

YREKA CITY COUNCIL  
AGENDA  
September 6, 2012 – 6:30 P.M.  
Yreka City Council Chamber 701 Fourth Street, Yreka, CA

PLEDGE OF ALLEGIANCE

**PUBLIC COMMENTS:** This is an opportunity for members of the public to address the Council on subjects within its jurisdiction, whether or not on the agenda for this meeting. The Council has the right to reasonably limit the length of individual comments. Pursuant to Yreka Municipal Code Section 1.24.170 those addressing the Council shall limit their remarks to five minutes. For items, which are on this agenda, speakers may request that their comments be heard instead at the time the item is to be acted upon by the Council. The Council may ask questions, but may take no action during the Public Comment portion of the meeting, except to direct staff to prepare a report, or to place an item on a future agenda.

**SPEAKERS:** Please speak from the podium. State your name and mailing address so that City Staff can respond to you in regard to your comments, or provide you with information, if appropriate. You are not required to state your name and address if you do not desire to do so.

**Presentations:**

- Steve Amaral in recognition of his retirement from city service – Rob Taylor, Water Manager.
  - Fall Creek Water System Improvements – Project of the Year Award from the American Public Works Association (APWA), Sacramento Chapter – Steve Neill, Director of Public Works.
1. Discussion/Possible Action - Consent Calendar: All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
    - a. Approval of Minutes of the meeting held August 16, 2012.
    - b. Approval of Warrants issued from August 16, 2012 through September 6, 2012.
  2. PUBLIC HEARING – Ordinance Amending Section 11.23.050 of the Yreka Municipal Code relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences.
  3. Discussion/Possible Action – Adopt Resolution No. 2989 authorizing the City Manager to award a construction contract, execute related documents, and add a portion of construction funds to the 2012/13 budget from the water and sewer enterprise funds for the Oregon Street Overlay, 2012.
  4. Discussion/Possible Action – Karuk Indian Gaming:
    - Acknowledge receipt of draft proposed Memorandum of Understanding.
    - Confirm committee appointment of Council Members Rory McNeil & John Mercier.
    - Direct staff to develop recommendations and report back to Council.
  5. Discussion/Possible Action - Investigate the requirements and procedural steps necessary for the development of eight acres of City land; known as APN 013-100-140. These steps would include

environmental permits and clearance, annexation, zoning, grading plan, infrastructure design and associated implementation costs. – Mayor Simmen.

6. Discussion/Possible Action - Approval of all Warrants payable to Siskiyou County Economic Development Council from August 17, 2012 through September 6, 2012.

City Manager Report:

Council Statements and Requests: Members of the Council may make brief announcements or reports or request staff to report to Council on any matter at a subsequent meeting.

**CLOSED SESSION:**

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
Agency negotiators: Steven Baker and Mary Frances McHugh  
Employee Organizations: Yreka Management Team Association, Confidential Unit, Yreka City Employees Association, Yreka Police Administration Unit, Yreka Police Sergeants Association, and the Yreka Police Officer's Association.
2. Threat to Public Services or Facilities, Government Code Section 54957(a), consultation with Chief of Police, City Manager and City Attorney.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: Assessor Parcel No. 053-681-070  
Third Party Negotiator: Cliff Brown, Phillipe Lane Industrial Park  
City Negotiators: City Manager and City Attorney  
Under Negotiation: Possible purchase including price, terms of payment, or both.
4. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott, etc., et al., Siskiyou County Superior Court, Case No. SCCVCV 11-1001.

**RETURN TO OPEN SESSION: Announcement** of any action taken by the City Council in Closed Session required by the Ralph M. Brown Act. (Government Code Section 54950 et. seq.)

Adjournment.

In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a public accessible place, 72 hours in advance of the meeting.

All documents produced by the City which are related to an open session agenda item and distributed to the City Council are made available for public inspection in the City Clerk's Office during normal business hours.

*In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2324 or by notifying the Clerk at [casson@ci.yreka.ca.us](mailto:casson@ci.yreka.ca.us).*



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**CITY OF YREKA**  
**CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Steve Neill, Director of Public Works *SN*  
Agenda title: Fall Creek Water System Improvements  
Project of the Year Award from the  
American Public Works Association (APWA), Sacramento Chapter  
Meeting date: September 6, 2012

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Discussion:

On May 24, 2012, the Shasta Cascade Branch of the Sacramento Chapter of the American Public Works Association (APWA) selected the Fall Creek Water System Improvements project as its Project of the Year Award in the Structures Category. The plaque was presented to Council at its June 7, 2012 meeting.

Since the project won the Award at the Branch level, it was automatically nominated for an award at the next level of competition, the Chapter level. The Sacramento Chapter recently announced that the project won the Project of the Year Award in the Structures category, \$5 million to \$10 million, Small Agency Division. The Sacramento Chapter includes twenty three (23) Counties in the northern part of the State from south of Sacramento to the Oregon border.

The APWA Sacramento Chapter Awards Program recognizes public works projects that demonstrate excellence in management, administration, design, construction and community relations, as well as the alliance among the managing agency and the consultant /engineer/contractor who worked together to complete the project.

A Program from the Awards Lunch is attached. The Fall Creek Water System Improvements project is on page 10 of the Program. The following representatives from our Project Team attended an Awards Lunch in Sacramento on August 10, 2012 to receive the plaque for the Award:

Rick Bowser, Project Engineer, PACE Engineering  
Eric Marshall, Construction Observer, PACE Engineering  
Art Spinella, Owner, T and S Construction  
Robert Fisher, Foreman, T and S Construction  
Rob Taylor, Water Manager  
Steve Neill, Director of Public Works

Approved by: 

Steven Baker, City Manager

Other Team members with major involvement in the project include:

Paul Reuter, Managing Engineer, PACE Engineering  
Tom Warnock, Project Engineer, PACE Engineering  
Matt Stephan, Superintendent, T&S Construction  
Bob King, Construction Observer  
Kevin DeMers, Area Specialist, USDA Rural Development  
Mark Teague, Environmental Consultant, PMC  
Scott Friend, Environmental Consultant, PMC  
Mark Bates, Water Operator, Public Works Dept., Water Division  
Steve Amaral, Water Operator, Public Works Dept., Water Division  
Jeannette Hook, Administrative Assistant, Public Works Dept.  
Ben Matts, Project Assistant, Public Works Dept.  
Steve Baker, City Manager  
Rhetta Hogan, Finance Director  
Mary Frances McHugh, City Attorney

Fiscal Impact: None

Recommendation and Requested Action: None

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON AUGUST 16, 2012

On the 16<sup>th</sup> day of August 2012, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Robert Bicego, Bryan Foster, Rory McNeil, John Mercier and David Simmen. Absent – None.

Consent Calendar: Mayor Simmen announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of Minutes of the meeting held August 2, 2012
- b. Approval of Warrants issued from August 3, 2012 through August 16, 2012.

Following Council discussion, Council Member Bicego moved to approve the items on the consent calendar as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried.

Siskiyou County Economic Development Council – Project Status update

Tonya Dowse, Executive Director of the Siskiyou County Economic Development Council addressed the Council to give a status update on the various projects they are currently working on and also gave a status report on the Enterprise Zone, stating that in 2012 374 vouchers were issued, 206 of which were for employees in Yreka.

Tourism Friendly Improvements to Miner Street – Miner Street Grant Program.

Project Assistant Benjamin Matts gave a brief overview of the proposal received from the Bicycle Tourism Engage Business Committee. The proposal is to utilize up to \$10,000 of the Miner Street Grant funds to install custom bike racks, replacement of street light banners with themed banners, installation of additional benches, and installation of bicycle themed art.

City Manager Baker stated that this item was placed on tonight's agenda to give the committee members a chance to discuss their proposal in concept with the Council prior to the submission of an application for approval.

Council Member Bicego stated that in concept, this is a great idea, however, he expressed his concerns that the themed banners seemed to be limited to bicycle tourism, and he would prefer that they reflect the many recreational activities we have to offer.

Following Council discussion, Council Member Bicego moved to direct staff to work with the applicant to develop an application with detailed information regarding the design and proposed

site plans for submittal to the Planning Commission for review, and that the Planning Commission report to the City Council their specific recommendations regarding processing of the siting of the park benches, bike racks, art, and banners.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried.

Greenhorn Park Host.

Peg Boland, President of the Siskiyou Gardens, Parks and Greenways Association, and Grace Bennett, County Supervisor addressed the Council regarding the Greenhorn Park Host proposal.

Following Council discussion, Council Member Bicego moved to authorize staff to further proceed to develop the organizational materials as proposed.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried.

Miner Street Grant Community Projects:

- a. Adopt Resolution 2988 rejecting bids submitted for the Yreka Seed and Grain building Project and authorizing the City Manager to cause the work to be performed by day labor or through open market purchases of materials and supplies and dispense with further bidding.
- b. Approve and Award Contract for the Ley Station Project and Authorize the City Manager to do all acts and execute all necessary Documents to Implement the Contract.

Adopt Resolution 2988 rejecting bids submitted for the Yreka Seed and Grain building Project and authorizing the City Manager to cause the work to be performed by day labor or through open market purchases of materials and supplies and dispense with further bidding.

City Manager Baker reported to the Council that only one bid was received in the amount of \$37,095, which was in excess of the contemplated budget of \$10,000, and therefore it is staff's recommendation to reject the bid as received.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2988 as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried.

Approve and Award Contract for the Ley Station Project and Authorize the City Manager to do all acts and execute all necessary documents to implement the Contract.

City Manager Baker reported that two bids were received: Rodriguez Corporation in the amount of \$24,747 and North State Painting in the amount of \$16,950 and it is staff's recommendation that the Council award the contract to North State Painting in the amount of \$16,950.

Following Council discussion, Council Member Bicego moved to approve and award the Contract for the Ley Station Project to North State Painting in the amount of \$16,950. and to authorize the City Manager execute all necessary documents to implement the Contract.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried.

Authorize City Manager and City Attorney to prepare a Resolution and Notice of Intent to Sell Real Property for Council consideration regarding the disposal of City owned property Assessor's Parcel No. 053-361-110, commonly known as 307 North Street, Yreka, Ca.

City Manager Baker reported that the City acquired 307 North Street in 2003 for the purpose of holding the property for future development as a parking facility with access to the Miner Street business district.

The Council has studied the use of that property extensively over the past 4 years. At the budget workshop held on August 2, 2012, it was the consensus of the Council to review the continued ownership of this property by the City. The determination on whether the City should continue to retain the property should be based on whether the City Council wishes to retain the option of creating a parking lot at this location in the future.

If the Council decides to dispose of the property, the initial step will be to comply with applicable state law which covers the methods of disposition of public property, referral to the Planning Commission for compliance with the General Plan, and compliance with the California Environmental Quality Act. The decision to dispose of property requires the adoption of a Resolution giving Notice of Intent to Sell Real Property and a public hearing is conducted for that purpose. No sale can occur until that requirement is satisfied.

Following Council discussion, Council Member Bicego moved to direct staff prepare the necessary documents to initiate the procedure for possible sale at "no loss" to the City.

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Bicego, McNeil, Mercier and Simmen. Nays – Foster, stating that he is not against the sale, just the wording of the motion.

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2983 adopting the Budget for Fiscal Year 2012-2013 Fund 30-all Measure H Special Tax Fund, Fund 03 all the Volunteer Fire Department Benefit Fund, and Fund 01-210-0000 all expenditures of the Volunteer Fire Department.

Council Member Bicego announced his recusal, stating that he has a conflict by reason of his membership relationship with the Yreka Volunteer Fire Department and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2983 as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried. Council Member Bicego returned to his seat at the Council table.

Direct the City Attorney to undertake audit of Chapter 11 of the Yreka Municipal Code and report to Council on recommended modifications and adoption of various Uniform Codes.

City Attorney Mary Frances McHugh reported that the City adopted various uniform building codes in 1996. They are contained in Title 11 of the Yreka municipal Code. Since that time there have been several iterations of the Uniform Codes in the State of California. Currently the 2010 California Building Code is in effect and enforceable in the City.

In conclusion, City Attorney McHugh stated that she is seeking direction to work with the Building Official to conduct a complete audit and report back to Council with any recommended changes.

Following Council discussion, Council Member McNeil moved to authorize the City Attorney to undertake the audit of Chapter 11 of the Yreka Municipal Code and that the City Attorney and Building Official report back to Council on recommended modifications and/or adoption of various Uniform Codes.

Mayor Simmen seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor Simmen thereupon declared the motion carried.

Council Statements:

Council Member Bicego reported that because of a conflict of interest due to proximity, he is resigning from his position on the New Courthouse Project Committee. Mayor Simmen stated he would serve on the committee.

**CLOSED SESSION:**

1. Anticipated Litigation. Government Code Section 54956.9(b)(3)(E) and (c). Conference with Legal Counsel, a point has been reached where, in the opinion of the Council on the advice of its legal counsel, based on existing facts and circumstances, there is significant exposure to litigation against the City and the Council is deciding or will decide whether to initiate litigation, due to a statement threatening litigation made outside an open and public meeting on a specific matter within the responsibility of the Council. One case – names of parties are not disclosed since it is believed the facts which may result in litigation are not yet be known to the potential litigant(s), which facts need not be disclosed, and, to do so would jeopardize City's ability to conclude existing settlement negotiations to its advantage.
2. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott, etc., et al., Siskiyou County Superior Court, Case No. SCCVCV 11-1001.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: Assessor Parcel No. 062-011-200
  - Third Party Negotiator: County of Siskiyou
  - City Negotiators: City Manager and City Attorney
  - Under Negotiation: Possible purchase including price, terms of payment, or both.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: Assessor Parcel No. 053-361-110
  - City Negotiators: City Manager and City Attorney
  - Under Negotiation: Possible sale including price, terms of payment, or both.
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: Assessor Parcel No. 053-681-070
  - Third Party Negotiator: Cliff Brown, Philippe Lane Industrial Park
  - City Negotiators: City Manager and City Attorney
  - Under Negotiation: Possible purchase including price, terms of payment, or both.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney Mary Frances McHugh reported out the following:

1. Anticipated Litigation. Government Code Section 54956.9(b)(3)(E) and (c). Conference with Legal Counsel, a point has been reached where, in the opinion of the Council on the advice of its legal counsel, based on existing facts and circumstances, there is significant exposure to litigation against the City and the Council is deciding or will decide whether to initiate litigation, due to a statement threatening litigation made outside an open and public meeting on a specific matter within the responsibility of the Council. One case – names of parties are not disclosed since it is believed the facts which may result in litigation are not yet be known to the potential litigant(s), which facts need not be disclosed, and, to do so would jeopardize City's ability to conclude existing settlement negotiations to its advantage.

The Council conferred with the City Attorney on one matter. No other reportable action was taken.

2. Pending Litigation - Conference with Legal Counsel pursuant to Government Code § 54959.9 On the Matter of City of Yreka v. Kimberlee Abbott., et al., Siskiyou County Superior Court Case No. 11-1001.

Due to the recusal of Councilmember Mercier due to contract relation with party, who left the room, this matter was taken first in order. Remaining Councilmembers conferred with City Attorney and Attorney William D. Ayres. No further reportable action was taken.

3. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: Assessor Parcel No. 062-011-200

Third Party Negotiator: County of Siskiyou

City Negotiators: City Manager and City Attorney

Under Negotiation: Possible purchase including price, terms of payment, or both.

Due to the recusal of Councilmember McNeil due to a proximity relation of property, who left the room, this matter was taken last in order. The remaining Councilmembers conferred with the City Attorney. No further reportable action was taken.

4. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: Assessor Parcel No. 053-361-1100

City Negotiators: City Manager and City Attorney

Under Negotiation: Possible purchase including price, terms of payment, or both.

The Council conferred with its legal adviser. No further reportable action was taken.

5. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: Assessor Parcel No. 053-681-070

Third Party Negotiator: Cliff Brown, Philippe Lane Industrial Park

City Negotiators: City Manager and City Attorney

Under Negotiation: Possible purchase including price, terms of payment, or both.

The Council conferred with its legal adviser. No further reportable action was taken.

**ADJOURNMENT** There being no further business before the Council the meeting was adjourned.

Attest:

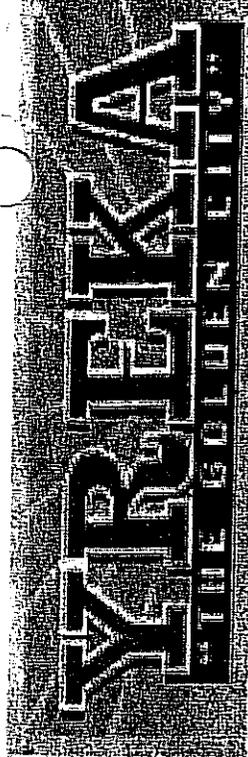
\_\_\_\_\_  
David Simmen, Mayor  
Minutes approved by Council  
Motion 9-6-2012

\_\_\_\_\_  
Elizabeth E. Casson, City Clerk

# Accounts Payable

## Computer Check Proof List by Vendor

User: lysandra  
 Printed: 08/30/2012 - 1:38PM  
 Batch: 00011.08.2012



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: UB*00083	ROGER OR KIM ABBOTT				
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	Refund Check	16.59	08/29/2012	70-000-0000-950-000	
	Refund Check	9.96	08/29/2012	80-000-0000-950-000	
	Check Total:	29.87			
Vendor: 2090	ALMADEN VALLEY SALES				
1190	INV 1190	495.26	09/07/2012	24-200-0000-416-003	ACH Enabled: False
	Check Total:	495.26			
Vendor: UB*00085	ALTISOURCE SOLUTIONS INC				
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	Refund Check	6.55	08/30/2012	31-000-0000-950-000	
	Refund Check	32.76	08/30/2012	70-000-0000-950-000	
	Check Total:	65.51			
Vendor: 1011	AMERICAN LINEN				
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	Check Total:	43.37			
Vendor: 4301	AT&T CALNET 2				
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3595198	5308410901	15.66	09/07/2012	01-210-0000-517-000	
3595199	5308412386	22.43	09/07/2012	01-210-0000-517-000	
3595199	5308412386	117.68	09/07/2012	01-020-0000-517-000	
3595199	5308412386	47.46	09/07/2012	01-030-0000-517-000	
3595199	5308412386	56.22	09/07/2012	01-040-0000-517-000	
3595199	5308412386	21.73	09/07/2012	01-060-0000-517-000	
3595199	5308412386	23.97	09/07/2012	01-220-0000-517-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
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3595199	5308412386	67.50	09/07/2012	01-370-0000-517-000	
3595199	5308412386	31.58	09/07/2012	01-480-0000-517-000	
3595199	5308412386	22.60	09/07/2012	70-510-0000-517-000	
3595199	5308412386	92.02	09/07/2012	70-520-0000-517-000	
3595199	5308412386	23.57	09/07/2012	80-560-0000-517-000	
3595232	5308421561	14.71	09/07/2012	80-560-0000-517-000	
3595232	5308425926	14.71	09/07/2012	70-510-0000-517-000	
3595232	5308422065	14.71	09/07/2012	01-350-0000-517-000	
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3595315	C602221520	592.05	09/07/2012	01-200-0000-517-000	
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3626109	5308423781	16.08	09/07/2012	80-560-0000-517-000	
3626113	5308424836	45.97	09/07/2012	01-020-0000-517-000	
3626121	5308429081	31.84	09/07/2012	70-510-0000-517-000	
3626842	5308427104	16.17	09/07/2012	70-510-0000-517-000	
3634806	2342713603	66.47	09/07/2012	01-210-0000-517-000	
3638829	5304593324	18.56	09/07/2012	70-510-0000-517-000	
3638830	5304593352	145.85	09/07/2012	70-510-0000-517-000	
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Vendor: 6021	BASIC LABORATORY INC			Check Sequence: 8	ACH Enabled: False
1207288	INV 1207288	84.00	09/07/2012	70-500-0000-420-006	
1207318	INV 1207318	121.00	09/07/2012	80-560-0000-416-001	
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1207532	INV 1207532	121.00	09/07/2012	80-560-0000-416-001	
1207533	INV 1207533	233.00	09/07/2012	80-560-0000-416-001	
1207534	INV 1207534	932.00	09/07/2012	80-560-0000-416-001	

Invoice	Description	Amount	Payment Date	Acct Number	Reference
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	Refund Check	7.06	08/30/2012	80-000-0000-950-000	
<b>Check Total:</b>					
Vendor: 3643	CITY OF YREKA - WATER DEPT	23.52			ACH Enabled: False
13279 8/12	ACCT 13279 8/12	7,005.32	09/07/2012	80-560-0000-518-003	Check Sequence: 11
13280 8/12	ACCT 13280 8/12	74.05	09/07/2012	01-370-0000-518-003	
16150 8/12	ACCT 16150 8/12	180.91	09/07/2012	01-400-0000-518-003	
16165 8/12	ACCT 16165 8/12	266.94	09/07/2012	01-400-0000-518-003	
17683 8/12	ACCT 17683 8/12	100.64	09/07/2012	01-400-0000-518-003	
17825 8/12	ACCT 17825 8/12	91.93	09/07/2012	01-400-0000-518-003	
17826 8/12	ACCT 17826 8/12	1,032.93	09/07/2012	01-400-0000-518-003	
17827 8/12	ACCT 17827 8/12	813.93	09/07/2012	01-400-0000-518-003	
17890 8/12	ACCT 17890 8/12	79.62	09/07/2012	01-400-0000-518-003	
17938 8/12	ACCT 17938 8/12	412.31	09/07/2012	01-400-0000-518-003	
17947 8/12	ACCT 17947 8/12	98.88	09/07/2012	71-510-3020-518-003	
17948 8/12	ACCT 17948 8/12	7.86	09/07/2012	01-400-0000-518-003	
17949 8/12	ACCT 17949 8/12	7.86	09/07/2012	01-400-0000-518-003	
17950 8/12	ACCT 17950 8/12	1,355.23	09/07/2012	01-400-0000-518-003	
17951 8/12	ACCT 17951 8/12	1,016.60	09/07/2012	01-400-0000-518-003	
17952 8/12	ACCT 17952 8/12	175.61	09/07/2012	01-400-0000-518-003	
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18636 8/12	ACCT 18636 8/12	31.99	09/07/2012	01-400-0000-518-003	
5406 8/12	ACCT 5406 8/12	2,017.40	09/07/2012	01-400-0000-518-003	
5407 8/12	ACCT 5407 8/12	29.80	09/07/2012	01-400-0000-518-003	
5619 8/12	ACCT 5407 8/12	94.82	09/07/2012	01-400-0000-518-003	
6136 8/12	ACCT 5619 8/12	116.38	09/07/2012	01-400-0000-518-003	
6327 8/12	ACCT 6136 8/12	73.94	09/07/2012	04-620-1017-518-003	
6345 8/12	ACCT 6327 8/12	437.86	09/07/2012	01-400-0000-518-003	
6404 8/12	ACCT 6345 8/12	85.01	09/07/2012	01-200-0000-518-003	
6420 8/12	ACCT 6404 8/12	781.08	09/07/2012	04-610-1016-518-003	
	ACCT 6420 8/12	74.01	09/07/2012	01-210-0000-518-003	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
6427 8/12	ACCT 6427 8/12	96.40	09/07/2012	01-400-0000-518-003	
6529 8/12	ACCT 6529 8/12	38.74	09/07/2012	01-400-0000-518-003	
6531 8/12	ACCT 6531 8/12	57.03	09/07/2012	01-400-0000-518-003	
7488 8/12	ACCT 7488 8/12	74.01	09/07/2012	01-020-0000-518-003	
7599 8/12	ACCT 7599 8/12	10.77	09/07/2012	01-400-0000-518-003	
7603 8/12	ACCT 7603 8/12	133.40	09/07/2012	01-400-0000-518-003	
9919 8/12	ACCT 9919 8/12	893.40	09/07/2012	01-400-0000-518-003	
9919-001 8/12	ACCT 9919-001 8/12	254.29	09/07/2012	01-400-0000-518-003	
	Check Total:	18,096.53			
Vendor: 1077	COMPUTER LOGISTICS CORPORATION			Check Sequence: 12	ACH Enabled: False
57097	INV 57097	20.00	09/07/2012	01-200-0000-517-000	
	Check Total:	20.00			
Vendor: 1107	DISH NETWORK			Check Sequence: 13	ACH Enabled: False
0354090 9/12	8255707080354090 9/12	48.99	09/07/2012	01-200-0000-517-000	
	Check Total:	48.99			
Vendor: 1109	DOBBY'S LOCK & KEY SHOP			Check Sequence: 14	ACH Enabled: False
4947	INV 4947	200.00	09/07/2012	01-350-0000-520-000	
	Check Total:	200.00			
Vendor: 19017	FAIRCHILD MEDICAL CENTER			Check Sequence: 15	ACH Enabled: False
0408320521	YFD EXAM - SHAW	338.00	06/30/2012	01-210-0000-525-000	
	Check Total:	338.00			
Vendor: 2091	FLO-LINE TECHNOLOGY			Check Sequence: 16	ACH Enabled: False
12996	INV 12996	1,008.85	09/07/2012	80-560-0000-420-003	
	Check Total:	1,008.85			
Vendor: UB*00086	LARRY FRIEDMAN			Check Sequence: 17	ACH Enabled: False
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	Refund Check	46.85	08/30/2012	80-000-0000-950-000	
	Refund Check	15.61	08/30/2012	31-000-0000-950-000	
	Refund Check	78.08	08/30/2012	70-000-0000-950-000	
	Check Total:	156.16			
Vendor: 1913	G & G HARDWARE (ADMINISTRATION)			Check Sequence: 18	ACH Enabled: False

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140557	INV 140557	17.15	09/07/2012	01-020-0000-515-000	
	Check Total:	17.15			
Vendor: 1915	G & G HARDWARE (VEHICLE MAINT)			Check Sequence: 19	ACH Enabled: False
141153	INV 141153	52.60	09/07/2012	01-350-0000-520-000	
	Check Total:	52.60			
Vendor: 1902	G & G HARDWARE (WWTP)			Check Sequence: 20	ACH Enabled: False
140100	INV 140100	9.64	09/07/2012	80-560-0000-420-003	
140152	INV 140152	13.92	09/07/2012	80-560-0000-416-000	
140603	INV 140603	14.55	09/07/2012	80-560-0000-422-000	
140931	INV 140931	38.59	09/07/2012	80-560-0000-420-003	
140986	INV 140986	32.76	09/07/2012	80-560-0000-420-003	
141065	INV 141065	21.44	09/07/2012	80-560-0000-422-000	
141094	INV 141094	9.63	09/07/2012	80-560-0000-416-000	
141178	INV 141178	5.34	09/07/2012	80-560-0000-420-003	
	Check Total:	145.87			
Vendor: 1141	KARL GREINER			Check Sequence: 21	ACH Enabled: False
5	INV 5	500.00	09/07/2012	01-090-0000-525-000	
	Check Total:	500.00			
Vendor: 1451	JAMES HITTSON			Check Sequence: 22	ACH Enabled: False
11938	INV 11938	16.09	06/30/2012	04-610-1018-526-000	
12465	INV 12465	93.84	09/07/2012	01-420-0000-520-000	
12540	INV 12540	180.18	09/07/2012	60-310-6012-625-011	
12584	INV 12584	60.06	09/07/2012	60-310-6012-625-011	
	Check Total:	350.17			
Vendor: 2045	RENEE HOISINGTON			Check Sequence: 23	ACH Enabled: False
08/16/12	REDDING 8/15/12	48.05	09/07/2012	01-030-0000-512-000	
	Check Total:	48.05			
Vendor: 1803	INDUSTRIAL ELECTRIC MOTORS			Check Sequence: 24	ACH Enabled: False
51684	INV 51684	2,989.50	09/07/2012	80-560-0000-420-003	
	Check Total:	2,989.50			
Vendor: 1964	JEFFERSON ECONOMIC DEVELOPMENT II			Check Sequence: 25	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
58740712	INV 58740712	4,667.55	09/07/2012	65-630-3505-526-000	
58740712	INV 58740712	116.29	09/07/2012	65-630-3505-526-001	
58740712	INV 58740712	2,388.15	09/07/2012	65-630-3505-526-002	
	Check Total:	7,171.99			
Vendor: 1430	KNIFE RIVER MATERIALS			Check Sequence: 26	ACH Enabled: False
305175	INV 305175	600.32	09/07/2012	20-310-0000-420-521	
	Check Total:	600.32			
Vendor: 1400	MADRONE HOSPICE			Check Sequence: 27	ACH Enabled: False
09/07/12	SEPTEMBER 2012	5,343.75	09/07/2012	01-090-0000-560-004	
	Check Total:	5,343.75			
Vendor: 1195	EILEEN MAIER			Check Sequence: 28	ACH Enabled: False
1660	INV 1660	51.48	09/07/2012	01-350-0000-520-000	
	Check Total:	51.48			
Vendor: 1212	MT SHASTA SPRING WATER			Check Sequence: 29	ACH Enabled: False
317949	INV 317949	35.45	09/07/2012	80-560-0000-420-003	
	Check Total:	35.45			
Vendor: 1589	NATIONAL METER & AUTOMATION INC			Check Sequence: 30	ACH Enabled: False
S1040144.001	INV S1040144.001	717.63	09/07/2012	71-500-0000-450-001	
S1040420.001	INV S1040420.001	8,640.73	09/07/2012	71-500-0000-450-001	
	Check Total:	9,358.36			
Vendor: 22019	OFFICE DEPOT			Check Sequence: 31	ACH Enabled: False
619286822-001	INV 619286822-001	86.04	09/07/2012	80-300-0000-515-000	
619286822-001	INV 619286822-001	86.05	09/07/2012	70-300-0000-515-000	
619286822-001	INV 619286822-001	16.40	09/07/2012	01-020-0000-515-000	
	Check Total:	188.49			
Vendor: 15025	OHLUND'S OFFICE SUPPLY			Check Sequence: 32	ACH Enabled: False
185799	INV 185799	32.18	09/07/2012	01-220-0000-515-000	
	Check Total:	32.18			
Vendor: 1253	PERFECTION CLEANING INC			Check Sequence: 33	ACH Enabled: False

Invoice	Description	Amount	Payment Date	Acct Number	Reference
09/07/12	AUGUST 2012	185.00	09/07/2012	01-080-0000-526-001	
09/07/12	AUGUST 2012	680.00	09/07/2012	01-200-0000-526-001	
09/07/12	AUGUST 2012	300.00	09/07/2012	01-400-0000-426-003	
	Check Total:	1,165.00			
Vendor: 1396	PUBLIC SAFETY CENTER INC			Check Sequence: 34	ACH Enabled: False
5351199	INV 5351199	172.31	09/07/2012	01-200-0000-416-000	
	Check Total:	172.31			
Vendor: UB*00087	DAN OR NENA PURTIZER			Check Sequence: 35	ACH Enabled: False
	Refund Check	102.25	08/30/2012	30-000-0000-950-000	
	Check Total:	102.25			
Vendor: 17014	QUTLL CORPORATION			Check Sequence: 36	ACH Enabled: False
4808001	INV 4808001	159.74	09/07/2012	01-200-0000-515-000	
	Check Total:	159.74			
Vendor: 1463	R & B COMPANY			Check Sequence: 37	ACH Enabled: False
S1308195.001	INV S1308195.001	843.92	09/07/2012	71-500-0000-450-001	
	Check Total:	843.92			
Vendor: 1266	DEBBIE RAMIREZ			Check Sequence: 38	ACH Enabled: False
08/09/12	CENTRAL POINT 08/09/12	35.96	09/07/2012	01-030-0000-512-000	
	Check Total:	35.96			
Vendor: 1283	SC ECONOMIC DEVELOPMENT COUNCIL			Check Sequence: 39	ACH Enabled: False
09/07/12	SEPTEMBER 2012	3,333.33	09/07/2012	01-090-0000-560-001	
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Vendor: 1958	SHOPLET.COM			Check Sequence: 40	ACH Enabled: False
345581	INV 345581	44.64	09/07/2012	80-550-0000-416-000	
345581	INV 345581	44.64	09/07/2012	70-500-0000-416-000	
345581	INV 345581	44.64	09/07/2012	70-510-0000-416-000	
345581	INV 345581	44.63	09/07/2012	01-400-0000-416-000	
	Check Total:	178.55			
Vendor: 19100	SISKIYOU DAILY NEWS			Check Sequence: 41	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
6123	NEWS #6123	266.00	09/07/2012	60-310-6012-625-011	
	Check Total:	266.00			
Vendor: 1320	DONALD SOLUS			Check Sequence: 42	ACH Enabled: False
08/14/12	YFD EXAM - BIGLER	85.00	09/07/2012	01-210-0000-525-000	
	Check Total:	85.00			
Vendor: 1324	SPRINGBROOK SOFTWARE INC			Check Sequence: 43	ACH Enabled: False
22977	INV 22977	300.00	09/07/2012	10-050-0000-650-001	
	Check Total:	300.00			
Vendor: 22015	SUBURBAN PROPANE			Check Sequence: 44	ACH Enabled: False
08/15/12	002543 THEATER	55.32	09/07/2012	01-470-0000-518-002	
08/15/12	002535 BLACK'S	8.00	09/07/2012	04-610-1016-518-002	
08/15/12	002551 CENTER	492.17	09/07/2012	01-480-0000-518-002	
08/15/12	002535 CITY HALL	8.00	09/07/2012	01-020-0000-518-002	
08/15/12	002022 FIRE DEPT	47.38	09/07/2012	01-210-0000-518-002	
08/15/12	010421 FIRE MUSEUM	8.00	09/07/2012	01-210-0000-518-002	
	Check Total:	618.87			
Vendor: 25090	USPS			Check Sequence: 45	ACH Enabled: False
09/07/12	SEPTEMBER 2012	1,220.00	09/07/2012	70-030-0000-515-001	
	Check Total:	1,220.00			
Vendor: 23008	WAL-MART COMMUNITY			Check Sequence: 46	ACH Enabled: False
002703	INV 002703	40.71	09/07/2012	01-230-0000-416-000	
006180	INV 006180	40.71	09/07/2012	01-230-0000-416-000	
006180	INV 006180	85.76	09/07/2012	01-200-0000-416-000	
	Check Total:	167.18			
Vendor: 1360	WEST PAYMENT CENTER			Check Sequence: 47	ACH Enabled: False
825477937	INV 825477937	175.92	09/07/2012	01-040-0000-516-001	
	Check Total:	175.92			
Vendor: 1374	YREKA CHAMBER OF COMMERCE			Check Sequence: 48	ACH Enabled: False
09/07/12	SEPTEMBER 2012	4,275.00	09/07/2012	01-090-0000-560-000	



Invoice

Description

Amount

Payment Date

Acct Number

Reference

Vendor: UB\*00082  
 YREKA MOTEL/TRAILER PARK  
 Refund Check  
 Refund Check  
 Refund Check  
 Refund Check  
 Refund Check

Vendor: 25120  
 YREKA TRANSFER  
 ACCT 005821 8/12  
 ACCT 043311 8/12  
 ACCT 054217 8/12

Check Total: 4,275.00  
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ACH Enabled: False

Check Total: 289.00  
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Check Sequence: 50  
 01-210-0000-518-004  
 04-620-1017-518-004  
 01-480-0000-518-004

ACH Enabled: False

Total for Check Run: 66,736.39

Total of Number of Checks: 50

1  
2  
3

4

5



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Mary Frances McHugh, City Attorney  
AGENDA TITLE: PUBLIC HEARING Ordinance Amending Section 11.23.050 of  
the Yreka Municipal Code Relating to Developer Impact Fees for  
Fire Sprinkler Systems in Single Family Residences  
Meeting date: September 6, 2012

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**Recommendation and Requested Action:**

Conduct public hearing to receive comment on Draft Ordinance 830 Amending Section 11.23.050 of the Yreka Municipal Code Relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences.

**Discussion:**

This public hearing is preliminary to the introduction of Ordinance 830, which will be presented at the next regularly scheduled Council meeting, September 20, 2012, for introduction.

This public hearing is to obtain public comment on the proposed Ordinance so that any suggestions made by the public can be evaluated for the draft Ordinance 830. Ordinance 830 is designed to implement the 2010 California Building Code which requires private fire protection in new single family residential construction. Staff has identified changes which should be made in Chapter 11.23 of the Yreka Municipal Code to reflect the new law requiring fire sprinklers, those are set out in the proposed Ordinance, which is included in the public hearing packet.

**Attachments:** Public Hearing Packet contained Report Relating to Amendment of YMC 11.23.050.

Approved by: \_\_\_\_\_

Mary Frances McHugh, City Attorney

# CITY OF YREKA

701 Fourth Street, Yreka, California 96097



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**NOTICE OF AVAILABILITY OF REPORT  
RELATING TO:  
Amendment of Yreka Municipal Code Section  
11.23.050 Water System Fees, sections (b) and (c)  
[Approved Fire Sprinkler Systems]  
FOR THE  
City OF YREKA**

Date: August 21, 2012

**SUBJECT:** Notice Of Report Relating to Amendment of Yreka Municipal Code Section 11.23.050 Water System Fees, sections (b) and (c) [Approved Fire Sprinkler Systems] for The City Of Yreka.

**CONTACT PERSON:** LIZ CASSON, City Clerk, City of Yreka (530)841-2386

**LOCATION OF REPORT:** City Hall, City of Yreka, 701 Fourth Street, Yreka, California 96097

This is to advise that a **REPORT RELATING TO: Amendment of Yreka Municipal Code Section 11.23.050 Water System Fees, sections (b) and (c) [Approved Fire Sprinkler Systems] FOR THE CITY OF YREKA** is available for viewing at the City of Yreka location referenced above.

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Liz Casson  
City Clerk, City of Yreka

**CITY OF YREKA  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Yreka will hold a public hearing on September 6, 2012, at 6:30 p.m., to consider an amendment to Yreka Municipal Code Section 11.23.050 Water System Fees, sections (b) and (c) by Ordinance 830.

The 2010 California Residential Code requires a residential fire sprinkler system in new single family residential construction. The City of Yreka is proposing an amendment to Yreka Municipal Code (YMC) Section 11.23.050 Water System Fees. The modification would modify the Water System Fees to include the rates for new construction with an approved Fire Sprinkler System pursuant to the California Residential Code.

The public is invited to review and comment on the proposed modification between the hours of 8:00 am and 5:00 pm Monday through Friday at the front counter of City Hall. Yreka City Hall is located at 701 Fourth Street in the City of Yreka.

If you have any questions or comments, or wish to review the information relating to the ordinance change, please feel free to contact Liz Casson, City Clerk, Yreka City Hall, 701 Fourth Street, Yreka, CA 96097, or by telephoning (530)841-2386.

August 21, 2012

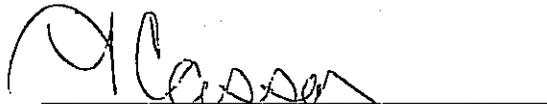
Liz Casson  
City Clerk  
City of Yreka

## PROOF OF POSTING

I, the undersigned, hereby declare, as follows:

1. I am employed by the City of Yreka as the City Clerk;
2. I personally posted the attached Notice of Availability of Report for the City of Yreka, Government Code Section 66006 by placing a true copy thereof on the City bulletin board reserved for public notices maintained by the City at City Hall located at 701 Fourth Street, Yreka, California, on August 21, 2012, at 3:45 AM/PM.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this Declaration was executed on August 16, 2012 at Yreka, California.

  
Liz Casson



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CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM

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To: Yreka City Council

Prepared by: Mary Frances McHugh, City Attorney  
For Steven W. Baker, City Manager

AGENDA TITLE: Introduction of Ordinance 830 Amending Section 11.23.050 of the Yreka Municipal Code Relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences

Meeting date: August 2, 2012

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Recommendation and Requested Action: Waive reading and introduce Ordinance 830 Amending Section 11.23.050 of the Yreka Municipal Code Relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences.

Discussion: The 2010 California Residential Code requires residential fire sprinkler systems in new single family residential construction. These fire protection systems are dedicated systems and serve only that purpose. Staff has identified changes which can be made in Chapter 11.23 of the Yreka Municipal Code to reflect the new law requiring fire sprinklers. The Draft Ordinance enclosed outlines those changes.

In effect, a standby fire sprinkler system (FSS) needs either two meters or installation of a meter large enough to accommodate the water flow for the FSS. Admittedly, the FSS would only operate in the event of fire. Staff surveyed other jurisdictions on available approaches and reported to Council for direction on February 16, 2012. A copy of the Staff Report for that meeting is enclosed.

The approach which avoids requiring a separate fire line for this service, and provides the service by over-sizing the domestic meter for installed, approved fire sprinkler systems (e.g. instead of a ¾" meter, a 1" meter is installed) was discussed with the Council on February 16th. This approach is incorporated into the Draft Ordinance and will avoid penalizing persons who would otherwise be able to have adequate domestic service with the smaller meter size by allowing installation of a meter which will be large enough for the standby fire water, but charging the fee only for the size the Plumbing Code requires for the occupancy. Accordingly, the household equivalent ratios will be the same for: a 1-inch meter installed with an approved fire sprinkler system or a ¾" meter installed with an approved FSS for single family residential homes constructed with a 1-inch meter installed for the structure.

The 2010 California Plumbing Code does not permit installation of a 5/8" meter any longer, therefore, the minimum meter size will be ¾" with approved Fire Sprinkler System for 1 household equivalent. This should apply to new construction only, and the Ordinance addresses existing uses of 5/8" meters [new section 11.23.050(c)(4)]. The Ordinance also includes requirements relating to backflow preventer devices and annual inspections [new section 11.23.050(c)(3)].

Fiscal Impact: The difference in the meter sizes confers a benefit on the City because of the standby water which is thus available for fire suppression. Making a finding of this benefit will justify the

offsetting revenue. The cost difference between the meter sizes is approximately \$1,690 per house (3/4" inch line) and \$4,571 per house (1" inch line).

Attachments:

Ordinance 830 (Draft);

Staff Report for Meeting Date 2-16-12 with The National Fire Protection Association publication entitled Integration of Residential Sprinklers with Water Supply Systems, a Survey of Twenty U.S. Communities, published September 2009

Building Official Information 1-24-12: East Bay Municipal Utility District, Applying for Combination Water and Fire (Dual Service)

Staff Report for Meeting Date 1-19-12

Building Official Information 11-21-11: National Fire Sprinkler Association, Inc., *Water Purveyor's Guide to Fire Sprinklers in Single Family Dwellings*

P:\DOCUMENTS\ADVICE\ADVICE\8-2-12 STAFF REPORT RE DIFS FIRE SPRINKLER SYSTEM AND ORD AMENDMENT.DOC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA  
AMENDING SECTION 11.23.050(c) OF THE YREKA MUNICIPAL CODE, RELATING TO  
DEVELOPER IMPACT FEES FOR FIRE SPRINKLER SYSTEMS  
IN SINGLE FAMILY RESIDENCES

BE IT ORDAINED by the City Council of the City of Yreka as follows:

SECTION 1- FINDINGS. The City Council of the City of Yreka hereby finds as follows:

Currently, the 2010 California Building Code requires private fire protection in new single family residential construction. Ideally, the customer would have a separate fire line for this service, however, instead of having a separate fire service line, the service may be provided by over-sizing the domestic meter (e.g. instead of a ¾" meter, a 1" meter is installed). In this situation a number of cost allocation and equity-issues arise related-to the-existing impact fee.

The City Council finds that fire sprinkler installations reduce fire risk, improve fire protection in the community and thus confer a benefit to the City of Yreka. The City Council takes this action after having reviewed and considered The National Fire Protection Association publication entitled *Integration of Residential Sprinklers with Water Supply Systems, a Survey of Twenty U.S. Communities*, published September 2009. The City Council specifically finds that this action is warranted to avoid "double charging" a customer who must install a dual service system. Based upon the recommendation made by staff in connection with evaluating a system development charge, and the fact that at the present time there is no generally accepted approach to this issue, the City Council finds it is in the best interests of the City of Yreka to make the amendments set forth in Section 2 of this ordinance, which will limit the charge for the meter size of a single family residence with an approved fire suppression system to the size needed for the household's domestic water consumption.

SECTION 2. Section 11.23.050(c) of Chapter 11.23 of the Yreka Municipal Code, Water System Fees is amended to read as follows:

(a) Fee Purposes. *No change.*

(b) Definitions. For the purposes of this section:

(1) "AWWA" means the American Water Works Association.

(2) "Household equivalent" means any premises served by a standard five-eighths-inch domestic water meter. Typically, this would include single-family residences, duplex dwelling units and small commercial businesses served by a standard five-eighths-inch meter. Household equivalents for larger meters: three-fourths inch, one inch, one and one-half inches, two inches, three inches, four inches, six inches and eight inches, have been computed using the ratio of the larger meter's AWWA rated capacity to the AWWA rated capacity of a standard five-eighths-inch meter. *Household equivalents for three-quarter-inch with approved Fire Sprinkler System and one inch with approved Fire Sprinkler System are established for the purpose of creating water and fire service (a dual service) connection for single family residences. An approved Fire Sprinkler System is defined as one which satisfies the requirements of the currently adopted and effective California Residential Code.*

(c) Fee Schedule. *No change.*

(1) Water System Fee. Each applicant for a building or encroachment permit for premises as defined in this chapter shall pay the current fee, per household equivalent, based on the meter size, or if no meter is installed, the water service pipe size, as follows:

(A) Assessment of Household Equivalents.

Domestic Meter Size or Fire Pipe Size	Household Equivalent Ratio
5/8"	1*
3/4" single family residential home with approved Fire Sprinkler System	1
1" single family residential home with approved Fire Sprinkler System	1
3/4"	1.5
1"	2.5
1 1/2"	5
2"	8
3"	16
4"	25
6"	50
8"	80

\*subject to Building Official approval.

(B) No change.

(2) No change.

(3) When a larger meter is installed (as long as it does not exceed the minimum necessary) to provide fire sprinkler protection in a single family residence, the system fee shall be based on the meter size necessary to meet the domestic demand, not the actual size of the meter installed.

(4) If a backflow prevention device is required due to the installation of a fire sprinkler system, it shall be inspected yearly by a certified backflow inspector, which shall be subject to any fee for such inspection as established by resolution of the City Council.

(5) Exemption. This section shall not apply to any existing single family residence with a 5/8" water meter service, unless that there are alterations, renovation or expansion of an existing residential building where additional dwelling units are created or there is expansion of the existing residence which is more than fifty percent of the square footage of the existing structure.

SECTION 3. Exemption from CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. Validity. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any

court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

**SECTION 5. Mandatory Duty Savings Clause.** By the use of such words as "shall" and "must" herein the City Council does not intend to create a mandatory duty upon the city. In imposing duties in this ordinance the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

**SECTION 6. Effective Date.** This ordinance shall be in full force and effect sixty (60) days from and after the date of its adoption.

**SECTION 7. Posting And Publication.** The City Clerk is directed to cause a copy of the full text of this ordinance to be published once in an adjudicated newspaper of general circulation in the City of Yreka within fifteen (15) days after adoption of this ordinance. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Section 26933(c)(1) of the Government Code.

**SECTION 8. Codification.** The City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Section 2.

Introduced at a regular meeting of the City Council held August 2, 2012, and adopted as an Ordinance of the City of Yreka at a regular meeting of the City Council held on August 16, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Mayor

Approved as to form:

Attest:

By: \_\_\_\_\_  
Liz Casson, City Clerk

By: \_\_\_\_\_  
Mary Frances McHugh,  
City Attorney



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**CITY OF YREKA**  
**CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Mark Schmitt, Building Official, Fire Marshal  
Agenda title: Residential Fire Sprinklers  
Meeting date: February 16, 2012

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Discussion:

The introduction of residential fire sprinklers to the California Residential Code has created the need to address several issues concerning the methods of installing and billing for water service in the City. I have performed extensive research and reached some revised conclusions on-the-issues.

For reference, I have included "Integration of Residential Sprinklers with Water Supply Systems," a survey of twenty U. S communities, published in September 2009 by the National Fire Protection Agency (NFPA). To clarify my points, I will refer to page numbers from this survey:

- Which is recommended—one meter or two meters?

The majority of the communities I researched opted for the single-meter approach. Page 13, Table 5 shows that 16 of 20 communities favor the one-meter approach. In addition, the policy of the East Bay Municipal Utility District (EBMUD) allows a dual service (one meter) for residential supply, billing customers based only on the meter size required to meet domestic needs.

- What is the risk of unauthorized water usage?

With meter installation at the sidewalk, unauthorized water use will not be an issue.

- Will service fees on sprinkler systems raise water rates?

(Page 21) Ninety percent of the communities surveyed required no increase in monthly fees. Typically, installation of fire sprinklers requires an increase in meter size; however, most communities charge based only on the meter size required to meet domestic needs, so there was no increase in cost to its customers. Cities also based Impact and Connection Fees on the meter size required to meet domestic needs.

- Is there a liability to the City associated with water service suspensions or terminations?

(Pages 28-29, Table 15). Liability was not an issue for the majority of communities. A sentence or two in the water service agreement addressed this issue by serving notice that sprinkler systems will be non-operational upon service disconnect.

- Some cities required backflow devices and yearly inspections to protect the public water supply from infiltration by antifreeze systems.

Although there is not unanimous agreement among cities on these issues, I have made my recommendations based on two things: research of how other communities have addressed these issues, and what is best for the City and the Citizens of Yreka.

Recommendation: That the City Council consider and discuss the following policies regarding residential fire sprinklers:

1. Require one water meter (with dual service connection).
2. Require backflow prevention devices to be inspected yearly. *(fee?)*
3. Base Impact and Connection fees on the meter size required for domestic needs only.
4. Amend water service agreement to reflect the loss of fire sprinkler function upon water shut-off. *(Disclosure & disclaimer of liability)*
5. Charge no new service fees for sprinkler installation. Confine costs to a one-time fee for the larger meter required to service the sprinkler and residential needs.

If the City Council agrees with these recommendations the necessary changes will be prepared for future council action.

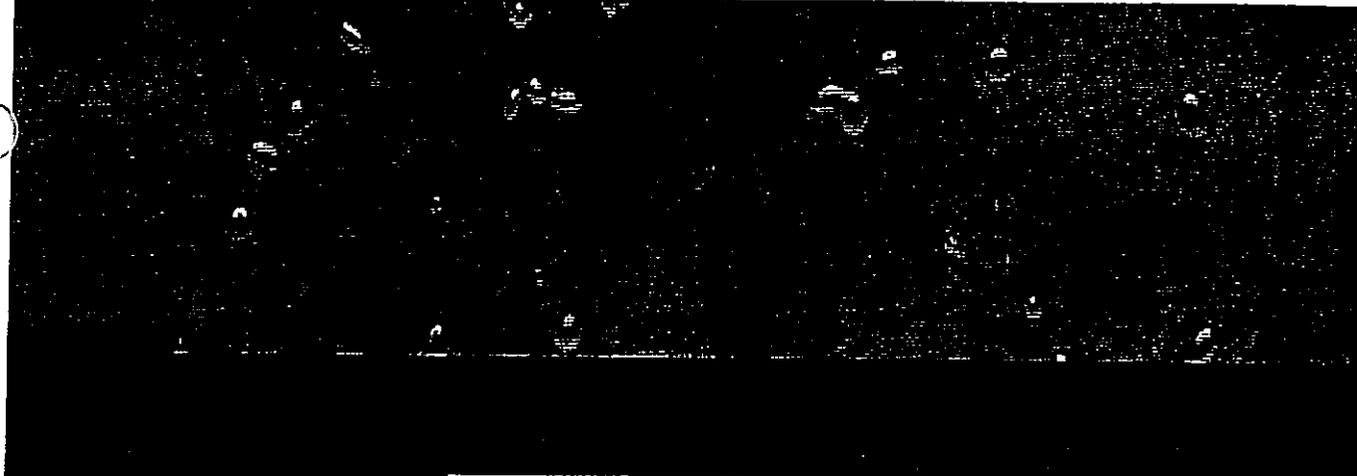
*Foster/Mercier*

*Specific variables on each project will need to be addressed case by case -*

Approved by: \_\_\_\_\_

*Steven Baker*  
Steven Baker, City Manager





# Integration of Residential Sprinklers with Water Supply Systems

A Survey of Twenty U.S. Communities

September 2009



The National Fire Protection Association  
The authority on fire, electrical and building safety.

Prepared by:  
Newport Partners, LLC  
Davidsonville, MD

## **Executive Summary**

Residential fire sprinklers are becoming more widely adopted in new U.S. homes based on model building codes like the 2009 IRC and NFPA 5000, as well as community level initiatives to add sprinklers to homes. Like any significant change to the way homes are constructed, concerns exist as to how sprinklers can be effectively integrated with other existing systems in the home – particularly the home's water supply system. Local requirements regarding the connection of residential sprinklers to the water supply system can potentially have significant implications on sprinkler system design, operation, cost and maintenance.

The purpose of this research was to develop objective data which characterizes the manner in which residential fire sprinklers are integrated with local water supply systems in communities with a sprinkler ordinance. This study explored these issues in detail through interviews with twenty communities where residential sprinklers are required in all new homes. The interviews were conducted with a mix of local water providers, building departments and fire service staff to better understand sprinkler requirements and common practices.

The communities, which have had a sprinkler ordinance in place subsequent to 1999, have generally developed practical solutions for sprinkler integration with the water supply system. While sprinklers are still a fairly recent development in all of these communities, water supply integration practices and requirements have been put into place, and there are no examples of insurmountable problems or issues. In fact, design problems or any significant added costs have not resulted from water supply integration issues in most communities. Rather, water suppliers, building departments and fire service have developed practical approaches to meet the needs of both residential sprinklers and the local water supply. Major findings are noted below.

***Sprinkler System Design:*** For those design issues where communities could reasonably adopt different approaches, such as whether or not to meter fire sprinkler flow, they have done just that. These decisions are sometimes based on technical factors, while in other cases communities try to stay consistent with nearby jurisdictions and thus adopt the same provisions. In fact communities in the same state generally adopt fairly uniform requirements on items like metering the flow to sprinklers, which makes the ordinance more predictable for stakeholders. More unusual design requirements, such as dual water service lines or dual water meters, are rare and typically driven by a local issue which would not apply in most other areas.

***Cost Impacts on Sprinkler Systems which Result from Water Supply Integration:*** No cost impact resulted from sprinkler-induced changes to water meter size, the need for additional water meters, or changes to tap size in eleven of the twenty communities. These communities also did not have higher monthly service fees from the water

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## II. Research Methodology

Given the complexity of this topic and the variability in how different communities have addressed the implementation of residential sprinklers, a logical methodology was developed to evenly collect and analyze data from the communities. The steps involved in conducting this research study are described below.

### *A. Literature Review and Interview Guide*

As an initial task, the project team conducted a literature review to gain a clear understanding of the most significant integration issues between residential sprinklers and the local water supply system. This literature review is included as Appendix A.

Based on this assessment of the key issues and concerns, the project team then developed an interview guide. The objective of this interview guide was to objectively identify and document (through a phone interview format) how communities manage the integration of residential sprinklers with the water supply to the home. The guide was designed for use with water purveyor staff, public works staff, local fire service officials and building departments who were contacted to understand a community's issues. The interview guide was completed in March 2009, and is included in this report as Appendix B. The interview guide served as a data collection tool during the interviews, and while it was not typically read verbatim the topics included in the guide were covered in each discussion.

### *B. Community Selection Criteria*

The research scope called for identifying twenty communities to allow a broad spectrum of communities to be selected and assessed. The communities were selected based on several factors as listed in Table 1 and described below.

<b>Requirements</b>	<b>Considerations</b>
Residential fire sprinkler ordinance <ul style="list-style-type: none"><li>• All new single-family dwellings<ul style="list-style-type: none"><li>◦ Zero square footage</li></ul></li><li>• Enacted subsequent to 1999</li></ul>	Geographical location Water purveyor organizational structure Number of homes built since ordinance enacted

tended to be grouped together in a subset of states in different parts of the country.

- **Type of Water Supplier:** The organizational structure of the water supplier was considered when selecting communities to participate in the study. Water suppliers can generally be classified as public or private. Public water suppliers are usually managed by the public works department or have appointed boards making them more similar to a non-profit organization than a city division or department. Private water suppliers can be found across the country but are more common in the western part of the United States. The water supplier organizational structure was identified for each participating community and is listed in Table 2.

It should also be noted that this study did not focus on sprinkler design and integration with on-site water supplies (well water). While these issues are important in many cases and may be prevalent in some communities, the focus of this study was sprinkler integration with municipal water supply systems.

Overall, dozens of communities were researched and contacted in the course of the community selection process. Based on the criteria listed above, the large majority of these communities were not included in the study. The most common factor preventing a community from inclusion in the study was that it only required sprinkler systems for homes of a certain square footage. In other cases, a given community had no fire sprinkler ordinance or a very recent ordinance and had little or no experience in applying it. Conversely, any community which was contacted and found to meet the selection criteria was subsequently interviewed and included in the study.

### ***C. Interview Participants***

The objective interviews were conducted over the phone with key groups related to fire sprinklers in residential dwellings. The key groups interviewed and typical job titles of interviewees are listed below.

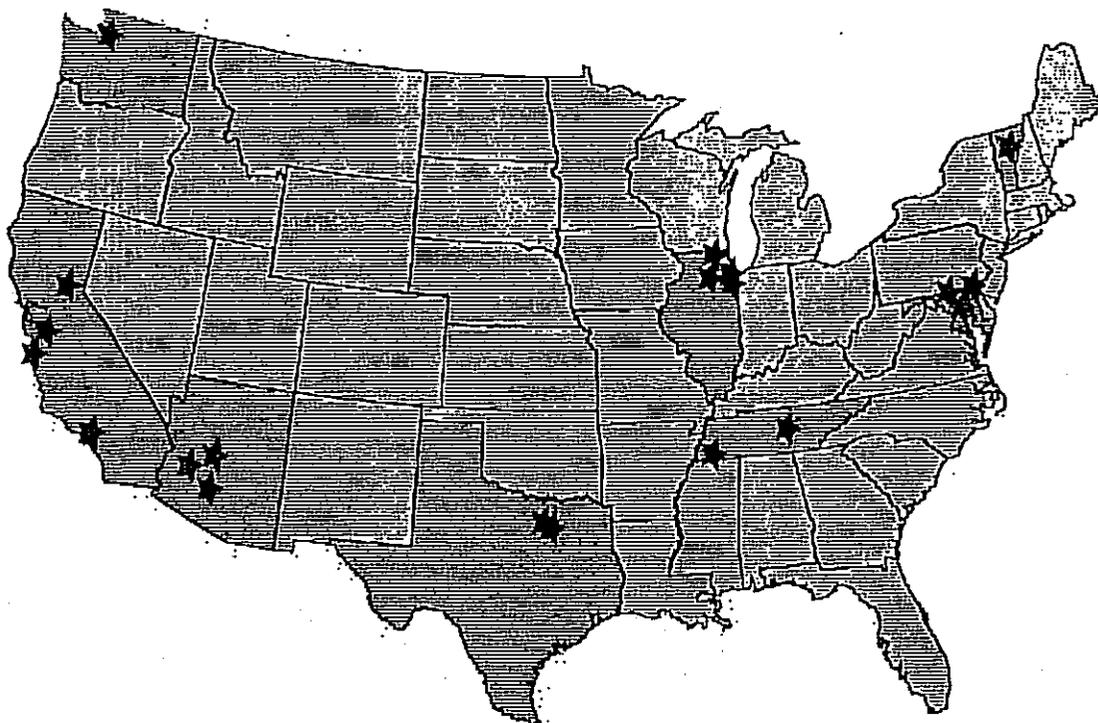
- **Building Department:** Building inspector or code official
- **Fire Service:** Fire marshal or fire inspector
- **Water Provider:** Public works supervisor or account/region manager

The findings to these issues are discussed in greater detail in subsequent sections of the report.

### III. Community Overview

The map below (Figure 1) shows the twenty communities included within the study while Table 2 provides key community data on the jurisdictions included in the survey.

Figure 1: Map of communities included in research study



## IV. Research Findings

The interview guide covered issues related to how residential fire sprinkler systems are integrated with the water supply system to a home. For many of these issues, there are a variety of options which a community can select as their standard practice or requirement. These options carry implications for the design, cost, operation and maintenance of sprinkler systems. Key findings on each issue are presented below along with a summary of the underlying issue.

### A. Approach to Metering Water Flow to Sprinklers

Communities are nearly evenly divided with their approach to metering the water flow to sprinklers. Eleven require or typically use designs in which sprinkler flow is metered, and the other nine allow and typically use designs in which sprinkler flow is not captured by the water meter. In many cases these positions are supported by a mix of technical and operations-related issues, while some communities adopted the approach of a neighboring community.

Whether the flow to the sprinkler system is captured by the home's water meter is important because it affects the sprinkler system design. Also, this issue triggers several related factors which affect system design and cost, as illustrated by Table 3. Many of these related issues were included in the interview guide and are discussed further down in the report.

Issues of concern for systems where sprinkler flow is not metered	Issues of concern for systems where sprinkler flow is metered
<ul style="list-style-type: none"> <li>Unauthorized water use</li> </ul>	<ul style="list-style-type: none"> <li>Meter accuracy</li> <li>Meter costs</li> <li>Increased peak flow capacity</li> <li>Type of meter</li> </ul>

The communities surveyed based their sprinkler ordinance on NFPA 13D – “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.” Some communities also added amendments to NFPA 13D. NFPA 13D allows for the water flow to residential fire sprinkler systems to be either

**Table 4: Do communities require sprinkler system designs that meter the water flow to the sprinkler system?**

Response	Communities	Typical Reasons or Justifications
Yes – Sprinkler flow is metered	Aberdeen, MD Annapolis, MD Avondale, AZ Cottonwood, AZ Monterey, CA Nolensville, TN Ojai, CA Paradise Valley, AZ Piperton, TN Redmond, WA University Park, TX*	<ul style="list-style-type: none"> <li>Modeled on neighboring community's ordinance for the sake of consistency</li> <li>Used same approach as multi-family dwellings</li> </ul>
No or Does Not Matter – Sprinkler flow does not have to be captured by the meter	Celina, TX Clarendon Hills, IL Cal, CA Glenwood, IL Libertyville, IL Montpelier, VT Northbrook, IL Northstar, CA Westminster, MD	<ul style="list-style-type: none"> <li>Did not want to restrict water flow with the meter</li> <li>Adopted approach of a neighboring community for consistency</li> </ul>

\* University Park homes typically install a meter on the fire sprinkler flow, but it is not required.

In those communities where sprinkler flow is metered (11), consistency was often a key factor in adopting this approach. Specifically the communities expressed an interest in being consistent with the ordinance of a neighboring community or consistent with the way sprinklers have been previously addressed in commercial buildings or residential buildings prior to implementing a residential fire sprinkler ordinance.

As examples of consistency between communities, all four Illinois communities do not require fire sprinkler flow to be metered, while all three Arizona and both Tennessee communities do meter the sprinkler flow. A few other examples of communities which do meter the sprinkler flow are:

**Aberdeen, MD**– Townhomes have required fire sprinklers since the mid-1980s and that water flow was metered, so they went with the townhouse approach when their ordinance expanded to cover single-family detached homes.

**Avondale, AZ**– Modeled their ordinance and acceptable sprinkler designs on Scottsdale, AZ, a neighboring community. When developing the sprinkler requirement the city met with all the stakeholders to find a system design that would work. The stakeholders wanted consistent requirements so that builders

**Table 5: Do homes with sprinkler systems have two meters or service lines for a residence – one for the sprinkler system supply and one for domestic water supply?**

	<b>Communities</b>	<b>Typical Reasons or Justifications</b>
Yes – Dual service lines are <u>required</u> , but a meter is only installed on the domestic line	Northstar, CA	<ul style="list-style-type: none"> <li>Allows them to maintain sprinkler system operation when domestic service is shut off</li> </ul>
Yes – Dual service lines – each with a water meter – are <u>typically installed</u>	University Park, TX	<ul style="list-style-type: none"> <li>A separate line and meter for fire sprinklers is installed in conjunction with the lawn irrigation water supply to avoid sewer charges on the water used for lawn irrigation</li> <li>Using a dedicated service line and meter for the fire sprinklers avoids the need for backflow valves and periodic inspections</li> </ul>
Yes – Single service line with two meters is <u>required</u>	Monterey, CA*	<ul style="list-style-type: none"> <li>Want a separate water meter for domestic supply for the flexibility to limit domestic flow in the future if necessary</li> </ul>
Yes – Single service line with two meters is <u>typically installed</u>	Redmond, WA	<ul style="list-style-type: none"> <li>Connection fees are based on the size of the domestic water meter and are significantly higher for a larger meter; thus builders opt to separately meter the two systems which keeps the domestic meter size smaller (and the connection fee lower)</li> </ul>
No – Dual service lines or two meters are not required or typically installed	Aberdeen, MD Annapolis, MD Avondale, AZ Celina, TX Clarendon Hills, IL Cottonwood, AZ Galt, CA Glenwood, IL Libertyville, IL Montpelier, VT Nolensville, TN Northbrook, IL Ojai, CA Paradise Valley, AZ Piperston, TN Westminster, MD	<ul style="list-style-type: none"> <li>No direct need or incentive to use dual service lines or meters</li> </ul>

\* Monterey has moved to separate meters for fire and domestic service, but no new homes have been built under the newly enacted dual water meter requirement.

As the provider of a commodity, water purveyors have a natural concern about people illegally tapping into water lines to obtain water which is not metered or paid for. Residential fire sprinkler systems, and in particular designs in which water flow to the sprinklers is not captured by a water meter, could present an opportunity for unauthorized use.

However, no respondent could recall any instance of individuals stealing water from a residential fire sprinkler system, metered or not metered. The following quote is a typical response.

**Monterey, CA-** "We have never really had any backflow issues or unauthorized water use from sprinklers. I have been here 41 years and tapping into our hydrants is a bigger issue than domestic use."

**Table 6: For those communities where sprinkler system flow is not typically metered, is there a concern about unauthorized water use from the sprinkler system?**

	Communities	Reasons why the issue is/is not seen as relevant.
The unauthorized water use issue has not been a significant topic of discussion	Cellna, TX Gall, CA Glenwood, IL Montpelier, VT	<ul style="list-style-type: none"> <li>• Not many systems installed</li> <li>• Water theft is not an issue in the community</li> </ul>
The unauthorized water use issue has come up in discussions, but has not resulted in any specific policies or practices	Clarendon Hills, IL Libertyville, IL Northbrook, IL Northstar, CA Westminster, MD	<ul style="list-style-type: none"> <li>• Shutoff happens infrequently and occupants are barred from living in a home without water supply if shutoff does occur</li> <li>• Shul-off valve is before split between sprinklers and domestic supply</li> </ul>
The unauthorized water use issue has come up in discussions, and <u>has</u> resulted in specific policies or practices	None	

This finding does not dismiss the concern of unauthorized water use for water suppliers, but it does illustrate that the existence of a fire sprinkler ordinance in a community (and where sprinklers are not metered) does not significantly increase the risk in the views of water suppliers and building departments.

**Table 7: For communities where the fire sprinkler service line is required to be metered, has there been concern or discussion about the ability of the water meters used to accurately measure the domestic flow rates which the meters will typically experience?**

	<b>Communities</b>	<b>Reasons why the issue is/is not seen as relevant</b>
Metering the fire service line typically does not increase the water meter size	Annapolis, MD Avondale, AZ Ojai, CA Paradise Valley, AZ	<ul style="list-style-type: none"> <li>System designs do not typically exceed previous water meter size used prior to the sprinkler ordinance</li> </ul>
The increase in meter size (from metering sprinkler flow) has not resulted in discussions on meter accuracy	Aberdeen, MD Cottonwood, AZ Nolensville, TN	<ul style="list-style-type: none"> <li>Market has responded and has made better meters</li> </ul>
The increase in meter size (from metering sprinkler flow) has resulted in discussions on meter accuracy, but has not resulted in any specific policies or practices	Piperton, TN	<ul style="list-style-type: none"> <li>Water supplier is concentrating more on automated leak detection in its supply system to residences, as this issue is deemed more significant</li> </ul>
The meter on the fire sprinkler service line <u>does not</u> measure domestic water use	Monterey, CA Redmond, WA University Park, TX	<ul style="list-style-type: none"> <li>There are two meters on the home, so any accuracy issues on the domestic meter are beyond the sprinkler system's scope of impact</li> </ul>

Thus in several of the communities (four) where the sprinkler flow must be metered, this design requirement does not drive the need for a larger-than-usual water meter. And in those communities where metering sprinkler flow *has* increased the typical meter size (four), the concern over meter accuracy has been limited (three), or discussions on the topic have not resulted in any specific changes to design requirements or meter specifications (one).

### ***E. Increase in Water Meter Cost***

**The research found that three-quarters of the communities surveyed *did not* experience an increase in the cost of purchasing water meters because of the residential fire sprinkler ordinance.**

Water providers and communities generally charge customers more for larger water meters. If the fire sprinkler water flow is metered, the cost of purchasing a potentially larger, or even an additional, water meter could increase system costs for the builder and homeowner. Of the twenty communities surveyed, eleven communities typically meter the fire sprinkler supply line (this was a *requirement* in ten communities and the

fee by thousands of dollars. Thus it is cheaper in Redmond to branch the water supply line into two separately metered lines. This way an individual will only pay the connection fee associated with a 5/8" domestic water meter, instead of the fee associated with a 1" domestic water meter. This saves the builder approximately \$14,000 for a new home in the City of Redmond. At the same time, the cost to purchase the second meter for the fire sprinkler service line is \$500 (and no connection fees are charged for a separately metered fire line).

Builders in University Park, Texas commonly install two metered water lines to avoid sewer charges on water used for irrigation. This was a common practice prior to the sprinkler ordinance in this community. Thus, when this second service line also became the means to supply and meter the sprinkler system, it was determined that the sprinkler ordinance did not drive the need for another meter since it was already common practice.

In December 2008 the Monterey Peninsula Water Management District mandated that residential fire sprinkler service lines split from the domestic water service line and be metered separately. Prior to this requirement homes would use a single water service line that branched after the water meter. Both the domestic and fire sprinkler water line meters are provided to the homeowner or builder free of charge by the water purveyor. Meters were provided free of charge before the design change mentioned above.

## ***F. Service Fees on Sprinkler Systems***

**Homes with local water service typically pay a monthly charge to cover administrative fees associated with providing water service. Ninety percent of the communities surveyed did not experience an increase in monthly service fees with the advent of residential sprinklers. For the two communities where higher service fees typically resulted from the use of sprinklers in homes, the average monthly cost impact was \$6.05.**

Service fees are a concern because of the potential for sprinkler systems to incur a monthly charge even though the sprinklers will rarely, if ever, draw water from the local supply system. For this study, a service fee was interpreted to mean the minimum amount a homeowner has to pay for service even if no water usage occurred for the month.

Only two communities in the study have an increase in service fees as a result of homes having sprinklers. In both of these communities new homes typically have two water meters – which triggers the higher fee. One community requires two meters, while in the other community two meters are typically installed due to the connection fee structure in place (see discussion above in Sections B and E). While the presence of a second meter did trigger a higher service fee for a home in these communities, water providers from both communities charge a reduced service fee for the meter on the fire sprinkler service line (see Table 11).

For those communities where service fees did not increase as a result of homes having sprinkler systems, this was due to several factors including:

- Some water providers implemented policies that have kept monthly service fees at pre-sprinkler ordinance levels, such as the City of Cottonwood
- About one-half of the communities charge the same monthly fee for multiple sized water meters, so even if sprinklers drive the need for a larger meter the service fee does not increase
- In many of the communities the domestic water meter size or tap size did not change, nor was there a need for a second meter, so monthly fees did not increase

The following table lists the monthly fee a water customer pays for having a water service. The monthly fee has numerous names including, standby, base and service fees. Sometimes the monthly fee includes a certain amount of water usage while others do not; therefore, a home's monthly bill is dependent upon the monthly fee plus the fee attached to water consumption.

**Table 11: Monthly standby, base or service fees**

Meter Size	Communities Where Water Meter Size Changed as a Result of Sprinklers				Communities Where a Fee is Charged on Both Meters (Domestic and Fire Service)				No Fee on Dedicated Sprinkler Line	
	Aberdeen <sup>^</sup>	Cottonwood*	Nolansville	Piperton	Montarey		Redmond			University Park
3/8"	\$13.26	\$23.59	\$12.04		Domestic	Fire Service	Domestic	Fire Service	\$9.35	
1/2"	\$13.26	N/A	\$12.04	\$13.50	\$7.24	N/A	N/A	N/A	\$3.30	
1"	\$13.26	\$28.00	\$12.04	\$13.50	\$10.86	N/A	\$10.97	\$3.95	\$10.25	\$27.99
1 1/4"					\$18.11	\$8.15	\$22.03	\$3.95	N/A	\$27.99
1 1/2"					N/A	N/A	\$40.47	\$9.00	N/A	\$27.99
					\$36.21	\$12.23	\$62.60		\$13.35	\$27.99

**Table 12: Monthly standby, base or service fees (No Change in Meter Size)**  
(Includes communities that do not meter fire's sprinkler supply lines)

Meter Size	Communities Where a Fee is Charged on Both Meters (Domestic and Fire Service)										Westminster <sup>^</sup>	
	Annapolis	Avondale	Cellina	Clarendon Hills	Galt	Glenwood	Libertyville	Montpellier	Northbrook	Ojai		Paradise Valley
3/8"		N/A	N/A			\$7.43	\$11.35	N/A		\$29.20	\$4.84	
1/2"		\$10.12	\$12.60			\$7.43	\$11.35	\$7.29		\$43.80	N/A	\$19.45
1"	\$12.60	\$1816	\$12.60	\$10.00	\$2.12	\$7.43	\$11.35	\$7.29		\$73.00	\$5.21	\$19.45
1 1/4"	N/A	N/A	\$12.60	N/A	\$3.95	\$7.43	\$11.35			N/A		\$18.45
1 1/2"	\$12.60	\$32.68	\$12.60	\$15.00		\$7.43	\$11.35			\$146.00		\$19.45

\* If sprinkler water flow requirement is the only reason for 1" meter, occupant is charged 576" fee.  
<sup>^</sup> This fee also includes the sewer fee.

## ***H. Tapping Fee Increases***

Three-quarters of the communities surveyed did not see an increase in tapping fees because the home had a fire sprinkler system. Of the five which did see an increase in tap fee, four of these were due to a larger tap size and one was due to a requirement of dual service lines (and thus a second tap).

When a new home taps into the water supply line, or water main, a tapping fee is commonly charged. The tapping fee varies based on the community and tapping procedures. Some communities do not charge a tapping fee and instead the builder hires a contractor to actually tap into the water main. Other communities charge a flat tapping fee regardless of the water line size, while others base the fee on site characteristics such as charging more for tapping under sidewalks or roads.

This research found that fifteen of the twenty communities surveyed did not see an increase in tapping fees because a home had a fire sprinkler system. This finding is strongly driven by two common scenarios:

- Homes with sprinklers typically have the same size tap as non-sprinklered homes did in the past, thus the tap fee was the same
- Homes with sprinklers do indeed have larger tap sizes, but the community's fee structure does not charge a higher fee for this larger tap

Table 13 highlights a few different scenarios which lead to no change in tap fees in homes with sprinklers, but the two factors listed above account for ten of the communities where the tap fee *did not increase*.

For those five communities where sprinklers did result in a *higher* tap fee, this occurred for two reasons:

- Sprinklered homes have larger service lines than non-sprinklered homes did in the past, and a higher tap fee results from the larger line.
- A second, additional tap fee is incurred because homes with sprinklers are required to have a separate water service line for the fire sprinklers. Note that the community with this requirement does not charge a monthly service fee on this line or require it to be metered.

Table 14: Tap fees from communities surveyed

Meter Size	Communities Where Tap Size Increased					Separate Service Line for Sprinklers			
	Aberdeen	Clarendon Hills	Cottonwood	Montpeller	Nolensville	Piperton	Washminster	Northstar	University Park
5/8"	\$8,400		\$1,500	Quote is required	\$3,000*				
3/4"	\$8,400		\$1,500			\$3,250	\$800		
1"	\$8,400	\$251.39			\$3,500*	\$850	\$1,389.98	\$450*	
1 1/4"		\$616.03					\$1,389.98	N/A	
1 1/2"							\$1,389.98	\$1,525 or \$1,675*	

Meter Size	Sprinkler Line Does Not Impact Tap Fee										Two Meters, Single Line, No Tap Fee		
	Annapolis	Avondale	Celina	Galt	Glenwood	Libertyville	Northbrook	Ojai	Paradise Valley	Monterey	Redmond	Fire Sprinkler Line	Domestic Line
5/8"			N/A		\$1,500		N/A		\$1,442*				N/A
3/4"			\$800†		\$1,500		N/A	\$1,500**	\$1,442*				\$9,875
1"	\$1,800^A	No tap fee is charged	\$850†	No tap fee is charged	\$1,500	\$355	\$200	\$1,500**	\$1,893*		No tap fee is charged		\$24,434
1 1/4"	N/A				\$1,500	N/A	N/A		N/A				N/A
1 1/2"	\$2,250^A				\$1,500	\$475	\$200		\$2,322*				\$48,696

\* Includes tap fee and meter price.

^ \$400 credit if tap installed by applicant.

† Prices start at \$1,500 and go up, but a quote is needed for each job from the local office.

**Table 15: For those communities where dual service lines not required or typically installed, how has the liability associated with turning off the domestic water supply to a residence (due to maintenance or failure to pay) been handled?**

	<b>Communities</b>	<b>Typical Reasons or Justifications</b>
The liability issue has not been a significant topic of discussion	Avondale, AZ Celina, TX Clarendon Hills, IL Cottonwood, AZ Glenwood, IL Libertyville, IL Montpellier, VT Ojai, CA Westminster, MD	<ul style="list-style-type: none"> <li>• Home is inhabitable if water service is suspended</li> <li>• Sprinklers are primarily a life safety device not property protection</li> <li>• Treat same way as commercial buildings</li> <li>• Water shut-offs are uncommon</li> </ul>
The liability issues has come up in discussions, but has not resulted in any specific policies or practices	Annapolis, MD Monterey, CA Northbrook, IL Piperon, TN Redmond, WA	<ul style="list-style-type: none"> <li>• Stayed with same process before ordinance</li> <li>• Home is inhabitable if water service is suspended</li> </ul>
The liability issue has come up in discussions, and has resulted in specific policies or practices	Aberdeen, MD Galt, CA	<ul style="list-style-type: none"> <li>• Developed sprinkler design to bypass the shut-off valve</li> <li>• Include mention in water termination notification letter</li> </ul>

*Not discussed for Nolensville, TN, and Paradise Valley, AZ.*

*Dual service line communities are: Northstar, CA, and University Park, TX.*

Lastly, the location of the main shut-off valve determines if the fire sprinkler system is still operational even if domestic service has been terminated. Most main shut-off valves are located near the street and single service line systems usually split the sprinkler supply lines inside the home and/or as close to the meter as possible.

Therefore, just because a community does not meter the fire sprinkler water flow does not necessarily mean the fire sprinkler system will be operational when domestic water service is suspended.

### ***J. Potential Water Quality Issues from Fire Sprinklers***

**Of the 46 subjects interviewed for this survey, none have heard of a water contamination issue associated with residential fire sprinkler systems in their community.**

Water providers and users are always concerned about water quality. Water supply connections for a residential fire sprinkler system, just like any other connection, need to be designed in a manner that prevents water quality problems. The primary issue of

Periodic inspection of this device (typically on an annual cycle) is used to help ensure that it is in proper working order.

About half (nine) of the communities in this study do have requirements for regular inspections of the backflow prevention device. Many of the communities have this requirement due to state law requiring inspection of backflow prevention devices. However it should be noted that in some cases, a community in a state with an inspection law may actually not have annual inspections because their typical system design does not incorporate backflow prevention devices (e.g. Monterey, CA). Thus no inspection is necessary. Also, states with inspection laws require that backflow inspectors be certified by the state (Table 18).

The interviews revealed that for a few communities the inspections have been somewhat challenging due to the administrative effort to manage the process and ensure that the inspections are indeed being completed as required. Access to homes is the underlying issue.

In terms of solutions, some communities simply notify homeowners that their annual inspection is due soon and require that they (the homeowners) arrange for such an inspection. The homeowner then selects a certified inspector, completes the inspection, and submits the inspection certificate to the community. Penalties such as water service termination could be used as an incentive to promote responsiveness by the homeowners.

Another solution can be seen in the approach used by Montpelier, Vermont. Montpelier does not actually require inspections but incentivizes homeowners to have them done. In this community, the city offers a ten percent reduction in the property assessment value to homes with fire sprinklers when calculating the property taxes. Occasionally the homeowner needs to submit paper work to justify the ten percent property assessment reduction. The paper work is reviewed to see if the backflow valves have been regularly inspected.

In one final example of alternative approaches to handle backflow device inspections, one community (Nolensville, TN) has actually changed its ordinance to require combination systems. In a combined system, since the supply piping is shared between the domestic supply and fire sprinkler systems, the issue of standing water in sprinkler pipes flowing back into the domestic lines is avoided. Thus no inspections are required.

## L. Changes to Sprinkler Ordinance Following its Enactment

Overall the communities surveyed were relatively comfortable with their fire sprinkler ordinance language as drafted and it appears that these communities enacted sprinkler ordinances that have been manageable to work within.

Each of the communities was asked about any changes which might have been made to the terms of their original sprinkler ordinance. Four of the twenty communities surveyed mentioned that they have modified the original ordinance. Most of the changes relate to sprinkler system design (Table 19). As one example, Nolensville, TN now requires a combination system configuration to avoid the need for backflow prevention devices. In another instance, Northstar, CA has eliminated the requirement for fire department notification when the sprinkler system activates, in response to resistance on the monthly fee which was assessed for this service. This service is still available as an option.

Most of the respondents indicated that they based their original sprinkler ordinance off a neighboring community's ordinance. Based on the relatively low level of post-enactment changes it appears that these communities enacted sprinkler ordinances that have been manageable.

Table 19: What changes have been made to the residential fire sprinkler ordinance since the sprinkler ordinance was passed?

Ordinance Change	Communities	Typical Reasons or Justifications
Now require a combination system to avoid the need to use and subsequently inspect backflow prevention devices	Nolensville, TN	<ul style="list-style-type: none"> <li>Eliminates the need to inspect backflow devices annually</li> </ul>
Allow for a sprinkler system that alerts fire department to be an option instead of mandatory	Northstar, CA	<ul style="list-style-type: none"> <li>This issue is a trade-off between a faster response time for home owner versus monthly fee</li> </ul>
Adjust design standards so that lawn irrigation systems work even when domestic service is shut off by occupants when they are away	Avondale, AZ	<ul style="list-style-type: none"> <li>Community has lots of 2<sup>nd</sup> homeowners who turn off water when they are gone but still want to water the yard</li> </ul>
Adjusted water supply designs to require two meters, one for domestic and one for fire sprinkler service	Monterey, CA	<ul style="list-style-type: none"> <li>Want to have the capability to restrict domestic flow at the meter without simultaneously affecting fire system flow</li> </ul>

- For more unusual design requirements, such as dual water service line or dual water meter requirements, such instances were rare. And in the cases where such requirements did exist there was usually a local issue of concern driving the requirement (e.g. dual water meters in Monterey due to concerns about being able to control domestic water use in the future).

#### Cost Impacts on Sprinkler Systems which Result from Water Supply Integration

- No cost impact resulted from sprinkler-induced changes to water meter size, the need for additional water meters, or changes to tap size in eleven of the twenty communities. These communities also did not have higher monthly service fees from the water supplier for homes with sprinklers. Further, in the other communities where one or more of these factors added cost (and the cost could also be calculated based on available data) the average added cost was about \$400, which includes a \$1400 data point for an additional water tap in the average (Northstar, CA). In many cases, the occurrence and magnitude of a cost impact depends on what design practices were in place prior to the ordinance taking effect. Table 20 on the following page contains a summary table of these cost impacts.
- Cost implications for the items mentioned above get intertwined with other local design practices and fee structures. For example, in one community it was common practice to use two meters and two service lines prior to the fire sprinkler ordinance in order to separately supply and meter lawn irrigation water. Thus when fire sprinklers came along they could "piggyback" on this common design without creating additional costs over common practice.

In another community the increase in the water connection fee from one meter size to the next jumped by thousands of dollars. To avoid this much higher fee builders have developed a different sprinkler system connection scheme which does not increase the domestic water meter size (or the connection fee) but instead uses a second water meter. This fee structure was not intended to penalize fire sprinklers (and pre-dates the ordinance), yet it has had an impact on system design.

- No community reported that homes with sprinkler systems which end up with larger domestic water meters (due to the sprinklers) are subject to higher consumption rates for domestic water consumption.

## Sprinkler System Administration Issues

- The potential liability associated with shutting off domestic water supply to a residence (and thereby also disabling the fire sprinkler water supply) has received some discussion in communities with sprinkler ordinances, but has generally not been a major concern. The main underlying reasons are that homes without domestic water supply in place are deemed uninhabitable and sprinklers are a life safety device, water shut-offs in a given community are rare, or the system design allows for domestic shut-off without disabling sprinklers. For communities where this is a sensitive issue, there are two examples where communities have developed a proactive response.
- Inspections of backflow devices in sprinkler systems are required in communities where state law requires such inspections (unless the system design does not involve a backflow prevention device). To overcome the challenges in administering these inspections, community approaches range from stiff penalties for non-compliance, to tax assessment incentives for compliance, to moving toward system designs which avoid the need for backflow prevention.
- In terms of "lost water" due to lower accuracy of larger domestic water meters (necessitated by the sprinkler system) or water theft from sprinkler systems, these were not reported to be significant issues in the communities.

As states and communities begin to adopt model building codes which require residential sprinklers or introduce sprinklers through other mechanisms, it will be necessary to develop their particular approach for integrating sprinklers with the local water supply. The results of this study indicate that a range of reasonable approaches will work, while communities or groups of communities can leverage some flexibility to deal with any issues of particular concern. Approaches which satisfy the needs of builders, water suppliers, and fire service are certainly within reach, and ideally communities can take from this research to help understand key issues and form their particular strategy.

## Appendix A: Literature Review of Issues Related to Water Purveyors from the Adoption of Residential Sprinkler Systems

### Introduction

The International Code Council will issue a new set of residential building codes which will require sprinkler systems in all new single-family dwellings in 2011. Community leaders, home builders, sprinkler contractors, and water purveyors will be able to develop sensible policies that do not drastically increase the cost of sprinkler systems by having a clear understanding of the issues and concerns of their local water purveyor. The following sections of this paper provide a brief overview of the most significant issues associated with residential sprinkler systems that impact water purveyors. Future research will involve interviewing stakeholders in communities that currently have residential sprinkler-system ordinances to identify the strategies used to overcome the issues identified in this paper.

### Metering

- **Larger meters, which are sometimes required in homes with sprinklers, could increase the amount of water a purveyor cannot account for because larger meters are less accurate at measuring lower flow rates than smaller meters.**  
*(National Fire Sprinkler Association, Inc 2006; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008)*
- **The larger meters needed when metering fire sprinkler supply lines could cost more to purchase than smaller meters needed to meter only the domestic water supply and are sometimes assigned commercial usage rates.**  
*(Dewar 2006; AWWA Research Foundation and KIWA 2002; Oregon Building Codes Division 2008; Schunk 2008; Washington Water Utilities Council 2008)*
- **Metering sprinkler lines is seen by some water purveyors as way to deter/detect unauthorized water use.**  
*(Washington Water Utilities Council Guide 2008)*
- **Larger meters allow for more water usage in all uses, decreasing the water purveyor's ability to forecast and plan for water usage, especially during peak times.**  
*(Schunk, 2008; Gilman, White & Hardiman 2001; Washington Water Utilities Council 2008; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008; Washington Water Utilities Council 2008; Oregon Building Codes Division 2008)*
- **There are a limited number of meter manufacturers capable of providing meters listed for fire service.**  
*(National Fire Sprinkler Association, Inc 2006; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008; Washington Water Utilities Council 2008)*

### *Meter Accuracy*

Probably the biggest concern of water purveyors when sprinkler flow is metered is the fact that 1" or larger meters are less accurate in measuring the low-flow rates characteristic of residential usage, compared to the ¾" or 5/8" inch meters commonly installed in residential dwellings without sprinkler systems (National Fire Sprinkler Association, Inc 2006). Water purveyors are concerned about the accuracy of meter readings because of the requirement to account for all the water they supply. Water purveyors are able to account for some variance between the actual water supplied and the water billed for through a leakage rate credit, but water purveyors fear that the larger meters required for homes with fire sprinklers will increase the amount of unaccounted-for water. If a water purveyor exceeds the allowable leakage rate a penalty may be imposed by the agency which regulates the purveyor. If a community, region, or state determines to meter the water in residential sprinkler systems, one option is to adjust upward the allowable leakage rate for purveyors, as recommended in Washington State's TAG's final report (Voluntary Private Residential Fire Sprinkler Systems Final Report 2008; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008).

### *Meter Costs*

Water purveyors often charge customers more for a 1" water meter than for a ¾" water meter. It is understandable that larger meters cost more than smaller meters, but occasionally the meter pricing structure is not based on material/product costs, but rather on the potential for water withdrawal of the meter. One-inch water meters have commonly been classified as a commercial meter size; therefore, customers who purchase 1" or larger water meters could also be charged commercial customer usage rates instead of residential usage rates (Dewar 2006; Schunk 2008; Washington Water Utilities Council 2008). A possible solution to the meter cost issue is to not assess "the full charge for an "up-sized" meter installed only to meet the technical requirements of a mandated sprinkling system" (Oregon Building Codes Division 2008, p.11). The rationale for this solution is supported in AWWA Research Foundation and KIWA's book *Impacts of Fire Flow on Distribution System Water Quality, Design, and Operation* (2002), which recommends that the "[d]isincentives for installation of sprinkler systems, such as water meter surcharges for sprinklered buildings should be removed" (p.150).

system supply lines metered (and thus have a larger water meter) could withdrawal 7, 9, or even 13 gallons per minute for domestic use (Schunk 2008; Washington Water Utilities Council 2008). "For most utilities the sizing of the standard service line and meter is, in part, a means to limit peak demands on the system; and increasing the size of a single-service configuration to address fire sprinkler flow allows the potential for a greater peak demand" (Washington Water Utilities Council 2008, p.8). However, when discussing residential sprinkler system legislation in Oregon, homebuilders "argued there was no evidence that a larger water meter installed to meet the technical pressure requirements of a sprinkler system translated to more water used" (Oregon Building Codes Division 2008, p.10). In addition to the debate on the water usage impact of larger meters used in conjunction with sprinkler systems, a related question is how to allocate the cost for the potential of higher peak flows in the form of fees or other charges.

#### *Type of Meter*

There is a concern that not enough competition within the meter manufacturing market exists to provide adequate options to water purveyors and customers when selecting water meters. The number of companies offering meters listed for fire service is even more limited. This fact has been recognized by the National Fire Safety Association, who endorses the use of meters not listed for fire service because meters listed for fire service "will increase the cost" (National Fire Sprinkler Association, Inc 2006, p.4). The availability of meter types could become an issue as more purveyors demand meters capable of transmitting water data via radio signals or other methods for remote monitoring and billing purposes (Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008; Washington Water Utilities Council 2008).

#### **Water Purveyor Fees**

- **Fees are inconsistent among water purveyors and justifications for fees are not always easily attributed to costs stemming from sprinkler systems.**  
(Residential Fire Sprinkler/Water Supply Task Force 2008; Wood 1995; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008)

The charging of standby and service fees is an issue that will need to be addressed, in coordination with the water purveyor, at the local level by each community (Residential Fire Sprinkler/Water Supply Task Force 2008). A survey of Florida water purveyors "revealed that 20 water utility agencies in Broward County and Palm Beach County do not charge a standby

State surveyed water purveyors throughout the state and found that some purveyors felt their system was too small to handle the mass implementation of sprinkler systems and "several were concerned about the potential fire flow exceeding system capability" (Voluntary Private Residential Fire Sprinkler Systems Final Report Appendix A 2008, p.22). This issue is of particular concern for purveyors who are not currently providing service to fire hydrants (Washington Water Utilities Council 2008).

Scottsdale, AZ was one of the first communities in America to implement a community wide residential sprinkler system ordinance. In 1997, the city released *Automatic Sprinklers: A 10 Year Study* which indicated that the water purveyor and fire department were able to accommodate growth *better* because the sprinkler system requirement reduced the overall fire flow requirements and limited the number of fire stations and firefighters needed to handle the growth. Further research is needed to explore the issue of long-term growth benefits directly attributed to sprinkler requirements in order to offer guidance to other communities.

#### Liability

- **If the water service has been shut off to a residence and a fire occurs and the sprinklers do not activate - could the water purveyor be held responsible?** (NAHB Research Center 1995; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008; Washington Water Utilities Council Guide 2008; Las Vegas Valley Water District 2007; Dewar 2001; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008)

Water purveyors are concerned that if water service had been shut off to a dwelling when a fire occurred and the fire sprinklers did not activate, then the water purveyor could be held responsible (NAHB Research Center 1995; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008; Washington Water Utilities Council Guide 2008; Las Vegas Valley Water District 2007; Dewar 2001; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008). The suspension of water service to a residence generally occurs due to failure to pay bills, regularly scheduled maintenance, or emergency shut off due to line breaks and other unforeseen circumstances.

*Systems Final Report 2008; Dewar 2006; NAHB Research Center 1995; Schunk 2008; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008; Besner, Servais & Camper 2005)*

- **The quality of water could be impacted by dead ends and longer residence time in larger pipes.**  
*(Washington Utilities Council Guide 2008; National Fire Sprinkler Association, Inc 2006; Besner, Servais & Camper 2005; Hickey 2008 V.II; Home Fire Sprinkler Coalition 2008; AWWA Research Foundation and KIWA 2002; Dewar 2006)*

Water purveyors are under strict EPA regulations to provide safe potable water. Residential fire sprinkler systems introduce another connection to the water distribution system that needs attention. The main health concern associated with sprinkler systems is preventing water already in the sprinkler system from back-flowing into the domestic water supply line. Similar to the health concerns stemming from any connection to the water supply system, water purveyors and city officials are concerned about sprinkler system cross-contamination issues and require backflow valves on some sprinkler designs (Quinn, Marcantonio & Hardiman 2009; Gilman, White & Hardiman 2001; Residential Fire Sprinkler/Water Supply Task Force 2008; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008; Dewar 2006; NAHB Research Center 1995; Schunk 2008; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008). But an investigation of 84 wet-pipe sprinkler systems showed "that total coliforms were mostly absent from those systems and that the main risk of microbial contamination of the distribution system through backflow remains directly linked to the intrusion of sewage or raw water" (Besner, Servais & Camper 2005, p.34).

There is also a concern that sprinkler systems combined with domestic water systems require pipes with "a larger diameter than normally used to serve only domestic uses. The greater volume of water in these pipes can lead to a higher loss rate of residual chlorine at points of use, due to a longer residence time for the water within the warmth of the home. Further, if copper piping is used there could also be greater potential for copper corrosion, affecting Lead and Copper Rule (LCR) compliance" (Washington Utilities Council Guide 2008, p.3). No studies were obtained that confirmed this hypothesis and "[r]esearch sponsored by the United States Fire Administration and conducted by Worcester Polytechnic Institute showed that water that sits for long periods of time in fire sprinkler systems is not hazardous as long as the pipe is an approved potable piping material" (National Fire Sprinkler Association, Inc 2006, p.6).

Water Utilities Council Guide 2008; Voluntary Private Residential Fire Sprinkler Systems Final Report 2008; Dewar 2006; Gilman, White & Woodward 2001; Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008). Valve inspections are typically performed by the water purveyor, but jurisdictions could allow homeowners or plumbers to inspect backflow valves if certain procedures are followed, typically NFPA 25 (Dewar 2006). Depending on which one of these approaches is adopted, physical access to the house and the backflow valve is an important consideration that can add costs to and complicate the inspection process.

While the cost of backflow valve inspections can be significant, as entire sub-divisions are built with residential sprinkler systems fewer fire hydrants could be needed and "the comparable cost in maintenance to a design with the usual number of hydrants would be much less" (Gilman, White & Woodward 2001, p.9; Dewar 2006). Thus, the added cost for backflow valve inspections could be partially offset by savings in hydrant upkeep.

Communities that have implemented residential fire sprinkler requirements have also explored the idea of adjusting the testing frequency of backflow devices from one year to two or three years (Voluntary Residential Fire Sprinkler Systems Technical Advisory Group: Meeting Minutes, July 15, 2008). The inspection and maintenance of backflow valves is important and each community will need to work with their water purveyor to develop an inspection strategy that is cost-effective, maintains the quality of the water, and ensures each sprinkler system is operational.

### **Reclaimed Water**

- **Water supply issues could increase the use of reclaimed water for fire suppression activities.**  
(AWWA Research Foundation and KIWA 2002; Hickey 2008 V.I)

Reclaimed water is being used in fire hydrants but not residential sprinkler systems. As the cost of accessing, cleaning, and disinfecting water continues to rise the use of reclaimed or non-potable water for residential sprinkler systems may be explored. Although dual water supplies, one for potable and one for non-potable, for sprinkler systems is not a pressing issue today it will become a consideration, particularly in communities facing water shortages and that are

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## **Appendix B – Interview Guide**

**Questions:**

<i>Objective: Identifying the interviewee:</i>
What is your name and title?
How long have you been in your position? <ul style="list-style-type: none"><li>- List general role/responsibilities</li> <li>- Other notes</li></ul>

<i>Objective: Gain an understanding of the local sprinkler ordinance.</i>
We understand that sprinklers have been required in [community] since [year]. Can you describe how the implementation of sprinklers on a broad scale played out?  Probe issues related to water supply

<i>Objective: To discover how specific issues that commonly affect the water purveyor are handled and addressed.</i>
The sprinkler system design requirements in [community] require [cite requirements – 13D or 13D+] – is this correct?  Are multi-purpose systems allowed to be used?  Within your community's design requirements for sprinkler systems, are any of the

- How much is it?
- How much more is it than a non-sprinklered home?

Probe rationale

What about **tapping fees**? Has the cost for a new home to tap into the water supply line changed for homes with sprinkler systems?

- If yes, why and how much?

Probe rationale behind any increases

**IF SPRINKLER WATER MUST BE METERED:**

Primary Issues

- What is the typical size of this meter?
- Has the availability of meters suited for this application been a problem?
- Because of this larger meter size, would a residence pay for its water use based on a different fee schedule than a non-sprinklered home?
- About how much more does this meter cost than the meter which would have been used if sprinkler flow was not metered? (E.g., 13D's Preferable Arrangement).
  - o Is there a pricing sheet for meters?

Secondary Issues (more qualitative)

*Objective: Investigate the impact of the sprinkler ordinance has had on the community since passage.*

**Are regular inspections required for sprinkler systems?**

- Note frequency – annual?
- What components do these inspections cover (e.g. backflow valves, meters, sprinkler heads)?
- Who conducts these inspections?
- How are they paid for? One-time charge or included in bill, service fee?

**Have any water contamination or backflow issues resulted from a residential sprinkler system in the community?**

**Has the sprinkler ordinance had any impacts on operating costs on the fire department?**

**Has the implementation of residential sprinklers had a positive effect on the ability of the water supplier to meet fire flow requirements?**

**Have any changes been made to the ordinance since it was passed?**

- If so, why?
- Who proposed the change?

*Objective: Probe whether the sprinkler-related requirements explored above were handled in a drastically different manner BEFORE the community adopted a sprinkler.*

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# APPLYING FOR COMBINATION WATER AND FIRE SERVICE (DUAL SERVICE)

## Single-Family Residential and Duplex Connections

EFFECTIVE JULY 1, 2011

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### DISCLAIMER NOTICE

Applicants for water service will find this information helpful in understanding the process of applying for a new combination water and fire service (dual service). These charges and fees are presented only as guidelines for estimating costs. Final quotations will **not** be issued until a properly completed application is submitted. All applications for water service are subject to review and approval by the District. All requests for preliminary estimates or quotations **must** include an address, accurate location of the parcel to be served, and the proposed use of the premises. The following factors may increase your final cost:

- Front foot charges
- Contaminated soil conditions
- Annexation fees
- Availability of an existing water main

## APPLICATION PROCESS

Step	Responsible Party	Action
1	Applicant	Completes the Water Service Application, Application for Dual Service, Hydrant/Fire Service form, Meter Size Work Sheet, Applicant checklist, Water Efficiency Requirements checklist and returns with plans to: East Bay Municipal Utility District, New Business Office 375 11th Street Oakland, CA 94607-4240
2	New Business Office	Calculates the cost of the service(s) and sends quote to applicant.
3	Applicant	Pays installation fee, in person or by mail. <b>Note:</b> Appointments may be scheduled to arrange payment in person by calling (510) 287-1008.
4	New Business Office	Applies for a city/county/state encroachment permit for street work at your location.
5	New Business Office	Upon receipt of encroachment permit, delivers work orders to the EBMUD Service Center in your area to schedule installation. <b>Note:</b> Applicant must pay all outstanding charges before job will be scheduled.

### INSTALLATION TIME

Installation of your new service will generally be completed within 6 to 8 weeks after receipt of your payment.

### BACKFLOW PREVENTION

A backflow prevention device may be required for dual service. Our Backflow Prevention Unit will assist you in determining if a backflow prevention device is required. Information can be obtained by calling (510) 287-0874.

### WATER CONSERVATION REVIEW

Applicants for residential water use must provide self certification of compliance with water efficiency requirements for developments of 2 units or less and must supply water usage plans for all developments of 3 units or more for review by our Water Conservation Department. Water service shall not be furnished to any Applicant for new or expanded service unless all the applicable water-efficiency measures are installed at Applicant expense as described in Section 31 of the Regulations Governing Water Service to Customers. Applicants for smaller services are encouraged to take advantage of this free plan review. Information can be obtained by calling 1-866-40-EBMUD (1-866-403-2683).

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## ADJUSTED SYSTEM CAPACITY CHARGE FOR DUAL SERVICE

The System Capacity Charge (SCC) will be based upon the meter size necessary to meet domestic requirements only. Adjustments are made for low-pressure and residential fire services. When a large meter is installed (upon District approval) to compensate for low-pressure or to provide fire protection capacity, the SCC is based on the meter size necessary to meet the domestic demand, not the actual size of the meter installed.

Example: The SCC for a 1-1/2" dual service meter installed to serve a residential fire protection and domestic demand system for a residence with a safe intermittent domestic demand of 30 gallons per minute (3/4" meter) in Region 1 would be \$13,920. (Residential SCC Region 1, 3/4" meter)

SCC credits are given when the size of an existing meter is increased, or when one or more meters are replaced with new services on the same premises. The SCC credit is based on the size of the service that is being increased or replaced, or number of dwelling units serviced. This amount is credited towards the SCC for the new service connection(s).

**Note:** No cash credits or refunds are given. The SCC credit remains with the property and is not transferable to other premises.

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## DETERMINATION OF SCC REGION

The New Business Office will determine within which region your property is located. Regional designations may vary within a geographical area due to elevation and pressure zone changes. The SCC Regions map provides an approximate description of these regions.

To determine an estimated SCC for your project, locate the general area of your project on the SCC Regions map then look up the SCC by meter size in the chart located below.

### SINGLE FAMILY RESIDENTIAL ACCOUNTS IN PRINCIPAL REGIONS

Meter Size (Inches)	Principal Regions		
	1	2	3
3/4	13,920	22,410	29,830
1	23,200	37,350	49,720
1 1/2	46,400	74,700	99,440

**GENERAL DESCRIPTION OF PRINCIPAL REGIONS**

Region	General Description
1	Central Area (gravity zones West-of-Hills)
1	El Sobrante and north (pumped zones)
2	South of El Sobrante to vicinity of Highway 24 (pumped zones)
2	South from vicinity of Highway 24 (pumped zones)
2	Castro Valley Area (pumped zones)
2	North Oakland Hill Area (pumped zones, formerly 4-A)
3	Orinda-Moraga-Lafayette Area (pumped zones)
3	San Ramon Valley and Walnut Creek (pumped zones)

**SINGLE-FAMILY RESIDENTIAL ACCOUNTS IN ADDITIONAL REGIONS**

Meter Size (inches)	Additional Regions	
	3-C	3-D
3/4	\$74,040	\$82,230
1	123,400	137,050
1 1/2	246,800	274,100

**COMMERCIAL AND INDUSTRIAL IN ADDITIONAL REGIONS**

Meter Size (inches)	Additional Regions	
	3-C	3-D
5/8	n/a	\$82,230
3/4	n/a	82,230
1	n/a	137,050
1 1/2	n/a	274,100
2	n/a	438,560

**WASTEWATER CAPACITY FEE**

A Wastewater Capacity Fee will be collected if the property to be served is located in any of the following cities:

- Oakland
- Berkeley
- Albany
- El Cerrito
- Richmond (applies only to property within Stege Sanitation District.)
- Alameda
- Emeryville
- Piedmont
- Kensington

The standard residential fee is \$1,235 per single-family dwelling.



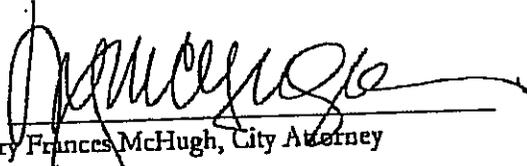
CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM

TO: Yreka City Council  
Prepared by: Mary Frances McHugh, City Attorney  
Date: January 11, 2012  
AGENDA TITLE: Discussion/Possible Action – Direction to Staff re Amending Section 11.23.050(c) Yreka Municipal Code re Water System Fees relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences and to Schedule Public Hearing Pursuant to Government Code Section 66016, et seq.  
MEETING DATE: January 19, 2012

Background: The State of California adopted the IRC fire sprinkler requirement in 2009 and it became effective in the State on January 1, 2011, as part of the 2010 California Residential Building Code. This regulation applies to new construction. Since June of this year, City staff have been studying the following issues for recommendation of action by the Council: (1) How to have the Developer Impact Fees reflect this regulation; and (2) how to implement the requirement without creating undue burden upon the property owner.

Discussion: Installation of a fire suppression/sprinkler system contemplates having water available for fire suppression independent of the customer consumptive water supply. This can be done by either "upsizing" the supply line to the home or, having a separate fire line for this service. A survey of similarly sized jurisdictions as well as larger ones revealed that a typical single family residence could not accommodate both the regular water supply and the fire supply on less than a 1" water line, but that a single family residential consumer frequently did not need a 1" supply for normal, everyday use. The concern is the fairness of requiring a property owner to pay the greater amount of connection fee for a supply line that would not be used except perhaps once in the lifetime of the property.

The City's Building Official has attended several regional meetings related to this issue and brought the suggestions from those meetings back for consideration. Staff has resolved the question of how the water service is delivered to the property so that water is available for fire suppression and resolved any inequities which may relate to regular water consumption. The preferred method is installation of a U-joint at the street lateral with two meter connections, one for consumption, the other for fire service. This configuration will allow both services to be metered, but prevent unregulated access to water, and, allow for shut off of domestic service without jeopardizing fire suppression. There will need to be the establishment of a nominal fire suppression charge to cover costs of maintenance, which can be done at the time of the next water rate study. Under this configuration, the domestic meter would be the only meter subject to the development impact fee.

Approved by:   
Mary Frances McHugh, City Attorney

*Bucio/Mercier*  
*Need Bldg official*  
*Show costs to consumer*

*What would loss to City?*  
*Is there a stimulus?*

The next step then is the modification of the Developer Impact Fee Ordinance to reflect the appropriate domestic meter size for a single family residential use. Staff is recommending creating a new meter size/household equivalent of ¾ inch with a 1 Household Equivalent ratio if the ¾ inch service is an approved fire sprinkler system, and, creating a new meter/size equivalent of 1" for 1HE ratio with approved fire sprinkler system. (See draft ordinance). This modification is similar to actions of other jurisdictions in our area. This modification will address the concern of fairness in the setting of the fee.

Because this would be a modification of a development fee, which is governed by California Government Code Section 66000, et seq., there are public hearing and notice procedures which are required. The proposed fee and its justification must be made available for public review at least 10 days prior to the meeting at which the Council makes the change of the fee. The change of the fee must be by either ordinance or resolution, and can only occur after a public hearing is held at which oral or written presentations can be made, as part of a regularly scheduled meeting; and, notice of the public hearing must be published twice over the 10 days prior to the Council meeting [Gov. 66018(a)].

In addition, this is an opportunity to cleanup a portion of Ordinances 792 and 799 by deleting the 5/8ths inch domestic meter size/household equivalent ratio because it no longer meets any current building standards. These are standards for new/remodeled construction. This will not affect the water rates which currently include the 5/8ths inch meter size in the minimum rate, which should remain unchanged because many existing properties have that size meter.

Fiscal Impact: Cost of publication of public hearing notice: approximately \$75.00; cost of publication of ordinance: approximately \$75.00; cost of codification of ordinance: approximately \$200.00

Environmental Review: none required.

Attachments: Draft Ordinance

Recommendation and Requested Action:

Direct Staff to prepare an Ordinance Amending Section 11.23.050(c) Yreka Municipal Code re Water System Fees relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences, and to publish any necessary report required by Government Code Section 66016(a), and Schedule Public Hearing Pursuant to Government Code Section 66016, et seq. for February 16, 2012, and order publication of Notice of Public Hearing

## *Water Purveyor's Guide to Fire Sprinklers in Single Family Dwellings*

Fire sprinklers have long been used in commercial buildings and large residential occupancies to provide economical life safety and property protection in those buildings. Starting in 1976, the National Fire Protection Association (NFPA) has made available a special, low cost, design and installation standard (NFPA 13D) to bring this important technology into one and two-family dwellings and manufactured homes. Every year, approximately 300,000 fires occur in homes in the United States resulting in thousands of deaths. These deaths can be prevented by the installation of a fire sprinkler system in each home.

In addition to their life safety abilities, fire sprinklers also offer the water purveyor a cost effective method of managing their water usage. During a fire in a home that does not have a fire sprinkler system, the fire department will use thousands of gallons of water to fight that fire. In a home with a fire sprinkler system, a few hundred gallons are all that the sprinkler system and the fire department will need. This efficient use of water translates into significant savings for the water purveyor.

This guide will provide a water purveyor with information on the topics that need to be addressed in preparing a jurisdiction for fire sprinklers in single-family dwellings. Although there is general information provided on all sprinkler systems this guide will concentrate on fire sprinkler system for one- and two-family dwellings, manufactured homes and townhouses. In order to save space, this guide will refer to "single family dwellings" or "homes" to make a distinction between this kind of building and a larger multi-family building like an apartment building or multi-unit condominium. In all cases, the rules that apply to single family dwellings or homes also apply to two-family dwellings, manufactured homes and townhouses that are built with sufficient separation to be considered individual homes or two-family buildings.

### **Model Codes**

The following model codes contain requirements for fire sprinkler systems in new homes.

- The *International Building Code*, 2003 and 2006 editions, require sprinkler protection for all residential occupancies. This code is typically used for larger residential occupancies such as hotels, apartments, dormitories or condominiums, but it could also be used for single family dwellings units as well (R-3 occupancies), which would be required to be sprinklered due to this provision.
- The *International Fire Code*, 2003 and 2006 editions, also requires sprinkler protection for all residential occupancies.

- The domestic water demand must be added to this flow if the system is part of a combined domestic/fire protection system. Tables are provided to estimate the domestic water demand.
  - The maximum system pressure is 175 psi, although some equipment is rated for higher pressure.
  - The minimum operating pressure for a sprinkler is 7 psi, or the pressure needed to obtain the minimum flow, or the pressure corresponding to the sprinkler manufacturer's listing, whichever is greater.
- NFPA 13D, *Standard for the installation in Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, is a reasonable life safety standard for providing fire sprinkler protection in homes.
    - Wet pipe systems only
    - NFPA 13D uses up to 2 sprinklers flowing to determine the pressure and flow of the sprinkler system. For example 2 sprinklers flowing 13 gpm each would produce a total system demand of approximately 26 gpm.
    - Figure A.6.2 (a) illustrates the preferred arrangement for piping arrangement and meter location. In this case the meter would only be used on the domestic water line and therefore should not be subject to the scope of our residential fire meter project.
    - Figure A.6.2. (b) Illustrates an acceptable arrangement with 2 water lines, one for the domestic and one for the sprinkler-system. Only the domestic water line is metered.
    - Figure A.6.2 (c) illustrates an acceptable arrangement with a meter on the combined domestic/fire protection water line. This should be the only illustration that would require a meter that would restrict the water to the sprinkler system.
    - The minimum flow for each sprinkler is determined by the manufacturer's listing, which is dependent on the area that the sprinkler is listed to cover. At no time is the flow allowed to be less than 0.05 gpm per sq ft of coverage area.
    - If the house is a duplex and the water supply combines the domestic/fire protection then 5 gpm must be added to the total demand.
    - The maximum system pressure is 175; unless nonmetallic pipe is used in multipurpose domestic/fire protection systems then the working pressure can be 130 psi. (See 5.2.1.2 and 5.2.1.3)
    - The minimum operating pressure for a sprinkler is 7 psi, or the pressure needed to obtain the minimum flow, or the pressure corresponding to the sprinkler manufacturer's listing, whichever is greater.
    - Plans and calculations are not required by the standard, although many local jurisdictions do require them.
    - The sprinkler contractor is required to provide the home owner with inspection, testing and maintenance information

The manufactures of small meters have used construction criteria for residential fire meters which is similar to that for existing fire meters over 3 inches in diameter. Some of the concerns for the use of these meters included; using dirty water under high flow conditions, endurance versus accuracy, 3<sup>rd</sup> party certification, and any increase in cost.

Although friction loss tables can be used to estimate pressure loss in average meters, actual friction loss from the manufacturer should be used because true values vary between manufacturers and sizes. The following table is taken from NFPA 13D and shows the average friction loss in psi through some common meter sizes. Note that at a flow of 26 gpm, common for many NFPA 13D systems, the friction loss in a 5/8 inch meter is prohibitive and in a 3/4 inch meter may be too high to be acceptable. Also note that in some circumstances, the two sprinkler design requirements of NFPA 13D might make flows in excess of 31 gpm mandatory, leaving little choice except a 1 inch meter.

<u>Pressure Loss (psi)</u>						
Meter Sizes (inch)	Flow (gpm)					
	18	23	26	31	39	52
5/8	9	14	18	26	†	†
3/4	4	8	9	13	†	†
1	2	3	3	4	6	10
1½	††	1	2	2	4	7
2	††	††	††	1	2	3

NOTE: For SI units, 1 gpm = 3.785 L/min; 1 in. = 25.4 mm; 1 psi = 0.0689 bar.  
 † Above maximum rated flow of commonly available meters.  
 †† Less than 1 psi (0.689 bar).

**AWWA Reference Material on Meters:**

- M6, *Water Meters - Selection, Installation, Testing, and Maintenance*
- M22, *Sizing Water Service Lines and Meters*
- C703, *Fire Service Meters*, covers fire meters 3 inches and larger.

See the discussion on arrangements of systems later in this guide for a more detailed discussion of meter sizes and arrangements.

objectionable if introduced in the potable water supply. A high hazard (health hazard) is a potential cross-connection involving any substance that could, if introduced into the potable water supply, cause death or illness, spread disease, or has a high probability of causing such effects.

The following AWWA M14 requirements are generally for new systems. Existing systems usually do not require additional backflow protection if they already have some form of acceptable directional flow-control protection in place (ex: single check valve or alarm check valve) until the system is substantially altered. Requiring additional backflow prevention on existing systems can have a detrimental effect on the hydraulic capability of the system as well as the cost.

AWWA M-14 recommends two approaches for backflow protection on commercial fire sprinkler systems. The 1<sup>st</sup> approach recommends a double check valve assembly (DCV) on all systems, unless there is a risk of a high hazard cross-connection, in which case a reduced-pressure zone principal backflow prevention assembly (RPZ) is recommended. The 2<sup>nd</sup> approach is to assess each type of system individually. For this approach, M-14 provides guidance on the following types of fire-suppression systems:

Wet-Pipe Fire Sprinkler Systems usually have stagnated water that may not be acceptable to drinking water standards. For new systems a DCV is recommended on closed (nonflow-through) systems, unless there is a risk of a high hazard, in which case a RPZ or air gap is suggested. For existing systems with a low hazard of cross-connection an existing modern UL listed alarm check valve (containing no lead) can continue to be used to control the direction of flow. Existing systems that have an alarm check valve that contains lead should consider protection using a DCV. If the existing system is significantly modified then the backflow protection should also be reexamined. A fire department connection may also present a potential source of contamination based on the fire departments water supply and if additives are used.

Dry-Pipe Nonpressurized Fire-Suppression Systems (Deluge) are open to the atmosphere and generally do not require backflow protection unless chemicals will be added when water flows, in which case a RPZ is suggested.

Dry-Pipe Pressurized and Preaction Fire-Suppression Systems typically are pressurized with air or nitrogen. Preaction systems may or may not be pressurized. A DCV is recommended unless there is a risk of a high hazard (e.g. chemicals) in which case a RPZ or air gap is recommended.

Residential, Single-Family Fire Sprinkler Systems do not require backflow assemblies on systems that are constructed of approved potable material and are designed to flow water so it does not become stagnate. A DCV is suggested on other systems unless there is a risk of a high hazard cross connection in which case a RPZ or air gap is recommended

sprinkler systems are closed systems that do not have outlets where the homeowner can readily take water. A fire sprinkler system with a waterflow alarm will warn purveyors if an occupant of a home inappropriately attempts to take water. Given all of the problems that water meters bring to fire protection (excess friction loss, flow restriction, increased cost) it would be better to do without them. In the long run, the fire sprinkler systems will save water purveyors money by reducing the amount of water used in fighting fires in homes. The elimination of the meter on the fire sprinkler portion of the system is a small price to pay for the life safety and water savings that the sprinkler's provide.

Figure A.6.2(b) of NFPA 13D shows another acceptable arrangement. This arrangement uses two separate supply lines from the water main into the building, one for the domestic usage and one for the fire sprinkler system. The domestic line contains a water meter while the fire sprinkler line does not. See the discussion above for justification on not putting a meter on the fire sprinkler line. This arrangement is not preferred because of the additional cost of the second supply line into the house. The homeowner should not have to pay for two separate lines.

NFPA 13D Figure A.6.2 (b) Acceptable Arrangement with Valve Supervision – Option 1

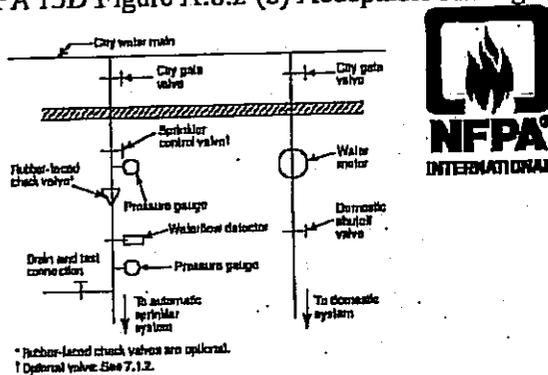


Figure A.6.2(c) of NFPA 13D shows another acceptable arrangement. This is actually similar to the preferred arrangement shown in Figure A.6.2(a), but includes a water meter on the main supply for both the fire sprinkler and the domestic water systems. While this is acceptable, the cost of the larger meter is considerable and the meter will need to be of a type that will not cause problems for the fire sprinkler system. The friction loss of the meter will need to be included in the hydraulic calculations of the fire sprinkler system.

#### NFPA 13R: (1-4 sprinkler design area)

- The design covers all of the sprinklers in the most demanding room up to a maximum of four sprinklers. If all of the rooms are protected with less than four sprinklers, the design will be for all of the sprinklers in the most demanding single room.
- Sprinklers are listed with a minimum flow discharge to cover a specific area. The flow is not permitted to be less than 0.05 gpm/sq ft. The flow is up to the manufacturer to declare and is different for each models of sprinkler. The manufacturer must prove that the flow from the sprinkler will control a severe fire in tests performed by independent laboratories. Examples of listed residential sprinklers are the Reliable model R3516 recessed pendent sprinkler listed to cover a 12 ft by 12 ft area at a minimum flow of 13 gpm at 7 psi and a Tyco model TY2596 concealed pendent sprinkler is listed to cover a 20 ft x 20 ft area at a minimum flow of 24-gpm and a minimum pressure of 32.7 psi.

#### NFPA 13: (4 sprinkler design area)

- When using residential sprinklers, the design area includes the four hydraulically most demanding sprinklers regardless of how many sprinklers are in the most demanding room. If the most demanding room does not have four sprinklers, additional sprinklers are added from adjacent rooms.
- The minimum required discharge from each sprinkler must be per the listing requirements of the sprinkler (see examples above) which are not permitted to be below 0.1 gpm/sq ft over the design area.

### Rural water supply options

The majority of fire sprinkler systems use a public water main as the source of water supply. In rural and suburban areas without public mains, fire sprinklers are the most affordable and economic form of fire protection. In rural communities, where fire departments are farther away, and response times are often affected by the number of volunteers that can be assembled, a fire can destroy most of a building before the fire department ever arrives. Once the fire department arrives, water must be obtained from somewhere to fight the fire. Whenever a building is constructed, consideration needs to be given to how much water will be needed to fight a fire in that building. The water must be either available at the site, or the fire department must be capable of delivering the water in a timely fashion. Calculating how much water will be needed is a function of the building's construction, size, use, contents and the fire protection systems installed.

In sprinklered buildings, the Required Fire Flow is generally the demand for the fire sprinkler system, which is much less than the demand of an unsprinklered building. This can save a community hundreds of thousands of dollars in construction costs and fire department operating budgets.

would be a fair way to share the cost of fire protection in a community without penalizing building owners who install fire sprinkler systems. This fee structure could actually increase the revenue for the water purveyor.

Scottsdale, Arizona, has been a sprinklered community for more than 15 years and has more than 50 percent of the homes protected with fire sprinkler systems. According to the Scottsdale Report, there was less water used in fires in the homes with sprinklers. Sprinkler systems discharged an average of 341 gallons of water/fire as compared to 2,935 gallons of water/fire released by firefighter hoses. Many water departments and communities have recognized this savings by developing incentives for the installation of fire sprinkler systems. The following are some examples of incentives:

- California AB 2943 – Water Charges: Residential Fire Sprinkler Systems. Under existing law, local water suppliers impose charges for water service in accordance with various requirements. This bill would prohibit a local water supplier that supplies water to retail customers from imposing or increasing water charges solely due to the installation of a residential fire sprinkler system. The bill was referred to the State Assembly Committee on Local Government on March 30, 2006.
- The City of Altamonte Springs, FL allows a 40% credit against the water connection charge for residential occupancies which have a sprinkler system installed.
- The Kentucky Public Service Commission ordered all utilities that currently access a minimum monthly bill for fire protection services to file a new rate structure and to eliminate standby fees.
- The City of Erie, PA has made a decision to provide a rate relief which would provide a 67% decrease for sprinkler standby fees and a 35% for sprinkler connections of 2 inches or less.
- M31, *Distribution System Requirements for Fire Protection*, mentions that water utilities can levy a one-time capital recovery fees or annual standby charges for fire protection systems. These charges should be based on the actual cost to provide the service.
- M1, *Principals of Water Rates, Fees, and Charges*, recognizes that sprinklers can reduce fire demands by faster, more efficient extinguishing of fires. In addition, private sprinkler connections use significantly less water than hydrants for fire fighting; as a result, they may reduce actual fire demands, because water is typically supplied only in the area if the fire. Accordingly, it is argued, there should be no additional charges for private fire service.



**CITY OF YREKA**  
**CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council

Prepared by: Steve Neill, Director of Public Works *SN*

Agenda title: Approve Resolution No. 2989 authorizing the City Manager to award a construction contract to Sunrise Excavating in the amount of \$512,987.30, execute related documents, and add a portion of construction funds to the 2012/13 budget from the water and sewer enterprise funds for the Oregon Street Overlay, 2012.

Meeting date: September 6, 2012

Discussion:

On August 31, 2012, bids were opened for the Oregon Street Overlay, 2012. The results of the bid opening are as follows:

<u>Bidder Name</u>	<u>Location</u>	<u>Bid Amount</u>
Sunrise Excavating	Redding, CA	\$512,987.30
RB Aldrich	Ft. Jones, CA	\$544,349.50

This project will place an asphalt concrete overlay on Oregon Street between Miner Street and Yreka Street, and between Yreka Street and Turre Street. The project includes upgrading portions of water and sewer mains in the project area before paving is completed.

The Engineer's Estimate for construction only is \$541,196. The low bidder's amount, proposed subcontractor's, license status, references and insurance company information have been evaluated and found to be acceptable. The low bidder is not debarred from working on projects in California. Therefore, staff finds that the low bid is responsive, the low bidder is responsible, and recommends that the City award the contract to Sunrise Excavating.

Public Works staff will provide the construction management, inspection, and reporting for this project. The contract allows 90 days from the Notice to Proceed for the contractor to complete construction.

Fiscal Impact:

Construction of the overlay, and related costs, will be paid with \$351,000 of State Transportation Improvement Program (STIP) funds authorized by the California Transportation Commission in June 2012. This amount is included in the FY 12/13 budget.

Water line improvements are in the estimated amount of \$67,000, and sewer line improvements are in the estimated amount of \$149,000. The Resolution to award this project directs the Finance Department to appropriate these amounts from the water and sewer enterprise funds.

The total estimated cost of \$567,000 includes the construction contract and contingencies, inspection, testing, surveying, staff time for administration, and other ancillary costs.

Recommendation and Requested Action:

That the Council approve Resolution No. 2989 authorizing the City Manager to award a construction contract to Sunrise Excavating in the amount of \$512,987.30, execute related documents, and add a portion of construction funds to the 2012/13 budget from the water and sewer enterprise funds for the Oregon Street Overlay, 2012.

Approved by: \_\_\_\_\_

*Steven Baker*  
Steven Baker, City Manager

**RESOLUTION NO. 2989**

**RESOLUTION OF THE CITY OF YREKA AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT TO SUNRISE EXCAVATION IN THE AMOUNT OF \$512,987.30 EXECUTE RELATED DOCUMENTS, AND ADD CONSTRUCTION FUNDS TO THE 2012/13 BUDGET FOR THE OREGON STREET OVERLAY 2012.**

WHEREAS, the City is a municipal corporation with the legal authority to enter into contracts and agreements in the State of California; and

WHEREAS, the City of Yreka applied for State Transportation Improvement Program (STIP) funds from the California Department of Transportation (Caltrans) as authorized by Resolution No. 2728 approved by the City Council on August 21, 2008; and

WHEREAS, the Oregon Street Rehabilitation project is included in the 2012 State Transportation Improvement Program (STIP) adopted by the California Transportation Commission; and

WHEREAS, the project was advertised for competitive bids on August 10, 2012, and August 17, 2012, in accordance with the California Public Contract Code; and

WHEREAS, bids were opened on August 31, 2012 and a bid analysis and an evaluation of the bidders who submitted proposals has been completed and has found no material or substantial defects in the bids; and

WHEREAS, the Public Contracts Code requires the award of construction contracts to the lowest responsive and responsible bidder.

WHEREAS, after completing an environmental review in accordance with the California Environmental Quality Act, the project was determined to be categorically exempt as a maintenance activity on existing streets and a CEQA Notice of Exemption was filed with the Siskiyou County Clerk on February 23, 2008.

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

Section 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The City Council hereby approves the Construction Plans and Specifications for the Oregon Street Overlay, 2012.

Section 3. The City Manager, or his designee, and all other proper officers and officials of the City are hereby authorized and directed to award the work known as the Oregon Street Overlay, 2012 to Sunrise Excavation of Redding, California who is the lowest responsive and responsible bidder for the amount of Five hundred twelve thousand, nine hundred eighty-seven dollars and thirty cents (\$512,987.30), execute such agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Section 4. The Public Works Department is authorized to provide construction support, construction inspection and engineering, labor compliance, surveying and testing, in the estimated amount of \$ 10,000 and to expend funds on similar related expenditures.

Section 5. The Finance Department is authorized to appropriate the actual costs estimated to be \$67,000 from the sewer enterprise fund and \$149,000 from the water enterprise fund to the Oregon Street Expenditure Account No. 60.310.6012.625.011.

Section 6. It is further resolved, if any section, subsection, part, clause, sentence or phrase of this Resolution or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Resolution, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

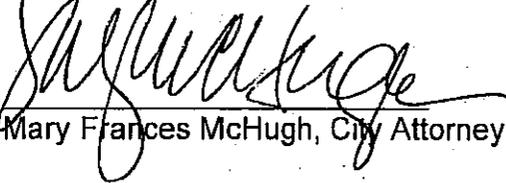
Section 7. This Resolution shall take effect immediately upon its passage.

Passed and adopted this 6th day of September, 2012 by the following vote:

AYES:  
NAYS:  
ABSENT:

\_\_\_\_\_  
David Simmen  
Mayor of the City of Yreka

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mary Frances McHugh, City Attorney

Attest: \_\_\_\_\_  
Liz Casson, City Clerk

THE UNDERSIGNED CERTIFIES THAT THIS A TRUE AND CORRECT COPY OF RESOLUTION NO. 2989 AS ADOPTED BY THE CITY COUNCIL AT ITS MEETING HELD SEPTEMBER 6, 2012.

\_\_\_\_\_  
Liz Casson, City Clerk



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Mary Frances McHugh, City Attorney  
AGENDA TITLE: KARUK INDIAN GAMING  
Meeting date: September 6, 2012

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Recommendation and Requested Action:

- Acknowledge receipt of draft proposed Memorandum of Understanding
- Confirm committee appointment of Council members Rory McNeil and John Mercier
- Direct staff to develop recommendations and report back to Council

Discussion:

On August 23, 2012 a letter dated August 21, 2012, was received from the Honorable Russell A. Attebery, Chairman of the Karuk Tribe, who wrote to the Council and forwarded a Draft Memorandum of Understanding.

On June 7, 2012, the City Council met with its legal adviser and conferred on a matter regarding anticipated litigation, Government Code Section 54956.9(b)(3)(E) and (c). In the expectation that such an overture was to be made, on June 7, 2012, the City Council appointed members McNeil and Mercier as negotiators for the City Council in connection with this matter. Motion by Council member Simmen, second by Council member Bicego, unanimous consent, Council member Mercier absent.

Staff has not had an opportunity to analyze this document. It is recommended that such an analysis occur, that the committee members participate in the analysis, and that a report be made to Council for direction.

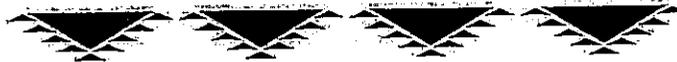
Attachments: Karuk Tribe Letter dated August 21, 2012; Draft MOU; City of Yreka Letter to Karuk Tribe dated

Approved by:   
Mary Frances McHugh, City Attorney

**Karuk Community Health Clinic**

64236 Second Avenue  
Post Office Box 316  
Happy Camp, CA 96039  
Phone: (530) 493-5257  
Fax: (530) 493-5270

# Karuk Tribe



**Administrative Office**

Phone: (530) 493-1600 • Fax: (530) 493-5322  
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

**Karuk Dental Clinic**

64236 Second Avenue  
Post Office Box 1016  
Happy Camp, CA 96039  
Phone: (530) 493-2201  
Fax: (530) 493-5364

**RECEIVED**

**AUG 23 2012**

**CITY OF YREKA**

August 21, 2012

Yreka City Council  
701 4<sup>th</sup> Street  
Yreka, CA. 96097-3380

RE: Draft Memorandum of Understanding

ORIGINAL / COPY TO:  
 CM  PWD  YPD-CHF  CLERK  
 COUNCIL  FIN  YFD-CHF  
 PLAN-D  BLDG   
 READ/FORWARD/  
 FILE  CALENDAR  TICKLE  
 OTHER  
DATE 8-27-12 INITIAL *WJ*

Ayukli,

Please review the enclosed draft Memorandum of Understanding set forth by the Karuk Tribal Council.

The Karuk Tribal Council welcomes the opportunity to work with the City of Yreka and local businesses. With a combined effort we can develop an economic plan that will help Yreka and Siskiyou County residents achieve a better quality of life through education, jobs and quality medical care.

With this in mind, please review and contact me with any comments or suggestions and I will relay the message to the Karuk Council.

Yootya,

*Russell A. Attebery*  
Russell A. Attebery, Chairman  
Karuk Tribe

Cc: Jacob Applesmith, State Negotiator

## MEMORANDUM OF UNDERSTANDING

By and Between the Karuk Tribe  
and  
The City of Yreka, California

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_ 2012, by and between the Karuk Tribe, a federally-recognized Indian tribe whose address is 64236 Second Avenue, Post Office Box 1016, Happy Camp, CA 96039 (the "Tribe"), and the City of Yreka, California, a municipal corporation of the State of California whose address is 701 Fourth Street, Yreka CA 96097 (the "City") (collectively referred to as the "Parties").

### RECITALS

The following are the recitals underlying this MOU:

The Tribe has trust land within the City that it intends to develop for Indian gaming pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §2701, *et seq.* ("IGRA"). The specific site to be developed has been determined by the National Indian Gaming Commission to qualify as "Indian land" for Indian Gaming under IGRA ("Project Site").

The Tribe intends to develop a Class II and/or Class III gaming casino, including hotel and ancillary facilities on the Project Site (herein referred to as "Gaming Project" or "Project").

The Tribe desires to pay for the municipal and related services that the Gaming Project will require, and the City desires to provide the services needed by the Project, including but not limited to roads, water and sewer and other City services set forth in this MOU.

The Parties agree that the Project will have only minor off-reservation impact on the City, but the Tribe nonetheless desires to mitigate said impacts through the means described herein.

The Tribe desires to have the support and cooperation of the City in the development of the Project.

Under federal law, the Tribe has tribal sovereign immunity as to any legal action filed against it.

Consistent with the legal requirements of federal law, the Tribe has agreed to execute this Agreement which includes, among other provisions, a Tribal Council Resolution of Limited Waiver of Sovereign Immunity, attached hereto as Exhibit A, exclusively in favor of the City and limited to disputes arising under this MOU.

The City believes that the Project will bring economic development to the City, creating new jobs for residents and new sources of income for the City.

The Tribe desires and requests the support of the City in jointly requesting the Governor of California to execute a Class III Gaming Compact between the Tribe and the State ("Compact") consistent with IGRA and the City agrees to submit a letter to the Governor in form and content mutually acceptable to the Parties.

The Parties desire to establish a long-term, cooperative relationship between them that will serve the best interests of the Tribe and its members and the City and its residents.

Accordingly, the Parties enter into this MOU to effectuate the purposes set forth above and to be bound by the provisions set forth below:

#### **Section 1. Water Service.**

The Tribe shall pay all water connection fees and monthly water service charges, and assume all costs to the City required to construct water system infrastructure improvements required to reliably expand the water system to accommodate the anticipated water needs (including fire protection) of the Project. The City shall provide an allotted maximum water volume of up to an average daily volume of 750,000 gallons, with a maximum 24-hour usage of 1.5 million gallons to the Project. Should the Tribe at some time determine and document that its needs for water will exceed the volume provided for in this Section 1, the Parties will negotiate reasonable terms for the additional water requirements with any unresolved issues to be presented to the Karuk-Yreka Advisory Committee for consideration and recommendations as to final terms to be agreed on by the Parties.

#### **Section 2. Sewer and Wastewater Service**

The Tribe shall provide for sewage disposal generated at the Project Site by connection to the City's existing sewer collection system. The Town shall provide an allotted maximum wastewater volume of up to an average daily volume of 500,000 gallons, with a maximum 24-hour volume of one million gallons to the Project. The Tribe shall provide required easements for sewer infrastructure within the Project site (if needed), construct to the City's sewer infrastructure standards and pay all costs of constructing sewer infrastructure necessary to connect the Project to existing sewer services. Should the Tribe at some time determine and document that its needs for sewer and wastewater service water will exceed the volume provided for in this Section 2, the Parties will negotiate reasonable terms for the additional water requirements with any unresolved issues to be presented to the Karuk-Yreka Advisory Committee for consideration and recommendations as to final terms to be agreed on by the Parties.

### **Section 3. Police Protection**

The Tribe plans to establish a tribal police force for the Project Site, and the Parties will meet and negotiate in good faith for a cross-deputization and mutual aid agreement identifying the respective jurisdictional activities of the tribal police force and the City Police Department. The City will assist the Tribe in its establishment of a tribal police force, including working cooperatively to seek federal funds available to recognized Indian Tribes for public safety and police services.

Whenever the Tribe schedules a Special Event on the Project Site which is anticipated to require law enforcement personnel above the day-to-day level of staffing – such as a need for an increase in the amount, scope or level of on-duty police, traffic control and crowd control – the Parties will negotiate separate agreements for each event to provide adequate police staffing and reasonable compensation to the City for coverage of such events.

### **Section 4. Fire Protection**

The City will provide fire protection services as are required for development of the Project.

### **Section 5. Emergency Medical Services**

It is anticipated that provision of emergency medical services to the Project will consistent with the provisions of Section 4 above.

### **Section 6. Roads and Traffic**

The Tribe will mitigate traffic and transportation circulation issues in conformity with City requirements and as finalized through subsequent negotiations between the Parties when specific traffic and transportation plans have been developed by the Tribe, the City and, as appropriate, the California Department of Transportation.

### **Section 7. Karuk-Yreka Advisory Committee**

In matters other than issues appropriately arising under the Dispute Resolution provisions of Section 8 of this Agreement, the City and the Tribe agree to establish a permanent committee, to be known as the Karuk-Yreka Advisory Committee consisting of seven (7) members. The jurisdiction of the Committee shall encompass any matter within the scope of this MOU including questions related to implementation. The Committee will be organized within three months of the date on which commercial operations commence at the Project Site.

#### **A. Composition of Committee.**

The Committee shall be composed as follows: [1-2] two members of the Yreka City Council or their designees, [3] one representative of a community or state organization established to address the local impacts of gambling to be selected by the City Council, [4-6] three representatives of the Tribe, and [7] one member

who shall be selected by the other six members of the Committee.

**B. Meeting Times and Locations.**

The Committee shall meet quarterly at locations within the City of Yreka or on tribal lands according to procedures established by the Committee.

**C. Authority of Committee.**

The Advisory Committee may make recommendations to the Tribe and the City, including amendments to this Agreement, which both Parties shall consider before taking any action on an Advisory Committee recommendation. In addition, the Advisory Committee will work with the Tribe and the appropriate departments of the City to develop local tourist attractions and the marketing thereof for the mutual benefit of the Parties and enhancement of the Tribe's intention to create a travel destination for its customers, including the attractions of the Project and the historical properties and facilities within the City.

**Section 8. Dispute Resolution**

**A. Meet and Confer Process.** In the event the City or the Tribe believes that the other has committed a possible violation of this MOU, it may request in writing that the Parties meet and confer in good faith for the purpose of attempting to reach a mutually satisfactory resolution of the problem within 15 days of the date of service of said request; *provided* that if the complaining party believes that the problem identified creates a threat to public health or safety, the complaining party may proceed directly to arbitration as provided in Subsection E below.

**B. Notice of Disagreement.** If the complaining party is not satisfied with the result of the Meet and Confer Process, the complaining party may provide written notice to the other identifying and describing any alleged violation of this MOU ("Notice of Disagreement"), with particularity, if available, and setting forth the action required to remedy the alleged violation.

**C. Response to Notice of Disagreement.** Within 15 business days of service of a Notice of Disagreement, the recipient shall provide a written response either denying or admitting the allegation(s) set forth in the Notice of Disagreement, and, if the truth of the allegations is admitted, setting forth in detail the steps it has taken and/or will take to cure the violations. Failure to serve a timely response shall entitle the complaining party to proceed directly to arbitration, as provided in Subsection 8.E below.

**D. Expedited Procedure for Threats to Public Safety.** If the City or the Tribe reasonably believes that in violation of this MOU the other's conduct has caused or will cause a significant threat to public health or safety, resolution of which cannot be delayed for the time periods otherwise specified in this section, the complaining party may proceed directly to the Arbitration Procedures set out in Subsection 8.E below; without reference to the Meet and Confer or Notice of Disagreement processes set out in Subsections 8.A-C above, and seek

immediate equitable relief. At least 24 hours before proceeding in this manner, the complaining party shall provide to the other a written request for correction and notice of intent to exercise its rights under this subsection, setting out the legal and/or factual basis for its reasonable belief that there is a present or an imminent threat to public health or safety.

**E. Binding Arbitration Procedures.** Subject to prior compliance with the Meet and Confer process set out above in Subsection 8.A, and the Notice and Response process in Subsections 8.B-C, and except as provided in Subsection 8.D, either party may initiate binding arbitration to resolve any dispute arising under this MOU. The arbitration shall be conducted in accordance with the following procedures:

(1) The arbitration shall be administered by the American Arbitration Association or JAMS Arbitration in accordance with their established rules and procedures.

(2) The arbitration shall be held in Sacramento or Yreka, CA, unless otherwise agreed. The arbitrator shall be empowered to grant compensatory, equitable, and declaratory relief. The Federal Rules of Civil Procedures are incorporated into, and made a part of this Agreement; *provided*, however, that no discovery authorized by said section may be conducted without leave of the arbitrator, who shall decide to grant leave based on the need of the requesting party and the burden of such discovery in light of the nature and complexity of the dispute.

(3) Any arbitration must be conducted at an oral hearing.

(4) The resulting award shall be in writing and give the reasons for the decision. Judgment on the award rendered by the arbitrator may be entered in the court identified at Section 9 *infra*. The costs and expenses of the arbitration firm selected and the arbitrator shall be shared equally by and between the Parties unless the arbitrator rules otherwise.

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#### Section 9. Judicial Review

The parties consent to judicial enforcement of any award in arbitration, which enforcement shall be in the Superior Court for Siskiyou County. Service of process in any such judicial proceeding is waived in favor of delivery of court documents by Certified Mail – Return Receipt Requested to the following:

**FOR THE TRIBE:**

The Honorable Chairman Russell Attebery  
Karuk Tribe  
64236 Second Avenue  
Happy Camp, CA 96039  
Telephone; (530) 493-5322

**FOR THE CITY:**

Mary Frances McHugh, Esquire  
Yreka City Attorney  
701 Fourth Street  
Yreka, CA 96097  
Telephone; (530) 841-2326

Dennis J. Whittlesey, Esquire  
Dickinson Wright PLLC  
1875 Eye Street, N.W. - Suite 1200  
Washington, D.C. 20006  
Telephone: (202) 659-6928

**Section 10. Waiver of Tribal Sovereign Immunity**

The Tribe agrees to waive its sovereign immunity in favor of the City limited to disputes arising out of this MOU. The Karuk Tribal Council will execute a formal Resolution of Limited Waiver of Sovereign Immunity substantially identical to attached Exhibit A.

The City agrees to waive its sovereign immunity in favor of the Tribe limited to disputes arising out of this MOU in such manner as is required under state law for such waivers by local city governments.

**Section 11. Amendment/Modification**

This Agreement may not be modified or amended except by a writing of equal formality signed by both Parties.

**Section 12. General Provisions**

**A. Notices.**

Any notices, consents, demands, requests, approvals, and other communications to be given under this MOU by any party to the other(s) shall be deemed to have been duly given if given in writing and personally delivered, or sent by nationally recognized overnight courier, or sent by certified mail, postage prepaid, with return receipt requested, at the following addresses:

**If to the City:**  
City of Yreka  
701 Fourth Street  
Yreka, CA 96097  
Attn: City Manager

**With a copy to:**  
Mary Frances McHugh, Esquire  
Yreka City Attorney  
701 Fourth Street  
Yreka, CA 96097

**If to the Tribe:**

The Honorable Russell Attebery  
Karuk Tribe  
64236 Second Avenue  
Happy Camp, CA 96039

**With a copy to:**

Dennis J. Whittlesey, Esquire  
Dickinson Wright PLLC  
1875 Eye Street, N.W. - Suite 1200  
Washington, D.C. 20006

Notices delivered personally or by courier, shall be deemed communicated as of actual receipt; mailed notices shall be deemed communicated as of 10:00 am on the third business day after mailing. Any party may change its address for notice hereunder by giving notice of such change in the manner provided in this Section. In addition, the Parties may communicate notices via Internet transmission for informational purposes, but service will be deemed communicated only upon delivery in accordance with the first sentence of this paragraph.

**B. Assignment.**

The City consents to the Tribe's assignment of this MOU to a Karuk Gaming Authority ("KGA"), which if established will own and operate all of the assets related to the Project, including the cash flow from revenues from which any payments to the City will be made. The KGA shall be bound by this MOU and the Tribe agrees to provide prior to the assignment a Tribal Council Resolution authorizing the Tribe's Limited Waiver of the KGA's Sovereign Immunity that is the same as the Tribe's waiver of sovereign immunity provided for at Section 10 of this MOU. Notwithstanding the provisions of this Subsection 12.B, the Tribe's obligations to the City under this MOU shall survive the assignment.

**C. Binding Effect.**

This Agreement shall be binding upon the Parties, together with their respective successors, and permitted assigns.

**D. Independent Covenants; Severability.**

The existence of any claim or cause of action of any party to this MOU ("First Party") against the other party ("Second Party") shall not constitute a defense to the enforcement by the Second Party of the covenants and agreements of the First Party contained in this MOU. If any provision of this MOU is held to be illegal, invalid, or unenforceable under present or future laws effective during the term hereof, or by a decision of the United States Secretary of the Interior, the Bureau of Indian Affairs or any other federal agency charged with review of agreements entered into by Indian Tribes, such provision shall be fully severable and this MOU shall be construed and enforced as if such illegal, invalid, or unenforceable provision never comprised a part of this MOU; and the remaining provisions of

this MOU shall remain in full force and effect and shall not be affected by any illegal, invalid, or unenforceable provision or by its severance herefrom. Furthermore, in lieu of such illegal, invalid, or unenforceable provision, there shall be added automatically as part of this MOU a provision as similar in its terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

**E. Language; Captions; References.**

Whenever the context requires, references in this MOU to the singular number shall include the plural, the plural number shall include the singular, and words denoting gender shall include the masculine, feminine, and neuter. Section headings in this MOU are for convenience of reference only and shall not be considered in construing or interpreting this MOU. "Hereof," "hereto," "herein," and words of similar import used in this MOU shall be deemed references to this MOU as a whole, and not to any particular section, paragraph, or other provision of this MOU unless the context specifically indicates to the contrary. Any reference to a particular "section" shall be construed as referring to the indicated section of this MOU unless the context indicates to the contrary. Whenever the term "including" is used herein, it shall mean including without limitation.

**F. Ambiguities.**

The general rule of contract construction that any ambiguity in a contract will be construed against the party drafting such contract shall not apply to this MOU.

**G. No Third Party Beneficiaries.**

This MOU does not create, and shall not be construed as creating, any right enforceable by any person not a party to this MOU. Any covenant or agreement contained in this MOU shall be only for the benefit of the Parties and their respective successors and permitted assigns.

**H. Relationship of the Parties.**

Nothing in this MOU shall create or be deemed to create the relationship of partners, joint venturers, employer-employee, or principal-agent among the Parties, nor shall any party to this MOU have any authority to assume or create any obligation or responsibility whatsoever, express or implied, on behalf of or in the name of any other party or to bind any other party in any manner whatsoever, nor shall any party make any representation, warranty, covenant, agreement, or commitment on behalf of any other party.

**I. Effective Date and Term.**

This Agreement shall become effective upon its execution by the Parties hereto and shall continue during the period of time that business operations related to the Project are conducted at the Project Site.

**J. Termination.**

Notwithstanding anything to the contrary set forth herein, this MOU shall

terminate in the event the Project permanently ceases to offer all commercial gaming – including Class II and Class III gaming – to the public.

**K. Amendment/Modification.**

This MOU may not be modified or amended except by a writing of equal formality executed by both Parties.

**L. Good Faith and Fair Dealing.**

The Parties to this Agreement agree that this MOU imposes on them a duty of good faith and fair dealing.

**M. Entire Agreement/Merger.**

This MOU contains the entire agreement between the Parties and supersedes any and all other agreements, either oral or written, between the parties hereto with respect to the subject matter. This MOU may only be amended in writing with the approval of both the Tribe and the City.

**N. Employment of City Residents.**

Subject to tribal employment preferences, the Tribe shall work in good faith with the City to employ qualified City residents at the Tribe's Resort facilities to the extent permitted by applicable law. The Tribe shall offer training programs to assist City residents in becoming qualified for positions at the Resort to the extent permitted by applicable law.

**O. Review by the Department of the Interior.**

The Parties will submit this Agreement to the United States Department of the Interior for either (1) approval pursuant to 25 U.S.C. § 81, or (2) a written response from the Department of the Interior that this Agreement does not require approval under 25 U.S.C. § 81 to be enforceable.

**WHEREFORE, IN WITNESS HEREOF,** the Parties hereby execute and enter into this MOU with the intent to be bound hereby through their authorized representatives whose signatures are affixed below.

**KARUK TRIBE**

\_\_\_\_\_  
By: Russell Attebery  
Karuk Tribal Chairman

**CITY OF YREKA**

\_\_\_\_\_  
By:  
Mayor



City of Yreka

701 Fourth Street • Yreka, CA 96097  
(530) 841-2386 • FAX (530) 842-4836



June 14, 2012

Honorable Tribal Chairman Russell Attebery  
Karuk Tribe of California  
64236 Second Avenue  
Happy Camp, CA 96039

Honorable Chairman Russell Attebery:

Chairman Attebery, the City thanks you and Tribal Council members Donna Bernal and Michael Thom, along with your counsel Dennis Whittlesey, for the information you shared with the City's representatives on April 27, 2012, regarding the desire of the Karuk Tribe to establish a gaming venture in the City of Yreka.

The City understands the Tribe's desire to pursue this venture. As your predecessor said in his Spring 2011 newsletter: "... a casino ... opens the door for a lot of our programs that do not have enough funding to help, especially now that the State wants to do budget cuts ... it will also open the door with jobs for our tribal people." You echoed these concerns and hopes in the meeting. The City Council shares this desire to create opportunity for our community, and is interested in discussing this further with the Tribe. The City desires to have the respective goals and concerns of the parties fully explored in these discussions. To this end I have outlined below what I believe are the issues before us. With each issue I include a brief description of the City's perspective.

Water and Sewer.

As you know, the City currently provides water and sewer services, along with fire and police services, to the residential properties on the lands controlled by the Tribe in Yreka pursuant to two agreements entered into between the City and the Karuk Tribe of California pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 USCA Section 4101, et seq., "NAHASDA"). One of the concepts you shared with us in the meeting was an interest in accessing the as yet un-used water/sewer connections provided for in the NAHASDA Agreement to be used for gaming facility instead of housing, and that the Tribe anticipated beginning its enterprise with a Class II facility within 120 days. We need to work through these issues first since the agreements currently limit the services to residential and ancillary uses. Based on recent experience I think we can all agree that the NAHASDA Agreements could benefit from amendment to improve them.

The City has always desired as seamless an interaction between the City and Tribe as possible so that neither City residents nor Tribal members are frustrated or confused by excess bureaucracy. At the same time, under California law there are constraints outside of the City's control which may impact these negotiations, for instance, water and sewer rates are established by the City pursuant to California Constitution, Article XIII D, which regulates property-related fees and charges. This means ratepayer

approval is required regarding the rates the City charges for its water, sewer, and waste management services. Currently the City provides water and sewer across the City with a fixed monthly service charge and consumption rates based on meter size. There are no separate classes of rate payers.

On a related note you mentioned that the Tribe was interested in developing a smoke shop/convenience store along with the necessary water and sewer utilities. Until the NAHASDA Agreements are amended the Tribe may access water and sewer for other than Tribal Housing needs through the City's Municipal Services and Utilities Ordinance, Yreka Municipal Code Chapter 11.23.

#### Fire Protection and Emergency Response.

The City currently provides fire services under the NAHASDA Agreement. The ISO rating for that area is actually higher than the ISO rating for the rest of the City, largely because of the firefighting equipment which is maintained by the City of Yreka. The City has expended resources to acquire wildland interface firefighting equipment because significant portions of the City are in areas which are identified as Very High Fire Hazard Severity Zones (VHFHS) in the Draft Yreka Local Responsibility Area (5-6-08). Substantial portions of the lands in the Karuk Housing parcels are in a VHFHS zone. There will thus be additional impacts for fire protection. Furthermore, and particularly if the facility will be a 24/7 operation, there will be impacts upon emergency response. The Yreka Volunteer Fire Department provides basic life support emergency response services in the City of Yreka. Is the Tribe considering assuming some or all of these responsibilities?

#### Public Safety.

Police protection is provided in the housing area under the NAHASDA agreement. There will be additional impacts for patrol and for police response, particularly if the facility will be a 24/7 operation. Access and coordination with Tribal security resources for effective patrol will also be a topic to discuss.

#### Storm Drainage.

We need to discuss how drainage of storm water will be addressed. The City customarily requires on-site detention facilities for storm water run-off to protect downstream property owners. This is to comply with the Clean Water Act, and, while the City currently is not required to maintain an MS4 permit, it is anticipated that State regulations will be expanded in the near future to require it. In addition, the proposed site is within 500 feet of a salmon-bearing stream: Yreka Creek. The City has sponsored several restoration projects on Yreka Creek over the past five years and the City is concerned to avoid those sensitive areas being impacted by storm-water runoff from the project.

#### Environmental Review.

The City will be interested to see what level of environmental review the Tribe proposes for the initial, as well as the future project and how that review can be streamlined and, if possible, harmonized with the City's own environmental review responsibilities.

#### Jurisdictional Overlaps

As you are also aware there is an action pending before the Ninth Circuit Court of Appeal a matter known as City of Yreka vs. Ken Salazar, Case No. 11-16820, regarding the Health Clinic parcel. The City is concerned about maintaining uniformity of land use regulation and believes this concern can be harmonized with the Tribe's concern of preserving its sovereignty. The recently signed compact

between the State of California and the Graton Rancheria appears to provide a useful model to guide our discussions.

Lastly, the City is committed to creating with the Tribe a mechanism going forward where it and the Tribe can jointly plan, share information and resolve issues as they arise. The City is open to discussing all possible mechanisms for issue resolution. I expect that working through the above issues together will likely lead to a number of workable ideas.

Please let us know when you would like to sit down and review these issues with us. The City Council will be designating two of its members to serve as negotiators along with the City Manager and City Attorney. The Council will be interested to hear your ideas on this project, and you are invited at any Council meeting to make a presentation during the Public Comment section of the agenda. Meetings are held the first and third Thursday of each month, at 6:30 PM in the Council Chambers at Yreka City Hall, 701 Fourth Street, Yreka, California. The first meeting in July, however, will be dark. Many documents have been cited in this letter which you might not have. Please feel free to ask for copies of any referenced materials.

Thank you for your consideration of these comments and for your efforts to inform the City Council of this project at the earliest possible point that you could.

Very truly yours,



Rory McNeil  
Mayor, City of Yreka

cc: Jacob Appelsmith, Senior Advisor to the Governor





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**CITY OF YREKA**  
**CITY COUNCIL AGENDA MEMORANDUM**

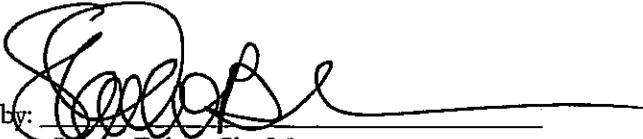
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To: Yreka City Council  
Prepared by: Steve Baker, City Manager  
Agenda Title: Discussion item – Mayor Simmen.  
Meeting Date: September 6, 2012

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Mayor Simmen requested the attached item be placed on the City Council Agenda for September 6, 2012.

Approved by: \_\_\_\_\_

  
Steven Baker, City Manager

**DISCUSSION / POSSIBLE ACTION:**

**Investigate the requirements and procedural steps necessary for the development of eight acres of City land; know as APN #013-100-140. These steps would include environmental permits and clearance, annexation, Zoning, Grading Plan, infrastructure design and associated implementation costs.**

# Property Detail

Siskiyou, CA MIKE MALLORY, ASSESSOR

Parcel # (APN): 013-100-140-000

Use Description: **VACANT**

Parcel Status: **ACTIVE**

Owner Name: **YREKA CITY OF**

Mailing Address: **701 FOURTH ST YREKA CA 96097-3302**

Situs Address:

Legal

Description: **R.S.B. 21-75**

## ASSESSMENT

Total Value: **\$15,000**

Use Code: **190**

Zoning:

Land Value: **\$15,000**

Tax Rate Area: **123001**

Census Tract: **7.02/2**

Impr Value:

Year Assd: **2011**

Improve Type:

Other Value:

Property Tax:

Price/SqFt:

% Improved

Delinquent Yr

Exempt Amt:

HO Exempt?: **N**

## SALES HISTORY

	<u>Sale 1</u>	<u>Sale 2</u>	<u>Sale 3</u>	<u>Transfer</u>
Recording Date:	<b>03/04/2011</b>			<b>03/04/2011</b>
Recorded Doc #:	<b>20110001908</b>			<b>20110001908</b>
Recorded Doc Type:				
Transfer Amount:				
Sale 1 Seller (Grantor):	<b>HI RIDGE LUMBER COMPANY</b>			
1st Trst Dd Amt:	Code1:	2nd Trst Dd Amt:	Code2:	

## PROPERTY CHARACTERISTICS

Lot Acres: **10.000**

Year Built:

Fireplace:

Lot SqFt: **435,600**

Effective Yr:

A/C:

Bldg/Liv Area:

Heating:

Units:

Total Rooms:

Pool:

Buildings:

Bedrooms:

Stories:

Baths (Full):

Park Type:

Style:

Baths (Half):

Spaces:

Construct:

Site Inffnce:

Quality:

Garage SqFt:

Building Class:

Timber Preserve:

Condition:

Ag Preserve:

Other Rooms:

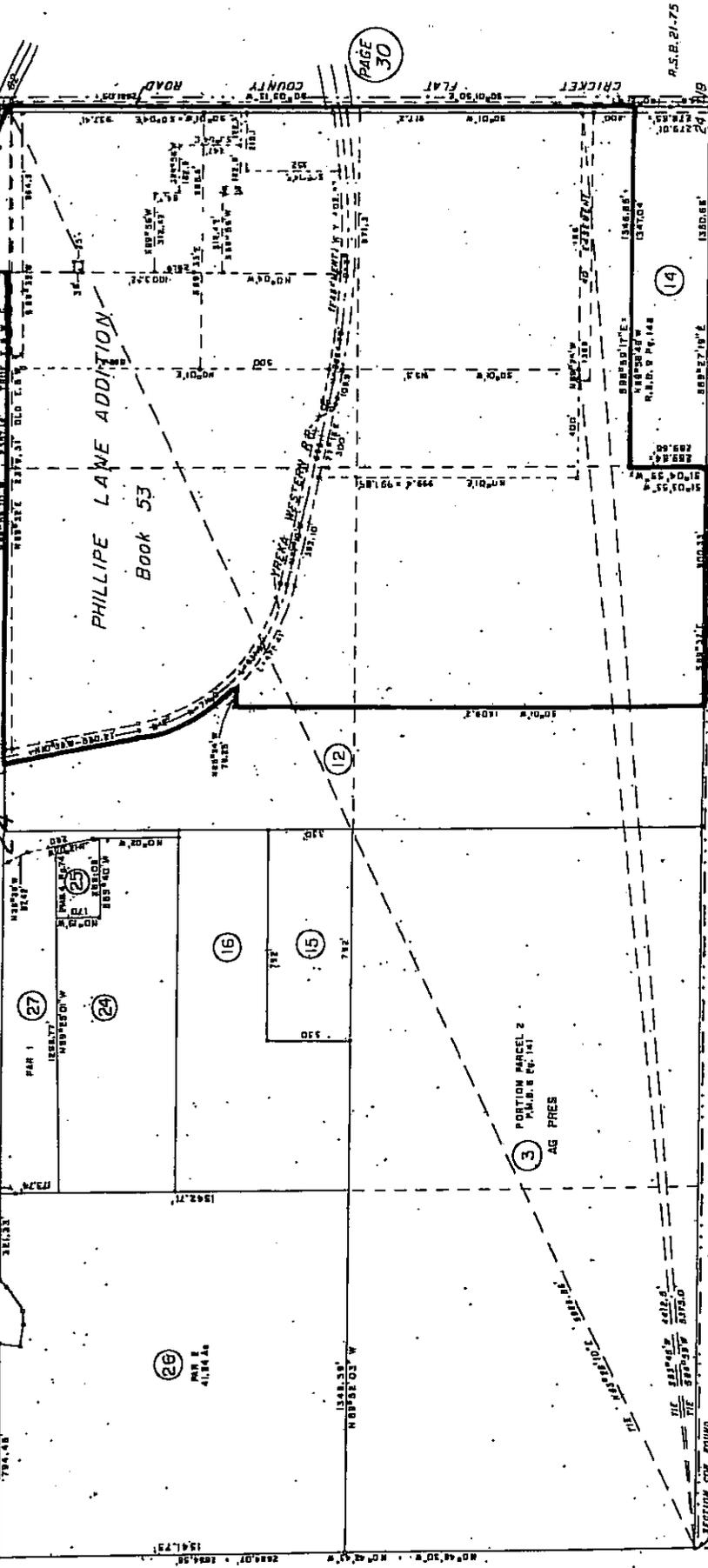
1/2 of Sec. 24 T45N R7W

ASSESSOR'S CADASTRAL MAP

- 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
- 2. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR SUBDIVISION SITE ORDINANCES, P.M.B. 20-38.

P.M.B. REC. 1/16/71  
 C.S.P. REC. 7/16/71  
 C.S. 71-152E  
 COND. CERT. OF COMPL. REC. 6/19/70 D.R. WOODRIF

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