throughout the term hereof.

7.2 Notices. Any notice to be given under this Agreement shall be given by enclosing the same in a sealed envelope, postage prepaid, and depositing the same in the United States Postal Service, addressed to ATTORNEY at 525 J Street, Suite A, Los Banos, CA 93635 and to CITY at 520 J Street, Los Banos, CA 93635, Attention: City Manager.

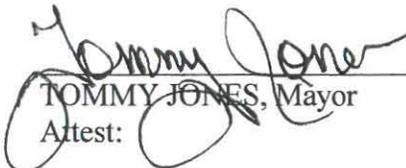
7.3. Non-Discrimination. In connection with the execution of this Agreement, ATTORNEY shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. ATTORNEY shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, or national origin. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

7.4. Interpretation of Agreement. This Agreement shall be construed and interpreted both as to validity and performance of the parties in accordance with the laws of the State of California.

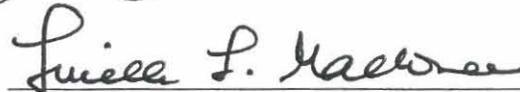
7.5 Integrated Agreement. This Agreement contains all of the agreements of the parties and cannot be amended or modified except by written agreement. No prior oral or written understanding shall be of any force of effect with respect to those matters covered in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed with all the formalities required by law on the date first written above.

CITY OF LOS BANOS



TOMMY JONES, Mayor
Attest:



LUCILLE MALLONEE, City Clerk

LAW OFFICES OF WILLIAM A. VAUGHN



WILLIAM A. VAUGHN

EXHIBIT A

SCOPE OF SERVICES:

Act as chief legal counsel to the CITY for both elected officials and staff. ATTORNEY shall represent the CITY pursuant to Rule 3-600 of the rules of Professional conduct of the California State Bar, and not any individual official, officer, or employee of the CITY except as authorized by the City Council.

Provide all of the usual and customary and necessary services of a city attorney and redevelopment agency general counsel including those matters set forth in Exhibit B and C.

EXHIBIT B

SERVICES UNDER THE RETAINER

Attendance at and preparation for all regular City Council/Redevelopment Agency/Planning Commission meetings unless excused by the City Manager, Agency Director, or Community Development Director.

Attendance at and preparation for departmental meetings, staff meetings or committee meetings deemed necessary and appropriate, or as requested by the City Manager, City Council, or Department Heads.

Review and approve as to legal form all ordinances, resolutions, agreements, contracts, and other documents of a legal nature as requested by the City Manager, City Council or Department Heads.

Provide general legal advice and representation on all matters affecting the CITY when requested by City Council, City Manager, Commissioners, Department Heads and other staff personnel as appropriate.

Consult with City Manager, Department Heads and key staff on a continuing and regular basis to provide legal advice on matters affecting the CITY.

Be available by telephone consultation with CITY staff, as needed on legal matters which are within their area of operation.

Monitor and advise the City Council and staff of significant legislation and case law affecting the CITY.

Provide general legal advice and assistance in the administration of the CITY's general liability risk management and insurance programs, including the monitoring of claims made against the CITY.

Monitor activities of any special counsel retained by the CITY, the Redevelopment Agency, or the Risk Management Authority.

Provide general conflict of interest assistance as necessary or as requested by CITY Manager, City Council, or other staff as appropriate.

Attendance at California League of Cities and City Attorney Department conferences and seminars.

Supervise outside legal services.

EXHIBIT C

SERVICES OUTSIDE THE RETAINER

Negotiation and/or preparation of agreements (i.e., Leases, Deeds, Memorandums of Understanding, Consultants Agreements, Development Agreements, PreAnnexation Agreements, Reimbursement Agreements, etc.) between the CITY and third parties.

Preparation of Ordinances, Resolutions, Special Ballot Measures and related documents and related legal research.

Legal counsel related to the acquisition and/or disposition of real property by the CITY or the Redevelopment Agency.

Legal counsel and representation related to pending or threatened litigation. Initiation on behalf of the CITY, actions against persons or entities indebted to the CITY; actions against persons or entities necessary to enforce the actions, decisions, ordinances, policies or regulations of the CITY. Defend the CITY in actions initiated against the CITY not otherwise covered pursuant to the CITY risk management program.

Representation of the CITY, its officers, officials, and/or employees in any of the courts of this state, federal court, or before any governmental board, agency or commission.

Legal counsel related to special projects as requested/approved by the City Manager.

Labor negotiations

Bond or financial services

All legal services provided to CITY other than Retainer Services.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Alex Terrazas, City Manager *AT*
DATE: February 15, 2017
SUBJECT: Presentation by Merced County Association of Governments
TYPE OF REPORT: Agenda Item

There will be an informational presentation from Merced County Association of Governments (MCAG) staff regarding Measure V, the Regional Transportation Plan and the Regional Transportation Impact Fee Program. The purpose of the presentation is to provide information regarding MCAG projects and programs and regional transportation project planning. MCAG staff will be available for questions from the City Council after the presentation.

Relative to Measure V attached is a copy of the Measure V Expenditure Plan and a Fact Sheet prepared by MCAG.

Attachments:

1. Expenditure Plan
2. Measure V Fact Sheet

**PROPOSED
2016 ½ CENT TRANSPORTATION
SALES TAX MEASURE
EXPENDITURE PLAN**

Prepared by:



369 W. 18th Street
Merced, CA 95340

APRIL 2016

Introduction

A Merced County ½ Cent Transportation Sales Tax Expenditure Plan was prepared to:

Guide more than \$450 million in transportation fund expenditures generated through the approval of a Merced County half-cent transportation sales tax over the next 30 years if approved by the voters in the November 2016 election.

The Expenditure Plan was developed by a 24-member Transportation Expenditure Plan (TEP) Committee created and appointed by the Merced County Association of Governments (MCAG) Governing Board. The committee was comprised of representatives from each of the seven member agencies (Atwater, Dos Palos, Gustine, Livingston, Los Banos, Merced and the County of Merced), as well as, a wide variety of community stakeholders representing diverse interests from across the county (Appendix C).

The Expenditure Plan will address major regional transportation needs in Merced County through the Year 2047 with the initiation of a ½ cent sales tax.

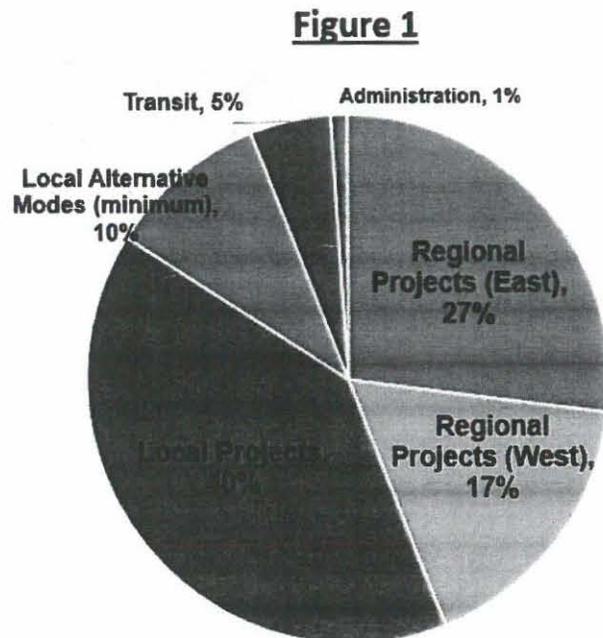
Where will the money go?

Figure 1 provides an overview of the proposed Expenditure Plan that outlines where the funds will be spent and what categories of projects will be funded.

The funding categories include:

1. Regional Projects
2. Local Projects
- 2A. Alternative Modes Projects
3. Transit, and
4. Administration.

The proposed 30-year Transportation Measure is expected to generate a total of \$450 million.



1. REGIONAL PROJECTS

44% of the Transportation Measure funds are allocated to Regional Projects which are established in the adopted Regional Transportation Plan (RTP) approved by the MCAG Governing Board. 27% must be spent on projects east of the San Joaquin River, and 17% must be spent on projects west of the San Joaquin River. The projects within the RTP were selected through a process that evaluated safety, performance measures and cost effectiveness. The RTP is updated every four years with 25 years of transportation projects. Regional Projects provide for the movement of goods, services, and people throughout Merced County and benefit multiple jurisdictions.

2. LOCAL PROJECTS

50% of the Transportation Measure funds are allocated to Local Projects to address the diverse needs of the cities and the County. The Local Projects funding category provides each of the member agencies with the flexibility to develop a priority list of local projects. This category will allow funding for projects ranging from pot-hole repair and road rehabilitation to sidewalks and safe routes to schools to freeway interchange improvements.

2.A. ALTERNATIVE MODES PROJECTS

At least 20 percent (20%) of the Local Projects funds each jurisdiction receives must be used for Alternative Modes projects. This sub-category is intended to fund projects that provide transportation alternatives including bicycle, pedestrian, passenger rail, or other modes of transportation that reduce single-occupant vehicle use.

3. TRANSIT

5% of the Transportation Measure funds are directed to support increased transit service.

4. ADMINISTRATION

The remaining 1% of the total Transportation Measure funding is directed to program implementation activities. Details regarding the administration of the funds are provided in Appendix A.

Responding to Public Needs

Two-thirds (66.7%) voter approval is necessary to pass the Transportation Measure in November 2016. In order to ensure that Merced County Association of Governments is on target with this Expenditure Plan, voters and community residents were initially surveyed to determine support for a new Transportation Measure.

The voters of Merced County responded with strong support to impose a sales tax which would lead to transportation improvements in Merced County. Meeting the needs of Merced County residents requires leveraging state and federal expenditures with local resources. Even with the passage of the Transportation Measure there will not be enough funding available to address the more than \$1 billion in transportation needs. The Transportation Measure will generate \$450 million over the next 30 years to address a portion of this need. Therefore, leveraging additional federal and state dollars, beyond what the region expects, is critical.

Most state and federal grants require a match. Counties that pass transportation sales tax measures are referred to as "Self-Help" counties and can generate the revenues to be used as matching dollars. Similar measures throughout the San Joaquin Valley and California have been very successful in this regard. Such measures have been viewed as the most important transportation programs ever approved by voters in those counties. According to the Regional Transportation Plan, Merced County needs to become a Self-Help county to achieve its goals and address its transportation needs.

The TEP Committee, which included representatives from each of the cities, the County of Merced, MCAG and a number of community stakeholders, worked together to develop the Expenditure Plan funding categories and other key components.

Annual Audit of Transportation Measure

The Transportation Measure expenditures and accounts of the local agencies and MCAG will be audited on an annual basis by an independent audit firm retained by Merced County Association of Governments. Appendix A provides additional detail regarding the Transportation Measure audit process.

Citizen Oversight

To inform the public and to ensure that the Transportation Measure revenues and expenditures are spent as promised to the public, a Citizens' Oversight Committee would be formed by MCAG as part of the new Transportation Measure. Details regarding the committee are provided in Appendix B.

Anticipated Measure Revenues

If voters approve the Transportation Measure on November 8, 2016, they will allow MCAG to impose a ½ cent retail transaction and use tax for 30 years (between April 1, 2017 and March 31, 2047). The Transportation Measure Sales Tax will:

Provide \$450 million in new revenues for transportation improvements according to financial projections through the year 2047.

This estimate considers current sales tax receipts (with no growth rate in sales tax proceeds) through March 2047. Since the project funding is shown in current dollars, the projected revenues are shown in current dollars. Actual revenues will depend on actual sales tax proceeds. The allocation of projected revenues to specific transportation funding categories is described in the following sections of this Expenditure Plan. A Transportation Measure Implementation Plan detailing current transportation projects will be updated every two (2) years to adjust the projection of sales tax receipts, ensuring that the projections are consistent with future expenditures and promises made in this initial Expenditure Plan. MCAG will have the option of issuing bonds to deliver Transportation Measure projects to reduce project costs by delivering them earlier.

Funding Categories

Through many weeks of intense discussion and hard work, the following Transportation Measure funding categories and commitments were developed by the TEP Committee. MCAG realized that providing funds for all modes of transportation would meet the quality of life intent of the new Transportation Measure. This would in turn enable agencies within Merced County to address the needs of residents, businesses, and major industries over the 30-year life of the Transportation Measure.

The Expenditure Plan will:

Provide funds for regional road improvements, public transit, rehabilitate existing roads and other transportation programs that improve mobility and air quality within the County and each of the cities.

1. Regional Projects – 44% of total

If \$450 million is collected over 30 years, then \$198 million will be available for Regional Projects - \$121.5 million on the Eastside and \$76.5 million on the Westside.

Forty-four percent (44%) of the funds will be allocated to this category.

- 27% of the total is for an Eastside share, to be spent on projects east of the San Joaquin River.
- 17% of the total is for a Westside share, to be spent on projects west of the San Joaquin River.

The dividing line between Eastside and Westside shares is the San Joaquin River. Two committees will be created to recommend projects:

- The Eastside Regional Projects Committee will consist of one council person from each City that includes area east of the San Joaquin River and each County Supervisor whose district includes area east of the River.
- The Westside Regional Projects Committee will consist of one council person from each City that includes area west of the San Joaquin River and each County Supervisor whose district includes area west of the River.

As the Local Transportation Authority overseeing the funds, the Governing Board of Merced County Association of Governments has the authority to approve recommendations made by the Regional Projects Committees. Notwithstanding the foregoing, the MCAG Governing Board shall not approve a project that has not been recommended by a Regional Projects Committee.

Regional Projects must be listed in the applicable Regional Transportation Plan, which is updated every four years and can be amended as needed. These projects provide for the movement of goods, services, and people throughout Merced County. Projects on the State Highway system or the Regional Road System or the Regional Transportation System defined by MCAG are Regional Projects. Projects located in or directly benefitting more than one jurisdiction are Regional Projects.

Examples of Regional Projects include but are not limited to:

- Improving highway and freeways
- Adding lanes to projects on the Regional Road System
- Improvements on the Regional Transportation System
- Passenger Rail
- Bus Rapid Transit
- Regional bikeways and trails
- Improvements to Regional Airports
- Transportation Demand Management benefitting more than one jurisdiction, such as vanpools and ridesharing.

Funds can be used for all phases of project development and implementation. In some cases, other sources of funding will also be used for these projects, for example State Transportation Improvement Program (STIP) funds.

2. Local Projects – 50% of total

If \$450 million is collected over 30 years, then \$225 million will be available for Local Projects.

Fifty percent (50%) of the funds will be allocated to this program. The local elected city councils and the Board of Supervisors will be the decision-making bodies for the use of these funds within their respective jurisdictions. Every year each City and the County will receive funding based on a formula using a base amount, population, and road miles. The goal is to improve the local transportation systems within each individual city and the County overall.

Local agencies in Merced County know what their needs are and how best to address them. The funding will help cities and the County to meet maintenance needs and to rehabilitate their aging transportation systems. Funds can be used for all phases of project development and implementation. Funds can be used for new projects or programs, for safety improvements, or for maintenance or operation of existing projects or programs

Potential uses include but are not limited to:

- Pothole repair
- Repaving streets
- Bridge repair or replacement
- Traffic signals
- Add additional lanes to existing streets and roads
- Improve sidewalks
- Bicycle or pedestrian facilities
- Separate street traffic from rail traffic

The funds for the Local Projects program will be allocated annually to local jurisdictions (the Cities and the County) using a formula as follows:

1. A base amount of \$150,000 will be allocated to each jurisdiction;
2. The remaining funds will be allocated based on the average of the jurisdiction's share of the total countywide population and their share of the total countywide public maintained road miles. For example, if a jurisdiction has 35% of the population and 75% of the road miles they will be allocated 55% of the funds remaining after the base amounts are allocated.

2.A Alternative Modes Projects – at least 20% of Local Projects (10% of total)

If \$450 million is collected over 30 years, then \$45 million will be available for Alternative Modes Projects.

At least twenty percent (20%) of the “Local Projects” funds each jurisdiction receives must be used for Alternative Modes projects. Each jurisdiction may use more than this minimum but not less. The goal of this sub-category of projects is to provide safe alternatives to automobile travel, increase use of alternative modes, and improve air quality and the environment. This sub-category may be used for projects and programs that provide alternatives to single-occupant vehicle use, including but not limited to:

- Sidewalks, crosswalks, safe routes to schools, ADA curb ramps, and other pedestrian projects
- Bicycle projects
- Passenger Rail
- Railroad crossing safety improvements
- Vanpools, carpools or other ridesharing programs or incentives
- Roundabouts or other air quality improvements
- or other alternative modes

This sub-category may be used for new projects or programs, for safety improvements, or for maintenance or operation of existing projects or programs. Funds can be used for all phases of project development and implementation.

This sub-category may also be used as an incentive or as matching funds for transportation-related components of sustainable communities and developments that help increase alternatives to automobiles.

Below is an example of what the annual allocation to each local jurisdiction could look like in any given year, assuming \$15,000,000 in revenue.

Jurisdiction	Example Annual Amount	20% for local alternative modes projects	80% for other local transportation needs
City of Atwater	\$615,763	\$123,152	\$492,610
City of Dos Palos	\$244,816	\$48,963	\$195,853
City of Gustine	\$246,594	\$49,319	\$197,276
City of Livingston	\$368,040	\$73,608	\$294,432
City of Los Banos	\$767,143	\$153,429	\$613,714
City of Merced	\$1,554,461	\$310,892	\$1,243,569
Merced County	\$3,703,183	\$740,637	\$2,962,546
Total	\$7,500,000	\$1,500,000	\$6,000,000

3. Transit – 5% of total

If \$450 million is collected over 30 years, then \$22.5 million will be available for Transit Projects

Five percent (5%) of the funds will be allocated to this program. The Governing Board of the Merced County Association of Governments is the decision-maker for allocating these funds. The goal of this funding category is to expand or enhance public transit services and programs.

To accomplish this important goal, funding is provided to the transit agency within the County to expand transit services. Potential uses include but are not limited to:

- New routes to enhance existing transit service
- Low emission buses
- Night and weekend service
- Bus shelters and other capital improvements
- Safer access to public transit services
- Fare reduction or subsidies

4. Administration – 1% of total

If \$450 million is collected over 30 years, then \$4.5 million will be available for Administration.

One percent (1%) of the funds will be allocated to MCAG to:

- Prepare Implementation Plan updates
- Develop funding allocation requirements
- Administer and conduct specified activities identified in the categories described above
- Prepare Annual Transportation Measure Report
- Contract for annual independent audits
- Staff the regional committees and provide technical assistance

For more information

Merced County Association of Governments
369 W. 18th Street
Merced, CA 95340
P: (209) 723-63153
F: (209) 723-0322
www.mcagov.org

Appendices

Appendix A – Expenditure Plan Administration

Governing Board and Organizational Structure

A description of the Merced County Association of Governments and its organizational structure related to the sales tax follows. The structure is consistent with the enabling legislation.

Merced County Transportation Authority Structure under the Transportation Measure

The Merced County Association of Governments (MCAG) is the Merced County Local Transportation Authority and will administer the Transportation Measure in compliance with Public Utilities Code PUC 180000 et seq. If the Transportation Measure is approved by Merced County voters in November 2016, the Authority will be responsible for administering the Transportation Measure in accordance with plans and programs outlined in this and subsequent updates of this Expenditure Plan. In addition, this Expenditure Plan includes provision for a Citizens' Oversight Committee. Details regarding the Committee are contained in Appendix B. The TEP Implementation Plan will continue to be prepared by MCAG and approved by its Policy Board and by the Authority.

PUC 180000 includes provisions regarding the number of members on the Authority Board. Specifically, the Authority will be represented by eleven (11) members including:

- Five (5) members of the Board of Supervisors
- One (1) member representing each of the six cities in Merced County: Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced consisting of members of the city council appointed by the city council

Alternates to the regular members of the authority may participate in accordance with the MCAG By-Laws.

Plan Update, Approval Process, and Expenditure Plan Amendments

Plan Review and approval process

There are three primary reports/plans that are referenced as follows:

1. The Expenditure Plan – The Expenditure Plan is approved by the voters and may be amended once a year as outlined below.
2. The Annual Report – The Annual report is prepared each year by the Citizen's Oversight Committee to provide review how sales tax receipts are being spent and publicize the results
3. Biennial Implementation Plan – Prepared every two years to outline project expenditures. The Implementation Plan will be timed to coincide with the development of the Bi-annual State Transportation Improvement Program development.

In compliance with schedules mandated in federal and state law, MCAG regularly prepares a new long-range transportation plan (RTP) that updates and renews a list of candidate projects for all transportation modes (streets, highways, public transportation, bikeways, aviation, etc.). If funds are available for any projects beyond those now listed in this Expenditure Plan, they will be drawn from that list. MCAG will have the option of issuing bonds to deliver Measure projects and programs contained in this Expenditure Plan to reduce project costs by delivering them earlier.

All updates of the Expenditure Plan will be subject to public review and public hearings. While these candidate projects may change and priorities for funding may occur, there are more than enough project

needs within the County to be addressed using all types of funding, including Transportation Measure funds. It will be vital during development of each Expenditure Plan Update to consider financing all transportation modes in order to insure a balanced and efficient transportation system. All of the projects and programs included in this Expenditure Plan are considered essential to meet the transportation needs of Merced County.

The Funding Categories and overall Funding Allocations formulas described in this Expenditure Plan may not be amended without approval of the voters.

Amendments to the Expenditure Plan

As specified in Public Utilities Code Section 180207:

- (a) The authority may annually review and propose amendments to the county transportation expenditure plan adopted pursuant to Section 180206 to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances.
- (b) The authority shall notify the board of supervisors and the city council of each city in the county and provide them with a copy of the proposed amendments.
- (c) The proposed amendments shall become effective 45 days after notice is given.

The Funding Categories and overall Funding Allocations formulas described in this Expenditure Plan may not be amended without approval of the voters.

Bi-Annual Implementation Plan

At a minimum of once every two years, MCAG will prepare and adopt a Transportation Measure Implementation Plan. This will include a financial plan consistent with the Regional Transportation Improvement Program (RTIP) and the State Transportation Improvement Program (STIP).

- MCAG staff working with member agencies and affected stakeholders will develop the Draft Implementation Plan, and will update it every two years.
- The MCAG Governing Board receives the Draft Implementation Plan and its updates and schedules public hearings to review the Plan
- The MCAG Governing Board adopts the Implementation Plan

Independent Financial Audits

If the Transportation Measure is approved by the voters, MCAG would conduct independent financial audits consistent with PUC 180000 et seq.

Implementation Guidelines

Administration Program: - 1% of the Measure

There are a number of processes that MCAG must also perform to support the Transportation Measure including maintenance of the Expenditure Plan and development of requirements associated with:

- Each of the proposed allocation programs
- The identification and prioritization of projects

It is recommended that MCAG be allocated 1% of sales tax revenue to address important activities.

Activities of MCAG are described below:

- Prepare Annual Work Program and Budget
- Develop the allocation program requirements including focused studies needed to implement the Transportation Measure
- Prepare the Implementation Plan every two years
- Develop the priority list of regional capacity increasing and rehabilitation projects
- Conduct an independent audit of Transportation Measure funds on an annual basis
- Conduct on on-going public outreach program

- Issue bonds to deliver Transportation Measure projects contained in Implementation Plan to save project costs by delivering them earlier
- Allocate Transportation Measure proceeds to the local jurisdictions consistent with the Expenditure Plan requirements
- Staff the regional committees and provide technical assistance

Bonding and Financing

MCAG will have the authority to bond and use other financing mechanisms, including, when more advantageous economically, loans from banks and other financial lending institutions, for the purposes of expediting the delivery of transportation projects and programs and to provide economies of scale. Bonds or loans, if issued, will be paid with the proceeds of the transportation sales tax. The costs and risks associated with the bonding and loans will be presented in the Implementation Plan, and will be subject to public comment before any bond sale or loan application is approved.

MCAG will also be able to use other means to accelerate the delivery of Regional Projects including partnering with other COGS, the State of California, the federal government, and other government agencies, federal authorization funds, federal earmarks, partnering with private entities, seeking outside grants and matching or leveraging tax receipts to the maximum extent possible.

Local agencies may choose to advance funds for a project, either a project specified in the plan, or a project for which they plan to use their local agency Local Project funds, and to receive reimbursement for that advancement in accordance with the plan. The fund advancement and reimbursement projections must be approved by MCAG in accordance with the voting requirements, prior to proceeding with the project. Local agencies may also accumulate funds from their Local Projects allocations over several years to fund larger or higher cost projects.

Regional Projects Contingency Fund

MCAG will also have the ability to set aside a contingency fund for Regional Projects shares of up to 5% of the annual receipts from the tax. Revenues to fund the contingency may be accumulated if revenues exceed projections.

In the event that actual revenues in any given year are less than the budgeted revenues, the MCAG Board may use the contingency fund to make up the difference between the budgeted revenues and the actual revenues. The contingency fund may also be used to fund projects where the actual cost exceeds projections.

Accountability

All business of MCAG will be conducted in an open and public meeting process in accordance with the California Brown Act. MCAG will approve all spending plans described in this document and will ensure that adequate public involvement has been included in the preparation of all spending plans. MCAG will be required to hire an independent auditor who will annually audit all sales tax expenditures, ensuring that expenditures are made in accordance with the plan, and with prudent, established accounting regulations and practices.

Maintenance of effort

The enabling legislation in Public Utilities Code PUC 180001(e) states:

It is the intent of the Legislature that funds generated pursuant to this division be used to supplement and not replace existing local revenues used for transportation purposes.

Each Agency receiving revenues for "Local Projects" shall annually maintain, as a minimum, the same level of local fully discretionary general fund revenues that were expended on average for fiscal years 2013/14, 2014/15 and 2015/16, for transportation purposes. Dedicated funds for transportation such as gas tax revenues are not counted as general fund revenues. Transfers in to the general fund will not be counted as general fund revenues. Grant awards and general fund revenues used as matching funds for grant awards will not be counted as general fund revenues.

Other Guidelines

This plan is guided by principles that ensure that the revenue generated by the transportation sales tax is spent in the most efficient and effective manner possible, consistent with the desires of the voters of Merced County. The principles outlined in this section provide flexibility needed to address issues that may arise during the life of the plan.

1. MCAG will fund both regional and local projects, and will also provide funds to local agencies to address special and localized needs.
2. MCAG is charged with a fiduciary duty in administering the transportation sales tax proceeds in accordance with the applicable laws and this Expenditure Plan. Receipt of these tax proceeds may be subject to appropriate terms and conditions as determined by MCAG in its reasonable discretion, including, but not limited to, the right to require recipients to execute funding agreements and the right to audit recipients' use of the tax proceeds.
3. The monies collected through MCAG shall be accounted for and invested separately, unless and until the funds are turned over to a local agency in accordance with the plan. At such time, the local agency shall keep a separate accounting of the monies and any and all expenditures to ensure that the monies are spent in accordance with the approved expenditure plan.
4. All meetings of MCAG will be conducted in public accordance to state law, through publicly noticed meetings. The annual budget of MCAG, annual work plan, biennial Implementation Plan, and annual report will all be prepared for public scrutiny. The interests of the public will further be protected by the Citizens' Oversight Committee described in this Plan.
5. Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefiting Merced County and its member agencies.
6. Actual revenues may be higher or lower than expected in this Plan, due to changes in receipts and/or matching or leveraging capability. Estimates of actual revenue will be programmed annually by the MCAG during its annual budget process.
7. All projects funded with these transportation sales tax funds will be required to complete appropriate California Environmental Quality Act (CEQA) and other environmental review as required.
8. Funds may be accumulated by MCAG or by recipient agencies over a period of time to pay for larger and long-term projects. If accumulated for a general purpose, the proceeds will be used for the transportation purposes described in the Expenditure Plan.
9. MCAG will have the authority to loan transportation sales tax receipts allocated to Regional Projects at prevailing interest rates to member agencies for the implementation of needed transportation projects, provided that a guaranteed revenue stream is devoted to repay such a loan over a maximum amount of time, and provided that the loan will not interfere with the implementation of programs or projects defined in the Expenditure Plan. Loaning of funds allocated to Regional Projects requires 2/3rds MCAG Board approval and approval by the affected Regional Committee.
10. Each Local jurisdiction shall have the authority to loan transportation sales tax receipts allocated to them for Local Projects to member agencies for the implementation of needed transportation projects.
11. New incorporated cities or new transit agencies or services that come into existence in Merced County during the life of the Expenditure Plan could be considered as eligible recipients of funds through a Plan Amendment, and an additional position created on the governing board.

Appendix B – Citizens Oversight Committee

Committee Purpose

- To provide input on implementation of the Plan, and to advise the MCAG Board if and when the Plan needs to be augmented and to ensure that the funds are being spent in accordance with the Plan.
- To inform the public and to ensure that the Transportation Measure (Measure) funding program revenues and expenditures are spent as promised to the public.

Administrative Issues

Committee Formation

- The Committee will be formed within six (6) months upon approval of the Transportation Measure by the voters of Merced County in November 2016.
- The Committee shall not be amended out of the Expenditure Plan.
- Meetings will commence when Transportation Measure revenues are recommended for expenditure; including Implementation Plan updates.

Selection and Duties of Committee Chair and Vice Chair

- The Committee shall select a Chair and Vice Chair from the members, each of whom shall serve a one (1) year term.
- The duties of the Chair will be to call meetings, set agendas, and preside over meetings.
- The duties of the Vice Chair will be to perform the same duties described above in the absence of the Chair.

Committee Meetings

- The Committee will hold one formal meeting annually, with additional meetings scheduled as needed by the Committee.
- All Committee meetings must be held in compliance with the Brown Act.
- All meetings will be conducted per "Robert's Rules of Order".

Subcommittee Requirements

- The Committee may elect to form subcommittees to perform specific parts of its purpose.
- All subcommittees shall have an odd number of members.

Committee Membership, Selection, and Quorum

Membership & Selection

The Committee will be designed to reflect the diversity of the County. The Committee will consist of 14 members. Each organization represented on the Citizens' Oversight Committee will nominate its representative; with final appointments approved by the governing board of MCAG. The membership shall be as follows:

- One member will be appointed by each City and the County (Total of 7)
- One representative from the building industry
- One representative from the agriculture industry
- One representative from an ethnic community group
- One representative from a major private sector Merced County employer
- One representative from an advocacy group representing bicyclists and pedestrians, and/or transit
- One member who is a professional in the field of audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector
- One representative from an environmental advocacy group

In the case of the final four representatives, applications from residents within Merced County who are over the age of 18 will be solicited and accepted. The representatives will be selected by the MCAG Governing Board.

Quorum

- A quorum will be no less than eight (8) members of the Committee
- An action item of the Committee may be approved by a simple majority of those present, as long as the quorum requirement is met.

Term of Membership

- Terms of membership will be for two (2) years. No member may serve more than 8 years.
- Members may be reimbursed for authorized expenses, but not be compensated for their service on the Committee.
- In an effort to maintain Committee member consistency, during the first two (2) years of the Committee, terms will be staggered with 7 of the members to serve a one-year term, 7 of the members to serve a two-year term. The length of the first terms will be determined via random selection.
- Proxy voting will not be permitted.

Eligibility

- U.S. citizen 18 years of age or older who resides in Merced County
- Not an elected official at any level of government
- Not a public employee at any State, County or local city agencies
- Must submit an annual statement of financial disclosure consistent with Fair Political Practices Commission (FPPC) rules and regulations and filed with the Authority

Staffing

- MCAG will staff the Committee and provide technical and administrative assistance to support and publicize the Committee's activities.
- MCAG services and any necessary outside services will be paid using the MCAG's Transportation Measure Administration revenues.
- Expert staff will be requested to provide information and make presentations to the Committee, as needed.

Responsibilities

The Committee may receive, review and recommend any action or revision to plans, programs, audits or projects that is within the scope of its purpose stated above. Specific responsibilities include:

- Receive, review, inspect, and recommend action on independent financial and performance audits related to the Transportation Measure
- Receive, review, and recommend action on other periodic reports, studies and plans from responsible agencies. Such reports, studies and plans must be directly related to Transportation Measure revenues or expenditures
- Review and comment upon Measure expenditures to ensure that they are consistent with the Expenditure Plan
- Annually review how sales tax receipts are being spent and publicize the results
- Present Committee recommendations, findings, and requests to the public and MCAG in a formal annual report to inform Merced County residents how funds are being spent.
- The Committee will have full access to the MCAG independent auditor and will have the authority to request and review specific information, with the understanding that the Committee will rely upon data, processes and studies available from MCAG, and other relevant data generated by reputable sources. It is understood; that MCAG will be continuously striving to improve the reliability of data and to update analytical and modeling
- processes and that the Committee will be kept abreast of any such efforts, and is invited to participate in development of such updates in a review capacity.

The Committee will assist MCAG in taking advantage of changing situations with technical and transportation developments in the future. Therefore, the provisions regarding the Committee make up, processes and protocols are viewed through 2047 based upon a 2016 perspective, and are not meant to be unduly restrictive on the MCAG and the Committee's roles and responsibilities.

Appendix C – TEP Steering Committee Roster

MCAG/Merced County	Deidre Kelsey Hub Walsh
Leadership Council for Justice and Accountability	Kaylon Hammond
Hilmar	Mike Seward
Assembly Member Adam Gray	Ryan Heller
Caltrans	Tom Dumas
Transit	Rich Green
Merced Boosters	Michael Carpenter Vinton Thengvall
Greater Merced Chamber of Commerce	Adam Cox
Golden Valley Health Centers	Mary-Michal Rawling
UC Merced	Phillip Woods
Merced College	Paul Baxter
City of Gustine	Ellen Hasness Pat Nagy
City of Dos Palos	Jerry Antonetti Michael McGlynn
City of Los Banos	Mike Villalta Steve Carrigan/Gary Brizzee
City of Atwater	Jim Price Scott McBride
City of Merced	Josh Pedrozo Tony Dossetti - Alternate
City of Livingston	Alex McCabe
Agriculture	Diana Westmoreland Pedrozo

MERCED COUNTY

1/2 Cent Sales Tax Transportation Expenditure Plan

The Problem

Our region is facing a serious funding shortfall. We are unable to maintain our streets, roads, bridges, sidewalks and other critical components of our region's transportation infrastructure. As state and federal funding continue to decline and our local and regional transportation systems continue to deteriorate, additional revenue is needed to not only maintain the current system but also expand to meet the needs of our growing population.

\$380 million

amount needed to maintain our local streets and roads through 2040

\$1.1 billion

amount needed to expand our regional roads and highways through 2040

\$450 million

amount of new revenue the proposed sales tax is projected to generate over 30 years

The Solution

If approved by voters in November 2016, a half-cent sales tax could generate more than \$450 million in new revenue to address our transportation needs over the next three decades.

The proposed Transportation Expenditure Plan outlines a flexible approach to spending these funds, providing transportation funding directly to our local governments and setting aside funding for projects of regional benefit along our highways and regionally significant corridors.

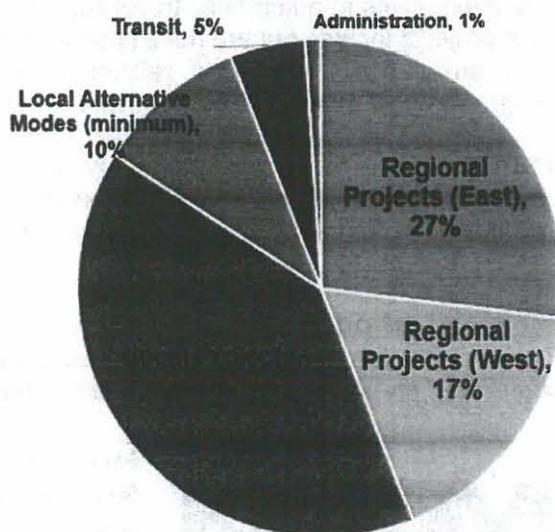
Who developed the Transportation Expenditure Plan?

The Plan is the product of a collaborative process involving a broad range of engaged stakeholders from throughout the county. The 24-member committee was comprised of representatives from the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced, the County of Merced, and a wide variety of community stakeholders representing diverse interests from across the county.

Where will the money go?

The proposed transportation sales tax is estimated to generate \$15 million annually, to be allocated to the following categories:

- Regional Projects
- Local Projects and Alternative Modes
- Transit
- Administration



Local Shares	Annual Amount	30 Year Total
Atwater	\$615,763	\$18 million
Dos Palos	\$244,816	\$7 million
Gustine	\$246,594	\$7 million
Livingston	\$368,040	\$11 million
Los Banos	\$767,143	\$23 million
Merced	\$1,554,461	\$47 million
County	\$3,703,183	\$111 million
Regional Shares	Annual Amount	30 Year Total
Regional Projects – Eastside	\$4,050,000	\$122 million
Regional Projects – Westside	\$2,550,000	\$77 million
Transit	\$750,000	\$23 million

Regional Projects: 44% of the total annual revenue will be dedicated to regional projects located in or directly benefiting more than one jurisdiction in Merced County. With the San Joaquin River serving as the geographic boundary, 27% of these funds will be dedicated to projects on the eastside of the county, while 17% will fund projects on the westside. Examples of regional projects include but are not limited to: improving highways and freeways, investing in passenger rail and supporting vanpools and other ridesharing programs.

Local Projects & Alternative Modes: 50% of the total annual revenue will be allocated directly to local jurisdictions based their share of the County's population and maintained road miles. This funding will give local jurisdictions the flexibility to address local transportation needs including but not limited to: repairing potholes and bridges, repaving streets, replacing traffic signals and improving sidewalks and bicycle facilities.

As local jurisdictions invest these funds into their communities, at least 20% of the local funds received must be used for Alternative Modes projects. The goal of this requirement is to provide safe alternatives to automobile travel such as biking, walking and passenger rail. Examples of such projects include but are not limited to: sidewalks, crosswalks, safe routes to schools, curb ramps, bicycle projects, railroad crossing safety improvements, ridesharing programs, and other air quality improvement projects.

Transit: 5% of the annual revenue will be dedicated to improving The Bus – our region's county-wide public transit system. These funds may be used to enhance and expand transit services and programs including bus shelters, fare reductions, and improved services for seniors, the disabled and veterans.

Administration: 1% of the annual revenue will be allocated to Merced County Association of Governments for administrative responsibilities including administering a citizens' oversight committee, preparing annual reports and contracting for annual independent audits.



For more information:

Stacie Dabbs, Public Information Officer
 (209)723-3153 or stacie.dabbs@mcagov.org

<http://www.mcagov.org/240/Transportation-Expenditure-Plan>



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director 

DATE: February 15, 2016

SUBJECT: Las Palmas Taqueria y Mariscos Restaurant Conditional Use Permit #2016-21 for the On-Sale of Beer and Wine

TYPE OF REPORT: Public Hearing

Recommendation:

That the City Council would consider adopting a Resolution approving Conditional Use Permit #2016-21 for the on-sale of beer and wine, Type 41 alcohol license, at Las Palmas Restaurant located at 502 Pacheco Blvd.

Background:

On January 25, 2017, the Los Banos Planning Commission held a Public Hearing to review a request for a Conditional Use Permit for the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with an eating place for Las Palmas Taqueria y Mariscos Restaurant. At the public hearing, the Planning Commission considered the application including the report and presentation by staff and public comment. As the recommending body, the Planning Commission recommended approval of Conditional Use Permit #2016-21 to the Los Banos City Council.

Discussion:

The applicant, Lazaro Arreola (d.b.a Las Palmas Taqueria y Mariscos), is requesting a Conditional Use Permit for the on-sale of beer and wine for a Type 41 alcohol license in

conjunction with an eating place (Mexican restaurant) located at 502 Pacheco Blvd. The restaurant location has been historically operated as a Dairy Queen and in January of 2016, was converted into a Beach Burger Restaurant and in September 2016, was reopened with a new business owner as Las Palmas Taqueria y Mariscos.

The Taqueria is open 7 days a week and serves breakfast, lunch, and dinner. The hours of operation are 10:00 a.m. to 10:00 p.m. each day. The property is located in the Highway Commercial Zoning District and is surrounded by various commercial uses such as DLP Real Estate, The Laundry Depot, M & M Restaurant, Pizza Hut, and Wendy's Restaurant.

LOCATION AND ACCESS:

The project site is located at 502 Pacheco Blvd. more specifically identified as Assessor's Parcel Number: 026-044-035. The project site is located within the Highway Commercial zoning District.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Commercial	H-C	Commercial
North	Commercial	H-C	Commercial
South	Commercial	H-C	Commercial
East	Commercial	H-C	Commercial
West	Commercial	H-C	Commercial

H-C = Highway Commercial

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for the on-sale of beer and wine for a restaurant involves the permitting and licensing of an existing private structure and involves no expansion at 502 Pacheco Blvd.

USE PERMIT ANALYSIS

Code Requirements

Pursuant to the Los Banos Municipal Code Section 9-3.2322, a Conditional Use Permit is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. The Planning Commission is the recommending body and the City Council is the decision making body for Conditional Use Permits for the on-sale and off-sale of alcoholic beverages. A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

General Use Permit Criteria:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;
3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations:

1. The primary use is a Mexican restaurant (dine in).
2. The surrounding area, adjacent uses, and function are primarily commercial (laundromat, restaurants, and offices) in nature. A restaurant providing for the on-sale and serving of beer and wine in this location is compatible with the commercial nature of the area.
3. Staff is unaware of any significant problems related to crime and loitering, in the surrounding area which would be exacerbated by the on-sale of beer and wine at this location.
4. There are only three other establishments in the near vicinity which serve (on-sale) alcohol, which is M & M Restaurant (Type 47) located across the street to the west of the project site, Pizza Hut (Type 41) which is located southwest of the project site, and Mountain Mikes Pizza (Type 41) which is located southeast of the project site. The addition of this location for the on-sale of beer and wine will not contribute to the undue proliferation of alcohol sales in the area where that use would be undesirable taking into account the characteristics of the area. Additionally, the project will include conditions of approval which will regulate the operational characteristics of allowing the serving of beer and wine and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.
5. The proposed use is not located within the immediate vicinity to any churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds. The nearest school would be Los Banos Elementary School which is located approximately 850 feet east of the project site.
6. The project is located on Pacheco Boulevard, which is primarily occupied by commercial uses. Conditions of approval will regulate loitering and operational characteristics to insure that the proposal will not interfere with the movement of people along the public right-of-way.

7. The nearest residence is located approximately 120 feet north of the entrance of the restaurant. The project will include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity.

All sales and consumption of beer and wine will be conducted inside the premises and in conjunction with the serving of food. In addition, the project will be subject to conditions which will mitigate any adverse effects on the surrounding neighborhood and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. The restaurant will also be subject to the Los Banos Municipal Code Noise Ordinance.

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 41 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Zoning Code.

ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license
- f) The personal conduct of the licensee

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

48	Jesse's Bar	627 I Street
48	Rincon Bohemio	534 I Street
41	Tacos Campesinos	651 I Street
47	Mariscos Munoz (M&M)	400 Pacheco Blvd.
41	Me n Eds Pizzeria	846 W. Pacheco Blvd.

Type 41 license = on-sale beer and wine Type 47 license = on-sale general alcohol
Type 48 license = on-sale general public premises

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on February 3, 2017. As of the date of this staff report, no comments have been received.

Reviewed by:

Alex Terrazas, City Manager

Attachments:

1. Resolution
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Floor Plan
3. Site Photos
4. Public Hearing Notice – February 3, 2017

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2016-21 FOR THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE FOR LAS PALMAS TAQUERIA Y MARISCOS LOCATED AT 502 PACHECO BOULEVARD

WHEREAS, the applicant, Lazaro Arreola, Inc. (d.b.a. Las Palmas Taqueria y Marsicos), has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with an eating place located at 502 Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 026-044-035; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2016-21 for Las Palmas Taqueria y Mariscos was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on February 3, 2017, and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission held a public hearing on January 25, 2017, for the purpose of considering Conditional Use Permit #2016-21 and at the completion of the public hearing, duly considered the evidence presented and recommended approval of Conditional Use Permit #2016-21 to the Los Banos City Council; and

WHEREAS, the Los Banos City Council has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the City Council of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby affirm the determination that the project is categorically exempt and approves Conditional Use Permit #2016-21 to allow the on-sale of beer and wine in conjunction with an eating place, Type 41 license, for Las Palmas Taqueria y Mariscos located at 502 Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 026-044-035, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of February 2017, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2016-21 – LAS PALMAS TAQUERIA Y MARISCOS

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2016-21 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the on-sale of beer and wine involves the permitting and licensing of an existing private structure and involves no expansion at 502 Pacheco Boulevard.
2. Conditional Use Permit #2016-21 was adequately noticed on February 3, 2017, for consideration at a public meeting on February 15, 2017.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Los Banos City Council considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL FOR CONDITIONAL USE PERMIT #2016-21 – LAS PALMAS TAQUERIA Y MARISCOS

The City of Los Banos City Council hereby finds as follows:

1. General Findings:

- a. The project is consistent with the City of Los Banos General Plan.

The existing General Plan land use designation for the project site is Mixed Use, which is intended for mixed use development, located downtown, allowing for a mixture of commercial, office, institutional, public/semi public, and residential uses.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

ECONOMIC DEVELOPMENT POLICY ED-G-7:

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

LAND USE POLICY LU-G-10:

Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

Evidence/Analysis: Las Palmas Taqueria y Mariscos will have the ability to provide a wider range of service for its customers and allows the restaurant to compete with similar type businesses. The proposed use would expand an existing commercial use that is compatible with and complementary of existing commercial uses adjacent to the project site. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use.

Evidence/Analysis: The on-sale of beer and wine will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the store is located. The project contains conditions of approval which regulate the operational

characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use.

Evidence/Analysis: The on-sale of general alcohol will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the restaurant is located. The project contains conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

3. That the proposed use is compatible with the adjacent uses, properties, and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Evidence/Analysis: The proposed use will be conducted within the Pacheco Corridor Commercial District and will not result in significant operational changes to the existing commercial area. The areas function and character is Commercial, which includes uses that serve alcohol. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

2. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: The primary use in conjunction with the serving of beer and wine is a restaurant. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently 13. The census tract area and function is primarily commercial in nature, and is entirely consistent with a restaurant and the on-sale and serving of beer and wine. The proposed on-sale of beer and wine is complementary to the restaurant use that is compatible with and complementary of existing commercial uses in the area. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety,

or welfare of persons and property in the vicinity including crime prevention and loitering. Staff is unaware of any significant problems in the area related to crime and loitering, which would be negatively affected by the on-sale of beer and wine at this location.

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: There are no such uses within the immediate vicinity of the project site. Conditions of Approval have been incorporated into the project which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity. The nearest school is located approximately one-third of a mile north of the project site. The proposal will not adversely affect these uses as alcohol will not be consumed outside of the premises and is not the primary use of the premises.

3. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: Alcohol will not be allowed to be consumed beyond the premises of the restaurant at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Signage will also be provided on the property and building which prohibit loitering. It is not anticipated that the on-sale of general alcohol at this location will adversely affect any important pedestrian right of ways.

4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: The nearest residential window is located more than 100 feet away from the front entrance of Las Palmas Taqueria y Mariscos and the restaurant will be subject to the Los Banos Municipal Code Noise Ordinance. It should be noted that there is significant traffic noise generated by Pacheco Blvd., and it is not anticipated that the on-sale of beer and wine at this location will disrupt the sleep of nearby residents. The project will include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

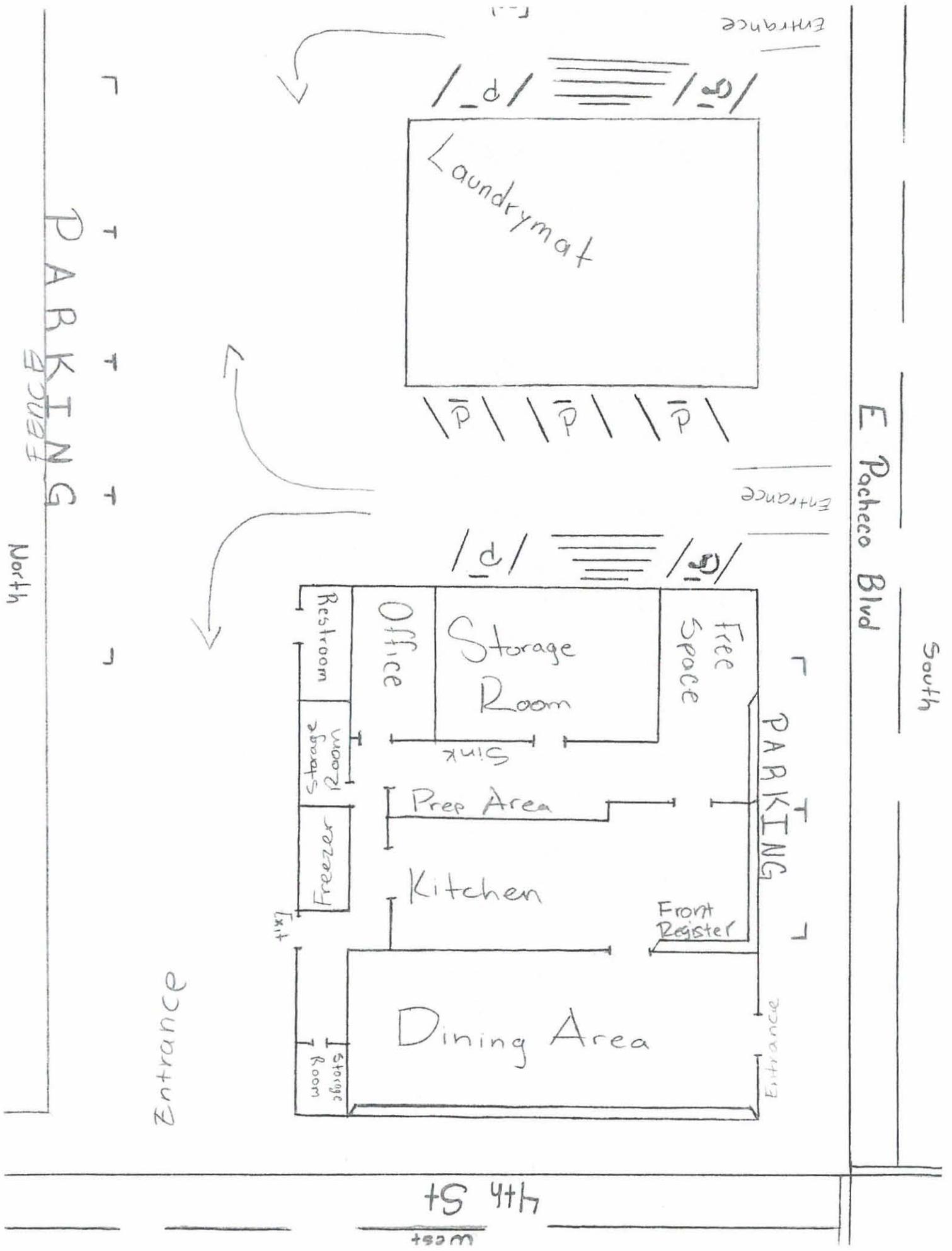
EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-21 – LAS PALMAS TAQUERIA Y MARISCOS

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. Conditional Use Permit 2016-21 is for Las Palmas Taqueria y Mariscos located at 502 Pacheco Boulevard; more specifically identified as Assessor's Parcel Number: 026-044-035 and the requested use shall automatically and without notice expire after one (1) year from date of approval by the Los Banos City Council unless commenced. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or significant change to the primary use and the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application. The Conditional Use Permit shall automatically and without notice expire one year after discontinuance of the primary use and/or the uses approved under the Conditional Use Permit.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 41 "on-sale beer and wine in conjunction with a bona-fide eating place" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Community and Economic Development Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the exterior of the premises free of litter and trash at all times including the parking lot areas in front of the premises. No storage of equipment, supplies, or merchandise of any kind shall be allowed in the front or rear exterior of the building. All deliveries shall be made from the rear of the building.

7. The City Council reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol on the premises.
8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including adjacent public sidewalks and the parking lot areas (front and rear), shall be sufficiently illuminated, to the satisfaction of the Police Chief, during all hours of darkness when the premises are open for business in a manner so that persons accessing those areas at night are identifiable by law enforcement personnel.
10. The premises shall be operated primarily as a restaurant as described in the application prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Conditional Use Permit. The applicant shall notify the Community and Economic Development Department of any substantial or significant changes in use or operation of the premises from the Operational Statement. The onsite consumption and sale of general alcohol shall be ancillary to the primary use as a restaurant.
11. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
12. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code continue to be valid upon change of ownership of the site or structure which was the subject of the Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met. The applicant shall immediately notify the Community and Economic Development Department of any changes in ownership.

13. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
 - a. Conditions of approval have not been fulfilled;
 - b. A significant change or intensification of the approved use;
 - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
14. Consumption of alcohol shall only be allowed on the premises of the restaurant. Outside patio consumption of alcohol shall only be permitted with a minimum 4-foot barrier between the public right-of-way and restaurant patrons to be approved by the Community and Economic Development Director.
15. No loud amplification of music or voice is allowed outside.
16. The applicant/operator shall have monitoring cameras in the exterior and interior of the restaurant at all times to the satisfaction and approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.
17. The premises shall be operated in accordance with the Los Banos Municipal Code Noise Ordinance.
18. The applicant shall acknowledge and execute receipt of a copy of the foregoing Conditions of Approval.
19. The applicant/operator shall provide signs prohibiting loitering on the property and/or building subject to the approval of the Community and Economic Development Director.
20. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**



Entrance

Laundrymat

Entrance

Free Space

Office

Storage Room

Sink

Prep Area

Kitchen

Front Register

Dining Area

Restroom

Storage Room

Freezer

Exit

Storage Room

PARKING

E Pacheco Blvd

South

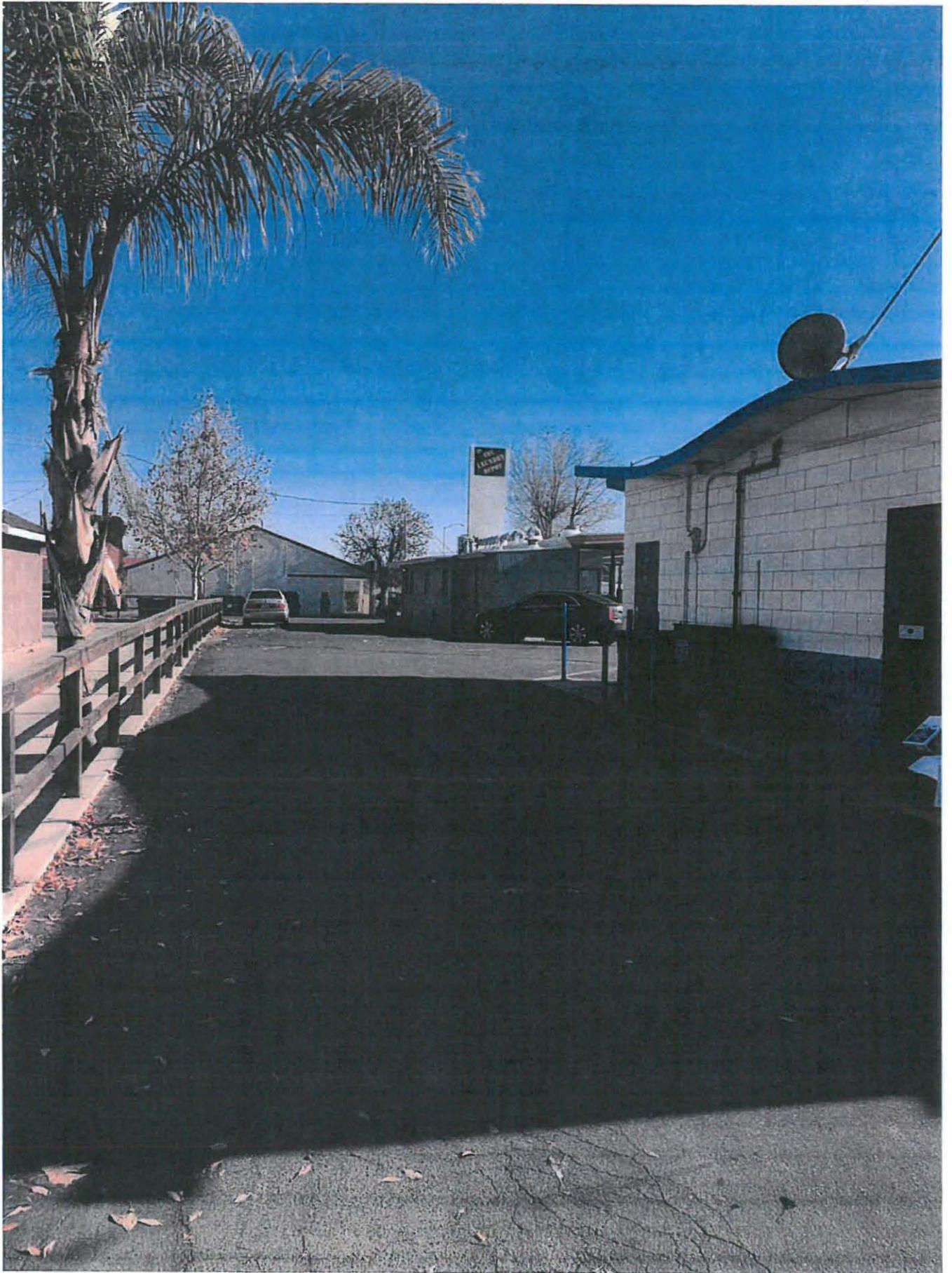
4th St West

PARKING

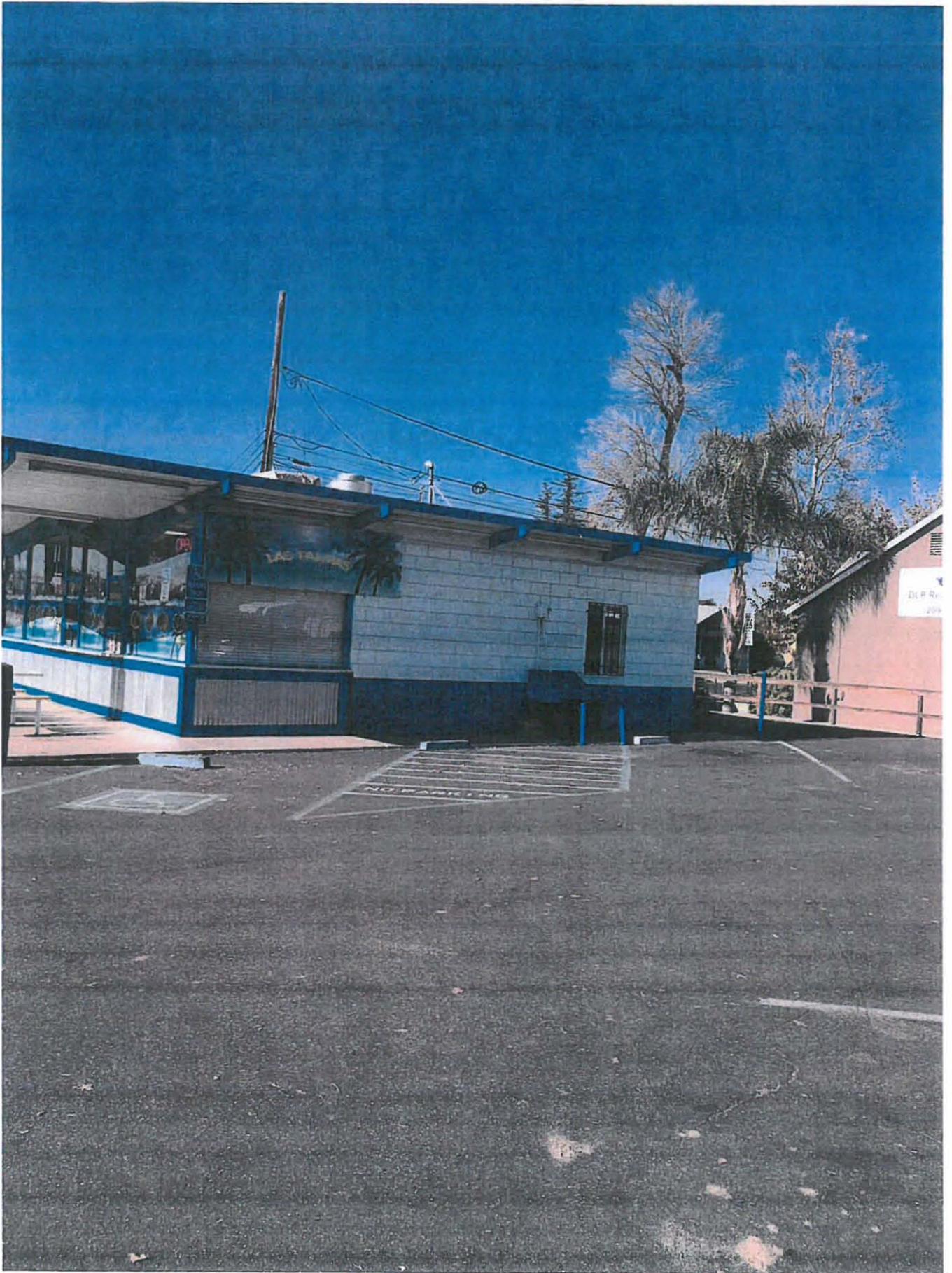
North

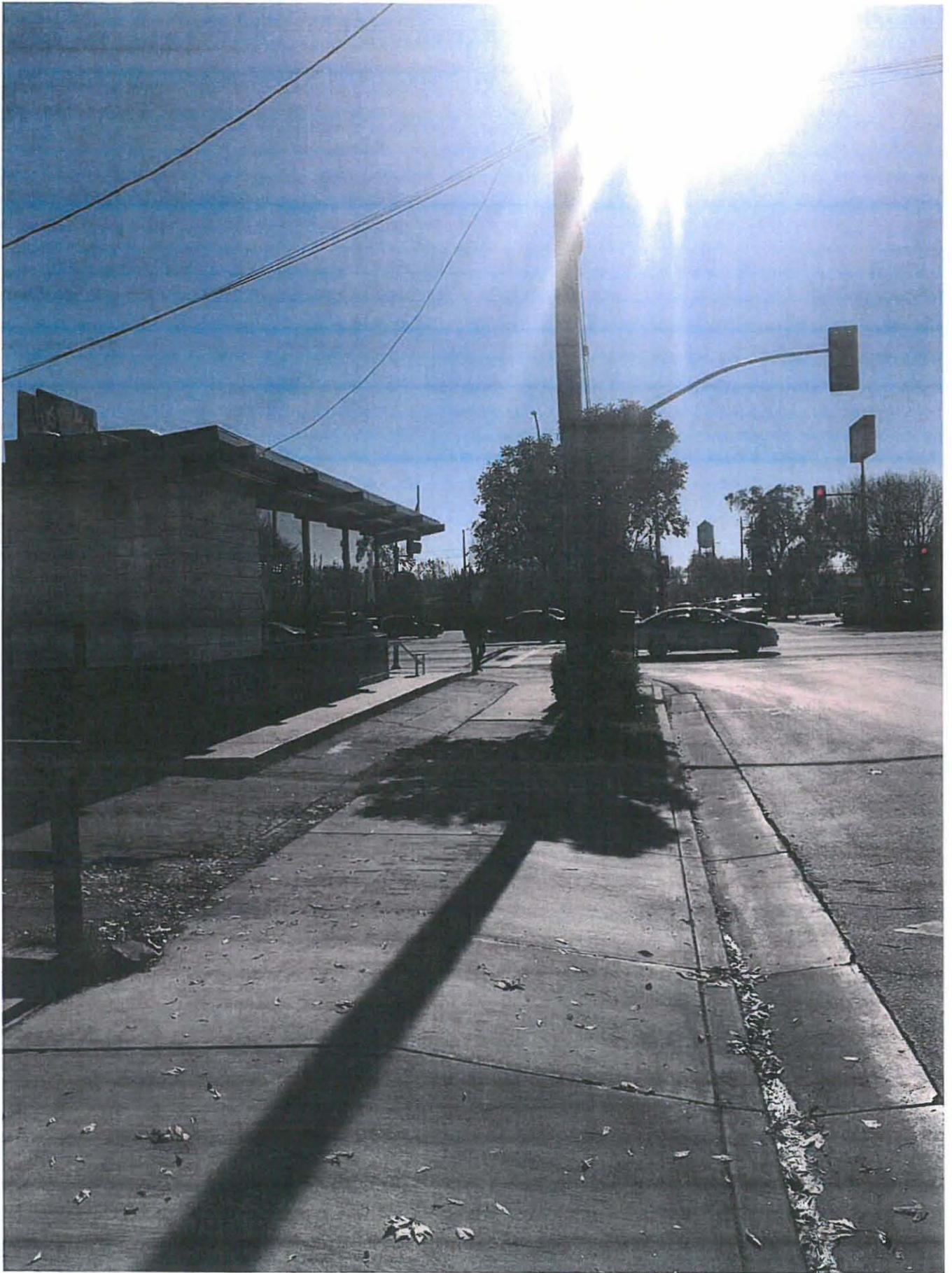
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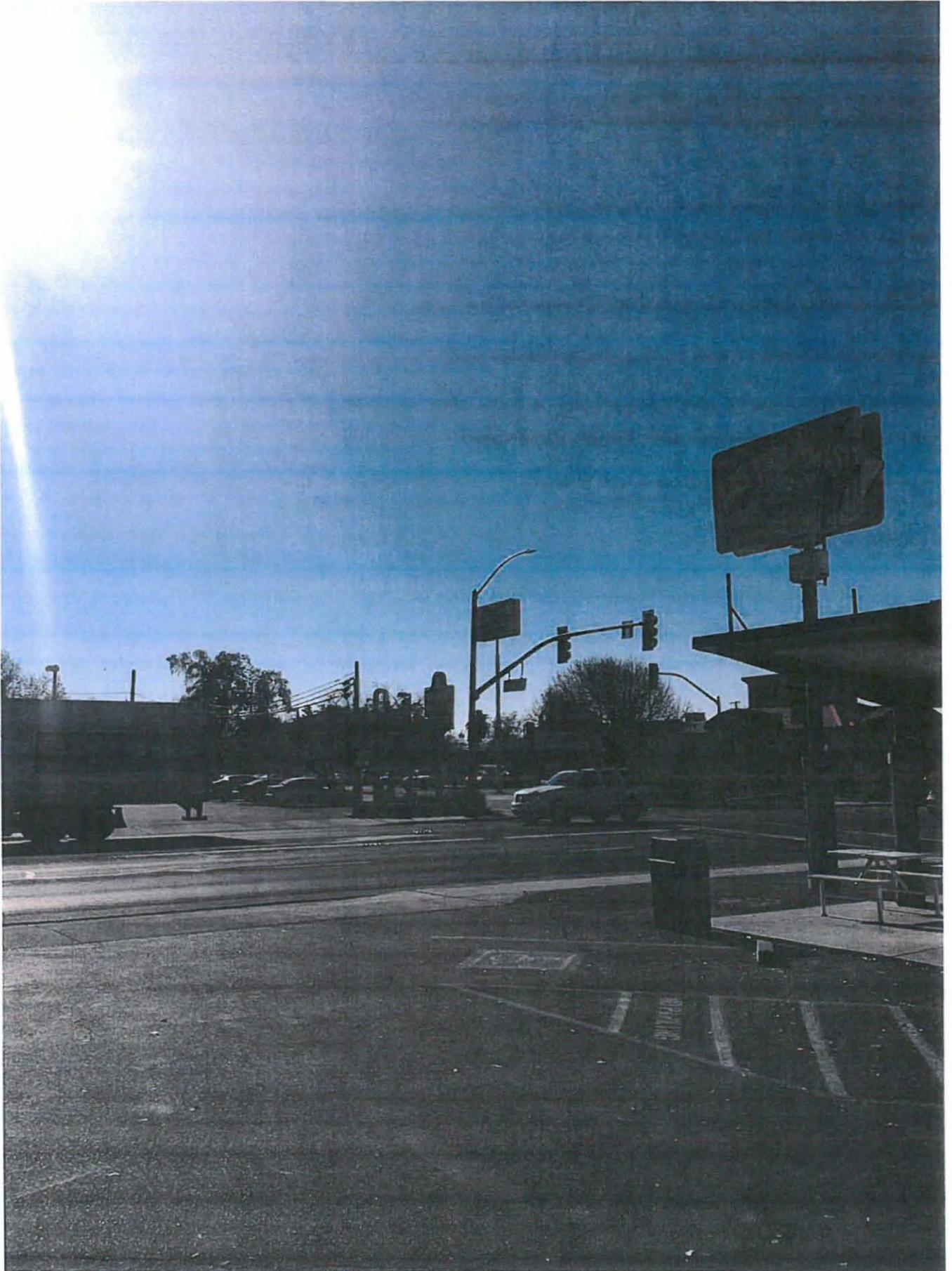
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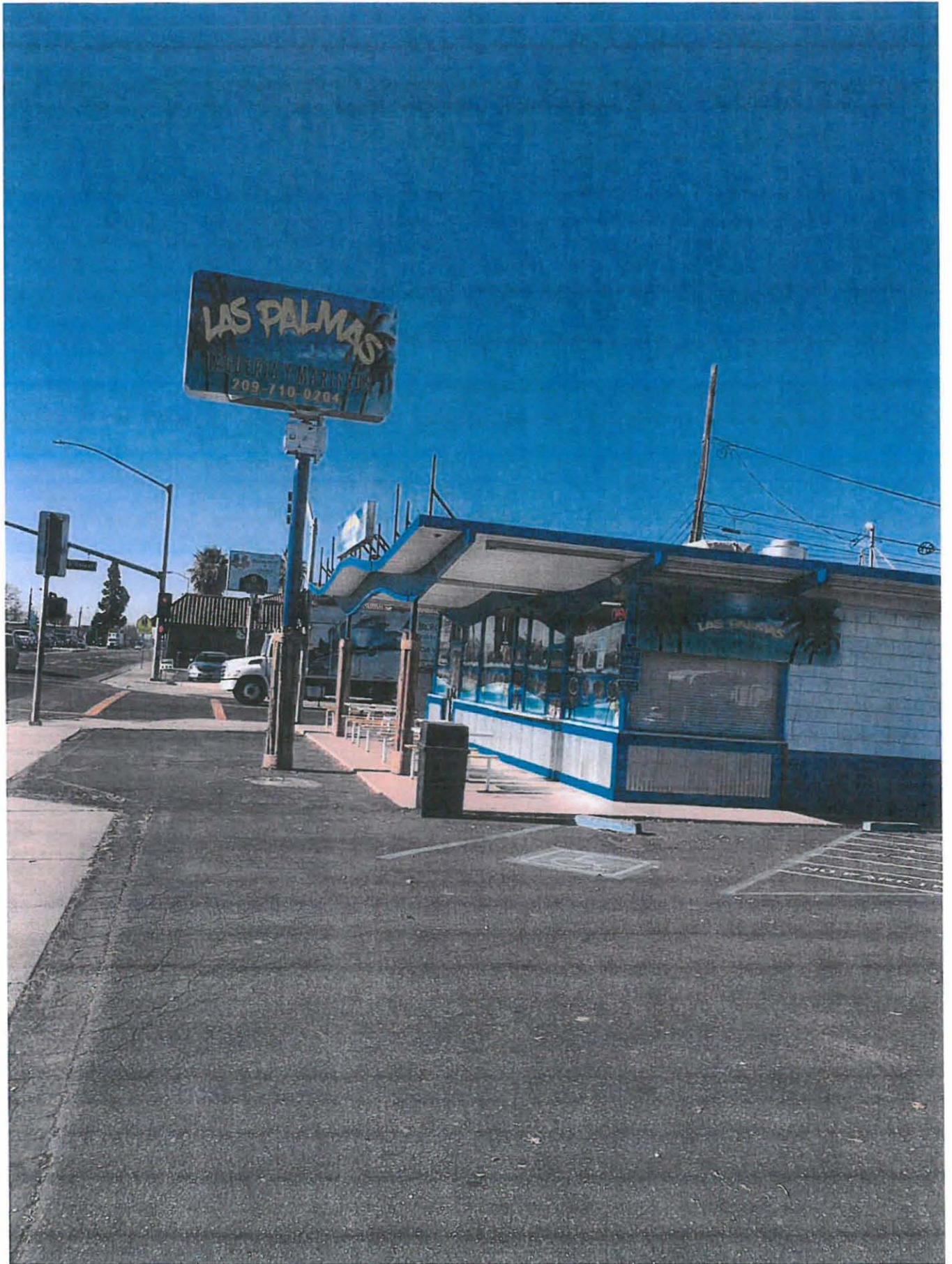














DLP
DLP Real Estate, Inc.
(202) 826-0248



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: February 3, 2017

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-21 – Type 41 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a Conditional Use Permit and CEQA Exemption to allow the use of a Type 41 Alcohol License for the on-sale of beer and wine in conjunction with an eating place. The requested Conditional Use Permit is for Las Palmas Taqueria y Mariscos located at 502 Pacheco Boulevard, more specifically described as Assessor's Parcel Number: 026-044-035.

The Los Banos Planning Commission held a public hearing on January 25, 2017, for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval of Conditional Use Permit #2016-21 to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, February 15, 2017, at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms
Senior Planner



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Tim Marrison, Fire Chief 

DATE: February 15, 2017

SUBJECT: Budget Amendment to Adjust the Appropriation for Expenditures for the Fire Homeland Security Grant Fund and Authorize the Fire Department to Accept Additional FY 2016 State Homeland Security Grant Program (SHSGP) Funds for the Purchase of a Mobile Decontamination Trailer and Accessories.

TYPE OF REPORT: Agenda

Recommendation:

That the City Council adopt a Resolution approving an amendment to the 2016/2017 Fiscal Year Budget for Homeland Security Grant Fund and increase Fire Department Account 248-422-100-753 (Specialized Equipment) by \$104,438.17 and increasing Revenue Account 248-000-331-010 (Federal Grant) by \$104,100.00. Authorize the City Manager to enter into a contract to purchase one (1) Scotty Mobile Decontamination Trailer and accessories from Mobile Concepts, with a total purchase price of \$96,478.68, utilizing the GSA Schedules Program; and waiving the competitive bid process. The remaining \$7,959.49 (8.25%) will be paid to the State Board of Equalization as sales tax.

Discussion:

The Merced County Office of Emergency Services (OES) has awarded the City of Los Banos \$104,100.00 from the FY 2016 State Homeland Security Grant Program (SHSGP) for the purchase of a mobile decontamination trailer.

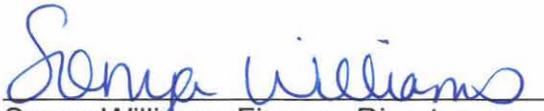
In FY 2015, the Merced County Office of Emergency Services allocated the City of Merced Fire Department \$104,100.00 in SHSGP grant funding to purchase an identical decontamination trailer. The Merced County Operational Area cooperators have determined that strategically placing two (2) identical decontamination trailers within Merced County for responses to hazardous material incidents is a valuable use of Homeland Security Grant Funding; therefore, these trailers will be placed within the Cities of Merced and Los Banos.

The City of Los Banos Fire Department is requesting to waive the competitive bidding process for the purchase of the Hazardous Material Decontamination trailer due to utilizing a GSA purchasing agreement. Under the GSA purchasing agreement, equipment and materials have already been competitively bid by other organizations. Section 3-10.290(b) (Cooperative Procurement) of the City of Los Banos Municipal Code also allows the City of Los Banos to make this purchase without the competitive bid process.

Fiscal Impact:

The funding for this decontamination trailer was not part of the adopted 2016/2017 budget. The proposed budget amendment will allocate \$104,438.17 to the Fire Department's Homeland Security purchasing account 248-422-100-753. \$104,100.00 will be reimbursed from Merced County OES when the trailer is delivered to the City of Los Banos, therefore, there will be a \$338.17 impact to the General Fund. There will be very minimal annual maintenance required of the trailer. Any large use of decontamination materials will be reimbursed by Operational Area cost recovery to the Hazardous Material Incident or Department of Homeland Security Funding.

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachments:

Resolution
GSA Quote from Mobile Concepts
Proposed Diagram of Mobile Decontamination Trailer

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADOPTING A REVISED BUDGET FOR THE 2016-2017 FISCAL YEAR AS IT PERTAINS TO REVENUES AND EXPENDITURES

WHEREAS, The City Council of the City of Los Banos has the ultimate responsibility for fleet procurement; and

WHEREAS, the City of Los Banos Fire Department has been awarded \$104,100.00 of the FY 2016 State Homeland Security Grant Program funds sub-granted through the California Governor's Office of Emergency Services Agency (Cal OES); and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the 2016-2017 Fiscal Year by action to amend the budget; and

WHEREAS, the Fire Department is requesting an amendment to the fiscal year 2016-2017 budget by increasing the appropriation for expenditures in the Fire Department Homeland Security Grant fund 248-422-100-753 (Specialized Equipment) by \$104,438.17 to be used to purchase a Hazardous Material Decontamination Trailer; and

WHEREAS, the Fire Department is requesting an amendment to the fiscal year 2016-2017 budget increasing the revenue account 248-000-331-010 (Federal Grant) by \$104,100.00; and

WHEREAS, the Fire Department is requesting that this purchase be made utilizing the GSA schedules program; and waiving the competitive bid process;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorize the City Manager to enter into a contract to purchase one (1) new 2017 Scotty Mobile Decontamination Trailer from Mobile Concepts for a total cost of \$104,438.17.

BE IT FURTHER RESOLVED that account 248-422-100-753 original adopted expenditures and account 248-000-331-010 original adopted revenues are revised.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of February 2017, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



**Mobile
Concepts**
Specialty Vehicles

GSA Quote

This Quote is valid through 12/17

480 Bessemer Road
Mt Pleasant, PA 15666
724-542-7640
724-542-7648 FAX
POC: Chris Simon, Chris@MobileConcepts.com



Schedule 23V: GS-30F-0012T
Schedule 84: GS-07F-0456T
Woman-Owned Small Business

www.MobileConcepts.com

Date: 1/12/17

PREPARED FOR:

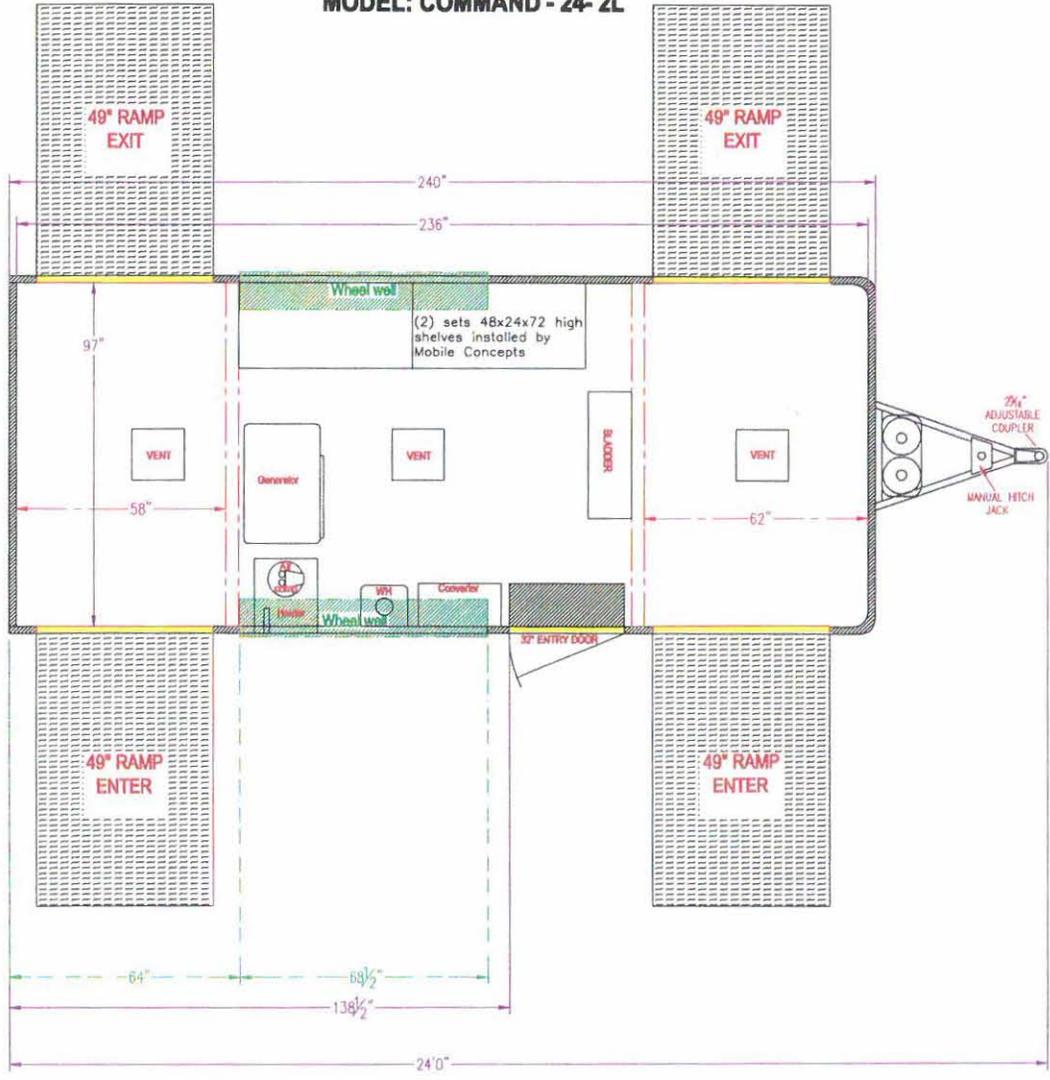
Tim Marrison
Los Banos Fire Department
333 7th St
Los Banos, CA 93635

GSA Contract # GS-30F-0012T

ITEM	UNIT PRICE	QUANTITY	TOTAL PRICE
2017 SCOTTY MOBDECON 24-2L Dimensions: 24'L x 8' W x 10'-6" H <ul style="list-style-type: none"> • 24ft Decontamination cleansing trailer • .050 Aluminum Exterior • Two (2) 48"x24"x72" (3 shelves high) wire shelf units installed in mechanical room in place of standard command workstations. • Two (2) 3-stall decon lanes (undress, rinse, redress) • 4 non-skid ramps • Rinse stations w/showerheads • 2 hand-held sprayers • 2 on-demand gravity-fed detergent mixing systems • Raised grid flooring • Auto waste sump pump with 500 Gal bladder • Eco-friendly gas-fired 199,000 BTU water heater (.91 energy factor) • 35,000 BTU gas furnace • Hydrant water inlet • Pressure regulator • PEX tubing & fittings • FRP interior walls • Isolated maintenance room w/command counter • LED interior lighting • Exterior 15Amp outlets • Onboard surge protector 	88,917.00	1	88,917.00

<ul style="list-style-type: none"> • 4 recessed halogen scene lights • 3 electric wall-switched exhaust fans 			
Total Commercial Price			88,917.00
Less 5% GSA discount			-4,445.85
GSA Price			84,471.15
IFF Fee .0075			633.53
Total GSA Price w/ IFF			\$85,104.68
Open Market Items			
<ul style="list-style-type: none"> • Brand: Onan Model: Onan RV QG Model # 5.5HGJAB (Propane) Fuel Supply: 2-40 LB LP Bottles (tongue mounted) LP tanks, changeover regulator, lp bracket. 			7,127.00
Delivery to ZIP 93635			4,247.00
Total GSA Price			\$96,478.68

**MOBDECON COMMAND
MODEL: COMMAND - 24- 2L**



Model: Mobile Mass Decontamination Trailer MobDecon Cmd. 24-2L Merced, CA	Drafter: Robert Storey	Date: 01/10/17
	Filename: mobile mass 24-2L-int	Revision:
	Version: Autocal 2008	Size: B-size
	Scale: 3/8" = 1'-0"	Approved by:

480 Bessemer Rd.
 Mt. Pleasant, PA 15666
 Phone (724) 542-7640
 Fax (724) 542-7648



018578



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
City Manager

FROM: Tim Marrison, Fire Chief 

DATE: February 15, 2017

SUBJECT: Consideration of Resolution Adopting the City of Los Banos' Emergency Operations Plan and Emergency Operations Center Annex

TYPE OF REPORT: Agenda

Recommendation:

Staff recommends that the City Council adopt a resolution approving the updated City of Los Banos' Emergency Operations Plan with Emergency Operations Center Annex and authorizing the Mayor to sign the Letter of Promulgation stating the Council's support for the Plan.

Background:

The City of Los Banos' Emergency Operations Plan identifies the City's emergency planning, organization, and response policies and procedures. The plan also addresses the integration and coordination with other governmental agencies, special districts and non-governmental organizations involved in emergency preparedness, management and response operations. By its nature, an Emergency Operations Plan is a living document. It is acknowledged that processes, guidance and protocols change and so too must this document. The City's Office of Emergency Services, within the Fire Department, is responsible for reviewing the entire plan on an annual basis and coordinating the revision of the plan as required. The last revision to this plan and adoption by resolution was in June 2003. A complete review of the program and revision was initiated to update the plan and the City's preparedness.

Discussion:

The updated Emergency Operations Plan being presented for adoption is an essential document for emergency management. The plan provides a framework for response and emergency management systems, defines roles and responsibilities of the City's emergency response organization and provides triggers for implementation of this plan during disasters, all of which, along with training and exercises, prepare the emergency organization to respond effectively when Los Banos is impacted by a disaster. This resolution is required to maintain compliance with the State's Standardized Emergency Management System (SEMS) and the Federal government's National Incident Management System (NIMS) program elements enabling eligibility for State and Federal disaster assistance. This plan also fulfills Federal and State planning requirements for continued Homeland Security Grant eligibility.

For the 2017 Emergency Operations Plan revision, the most notable amendments were reformatting to comply with the Federal Emergency Management Agency's (FEMA) Comprehensive Preparedness Guide (CPG) 101, Developing and Maintaining Emergency Operations Plans and the incorporation of Emergency Support Functions (ESF). There will be a number of support annexes that will be attached to this Emergency Operations Plan in the future. These annexes will address specific threats and operational procedures such as Emergency Public Information, Recovery Framework and Alert and Warning procedures. These annexes are considered living documents and will be added, or modified, by the Emergency Services Coordinator (Los Banos Fire Chief) without future action by City Council as authorized on page 4 of this plan.

The City of Los Banos, Merced County and the other 6 Cities within Merced County have worked in cooperation with Merced County OES to update all Emergency Operations Plans within Merced County. This allows each Jurisdiction to work flawlessly with neighboring jurisdictions in the event of a disaster. This approach also allowed this plan update to be funded by State Homeland Security Grant Program (SHSGP) funding.

Fiscal Impact:

There would be no fiscal impact.

Reviewed by:



Alex Terrazas
City Manager

Attachments:

- Resolution
- 2017 Emergency Operations Plan
- 2017 Emergency Operations Center Annex

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LOS BANOS ADOPTING THE 2017 CITY OF LOS
BANOS' EMERGENCY OPERATIONS PLAN REVISION
AND THE 2017 EMERGENCY OPERATION CENTER
ANNEX**

WHEREAS, the City Council of the City of Los Banos recognizes that planning for emergencies in advance can reduce potential harm to people and property within our community from the threat of natural, human caused and/or technological hazards; and

WHEREAS, an emergency operations plan and its associated annexes provide the framework for emergency response and emergency management in the City of Los Banos during disasters; and

WHEREAS, the overall objective of emergency management for the City of Los Banos is to ensure the effective management of response forces and resources in preparing for and responding to situations associated with natural disasters, human-caused and technological incidents and national security emergencies; and

WHEREAS, the City of Los Banos' emergency management program is committed to provide effective life safety measures, while reducing property loss and damage to the environment and provides for rapid resumption of impacted business and community services; and

WHEREAS, The 2017 Emergency Operations Plan delegates authority to the Emergency Services Coordinator (Los Banos Fire Chief) to make specific modifications to the adopted Emergency Operations Plan without the signature of the City Council; and

WHEREAS, The 2017 Emergency Operations Basic Plan, its Functional Annexes and Hazard Appendices supersedes all previous versions of the City of Los Banos Emergency Operations Plan; and

WHEREAS, upon adoption of this plan, the City of Los Banos will concurrently be adopting the provisions of the National Incident Management System (NIMS) as directed by the Homeland Security Presidential Directive (HSPD)-5.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby adopt the Emergency Operations Plan as an official plan for the City of Los Banos, a political subdivision of the County of Merced and the State of California.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of February 2017, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

City of Los Banos Emergency Operations Plan

FEBRUARY 2017

City of Los Banos, CA



ACKNOWLEDGEMENTS

Howell Consulting would like to thank the City of Los Banos Fire Department for their support during the development of this project. Additionally, we would like to thank those City of Los Banos Departments and Stakeholders who play a critical role in the Emergency Management Organization within the City of Los Banos.

As with any working plan, this document represents planning strategies as understood as of the date of this plan's release. Our hope is that this plan provides effective tools, guidance and strategies in support of emergency operations planning, preparedness, response, recovery and mitigation within the City of Los Banos.



This document was prepared under a grant from the Federal Emergency Management Agency's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of Federal Emergency Management Agency's Grant Programs Directorate or the U.S. Department of Homeland Security.

LETTER OF PROMULGATION

February 2017

To: Officials and Employees of the City of Los Banos

The preservation of life and property is an inherent responsibility of all levels of government. As disasters occur in devastating form at any time, the City of Los Banos must provide safeguards, which will save lives and minimize property damage through planning, preparedness measures and training. Sound emergency plans carried out by knowledgeable and well-trained personnel can and will minimize losses.

The City of Los Banos Emergency Operations Plan establishes an Emergency Management Organization and assigns functions and tasks consistent with California's Standardized Emergency Management System and the National Incident Management System. Both systems provide for the integration and coordination of efforts within Los Banos. These systems were adopted by both the State and Federal Government following disasters where lack of coordination resulted in greater losses than necessary

The City's plan was developed for use by City of Los Banos employees with emergency service responsibility. Input was sought from agencies inside and outside of Los Banos that have a coordination role in providing emergency services. These include the Merced County Office of Emergency Services and the California Office of Emergency Services. Our plan provides direction on emergency response from onset, through an extended response and into the recovery process.

Once adopted, this plan is an extension of the California Emergency Plan. It will be reviewed and tested periodically and revised as necessary to meet changing conditions.

The Los Banos City Council gives its full support to this Emergency Operations Plan and urges all employees to read the plan, understand it, know your role and be prepared to provide extraordinary support to the citizens of Los Banos when needed.

Sincerely,

Mike Villalta, Mayor
City of Los Banos

APPROVAL AND IMPLEMENTATION

FOREWORD

The City of Los Banos Emergency Operations Plan addresses the City's planned response to extraordinary emergency situations associated with natural disasters, technological incidents and national security emergencies in or affecting the City of Los Banos. This plan does not apply to normal day-to-day emergencies or the established departmental procedures used to cope with such emergencies. Rather, this plan focuses on operational concepts and would be implemented relative to large-scale disasters which can pose major threats to life, property and the environment requiring unusual emergency responses. This plan accomplishes the following:

- Establishes the emergency management organization required to mitigate any significant emergency or disaster affecting the City of Los Banos.
- Identifies the roles and responsibilities required to protect the health and safety of Los Banos residents, public and private property and the environmental effects of natural and technological emergencies and disasters.
- Establishes the operational concepts associated with a field response to emergencies, the City of Los Banos Emergency Operations Center activities and the recovery process.

PLAN APPROVAL AND IMPLEMENTATION

Upon concurrence of the City Council, the plan will be officially adopted and promulgated. The approval date will be included on the title page. The plan will be distributed to those City departments, supporting allied agencies and community organizations having assigned primary functions or responsibilities within the plan.

PLAN ACTIVATION

The City of Los Banos Emergency Operations Plan may be activated by the Director of Civil Defense and Disaster, the Mayor, or designated alternates under any of the following circumstances::

- On the order of the Director of Civil Defense and Disaster as designated by Title 4 Public Safety, Chapter 2 Civil Defense of the City of Los Banos Municipal Code.
- Upon proclamation by the Governor that a STATE OF EMERGENCY exists in an area of the state.
- Automatically on the proclamation of a STATE OF WAR EMERGENCY as defined in the California Emergency Services Act (Chapter 7, Division 1, Title 2, California Government Code.)
- Upon declaration by the President, of the existence of a NATIONAL EMERGENCY.
- Automatically, on receipt of an attack warning or actual attack on the United States, or upon occurrence of a catastrophic disaster that requires immediate government response.

PLAN MODIFICATIONS

Upon the delegation of authority from the Los Banos City Council, specific modifications can be made to this plan by the Emergency Services Coordinator (Los Banos Fire Chief) without the signature of the City Council. This 2017 Emergency Operations Basic Plan, its Functional Annexes and Hazard Appendices supersedes all previous versions of the City of Los Banos Emergency Operations Plan.

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RECORD OF CONCURRENCE

The following documents the City Council's concurrence and receipt of the 2017 City of Los Banos Emergency Operations Plan. As needed, changes will be submitted to the City of Los Banos Fire Department.

City Manager

Council Member

Date

BASIC PLAN

SECTION 1.0 PURPOSE, SCOPE, SITUATION AND ASSUMPTIONS

1.1 PURPOSE

The purpose of the City of Los Banos Emergency Operations Plan, its Functional Annexes and Hazard/Threat Specific Appendices is to provide the basis for a coordinated response before, during and after a disaster incident affecting the City of Los Banos.

This plan is the principal guide for the City's response to, and management of real or potential emergencies and disasters occurring within its designated geographic boundaries. Specifically, this plan is intended to:

- Facilitate multi-jurisdictional and interagency coordination, particularly between local government, private sector, operational area (geographic county boundary), and state response levels, and appropriate federal agencies, in emergency operations.
- Serve as a city plan, a reference document and when possible, it may be used for pre-emergency planning in addition to emergency operations.
- To be utilized in coordination with applicable local, state and federal contingency plans.
- Identify the components of an Emergency Management Organization and establish associated protocols required to effectively respond to, manage and recover from major emergencies and disasters.
- Establish the operational concepts and procedures associated with field response to emergencies, and Emergency Operations Center activities.
- Establish the organizational framework for implementation of the California Standardized Emergency Management System and the National Incident Management System, within the City of Los Banos.

Allied agencies, private enterprise, special districts and volunteer organizations having roles and responsibilities established by this plan are encouraged to develop operating protocols and emergency action checklists based on the provisions of this plan.

1.1.1 Planning Organization and Format

The plan is divided into four elements that contain general and specific information relating to city emergency management operations. Those four elements are as follows:

Basic Plan

This section provides the structure and organization of the City of Los Banos Emergency Management Organization; identifies individual roles and responsibilities; describes the concept of emergency operations; and identifies how the City integrates into the Standardized Emergency Management System and the National Incident Management System.

Functional Annexes

The Functional Annexes contain detailed descriptions of the methods that the City of Los Banos and its departments follow for critical functions during emergency operations.

Hazard or Threat-Specific Appendices

These Hazard or Threat-Specific Appendices describe the City's emergency response strategies that apply to a specific hazard or threat.

Supporting Documents

This section contains supporting materials to the overall Emergency Operations Plan.

1.2 SCOPE

The scope of this plan applies to any extraordinary emergency situation associated with any hazard, natural or human caused which may affect the City of Los Banos that generates situations requiring planned, coordinated responses by multiple agencies or jurisdictions.

The provisions, policies, and procedures of this plan are applicable to all agencies and individuals, public and private, having responsibilities for emergency preparedness, response, recovery, and/or mitigation in the City. The other governmental agencies within the City of Los Banos maintain their own emergency operations plans and those plans are consistent with the policies and procedures established by this plan.

Incorporating the Federal Emergency Management Agency Comprehensive Preparedness Guide 101 version 2.0 and the State of California Emergency Plan best practices, this plan is designed to be read, understood and exercised prior to an emergency and establishes the frame-work for implementation of the California Standardized Emergency Management System and the National Incident Management System for the City. The Los Banos Emergency Operations Plan is intended to facilitate multi-agency and multi-jurisdictional coordination, particularly between the City of Los Banos and its jurisdictions, including special districts, utilities, major businesses, the American Red Cross, community groups, state agencies, and the Federal Government. Emergency operations in Los Banos will be coordinated through the structure of the Emergency Operations Center. This plan will be used in coordination with the State Emergency Plan and the National Response Framework.

1.2.1 California Emergency Functions

The State Emergency Plan establishes the California Emergency Functions as a key component of California's system for all-hazards emergency management. The California Governor's Office of Emergency Services initiated the development of the California Emergency Functions in cooperation with California's emergency management community including federal, state, tribal, and local governments, public/private partners and other stakeholders to ensure effective collaboration during all phases of emergency management. The development of the California Emergency Functions involves organization of the participating stakeholders and gradual development of emergency function components. This development also includes a process to maintain each of the California Emergency Functions as a permanent component of California's emergency management system. The City of Los Banos will use National Incident Management System approved Emergency Support Functions for planning purposes and to comply with federal grant funding guidance. The California Emergency Functions will be used to interpret the State Emergency Plan and bridge the federal and state guidance in Merced Operational Area's emergency planning efforts. A comparison of Federal Emergency Support Functions and California Emergency Functions is found on the following pages.

1.2.2 Federal Emergency Support Functions

The National Incident Management System identifies through its National Response Framework fifteen (15) Emergency Support Functions. These Emergency Support Functions are listed with a brief description, as they pertain to the City of Los Banos and the Merced Operational Area below:

(ESF-1) Transportation – Describes the surface transportation resources (human, technical, information, equipment, facility, materials, and supplies) needed to support the Merced Operational Area, other government participants, and civilian organizations having the capacity to perform emergency transportation response missions in the event of a public emergency.

(ESF-2) Communications – Ensures the provision of communications support to Merced Operational Area response efforts following a declared public emergency under the Emergency Operations Plan.

(ESF-3) Public Works and Engineering – Provides technical advice and evaluation, engineering services, contracting for construction management and inspection, contracting for the emergency repair of water and wastewater treatment facilities, potable water and ice, and emergency power support to assist the Merced Operational Area in meeting goals related to lifesaving and life sustaining actions, damage mitigation, and recovery activities following a public emergency.

(ESF-4) Firefighting – Supports the response and suppression of fires resulting from, or occurring coincidentally with, a public emergency in an extraordinary situation.

(ESF-5) Information and Planning (formerly Emergency Management) – Collects, analyzes, processes, and disseminates information about a potential or actual public emergency to facilitate the overall activities of the Merced Operational Area in providing assistance.

(ESF-6) Mass Care, Emergency Assistance, Temporary Housing, and Human Services – Coordinates the Merced Operational Area efforts to provide mass care needs to victims of a public emergency. These services could include, but are not limited to, providing shelter, food, and emergency first aid assistance to those impacted by a public emergency.

(ESF-7) Logistics Management and Resources Support – Provides logistical/resources support following a public emergency and establish lines of communication between the primary and supporting agencies.

(ESF-8) Public Health and Medical Services – Provides coordinated assistance and resources to respond to public health and medical care needs following a public emergency.

(ESF-9) Urban Search and Rescue – Deploys components of the Merced Operational Area Law, Fire, and Emergency Medical Services to provide specialized lifesaving assistance in the event of a public emergency involving structural collapse or other cave in. Operational activities include conducting physical search and rescue in collapsed buildings; providing emergency medical care to trapped victims; assessment and control of gas and electricity and hazardous materials; and evaluating and stabilizing damaged structures.

(ESF-10) Oil and Hazardous Materials Response – Within the context of this Emergency Support Function context, the term “hazardous materials” is defined broadly to include oil; hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended; pollutants and contaminants defined under Section 101 (33); and certain chemical, biological, and radiological material, including weapons of mass destruction. The purpose of ESF-10 is to provide a coordinated response to actual or potential discharges and/or releases of oil, chemical, biological, radiological, or other hazardous substances in the Merced Operational Area.

(ESF-11) Agriculture and Natural Resources – The purpose of this Emergency Support Function is to identify Nutritional services, determine impact of the emergency on agricultural production, animal health, and natural resource protection and restoration.

(ESF-12) Energy – Helps restore the Merced Operational Area energy systems following a public emergency.

(ESF-13) Public Safety and Security – Provides for the safety of citizens and security of property during public emergencies. It operates under the Standardized Emergency Management System with procedures for the command, control, and coordination of Merced Operational Area law enforcement personnel to support emergency operations.

National Disaster Recovery Framework (formerly ESF-14) - Provides guidance on the community outreach function to expedite the Merced Operational Area ability to help citizens recover from the effects of a public emergency. Provides guidance on Public Assistance in a public emergency and establishes a consistent framework for coordinating with volunteer organizations supporting a response.

(ESF-15) External Affairs – Provides guidance on the media relations and serves as a direct link to media outlets, community leaders, and Merced Operational Area residents. Works in close coordination with other program elements to develop and deliver critical information during and immediately following a public emergency. This ESF will coordinate and collaborate with media, community, and public information personnel from the Merced Operational Area jurisdictions to support communities and provide the media and public with needed and useful information.

This plan is part of a larger framework that supports emergency management within the state. Through an integrated framework of emergency plans and procedures involving all stakeholders in the emergency management community, the City of Los Banos together with Merced County, the California Office of Emergency Services (CalOES) and the Federal Government will promote effective planning and coordination prior to an emergency, thereby ensuring a more effective response and recovery.

Each element of the emergency management organization is responsible for assuring the preparation and maintenance of appropriate response plans and current standard operating procedures, resource lists and checklists that detail how assigned responsibilities will be performed to support implementation of this plan and to ensure successful response during a major disaster. Elements to be addressed are:

- Arrangements for the provision of direction and control within the department/agency.
- Specific emergency authorities that may be assumed by a designated successor during emergency situations.

- Circumstances under which successor emergency authorities would become effective, and when they would be terminated.
- Current internal personnel notification/recall rosters and procedures to implement them. This should include a 24-hour communication system with the capability to notify and call-out personnel designated by the agency for emergency response.
- Designation and establishment of a work/control/dispatch center or Department Operations Center to manage organizational resources and response personnel and maintain contact with the Emergency Operations Center during emergencies.
- Designation of a representative to report to the Emergency Operations Center during an emergency to advise decision makers and coordinate the agency's response effort with other responding entities.
- Reporting of appropriate information (casualties, damage observations, evacuation status, shelter status, chemical exposure, etc.) to the Emergency Operations Center during an emergency.
- Support of cleanup and recovery operations during disasters.
- Training of assigned response staff to perform emergency functions.

It is the City's intent to fulfill the policies described herein, within the capabilities and resources available at the time of an emergency or disaster event.

1.3 SITUATION OVERVIEW

This chapter describes a number of potential hazards that could affect the city upon their occurrence which would warrant the activation of the City of Los Banos Emergency Management Organization.

1.3.1 City History

The gallant Gabriel Moraga, with his troop of Spanish Calvary from the Presidio of San Francisco came riding through the Pacheco Pass under orders from the Spanish Governor of California to explore the San Joaquin Valley in 1805. This jaunty leader and his party on reaching the floor of the valley cantered right across the area where the City of Los Banos now stands.

These explorers were astonished to note the great wealth of natural life everywhere. Gazing in every direction these Spaniards saw ducks, geese, cranes, herons, pelicans, curlew, antelope, deer, elk and grizzly bears all living their lives undisturbed. Prior to their visit only the local Indians had ventured into the area.

The next Spanish explorer to leave his name stamped indelibly on the region was Padre Felipe Arroyo de la Cuesta. He was a Franciscan monk who was stationed at Mission San Juan Bautista from 1808 to 1833. On his missionary visits to the Indians he discovered pools of water in the rocks at the summit of the mountains in a little creek bed that flowed down into the San Joaquin Valley. At these baths or pools he camped overnight with his band of friendly Indians from the Mission. Reports of these baths led to the local ranchers naming the creek "El Arroyo de Los Banos del Padre Ar-royo." In time that lengthy moniker was reduced to "Los Banos Crick."

In 1873 a pioneer to the area named Gus Kreyenhagen ran a trading post near Los Banos Creek. The Post Office Department decided to establish a Post Office at the trading post and named it after the creek, hence the name "Los Banos." Henry Miller arrived in San Francisco in 1850 with \$6.00 in his pocket. After working as a butcher he became aware of the need for a better grade of cattle than that which was available at that time in California.

He came to the San Joaquin Valley and began his land acquisitions and cattle empire. He acquired land on both sides of the San Joaquin River ultimately owning that land for a distance of 120 miles. In 1871 he formed the San Joaquin and Kings River Canal and Irrigation Company. He is credited with being the first to introduce the crops of cotton, rice and alfalfa to the valley.

Miller made a great effort to get the railroad to extend through the West Side and that eventually decided the present day location of Los Banos. Agriculture remains the number one industry in and around Los Banos and this is due mainly to the early success of Henry Miller.

Located on the next page is a map of the **City of Los Banos, Figure 1 – Base Map of Los Banos.**

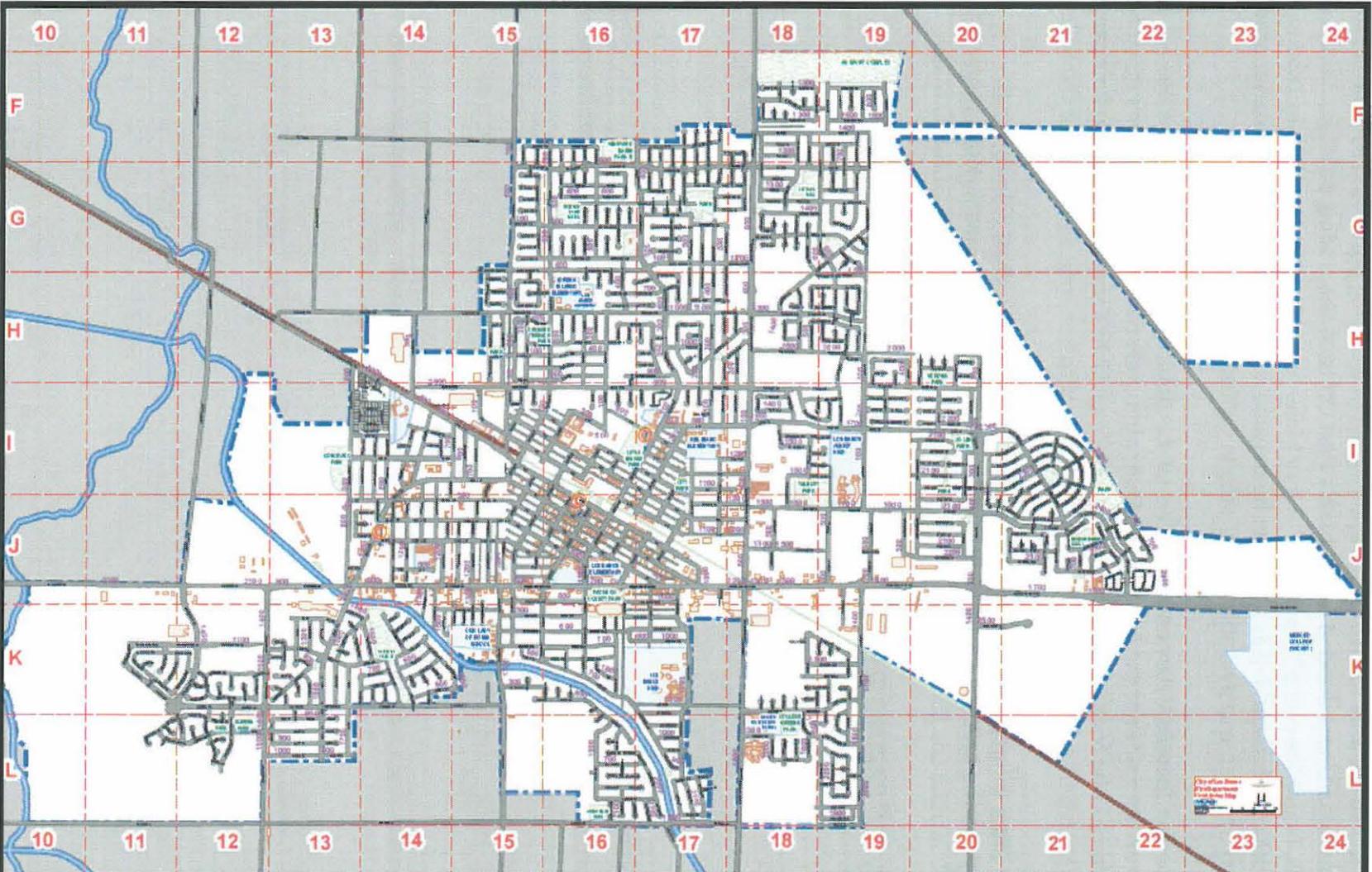


Figure 1 - Base Map of Los Banos

1.3.2 Hazard Analysis Summary

The City of Los Banos is vulnerable to a wide range of threats. An all-hazards threat perspective must include a complete range of threats including emerging and increasing technological factors (e.g., the increased transportation of numerous hazardous materials on state highways, roads and interstates throughout the City). It is important to consider past events for future planning, with the consideration that the location and scope of hazards changes over the years. Although an attempt has been made to identify all major hazards and their respective impacts, it must be remembered that we live in a time of emerging threats, and nature, coupled with humankind's ongoing development and tendencies toward violence ensures that the material contained within this document will surely require modification over time.

A brief hazard analysis summary is located on the next page **Figure 2 - Hazard Analysis Summary for the City of Los Banos**. The summary is based on Probability (likelihood) and Severity (loss of life and/or property) categorized in the three main types of disaster events: Natural Disasters, Technological Hazards and Human-Caused.

CITY OF LOS BANOS HAZARD ANALYSIS SUMMARY		
HAZARD	PROBABILITY	SEVERITY
NATURAL HAZARDS		
FLOODS	MEDIUM TO HIGH	MEDIUM TO HIGH
EXTREME WEATHER	VERY HIGH	HIGH
WILDFIRES	LOW	LOW TO MEDIUM
EARTHQUAKES	MEDIUM	HIGH
TECHNOLOGICAL HAZARDS		
AGRICULTURE	HIGH	HIGH
DAM FAILURE	MEDIUM TO HIGH	HIGH TO VERY HIGH
HAZARDOUS MATERIALS INCIDENTS	MEDIUM TO HIGH	HIGH TO VERY HIGH
TRANSPORTATION EMERGENCIES	MEDIUM TO HIGH	HIGH TO VERY HIGH
HUMAN CAUSED HAZARDS		
TERRORISM (CBRNE)	LOW	HIGH
CIVIL DISOBEDIENCE	LOW	MEDIUM

Figure 2 - Hazard Analysis Summary

For detailed City of Los Banos hazard descriptions on each hazard identified in the summary, refer to **Hazard/Threat Specific Appendices**.

1.3.3 Capability Assessment

A capability assessment provides part of the foundation for determining the type of emergency management, preparedness and mitigation strategy. The assessment process also identifies gaps or weaknesses that may need to be addressed through preparedness planning goals and actions deemed practical considering the jurisdiction's capabilities to implement them. Finally, the capability assessment highlights the positive measures that are in place or under-way for continued support and enhancement of the jurisdiction's preparedness and response efforts.

As an established organization, the City of Los Banos Office of Civil Defense and Disaster has the capabilities to perform the necessary emergency response duties outlined in this EOP. The city has an established emergency management organization, alert and warning & communication system and channels. As outlined in their municipal code Title 4 Public Safety, Chapter 2 Civil Defense, Los Banos has identified the response capabilities and resources (equipment, personnel, etc.) to provide a response to an emergency situation. The City of Los Banos Police and Fire Departments maintains an Emergency Resource Directory called the "Master Resource Partners" directory in both paper and database formats that lists all of the vendors, supplies, and equipment that can be available during a disaster situation.

1.3.4 Mitigation Overview

The City of Los Banos has taken a number of mitigation measures for each identified hazard to minimize the impact that is likely to result from an emergency. Some of those mitigation measures are as follows:

- The City of Los Banos has adopted a Local Hazard Mitigation Plan that provides hazard specific detail as to the mitigation measures taken to create a safer community.
- The City of Los Banos has an approved General Plan that includes the Safety Element section which outlines all of the mitigation measures that have occurred and will occur regarding the safety of the city citizenry and communities.
- The City of Los Banos together with the County of Merced has completed a number of hazard/issue specific planning projects that incorporate coordination, response and recovery actions. Some of those planning projects specifically address Mass Care and Shelter, Resources, Public Health, and People with Access and Functional Needs.

1.3.5 Assumptions

Certain assumptions were used during the development of this plan. These assumptions translate into basic principles associated with conducting emergency management operations in preparation for, response to and recovery from major emergencies. "Assumptions" provide context, requirements, and situational realities that must be addressed in plan development and emergency operations.

- Emergencies or disasters may occur at any time, day or night, in populated as well as remote, areas of the City of Los Banos.
- Major emergencies and disasters will require a multi-agency, multi-jurisdictional response. For this reason, it is essential that the Standardized Emergency Management

System, and in many cases a Unified Command, be implemented immediately by responding agencies, and expanded as the situation dictates.

- The City of Los Banos is primarily responsible for emergency actions within the City boundaries and will commit all available resources to save lives, minimize injury to persons and minimize property damage.
- Large-scale emergencies and disasters may overburden local resources and necessitate mutual aid from neighboring jurisdictions.
- Large-scale emergencies and disasters and the complex organizational structure required to respond to them pose significant challenges in terms of warning and notification, logistics, and agency coordination.
- Major emergencies and disasters may generate widespread media and public interest. The media must be considered a partner in large-scale emergencies and disasters; this relationship can provide considerable assistance in emergency public information and warning
- Large-scale emergencies and disasters may pose serious long-term threats to public health, property, the environment, and the local economy. While responding to significant disasters and emergencies, all strategic decisions must consider each of these consequences.
- Disasters and emergencies may require an extended commitment of personnel and other resources from involved agencies and jurisdictions.
- The Emergency Management Organization is familiar with the Standardized Emergency Management System and the National Incident Management System.

SECTION 2.0 CONCEPT OF OPERATIONS

2.1 GOALS PRIORITIES AND STRATEGIES

During the Response Phase, emergency managers set goals, prioritize actions and outline operational strategies. This plan provides a broad overview of those goals, priorities and strategies and describes what should occur during each step, when and at whose direction.

2.1.1 Operational Goals

During the response phase, the agencies that are charged with responsibilities in this plan should focus on the following five goals:

- Mitigate Hazards
- Meet Basic Human Needs
- Address Needs of People with Access and Functional Needs
- Restore Essential Services
- Support Community and Economic Recovery

2.1.2 Operational Priorities

Operational priorities govern resource allocation and the response strategies for the City of Los Banos and its political subdivisions during an emergency. Below are operational priorities addressed in this plan:

1. Save Lives – The preservation of life is the top priority of emergency managers and first responders and takes precedence over all other considerations.
2. Protect Health and Safety – Measures should be taken to mitigate the emergency's impact on public health and safety.
3. Protect Property – All feasible efforts must be made to protect public and private property and resources, including critical infrastructure, from damage during and after an emergency.
4. Preserve the Environment – All possible efforts must be made to preserve California's environment and protect it from damage during an emergency.

2.1.3 Operational Strategies

To meet the operational goals, emergency responders should consider the following strategies:
Mitigate Hazards –As soon as practical, suppress, reduce or eliminate hazards and/or risks to persons and property during the disaster response. Lessen the actual or potential effects or consequences of future emergencies.

Meet Basic Human Needs – All possible efforts must be made to supply resources to meet basic human needs, including food, water, shelter, medical treatment and security during the emergency. Afterwards provisions will be made for temporary housing, food stamps and support for re-establishing employment after the emergency passes.

Address Needs of People with Disabilities and Access and Functional Needs – People with disabilities and access and functional needs are more vulnerable to harm during and after an emergency. The needs of people with access and functional needs must be considered and addressed.

Restore Essential Services – Power, water, sanitation, transportation and other essential services must be restored as rapidly as possible to assist communities in returning to normal daily activities.

Support Community and Economic Recovery – All members of the community must collaborate to ensure that recovery operations are conducted efficiently, effectively and equitably, promoting expeditious recovery of the affected areas.

2.2 STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

The Standardized Emergency Management System is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. Standardized Emergency Management System is required by the California Emergency Services Act for managing multiagency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. The Standardized Emergency Management System incorporates the use of the Incident Command System, California Disaster and Civil Defense Master Mutual Aid Agreement, the Operational Area concept and multiagency or inter-agency coordination. State agencies are required to use Standardized Emergency Management System and local government entities must use Standardized Emergency Management System in order to be eligible for any reimbursement of response-related costs under the state's disaster assistance programs.

2.2.1 Standardized Emergency Management System Organization Levels

There are five Standardized Emergency Management System organizational levels, as illustrated in **Figure 3 - SEMS Organization Levels**.

Field – The Field Level is where emergency response personnel and resources, under the command of responsible officials, carry out tactical decisions and activities in direct response to an incident or threat.

Local Government – The Local Government level includes cities, counties and special districts. Local governments manage and coordinate the overall emergency response and recovery activities within their jurisdiction. Local governments are required to use Standardized Emergency Management System when their Emergency Operations Center is activated or a local emergency is declared or proclaimed in order to be eligible for state reimbursement of response-related costs.

Operational Area – An Operational Area is the intermediate level of the state's emergency management organization which encompasses a county's boundaries and all political subdivisions located within that county, including special districts. The Operational Area facilitates and/or coordinates information, resources and decisions regarding priorities among local governments within the Operational Area. The Operational Area serves as the coordination and communication link between the Local Government Level and Regional Level. State,

federal and tribal jurisdictions in the Operational Area may have statutory authorities for response similar to that at the local level.

Region – The Regional Level manages and coordinates information and resources among Operational Areas within the mutual aid region and also between the Operational Area and the state level. The Regional Level also coordinates overall state agency support for emergency response activities within the region. California is divided into three California Office of Emergency Services Administrative Regions – Inland, Coastal and Southern – which are further divided into six mutual aid regions. The Regional Level operates out of the Regional Emergency Operations Center. See **Figure 6 – Inland Region Mutual Aid**.

State – The state level of the Standardized Emergency Management System prioritizes tasks and coordinates state resources in response to the requests from the Regional level and coordinates mutual aid among the mutual aid regions and between the Regional Level and State Level. The state level also serves as the coordination and communication link between the state and the federal emergency response system. The state level requests assistance from other state governments through the Emergency Management Assistance Compact and similar interstate compacts/agreements and coordinates with the Federal Emergency Management Agency when federal assistance is requested. The state level operates out of the State Operations Center.

At the Federal level, the National Response Framework identifies the methods and means for federal resources to provide support to the state and local government. Federal resources would be accessed via the Standardized Emergency Management System process through the mutual aid region and State Operations Center.

2.2.2 Standardized Emergency Management System Functions

Standardized Emergency Management System requires that every emergency response involving multiple jurisdictions or multiple agencies include the five functions identified in **Figure 4 - Standardized Emergency Management System Functions**. These functions must be applied at each level of the Standardized Emergency Management System organization.

Command/Management: Command (in the field) is responsible for the directing, ordering, and/or controlling of re-sources at the field response level. Management (in the Emergency Operations Center) is responsible for overall emergency policy and coordination at the Standardized Emergency Management System Emergency Operations Center levels. Command and Management are further discussed in **Figure 4 – Standardized Emergency Management System Functions**:



Figure 3 - SEMS Organization Levels

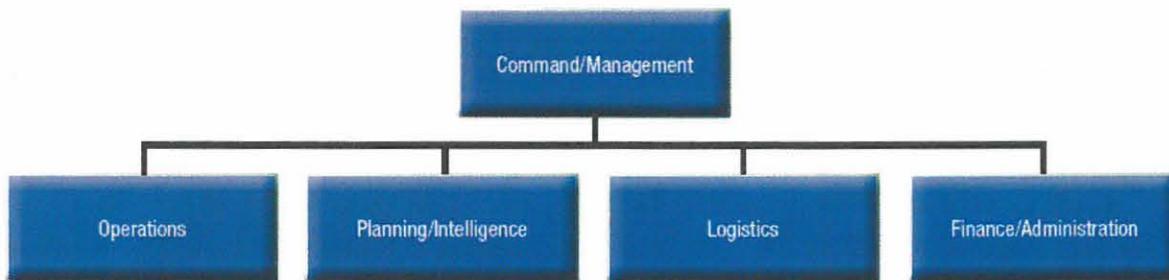


Figure 4 - SEMS Functions

- **Command (in the field):** A key concept in all emergency planning is to establish command and tactical control at the lowest level that can perform that role effectively in the organization. In the Incident Command System, the Incident Commander, with appropriate policy direction and authority from the responding agency, sets the objectives to be accomplished and approves the strategy and tactics to be used to meet those objectives. The Incident Commander must respond to higher authority. Depending upon the incident's size and scope, the higher authority could be the next ranking level in the organization up to the agency or department executive. This relationship provides an operational link with policy executives who customarily reside in the Department Operations Center or Emergency Operations Center, when activated.
- **Management (in the Emergency Operations Center):** The Emergency Operations Center serves as a central location from which multiple agencies or organizations coordinate information collection and evaluation, priority setting and resource management. Within the Emergency Operations Center, the Management function:
 - Facilitates multiagency coordination and executive decision making in support of the incident response
 - Implements the policies established by the governing bodies
 - Facilitate the activities of the Multiagency Coordination Group

Operations: Responsible for coordinating and supporting all jurisdictional operations in support of the response to the emergency through implementation of the organizational level's Action Plans. At the Field Level, the Operations Section is responsible for the coordinated tactical response directly applicable to, or in support of the objectives in accordance with the Incident Action Plan. In the Emergency Operations Center, the Operations Section Coordinator manages functional coordinators who share information and decisions about discipline-specific operations.

Logistics: Responsible for providing facilities, services, personnel, equipment and materials in support of the emergency. Unified ordering takes place through the Logistics Section Ordering Managers to ensure controls and accountability over resource requests. As needed, Unit Coordinators are appointed to address the needs for communications, food, medical, supplies, facilities and ground support.

Planning/Intelligence: Responsible for the collection, evaluation and dissemination of operational information related to the incident for the preparation and documentation of the Incident Action Plan at the Field level or the Action plan at an Emergency Operations Center.

Planning/Intelligence also maintains information on the current and forecasted situation and on the status of resources assigned to the emergency or the Emergency Operations Center. As needed, Unit Coordinators are appointed to collect and analyze data, prepare situation reports, develop action plans, set Geographic Information Systems priorities, compile and maintain documentation, conduct advance planning, manage technical specialists and coordinate demobilization.

Finance/Administration: Responsible for all financial and cost analysis aspects of the emergency and for any administrative aspects not handled by the other functions. As needed, Unit Leaders are appointed to record time for incident or Emergency Operations Center personnel and hired equipment, coordinate procurement activities, process claims and track costs.

The field and Emergency Operations Center functions are further illustrated in **Figure 5 - Comparison of Field and Emergency Operations Center Functions.**

PRIMARY SEMS FUNCTION	FIELD RESPONSE LEVEL	EOCS AT OTHER SEMS LEVELS
Command/Management	Command is responsible for the directing, ordering, and/or controlling of resources.	Management is responsible for facilitation of overall policy, coordination and support of the incident.
Operations	The coordinated tactical response of all field operations in accordance with the Incident Action Plan.	The coordination of all jurisdictional operations in support of the response to the emergency in accordance with the EOC Action Plan.
Planning/Intelligence	The collection, evaluation, documentation and use of intelligence related to the incident.	Collecting, evaluating and disseminating information and maintaining documentation relative to all jurisdiction activities.
Logistics	Providing facilities, services, personnel, equipment and materials in support of the incident.	Providing facilities, services, personnel, equipment and materials in support of all jurisdiction activities as required.
Finance/Administration	Financial and cost analysis and administrative aspects not handled by the other functions.	Responsible for coordinating and supporting administrative and fiscal consideration surrounding an emergency incident.

Figure 5 - Comparison of Field and EOC SEMS Functions

2.2.3 Standardized Emergency Management System Components

Management by Objectives

The Management by Objectives feature of the Incident Command System, as applied to the Standardized Emergency Management System, means that each Standardized Emergency Management System Level establishes for a given Operational Period, measurable and attainable objectives to be achieved. An objective is an aim or end of an action to be performed. Each objective may have one or more strategies and performance actions needed to achieve the objective.

Operational Period

The Operational Period is the length of time set by command at the Field Response level, and by management at other levels to achieve a given set of objectives. The period may vary in length from a few hours to days, and will be determined by the situation.

Action Plans

Action planning should be used at all Standardized Emergency Management System levels. There are two types of action plans in Standardized Emergency Management System: Incident Action Plans and Emergency Operations Center Action Plans. The Incident Action Plans are used at the Field Response Level. The Incident Action Plan can be either written or verbal although for documentation purposes the written Incident Action Plan is preferable. The Incident Action Plan contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next Operational Period. Incident Action Plans are an essential and required element in achieving objectives under the Incident Command System.

Emergency Operations Center Action Plans are crafted at Local Government, Operational Area, Region, and State levels. The use of Action Plans provides designated personnel with knowledge of the objectives to be achieved and the steps required for achievement. Action Plans not only provide direction, but also serve to provide a basis for measuring achievement of objectives and overall system performance. Action Plans can be extremely effective tools during all phases of a disaster.

Organizational Flexibility – A Modular Organization

The intent of this Standardized Emergency Management System feature is that at each Standardized Emergency Management System level, only those functional elements that are required to meet current objectives need to be activated. All elements of the organization can be arranged in various ways within or under the five Standardized Emergency Management System essential functions.

The functions of any non-activated element are the responsibility of the next highest element in the organization. Each activated element must have a person in charge; however, one supervisor may be in charge of more than one functional element.

Organizational Unity and Hierarchy of Command

Organizational unity means that every individual within an organization has a designated supervisor. Hierarchy of command/management means that all functional elements within each activated Standardized Emergency Management System level are linked together to form a single overall organization with appropriate span of control limits.

Span of Control

Maintaining a reasonable span of control is the responsibility of every supervisor at all Standardized Emergency Management System levels. The optimum span of control is one to five, meaning that one supervisor has direct supervisory authority over five positions or resources. The recommended span of control for supervisory personnel at the Field Response level and all Emergency Operations Center levels should be in the one-to-three to one-to-seven ratio. A larger span of control may be acceptable when the supervised positions or resources are all performing a similar activity.

Personnel Accountability

An important feature to all Standardized Emergency Management System levels is personnel accountability. This is accomplished through the Organizational Unity and Hierarchy of

Command or Management features, along with the use of check-in forms, position logs and various status forms. The intent is to ensure that there are proper safeguards in place so all personnel at any Standardized Emergency Management System level can be accounted for at any time.

Common Terminology

In the Standardized Emergency Management System, common terminology is applied to: functional elements, position titles, facility designations, and resources. The purpose of having common terminology is to rapidly enable multi-agency, multi-jurisdiction organizations and resources to work together effectively. This will vary from level to level in terms of directing, controlling, coordinating, and resource inventorying. Procedures for effective resources management must be geared to the function and the level at which the function is performed.

Integrated Communications

This feature of the Standardized Emergency Management System relates to: hardware systems, planning for system selection and linking, and the procedures and processes for transferring information. At the Field Response Level, integrated communications are used on any emergency. At and between all Standardized Emergency Management System levels, there must be a dedicated effort to ensure that communications systems, planning and information flow are accomplished in an effective manner. The specifics of how this is accomplished at Emergency Operations Center levels may be different than at the Field Response level.

More detailed information on the Standardized Emergency Management System Regulations and the Standardized Emergency Management System Guidelines can be found on the CalOES Website.

2.2.4 National Incident Management System

The terrorist attacks of September 11, 2001, illustrated the need for all levels of government, the private sector, and nongovernmental agencies to prepare for, protect against, respond to, and recover from a wide spectrum of events that exceed the capabilities of any single entity. These events require a unified and coordinated national approach to planning and to domestic incident management. To address this need, the President signed a series of Homeland Security Presidential Directives that were intended to develop a common approach to preparedness and response. Two Homeland Security Presidential Directives that are of particular importance to emergency planners:

- HSPD-5, Management of Domestic Incidents, identifies steps for improved coordination in response to incidents. It requires the Department of Homeland Security to coordinate with other Federal departments and agencies and State, local, and Tribal governments to establish a National Response Framework and a National Incident Management System
- HSPD-8, National Preparedness, describes the way Federal departments and agencies will prepare. It requires Department of Homeland Security to coordinate with other Federal departments and agencies—and with State, local, and Tribal governments to develop a National Preparedness Goal

Together, the National Incident Management System, the National Response Framework, and the National Preparedness Goals define what needs to be done to prevent, protect against,

respond to, and recover from a major event; how it needs to be done; and how well it needs to be done. These efforts align federal, state, local, and tribal entities; the private sector; and nongovernmental agencies to provide an effective and efficient national structure for preparedness, incident management, and emergency response.

The National Incident Management System provides a consistent framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident. Building on the Incident Command System, the National Incident Management System provides the nation's first responders and authorities with the same foundation for incident management for terrorist attacks, natural disasters, and all other emergencies. The National Incident Management System requires the institutionalization of the Incident Command System and its use to manage all domestic incidents.

National Incident Management System integrates existing best practices into a consistent, nationwide approach to domestic incident management that is applicable at all jurisdictional levels and across functional disciplines. Six major components make up the National Incident Management System system's approach:

- Command and Management
- Preparedness
- Resource Management
- Communications and Information Management
- Supporting Technologies
- Ongoing Management and Maintenance

Within the City of Los Banos, there are institutionalized National Incident Management System training requirements. For more information on those specific training requirements see the Supporting Documents section at the end of this plan.

2.2.5 Mutual Aid

California's emergency assistance is based on a statewide mutual aid system designed to ensure that additional resources are provided to the state's political subdivisions whenever their own resources are overwhelmed or inadequate. The basis for this system is the California Disaster and Civil Defense Master Mutual Aid Agreement, which is entered into by and between the State of California, its various departments and agencies and the various political subdivisions, municipal corporations and public agencies to assist each other by providing resources during an emergency. The agreement obligates each signatory entity to provide aid to each other during an emergency without expectation of reimbursement. Under specific conditions, federal and state monies may be appropriated to reimburse public agencies who aid other jurisdictions. If other agreements, memoranda and contracts are used to provide assistance for consideration, the terms of those documents may affect disaster assistance eligibility and local entities may only be reimbursed if funds are available. This plan promotes the establishment of emergency assistance agreements between public and private sector agencies at all levels. There are four approved, formal Mutual Aid Systems in California. Those systems are:

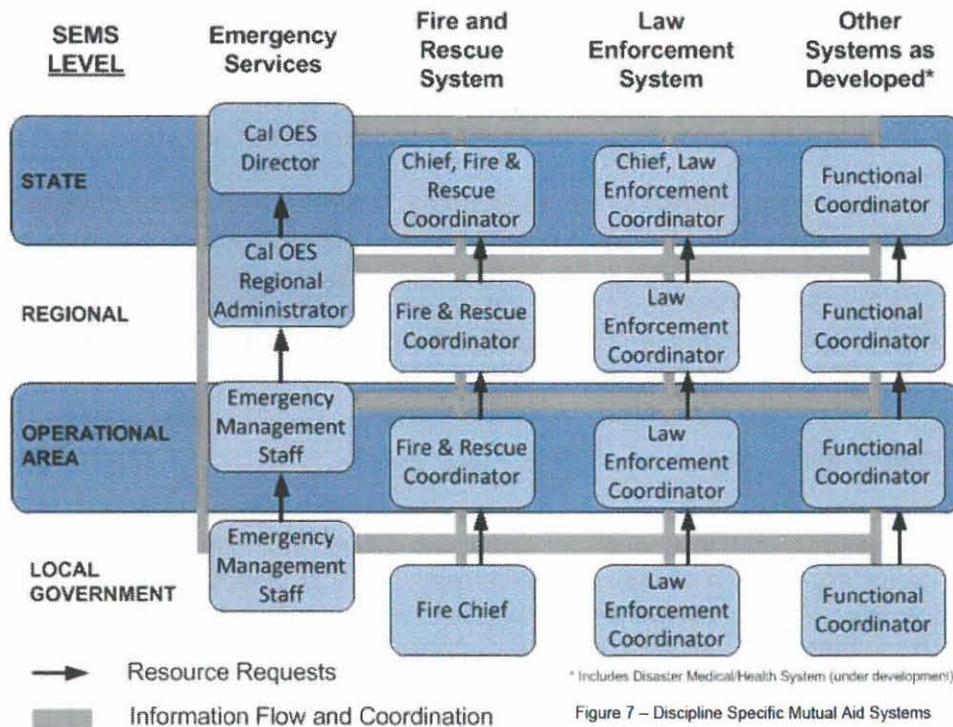
- Fire and Rescue
- Law Enforcement

Operational Area Requests: The Operational Area is a composite of its political subdivisions, (i.e. municipalities, contract cities, special districts and county agencies). The Operational Area Mutual Aid Coordinator assesses the availability of resources within the Operational Area and fulfills the resource request based upon that assessment. In the event resources are unavailable at the Operational Area level, the request is forwarded to the responsible Region Mutual Aid Coordinator to be filled.

Region Level Requests: The state is geographically divided into six Mutual Aid Regions. For Law Enforcement Mutual Aid, Region I is divided into two sub-regions. Each Mutual Aid Region is comprised of multiple Operational Areas and has a Regional Mutual Aid Coordinator. The Region Mutual Aid Coordinator is granted the authority to coordinate the mutual aid response of discipline-specific resources within the Region to support a mutual aid request by a jurisdiction also within the Region. In the event resources are un-available at the Region level, the request is forwarded to the State Mutual Aid Coordinator to be filled.

State Level Requests: On behalf of the Governor, the Director of CalOES has the responsibility for coordination of state mutual aid resources in support of local jurisdictions during times of emergency. The Director will analyze and coordinate the request by forwarding the request to an unaffected Region Emergency Operations Center or tasking an appropriate state agency to fill the need. **Figure 7 - Discipline-Specific Mutual Aid Systems** documents the flow of information, resources requests and resources within specific mutual aid agreement relative to the Standardized Emergency Management System organization levels.

Figure 8 – Flow of Requests and Resources depicts the resource management process for the state under Standardized Emergency Management System. In this model, the affected local government has the ability to access all stakeholders at all levels of the system.



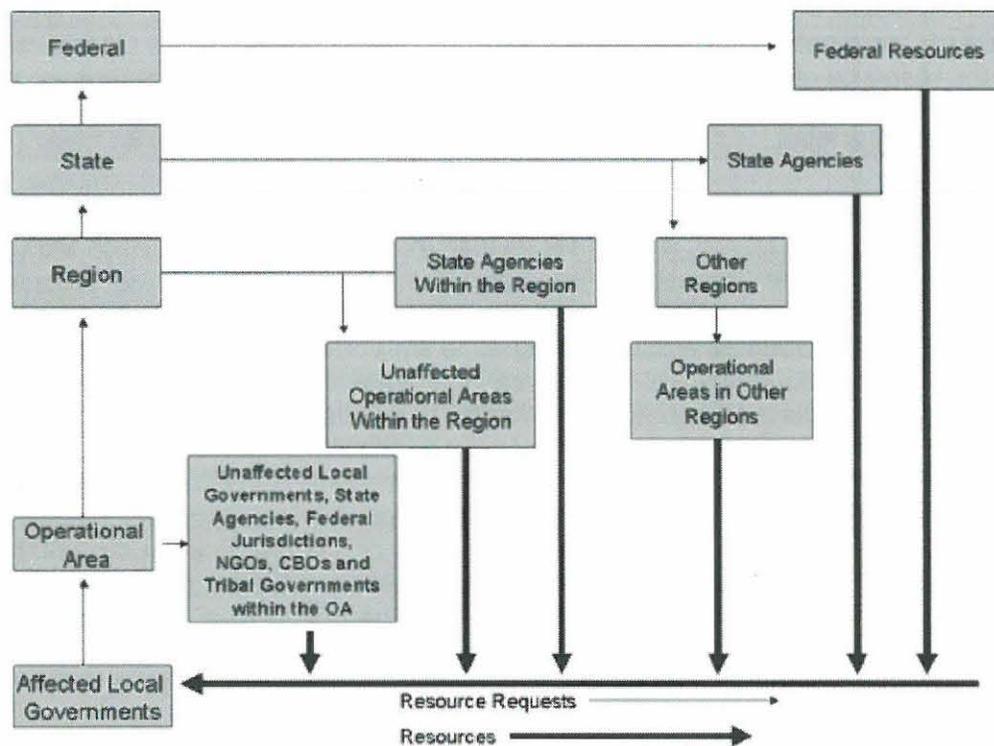


Figure 8 - Flow of Requests and Resources

2.3 SEQUENCE OF EVENTS DURING DISASTERS

Two sequences of events are typically associated with disasters: One involves the response and the other involves emergency proclamations. The response sequence generally describes the emergency response activities to save lives, protect property and preserve the environment. This sequence describes deployment of response teams, activation of emergency management organizations and coordination among the various levels of government. The emergency proclamation sequence outlines the steps to gain expanded emergency authorities needed to mitigate the problem. It also summarizes the steps for requesting state and federal disaster assistance.

2.3.1 Before Impact

Routine Monitoring for Alerts, Watches and Warnings: Emergency officials constantly monitor events and the environment to identify specific threats that may affect their jurisdiction and increase awareness level of emergency personnel and the community when a threat is approaching or imminent.

Increased Readiness: Sufficient warning provides the opportunity for response agencies to increase readiness, which are actions designed to increase an agency's ability to effectively respond once the emergency occurs. This includes, but is not limited to:

- Briefing government officials
- Reviewing plans and procedures
- Preparing and disseminating information to the community
- Updating resource lists
- Testing systems such as warning and communications systems
- Precautionary activation Emergency Operations Centers

Pre-Impact: When a disaster is foreseen as highly likely, action is taken to save lives and protect property. During this phase, warning systems are activated, evacuation begins and resources are mobilized.

2.3.2 Immediate Impact

During this phase, emphasis is placed on control of the situation, saving lives and minimizing the effects of the disaster.

Alert and Notification: Local response agencies are alerted about an incident by the public through 9-1-1, another response agency, or other method. First responders are then notified of the incident. Upon an alert, response agencies notify response personnel.

Resource Mobilization: Response agencies activate personnel and mobilize to support the incident response. As the event escalates and expands, additional resources are activated and mobilized to support the response. Activation and mobilization continue for the duration of the emergency as additional resources are needed to support the response. This includes resources from within the City, or, when resources are exhausted, from surrounding unaffected jurisdictions.

Incident Response: Immediate response is accomplished within the City by local responders. First responders arrive at the incident and function within their established field level plans and procedures. The responding agencies will manage all incidents in accordance with the Incident Command System organizational structures, doctrine and procedures.

Establishing Incident Command: Incident Command is established to direct, order, or control resources by virtue of some explicit legal, agency or delegated authority. Initial actions are coordinated through the on-scene Incident Commander. The Incident Commander develops an initial Incident Action Plan, which sets objectives for the incidents, assigns resources and includes a common communications plan. If multiple jurisdictions or agencies are involved, the first responders will establish a Unified Command Post to facilitate multijurisdictional and multiagency policy decisions. The Incident Commander may implement an Area Command to oversee multiple incidents that are handled by separate Incident Command System organizations or to oversee the management of a very large or evolving incident that has multiple incident management teams engaged.

Activation of the Multiagency Coordination System: Responding agencies will coordinate and support emergency management and incident response objectives through the development and use of integrated Multiagency Coordination Systems and Multiagency Coordination Groups. This includes developing and maintaining connectivity capability between Incident Command Post, local 9-1-1 Centers, local Emergency Operations Centers, Regional

Emergency Operations Center, the State Operations Center and federal Emergency Operations Centers.

Local Emergency Operations Center Activation: Local jurisdictions activate their local Emergency Operations Center based on the magnitude or need for more coordinated management of the emergency. When activated, Local Emergency Operations Centers help form a common operating picture of the incident by collecting, analyzing and disseminating emergency information. The local Emergency Operations Center can also improve the effectiveness of the response by reducing the amount of external coordination of resources by the Incident Commander by providing a single point of contact to support multiagency coordination. When activated the local Emergency Operations Center notifies the Operational Area lead that the local Emergency Operations Center has been activated.

Communications between Field and the Emergency Operations Center: When a jurisdiction Emergency Operations Center is activated, communications and coordination are established between the Incident Commander and the Emergency Operations Center.

Operational Area Emergency Operations Center Activation: If one or more Local Emergency Operations Centers are activated, or if the event requires resources outside the affected jurisdiction, the Operational Area Emergency Operations Center activates. The Operational Area Emergency Operations Center also activates if a Local Emergency is proclaimed by the affected local government. The Operational Area Emergency Operations Center then coordinates resource requests from the affected jurisdiction to an unaffected jurisdiction, or if resources are not available within the Operational Area, forwards the resource request to the Regional Emergency Operations Center and mutual aid coordinators.

Regional Emergency Operations Center Activation: Whenever an Operational Area Emergency Operations Center is activated the CalOES Regional Administrator will activate the Regional Emergency Operations Center within the affected region and notifies CalOES Headquarters. The Regional Emergency Operations Center will then coordinate resource requests from the affected Operational Area to unaffected Operational Areas within the affected region, or, if resources are not available within the affected region, resource requests are forwarded to the State Operations Center for coordination.

State Level Field Teams: The state may deploy Field On-Site Observation Teams to provide situation reports on the disaster to the Regional Emergency Operations Center in coordination with the responsible Unified Command.

State Operations Center Activation: The State Operations Center is activated when the Regional Emergency Operations Center activates in order to:

- Continuously monitor the situation and provide situation reports to brief state officials as appropriate.
- Process resource requests between the affected regions, unaffected regions and state agency Department Operation Centers.
- Process requests for federal assistance and coordinate with Federal Incident Management Assistance Teams when established.
- Coordinate interstate resource requests as part of the Emergency Management Assistance Compact or Interstate Disaster and Civil Defense Compact.
- The State Operations Center may also be activated independently of a Regional Emergency Operations Center to continuously monitor emergency conditions.

Joint Information Center Activation: Where multiple agencies are providing public information, the lead agencies will work together to analyze the information available and provide a consistent message to the public and the media. Where practical the agencies will activate a joint information center to facilitate the dissemination of consistent information.

Federal Emergency Management Agency Regional Response Coordination Center Activation: The Federal Emergency Management Agency Regional Response Coordination Center may deploy a liaison or Incident Management Assistance Team to the State Operations Center to monitor the situation and provide situational awareness to federal officials.

2.3.3 Sustained Operations

As the emergency situation continues, further emergency assistance is provided to victims of the disaster and efforts are made to reduce the likelihood of secondary damage. If the situation demands, mutual aid is provided, as well as search and rescue of, shelter and care for and identification of victims.

2.3.4 Transition to Recovery

As the initial and sustained operational priorities are met, emergency management officials consider the recovery phase needs. Short-term recovery activities include returning vital life support systems to minimum operating standards. Long-term activity is designed to return to normal activities. Recovery planning should include reviews of ways to avert or mitigate future emergencies. During the recovery phase, damage is assessed, local assistance centers and disaster recovery centers are opened and hazard mitigation surveys are performed.

Local Assistance Centers: Local Assistance Centers are opened by local governments to assist communities by providing a centralized location for services and resource referrals for unmet needs following a disaster or significant emergency. The Local Assistance Center is normally staffed and supported by local, state and federal agencies, as well as non-profit and voluntary organizations. The Local Assistance Center provides a single facility at which individuals, families and businesses can access available disaster assistance programs and services. As more federal resources arrive, a state-federal Disaster Recovery Center may be co-located with the Local Assistance Centers.

Joint Field Office: The state coordinates with Federal Emergency Management Agency as necessary to activate a Joint Field Office to coordinate federal support for the emergency. The state will appoint a State Coordinating Officer to serve as the state point of contact. A Federal Coordinating Officer is appointed upon a Presidential Declaration of an Emergency or Major Disaster.

Demobilization: As resources are no longer needed to support the response, or the response activities cease, re-sources are demobilized. Demobilization includes provisions to address and validate the safe return of resources to their original location and include processes for resource tracking and ensuring applicable reimbursement. Where applicable, the demobilization should include compliance with mutual aid and assistance provisions. For more information on the Recovery effort before, during and after a disaster, refer to ***Recovery and Mitigation Functional Annex E***.

2.3.5 Proclaiming an Emergency

The California Emergency Services Act provides for three types of emergency proclamations in California:

1. Local Emergency
2. State of Emergency
3. State of War Emergency

Emergency proclamations expand the emergency powers and authorities of the state and its political subdivisions. They also provide a mechanism for unaffected jurisdictions to provide resources and assistance to the affected jurisdictions. Although emergency proclamations facilitate the flow of resources and support to the affected jurisdictions and local government, they are not prerequisite for rendering mutual aid and assistance under existing agreements or requesting assistance from the American Red Cross or state agencies.

- A Local Emergency may be proclaimed by the Mayor, the Director of Civil Defense and Disaster or the Los Banos City Council as specified by Title 4 Public Safety, Chapter 2 Civil Defense of the City of Los Banos municipal code adopted by the Los Banos City Council. A Local Emergency proclaimed by these individuals must be ratified by the Los Banos City Council within seven days.

The governing body must review the need to continue the proclamation at least every 30 days until the Local Emergency is terminated. The Local Emergency must be terminated by resolution as soon as conditions warrant. Proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property within the City of Los Banos, caused by natural, technological or human-caused situations.

The proclamation of a Local Emergency provides the governing body with the legal authority to:

- If necessary, request that the Governor proclaim a State of Emergency
- Promulgate or suspend orders and regulations necessary to provide for the protection of life and property, including issuing orders or regulations imposing a curfew within designated boundaries
- Exercise full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements
- Request state agencies and other jurisdictions to provide mutual aid
- Require the emergency services of any local official or employee
- Requisition necessary personnel and materials from any local department or agency
- Obtain vital supplies and equipment and, if required, immediately commandeer the same for public use
- Impose penalties for violation of lawful orders
- Conduct emergency operations without incurring legal liability for performance, or failure of performance (Note: Article 17 of the Emergency Services Act provides for certain privileges and immunities)

Request for CalOES Director's Concurrence: Local governments can request cost reimbursement from the state for certain disaster-related repair costs under the California Disaster Assistance Act following the proclamation of a Local Emergency. The Director's

concurrence with the local proclamation is required for this reimbursement. This step is not required if a Governor's Proclamation of a State of Emergency is received for the same event.

Request for the Governor to Proclaim a State of Emergency: When emergency conditions exceed or have the potential to exceed, local resources and capabilities, local government may request the Governor Proclaim a State of Emergency. The formal request may be included in the original emergency proclamation or as a separate document. The request must be received within ten days of the event. In addition to providing access to reimbursement for eligible disaster related response and recovery expenditures, a Governor's proclamation can facilitate other actions, such as waiver of State regulations impacting response or recovery operations.

Initial Damage Estimate: The request for a Director's concurrence or a Governor's proclamation should include a copy of the proclamation document and an Initial Damage Estimate that estimates the severity and extent of the damage caused by the emergency. An Initial Damage Estimate may not be immediately required for sudden emergencies with widespread impacts, emergencies of significant magnitude, or during fast moving emergencies where immediate response assistance is necessary.

Analysis of Request: The request and the Initial Damage Estimate are reviewed by the CalOES Region and a recommendation is made to the Governor through the Director of CalOES.

Proclamation of a State Emergency: The Governor proclaims a State of Emergency based on the formal request from the local governing body and the recommendation of CalOES. If conditions and time warrant, the Governor drafts and signs a formal State of Emergency Proclamation. The Governor has expanded emergency powers during a proclaimed State of Emergency. The Governor:

- Has the right to exercise police power as deemed necessary, vested in the State Constitution and the laws of California within the designated area
- Is vested with the power to use and commandeer public and private property and personnel, to ensure all resources within California are available and dedicated to the emergency when requested
- Can direct all state agencies to utilize and employ personnel, equipment and facilities for the performance of any and all activities designed to prevent or alleviate actual and threatened damage due to the emergency and can direct them to provide supplemental services and equipment to political subdivisions to restore any services in order to provide for the health and safety of the residents of the affected area
- May make, amend, or rescind orders and regulations during an emergency and temporarily suspend any non-safety related statutes, ordinances, regulations, or rules that impose restrictions on the emergency response activities

Governor's Proclamation Without a Local Request: A request from the local governing body is not always necessary for the Governor to proclaim a State of Emergency. The Governor can proclaim a State of Emergency if the safety of persons and property in California are threatened by conditions of extreme peril or if the emergency conditions are beyond the emergency response capability and capabilities of the local authorities. This situation is, however, unusual.

Proclamation of a State of War Emergency: In addition to a State of Emergency, the Governor can proclaim a State of War Emergency whenever California or the nation is attacked

by an enemy of the United States, or upon receipt by California of a warning from the federal government indicating that such an enemy attack is probable or imminent. The powers of the Governor granted under a State of War Emergency are commensurate with those granted under a State of Emergency.

State Request for a Presidential Declaration: When it is clear that State capabilities will be exceeded, the Governor can request Federal assistance, including assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Stafford Act authorizes the President to provide financial and other assistance to State and local governments, certain private nonprofit organizations, and individuals to support response, recovery, and mitigation efforts following Presidential emergency or major disaster declarations.

Preliminary Damage Assessment: Upon submission of the request, Federal Emergency Management Agency coordinates with the state to conduct a Preliminary Damage Assessment and determine if the incident is of sufficient severity to require federal assistance under the Stafford Act. This process could take a few days to a week depending on the magnitude of the incident. Federal Emergency Management Agency uses the results of the Preliminary Damage Assessment to determine if the situation is beyond the combined capabilities of the state and local resources and to verify the need for supplemental federal assistance. The Preliminary Damage Assessment also identifies any unmet needs that may require immediate attention. The Preliminary Damage Assessment may not be required if immediate response assistance is necessary.

Federal Analysis of the State's Request: The Federal Emergency Management Agency Regional Administrator assesses the situation and the request and makes a recommendation to the President through the Federal Department of Homeland Security on a course of action. The decision to approve the request is based on such factors as the amount and type of damage, the potential needs of the affected jurisdiction and the state, availability of state and local government resources, the extent and type of insurance in effect, recent disaster history and the state's hazard mitigation history.

Federal Declarations without a PDA: If the incident is so severe that the damage is overwhelming and immediately apparent, the President may declare a major disaster immediately without waiting for the PDA process described above.

Declaration of Emergency or Major Disaster: The President of the United States can declare an Emergency or Major Disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC §5121 et seq.), thereby providing federal government resources to support the states' response and recovery activities. While Presidential Declarations under the Stafford Act release federal resources and funding to support response and recovery, federal agencies may also provide assistance under other authorities or agreements that do not require a Presidential Declaration.

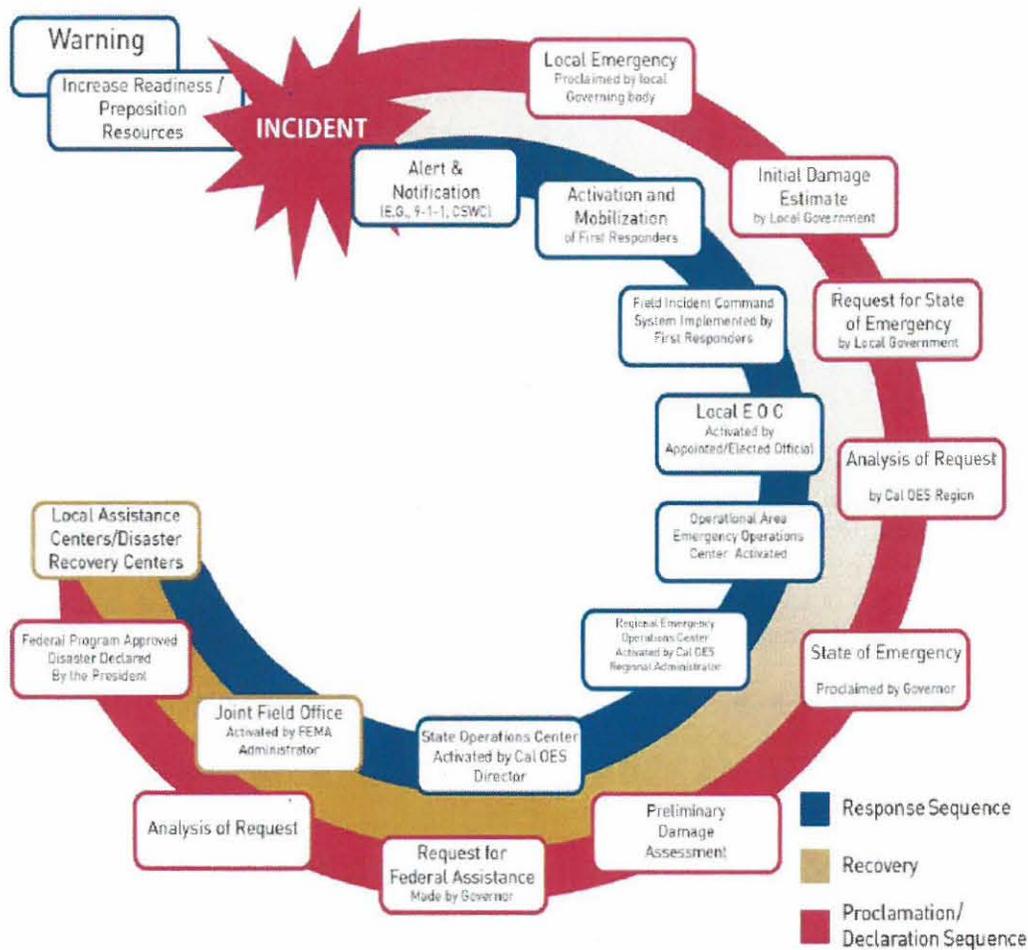


Figure 9 – Response Phase Sequence of Events

The sequence of activities occurring for the emergency response and the proclamation process is illustrated in **Figure 9 – Response Phase Sequence of Events**.

2.4 CONTINUITY OF GOVERNMENT OPERATIONS

A major disaster could result in great loss of life and property, including the death or injury of key government officials, the partial or complete destruction of established seats of government, and the destruction of public and private records essential to continued operations of government and industry.

In the aftermath of a major disaster, during the reconstruction period, law and order must be preserved and, so far as possible, government services must be maintained. This can best be done by civil government. To this end, it is particularly essential that the local units of government continue to function.

Applicable portions of the California Government Code and the State Constitution provide authority for the continuity and preservation of state and local government.

2.4.1 City of Los Banos Emergency Operations Policy Statement

Limitations: Due to the nature of emergency response, the outcome is not easy to predict. Therefore, it should be recognized that this plan is meant to serve as a guideline and that the outcome of the response may be limited by the scope, magnitude and duration of the event.

Suspension of Routine Activities and Availability of Employees: Day-to-day functions that do not contribute directly to the disaster operation may be suspended for the duration of an emergency. Efforts normally required for routine activities may be redirected to accomplish emergency tasks. During an emergency response, City employees not otherwise assigned emergency/disaster related duties will, unless otherwise restricted, be made available to augment the work of their department, or other City departments, if required.

Households of Emergency Response Personnel: City employees may not be at peak efficiency or effectiveness during a disaster if the status of their households are unknown or in doubt. Employees who are assigned disaster response duties are encouraged to make arrangements with other employees, friends, neighbors or relatives to check on their immediate families in the event of a disaster and to communicate that information to the employee through the City of Los Banos Emergency Operations Center.

Non-Discrimination: All local activities will be carried out in accordance with Federal nondiscrimination laws. It is the City's policy that no service will be denied on the basis of race, religion, national origin, age, sex, marital status, veteran status, sexual orientation or the presence of any sensory, mental or physical disability.

Citizen Preparedness: This Plan does not substitute government services for individual responsibility. Citizens are expected to be aware of developing events and take appropriate steps to respond in a safe and timely manner. Since the City's resources and personnel may be overwhelmed at the onset of a disaster event, individuals and organizations should be prepared to be self-sufficient following a disaster. The City will make every effort to provide information to the public, via the media and other sources to assist citizens in dealing with the emergency.

2.4.2 Disaster Service Workers

Under California Government Code, Section 3100-3109, all public employees are obligated to serve as Disaster Service Workers. Public employees (civil service) are all persons employed by any county, city, state agency or public district in the State of California. Disaster Service Workers provide services and support during declared emergencies or disasters.

In the event of a major emergency or disaster, city employees may be called upon to perform certain duties in support of emergency management operations, such as: serve in a position in the Emergency Operations Center, support shelter operations, or work at a logistics base in the field.

Under no circumstances will city employees that do not usually have a response role in their day to day responsibilities be asked to perform duties or functions that are hazardous, that they have not been trained to perform or that are beyond their recognized capabilities.

2.5 CONTINUITY OF OPERATIONS

A critical component of the City emergency management strategy involves ensuring that government operations will continue during and after a major emergency or disaster. The ability to maintain essential government functions, including the continuity of lawfully constituted authority is a responsibility that must be provided to the greatest extent possible.

For additional information regarding the City of Los Banos Continuity of Operations, refer to ***Continuity of Government/Continuity of Operations Functional Annex B***.

SECTION 3.0 ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

3.1 EMERGENCY MANAGEMENT RESPONSE LEVELS

The City of Los Banos Emergency Operations Plan will be activated when an emergency occurs or threatens to exceed capabilities to adequately respond to and mitigate an incident(s). The scope of an emergency, rather than the type, will largely determine whether the Emergency Operations Plan and Emergency Operations Center will be activated, and to what level.

The City Emergency Operations Center will be activated and staffed accordingly by City personnel and representatives from allied agencies, jurisdictions, and organizations as appropriate.

3.1.1 National Emergency

In the event of a declared National Emergency, the City Emergency Operations Center could be activated and all elements of local government organized to respond to the indicated threat. A National Emergency may occur due to a real or potential act of terrorism or other catastrophic event that affects the country, including the City of Los Banos and surrounding jurisdictions.

For additional information regarding the City of Los Banos Direction and Control and Emergency Operations Center Functions, refer to the Direction and Control Functional Annex A.

3.2 CITY DEPARTMENT/ALLIED AGENCY EMERGENCY OPERATIONS CENTER ASSIGNMENTS

In the event of an Emergency Operations Center activation, each City Department and selected allied agencies are assigned specific functions to support emergency management operations. These assignments may involve direct participation within the Emergency Operations Center or provide indirect support. See the Responsibility Matrix below for Primary (P) and Support (S) roles for each City Department/Organization.

3.2.1 Director of Civil Defense and Disaster

As defined by the City Municipal Code, Title 4 Public Safety, Chapter 2 Civil Defense, the City Manager is the Director of Emergency Services. The Fire Chief reports to the City Manager and is delegated the authority under the above referenced municipal code to coordinate and oversee the day to day management of the emergency services program and organization.

Responsibility Matrix for Primary (P) and Support (S) Roles for City Departments

	City of Los Banos									County					Other		
	City Administration	Fire Department	Police Department	Information Technology	Recreation Division	Community Development	Finance	Public Works/Engineering	Human Resources	County OES Office/County Administration	Environmental Health	Public Health	Social Services	Sheriff	School District	American Red Cross/Other NGOs	State/Federal Agencies
Action Planning		P				S											
Alerting and Warning	S	S	P								S		S				
Animal Care			P										S		S		
Care and Shelter					P							S		S	S		
Construction & Engineering								P									
Coroner													P				
Damage Assessment								P									
Debris Clearance					S			P									
Evacuation			P										S				
Facilities					S			P									
Finance/Administration							P										
Fire and Rescue		P															
Flood Control	S							P		S							S
Hazardous Materials		P									S						
I.T. & Telecommunications				P													
Law Enforcement			P										S				
Legal Considerations	P									S							
Management	P	S	S							S							
Medical/Health		P									S						
Personnel								P									
Procurement							P										
Public Information	P	S	S							S							S
Public Works								P									
Services & Support					P												
Situation Status	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Transportation					S			P									
Utilities								P									
Vital Records	P																

P=PRIMARY S=SUPPORT

3.3 ROLE OF THE PRIVATE SECTOR

3.3.1 Los Banos Residents

The residents of Los Banos are the primary beneficiaries of the City's emergency management system. At the same time, residents play an important role in emergency management by ensuring that they and their families are prepared for disasters. Before an emergency, residents can assist the emergency management effort by taking first aid training, maintaining supplies and being prepared to evacuate or shelter in-place for several days.

Many residents join disaster volunteer programs such as Community Emergency Response Teams and remain ready to volunteer or support emergency response and recovery efforts. During an emergency, residents should monitor emergency communications and carefully follow directions from authorities. By being prepared, residents can better serve their family, their community and reduce demands on first responders.

3.3.2 People with Disabilities and Access and Functional Needs

People with Disabilities and with access and functional needs include those members of the community that may have additional needs before, during, and after an incident in functional areas, including but not limited to maintaining independence, communication, transportation, supervision, and medical care.

Individuals in need of additional response assistance may include those who:

- Have disabilities
- Live in institutionalized settings
- Are elderly
- Are children
- Are from diverse cultures
- Have limited English proficiency or are non-English speaking; or who are transportation dis-advantaged.

Lessons learned from recent emergencies concerning people with disabilities and older adults have shown that the existing paradigm of emergency planning, implementation and response must change to meet the needs of these groups during an emergency. These lessons show four areas that are repeatedly identified as most important to people with disabilities and older adults:

- Communications and Public Information – Emergency notification systems must be accessible to ensure effective communication for people who are deaf/hard of hearing, blind/low vision, or deaf/blind.
- Evacuation and Transportation – Evacuation plans must incorporate disability and older adult transportation providers for identifying and the movement of people with mobility impairments and those with transportation disadvantages.

- Sheltering – Care and shelter plans must address the access and functional needs of people with disabilities and older adults to allow for sheltering in general population shelters.
- Americans with Disabilities Act - When shelter facilities are activated, the state will work with local officials to ensure they accommodate the provisions of the Americans with Disabilities Act.

3.3.3 At-Risk Individuals

Another perspective is to consider the needs of people who are not in contact with traditional emergency service providers. These people may feel they cannot comfortably or safely access and use the standard resources offered in preparedness, response and recovery. These include, but are not limited to individuals who are:

- Homeless
- Without transportation
- Without radio or television to know they need to take action
- Without access to telephones
- Visiting or temporarily residing in an impacted region
- Not familiar with available emergency response and recovery resources
- Limited in their understanding of English
- Geographically or culturally isolated

3.3.4 Businesses

Much of Los Banos's critical infrastructure is owned or maintained by businesses and must be protected during a response to ensure a quick and complete recovery from an emergency. These same businesses provide valuable resources before, during and after an emergency and play a critical role in meeting the needs of those impacted by an emergency.

Target Hazards: Some key industries are potential targets for terrorist attacks and must institute measures to prevent attacks and protect their infrastructure and the surrounding community. This requires businesses to coordinate with federal, state and local governments to ensure that their emergency plans are integrated with government plans.

Hazardous Materials Area Plans: Some industries are required by law or regulation to have emergency operations procedures to address a variety of hazards. The CalOES Hazardous Materials Program requires businesses that handle hazardous materials that meet certain quantity or risk thresholds must submit Business Program Plans and Risk Management Plans to the Merced County Certified Unified Program Agency or Administering Agency. The Administering Agency can then develop Hazardous Materials Area Plans to respond to a release of hazardous materials.

Business Emergency Plans: This plan recommends that all businesses develop comprehensive emergency plans that include employee injury and illness prevention programs, business resumption and continuity of operations elements. A comprehensive business emergency plan can assist the business and the community at-large by providing:

- Information to the employees to protect themselves and their families from the effects of likely emergencies
- A business emergency organization with identified positions having clear and specific emergency roles, responsibilities, delegated authority and identified successors
- An identification of actions necessary to protect company property and records during emergencies
- A listing of critical products and services
- Production shut-down procedures
- A company command post
- Alternate work sites
- Methods and channels of communication
- Contacts with local emergency management officials
- A method to provide and accept goods and services from other companies

Business Operations Centers: This plan also promotes the use of business operations centers to enhance public and private coordination. Local governments can effectively coordinate with businesses by establishing a business operations center that is linked to their existing emergency operations center.

3.3.5 Volunteer Organizations

Los Banos recognizes the value and importance of organizations that perform voluntary services in their community. These organizations have resources which can augment emergency response and recovery efforts. Examples of just a few of the many voluntary organizations in Los Banos are:

- American Red Cross Central Valley Chapter
- Los Banos Amateur Radio Club (Ham Radio Club)
- Police Volunteers of Los Banos California/V.I.T.A.L. (Volunteers Interacting to Advance Law Enforcement)
- Los Banos Volunteers for Animals

3.3.6 Public-Private Partnerships

The private sector provides valuable assistance and resources to support emergency response and recovery activities. The goal of the Public-Private Partnership is to advise on:

- Appropriate agreements to provide for quick access to emergency supplies and essential services in order to minimize the need to stockpile such supplies during normal times
- Logistic measures required to quickly deliver needed supplies and services to affected areas
- Methods to utilize non-profit and private sector capabilities to increase the surge capacity of local agencies responding to emergencies
- Methods to promote the integration of the non-profit and private sectors into the emergency services system so that people can be better informed and prepared for emergencies

- Systems that aid business and economic recovery after an emergency

SECTION 4.0 DIRECTION, CONTROL AND COORDINATION

4.1 GENERAL

Responsibility for emergency response is based on statutory authority. The emergency response is coordinated under the Standardized Emergency Management System, which provides a flexible adaptable and expandable response organization to address all-hazards of varying magnitude and complexity.

Command and Control: During response to minor or moderate events, the City of Los Banos may manage the emergency with existing resources. The Emergency Operations Center may not be activated under this scenario. Personnel that are part of a field level emergency response will utilize the Incident Command System to manage and direct on-scene operations.

Field/Emergency Operations Center Communications and Coordination: The Los Banos Emergency Operations Center is activated to support field operations when an emergency requires additional resources, or when requested resources exceed that which is available from within the jurisdiction. Field Incident Commanders and the City Emergency Operations Center will establish communications when the Emergency Operations Center is activated. The Los Banos Emergency Operations Center will communicate with the Merced Operational Area Emergency Operations Center and the Merced Operational Area Emergency Operations Center will communicate with the Inland Region Emergency Operations Center and the Region Emergency Operations Center will communicate with the State Operations Center.

Multi-agency Coordination: Larger scale emergencies involve one or more responsible jurisdictions and or multiple agencies. Management personnel from the responsible jurisdictions form a Unified command and or a Multi-Agency Coordination Group. Provision is made for situation assessment, determining resources requirements, establishing a logistical system and allocating resources. Various emergency operations centers, dispatch centers and other essential facilities located in or adjacent to the affected area are activated at this time.

4.2 EMERGENCY OPERATIONS CENTER COORDINATION WITH OTHER GOVERNMENT LEVELS AND THE PRIVATE SECTOR

4.2.1 Coordination with Field Response Level

Communications and coordination must be established between the Emergency Operations Center and field responders who are responding within the city boundaries. This is accomplished through coordination with the Department Operations Centers, when activated, and as necessary through the city Emergency Operations Center.

4.2.2 Coordination with Merced Operational Area and Member Jurisdictions

Direct communications and coordination will be established between Merced County and any Operational Area member jurisdictions' activated Emergency Operations Center. Additionally, as time permits, communications will be established by the county with other member jurisdictions that have not activated their Emergency Operations Centers. Initially,

communications will be established by any means available and with whoever is available, regardless of their functional Emergency Operations Center position. Ideally, communications and coordination amongst the cities and special district Emergency Operations Centers will occur along functional lines.

An agency representative from any Operational Area jurisdiction that activated its Emergency Operations Center may request to have a liaison at the City's Emergency Operations Center; this will be coordinated through the Merced Operational Area Emergency Operations Center or the Emergency Services Manager if the County Emergency Operations Center is not activated. Due to space limitations, this would only be recommended during complex or large operations between the city and other Merced Operational Area members.

4.2.3 Coordination with the County and Special Districts

The emergency response role of county and special districts is generally focused on restoring their normal services or functional area of responsibility. During disasters, some types of special districts will be more extensively involved in the emergency response by directly coordinating, communicating, and assisting local governments (for instance utilizing school districts for incidents involving shelters, school facilities, or the children.) If a special district does not send a representative to the Emergency Operations Center, then the Liaison Officer in the Emergency Operations Center will be responsible for establishing communications and coordination with the special district liaison.

4.2.4 Coordination with the Inland Region Emergency Operations Center

Communications with the Inland Region Emergency Operations Center are conducted through the Merced Operational Area. The Regional Emergency Operations Center will work with the Operational Area directly on behalf of the city and the methods are described as follows:

- Primary Method - The Regional Emergency Operations Center sends a field representative to the Operational Area
- Alternate Method - The Operational Area and the Regional Emergency Operations Center coordinate through various telecommunications systems

4.2.5 Coordination with State and Federal Field Response

There are some instances where a state or federal agency will have a field response. State agency field responses may result from a flood fight effort, oil spill, hazardous materials accident on a highway or other hazard scenarios. Federal field response could result from the same scenarios or a military aircraft accident, and/or terrorism incidents. When a state agency or federal agency is involved in field operations, coordination may be established with the City Emergency Operations Center. State or federal agencies operating in the field may be found in any section, branch, or unit or part of a Unified Command. The agency's responsibilities in responding to the incident will determine their location in the organization.

4.2.6 Coordination with Volunteers and the Private Sector

Within the City, coordination of response activities with non-governmental organizations may occur. Privately-owned utilities, such as Merced Irrigation District and Pacific Gas & Electric will frequently send representatives to activated Emergency Operations Centers to facilitate coordination of critical facility restoration. The Emergency Operations Center will address volunteer requests from the general public by directing them to the logistics section or the Emergency Volunteer Center, if activated at the County level. Other private sector corporate interests may contact the Emergency Operations Center through the appropriate liaisons to express their interest in assisting in response and recovery operations.

For additional information regarding the City of Los Banos Direction and Control and Emergency Operations Center Functions, refer to ***Direction and Control Functional Annex A***.

SECTION 5.0 INFORMATION COLLECTION AND DISSEMINATION

5.1 ACTION PLANNING

The use of Action Plans in the Los Banos Emergency Operations Center provides a clear and measurable process for identifying objectives and priorities for a given event. Action Planning is an important management tool that involves:

- Process for identifying priorities and objectives for emergency response or recovery efforts
- Plans which document the priorities and objectives, and the tasks and personnel assignments associated with meeting the objectives

The Action Planning process should involve the EOC Director and Section Chiefs (one from each Section), along with other EOC staff, as needed, such as agency representatives.

5.1.1 Planning Requirements

The initial EOC Action Plan may be a verbal plan that is developed during the first hour or two following EOC activation. A verbal plan may also be utilized for incidents involving a limited scope, short duration (less than 12 hours) and a limited number of response personnel. An EOC Action Plan shall be developed whenever the EOC is activated, either partially or fully. A written EOC Action Plan is required whenever:

- Two or more agencies are involved in the response
- The incident overlaps more than one operational period
- All EOC functions are fully staffed

The EOC Action Plan addresses a specific operational period which may vary in length from a few hours to days depending on the circumstances. The plan should be regularly reviewed and evaluated throughout the operational period and revised or updated as warranted.

5.1.2 Plan Elements

The elements to be included in the EOC Action Plan are:

- Operational period covered by the plan
- Identify parts of EOC organization that have been activated on an organization chart
- Assignment of primary and support personnel and material resources to specific tasks and locations
- Describe any logistical or technical support to be provided and by whom
- State the objectives (attainable, measurable and flexible) to be accomplished
- Establish the current priorities to meet the objectives
- Describe the strategy to be utilized to achieve the objectives

In addition to the required elements listed above, the Action Plan may also include:

- Specific departmental mission assignments

- Policy and/or cost constraints
- Any inter-agency considerations

5.1.3 Planning Responsibilities

Primary responsibility for developing the EOC Action Plan rests with the Planning Section. However, development of the plan requires the active participation of the EOC Management and General Staff. The Operations Section, in particular, must work closely with the Planning Section during Action Plan development. When indicated, the Planning Section Chief will request specific technical experts to provide input to the plan. The EOC Director is responsible for approving the plan.

For incidents requiring close coordination with external agencies, (e.g., State Cal OES, state first response agencies, special districts, etc.), input from the involved agencies should also be included in the Action Planning process. For additional information regarding the City of Los Banos Action Planning, refer to ***Direction and Control Functional Annex A***.

5.2 EOC REPORTING

Information may be sent to City departments, EOC personnel, the Merced Operational Area and other key agencies using radio, telephone, email, internet or fax. Regardless of the method of communication, all data should be verified prior to transmission. If unverified data must be transmitted, it should be clearly designated as unconfirmed information. The Los Banos EOC should transmit the following reports to the state on the City's behalf, when requested:

5.2.1 Preliminary Reports

Preliminary Reports are used during the first two hours of an emergency to provide an initial picture of the scope and magnitude of the situation.

5.2.2 Situation Reports

Situation Reports are brief narratives that present a concise picture of the emergency situation and are prepared for specific time periods.

- At the beginning of an emergency response, the EOC Management and Planning staff will determine appropriate times for submitting data and issuing Situation Reports
- The Situation Report is intended for use after the first two hours of an emergency and can be updated as requested or needed
- The Inland Region Situation Status forms contain the information presented on the Situation Report form. The information may be transmitted via the Internet or fax

5.2.3 Flash Reports

Flash Reports are used for transmitting critical, time-sensitive information outside regularly scheduled Preliminary Reports or Situation Reports. For example, a Flash Report would be

used to report an impending dam failure or a receipt of a Federal Declaration of a Major Disaster.

Oral Flash Reports may precede written reports. The written report later serves as confirmation and documentation.

5.2.4 Documentation

Unit/activity logs are used to record significant events, communications and actions associated with an emergency for a given operational period or shift. Each EOC staff position is responsible for maintaining a unit/activity Log.

All copies of reports, SEMS forms, and logs must be submitted to the Planning Section, Documentation Unit, prior to the close of each operational period (or prior to EOC deactivation if operations do not require multiple shifts).

5.2.5 Status Boards/Charts

Status Boards/Charts are erasable boards/charts or projections from computer systems located around the EOC. The Status Boards/Charts provide decision-makers and EOC staff with essential information such as road closures, shelter location information, river gauge levels etc., at a glance.

5.3 EMERGENCY OPERATIONS CENTER REPORTING SYSTEMS

The State of California has an internet based information reporting system for use during emergencies called CalEOC. The purpose of the CalEOC System is to improve the state's ability to respond to major disasters. This system is not available to the City level, however the Operational Area does have access and uses the system frequently. The City will use the standard set of Incident Command System forms to report information to the Operational Area.

5.4 EMERGENCY PUBLIC INFORMATION

Emergency Public Information is a priority of utmost importance during emergencies and disasters. City government has a primary responsibility to provide accurate and timely information to the public regarding conditions, threats, and protective measures. To avoid conflicts and confusion, the Emergency Public Information function operates best when centralized and coordinated among all involved jurisdictions, agencies and organizations. For additional information regarding the City of Los Banos Emergency Public Information, refer to ***Emergency Public Information Functional Annex D***.

SECTION 6.0 COMMUNICATIONS

In coordination with established public safety warning protocols, the activated EOC will manage the dissemination of timely and adequate warnings to threatened populations in the most effective manner possible. Warning information will be issued as quickly as a threat is detected, using the most direct and effective means possible.

6.1 WARNING RESPONSIBILITY

When the EOC is not activated, the City Public Safety Departments will coordinate the dissemination of official alerts and warnings to the general public and allied agencies using available methods. This alert and warning activity will be coordinated through the City PIO, the dispatch center and other available alert and warning mechanisms available to the City.

6.2 WARNING AND ALERT MECHANISMS

Depending upon the threat and time availability, the EOC will initiate alerts and warnings utilizing any of the following methods:

- Activation of the Emergency Alert System (EAS)
- Activation of the California Law Enforcement Mutual Aid Radio System (CLEMARS)
- Activation of the Merced County Emergency Notification System
- Media broadcast alerts

As in any emergency, the effectiveness of any warning will be dependent upon many factors including:

- Time availability
- Initial notice of threat
- Time of day
- Language barriers
- Receiving challenges for the hearing and sight impaired

6.3 WARNING CONDITIONS

Typically, warnings will be issued during periods of flash flooding, major hazardous materials incidents, public health emergencies, fast moving fires, severe weather conditions, and potential acts of violence. However, warnings may be issued wherever a threat is perceived and the potential for safeguarding public safety is possible through rapid alerting.

For additional information regarding the City of Los Banos Communications and Warning procedures, refer to ***Communications and Warning Functional Annex C***.

SECTION 7.0 DOCUMENTATION, FINANCE, ADMINISTRATION AND LOGISTICS

7.1 DOCUMENTATION

The Finance/Administration Section will be responsible for maintaining records on damage assessment expenditure, recovery cost expenditures, insurance related documents, personnel overtime, and other costs associated with the emergency. guidance is provided in their position guides at the Emergency Operational Center.

The Planning Section will maintain copies of documents that are integral to Emergency Operational Center functions, (such as action plans, situation status logs, position logs) that together make up the history and chronology of the emergency events. Guidance is provided in their Planning Section's operational procedures at the Emergency Operational Center.

7.2 FINANCE

In the case of a major disaster in the City, the Emergency Operations Center will support cost recovery efforts. City of Los Banos citizens may benefit from the Small Business Administration, and potentially the Federal Public Assistance Program. The City together with Merced County may assist the citizenry with public service announcements regarding support available as unemployment benefits, worker's compensation, and insurance benefits.

7.3 EXPENDITURE TRACKING

The City may be reimbursed from insurance, state and/or federal sources for disaster-related expenses. The purpose of this section is to provide guidance on the record keeping requirements for claiming such expenses.

7.3.1 Eligible Expenses

Eligible costs are typically extraordinary costs incurred while providing emergency services required by the direct impact of a declared disaster and which service is the responsibility of the applicant agency. Eligible costs are generally considered to be the net costs over and above any increased revenue or subsidy for the emergency service. Ineligible expenses include costs for standby personnel and/or equipment and lost revenue.

7.3.2 Recordkeeping Requirements

State and federal governments require detailed information to support claims for reimbursement. Funding will be approved or denied based upon the information supplied by applicant agencies. Documentation supporting all costs claimed will be required, and all information must relate back to individual original source records. The following guidelines should be followed when documenting disaster-related reimbursable expenses:

- Costs and revenues associated with emergency operations should be segregated from normal operating expenses
- Separate records should be maintained for each vehicle and piece of heavy equipment used for emergency operations

- Vehicle and equipment documentation should include the miles and/or hours operated by location and operator
- Vehicle operating expenses should include fuel, tires, and maintenance
- Labor costs should be compiled separate from vehicle and/or equipment expenses
- Equipment documentation should include exactly where the equipment was used and for what; hours and minutes used; and the name of the equipment operator if applicable
- Revenues and subsidies for emergency operations must be subtracted from any costs claimed
- Requisitions, purchase orders, and invoices must be maintained for all supplies, materials and equipment expenses claimed
- Costs for supplies and materials must include documentation of exactly where resources were used and for what purpose
- All non-competitive procurements must be justified

Expenditure tracking should commence upon notice or obvious occurrence of disasters that require expense of labor, equipment use, materials, and other expenses. The Incident Commander(s), Emergency Operations Center Director, and Emergency Operations Center staff are responsible for maintaining written records of all disaster-related personnel overtime, requests for supplies, equipment and contract personnel, and receipts for emergency purchases of supplies, equipment and other disaster-related expenses. The City will activate a special coding for emergency expenditure tracking which is used for both labor and equipment.

The Finance/Administration Section will compile reports, including total expenditures by category. The Finance Section Chief will submit a summary report on total costs to the Emergency Operations Center Director as requested. This information will be used for state and federal disaster assistance applications. The expenditure data and documentation is vital to state and federal agencies for requesting financial assistance during and after the disaster

7.4 RESOURCE MANAGEMENT (LOGISTICS)

7.4.1 Resource Priorities

When activated, the Emergency Operations Center establishes priorities for resource allocation during the emergency. All city resources are considered part of a pool, which may be allocated by the Emergency Operations Center to fulfill priority missions. Each department retains control of its non-assigned resources until released for an emergency assignment by the Emergency Operations Center.

7.4.2 Resource Requests

Resource Requests (personnel, equipment or technical assistance) will be made through one of the following processes:

- Discipline-specific (usually Fire and Law) mutual aid systems: Requests for resources that are normally within the inventories of the mutual aid system will go from local coordinator to Operational Area Mutual Aid Coordinator to the Regional Mutual Aid Coordinator
- All other resource requests will be made through the logistics function at each level

Resource requests from other entities or jurisdictions within the city will be coordinated with the Emergency Operations Center to determine if the resource is available internally or from other more appropriate sources located within the City or even the Operational Area. Emergency Management Mutual Aid Coordinators at each government level will keep the Operations Chief informed of the status of resource requests and allocations. Coordinators at each level will communicate and coordinate with each other to maintain current status on resource requests and allocations within the disaster area.

Resource requests for equipment, personnel or technical assistance not available to the City should be coordinated with the Merced Operational Area Emergency Operations Center to the Inland Region Regional Emergency Operations Center. Once the request is coordinated, approved and resources deployed, the Resource Status Unit, in coordination with various Operations Branches, is responsible for tracking the resources.

7.4.3 Emergency Resource Directory

The City maintains an Emergency Resource Directory in both paper and database formats that lists all of the vendors, supplies, and equipment that can be available during a disaster situation.

SECTION 8.0 PREPAREDNESS, TRAINING AND EXERCISES

8.1 PREPAREDNESS PLANNING

City government conducts a wide array of emergency planning activities. Planning efforts include development of internal operational documents as well as interagency response plans having multi-jurisdictional participation.

In addition to the planning activities conducted, the city departments develop internal preparedness and contingency plans to ensure provision of government services and maintenance of departmental functions during disasters. The Department Operations Plan (DOP) is an integral supporting component of the master Emergency Operations Plan (EOP).

Emergency readiness cannot be conducted within a vacuum. The city is responsible for working with all city departments, special districts and allied agencies that are considered a component of the Merced Emergency Organization. Such coordination extends to the following activities:

- Interagency plan development
- Interagency training coordination
- Interagency exercise development and presentation
- Interagency response management
- Interagency emergency public information activities

Additionally, the Fire Chief acts as the city government's key representative and lead agent for day-to-day emergency management activities such as: mitigation, preparedness, response, and recovery. Non-emergency functions include planning, training and exercise development, preparedness presentations, interagency coordination, hazard assessment, development of preparedness and mitigation strategies, grant administration and support to city response agencies.

8.1.1 Community Preparedness and Awareness

The public's response to any emergency is based on an understanding of the nature of the emergency, the potential hazards, the likely response of emergency services, and knowledge of what individuals and groups should do to increase their chances of survival and recovery.

Public awareness and education prior to an emergency or disaster will directly affect the City of Los Banos' emergency operations and recovery efforts. For this reason, the City of Los Banos will make emergency preparedness information from county, state and federal sources available to the member jurisdictions and our citizens upon request.

8.1.2 Preparedness Actions

In identifying general preparedness actions, city government works with community based organizations, faith-based organizations, other local governments/special districts, private industry, preparedness groups, and other entities to provide information relating to individual and group preparedness.

Government is limited in its ability to provide endless services and support during times of disaster, so public preparedness is essential for ensuring individual and organizational safety and protection.

8.2 READINESS TRAINING

The Los Banos Fire Department will notify holders of this plan of training opportunities associated with emergency management and operations. Individual City departments and agencies within the City of Los Banos are responsible for maintaining training records. Jurisdictions and agencies having assigned functions under this plan are encouraged to ensure that assigned personnel are properly trained to carry out these tasks.

The City of Los Banos Fire Department will develop and execute a comprehensive training program for emergency management topics on an annual basis. The established training schedule will include applicable courses of instruction and education that cover management subjects. Such instruction shall meet or exceed the State SEMS and Federal NIMS training requirements.

8.3 EXERCISE AND EVALUATION

Elements of this plan will be exercised regularly. The Fire Department will conduct emergency preparedness exercises, in accordance with its annual exercise schedule, following appropriate state and federal guidance. Deficiencies identified during scheduled exercise activities will result in the development of a corrective action plan to initiate appropriate corrections.

The planning for, development and execution of all emergency exercises will involve close coordination between all City Departments, allied agencies, special districts, and supporting community and public service organizations.

The primary focus will be to establish a framework for inter-organizational exercise collaboration in coordination with all-hazard response and recovery planning and training activities, conducted within the City of Los Banos.

Emergency exercise activity will be scheduled as to follow state and federal guidance and program requirements. Exercise activity will follow the Homeland Security Exercise and Evaluation Program guidance and may be designed as one or more of the following exercise types:

- Drills
- Seminars (Workshops)
- Table Top Exercises
- Functional Exercises
- Full Scale Exercises

SECTION 9.0 PLAN DEVELOPMENT AND MAINTENANCE

9.1 PLAN DEVELOPMENT AND MAINTENANCE RESPONSIBILITY

This plan is developed under the authority conveyed to the City of Los Banos Fire Department in accordance with the City's Emergency Organization who has the primary responsibility for ensuring that necessary changes and revisions to this plan are prepared, coordinated, published, and distributed.

9.2 REVIEW AND UPDATING

This plan and its supporting documents or annexes, such as Continuity of Operations, Communications and Warning or Recovery, will be reviewed annually, with a full document update conducted minimally every two (2) years. Changes to the plan will be published and distributed to all involved departments and organizations. Recommended changes will be received by the City of Los Banos Fire Department, reviewed and distributed for comment on a regular basis. Elements of this plan may also be modified by the City of Los Banos Fire Department any time state or federal mandates, operational requirements, or legal statute so require. Once distributed, new editions to this plan shall supplant older versions and render them inoperable.

SECTION 10.0 AUTHORITIES AND REFERENCES

10.1 AUTHORITIES

Federal

- Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, 42 U.S.C. 5121, et seq., as amended
- Homeland Security Presidential Directive 5, Management of Domestic Incidents, February 28, 2003
- Homeland Security Presidential Directive 8, National Preparedness, December 17, 2003
- The Code of Federal Regulations, Title 44, Chapter 1, Federal Emergency Management Agency, October 1, 2007

State

- California Emergency Services Act (CA government Code Section 8550 et. seq.)
- California Disaster Assistance Act (CA government Code Section 8680 et. seq.)
- California Code of Regulations Title 19, (Standardized Emergency Management System and California Disaster Assistance Act)
- California Disaster and Civil Defense Master Mutual Aid Agreement

County

- Merced County Emergency Services/Ordinance Chapter 2.72
- Merced County Resolution adopting the California Master Mutual Aid Agreement
- Merced County Resolution relating to Emergency Operations within Merced County
- Merced County Resolution adopting the Emergency Operations Plan, 2013

City

- Los Banos Municipal Code Title 4 Public Safety, Chapter 2 Civil Defense

10.2 REFERENCES

Federal

- National Response Framework (As revised)
- National Incident Management System (NIMS)
- Comprehensive Preparedness Guide (CPG) 101, Version 2.0

State

- California State Emergency Plan, July 2009 edition
- Standardized Emergency Management System (SEMS)
- California Disaster Assistance Act (CDAA)
- California Law Enforcement Mutual Aid Plan
- California Fire and Rescue Mutual Aid Plan
- Continuity of Government in California (Article IV, Section 21 of the State Constitution)
- Preservation of Local Government

County

- Merced County Emergency Operations Plan, 2013 edition

City

- Los Banos Emergency Operations Plan, 2011 edition

11.0 GLOSSARY AND ACRONYMS

11.1 GLOSSARY OF TERMS

Action Plan: The plan prepared in the EOC containing the emergency response objectives of that SEMS level reflecting overall priorities and supporting activities for a designated period. The plan is shared with supporting agencies.

All Hazards: Refers to a policy or program that is designed to deal with a variety of natural and technological hazards.

Agency: A division of government with a specific function offering a particular kind of assistance. In the Incident Command System (ICS), agencies are defined either as jurisdictional (having statutory responsibility for incident management) or as assisting or cooperating (providing resources or other assistance). Governmental organizations are most often in charge of an incident, though in certain circumstances private sector organizations may be included. Additionally, Non-Governmental Organizations (NGOs) may be included to provide support.

Catastrophe: Any natural or manmade incident, including terrorism that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions.

Command: The act of directing, ordering, or controlling by virtue of explicit statutory, regulatory, or delegated authority.

Command/Management: Command is responsible for the directing, ordering, and/or controlling of resources at the field response level. Management is responsible for overall emergency policy and coordination at the SEMS EOC levels.

Command Post: See Incident Command Post.

Command Staff: The Command Staff at the SEMS Field Level consists of the Information Officer, Safety Officer and Liaison Officer. They report directly to the Incident Commander. They may have an assistant or assistants, as needed. These officers are also found at the EOC levels in SEMS and they report directly to the EOC Director and comprise the Management Staff. They may have an assistant or assistants, as needed.

Common Terminology: Normally used words and phrases avoid the use of different words/phrases to provide consistency and allow diverse incident management and support organizations to work together across a wide variety of incident management functions and hazard scenarios.

Continuity of Government (COG): Includes measures to ensure continued leadership and preservation of vital records, thereby maintaining a viable system of government supported by law; establish emergency authorities legally vested in government leaders so that they have prescribed powers to act; ensure survivability of mechanisms and systems for direction and control so that actions directed by leaders can be communicated and coordinated; sustain essential emergency services and resources so that critical response and recovery actions can achieve widest possible implementation.

Continuity of Operations Planning (COOP): An internal effort within an organization to assure that the capability exists to continue essential business functions across a wide range of

potential emergencies, including localized acts of nature, accidents, and technological and/or attack/terrorist related emergencies. Accordingly, an effective Emergency Management Program (EMP) not only addresses the four phases of mitigation, preparedness, response and recovery, but includes COOP planning activities to ensure that ancillary, and support functions would continue, with little or no interruption.

Critical Infrastructure: Systems and assets, whether physical or virtual, so vital to the community that the incapacity or destruction of such systems and assets would have a debilitating impact on security, local economic security, local public health or safety, or any combination of those matters.

Department Operations Center: A centralized location for a single department or agency where their internal incident management and response takes place.

Disaster: A sudden and extraordinary misfortune; a calamity which threatens or effects extraordinary loss of life or property.

Disaster Service Worker (DSW): All public employees in California are subject to such emergency or disaster activities as may be assigned by their supervisors or by law.

Emergency: A condition of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy.

Emergency Alert System (EAS): An established system to enable the President, federal, state, and local jurisdiction authorities to disseminate emergency information to the public via the Commercial Broadcast System. Composed of amplitude modulation (AM), frequency modulation (FM), television broadcasters, and the cable industry. Formerly known as the Emergency Broadcast System (EBS).

Emergency Management: The discipline and the profession of applying science, technology, planning, and management to deal with extreme events that can injure or kill large numbers of people, do extensive damage to property and disrupt community life. As a process it involves preparing, mitigating, responding and recovering from an emergency. Critical functional components include planning, training, simulating drills (exercises), and coordinating activities.

Emergency Operations Center (EOC): A centralized location where individuals responsible for responding to a large scale emergency can have immediate communication with each other and with emergency management personnel for the purpose of enhancing coordination in exercising direction and control of emergency response and recovery efforts.

Emergency Operations Plan (EOP): The EOP is the document that describes strategies for managing emergency situations.

Emergency Response Agency: Any organization responding to an emergency, whether in the field, at the scene of an incident, or to an EOC, in response to an emergency, or providing mutual aid support to such an organization.

Emergency Response Personnel: The personnel involved with an agency's response to an emergency.

Emergency Resource Directory (ERD): A directory containing information on agency or organization personnel emergency certifications and qualifications and vendor and support organization supplies, equipment, etc. that may be needed during an emergency. Supplies and equipment can include such items as potable water tenders, portable toilets, heavy equipment, prepared meals, bulk foodstuffs, cots, rental office trailers, etc. To the extent possible and when appropriate, equipment should be typed by capability according to a common and accepted typing schematic. Emergency resource directories should only include those items likely to be needed by the preparing agency or organization in the performance of their duties and should not attempt to include everything that may be needed in any emergency.

Evacuation: The process of moving persons out of an area affected or potentially affected by a disaster situation.

Federal Coordinating Officer (FCO): The individual appointed by the Federal Emergency Management Agency Director (by delegation of authority from the President) to coordinate assistance in a federally declared disaster.

Federal Disaster Area: An area of a state (oftentimes defined by counties) that is declared eligible for federal disaster relief under the Stafford Act. These declarations are made by the President usually as a result of a request made by the Governor of the affected state.

Federal Emergency Management Agency (FEMA): An agency created in 1979 to provide a single point of accountability for all federal activities related to disaster mitigation, preparedness, response, and recovery. FEMA manages the President's Disaster Relief Fund, and coordinates the disaster assistance activities of all federal agencies in the event of a presidential disaster declaration.

Federal Emergency Response Team: An interagency team, consisting of the lead representative from each federal department or agency assigned primary responsibility for an Emergency Support Function and key members of the Federal Coordinating Officer's staff, formed to assist the Federal Coordinating Officer in carrying out his/her coordination responsibilities. The Emergency Response Team provides a forum for coordinating the overall federal response, reporting on the conduct of specific operations, exchanging information, and resolving issues related to Emergency Support Functions and other response requirements. Emergency Response Team members respond to and meet as requested by the Federal Coordinating Officer. The Emergency Response Team may be expanded by the Federal Coordinating Officer to include designated representatives of other Federal departments and agencies as needed.

Full-Scale Exercise: An activity intended to evaluate the operational capability of emergency management systems in an interactive manner over a substantial period of time. It involves the testing of a major portion of the emergency plan and organizations in a highly stressful environment. It includes the mobilization of personnel and resources to demonstrate coordination and response capabilities. The EOC is activated and field command posts may be established. A full-scale exercise is always formally evaluated.

Functional Annex: A document that supplements the Emergency Operations Plan, which provides further planning information for a specific aspect of emergency management.

Functional Exercise: An activity designed to test or evaluate the capability of individual or multiple emergency management functions. It is more complex than a tabletop exercise in that activities are usually under time constraints and are followed by an evaluation or critique. It usually takes place in some type of coordination or operating center. The use of outside resources is often simulated. No field units are used.

Governor's Authorized Representative (GAR): An individual authorized by the Governor to sign amendments to the Federal-State Agreement and to verify the grant applications from the state and local jurisdictions.

Hazardous Materials Team: A term used to describe a team of highly skilled professionals who specialize in dealing with hazardous material incidents.

Hazard Mitigation Grant Program: A program authorized under Section 404 of the Stafford Act, which provides funding for hazard mitigation projects that are cost effective and complement existing post-disaster mitigation programs and activities by providing funding for beneficial mitigation measures that are not funded through other programs.

Incident: An occurrence or event, either human-caused or by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.

Incident Action Plan: The plan developed at the field response level which contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next operational period. The plan may be oral or written.

Incident Commander: The individual responsible for the command of all functions at the field response level.

Incident Command System (ICS): A nationally used standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is the field level component of SEMS. It is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.

Individual Assistance: A supplementary federal assistance available under the Stafford Act to individuals, families, and businesses which includes disaster housing assistance, unemployment assistance, grants, loans, legal services, crisis counseling, tax relief, and other services or relief programs.

Joint Information Center (JIC): A facility established to coordinate all incident-related public information activities. It is the central point of contact for all news media. Public information officials from all participating agencies should co-locate at the JIC.

Joint Information System (JIS): Integrates incident information and public affairs into a cohesive organization designed to provide consistent, coordinated, accurate, accessible, timely and complete information during crisis or incident operations. The mission of the JIS is to provide a structure and system for developing and delivering coordinated interagency messages;

developing, recommending and executing public information plans and strategies on behalf of the IC; advising the IC concerning public affairs issues that could affect a response effort; and controlling rumors and inaccurate information that could undermine public confidence in the emergency response effort.

Key Resources: Any publicly or privately controlled resources essential to the minimal operations of the economy and government.

Local Government: Local agencies as defined in Government Code §8680.2 and special districts as defined in California Code of Regulations, Title 19, Division 2, Chapter 5, CDA, §2900(y).

Major Disaster: As defined in federal law, is “ any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other technological or human caused catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance in alleviating the damage, loss, hardship, or suffering caused thereby.”

Master Mutual Aid Agreement: The California Disaster and Civil Defense Master Mutual Aid Agreement made and entered into by and among the State of California, its various departments and agencies, and the various political sub-divisions of the State. The agreement provides for support of one jurisdiction by another.

Mitigation: Activities taken to eliminate or reduce the degree of risk to life and property from hazards, either prior to or following a disaster or emergency.

Mobilization: A process of activating resources including personnel, equipment and supplies. The process would include notification, reporting, and setup to attain full or partial readiness to initiate response and recovery actions.

Multi-agency or inter-agency coordination: The participation of agencies and disciplines involved at any level of the SEMS organization, working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources and the prioritization of incidents.

Mutual Aid: Voluntary aid and assistance in the event that a disaster should occur, by the interchange of services and facilities, including, but not limited to: fire, police, medical and health, communication, and transportation services and facilities, to cope with the problems of rescue, relief, evacuation, rehabilitation, and reconstruction which would arise in the event of a disaster. Mutual aid is designed to ensure that adequate resources, facilities, and other support are provided to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation.

Mutual Aid Region: A subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state, consisting of two or more county Operational Areas.

National Response Framework (NRF): A national level plan developed by the Federal Emergency Management Agency (FEMA) in coordination with 26 federal departments and agencies plus the American Red Cross.

National Warning System (NAWAS): The federal portion of the Civil Defense Warning System, used for the dissemination of warnings and other emergency information from the FEMA National or Regional Warning Centers to Warning Points in each state. Also used by the State Warning Points to disseminate information to local Primary Warning Points. Provides warning information to state and local jurisdictions concerning severe weather, earthquake, flooding, and other activities which affect public safety.

Operational Area: An intermediate level of the state emergency services organization, consisting of a County and all political subdivisions within the county area. The Operational Area is a special purpose organization created to prepare for and coordinate the response to emergencies within a county area. Each county is designated as an Operational Area. An Operational Area may be used by the county and the political subdivisions comprising the Operational Area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the state's emergency operating centers and the operating centers of the political subdivisions comprising the operational area. The Operational Area augments, but does not replace, any member jurisdiction.

Preliminary Damage Assessment (PDA): The joint local, state, and federal analysis of damage that has occurred during a disaster and which may result in a Presidential declaration of disaster. The Preliminary Damage Assessment is documented through surveys, photographs, and other written information.

Preliminary Damage Assessment Team: An ad hoc group that comes together after a disaster whose main purpose is to determine the level of disaster declaration that is warranted. The team usually consists of federal, state, and local representatives to do an initial damage evaluation to sites damaged.

Preparedness: Actions taken in advance of an emergency to develop operational capabilities and facilitate an effective response in the event an emergency occurs. Preparedness measures include continuity of government, emergency communications, emergency operations centers, emergency operations plans, emergency public information materials, public education programs, exercise of plans, mutual aid agreements, stocking of disaster supplies, training of emergency response personnel, and warning systems.

Presidential Declaration: A formal declaration by the President that an Emergency or Major Disaster exists based upon the request for such a declaration by the Governor and with the verification of FEMA preliminary damage assessments.

Private Sector: Organizations and entities that are not part of any governmental structure. The private sector includes for-profit and not-for-profit organizations, formal and informal structures, commerce and industry.

Protocols: Sets of established guidelines for actions (which may be designated by individuals, teams, functions, or capabilities) under various specified conditions.

Political Subdivision: Any city, city and county, county, district, or other local governmental agency or public agency authorized by law.

Public Assistance (PA): A supplementary federal assistance provided under the Stafford Act to state and local jurisdictions, special purpose districts, Native Americans, or eligible private, nonprofit organizations.

Public Assistance Officer (PAO): A member of the FEMA Regional Director's staff who is responsible for management of the Public Assistance Program.

Public Information: Processes, procedures and systems for communicating timely, accurate and accessible information on the incident's cause, size and current situation; resources committed; and other matters of general interest to the public, responders and additional stakeholders (both directly affected and indirectly affected).

Public Information Officer (PIO): A member of the Command Staff (Management Staff at the SEMS EOC Levels) responsible for interfacing with the public and media and/or with other agencies with incident-related information requirements.

Recovery: An activity to return vital life support systems to minimum operating standards and long-term activity designed to return life to normal or improved levels, including some form of economic viability. Recovery measures include, but are not limited to: crisis counseling, damage assessment, debris clearance, disaster loans and grants, disaster unemployment assistance, public information, reassessment of emergency plans, reconstruction, temporary housing and business resumption full scale.

Resource Management: Efficient emergency management and incident response requires a system for identifying available resources at all jurisdictional levels to enable timely and unimpeded access to resources needed to prepare for, respond to, or recover from an incident. Resource management under NIMS includes mutual aid agreements and assistance agreements; the use of special federal, state, tribal and local teams; and resource mobilization protocols.

Resources: Personnel and major items of equipment, supplies and facilities available or potentially available for assignment to incident operations and for which status is maintained. Resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an EOC.

Response: Actions taken immediately before, during, or directly after an emergency occurs, to save lives, minimize damage to property and the environment, and enhance the effectiveness of recovery. Response measures include, but are not limited to, emergency plan activation, emergency alert system activation, emergency instructions to the public, emergency medical assistance, staffing the emergency operations center, public official alerting, reception and care, shelter and evacuation, search and rescue, resource mobilization, and warning systems activation.

Robert T. Stafford Disaster Relief and Emergency Assistance Act: (Public Law 93-288, as amended by Public Law 100-707) - The act that authorizes the greatest single source of federal disaster assistance. It authorizes coordination of the activities of federal, state, and volunteer agencies operating under their own authorities in providing disaster assistance, provision of direct federal assistance as necessary, and provision of financial grants to individuals and families. This act is commonly referred to as the Stafford Act.

Safety Officer: A member of the Command Staff (Management Staff at the SEMS EOC Levels) responsible for monitoring incident operations and advising the IC on all matters relating to operational safety, including the health and safety of emergency responder personnel. The Safety Officer may have assistants.

Section: The organizational level having responsibility for a major functional area of incident or EOC Management, (e.g. Operations, Planning, Logistics, Finance/Administration).

Situation Report: Often contains confirmed or verified information regarding the specific details relating to the incident.

Span of Control: The number of resources for which a supervisor is responsible, usually expressed as the ratio of supervisors to individuals. (Under NIMS, an appropriate span of control is between 1:3 and 1:7, with optimal being 1:5.)

Special District: A unit of local government (other than a city, county, or city and county) with authority or responsibility to own, operate and maintain systems, programs, services, or projects (as defined in California Code of Regulations (CCR) Section 2900(s) for purposes of natural disaster assistance. This may include a joint powers authority established under Section 6500 et. seq. of the Code.

Standardized Emergency Management System (SEMS): That consistent set of rules and procedures governing the overall operational control or coordination of emergency operations specified in CCR Title 19, Division 2, §2400 et sec. It identifies at each level of the statewide emergency organization the direction of field forces and the coordination of joint efforts of government and private agencies. The Incident Command System (ICS) is the field level component of SEMS.

State of Emergency: A governmental declaration that may suspend some normal functions of government, alert citizens to change their normal behaviors, or order government agencies to implement emergency operations plans.

Table Top Exercise: An activity in which officials and key staff or others with emergency responsibilities are gathered together informally to discuss simulated emergency situations. It is designed to elicit constructive discussion by the participants without time constraints. Participants evaluate plans and procedures and resolve questions of coordination and assignment of responsibilities in a non-threatening format under minimum stress.

Vital Records: The essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions (emergency operating records), or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records).

Volunteer: For purposes of NIMS, a volunteer is any individual accepted to perform services by the lead agency (which has authority to accept volunteer services) when the individual performs services without promise, expectation, or receipt of compensation for services performed. See 16 U.S.C. 742f(c) and 29 CFR 553.101.

Windshield Survey: A quick visual overview of the affected disaster area performed within the first 24 hours after the disaster.

Emergency Operations Center (EOC) Annex

FEBRUARY 2017

City of Los Banos, CA



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SECTION 1.0 INTRODUCTION

The City of Los Banos has a municipal code (Title 4 Public Safety, Chapter 2 of the City Municipal Code) that establishes an emergency organization and local disaster council. The municipal code provides for the development of an emergency plan, establishing responsibilities for emergency management operations and specifying the officials authorized to proclaim a local emergency. When there is an immediate threat or actual emergency, The City of Los Banos will implement emergency plans and take actions to mitigate or reduce the emergency threat. Actions may include deploying field-level emergency response personnel and activating the Emergency Operations Center and issuing orders to protect the public. All accessible and applicable local, state and federal resources will be committed to protect lives, property and the environment. This annex is dedicated to the overall Direction and Control of the emergency or disaster as it pertains to the Emergency Operations Center (EOC).

1.1 City of Los Banos Emergency Management Organization

The City of Los Banos operates an EOC staffed by personnel from City departments and allied agencies. The EOC team is organized around the five functions (Management, Operations, Planning/Intelligence, Logistics, Finance/Administration) of the Standardized Emergency Management System (SEMS). City personnel staff the positions to ensure coordination. Please see **Figure 1 – City of Los Banos EOC SEMS Organizational Chart**.

Consistent with SEMS, the city EOC organizational structure develops in a modular fashion, based upon the type and size of the incident:

- The EOC staff builds from the top down.
- As the need arises, five separate sections can be activated, each with several sub-units that may be established as needed.
- The specific organizational structure established for any given incident will be based on the management and resource needs of the incident in is detailed in **Figure 1 – City of Los Banos EOC SEMS Organizational Chart**.

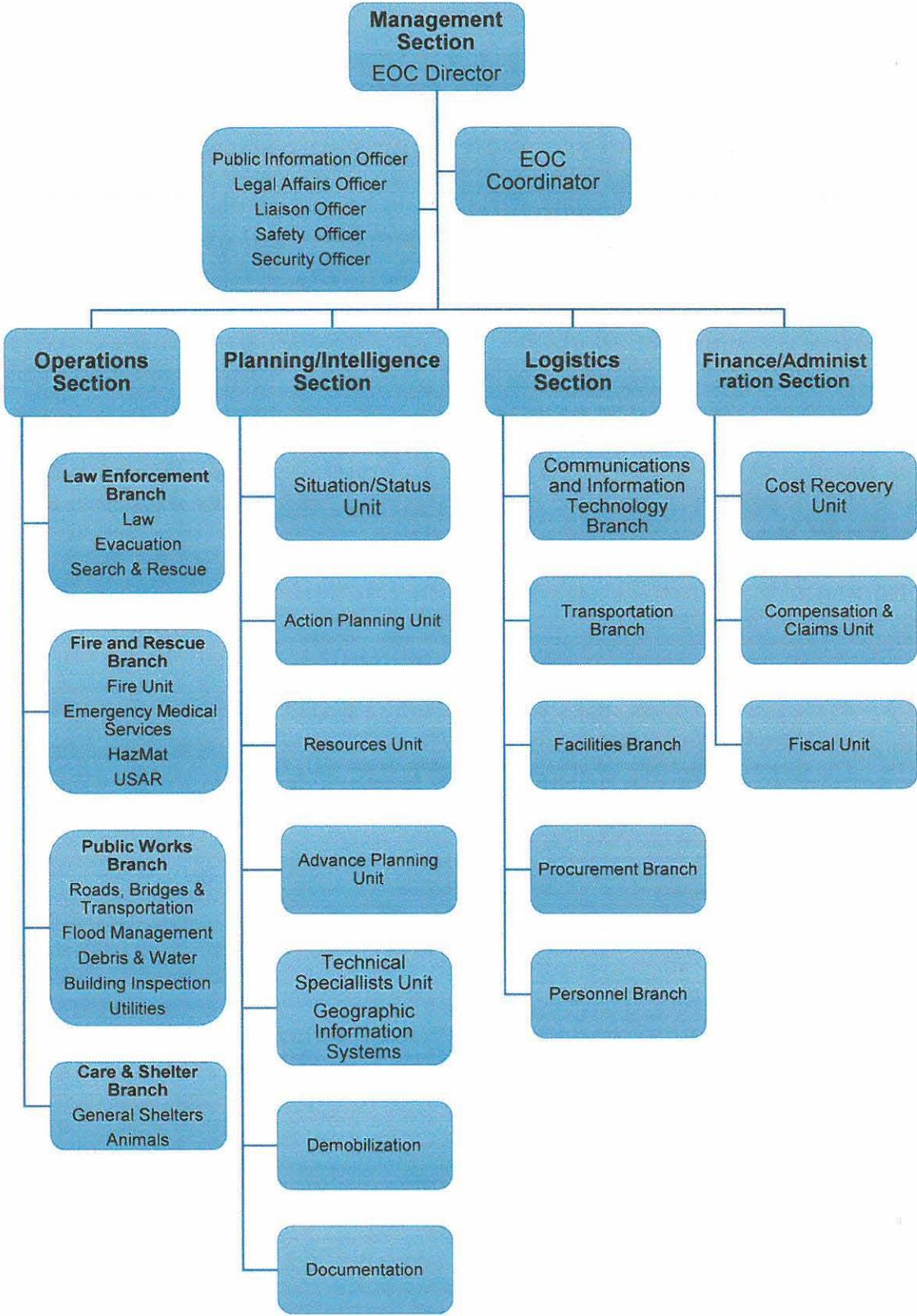


Figure 1 – City of Los Banos EOC SEMS Organizational Chart.

SECTION 2.0 CONCEPT OF OPERATIONS

During a disaster or emergency, the City of Los Banos Emergency Operations Center (EOC) will support field response operations within the City. The EOC will operate using the Standardized Emergency Management System (SEMS) functions, principles, and components. It will implement the action planning process, identifying and implementing specific objectives for each operational period.

EOC Purpose

Within the City of Los Banos, the various departments and agencies throughout the city are responsible for conducting normal day-to-day operations. When a major emergency or disaster strikes, the EOC is the location from which centralized emergency management will be performed. The EOC facilitates a coordinated response by all the departments and agencies that are assigned emergency management responsibilities. The level of EOC staffing will vary with the specific emergency situation. Departments with critical response functions may activate their own Department Operation Centers (DOC) which act as conduits of information between field operations and the EOC. The DOC is the location from which individual departments coordinate and control their own resources and response actions specific to that department.

The EOC provides a central location of authority and information, and allows for face-to-face coordination among personnel who must make emergency decisions. The following functions are performed in the City of Los Banos EOC:

- Managing and coordinating emergency operations.
- Receiving and disseminating warning information.
- Developing emergency policies and procedures.
- Collecting intelligence from and disseminating information to, the various EOC representatives, from the city departments, county, state, and federal agencies.
- Preparing intelligence/information summaries, situation reports, operational reports, and other reports as required.
- Maintaining general and specific maps, information display boards, and other data pertaining to emergency operations.
- Continuing analysis and evaluation of all data pertaining to emergency operations.
- Controlling and coordinating, within established policy, the operational and logistical support of departmental resources committed to the emergency and requesting resources from outside of the city.
- Maintaining contact and coordination with support DOCs, other local government EOCs, and the Merced Operational Area Emergency Operations Center (OA/EOC).
- Providing emergency information and instructions to the public, making official releases to the news media and scheduling of press conferences as necessary.

EOC Facility Location

The Primary EOC is located at the City of Los Banos Fire Station # 1, 333 7th Street, Los Banos, CA 93635. A floor layout diagram is shown on the following page.

City of Los Banos EOC Fire Station #1 333 7th Street

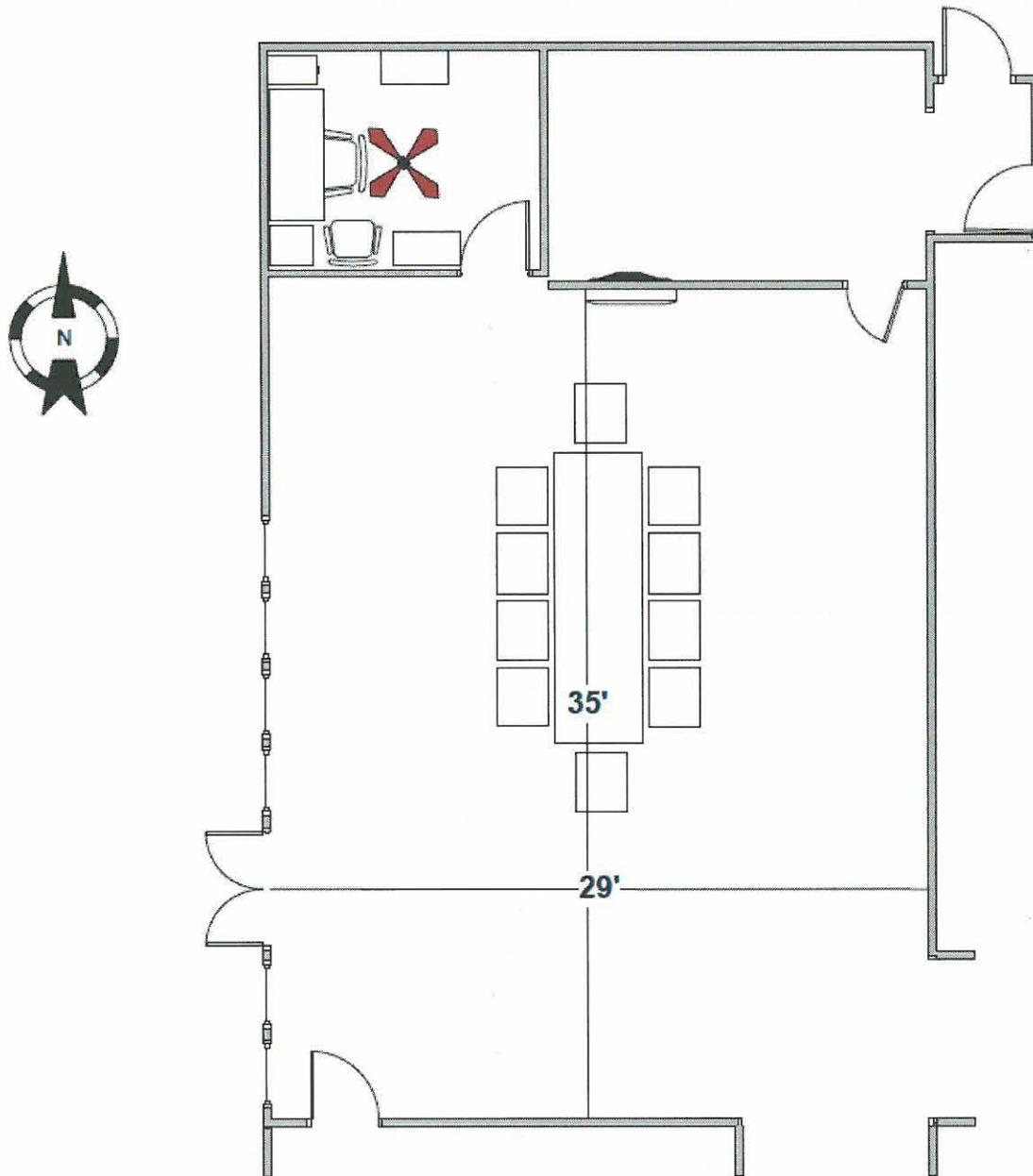


Figure 2 - City of Los Banos EOC Flood Layout Diagram

The Primary EOC offers the following facilities for use during major emergencies:

- Dedicated operating space
- Extensive telephone and information management capabilities
- Electronic display processing capabilities
- Radio communications capabilities
- Office support facilities
- Dedicated task work areas
- Auxiliary power generator capability
- Adequate parking for personnel
- Adequate restroom/kitchen facilities
- Joint Information Center/Media Briefing Room
- Geographic Information Systems Planning Room

The alternate City of Los Banos Emergency Operations Center (EOC) is located at the City of Los Banos Police Annex, 535 "J" Street, Los Banos, CA 93635 on the 1st floor of the building and is shown below.

City of Los Banos Alternate EOC
Police Annex 535 "J" Street

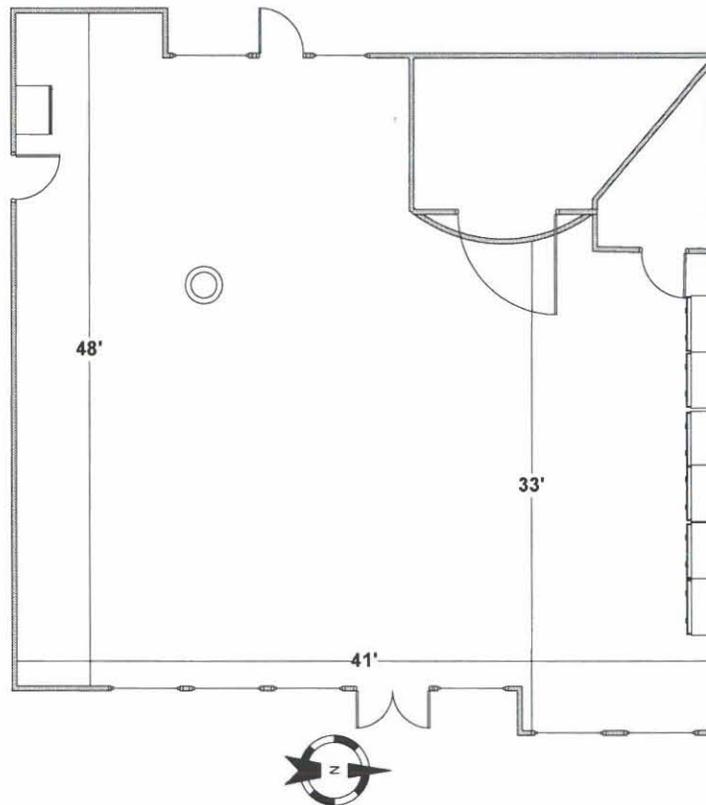


Figure 3 - City of Los Banos Alternate EOC Flood Layout Diagram

EOC Activation Policy

The City of Los Banos has adopted the criteria (developed by CalOES) that identify the events/situations which may require EOC activation. This criteria, is shown in **Figure 2 – SEMS EOC Activation Requirements**.

SEMS EOC Activation Requirements

Shaded areas = not applicable to SEMS levels Situation identified in SEMS Regulations	SEMS LEVELS				
	Field Level	Local Government	Operational Area	Region	State
Emergency involving two or more emergency response agencies §2407(a)(1)	Use ICS				
Local Emergency Proclaimed* §2407(a)(2)	Use ICS	Use SEMS			
Local Government EOC Activated §2407(a)(1)	Use ICS	Use SEMS			
Local Government activates EOC and requests Operational Area EOC activation §2407(a)(1)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
Two or more cities within an Operational Area proclaim a local emergency §2409 (f)(2)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
County and one or more cities proclaim a local emergency §2409 (f)(3)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
City, city and county, or county requests Governor’s State of Emergency proclamation §2409 (f)(4)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
Governor proclaims a State of Emergency for county or two or more cities §2409 (f)(5)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
Operational Area requests resources from outside it boundaries**§2409 (f)(6)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
Operational Area receives resource requests from outside it boundaries**§2409 (f)(7)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
An Operational Area EOC is activated §2411 (a)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
A Regional EOC is activated §2413 (a)(1)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
Governor proclaims a State of Emergency §2413 (a)(2)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC
Governor proclaims and earthquake or volcanic prediction §2413 (a)(3)	Use ICS	Use SEMS	Activate OA EOC	Activate REOC	Activate SOC

* The EOC is usually activated, but in some circumstances, such as agricultural emergencies or drought, a local emergency may be proclaimed without the need for EOC activation.

** Does not apply for requests for resources used in normal day-to-day operations which are obtained through existing mutual aid agreements providing for the exchange or furnishing of certain types of facilities and services as provided for under the California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA).

§ Indicates sections in the California Code of Regulations (CCR) Title 19, Division 2, Chapter 1 (SEMS)

EOC Activation Responsibility

The Director of Emergency Services administers and directs the city Emergency Management Organization. During an emergency when the EOC is activated or there is the potential for activation, the Director of Emergency Services manages and directs all aspects of the city's response and recovery operations. Los Banos City Fire will be responsible for facilitating the overall physical set-up, functionality and close-out of the EOC.

If EOC activation is warranted, the first EOC staff member to arrive begins set-up procedures. The Director of Emergency Services or designee (Los Banos City OES) makes all decisions regarding the level and scope of EOC operations. The scope and nature of the emergency, current conditions, and potential concerns dictate the level of EOC operations and staffing requirements.

EOC Security and Access Control

Upon activation, only authorized personnel are permitted in the EOC. Access shall be granted to all personnel identified as EOC staff or city officials, and those persons having legitimate business in the EOC. Authorized EOC staff and visitors shall be issued identification for EOC access. The identification shall distinguish the bearer as a member of the EOC team or as a visitor.

EOC Staffing

The City of Los Banos Emergency Operations Plan (EOP) will be activated when an emergency occurs or threatens to exceed capabilities to adequately respond to and mitigate an incident(s). The scope of an emergency, rather than the type, will largely determine whether the EOP and EOC will be activated, and to what level.

For planning purposes, the California Office of Emergency Services (CalOES) has established three "levels" of response to emergencies. The City of Los Banos also employs this system to guide local response to emergencies. Emergency Response includes the following three levels:

Level Three EOC Activation: Level Three is a minimum activation. This level may be used for situations which initially only require a few people, e.g., a short term earthquake prediction at level one or two; alerts of storms; or monitoring of a low risk planned event. At a minimum, Level Three staffing consists of the EOC Director. Section Coordinators and a situation assessment activity in the Planning and Intelligence Section may be included in this level. Other members of the organization could also be part of this level of activation e.g., the Communications Unit, from the Logistics Section, or an Information Officer.

Level Two EOC Activation: Level Two activation is normally achieved as an increase from Level Three or a decrease from Level One. This activation level is used for emergencies or planned events that would require more than a minimum staff but would not call for a full activation of all organization elements, or less than full staffing. The EOC Director, in conjunction with the General Staff, will determine the required level of continued activation under Level Two, and demobilize functions or add additional staff to functions as necessary based upon event considerations. Representatives to the EOC from other agencies or jurisdictions may be required under Level Two to support functional area activations.

Level One EOC Activation: Level One activation involves a complete and full activation of all organizational elements at full staffing and all Emergency Support Functions. Level One would

normally be the initial activation during any major emergency requiring extreme State level help.

EOC Communications

Communications within the EOC are accomplished using the most expedient and appropriate means possible (usually in person). Each EOC position has a telephone available for communicating directly with EOC staff members, outside agencies, or field forces. Radios may also be used for direct communications with field forces or outside agencies. Key decision-makers and certain EOC staff will be issued portable radios. Regardless of the medium used, all significant communications shall be recorded on the EOC unit/activity log.

EOC Reporting

Information may be sent to City departments, EOC personnel, the and other key agencies using EOC Forms via email, internet (the cloud) or fax. Regardless of the method of communication, all data should be verified prior to transmission. If unverified data must be transmitted, it should be clearly designated as unconfirmed information. The Los Banos EOC should transmit the following reports with DOCs, other EOCs and the OA EOC:

Preliminary Reports

Preliminary Reports are used during the first two hours of an emergency to:

- Provide an initial picture of the scope and magnitude of the situation.

Situations Reports

Situation Reports are brief narratives that present a concise picture of the emergency situation and are prepared for specific time periods.

- At the beginning of an emergency response, the EOC Management and Planning staff will determine appropriate times for submitting data and issuing Situation Reports.
- The Situation Report is intended for use after the first two hours of an emergency and can be updated as requested or needed.
- The Situation Reports contain the information presented on the Situation Report form located in **Supporting Documents section of the Basic Plan**. The information may be transmitted via the Internet or fax.

Documentation

Unit/activity logs are used to record significant events, communications and actions associated with an emergency for a given operational period (shift). Each EOC staff position is responsible for maintaining a unit/activity Log.

All copies of reports, SEMS forms, and logs must be submitted to the Planning/Intelligence Section, Documentation Unit, prior to the close of each operational period (or prior to EOC deactivation if operations do not require multiple shifts).

Status Boards

Status Boards are erasable boards located around the EOC. The Status Boards provide decision-makers and EOC staff with essential information such as road closures, shelter location information, river gauge levels etc., at a glance.

EOC Reporting Systems

Currently the County uses a program developed by CalOES called CalEOC. This is similar to WebEOC and can only be used to the County Level. The City will use the EOC Forms developed for the purpose of reporting information up to the County.

EOC Briefings

The purpose of briefings is to familiarize or update EOC staff on the current emergency situation. Briefings provide an opportunity for the Section Chiefs, the Emergency Operations Center (EOC) Director and all EOC staff to exchange information on the incident, create and evaluate an Action Plan, and make any revisions deemed necessary to the response strategy and/or priorities. Regular briefings provide a forum away from the high level of activity in the EOC for ensuring that each of the five essential SEMS functions are coordinated (Management, Operations, Planning, Logistics and Finance) and that the EOC staff have the same information from which to base individual and collective actions and decisions.

Management and General Staff Briefings

The Management and General Staff conduct regular briefings to receive updated information, evaluate the effectiveness of the response strategy, identify and solve problems, and revise objectives, response strategy and priorities as necessary. These briefings do not replace the Action Planning Sessions, which are required for each operational period. The General Staff briefings should be conducted outside the activity of the EOC. Each Section Chief will appoint someone in the section to assume his/her role in the EOC for the duration of the briefing.

During the briefing, the EOC Director asks each Section Chief for a thorough, but concise status report. Only information relevant to the entire EOC should be discussed in the group briefing. Function-specific issues and questions should be discussed one-on-one between the EOC Director and the involved Section Chief.

At the conclusion of each briefing, the time for the next General Staff briefing is set. Section Chiefs leave each General Staff briefing with a clear understanding of the objectives to be accomplished and the specific information to be collected before the next briefing.

Section Briefings

Following each Management and General Staff briefing, Section Chiefs provide their respective Section staff with a briefing. Overall situation status and response objectives, strategy and priorities should be

reviewed. Each Section member must have a clear understanding of the activities they are expected to perform, including any coordination requirements with other EOC staff or external agencies.

Incoming Briefing

Upon arrival at the EOC, Section Chiefs are briefed by the EOC Director to obtain an overall perspective on the current situation. Section Chiefs provide a similar briefing to the personnel assigned to their respective Sections. Incoming briefings include:

- Current situation assessment
- Summary of the significant actions taken or in process
- Initial incident objectives and priorities
- Any limitations on available communications or personnel/equipment resources
- Any directives on specific actions to be taken

In addition to the above information, Section Chiefs review the following information with assigned staff:

- Responsibilities of the assigned function
- Any specific actions to be taken
- Appropriate flow/sharing of information within and between Sections
- Work shifts
- Eating and sleeping arrangements, if necessary
- Time of next briefing

Update Briefings

Throughout EOC activation, General Staff and individual Section briefings are conducted on a regular, predetermined basis, and whenever a major change in incident status has occurred. Update briefings should include a review of the following information:

- Current situation assessment
- Current and potential problems
- Actions being taken, including staff assigned
- Weather forecast, if applicable
- Time for next scheduled briefing

Shift Change Briefing

Shift change briefings are a component of the EOC Action Planning Process. At these briefings the current Action Plan is "handed off" and a briefing on assignments for the operational period which is about to begin, is presented. Facilitated by the Planning/Intelligence Section Chief, this briefing is approved by the EOC Director and attended by the General staff as appropriate. Shift change briefings should include the following:

- Current situation assessment
- Current and potential problems

- Review of the Action Plan
- Weather forecast, if applicable
- Time for next scheduled briefing

Deactivation Briefing

Immediately following deactivation of the EOC, the EOC Director, with all EOC staff, conducts a deactivation briefing. The purpose of this briefing is to advise all EOC staff of the specific contacts and/or referrals to be made for any incident-related questions or concerns that may arise.

EOC Deactivation

Once the critical aspects of an emergency or disaster have been secured, EOC operations may begin to scale down as conditions warrant. The purpose of this procedure is to outline the process to be followed whenever it is determined that the EOC can be deactivated. The EOC Director, with input from the Section Chiefs, may decide to deactivate the EOC.

Deactivation Triggers

Once the emergency response phase has been terminated and system operations are stabilized, the EOC Director may determine that the EOC can be deactivated. Triggers for determining deactivation may include:

- The emergency response phase has been terminated and recovery operations are underway.
- No further city, OA, state, media or public information dissemination is needed.

Procedure for Deactivation

The EOC Director will:

- Establish the time period for deactivation
- Advise EOC staff of the actions to be taken, including time
- Identify EOC staff to be on-call if stand down is implemented
- Direct the liaison or other EOC staff to make notifications

Deactivation Notifications

All internal and external individuals, groups and agencies that were notified of activation will be notified of stand down and/or deactivation. At a minimum, all department managers, elected officials, neighboring jurisdictions, responding agencies will be notified. The person making the notifications, documents the date, time, name and contact method for all persons/organizations notified.

Notifications will include:

- Date and time of stand down period or deactivation
- A 24-hour contact number for further information

SECTION 3.0 EOC ACTION PLANNING

Introduction

The use of Action Plans in the City of Los Banos EOC provides a clear and measurable process for identifying objectives and priorities for a given event. Action Planning is an important management tool that involves:

- Process for identifying priorities and objectives for emergency response or recovery efforts.
- Plans which document the priorities and objectives, and the tasks and personnel assignments associated with meeting the objectives.

The Action Planning process should involve the EOC Director and Section Chiefs (one from each Section), along with other EOC staff, as needed, such as special districts, and other agency representatives.

Planning Requirements

The initial EOC Action Plan may be a verbal plan that is developed during the first hour or two following EOC activation. A verbal plan may also be utilized for incidents involving a limited scope, short duration (less than 12 hours) and a limited number of response personnel. An EOC Action Plan shall be developed whenever the EOC is activated, either partially or fully. A written EOC Action Plan is required whenever:

- Two or more agencies are involved in the response
- The incident overlaps more than one operational period
- All EOC functions are fully staffed

The EOC Action Plan addresses a specific operational period (not to exceed 24 hours). The plan should be regularly reviewed and evaluated throughout the operational period and revised or updated as warranted.

Plan Elements

The elements to be included in the EOC Action Plan are also indicated on the Action Plan form located in the **Supporting Documents section of the Basic Plan** and include:

- Operational period covered by the plan
- Identify parts of EOC organization that have been activated on an organization chart
- Assignment of primary and support personnel and material resources to specific tasks and locations
- Describe any logistical or technical support to be provided and by whom
- State the objectives (attainable, measurable and flexible) to be accomplished
- Establish the current priorities to meet the objectives
- Describe the strategy to be utilized to achieve the objectives

In addition to the required elements listed above, the Action Plan may also include:

- Specific departmental mission assignments
- Policy and/or cost constraints
- Any inter-agency considerations

Planning Responsibilities

Primary responsibility for developing the EOC Action Plan rests with the Planning/Intelligence Section. However, development of the plan requires the active participation of the EOC Director and the General Staff. The Operations Section, in particular, must work closely with the Planning/Intelligence Section during Action Plan development. When indicated, the Planning/Intelligence Section Chief will request specific technical experts to provide input to the plan. The EOC Director is responsible for approving the plan.

For incidents requiring close coordination with external agencies, (e.g., local OES, State field response agencies, special districts, etc.), input from the involved agencies should also be included in the Action Planning process.

Specific EOC staff responsibilities associated with the Action Plan include the following:

Management and General Staff

- Provide general incident objectives and strategy
- Provide direction and overall management
- Ensure incident safety
- Approve the completed Action Plan

Operations Section Chief

- Determine the tactics necessary to achieve objectives
- Determine associated resource requirements
- Communicate Action Plan to EOC staff and Incident Commanders, as appropriate
- Conduct Operations Shift Briefing

Planning/Intelligence Section Chief

- Conduct the Action-Planning meeting
- Establish planning timelines
- Coordinate preparation of the Action Plan
- Manage planning process

Logistics Section Chief

- Establish/confirm procedure for off-incident resource ordering
- Ensure that resource ordering process is in place
- Ensure that Logistics Section can support the Action Plan

Finance Section Chief

- Provide cost assessment of incident objectives
- Ensure that adequate finance approvals are in place for implementation of the Action Plan

Planning Process

The Planning/Intelligence Section staff will maintain the EOC Major Incident Status Board and will develop short-and long-term planning scenarios based upon the situation and its impacts on facilities and operations, as reported. Utilizing these planning scenarios, the Planning/Intelligence Section Chief will conduct an Action Planning meeting with the EOC Director, General Staff and appropriate technical experts. The Operations Section Chief will immediately report any significant changes in information verbally to the Planning/Intelligence Section Chief.

PLANNING/INTELLIGENCE SECTION PLANNING PROCESS SCHEDULE	
Time	Event
0700 – 0800	Shift Change.
0800 – 0900	Prepare for Planning Meeting. Purpose: To review accomplishments, identify new issues, identify resource needs, and determine assignments for next operational period.
0900 – 1000	Planning Meetings (with Management and General Staff, Resources Status Unit Leader, Supply Unit Leader, Communications Unit Leader, and Technical Specialists).
1000 – 1400	Prepare EOC Action Plan.
1400 – 1600	Finalize EOC Action Plan.
1600	Complete EOC Action Plan.
1600 – 1700	Prepare for Operations Briefing. Purpose: To review EOC Action Plan for next operational period.
1700 – 1800	Operations briefing (Management, General Staff, and identified Operations staff and Technical Specialists).
1800 – 1900	Finalize Reports (including Situation Status Report for the Operational Area EOC).
1900 – 2000	Shift Change.
2000 – 2100	Prepare for Planning Meeting. Purpose: To review accomplishments, identify new issues, identify resource needs, and determine assignments for next operational period.
2100 – 2200	Planning Meetings (with Management and General Staff, Resources Status Unit Leader, Supply Unit Leader, Communications Unit Leader, and Technical Specialists).
2200 – 0200	Prepare EOC Action Plan.
0200 – 0400	Finalize EOC Action Plan.
0400	Complete EOC Action Plan.
0400 – 0500	Prepare for Operations Briefing. Purpose: To review EOC Action Plan for next operational period.

PLANNING/INTELLIGENCE SECTION PLANNING PROCESS SCHEDULE	
Time	Event
0500 – 0600	Operations briefing (Management, General Staff, and identified Operations staff and Technical Specialists).
0600 – 0700	Finalize Reports (including Situation Status Report for the Operational Area EOC).

Planning Considerations

In developing the Action Plan, a number of issues should be considered, as outlined in the table below. Applicable issues should be addressed in each iteration of the Action Plan.

ISSUE	CONSIDERATIONS	RESPONSIBILITY
Inter-Agency Coordination	<ul style="list-style-type: none"> • Use of resources • Contact information and frequency • Communications methods 	Liaison
Public Information	<ul style="list-style-type: none"> • Constraints on information to be disseminated • Special instructions • Target areas/audiences 	Public Information Officer EOC Director
Safety	<ul style="list-style-type: none"> • Special precautions to be taken • Personal protective gear required 	Safety Officer
Technical Resources	<ul style="list-style-type: none"> • System maps and schematics • Technical expert input 	Planning/Intelligence Section Chief
Operations	<ul style="list-style-type: none"> • Special skills required • Mutual aid needs • Staging Area needs • Progress in resolving major incident objectives 	Operations Section Chief
Policy	<ul style="list-style-type: none"> • Legal/political issues • Fiscal constraints 	EOC Director
Special Needs	<ul style="list-style-type: none"> • Contingency Plans 	Planning/Intelligence Section Chief
Special Resources	<ul style="list-style-type: none"> • Availability of special supplies and equipment • Transportation support 	Logistics Section Chief

Planning Cycle

The Planning Chief, with input from the EOC Director and the Operations Section Chief, establishes the schedule and cycle for action planning. Initially, meetings may be conducted every few hours or several times each day. Over time, meetings may be held twice each day, and then daily. The following graphic describes the planning cycle process for development of the Action Plan.

Documentation and Distribution

Written EOC Action Plans will be documented on the Action Planning form. The Planning/Intelligence Section Situation Status function is responsible for:

- Posting a copy of the current Action Plan in the EOC and on the Intranet, if operational
- Maintaining a copy of each Action Plan as part of the permanent incident record
- Distributing copies of the current Action Plan to all involved agencies and other personnel as directed by the Planning/Intelligence Section Chief

The Operations Section Chief will ensure that the current EOC Action Plan is distributed to all Operations Section personnel.

SECTION 4.0 CITY ROLES AND RESPONSIBILITIES

Policy Group

The Policy Group function is responsible to address the economic, social and political impacts of an emergency. In the City of Los Banos EOC, the Policy function is the responsibility of the City Council, Disaster Council, and the City Manager and/or their designee.

Management Section

The Director of Emergency Services leads the Management Section and is responsible for the overall management of EOC operations to address the impacts of an emergency directly upon the city and assessing conditions outside the city, which have the potential for affecting local resources. Additionally, the Director of Emergency Services is responsible for directing the creation of an EOC Action Plan and the overall strategic direction of response, including appropriate mutual aid liaison activities.

Management Staff

Assisting the Director of Emergency Services is the Management Staff. The Management Staff is responsible for providing direct administrative and executive-level support to the Director, as well as for providing additional emergency support functions within selected areas of responsibility. When fully activated the EOC Management Staff includes the following:

Public Information Officer (PIO)

The PIO is directly responsible for managing Emergency Public Information activities within the EOC and in support of all city Emergency Public Information operations. The PIO may be assisted by additional staff who will conduct assorted Emergency Public Information tasks and duties (Rumor Control and activation of the Los Banos Information Center) within the EOC or a Joint Information Center (JIC) if established, or at a field incident command post. **The responsible city department staffing this position is the City Manager's Office/Public Information Officer and other PIOs in various city departments.**

Legal Affairs Officer

The Legal Affairs Officer is responsible for providing legal advice and guidance to the Director and the Council on all emergency management issues and concerns. **The responsible city department staffing this position is the City Attorney.**

Liaison Officer

The Liaison Officer functions as the primary point of contact for all allied agencies and jurisdictional representatives not directly assigned to the city EOC. All agency and jurisdictional representatives will coordinate with the Liaison Officer, as needed. **The responsible individuals/agencies staffing this position are designated by the EOC Director based on the incident.**

Safety & Security Officers

The Safety & Security Officers are responsible for ensuring that the EOC is secure when activated, that hazards are identified and mitigated, and that the EOC environment is suitable for conducting operations in a safe and healthful manner. **The responsible city departments staffing these positions are the Police Department for security and the Fire Department for safety.**

Operations Section

The Operations Section, an element of the EOC General Staff is responsible for coordinating the deployment of response resources in support of field operations. Such coordination activities will normally include:

- Manage operational elements of approved Emergency Action Plan (EAP).
- Support Department Operations Centers (DOC) and field incident commands (if DOCs not activated) and associated response activities.
- Coordinate and liaison with DOCs for reporting status information to the EOC for action planning and situation reporting purposes.
- Liaise with designated Mutual Aid Coordinators.
- Coordinate incident response assets (in accordance with the approved Action Plan) regardless of agency affiliation or type of asset (e.g., law enforcement, fire suppression, medical, etc.).
- Assess the emergency within the city or in nearby jurisdictions that affect local government's response organizations.

This section is composed of several functional groups, each with its own functional coordinator. Some or all of the functions may be involved in an incident response. **An Operations Section Chief will be identified between fire, law enforcement, public works or other staff as designated by the EOC Director.**

The Operations Section Chief will activate those functions deemed appropriate. When fully activated, the Operations Section could be comprised of the following branches, with each position being staffed with city or allied-agency personnel.

- Law Enforcement Branch – **Police Department**
- Fire and Rescue Branch – **Fire Department**
- Public Works Branch – **Public Works Department**
- Mass Care & Shelter Branch – **Recreation, Animal Control**

Planning/Intelligence Section

The Planning/Intelligence Section, an element of the EOC General Staff, collects and analyzes incident data relating to hazards, damage, operations, and other problems. This section becomes the

organizational focus for all information or intelligence analysis and advanced planning relative to the incident or emergency.

The Planning/Intelligence Section is divided into several units. Within those units, the following emergency support functions are organized and performed as part of the Planning/Intelligence Section.

- Situation Status Unit
- Action Planning Unit
- Resource Status Unit
- Documentation Unit
- Advanced Planning Unit
- Technical Specialists Unit
- Demobilization Unit

This section will be staffed by the Fire Department, Planning Department, Redevelopment and other departments as directed by the EOC Director as needed to perform the various functions required to support emergency management operations within the activated EOC. Additional branches or units may be established as needed to meet operational needs.

Logistics Section

The Logistics Section is responsible for coordinating the provision of a broad assortment of procurement, service, maintenance, communication, and information technology services in support of the city's emergency management activities during a disaster.

The Logistics Section is divided into several branches. Within those branches, the following emergency support functions are organized and performed as part of the Logistics Section.

- IT and Communications Branch
- Facilities Branch
- Personnel Branch
- Procurement Branch
- Transportation Branch

The section will be staffed by Recreation, Human Resources, City Manager's Office and Public Works, as needed to perform the various functions required to support emergency management operations within the activated EOC. Additional branches or units may be established as needed to meet operational needs.

Finance/Administration Section

This section is responsible for the financial management of an operation, including payment for equipment, supplies, and services. It is also responsible for maintaining and monitoring response costs, personnel time-keeping records, and for providing administrative support to the EOC. The following functions are the responsibility of the Finance Section.

- Cost Recovery Unit
- Compensation and Claims Unit

- Fiscal Unit

The section will be staffed by the City Finance and other city departments as directed by the EOC Director as needed to perform the various functions required to support emergency management operations within the activated EOC. Additional branches or units may be established as needed to meet operational needs.

SECTION 5.0 ANNEX MAINTENANCE

The City of Los Banos Fire Department will coordinate with the various City Departments on any updates and revisions of this Direction and Control Annex.

Those agencies and organizations listed as having anticipated roles and responsibilities under this annex shall inform the Director of Emergency Services when they are aware that changes need to be made.



City of Los Banos

At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: February 10, 2017

Re: Notice of Public Hearing

Proposal: Dove Hollow Villages VII at Stonecreek Final Development Plan #2017-01 and Vesting Tentative Tract Map #2017-01

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Final Development Plan #2017-01, Vesting Tentative Tract Map #2017-01, consistent with the Stonecreek Environmental Impact Report (EIR). The proposed project consists of the subdivision of approximately 75.3 acres into 335 single-family residential lots. The Final Development Plan consists of site design and conceptual architecture to implement the Planned Development zoning. The project site is located north of Pioneer Road, west of Badger Flat Road, south of the Villages at Stonecreek IV, ph. 1B, and east of the city limit line; more specifically identified as Assessor's Parcel Numbers: 430-060-008, 430-060-016, 430-060-017, and 430-060-018.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, February 22, 2017, at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms

Community and Economic Development Director



City of
Los Banos
At the Crossroads of California

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: February 10, 2017

Regarding: Notice of Public Hearing

Proposal: Site Plan Review #2017-01 – City Hall Expansion

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Site Plan Review #2017-02 and CEQA Exemption for a 350 square foot expansion of Los Banos City Hall. The project site is located on the eastside of City Hall at 520 J Street; more specifically identified as Assessor's Parcel Number: 025-241-014.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, February 22, 2017, at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director at City Hall or at (209) 827-7000, Ext. 133.

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THE CITY OF LOS BANOS

Stacy Souza Elms

Community and Economic Development Director