

YREKA CITY COUNCIL  
AGENDA

October 20, 2016 – 6:30 P.M.

Yreka City Council Chamber 701 Fourth Street, Yreka, CA

The full agenda packet can be found on the City's website [www.ci.yreka.ca.us/council](http://www.ci.yreka.ca.us/council)

PLEDGE OF ALLEGIANCE

**PUBLIC COMMENTS:** This is the time for public comments. Council may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. If you are here to make comments on a specific agenda item, you may speak at that time. If not, this is the time. Please limit your remarks to 5 minutes.

**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.

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/ratification of payments issued from October 7, through October 20, 2016.
  - b. Approval of Minutes of the special meeting held September 26, 2016 and the regular meeting held October 6, 2016.
  - c. Waive Full Text Reading of All Ordinances on the Agenda. Ordinances shall be introduced and adopted by title only.
2. Discussion/Possible Action – Approval of location of Stagecoach; authorize a long term encroachment agreement for a stagecoach at a location west of the crosswalk in front of the Franco American Building.
3. Discussion/Possible Action – Introduce An Ordinance of the City of Yreka amending Title 12, by adding to Title 12 and enacting Chapter 12.40 pertaining to Storm Water Quality Management and Discharge control and finding that the Ordinance is exempt from CEQA.
4. Discussion/Possible Action – Introduce an Ordinance creating Section 12.16 “Private Lateral and Sewer Inspection and Repair” of the Yreka Municipal Code.
5. Discussion/Possible Action – Introduction of Ordinance of the City of Yreka amending Chapter 3.30 “Investment and Audit Committee” of the Yreka Municipal Code.
6. Discussion/Possible Action – Introduction of proposed Ordinance Amending Chapter 2.28. “Fire Department” Section 2.28.070 “Assignment of Duties – Payment for Services” of the Yreka Municipal Code.
7. Discussion/Possible Action – Designation of other Post Employer Benefits Reserves (OPEB), for the Year ending June 30, 2016, the Annual Required Contribution (ARC) of \$185,218. Based on the City’s Actuarial OPEB Valuation Report performed by Bickmore.

## City Manager Report

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

### **CLOSED SESSION:**

1. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: Fall Creek  
Third Party Negotiator: PacifiCorp  
City Negotiators: City Manager and City Attorney  
Under Negotiation: Possible purchase including price, terms of payment, or both.
2. Conference with Legal Counsel - Anticipated Litigation  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code:  
(Number of cases to be discussed – 1 - The names of the parties are not disclosed, as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).
3. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
Agency negotiator: Steven Baker.  
Employee Organizations: Yreka Police Officer's Association.

**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).*

# Accounts Payable

## Computer Check Proof List by Vendor

User: lysandra  
Printed: 10/13/2016 - 9:22AM  
Batch: 00004.10.2016



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 2271	ACCELA INC #774375			Check Sequence: 1	ACH Enabled: False
ACC24771	INV ACC24771 - SEPTEMBER 2016	346.50	10/21/2016	70-030-0000-526-100	
ACC24771	INV ACC24771 - SEPTEMBER 2016	346.50	10/21/2016	80-030-0000-526-100	
	Check Total:	693.00			
Vendor: 1527	ACME COMPUTER			Check Sequence: 2	ACH Enabled: False
90839	INV 90839 - PHONE LINES	374.91	10/21/2016	01-030-0000-525-000	
	Check Total:	374.91			
Vendor: 1011	AMERICAN LINEN			Check Sequence: 3	ACH Enabled: False
LMED1326151	INV LMED1326151	29.11	10/21/2016	01-200-0000-526-000	
	Check Total:	29.11			
Vendor: 2217	TIMOTHY ASELTINE			Check Sequence: 4	ACH Enabled: False
1473	INV 1473 - SEPTEMBER 2016	135.00	10/21/2016	01-200-0000-520-001	
	Check Total:	135.00			
Vendor: 1591	AT&T			Check Sequence: 5	ACH Enabled: False
9117828 9/16	530 911-7828 615 4 9/16	199.56	10/21/2016	01-200-0000-517-000	
	Check Total:	199.56			
Vendor: 1135	BRUCE'S TOWING			Check Sequence: 6	ACH Enabled: False
18120	INV 18120 - TOWING	165.00	10/21/2016	01-200-0000-516-000	
	Check Total:	165.00			
Vendor: 2274	JOSEPH CASTIL			Check Sequence: 7	ACH Enabled: False
10/21/16	REQUEST FOR AN INCREASE FOR TRAVEL	58.50	10/21/2016	80-560-0000-513-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	58.50			
Vendor: 2412 368092	CHEM-TAINER INDUSTRIES INC INV 368092 - (2) 5000 GALLON VERTICAL B	10,038.66	10/21/2016	Check Sequence: 8 70-510-0000-450-044	ACH Enabled: False
	Check Total:	10,038.66			
Vendor: 3050 48631504	CHEVRON & TEXACO CARD SERVICES INV 48631504	131.20	10/21/2016	Check Sequence: 9 01-200-0000-520-310	ACH Enabled: False
	Check Total:	131.20			
Vendor: 3065 10/21/16 10/21/16 10/21/16 10/21/16	CITY OF YREKA - PETTY CASH SC RECORDER - COPIES SC RECORDER - COPIES HOGAN - FUEL RALEYS - TRNG REFRESHMENTS	3.00 4.00 38.31 9.98	10/21/2016 10/21/2016 10/21/2016 10/21/2016	Check Sequence: 10 01-220-0000-515-000 01-220-0000-515-000 01-030-0000-512-000 65-600-0000-515-000	ACH Enabled: False
	Check Total:	55.29			
Vendor: 1077 68402 68414	COMPUTER LOGISTICS CORPORATION INV 68402 - MONTHLY CONTRACT INV 68414 - CLOUD	1,666.67 144.00	10/21/2016 10/21/2016	Check Sequence: 11 01-200-0000-525-001 01-200-0000-517-000	ACH Enabled: False
	Check Total:	1,810.67			
Vendor: 2393 77058	DIAMOND STEEL CO INC INV 77058 - SHIFTER #331	101.73	10/21/2016	Check Sequence: 12 01-350-0000-520-000	ACH Enabled: False
	Check Total:	101.73			
Vendor: 2116 4325	DIRECTGOV SOURCE INV 4325 - VESTS	1,935.00	10/21/2016	Check Sequence: 13 01-200-0000-510-000	ACH Enabled: False
	Check Total:	1,935.00			
Vendor: 1915 212677	G & G HARDWARE (VEHICLE MAINT) INV 212677 - FOAM TAPE #283	9.13	10/21/2016	Check Sequence: 14 01-350-0000-520-000	ACH Enabled: False
	Check Total:	9.13			
Vendor: 2024 8289 9840	GERARD PELLETIER TRANSFER (FLEET) INV 8289 ACCT 45 INV 9840 ACCT 45	24.00 24.00	10/21/2016 10/21/2016	Check Sequence: 15 01-350-0000-416-001 01-350-0000-416-001	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
9912	INV 9912 ACCT 45	12.00	10/21/2016	01-350-0000-416-001	
	Check Total:	60.00			
Vendor: 2142	DOHN HENION			Check Sequence: 16	ACH Enabled: False
10/21/16	OCTOBER 2016 (2)	1,250.00	10/21/2016	01-040-0000-525-001	
	Check Total:	1,250.00			
Vendor: 1167	CLIFF KETTLE			Check Sequence: 17	ACH Enabled: False
7832	INV 7832 - NAME PLAQUES	57.41	10/21/2016	01-200-0000-516-000	
	Check Total:	57.41			
Vendor: 1157	MAGIC RAIN CAR WASH			Check Sequence: 18	ACH Enabled: False
SEPT 2016	INV SEPT 2016	72.00	10/21/2016	01-200-0000-520-001	
	Check Total:	72.00			
Vendor: 2406	DAVID MASON			Check Sequence: 19	ACH Enabled: False
2	INV 2 - SEPTEMBER 2016	883.88	10/21/2016	65-600-0000-526-000	
	Check Total:	883.88			
Vendor: 2353	MICHAEL BAKER INTERNATIONAL INC			Check Sequence: 20	ACH Enabled: False
956245	INV 956245 - GENERAL SERVICES	250.00	10/21/2016	01-060-0000-526-000	
	Check Total:	250.00			
Vendor: 2326	MORRISON STRUCTURES INC			Check Sequence: 21	ACH Enabled: False
1132	INV 1132 - FAIRLANE RD BR DECK	20,613.49	10/21/2016	60-310-3026-525-000	
	Check Total:	20,613.49			
Vendor: 1775	MUNICIPAL MAINTENANCE EQUIPMENT I			Check Sequence: 22	ACH Enabled: False
113451-IN	INV 113451-IN - PARTS #339	922.42	10/21/2016	01-350-0000-520-000	
	Check Total:	922.42			
Vendor: 1240	ORIENTAL TRADING COMPANY INC			Check Sequence: 23	ACH Enabled: False
679563684-01	INV 679563684-01 - GLOW STICKS 500CT	199.90	10/21/2016	24-200-0000-416-003	
	Check Total:	199.90			
Vendor: 16030	PACIFIC POWER			Check Sequence: 24	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
SEPTEMBER 2016	62665681-001 9	22.34	10/21/2016	01-200-0000-518-001	
SEPTEMBER 2016	62665681-002 7	342.35	10/21/2016	01-400-0000-518-001	
SEPTEMBER 2016	62665681-003 5	27,422.06	10/21/2016	70-510-0000-518-001	
SEPTEMBER 2016	62665681-004 3	26.08	10/21/2016	01-090-0000-518-001	
SEPTEMBER 2016	62665681-005 0	52.09	10/21/2016	01-370-0000-518-001	
SEPTEMBER 2016	62665681-006 8	773.08	10/21/2016	70-510-0000-518-001	
SEPTEMBER 2016	62665681-007 6	2,591.62	10/21/2016	20-312-0000-418-001	
SEPTEMBER 2016	62665681-010 0	389.73	10/21/2016	70-510-0000-518-001	
SEPTEMBER 2016	62665681-011 8	506.49	10/21/2016	01-210-0000-518-001	
SEPTEMBER 2016	62665681-014 2	58.32	10/21/2016	01-400-0000-518-001	
SEPTEMBER 2016	62665681-021 7	83.70	10/21/2016	01-230-0000-518-001	
SEPTEMBER 2016	62665681-023 3	500.13	10/21/2016	01-350-0000-518-001	
SEPTEMBER 2016	62665681-025 8	9,084.78	10/21/2016	80-560-0000-518-001	
SEPTEMBER 2016	62665681-032 4	591.27	10/21/2016	01-470-0000-518-001	
SEPTEMBER 2016	62665681-033 2	1,121.10	10/21/2016	01-480-0000-518-001	
SEPTEMBER 2016	62665681-034 0	28.43	10/21/2016	80-560-0000-518-001	
SEPTEMBER 2016	62665681-041 5	753.90	10/21/2016	01-020-0000-518-001	
SEPTEMBER 2016	62665681-050 6	280.39	10/21/2016	80-550-0000-518-001	
SEPTEMBER 2016	62665681-051 4	42.76	10/21/2016	20-312-0000-418-001	
SEPTEMBER 2016	62665681-065 4	79.29	10/21/2016	01-400-0000-518-001	
SEPTEMBER 2016	62665681-051 4	836.05	10/21/2016	01-420-0000-518-001	
SEPTEMBER 2016	62665681-027 4	1,319.99	10/21/2016	01-200-0000-518-001	
SEPTEMBER 2016	62665681-068 8	55.70	10/21/2016	01-400-0000-518-001	
SEPTEMBER 2016	62665681-069 6	134.57	10/21/2016	01-200-0000-518-001	
	Check Total:	47,096.22			
Vendor: 1630	PERSONNEL PREFERENCE			Check Sequence: 25	ACH Enabled: False
71235	INV 71235	342.94	10/21/2016	01-020-0000-525-000	
71235	INV 71235	63.94	10/21/2016	01-030-0000-525-000	
71235	INV 71235	23.25	10/21/2016	01-300-0000-525-000	
71235	INV 71235	69.75	10/21/2016	60-310-3025-525-000	
71235	INV 71235	69.75	10/21/2016	60-310-3026-525-000	
71235	INV 71235	75.56	10/21/2016	60-310-6036-525-000	
71235	INV 71235	145.31	10/21/2016	60-390-6035-525-000	
71235	INV 71235	23.25	10/21/2016	60-400-6029-525-000	
71235	INV 71235	52.31	10/21/2016	71-500-0000-625-011	
71235	INV 71235	58.13	10/21/2016	71-510-0000-625-003	
71235	INV 71235	5.81	10/21/2016	81-550-6038-525-000	
	Check Total:	930.00			
Vendor: 2216	RAY MORGAN COMPANY			Check Sequence: 26	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
1374453	INV 1374453	0.10	10/21/2016	01-020-0000-515-000	
1374453	INV 1374453	7.56	10/21/2016	01-300-0000-515-000	
1374453	INV 1374453	0.11	10/21/2016	01-370-0000-515-000	
1374453	INV 1374453	0.74	10/21/2016	01-060-0000-515-000	
1374453	INV 1374453	23.55	10/21/2016	01-030-0000-515-000	
1374453	INV 1374453	16.20	10/21/2016	01-030-0000-515-000	
1374453	INV 1374453	1.07	10/21/2016	01-020-0000-515-000	
1374453	INV 1374453	39.97	10/21/2016	70-030-0000-515-000	
	Check Total:	89.30			
Vendor: 2115	MITCH SHINAR			Check Sequence: 27	ACH Enabled: False
10/21/16	REQUEST FOR AN INCREASE FOR TRAVEL	58.50	10/21/2016	80-560-0000-513-000	
	Check Total:	58.50			
Vendor: 25035	MICHAEL SIMAS			Check Sequence: 28	ACH Enabled: False
42134	INV 42134 - BUSINESS CARDS	59.13	10/21/2016	01-200-0000-515-000	
42166	INV 42166 - SALES TAX FACT SHEET	518.37	10/21/2016	01-090-0000-561-026	
	Check Total:	577.50			
Vendor: 2346	SPEAKWRITE LLC			Check Sequence: 29	ACH Enabled: False
9DE5A88F	INV 9DE5A88F - SEPTEMBER 2016	594.03	10/21/2016	01-200-0000-525-000	
	Check Total:	594.03			
Vendor: 20015	TERMINIX INTERNATIONAL			Check Sequence: 30	ACH Enabled: False
5250606 16/17	ACCT 5250606 16/17 - FOR 1 YEAR	399.64	10/21/2016	01-020-0000-520-000	
5250618 16/17	ACCT 5250618 16/17 - FOR 1 YEAR	380.24	10/21/2016	01-020-0000-520-000	
	Check Total:	779.88			
Vendor: 1231	TRANSUNION RISK & ALTERNATIVE			Check Sequence: 31	ACH Enabled: False
SEPT 2016	SEPT 2016 CONTRACT	140.00	10/21/2016	01-200-0000-525-000	
	Check Total:	140.00			
Vendor: 4185	VERIZON WIRELESS			Check Sequence: 32	ACH Enabled: False
97722285044	INV 97722285044	372.44	10/21/2016	01-200-0000-517-000	
	Check Total:	372.44			
Vendor: 23040	WELDON'S TIRE SERVICE			Check Sequence: 33	ACH Enabled: False
41271	INV 41271 - TIRES #367	744.84	10/21/2016	01-350-0000-520-200	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	744.84			
Vendor: 1375	YREKA FIRE DEPT			Check Sequence: 34	ACH Enabled: False
10/07/16	SEPTEMBER 2016	729.00	10/21/2016	01-210-0000-560-000	
10/07/16	SEPTEMBER 2016	165.00	10/21/2016	01-210-0000-421-000	
10/07/16	SEPTEMBER 2016	1,875.08	10/21/2016	01-210-0000-513-000	
	Check Total:	2,769.08			
Vendor: 25120	YREKA TRANSFER			Check Sequence: 35	ACH Enabled: False
024631 9/16	ACCT 024631 9/16	102.00	10/21/2016	01-200-0000-518-004	
	Check Total:	102.00			
	Total for Check Run:	94,299.65			
	Total of Number of Checks:	35			

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON SEPTEMBER 26, 2016 @ 5:00 P.M.

On the 26<sup>TH</sup> day of September 2016, 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: Deborah Baird, Joan Smith Freeman, John Mercier and David Simmen Absent - None.

Public Comment: None.

**CLOSED SESSION:**

1. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: Fall Creek
  - Third Party Negotiator: PacifiCorp
  - City Negotiators: City Manager and City Attorney
  - Under Negotiation: Possible purchase including price, terms of payment, or both.

Mayor Mercier left the meeting at 5:50 p.m.

**5:52 p.m. RETURN TO OPEN SESSION:** Upon return to open session, City Manager Baker reported that no reportable action was taken in closed session.

**ADJOURNMENT** There being no further business before the Council the meeting was adjourned @ 5:52 p.m.

Attest:

\_\_\_\_\_  
John Mercier, Mayor  
Minutes approved by Council  
Motion October 20, 2016

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

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON OCTOBER 6, 2016

On the 6<sup>th</sup> day of October 2016, 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: Deborah Baird, John Mercier and David Simmen. Absent - Joan Smith-Freeman.

Consent Calendar: Mayor Mercier 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/ratification of payments issued from September 16, 2016 through October 6, 2016.
- b. Approval of Minutes of the meeting held September 15, 2016.
- c. Adopt Resolution extending the suspension of Section 13.76.010 of the Yreka Municipal Code allowing installation of banners on Fairlane Road.
- d. Acceptance of Treasurer's Report and Budget to Actual for the month of July and August 2016.
- e. Approval by Yreka City Council of the City of Yreka the 2015-2016 Operating Budget Closing Revisions.

Following Council discussion, Councilmember Simmen moved to approve the items on the consent calendar as submitted.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution authorizing the City to change the Water Conservation Stage from Stage Two (Water Alert) to Stage One (Basic Stage).

City Manager Steve Baker reported that Under the State Water Board's emergency water conservation regulations, Yreka was initially required to reduce water use by 32% as compared to the same month in 2013, the year before emergency conservation measures were implemented. The regulation was revised this summer to allow Urban Water Suppliers to make an adjustment to their conservation standard based on a "Stress Test" of water supply reliability.

PACE Engineering was able to document that water supplied from Fall Creek meets the regulatory requirement of being sufficient to withstand three more years of continuous drought. The self-certification documentation was submitted to the state and accepted. With Fall Creek calculated at meeting 100% of the City's water demand over the next three years, our new conservation standard is now at 0%.

The City received a Compliance Order from the State Water Board in December 2015 based on not meeting the conservation standards then in effect. The Order required the City to take a

number of actions to encourage water conservation. City staff implemented the actions required to the extent feasible. Because the City made a good faith effort to meet the terms of the Compliance Order and because the city's conservation efforts exceed the new standards shown above that take into account local conditions, the State Water Board has rescinded the Order.

With the new standards, the City may now reduce some water conservation requirements from mandatory to voluntary. The Resolution proposed tonight changes our water conservation requirements from Stage 2 (Water Alert) which requires among other things, mandatory watering schedules to Stage 1 (Basic) which has voluntary watering schedules.

City Manager Baker further reported that it is important to note that the State Water Board's emergency water conservation regulations are still in effect until January 2017. And all of the prohibitions on wasting water are still in effect. Although Cities were allowed to calculate a lower conservation target for the purpose of state enforcement, we are still expected to continue to promote and achieve water conservation at a local level. Statewide conservation efforts and drought conditions will be reassessed in early 2017 and the Board may re-impose higher mandatory restrictions if needed.

Following Council discussion, Councilmember Simmen moved to adopt the Resolution as submitted.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Five Resolutions Authorizing Membership in Joint Powers Authorities (JPAs) Offering Property Assessed Clean Energy (PACE) Programs, Inclusion of City Properties in Each Program Territory, and the Approval of Agreements with PACE Providers.

- a) Resolution of the City Council of the City of Yreka Consenting to the Inclusion of Properties Within the Territory of the City in the **CSCDA Open PACE Programs**; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City; and Authorizing Related Actions
- b) Resolution of the City Council of the City of Yreka, California, Consenting to the Inclusion of Properties Within the City's Jurisdiction in the **California HERO Program** to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving the Amendment to a Certain Joint Powers Agreement Related Thereto
- c) Resolution of the City Council of the City of Yreka, California, Approving Associate Membership by the City in the California Enterprise Development Authority; Authorizing the Execution of an Associate Membership Agreement Relating to Associate

Membership of the city in the Authority; Authorizing the City to Join the **Figtree PACE Program**; Authorizing the California Enterprise Development Authority to Conduct Contractual Assessments Within the Territory of the City of Yreka; and Authorizing Related Actions

- d) Resolution of the City Council of the City of Yreka, California, Consenting to Inclusion of Properties Within the City's Jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Improvements, Energy Efficiency and Water Conservation Improvements and Electric Vehicle Charging Infrastructure, and Approving Associate Membership in the Joint Exercise of Powers Authority Related Thereto ("**SB 555 PACE Program Resolution**")
- e) Resolution of the City Council of the City of Yreka, California, Consenting to Inclusion of Properties Within the City's Jurisdiction in the California Home Finance Authority AB 811 PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure ("**AB 811 PACE Program Resolution**")

City Manager Baker reported that Property Assessed Clean Energy (PACE) programs provide an innovative way to finance the installation of renewable energy, energy efficiency, water efficiency, and seismic strengthening improvements, as well as the installation of electric vehicle charging infrastructure. Property owners who participate in these programs repay the loans through a voluntary contractual assessment collected with their property taxes for up to 20 years. One of the most notable characteristics of PACE programs is that the loan is attached to the property as opposed to belonging to an individual. Therefore, when the owner sells the property, the loan remains attached to the property and is paid off by the new owner, who also benefits from the completed upgrades.

PACE financing enables individuals and businesses to defer the upfront costs of the improvements. PACE loans are paid over a long period of time, while energy costs are generally reduced as a result of the improvements, potentially providing the PACE consumer with net gains. Another benefit of PACE financing is that the credit score of the loan applicant is not a consideration for eligibility. Rather, eligibility criteria are focused on the loan to value ratio of the property and whether property tax payments are current. By eliminating upfront costs, providing low-cost long-term financing, and allowing property owners to transfer payment obligations to a new owner upon sale, PACE programs overcome challenges that have hindered adoption of sustainability measures for many property owners.

In 2014, the State of California established the PACE Loss Reserve Program, a \$10 million loan guarantee fund to provide security for PACE loans. This program is intended to mitigate potential risk to first mortgage lenders by making them whole for losses incurred due to the existence of a first-priority PACE lien on a property during a foreclosure or forced sale. Following the adoption of this program, residential PACE loans began to be issued across the State.

In order to participate in the PACE programs described in the following discussion, the City must (1) become a member of the Joint Powers Authority (JPA) that oversees each PACE program, and (2) adopt a resolution authorizing the inclusion of properties within the City of Yreka in the program territory and the levy of assessments or a special tax on participating properties within the City.

It is recommended that the City Council authorize the City to become an associate member of the following Joint Powers Authorities and allow the inclusion of City properties in each program territory so that Yreka property owners may participate in these PACE programs.

The recommended action would provide additional alternatives for Yreka property owners to finance renewable energy development, water and energy efficiency projects, seismic improvements and electric vehicle charging infrastructure on their properties. All of the PACE programs in the proposed resolutions are participants in the Loss Reserve Program. Allowing multiple PACE programs to operate within the City limits provides competitive benefits to property owners. Several Siskiyou County cities including Dunsmuir, Weed and Mt. Shasta have recently adopted similar resolutions.

The PACE programs named in the resolutions submitted for approval are offered by the following joint powers authorities:

1. California Statewide Communities Development Authority (CSCDA) Open PACE Program

CSCDA is a joint powers authority consisting of over 500 California cities and counties, which was founded and is sponsored by the League of California Cities and the California State Association of Counties. The City of Yreka passed Resolution 2499 on December 16, 2004 authorizing City membership in the CSCDA, which allows the City to participate in CSCDA programs. The OpenPACE Program offered by the CSCDA prequalifies PACE Administrators and saves communities the time and resources required to approve standalone PACE programs.

Enrolling in the CSCDA OpenPACE program will allow the City to be included in three different PACE programs, administered by Renewable Funding LLC (CaliforniaFIRST), AllianceNRG, and PACE Funding LLC. Once the City is a participant of the OpenPACE program, any future administrators that become authorized by OpenPACE can operate within the City of Yreka without the City taking further action.

Following Council discussion, Councilmember Simmen moved to adopt the Resolutions A- E as submitted.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Annual Development Impact Fee Report:

Public Hearing – to solicit public comments regarding the City’s intention to adopt a Resolution approving updates to the City’s Capital Improvement Plan and Development Impact Fee Program.

This being the time and date scheduled for the Public Hearing, Mayor Mercier opened the public hearing to the audience. There being no statements or comments from the audience, Mayor Mercier closed the public hearing.

Adopt Resolution approving updates to the City’s Capital Improvement Plan and Development Impact Fee Program.

Finance Director Rhetta Hogan reported On November 16, 2006, the City Council adopted Ordinance 790 establishing and implementing Development Impact Fees (DIFs) and made it a part of Title 11, Chapter. This Ordinance was amended twice, by Ordinance 795, and Ordinance 799 for technical amendments and re-titling it Municipal Utility Services, Impact and Connection Fees. Section 11.23.170 of Chapter 11.23 provides for an annual review of the capital improvement plan and an accounting of DIFs received and expended. The last report made to the Yreka City Council on November 5, 2015.

Based upon Government Code Section 66006(b), development fees must be reviewed annually and may be adjusted by the City Council after a noticed public hearing. The annual report shall include the following items.

1. A brief description of the type of fee collected;
2. The amount of the fee;
3. The beginning and ending balance of each type of fee held by the City;
4. The amount of fees collected and the interest earned;
5. An identification of each public improvement and the amount expended;
6. An identification of the approximate date by which the construction of the public improvement will be complete;
7. A description of each inter-fund transfer or loan made; and
8. The amount of refunds made (none reported).

As required by the Government Code, this information must be made available to the public through posting of a draft of this report. Upon the completion of a fifteen (15) day review period, Council will be asked to review and accept the report.

Funds held in reserves, in excess of five or more years are dedicated to specific expenditures contained in the Master Facility Plan and are consistent with the community's goals.

This item is presented for review as required by the Government Code to provide information to the public concerning collections and expenditures of Development Impact Fees (AB 1600 Fees). As long as the City maintains these fees, this annual review will be

required.

Update of Capital Improvement Plan: Pursuant to the provisions of Government Code Section 66002(b), the capital improvement plan adopted by the City by Resolution 2615 approving the Development Impact Fee Study shall be annually updated at a noticed public hearing. The Capital Improvement Plan, Capital Needs Prioritization was updated in September 2015 by Public Works and is being presented in addition to capital needs identified on the original report.

Following review staff submits the following Findings:

1. There is a reasonable relationship between the need for the described public facilities and the impacts of the various types of development, and,
2. There is a reasonable relationship between the fees use and the type of development for which the fee is charged, and
3. The cost estimates set forth in the Master Facilities Plan are reasonable cost estimates for constructing these facilities, and that the fees to be generated by new development will not exceed the total of these costs.

The Resolution submitted tonight reaffirms these findings.

- Since the last report submitted to and approved by City Council on November 5, 2015, no other change of circumstance has occurred since the Capital Improvement Plan and Development Impact Fee program were adopted.
- Neither General Plan designations nor growth projections in the City have materially changed in the last year.
- The remainder of the public facilities identified in the Development Impact Fee Report are still required to serve the needs, which will be created by new development in the City.
- A relationship between the need for such public facilities, the amount of fees necessary to fund development of such facilities, and the impacts of development for which the fees are charged has remained unchanged from when these programs were adopted.
- There have been duly authorized index adjustments of the cost of the public improvements and the fee amounts made pursuant to YMC Section 11.23.180.
- Government Code Section 66006(b), which requires the Annual Review report of AB 1600 fees be made within 180 days after the last day of each fiscal year and that it be reviewed by the City Council at the next regularly scheduled public meeting not less than 15 days after the information is made available to the public. The update of the capital improvement plan can be by resolution, but must occur at a noticed public hearing (one newspaper publication of the notice 10 days prior to the public hearing.) Gov. Code Section 66002. The update of the capital improvement plan and approval of the DIF fees report can occur at the same time.

Following Council discussion, Councilmember Baird moved to adopt the Resolution as submitted.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA: Baird, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

**CLOSED SESSION:**

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
Agency negotiator: Steven Baker.  
Employee Organizations: Yreka Police Officer's Association.
2. Conference with Legal Counsel - Anticipated Litigation  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 1 - The names of the parties are not disclosed, as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

**RETURN TO OPEN SESSION:** Upon return to open session, City Manager Baker reported no reportable action was taken in closed session.

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

Attest:

\_\_\_\_\_  
John Mercier, Mayor  
Minutes approved by Council  
Motion October 20, 2016

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



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

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To: Yreka City Council

Prepared by: Steven W. Baker, City Manager  
Matt Bray, Public Works Director

Agenda title: Discussion/Possible Action: Approval of location of Stage Coach; authorize a long term encroachment agreement for a stagecoach at a location west of the crosswalk in front of the Franco American Building

Meeting date: October 20, 2016

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**Discussion:** Gary Nelson, owner of the Franco American building on Miner Street has requested permission to place a stagecoach in the landscaping area in front of his building. This was discussed at Council meetings, including the November 5, 2015 Council meeting and Mr. Nelson was permitted to place the stagecoach in the loading zone in front of the building to see how it fit in with ambiance of Miner Street and the geometry of the proposed location.

Mr. Nelson's preferred location is to place the stagecoach immediately east of the crosswalk in front of his building. This would require removal of one of the trees at this location. Public Works has reviewed this location in response to a question at the Council meeting and has determined that the sight lines for pedestrians entering the sidewalk at this location would not permit this location to be used (pedestrians would be walking into the traffic lane from behind the stagecoach).

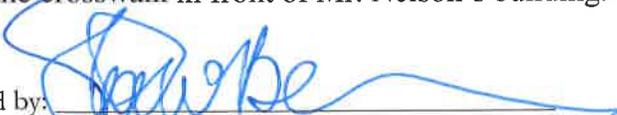
If Council decides to continue to allow the stagecoach to be in front of the building, the recommended location would be to the west of the crosswalk. The flower planter to the west would need to be enlarged, the tree removed, the irrigation system redesigned and installed to accommodate the wagon. This will affect the location of the loading zone. The loading zone sign will need to be moved to the west and yellow curb paint extended. The sight lines for the crosswalk would not be an issue because pedestrians would be visible to on-coming westbound traffic

All work would be at the expense of the owner and subject to construction standards set forth within an encroachment agreement.

The Council could also permit the stagecoach to stay in the loading zone, however, Mr. Nelson report that some of his tenants and other nearby businesses rely on this loading zone for their deliveries.

Note that the original stagecoach was burned and another coach has been brought in to the location.

Staff is recommending that Council authorize a long term encroachment agreement at the location west of the crosswalk in front of Mr. Nelson's building.

Approved by:   
Steven Baker, City Manager

**Recommendation:** That the Council authorize a long term encroachment agreement for a stagecoach at a location west of the crosswalk in front of the Franco American Building.

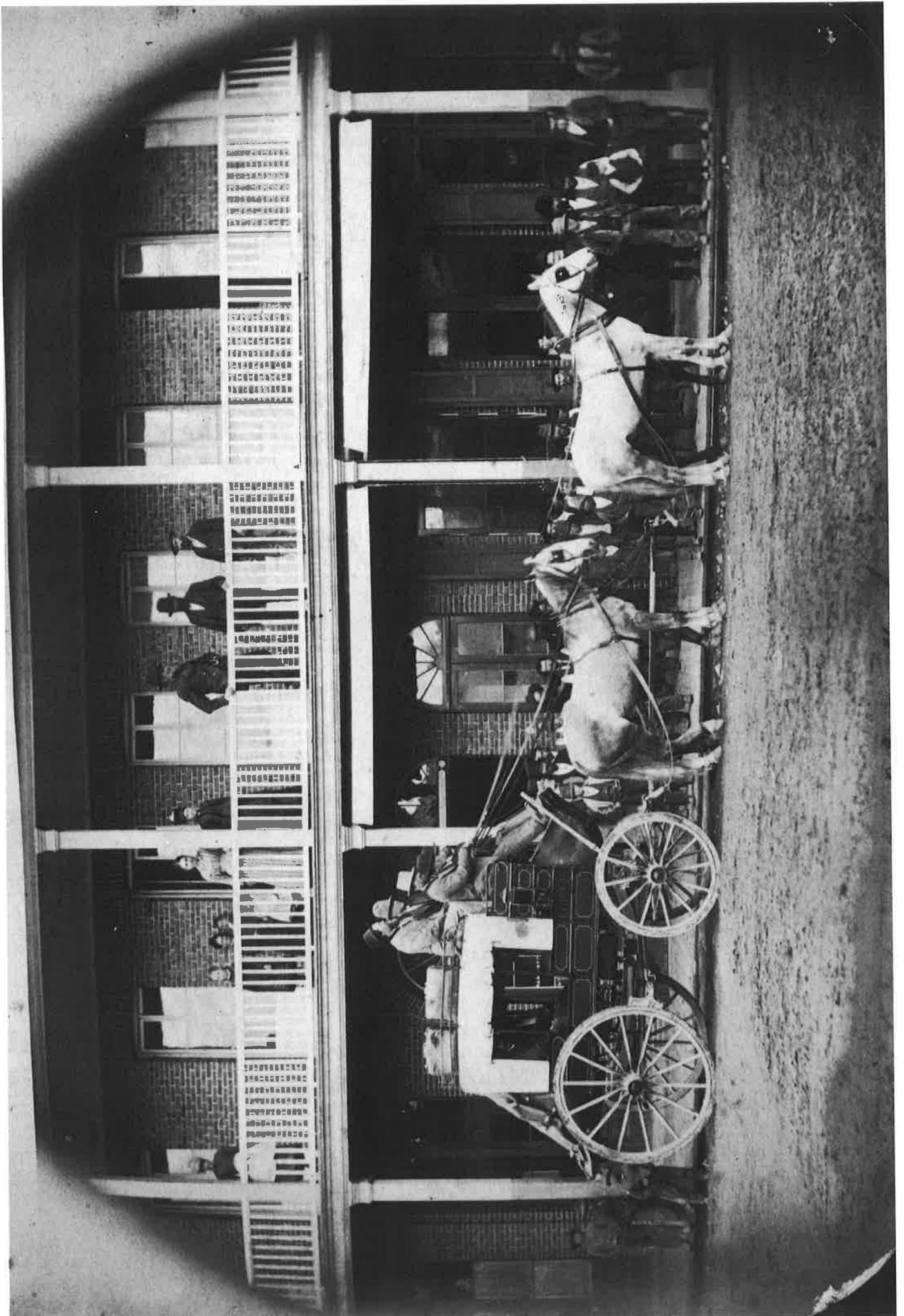
Steve Baker

I would like to display a Mud Wagon (Stage Coach) in front of Franco America Hotel Building as shown in enclosed pictures.

Please OK the location on the edge of street in front of hotel on City flower garden removing one damaged tree.

Please advise me!

Gary Nelson





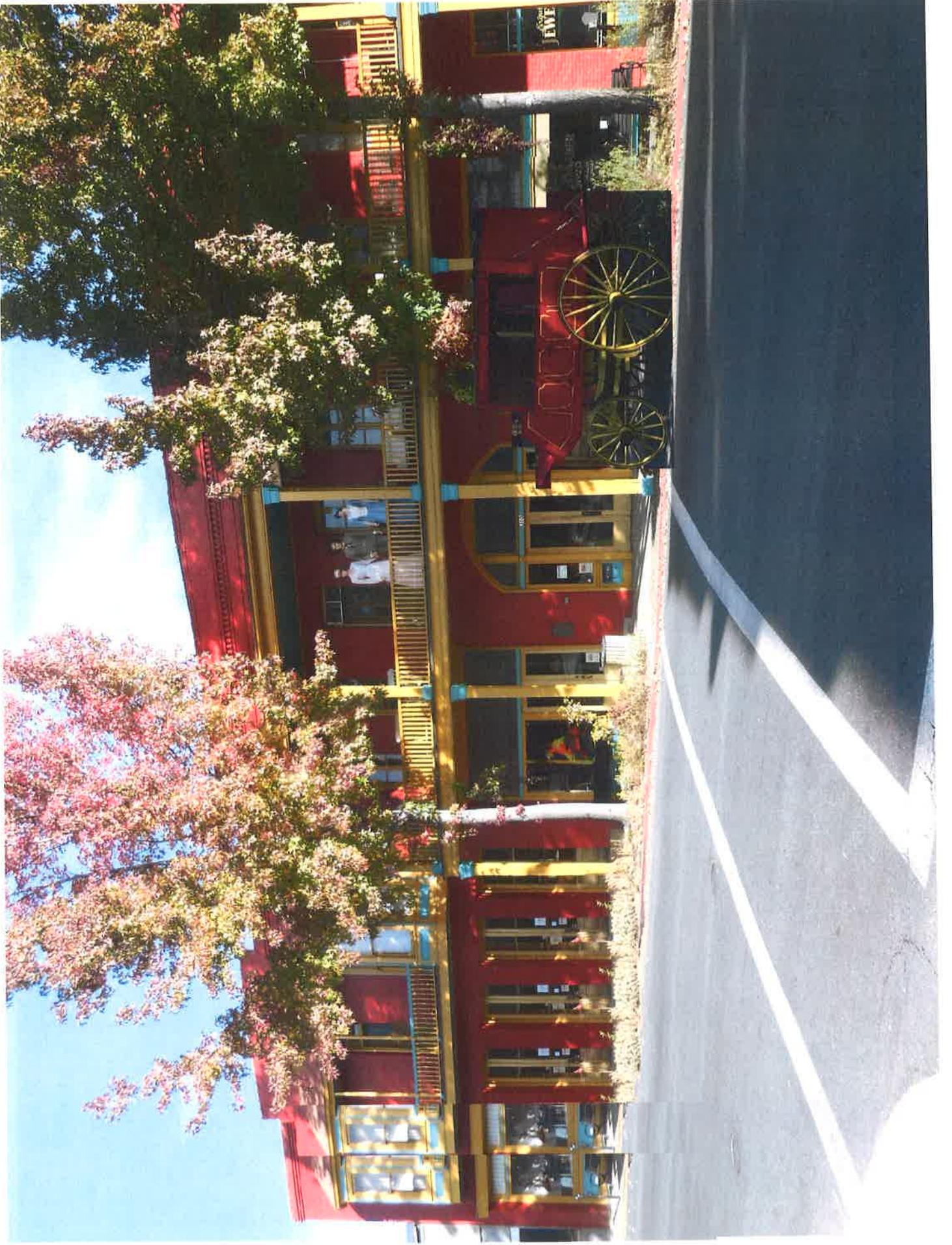
Wika Stage.

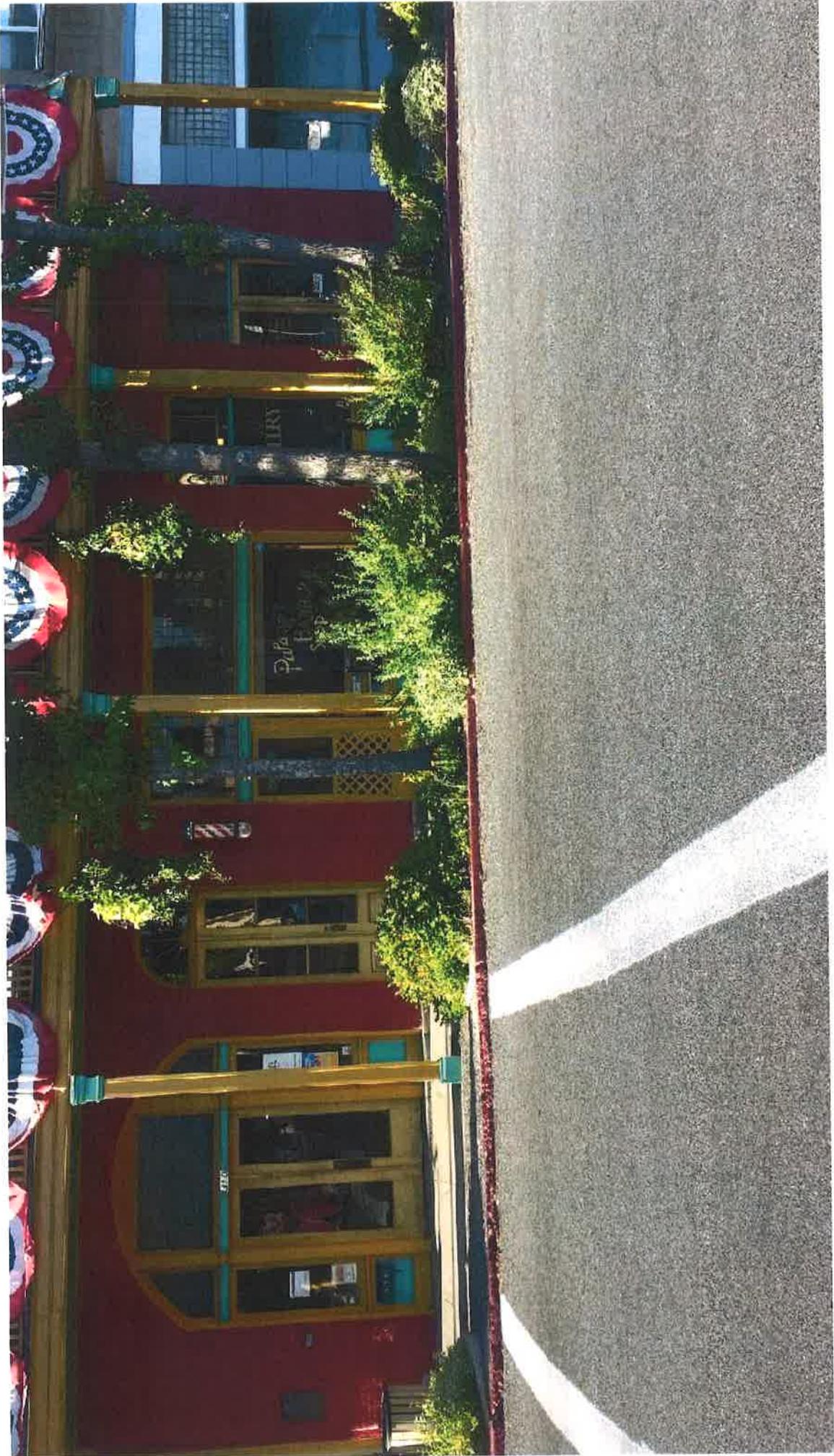


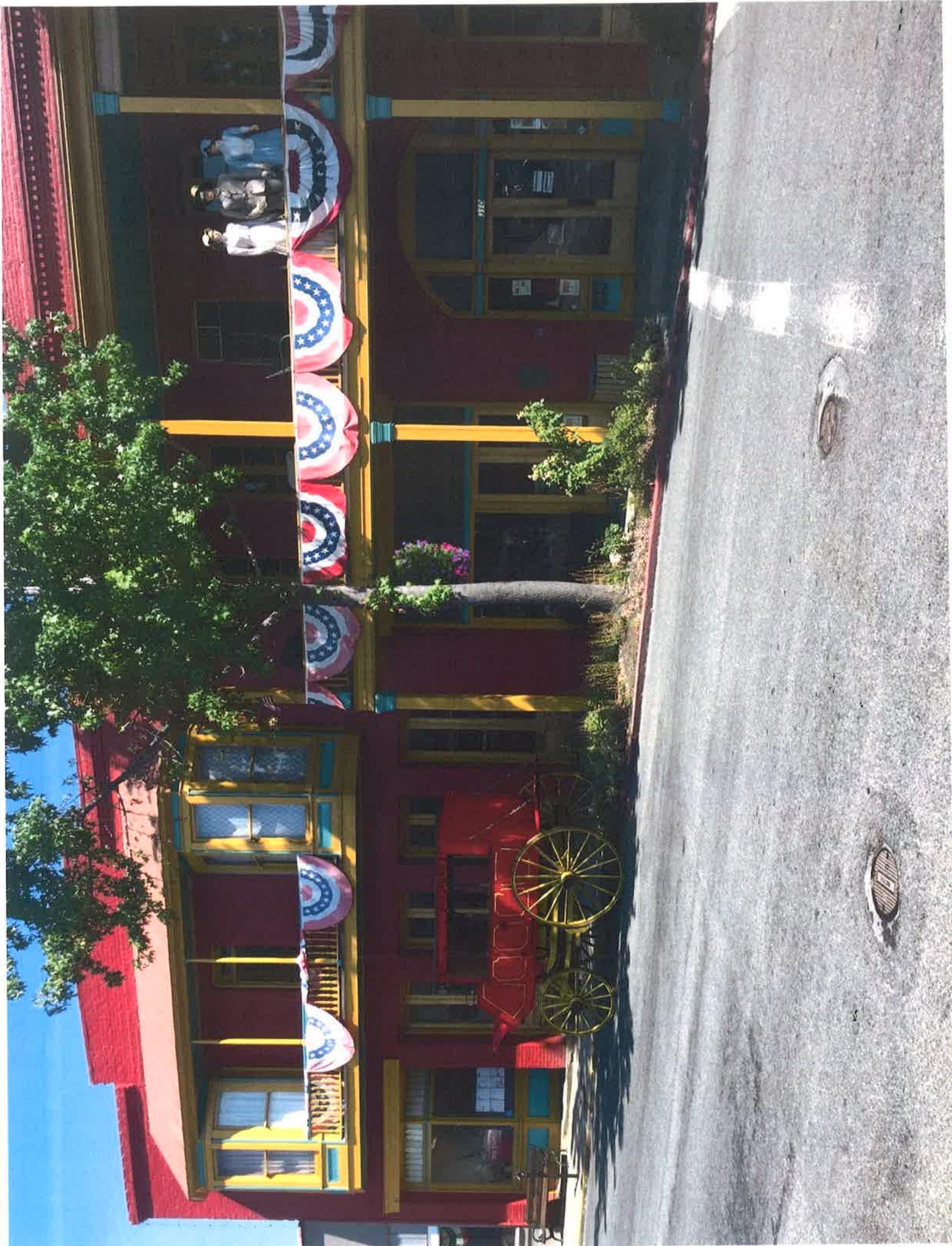
HOTEL YREKA

HOTEL

BACK  
State  
Museum  
1930





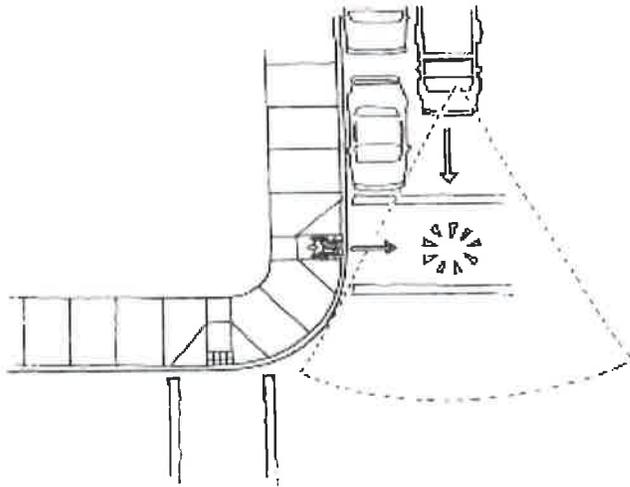


# Wagon parking

Thursday, September 01, 2016 8:58 AM

## 8.9 Improving sight lines at intersections

At pedestrian crossings, generous sight distances and unobstructed sight lines will allow motorists and pedestrians to detect each other in time to avoid collisions. Motorists also need appropriate sight distances to see traffic signals in time to stop. Sight lines should be designed so that the motorist can observe the movement of the pedestrian for a long enough period of time to accurately determine the pedestrian's speed. If the motorist has only a brief glimpse of the pedestrian, as at right turn slip lanes, and cannot observe the pedestrian's speed, he or she may overestimate the speed of slower pedestrians and not sufficiently slow his or her approach to the crosswalk.



*Figure 8-21. The parking lane in this illustration extends all the way to the crosswalk and prevents drivers from seeing pedestrians starting to cross the street. Parking lanes should be set back from the corner to increase the sight lines of motorists.*

From [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/sidewalk2/sidewalks208.cfm](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/sidewalks208.cfm)

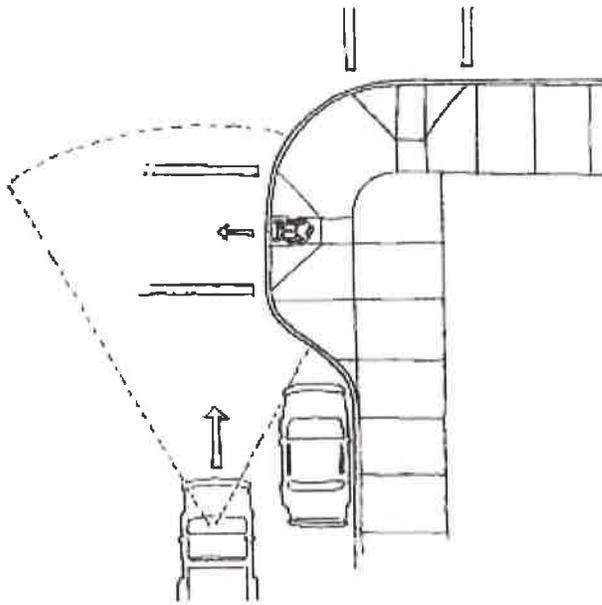
21950.5. (a) An existing marked crosswalk may not be removed unless notice and opportunity to be heard is provided to the public not less than 30 days prior to the scheduled date of removal. In addition to any other public notice requirements, the notice of proposed removal shall be posted at the crosswalk identified for removal.

(b) The notice required by subdivision (a) shall include, but is not limited to, notification to the public of both of the following:

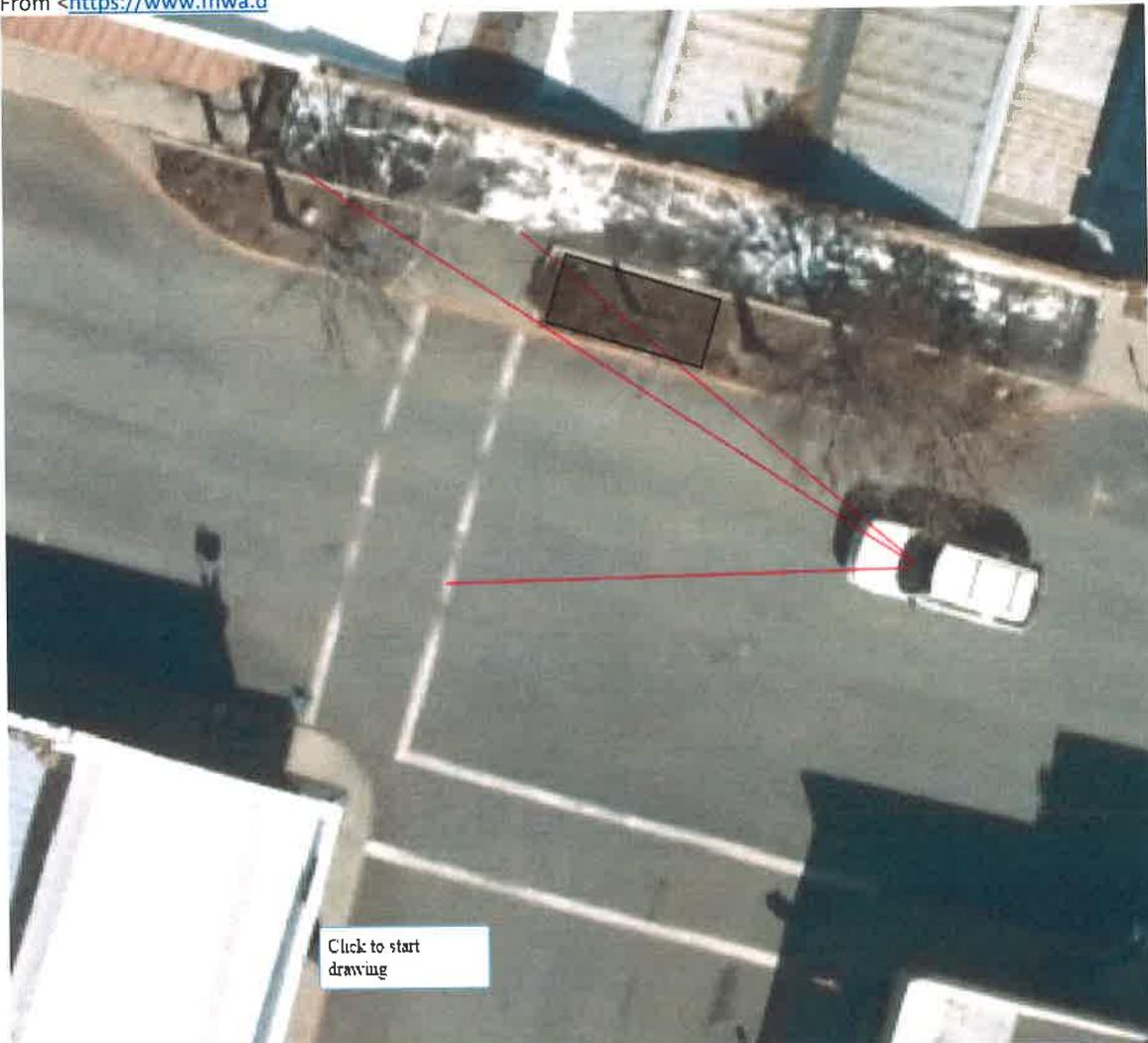
(1) That the public may provide input relating to the scheduled removal.

(2) The form and method of providing the input authorized by paragraph (1).

*Figure 4-47: Partial curb extensions improve visibility between pedestrians and motorists.*



From <<https://www.fhwa.d>



ot.gov/environment/bicycle\_pedestrian/publications/sidewalks/chap4b.cfm>

Property owner to extend bulb out on Westerly end to install Stagecoach entirely in planter. This is the best option which allows pedestrian traffic to be seen by drivers.





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

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To: Yreka City Council

From: Matthew K. Bray, Director of Public Works *MB*

Prepared by: Jeannette Hook, Administrative Assistant *JH*

Agenda title: DISCUSSION/ POSSIBLE ACTION: INTRODUCE AN ORDINANCE CREATING SECTION 12.40 (STORM WATER CONTROL) OF THE YREKA MUNICIPAL CODE ESTABLISHING THE AUTHORITY TO REGULATE STORM WATER WITHIN THE CITY OF YREKA

Meeting date: October 20, 2016

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Discussion:

In 2013, the State Water Resources Control Board adopted Water Quality Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 which establishes Waste Discharge Requirements for storm water discharges from Small Municipal Separate Storm Sewer Systems (aka MS4s), and which is often referred to as the "Phase II Storm Water General Permit". This Permit makes the City responsible for discharges from the storm drain system, including any contaminants that occur in the storm water runoff.

Violations of permit provisions may result in penalty fines or 3<sup>rd</sup> party lawsuits. The Permit requires local MS4 agencies to regulate storm water in order to reduce the discharge of contaminants to impaired waterways from its storm drain system. Adoption of this ordinance satisfies the requirement to establish appropriate local regulatory authority.

Yreka has been included in the General Permit because Yreka Creek is a tributary to the impaired waters of the Shasta and Klamath Rivers. Our "urbanized" community has the potential to discharge contaminants which contribute to the identified impairments of these rivers.

Fiscal Impact:

Adoption of this ordinance does not have specific or immediate fiscal impacts. Costs for implementation of this required storm water program have been included in the budget. Expenditures will increase as compliancy with state regulations is met.

Recommendation and Requested Action:

Discussion/ Possible action: Introduce an Ordinance creating section 12.40 (Storm Water Control) of the Yreka Municipal Code establishing the authority to regulate Storm Water within the City of Yreka.



CITY OF YREKA CALIFORNIA  
PUBLIC NOTICE  
ORDINANCE SUMMARY

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NOTICE IS HEREBY GIVEN that on October 20, 2016, the City Council of the City of Yreka, California, will introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY OF YREKA AMENDING TITLE 12, BY ADDING TO TITLE 12 AND ENACTING CHAPTER 12.40 PERTAINING TO STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL AND FINDING THAT THE ORDINANCE IS EXEMPT FROM CEQA

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The proposed ordinance adds Chapter 12.40 to Title 12 of the Yreka Municipal Code which is entitled the "City of Yreka Stormwater Quality Management and Discharge Control Ordinance." California's Regional Water Control Board administers California's water quality under the authorization of the United States Environmental Protection Agency. As applicable in this instance, the State regulates discharges of stormwater and other types of discharges originating in Yreka to help ensure that any discharges of stormwater and other runoff carrying pollutants do not exceed of applicable water quality standards. It has designated Yreka as a Phase II, Small Municipal Separate Storm Sewer System (MS4) permittee and requires the city to adopt this Ordinance to provide Yreka with the legal authority necessary to control discharges to and from those portions of the municipal storm water system over which it has jurisdiction and to hold dischargers accountable for their contributions of Pollutants and flows.

It defines important terms used in the ordinance and makes findings of facts. It finds that the Ordinance is exempt from environmental impact analysis. It prohibits certain releases of water and runoff that may contain pollutants from being discharged into the City's Storm Drains or any natural water course that will run into waters of the United States. It establishes activities that are prohibited such as illicit connections, littering and disposal of debris into the storm drain system. It requires site operators of those engaged in industrial and construction activity to control the discharge of potential contaminants and provide evidence to the City that they have obtained applicable permits. It requires those engaging in designated activity to engage in pollution prevention techniques by taking action to employ best management practices to the maximum extent possible, and source control requirements, including those related to the storage and parking of vehicles. It provides the authority for Yreka to establish policies establishing stormwater pollution prevention plans, hazardous materials release response plans and best management practices as well as other administrative authority. The Ordinance establishes the authority of the City to investigate, inspect, sample, photograph, identify discharges, establish monitoring and reporting authority and to eliminate and resolve discharges and illicit connections that are potential violations. It provides authority to establish a process for the containment and notification of spills to prevent discharges into receiving waters. It establishes Yreka's authority to issue emergency orders and to provide for nuisance abatement. It establishes procedures and penalties for violations,

reimbursement for the costs of enforcement of this Ordinance and provides for the process for the appeal of enforcement actions.

The complete text of the Ordinance is posted and may be read during normal business hours at City Hall, 701 Fourth Street, Yreka, California and from any web browser by viewing the city's website which is located at [www.ci.yreka.ca.us](http://www.ci.yreka.ca.us) when the city posts the agenda for that meeting.



1  
2  
3                   ORDINANCE NO. \_\_\_\_\_  
4

5                   **AN ORDINANCE OF THE CITY OF YREKA AMENDING TITLE 12, BY**  
6                   **ADDING TO TITLE 12 AND ENACTING CHAPTER 12.40 PERTAINING TO**  
7                   **STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL AND**  
8                   **FINDING THAT THE ORDINANCE IS EXEMPT FROM CEQA**

9                   Now, Therefore, the City Council of the City of Yreka does ordain as follows:

10                   **SECTION ONE – CLASSIFICATION.**

11                   This ordinance is classified as a codified ordinance of a permanent nature.

12                   **SECTION TWO – ENACTMENT.**

13                   There is hereby added to Title 12 of the Yreka Municipal Code Chapter 12.40  
14                   the Stormwater Quality Management and Discharge Control Ordinance as  
15                   follows:

16                   **12.40 Stormwater Quality Management and Discharge Control Ordinance**

17                   12.40.010 **Short Title.** This chapter shall be known as the “City of Yreka  
18                   Stormwater Quality Management and Discharge Control Ordinance.”

19                   12.40.020 **Purpose and Intent.**

20                   The City of Yreka is a Phase II, Small MS4 permittee under the “Waste  
21                   Discharge Requirements for Municipal Separate Storm Sewer System (MS4)  
22                   Discharges”. The purpose and intent of this chapter is to comply with the  
23                   requirements imposed upon the City in the Phase II Small MS4 permit and to  
24                   protect and promote the health, safety, and general welfare of citizens, and  
25                   protect and enhance the water quality of watercourses, water bodies, and  
26                   wetlands in a manner pursuant to and consistent with the Federal Clean  
27                   Water Act (33 U.S.C. §1251 et seq.), and the Porter-Cologne Water Quality  
28                   Control Act (California Water Code Section 13000 et seq.), so that, to the  
29                   maximum extent practicable, any discharges shall not cause or contribute to  
30                   any exceedances of water quality standards contained in the Statewide  
31                   Water Quality Control Plan, the California Toxics Rule, or in the North Coast

32 Region Regional Water Board Basin Plan amended and supplanted, and by  
33 prohibiting Non-Storm Water Discharges to the Storm Drain System,  
34 excepting non-significant non-Stormwater contributors.

35 This chapter is also intended to provide the City with the legal authority  
36 necessary to control discharges to and from those portions of the municipal  
37 storm water system over which it has jurisdiction as required by the  
38 municipal NPDES permit and to hold Dischargers to the Storm Drain System  
39 accountable for their contributions of Pollutants and flows.

40 **12.40.030 Findings.** The City Council of the City of Yreka, California makes  
41 the following findings:

42 A. The Federal Clean Water Act (33 U.S.C. 1251, et seq.) provides  
43 for the regulation and reduction of pollutants discharged into the waters of  
44 the United States by extending National Pollutant Discharge Elimination  
45 System (hereinafter "NPDES") requirements to Stormwater and Urban Runoff  
46 discharge into municipal storm drain systems.

47 B. The City of Yreka is authorized by Article XI, Sections 5 and 7 of the  
48 State Constitution and the California Water Code to exercise the police  
49 power of the state by adopting regulations to promote public health, public  
50 safety and general prosperity by:

51 1. Minimizing non-Stormwater discharges, whose pollutants  
52 would otherwise degrade the water quality of local streams, to the  
53 Stormwater system.

54 2. Minimizing increases in nonpoint source pollution caused by  
55 Stormwater runoff from development that would otherwise degrade  
56 local water quality.

57 3. Controlling the discharge to the city's Stormwater system from  
58 spills, dumping or disposal of materials other than Stormwater.

59 4. Reducing Stormwater run-off rates and volumes and nonpoint  
60 source pollution whenever possible, through Stormwater management  
61 controls and ensuring that these management controls are properly  
62 maintained and pose no threat to public safety.

63 C. As of 2013, the City of Yreka is subject to the "General Permit for  
64 Waste Discharge Requirements for Storm Water Discharges from Small  
65 Municipal Separate Storm Sewer Systems (MS4), State Water Resources  
66 Control Board Water Quality Order No. 2013-0001-DWQ" National Pollutant

67 Discharge Elimination System (NPDES) General Permit No. CAS 000004 as  
68 it may be amended from time to time.

69 **12.40.040 Definitions.**

70 The terms used in this chapter shall have the following meanings:

71 **“Area Of Special Biological Significance”** or (ASBS) means any areas  
72 designated by the State Water Board as areas requiring protection of species  
73 or biological communities to the extent that alteration of natural water quality  
74 is undesirable. All areas of special biological significance are also classified  
75 as a subset of State Water Quality Protection Areas.

76 **“Basin Plan”** means the applicable sections of the Water Quality Control  
77 Plan for the North Coast Region, and its subsequent amendments.

78 **“Best Management Practices” or (BMPs)** means activities, prohibitions,  
79 practices, or maintenance procedures that prevent or reduce the Discharge  
80 of Pollutants or discharges directly or indirectly to the Storm Drain System  
81 and waters of the State and/or United States consistent with the California  
82 Storm Water Quality Association (CASQA) Best Management Practice  
83 Handbooks or equivalent.

84 Best Management Practices include but are not limited to: Treatment  
85 facilities to remove pollutants from Stormwater; operating and maintenance  
86 procedures; facility management practices to control runoff, spillage or leaks  
87 of non-storm water, waste disposal, and drainage from materials storage;  
88 erosion and sediment control practices; and the prohibition of specific  
89 activities, and procedures and such other provisions as the City determines  
90 appropriate for the elimination of pollutants into Yreka’s watershed.

91 **“CASQA”** means the California Stormwater Quality Association.

92 **“City”** means the City of Yreka, in the county of Siskiyou, California

93 **“Clean Water Act” or (CWA)** means the federal Water Pollution Control  
94 Act, also known as the Clean Water Act, 33 USC § 1251 et seq., and any  
95 subsequent amendments thereto.

96 **“Construction Activity”** means activities subject to NPDES Construction  
97 General Permits. These include construction activity as defined in 40 CFR  
98 § 122.26(b)(14)(x) and small construction activity as defined in 40 CFR §  
99 122.26(b)(15). This includes a disturbance to the land that results in a  
100 change in the topography, existing soil cover (both vegetative and non-  
101 vegetative), or the existing soil topography that may result in accelerated

102 stormwater runoff, leading to soil erosion and movement of sediment into  
103 surface waters or drainage systems. Examples of construction activity may  
104 include clearing, grading, filling, and excavating. Construction activity  
105 includes the disturbance of less than one acre of total land area that is a  
106 part of a larger common plan of development or sale if the larger common  
107 plan will ultimately disturb one (1) acre or more.

108 **“Control”** means to minimize, reduce or eliminate by technological, legal,  
109 contractual, or other means, the Discharge of Pollutants from an activity or  
110 activities.

111 **“Costs of Enforcement”** or **“Enforcement Costs”** means the total cost  
112 incurred by the City in connection with a public nuisance including, but not  
113 limited to:

114 A. Any cost incurred in removing or remedying a public nuisance;

115 B. All costs incurred by the City or imposed by any state, federal or local  
116 administrative agency upon the City proximately caused by, or contributed  
117 to, as result of any Discharge made by a person, including but not limited to  
118 City’s costs incurred in responding to the administrative agency, staff and  
119 attorney’s fees together with all fines imposed upon City, penalties imposed  
120 upon City, remediation and/or corrective action costs, and other expenses  
121 incurred by the City to comply with that administrative agencies orders;

122 C. The actual expenses and costs of the City in preparation of notice and  
123 order, reconsideration, appeal and termination fees for administrative  
124 services rendered by the City in connection with the Inspection, notification,  
125 prosecution and abatement procedures authorized by this code:

126 1. Notice and order, appeal and termination fees in such amounts as  
127 are determined from time to time by resolution of the city council;

128 2. Notice and order, appeal and termination fees based on services  
129 rendered by the City from the time of the initial complaint intake for the  
130 purpose of documenting a violation of this code until the violation is  
131 corrected;

132 3. The actual costs of conducting any hearing, including hearing officer  
133 and court reporter fees.

134 4. The notice and order, appeal and termination fees are not intended  
135 to be a penalty imposed for violation of this code or other laws;

136 5. Specifications and contracts;

137 6. Any attorney's fees expended by the prevailing party related to the  
138 abatement of the nuisance, through inspection warrant, administrative  
139 hearing, civil action or otherwise whenever the City elects, at the initiation of  
140 that individual action or proceeding, to seek recovery of its own attorneys'  
141 fees;

142 7. The fees of any professional rendering services relating to the  
143 Inspection, notification, prosecution and abatement procedures authorized by  
144 this chapter.

145 8. The cost of printings and mailings required under this code;

146 9. All costs or expenses to which the City may be entitled pursuant to  
147 Health and Safety Code Section 510 and other statutory entitlement;

148 10. All costs and expenses for which the City may be liable under state  
149 or federal law, regulations, or order arising from or related to the nuisance.

150 D. Any cost incurred by the City in collecting the costs enumerated in  
151 subsections A, B and C of this definition.

152 **“Development”** means construction, rehabilitation, redevelopment or  
153 reconstruction of any public or private residential project (whether single-  
154 family, multi-unit or planned unit development), industrial project,  
155 commercial project, retail project, and other nonresidential projects,  
156 including public agency projects; or mass grading for future construction. It  
157 does not include Routine Maintenance to maintain original line and grade,  
158 hydraulic capacity, or original purpose of facility, nor does it include  
159 emergency construction activities required to immediately protect public  
160 health and safety.

161 **“Director”** means the City of Yreka Public Works Director or designee.

162 **“Discharge”** means any release, spill, leak, pump, flow, escape, dumping, or  
163 disposal of any liquid, semi-solid, or solid substance.

164 **“Discharge of Pollutants”** means any addition of any “pollutant” or  
165 combination of pollutants to “waters of the United States” from any “point  
166 source” or, any addition of any pollutant or combination of pollutants to the  
167 waters of the “contiguous zone.” The term discharge includes additions of  
168 pollutants into waters of the United States from: surface runoff which is  
169 collected or channeled by man; discharges through pipes, sewers, or other  
170 conveyances owned by a state, municipality, or other person which do not  
171 lead to a Treatment works; and discharges through pipes, sewers, or other  
172 conveyances, leading into privately owned treatment works.

173 **“Discharger”** means the person, corporation, partnership or other entity  
174 directly causing or allowing the discharge.

175 **“Environmentally Sensitive Area”** or (ESA) means an area in which plant or  
176 animal life or their habitats are either rare or especially valuable because of  
177 their special nature or role in an ecosystem and which would be easily  
178 disturbed or degraded by human activities and developments (California  
179 Public Resources Code Section 30107.5).

180 Areas subject to storm water mitigation requirements are areas designated  
181 as Significant Ecological Areas by the County of Siskiyou (Siskiyou County  
182 Significant Areas Study, Siskiyou County Department of Regional Planning  
183 (1976) and amendments); an area designated as a Significant Natural Area  
184 by the California Department of Fish and Game’s Significant Natural Areas  
185 Program, provided that area has been field verified by the Department of  
186 Fish and Game; an area listed in the Basin Plan as supporting the Rare,  
187 Threatened, or Endangered Species (RARE) beneficial use; and an area  
188 identified by the City as environmentally sensitive.

189 **“Hazardous Materials”** or **“Hazardous Substances”** means without  
190 limitation, any material that because of its quantity, concentration, or physical  
191 or chemical characteristics, poses a significant present or potential hazard to  
192 human health and safety or to the environment if released into the work place  
193 or the environment. It includes any material(s) defined as hazardous by  
194 Division 20, Chapter 6.95 of the California Health and Safety Code.  
195 Hazardous substances also include, but are not limited to, those substances  
196 included within the definitions of "hazardous substance," "hazardous waste,"  
197 "hazardous material," "toxic substance," "solid waste," or "pollutant or  
198 contaminant" in any local, state or federal law or regulation.

199 **“Illicit Connection”** means any human-made conveyance that is connected  
200 to the storm drain system without a permit, including roof-drains and other  
201 connections intended to remove storm water from residential properties.  
202 Illicit Connections include either of the following:

203 1. Any drain or conveyance, whether on the surface or subsurface,  
204 which allows an Illicit Discharge to enter the Storm Drain System including  
205 but not limited to any conveyances which allow any Non-Storm Water  
206 Discharge including sewage, process wastewater, and wash water enter the  
207 Storm Drain System, and any connections to the storm drain facilities,  
208 whether from pipes, drains, open channels, or other conveyances, and/or  
209 from indoor drains and sinks, regardless of whether said drain or connection

210 had been previously allowed, permitted, or approved by a government  
211 agency; or

212 2. Any drain or conveyance connected from a commercial or industrial  
213 land use to the storm drain facilities which has not been documented in  
214 plans, maps, or equivalent records and approved by the City.

215 **“Illicit Discharge”** means any discharge that is prohibited under local, state,  
216 or federal statutes, ordinances, codes, or regulations and is:

217 1. Into the MS4;

218 2. From the MS4 into a receiving water;

219 3. Through a Natural Drainage Channel into the MS4 or into a  
220 receiving water; or

221 4. Directly into a receiving water. The term illicit discharge  
222 includes any Non-Storm Water Discharge, except authorized non-storm  
223 water discharges; conditionally exempt non-storm water discharges;  
224 and non-storm water discharges resulting from natural flows  
225 specifically identified in the NPDES permit.

226 **“Industrial Activity”** means activities subject to NPDES Industrial  
227 Permits as defined in 40 CFR, Section 122.26 (b)(14).

228  
229 **“Incidental Runoff”** means the unintended amounts of runoff, such as  
230 unintended, minimal overspray from sprinklers that escapes the area of  
231 intended use. Water leaving an intended use is not considered incidental if it  
232 is part of the facility design, if is due to excessive application, if it is due to  
233 intentional overflow or application, or if it is due to negligence.

234 **“Infiltration”** means the downward entry of water into the surface of the soil.

235 **“Inspection”** means entry and the conduct of an on-site review of a facility  
236 and its operations, at reasonable times, at reasonable times, any facilities,  
237 equipment, practices, or operations for active or potential storm water  
238 discharges, or non-compliance with local ordinances/standards or  
239 requirements in this Order, as consistent with any applicable state and  
240 federal laws to determine compliance with specific municipal or other legal  
241 requirements. The steps involved in performing an inspection, include, but  
242 are not limited to:

243 1. Pre-inspection documentation research;

244 2. Request for entry;

- 245           3. Interview of facility personnel;  
246           4. Facility walk-through;  
247           5. Visual observation of the condition of facility Premises;  
248           6. Visual and mechanical observation of Illicit Discharges and  
249 Illicit Connections.  
250           7. Examination and copying of Records as required;  
251           8. Sample collection (if necessary or required);  
252           9. Exit conference (to discuss preliminary evaluation); and  
253           10. Report preparation, and if appropriate, recommendations  
254 for coming into compliance.

255 **“National Pollutant Discharge Elimination System (NPDES) Storm Water**  
256 **Discharge Permit”** means a permit issued pursuant to section 402 of the  
257 Clean Water Act, 33 USC. 1342, and administered by the State of California  
258 under the authority of the U.S. Environmental Protection Agency, permitting  
259 the Discharge of Pollutants into navigable waters of the United States.

260 **“MS4”** means municipal separate storm sewer system (MS4). The MS4 is a  
261 conveyance or system of conveyances (including roads with drainage  
262 systems, municipal streets, catch basins, curbs, gutters, ditches, manmade  
263 channels, or storm drains):

- 264           1. Owned or operated by a state, city, county, district,  
265 association, or other public body (created by or pursuant to California  
266 state law) having jurisdiction over disposal of sewage, industrial  
267 wastes, Stormwater, or other wastes, including special districts under  
268 state law such as a sewer district, flood control district or drainage  
269 district, or similar entity, or an Indian tribe or an authorized Indian  
270 tribal organization, or a designated and approved management agency  
271 under Section 208 of the CWA that discharges to waters of the United  
272 States;  
273           2. Designed or used for collecting or conveying Stormwater;  
274           3. Which is not a combined sewer; and  
275           4. Which is not part of a publicly owned treatment works  
276 (POTW) as defined at 40 CFR Section 122.2. (40 CFR Section  
277 122.26(b)(8)).  
278

279 **“Material”** means any substance including, but not limited to: garbage and  
280 debris; lawn clippings, leaves, and other vegetation; biological and fecal  
281 waste; sediment and sludge; oil and grease; gasoline; paints, solvents,  
282 cleaners, and any fluid or solid containing chemicals.

283 **“Maximum Extent Practicable”** or (MEP) means the standard for  
284 implementation of storm water management programs to reduce pollutants in  
285 storm water, including management practices, Control techniques and  
286 system, design and engineering methods. See also Municipal NPDES permit.

287 **“Municipal NPDES Permit”** means the “Waste Discharge Requirements for  
288 Municipal Separate Storm Sewer System (MS4) Discharges ~~issued to the~~  
289 ~~City~~ pursuant to State Water Resources Control Board Water Quality Order  
290 No. 2013-0001-DWQ, National Pollutant Discharge Elimination System  
291 (NPDES) General Permit No. Cas000004, which also serves as, a NPDES  
292 permit under the Federal Clean Water Act (NPDES No. CAS004001), as well  
293 as Waste Discharge Requirements under California law including the  
294 Statewide Water Quality Control Plan, the California Toxics Rule (the  
295 “municipal NPDES permit”), and any successor permit to that permit.

296 **“Natural Drainage Course”** means any creek, ravine, gully, channel, swale  
297 or depression or any unofficial ditch, or over which surface water periodically  
298 flows in its natural course.

299 **“Non-Storm Water Discharge”** means any discharge: (1) into the MS4; (2)  
300 into a Natural Drainage Course; (3) directly to a receiving water; (4) from the  
301 MS4 into a receiving water; or (5) into the ASBS and/or ESA, that is not  
302 composed entirely of storm water or is authorized by a separate NPDES  
303 Permit or exemptions.

304 **“NPDES Permit”** means any waste discharge requirements issued by the  
305 Regional Board or the State Water Resources Control Board as an NPDES  
306 permit pursuant to Water Code Section 13370 (other than the municipal  
307 NPDES permit).

308 **“Pollutant”** means those “pollutants” defined in Section 502(6) of the  
309 Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into  
310 California Water Code Section 13373. Examples of pollutants include, but  
311 are not limited to, the following:

312 1. Commercial and industrial waste (such as fuels, solvents,  
313 detergents, plastic pellets, hazardous substances, fertilizers,  
314 pesticides, slag, ash, and sludge);

- 315           2. Metals such as cadmium, lead, zinc, copper, silver, nickel,  
316 chromium; and nonmetals such as phosphorus and arsenic;
- 317           3. Petroleum hydrocarbons (such as fuels, lubricants,  
318 surfactants, waste oils, solvents, coolants and grease);
- 319           4. Excessive eroded soils, sediment and particulate materials  
320 in amounts which may adversely affect the beneficial use of the  
321 receiving waters, flora or fauna of the state;
- 322           5. Human wastes such as septic effluent or gray water  
323 discharge;
- 324           6. Animal wastes (such as discharge from confinement  
325 facilities, kennels, pens, recreational facilities, and stables, and show  
326 facilities);
- 327           7. Substances having characteristics such as pH less than 6 or  
328 greater than 9, or unusual coloration or turbidity, or excessive levels of  
329 fecal coliform, or fecal streptococcus, or enterococcus.
- 330           8. A pollutant shall also include any increment or increase in  
331 the total volume or rate of Storm Water Runoff resulting from any  
332 activity or development occurring after the effective date of this  
333 chapter in which a storm water limit had been set as a condition of  
334 approval.

335 The term “pollutant” shall not include uncontaminated storm water, potable  
336 water, reclaimed water, or generated by a lawfully permitted water treatment  
337 facility.

338 **“Pollution”** means the human-made or human-induced alteration of the  
339 quality of waters by pollutant(s) to a degree that unreasonably affects, or  
340 has the potential to unreasonably affect, either the waters for beneficial  
341 uses or the facilities that serve these beneficial uses (California Water  
342 Code §13050).

343 **“Porter-Cologne Act”** means the Porter-Cologne Water Quality Control  
344 Act and as amended (California Water Code §13000 et seq.).

345 **“Premises”** means any building, lot, parcel of land, or portion of land  
346 whether improved or unimproved including adjacent sidewalks and parking  
347 strips.

348 **“Project”** means all development, redevelopment, and land disturbing  
349 activities. The term is not limited to “project” as defined under CEQA (Public  
350 Resources Code Section 21065).

351

352 **“Receiving Water”** means “water of the United States” into which waste  
353 and/or pollutants are or may be discharged.

354 **“Records”** means writings as defined by California Evidence Code §250  
355 deemed by the Director to be expedient or necessary to assess compliance  
356 with federal state and local laws and regulations, including this chapter, the  
357 NPDES Permit, the Municipal NPDES Permit and all permits issued to the  
358 party being inspected as well as designs and proposals for new development  
359 and redevelopment to determine whether adequate BMPs will be installed,  
360 implemented, and maintained during construction and after final stabilization  
361 (post-construction).

362 **“Regional Board”** means the California Regional Water Quality Control  
363 Board-North Coast Region.

364 **“Routine Maintenance”** includes, but is not limited to, projects conducted to:

- 365 1. Maintain the original line and grade, hydraulic capacity, or  
366 original purpose of the facility.
- 367 2. Perform as needed restoration work to preserve the original  
368 design grade, integrity and hydraulic capacity of flood control facilities.
- 369 3. Work on road shoulders, regrading dirt or gravel roadways  
370 and shoulders and performing ditch cleanouts.
- 371 4. Update existing pipelines\* and facilities to comply with  
372 applicable codes, standards, and regulations regardless if such  
373 projects result in increased capacity.
- 374 5. Repair leaks.

375 Routine Maintenance does not include construction of new pipelines or  
376 facilities resulting from compliance with applicable codes, standards and  
377 regulations. New pipelines are those that are not associated with existing  
378 facilities and are not part of a project to update or replace existing pipelines.

379 **“Responsible Person”** means any person who owns, operates, leases, or  
380 has control over the day-to-day activities of a premises and any person who  
381 facilitates, causes, or permits any discharge. See also “Discharger”.

382 **“Runoff”** means any runoff including storm water and dry weather flows that  
383 leaves the Site from which it originates. During dry weather it is typically  
384 comprised of base flow either contaminated with pollutants or  
385 uncontaminated, and nuisance flows.

386 **“Site”** means the land or water area where any “facility or activity” is  
387 physically located or conducted, including adjacent land used in connection

388 with the facility or activity.

389 “**Storm Drain System**” means any facilities or any part of those facilities,  
390 comprised of Stormwater control facilities and any other natural facilities  
391 which store control, treat and/or convey storm and surface water. Storm  
392 Drain System shall include all natural and constructed elements used to  
393 convey storm water from the first point of contact with the surface of the  
394 earth to a suitable receiving body of water or location, internal or external, to  
395 the boundaries of the City.

396 Storm Drain System means the infrastructure in a municipal separate storm  
397 sewer system that collects and conveys stormwater runoff whether publically  
398 or privately owned, and includes but is not limited to: pipes, appurtenant  
399 features, culverts, streets, curbs, gutters, pumping stations, channels,  
400 streams, ditches, wetlands, detention/retention basins, ponds, and other  
401 storm water conveyance and treatment facilities whether public or private.  
402 including streets, gutters, conduits, natural or artificial drains, channels, and  
403 watercourses that are used for the purpose of collecting, storing,  
404 transporting or disposing of Stormwater and are located within the city that  
405 are not a part of a publically owned treatment works (POTW) as defined in  
406 Title 40, Section 122.2 of the Code of Federal Regulations.

407 “**Storm Event**” means a rainfall event that produces more than one-tenth  
408 inch of precipitation in twenty-four (24) hours unless specifically stated  
409 otherwise.

410 “**Storm Water**” or “**Stormwater**” means water that originates from  
411 atmospheric moisture (rain or snow) and that falls onto land, water, or other  
412 surfaces, surface runoff and drainage. Without any change in meaning, this  
413 term may be spelled or written as one word or two separate words.

414 “**Storm Water Management Plan**” or “**SWMP**” means a plan which shall be  
415 required in connection with any new development or redevelopment for the  
416 purposes of construction erosion and sediment control, runoff detention to  
417 control runoff rate to predevelopment levels, and runoff retention or other  
418 Treatment measures to prevent dry-weather pollution from entering the storm  
419 drain system.

420 “**Storm Water Runoff**” means that part of precipitation (rainfall or snowmelt),  
421 which travels via flow across a surface to the MS4 or receiving waters from  
422 impervious, semi-pervious or pervious surfaces. When all other factors are  
423 equal, runoff increases as the perviousness of a surface decreases.

424 “**Treatment**” means the application of engineered or designed systems that  
425 use physical, chemical, or biological processes to remove pollutants. Such  
426 processes include, but are not limited to, filtration, gravity settling, media  
427 adsorption, biodegradation, biological uptake, chemical oxidation and UV  
428 radiation.

429 “**Urban Runoff**” means surface water flow produced by nonstorm water  
430 resulting from residential, commercial, and industrial activities involving the  
431 use of potable or nonpotable water.

432 “**Waters of the United States**” means surface watercourses and water  
433 bodies as defined at 40 CFR § 122.2. including all natural waterways and  
434 definite channels and depressions in the earth that may carry water, even  
435 though such waterways may only carry water during rains and storms and  
436 may not carry storm water at and during all times and seasons.

#### 437 12.40.050 **Applicability.**

438 This chapter shall apply to all water entering the Storm Drain System  
439 generated on any developed and undeveloped lands lying within, or entering  
440 the Storm Drain System of the City of Yreka.

#### 441 12.40.060 **Responsibility for Administration.**

442 The Director shall administer, implement and enforce the provisions of this  
443 chapter.

#### 444 12.40.070 **Severability.**

445 The provisions of this chapter are hereby declared to be severable. If any  
446 provision, clause, sentence, or paragraph of this chapter or the application  
447 thereof to any person, establishment, or circumstances shall be held  
448 invalid, such invalidity shall not affect the other provisions or application of  
449 this chapter.

#### 450 12.40.080 **Regulatory Consistency.**

451 This chapter shall be construed to assure consistency with the requirements  
452 of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof  
453 or supplementary thereto, or any applicable implementing regulations.

#### 454 12.40.090 **Ultimate Responsibility of Discharger.**

455 The standards set forth herein and promulgated pursuant to this chapter are  
456 minimum standards; therefore, this chapter does not intend nor imply that

457 compliance by any person will ensure that there will be no contamination,  
458 pollution, nor unauthorized Discharge of Pollutants into waters of the State  
459 and/or Waters of the United States caused by said person. This chapter  
460 shall not create liability on the part of the City of Yreka, or any agent or  
461 employee thereof for any damages that result from any Discharger's reliance  
462 on this chapter or any administrative decision lawfully made thereunder.

#### 463 12.40.100 **Watercourse Protection.**

464 Every person owning property through which a watercourse passes, shall  
465 keep and maintain that part of the watercourse within the property  
466 reasonably free of trash, debris, vegetation, and other obstacles that would  
467 pollute, contaminate or significantly retard the flow of water through the  
468 watercourse. In addition, the owner or lessee shall maintain existing  
469 privately owned structures within or adjacent to a watercourse, so that such  
470 structures will not become a hazard to the use, function or physical integrity  
471 of the watercourse.

#### 472 12.40.110 **Prohibition of Illicit Discharges.**

473 A. No person shall Discharge or cause to be Discharged into the Storm  
474 Drain System or watercourses any materials, including but not limited to  
475 Pollutants or waters containing any Pollutants that cause or contribute to  
476 a violation of applicable water quality standards, other than Stormwater.

477 B. Non-Storm Water Discharges. Any Non-Stormwater Discharge is  
478 prohibited unless in compliance with a separate NPDES permit or  
479 pursuant to a conditional discharge exemption by the Regional Board, the  
480 Regional Board's executive officer, or the State Water Resources Control  
481 Board, or Special Protections by the State Water Resources Control  
482 Board.

483 Non-Stormwater Discharges include, but are not limited to:

- 484 1. Wash waters when gas stations, auto repair garages, or other  
485 type of automotive service facilities are cleaned;
- 486 2. Wash water from organized auto washing, professional cleaning  
487 services, steam or pressure cleaning, mobile carpet cleaning, and  
488 other such mobile commercial and industrial operations;
- 489 3. Runoff from areas where repair of machinery and equipment,  
490 including motor vehicles, which are visibly leaking oil, fluid or  
491 antifreeze, is undertaken;
- 492 4. Runoff from storage areas of materials containing grease, oil, or

493 other hazardous substances (e.g., motor vehicle parts), and uncovered  
494 receptacles containing hazardous materials or trash;

495 5. Swimming pool, spa, decorative fountain, and decorative pond  
496 water and filter backwash, including water containing bacteria,  
497 detergents, wastes, algaecides or other chemicals. Swimming pool,  
498 spa, decorative fountain, and decorative pond water may be used as  
499 landscape irrigation only if the following items are met:

500 a) The discharge water is dechlorinated, debrominated or if the  
501 water is disinfected using ozonation;

502 b) There are sufficient BMPs in place to prevent soil erosion; and

503 c) The discharge does not reach into the MS4, Natural Drainage  
504 Courses, or Receiving Water.

505 6. Runoff from irrigation activities, including runoff caused by over-  
506 watering, misdirected sprinklers, broken irrigation fixtures, and  
507 watering impervious surfaces;

508 7. Runoff from washing impervious surfaces in commercial and  
509 industrial areas, unless specifically required by state's, or the City's,  
510 or Siskiyou County's health and safety codes, or permitted under a  
511 separate NPDES permit;

512 8. Runoff from the washing out of concrete trucks or other  
513 construction equipment;

514 9. Any pesticide, fungicide, or herbicide, banned by the USEPA or  
515 the California Department of Pesticide Regulation;

516 10. Disposal of Hazardous Wastes where such disposal causes or  
517 threatens to cause a direct or indirect Non-Stormwater Discharge;

518 11. Any food or food processing wastes;

519 12. Any fuel and chemical wastes, animal wastes, garbage,  
520 batteries, and other materials that have potential adverse impacts on  
521 water quality;

522 13. Wash water from cleaning any paved or unpaved areas including  
523 Dischargers such as organized car washes, mobile cleaning and  
524 pressure wash businesses; and

525 14. Wash water from restaurants and other commercial facilities,  
526 including wash water from cleaning floor mats, filters, garbage cans,  
527 and outdoor areas.

528 C. The following categories of Non-Storm Water Discharges are  
529 conditionally exempt from the Non-Storm Water Discharge prohibition in  
530 the municipal NPDES permit and shall not be considered a violation of  
531 this chapter; provided that they meet all required conditions and BMPs as

- 532 specified, or as otherwise approved by the Regional Board when the  
533 discharger conducts the activity such that the least amount of non-storm  
534 water as practicable enters the Stormwater Drain System:
- 535 1. Exterior washing of personal motorized vehicles by residents;  
536 provided however, that nothing herein is intended to exempt a  
537 Discharger from liability for wasting water;
  - 538 2. Flushing of water lines and hydrants, or other discharges from  
539 potable water sources if the chlorine concentration is less than 1.0  
540 milligrams per liter measured at the point of entry into the Storm Drain  
541 System;
  - 542 3. Flows from firefighting;
  - 543 4. Crawl space and basement sump pumps which are properly  
544 permitted;
  - 545 5. Condensation from air conditioning units;
  - 546 6. Gravity drainage from groundwater piping systems, including  
547 foundation and footing drains, and roof drainage downspouts;
  - 548 7. Discharges from naturally occurring rising groundwaters,  
549 floodwaters, springs and flows from riparian habitats and wetlands.

550 D. Discharges in Violation of the Municipal NPDES Permit. Any  
551 discharge that would result in or contribute to a violation of the Municipal  
552 NPDES Permit or the special protections, either separately or in  
553 combination with other discharges, is prohibited. Liability for any such  
554 discharge shall be the responsibility of the person(s) causing or  
555 responsible for the Discharge, and such person(s) shall defend, indemnify  
556 and hold harmless the City from all losses, liabilities, claims, or causes of  
557 actions in any administrative or judicial action relating to such discharge,  
558 including attorney's fees and costs of the proceedings.

559 E. The prohibition shall not apply to any Non-Storm Water Discharge  
560 permitted under an NPDES permit, waiver, or waste discharge order  
561 issued to the Discharger and administered by the State of California  
562 under the authority of the Federal Environmental Protection Agency,  
563 provided that the Discharger is in full compliance with all requirements of  
564 the permit, waiver, or order and other applicable laws and regulations,  
565 and provided that written approval has been granted by the City of Yreka  
566 for any discharge to the Storm Drain System.

567 F. With written concurrence of the Regional Water Quality Control  
568 Board, the City may exempt in writing other Non-Stormwater Discharges  
569 that are not a source of pollutants to the Storm Drain System nor Waters

570 of the United States.

571 **12.40.120 Prohibited Activities.**

572 A. Prohibition of Illicit Connections. It is prohibited to establish, use,  
573 maintain, or continue illicit connections to the Storm Drain System or MS4,  
574 or to commence or continue any illicit discharges. For example, such illicit  
575 connections include but are not limited to those that could allow sewage,  
576 wastewater, and wash water to enter the Storm Drain System and  
577 connections from indoor drains and sinks, regardless of whether the  
578 connection had been previously allowed, permitted, or approved by the City.  
579 This prohibition against illicit connections is expressly retroactive and  
580 applies to connections made in the past but excludes improvements to real  
581 property permitted over which uncontaminated Storm Water Runoff flows.

582 B. Littering. No person shall throw, deposit, leave, blow, keep or permit to  
583 be thrown, deposited, placed, blown, left or maintained, any refuse, rubbish,  
584 trash, garbage, material or other discarded or abandoned objects, articles, or  
585 other litter in or upon any street, alley, sidewalk, storm drain, business  
586 place, or upon any public or private property in the City so that the same can  
587 become a pollutant by entering the MS4. No person shall throw or deposit  
588 litter or material in any fountain, pool, lake, stream, irrigation canal, river or  
589 any other body of water in a park or elsewhere within the City.

590 C. Disposal of Landscape Debris. It is prohibited to intentionally dispose  
591 of leaves, dirt, or other landscape debris into the MS4, into a Natural  
592 Drainage Course, or directly to a Receiving Water.

593 D. Industrial Activities. No person shall conduct any Industrial Activity in  
594 the City without obtaining all permits required by state or federal law,  
595 including a General Permit for Storm Water associated with Industrial  
596 Activity when required.

597 **12.40.130 Requirements for Reducing Pollutants in Stormwater.**

598 A. Any person performing construction in the City shall prevent Pollutants  
599 from entering the MS4 and comply with all applicable Federal, State, and  
600 local laws, ordinances, rules or regulations, including but not limited to, the  
601 General Permit for Storm Water Discharges associated with Construction  
602 Activity.

603 B. Each Industrial Activity Discharger, Construction Activity Discharger,  
604 or other Discharger subject to any general or individual storm water permit

605 issued by the US EPA, the State Water Resources Board, the State Water  
606 Board, or the Regional Water Board shall comply with the requirements of  
607 such permit.

608 C. Every person undertaking any activity or use that may cause or  
609 contribute to Stormwater Pollution or contamination, Illicit Discharges, or  
610 Non-Storm Water Discharges shall comply with BMPs, pollution prevention  
611 techniques, and source Control requirements, including related to the  
612 storage and parking of vehicles, as may be reasonably established by the  
613 Director.

614 D. The Director may implement, at its discretion, Controls as appropriate  
615 to minimize the long-term, post-construction discharge of storm water  
616 pollutants from new development(s), or modification(s) to existing  
617 development(s). Controls may include source Control measures to prevent  
618 pollutants from entering storm water and/or structural and nonstructural  
619 Treatment Controls designed to remove Pollutants from Stormwater.  
620 Facilities to prevent accidental discharge of prohibited materials or other  
621 wastes shall be provided and maintained at the owner or operator's  
622 expense.

623 E. To minimize the Discharge and transport of Pollutants, the Director  
624 may require, at its discretion, any Development project to Control the  
625 volume, rate, and quality of Storm Water Runoff from the Project site to  
626 prevent any deterioration of Receiving Water quality, which would impair the  
627 designated and existing beneficial uses. The Director may establish  
628 standards and guidelines implementing BMPs designed to control the rate  
629 and volume of Storm Water Runoff from development sites to minimize the  
630 discharge and transport of pollutants, including compliance with, at a  
631 minimum, the BMPs contained in the California Storm Water Quality  
632 Association BMP construction handbooks or equivalent.

633 F. Proof of compliance with any NPDES Permit issued may be required in  
634 a form acceptable to the Director prior to or as a condition of a subdivision  
635 map, site plan, building permit, or development or improvement plan; upon  
636 Inspection of the facility; during any enforcement proceeding or action; or  
637 for any other reasonable cause.

638 G. Outdoor storage. In outdoor areas, no person shall openly or  
639 improperly store grease, oil, petroleum products, hazardous substances,  
640 motor vehicles, machine parts, or other objects in a manner that may leak  
641 grease, oil, Pollutants or other Hazardous Substances, without an approved

642 spill containment system or approved sand-oil separator. To prevent the  
643 discharge of grease, oil, petroleum, or other Hazardous Substances from the  
644 Site, the City may require the installation of a spill containment system of  
645 dikes, walls, barriers, berms, or other devices as required. No person shall  
646 operate a spill containment system that allows incompatible liquids to mix  
647 and thereby create a hazardous condition.

648 H. Stormwater pollution prevention plan (SWPPP).

649 1. The Director may require, at its discretion, any business in the  
650 City engaged in activities that may result in pollutant discharges to  
651 develop and implement a SWPPP, which must include an employee-  
652 training program.

653 2. Business activities that may require a SWPPP include, but are  
654 not limited to, maintenance, storage, manufacturing, assembly,  
655 equipment operations, vehicle loading or fueling, organized car  
656 washes, mobile pressure washing or other businesses where cleanup  
657 procedures are carried out partially or wholly outdoors.

658 I. Coordination with hazardous materials release response plans and  
659 inventory. Any business requiring a hazardous materials release response  
660 and inventory plan, under Chapter 6.95 (commencing with Section 25500) of  
661 Division 20 of the California Health & Safety Code, shall include in that plan  
662 provisions for compliance with this chapter, including the provisions  
663 prohibiting unauthorized Non-Storm Water Discharges and Illicit Discharges,  
664 and requiring the release of Pollutants to be reduced to meet applicable  
665 water quality standards and the best available technology economically  
666 achievable.

667 J. Coordination with hazardous waste generator contingency plan and  
668 emergency procedures. Any business requiring a hazardous waste generator  
669 contingency plan and/or emergency procedures, pursuant to California Code  
670 of Regulations, Title 22, Sections 66265.51 to 66265.56, or is otherwise  
671 required comply with a requirement to prevent runoff and discharges, shall  
672 include in that plan provisions for compliance with this chapter, including  
673 the provisions prohibiting unauthorized Non-Storm Water Discharge and  
674 illicit discharges, and requiring the release of pollutants to be reduced to  
675 meet applicable water quality standards and the best available technology  
676 economically achievable.

677

678 **12.40.140 Adoption of Best Management Practices.**

679 A. The Director may require, at its discretion, formulate and develop a  
680 Best Management Practices or Stormwater Implementation Manual for  
681 activities, operations, or facilities that may cause or contribute to  
682 pollution or contamination of the Storm Drain System, Waters of the  
683 United States.

684 B. The Best Management Practices Manual may, at the Director's  
685 discretion, be revised and updated on a regular basis as needed to  
686 address new development, new regulations, or changing circumstances.

687 C. The Best Management Practices Manual and all revisions thereto shall  
688 be effective immediately upon adoption

689 **12.40.150 Inspection Authority**

690 A. Right of entry. Whenever necessary to make an inspection to enforce  
691 any of the provisions of this chapter, or whenever the Director has  
692 reasonable cause to believe that there exists upon any Premises any  
693 condition constituting a violation of this chapter, the Director may, with  
694 consent, enter such Premises at all reasonable times to inspect the same or  
695 perform any duty imposed upon the Director by this chapter.

696 1. Any request for entry shall state that the property owner or  
697 occupant has the right to refuse entry, and that in the event such  
698 entry is refused, Inspection may be made upon issuance of a  
699 warrant issued by a court of competent jurisdiction.

700 2. In the event the owner or occupant refuses entry after such  
701 request has been made, the Director is empowered to seek  
702 assistance from any court of competent jurisdiction in obtaining  
703 such entry.

704 B. Photographs. The Director may, in the course of inspection,  
705 photograph the Premises to memorialize the inspection as it relates to  
706 regulation by this chapter or any other local, State, or Federal law.  
707 Photographs may be taken of any facility, mechanism, apparatus, means or  
708 method thought to contribute to or facilitate a suspected violation.

709 C. Sampling. Inspections shall be based upon such reasonable selection  
710 processes as may be deemed necessary to carry out the objectives of this  
711 chapter, including but not limited to, random sampling and/or sampling in  
712 areas with evidence of storm water contamination, illegal discharge, Non-

- 713 Storm Water Discharge to the MS4, or similar factors.
- 714 D. Sampling authority. During any Inspection, the Director may take  
715 samples as necessary in order to implement and enforce the provisions of  
716 this chapter. The inspections provided for herein may include but are not  
717 limited to:
- 718 E. 1. Inspecting efficiency or adequacy of construction or post-  
719 construction BMPs;
- 720 F. 2. Inspection, sampling and testing any area runoff, soils in  
721 areas subject to runoff, and or Treatment system discharges;
- 722 G. 3. Inspection of the integrity of all storm drain and sanitary  
723 sewer systems, including the use of smoke and dye tests and video survey  
724 of such pipes and conveyance systems;
- 725 H. 4. Inspection of all records of the owner, contractor,  
726 developer or occupant of the Site relating to BMP inspections conducted by  
727 the owner, contractor, developer or occupant and obtaining copies of such  
728 records as necessary;
- 729 I. 5. Identifying points of Stormwater Discharge from the Site  
730 whether surface or subsurface and locating any Illicit Connection or Illicit  
731 Discharge.
- 732 J. Monitoring, analysis, and reporting authority.
- 733 1. The Director may require monitoring, analysis, and reporting of  
734 Discharges from any Site to the MS4.
- 735 2. The burden and all costs of enforcement, including cost of these  
736 activities analyses, and reports incurred in complying with the  
737 requirement shall, to the extent permitted by law, be borne by the  
738 Responsible Person for which testing and monitoring has been  
739 requested.
- 740 3. In the event the owner, occupant, or operator of a Site subject  
741 to a monitoring and/or analysis order fails to conduct required  
742 monitoring and/or analysis and furnish the required reports, the  
743 Director may, in its discretion, cause a notice of violation to be  
744 processed.
- 745 K. Providing false information or tampering with monitoring equipment.  
746 Knowingly making any false statement or knowingly rendering any  
747 monitoring device or method inaccurate may result in punishment under the

748 provisions of this chapter.

749 **12.40.160 Requirement to Eliminate Illicit Discharges.**

750 Notwithstanding the requirements of this chapter, a Responsible Person  
751 for an Illicit Discharge shall immediately, or upon notice by the Director to  
752 comply by a specified date, discontinue the discharge and, if necessary,  
753 take measures to eliminate the source of the discharge to prevent the  
754 occurrence of future Illicit Discharges.

755 **12.40.170 Requirement to Eliminate Illicit Connections.**

756 A. The Director may require, at its discretion, by written notice that a  
757 Discharger responsible for an illicit connection to the storm drain facilities  
758 comply with the requirements of this chapter to eliminate or secure  
759 approval for the connection by a specified date, regardless of whether or  
760 not the connection or discharges to it had been established or approved  
761 prior to the effective date of this chapter.

762 B. If, subsequent to eliminating a connection found to be in violation of  
763 this chapter, the responsible Discharger can demonstrate that an illegal  
764 discharge will no longer occur, said Discharger may request the Director's  
765 approval to reconnect. The reconnection or reinstallation of the  
766 connection shall be at the responsible Discharger's expense.

767 **12.40.170 Containment and Notification of Spills.**

768 A. No person shall allow or permit a spill to Discharge into the MS4 or  
769 any Receiving Water.

770 B. All persons in charge of a facility or responsible for emergency  
771 response for a facility shall have personal responsibility to train facility  
772 personnel and maintain notification procedures to assure immediate  
773 notification is provided to the City of any suspected, confirmed, or  
774 unconfirmed release of material, Pollutants or waste creating a risk of  
775 Discharge into the City's MS4.

776 Any person owning or occupying a Site, who has knowledge of any  
777 Discharge of Pollutants or Non-Storm Water Discharge from or across those  
778 Premises that might enter the MS4, other than a release or discharge that is  
779 permitted by this chapter, shall immediately take all reasonable action to  
780 contain and abate the Discharge of Pollutants or Non-Storm Water  
781 Discharge. In the event of such a release of a Hazardous Material or  
782 Pollutant said person shall immediately notify emergency response officials

783 of the occurrence via emergency dispatch services (911).

784 In the event of a release of non-hazardous materials, said person shall notify  
785 the City's Public Works Director in person, by phone or facsimile no later  
786 than 5:00 p.m. of the next business day. Notifications in person or by phone  
787 shall be confirmed by written notice addressed and mailed to the City's  
788 Public Works Department within three business days of the phone notice. If  
789 the discharge of prohibited materials emanates from a commercial or  
790 industrial establishment, the owner or operator of such establishment shall  
791 also retain an on-site written record of the discharge and the actions taken  
792 to prevent its recurrence. Such records shall be retained for at least three  
793 years.

794 C. The Director may, at its discretion, respond to any such notification of  
795 suspected, confirmed, or unconfirmed release of material, pollutants or  
796 waste creating a risk of discharge into the City's MS4.

797 D. For the purpose of containment in the event of a spill, all vehicles shall  
798 be stored and parked on a surface capable of containing all reasonably  
799 expected discharges from vehicles to the satisfaction of the Director.

800 **12.40.180 Runoff.**

801 Parties responsible for controlling runoff in excess of incidental runoff shall:

- 802 A. Detect leaks or Discharges and correct the leaks within 72 hours;
- 803 B. Properly design, maintain, and aim sprinkler heads;
- 804 C. Not irrigate during precipitation events; and

805 **12.40.190 Enforcement.**

806 A. Violations Deemed a Public Nuisance.

807 1. Any condition caused or permitted to exist in violation of:

- 808 a. Any of the provisions of this chapter;
- 809 b. Failure to comply with any applicable stormwater requirement  
810 of an approved SWMP with respect to a Site;
- 811 c. Any false certification or verification, or any failure to comply  
812 with a certification or verification provided by a Project applicant  
813 or the applicant's successor in interest; or
- 814 d. Any failure to properly operate and maintain any structural or  
815 Treatment control BMP on a Site in accordance with an approved

816 SWMP, is hereby determined to be a threat to the public health,  
817 safety and welfare, is declared and deemed a public nuisance,  
818 and may be abated or restored by any Director, and a civil or  
819 criminal action to abate, enjoin or otherwise compel the  
820 cessation of such nuisance may be brought by the city attorney.

821 e. Any such nuisance may be summarily abated and/or restored  
822 by any authorized City personnel.

823  
824 2. The Costs of Enforcement shall be borne by the Responsible Party  
825 and the cost thereof shall be invoiced to the owner of the Site and a lien for  
826 the Costs of Enforcement shall be placed against the real property of the  
827 Site, as provided by law or ordinance for the recovery of nuisance abatement  
828 costs.

829 If the invoice is not paid within sixty (60) days, the Director shall have the  
830 authority to place a lien upon and against the property.

831 If the lien is not satisfied within three (3) months, the Director is authorized  
832 to take all legal measures as are available to enforce the lien as a judgment,  
833 including, without limitation, enforcing the lien in an action brought for a  
834 money judgment, or by delivery to the County Assessor of a special  
835 assessment against the property in accordance with California Government  
836 Code Section 38773.5.

837  
838 3. If any violation of this chapter constitutes a seasonal and recurrent  
839 nuisance, the Director may so declare. The failure of any person to take  
840 appropriate annual precautions to prevent such violations after written notice  
841 of a determination under this paragraph shall constitute a public nuisance and  
842 a violation of this chapter.

843  
844 B. Concealment. Causing, permitting, aiding, abetting, or concealing a  
845 violation of any provision of this chapter shall constitute a violation of such  
846 provision.

847  
848 C. Civil Actions. In addition to any other remedies provided in this  
849 section, any violation of this chapter may be enforced by civil action brought  
850 by the City. In any such action, the City may seek, as appropriate, any or all  
851 of the following remedies:

852 1. A temporary and/or permanent injunction;

- 853           2. Assessment of the Responsible Person for the Costs of  
854 Enforcement;  
855           3. Costs incurred in removing, correcting, or terminating the  
856 adverse effects resulting from violation;  
857           4. Compensatory damages for loss or destruction to water quality,  
858 wildlife, fish and aquatic life.  
859           5. Assessment of penalties under the Government Code §53069.4  
860 and/or Water Code § 13385 and mandatory minimum penalties.

861  
862 D.    Administrative Enforcement Powers. In addition to the other  
863 enforcement powers and remedies established by this chapter, the Director  
864 has the authority to issue a cease and desist order to require remediation of  
865 any existing or potential violation of this chapter. When an Director finds that  
866 a violation of this chapter has taken place or is likely to take place, the  
867 officer may issue an order to cease and desist such action and/or cleanup  
868 and abate a Discharge and direct that those persons not complying shall: (1)  
869 comply with the requirement; (2) comply with a time schedule for compliance;  
870 (3) take timely appropriate cleanup, remedial, abatement or preventive  
871 action to prevent the violation from recurring (4) order the cessation of  
872 activities until such problems are adequately addressed if a situation  
873 persists where pollutant-causing sources or activities are not abated; (5)  
874 levy citations or administrative fines Government Code §53069.4 and/or  
875 Water Code § 13385 and mandatory minimum penalties; (6) require the  
876 responsible party to pay the Costs of Enforcement; (7) require a new  
877 timeframe when all parties agree that cleanup activities cannot be completed  
878 within the original timeframe; and (8) impose more substantial civil or  
879 criminal sanctions (including referral to a city or district attorney) and  
880 escalate corrective response, consistent with its Enforcement Response  
881 Plan, for persistent non-compliance, repeat or escalating violations, or  
882 incidents of major environmental harm.

883 E.    Violations and Penalties. In addition to any criminal, civil or other legal  
884 remedy established by law that may be pursued to address violations of the  
885 municipal code, violations of the provisions of this chapter are subject to the  
886 administrative penalty provisions of Chapter 1.10. Each day that a violation  
887 continues shall constitute a separate offense.

888 F.    Requests for Relief or Reconsideration.

889       1. Requests for Relief. In any matter that has not been determined by the  
890 Director to constitute an emergency, any person or entity unable to comply with

891 the requirements of this chapter, or any person affected by any City decision,  
892 action, or determination related to this chapter, may submit to the City a  
893 written request for relief setting forth in detail the facts supporting the request.  
894 The Director shall designate a City officer or employee with managerial  
895 authority who will consider the matter without a hearing and decide whether to  
896 grant relief where no request to cross-examine witnesses has been made. The  
897 Director's designee may request additional information. The Director's  
898 designee may decide the matter within fifteen (15) business days from the  
899 receipt of the request, or, if additional information is requested and received  
900 within fifteen (15) business days from the receipt of the request, then fifteen  
901 (15) business days from the date the City receives all additional requested  
902 information. If the Director's designee does not decide the matter within the  
903 above-stated time period, the request for relief shall be deemed denied on the  
904 first day following that time period. Notice of any decision will be mailed to the  
905 person or entity requesting relief.

906           2.       Requests for Reconsideration.

907           a.       Within 10 days after the date of mailing of written notice of any  
908 City decision granting or denying relief under paragraph 1 of this Section, or  
909 within 10 days after the date the request for relief is deemed denied, any  
910 person or entity affected by the requirements, decision, action or  
911 determination that was the subject of the request for relief may submit to the  
912 Director a written request for reconsideration. The request for  
913 reconsideration must set forth in detail the facts supporting the request.

914           b.       Upon receipt of such request, the City shall request a report and  
915 recommendation from the Director and shall set the matter for hearing at the  
916 earliest practical date. At said hearing, all evidence and testimony deemed  
917 relevant and admissible by the City shall be considered, and the City may  
918 reject, affirm, or modify the Director's decision. Formal rules of evidence  
919 shall not apply. The decisions of the City shall be final. Failure to appear at  
920 the hearing shall constitute a waiver and failure to exhaust administrative  
921 remedies.

922           c.       The City's decision shall become final and binding at the time the  
923 City mails its decision.

924           d.       Any person or entity affected by a decision, action or  
925 determination related to this chapter who wishes to appeal or challenge the  
926 decision, action or determination must request reconsideration using the  
927 process specified in this paragraph 2. This requirement is jurisdictional. The

928 failure to seek reconsideration shall be deemed a failure of the person or  
929 entity subject to the decision, action or determination to exhaust  
930 administrative remedies.

931 G. Appeal.

932 1. In any matter deemed an emergency, the decision of the Director  
933 is final and any appeal may be taken.

934 2. The decision on any request for reconsideration is final and any  
935 appeal may be taken.

936 3. Within twenty (20) calendar days after mailing, by first class  
937 mail, of the final decision. Pursuant to Government Code Section 53069.4, the  
938 appealing party shall serve a copy of the appeal notice in person or by first-  
939 class mail upon the City. Appeal notices shall be sent to: City Manager, 701  
940 Fourth Street, Yreka, California 96097. If no appeal notice is filed within the  
941 twenty (20) calendar day period, the final decision shall be deemed confirmed.

942 H. Emergency orders and abatements.

943 1. The Director may order the immediate abatement of any discharge  
944 from any source to the MS4 when, in the opinion of the Director, the  
945 discharge causes or threatens to cause a condition that presents an  
946 imminent danger to the public health, safety, welfare or environment, or a  
947 violation of this chapter or an NPDES permit.

948 2. In emergency situations, where the property owner or other  
949 responsible party is unavailable and time constraints are such that service of  
950 a notice and order to abate cannot be effected without presenting an  
951 immediate danger to the public health, safety, welfare, or environment, or a  
952 violation of this chapter or an NPDES permit, the City may perform or cause  
953 to be performed such work as shall be necessary to abate the threat or  
954 danger.

955 I. Violations and Penalties. In addition to any criminal, civil or other legal  
956 remedy established by law that may be pursued to address violations of the  
957 municipal code, violations of the provisions of this chapter are subject to the  
958 administrative penalty provisions of chapter 1.01.140. Each day that a  
959 violation continues shall constitute a separate offense.

960 J. Permit Revocation. To the extent the City makes a provision of this  
961 chapter or any identified BMP a condition of approval to the issuance of a  
962 permit or license, any person in violation of such condition is subject to  
963 permit revocation.

964 K. Remedies. Remedies specified in this chapter are in addition to and do  
965 not supersede or limit any and all other remedies, civil or criminal. The  
966 remedies provided for herein shall be cumulative and not exclusive.

967 **12.40.210 Acts Potentially Resulting in a Violation of the Federal Clean**  
968 **Water Act and/or California Porter-Cologne Act.**

969 Any person who violates any provision of this chapter or any provision of any  
970 requirement issued pursuant to this chapter may also be in violation of the  
971 Clean Water Act and/or the Porter-Cologne Act and may be subject to the  
972 sanctions of those acts including civil and criminal penalties. Any  
973 enforcement action authorized under this chapter shall also include written  
974 notice to the violator of such potential liability.

975 **12.40.220 Disclaimer of Liability.**

976 1. The degree of protection required by this chapter is considered  
977 reasonable for regulatory purposes, and is based on scientific, engineering,  
978 and other relevant technical considerations.

979 2. The standards set forth herein are minimum standards and this  
980 chapter does not imply that compliance will ensure that there will be no  
981 unauthorized Discharge of Pollutants into waters of the United States.

982 3. This chapter shall not create liability on the part of the City, or any  
983 officer or employee thereof, for any damages that result from reliance on  
984 the code or any administrative decision lawfully made thereunder.

985 **SECTION THREE - INCONSISTENCY.**

986 Any provisions of the Yreka Municipal Code, or appendices thereto, or any  
987 other ordinances of the City inconsistent herewith, to the extent of such  
988 inconsistencies and no further, are hereby repealed for the purposes of the  
989 enforcement of this Chapter.

990 **SECTION FOUR - CEQA EXEMPTION.**

991 The City Council of the City of Yreka, California also finds the approval of  
992 this ordinance is not subject to the California Environmental Quality Act  
993 ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity  
994 will not result in a direct or reasonably foreseeable indirect physical  
995 change in the environment) and 15060(c)(3) (the activity is not a project as  
996 defined in Section 15378) of the CEQA Guidelines, California Code of

997 Regulations, Title 14, Chapter 3, because it has no potential for resulting  
998 in physical change to the environment, directly or indirectly. Additionally,  
999 the City Council finds the approval of this ordinance is not a project under  
1000 CEQA Regulation Section 15061(b)(3) because it has no potential for  
1001 causing a significant effect on the environment. In addition, the ordinance  
1002 is exempt from environmental review pursuant to the general rule of the  
1003 California Environmental Quality Act, which exempts minor alterations to  
1004 land use limitations that do not result in changes in land use or density  
1005 pursuant to CEQA Guidelines Section 15305.

1006 **SECTION FIVE - PUBLICATION OF CODIFICATION.**

1007 Section Two of this chapter is the sole portion of this ordinance that  
1008 requires publication in the codification of the Yreka Municipal Code.

1009 At least five (5) days prior to its adoption and within fifteen (15) days after  
1010 its adoption, a summary of this ordinance, in a form approved by the City  
1011 Attorney, shall be published once in a newspaper of general circulation  
1012 printed and published in the County of Siskiyou.

1013 **SECTION SIX - EFFECTIVE DATE.**

1014 This ordinance shall be effective thirty-one (31) days from and after its  
1015 adoption.

1016 Section 2 of this Ordinance shall require publication in the codification of  
1017 the Yreka Municipal Code. The City Clerk is directed to post a Notice of  
1018 Exemption.

1019 **SECTION SEVEN - IMPLEMENTATION.**

1020 The City Council hereby authorizes and directs the City Manager to take  
1021 any action and sign any documents necessary to implement this Ordinance.

1022 **SECTION EIGHT - EXECUTION.**

1023 The Mayor and City Clerk are authorized to subscribe this ordinance where  
1024 indicated below to evidence its approval by the City Council.

1025 Introduced at a regular meeting of the City Council held October 20, 2016,  
1026 and adopted as an ordinance of the City of Yreka at a regular meeting of  
1027 the City Council held on \_\_\_\_\_, 2016 by the following vote:  
1028

1029 AYES:  
1030 NOES:  
1031 ABSENT:

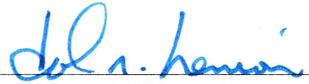
1032  
1033

\_\_\_\_\_  
John Mercier, Mayor

1034 Attest:

APPROVED AS TO FORM

1035 \_\_\_\_\_  
1036 Elizabeth E. Casson, City Clerk

  
\_\_\_\_\_  
DOHN HENION, City Attorney



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

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To: Yreka City Council  
From: Matthew K. Bray, Director of Public Works  
Prepared by: Jeannette Hook, Administrative Assistant *JH MFB*  
Agenda title: DISCUSSION/ POSSIBLE ACTION: INTRODUCE AN ORDINANCE CREATING SECTION 12.16 "PRIVATE LATERAL AND SEWER INSPECTION AND REPAIR" OF THE YREKA MUNICIPAL CODE  
Meeting date: October 20, 2016

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Discussion:

In 2013, the City entered a settlement that required staff to introduce a sewer lateral inspection and repair program. An ordinance was drafted and introduced to the City Council. Council had numerous comments. The comments received to date have been incorporated.

This ordinance clarifies maintenance responsibilities for sewer mains and private laterals. It sets maintenance standards that will help the community avoid Sanitary Sewer Overflows (SSO's) and the potential fines and lawsuits that can result from their occurrence.

The essence of this ordinance is that certain events trigger a video condition assessment of the sewer lateral. These trigger events include a) significant replacement of sewer lateral line, b) recurring SSO's, and c) when the primary use of structures change (i.e. a house becomes an office). Compliance certificates are valid for 7 years and the Ordinance provides for several exemptions and a process for obtaining an exemption.

As you are aware, Yreka is being increasingly scrutinized for potential effects to the water quality in the impaired Klamath and Shasta River watersheds. Staff believes this ordinance helps protect community residents and the City, by helping existing customers and new property owners understand their sewer maintenance responsibilities and providing them with tools necessary to evaluate the condition of their private sewer lateral.

Fiscal Impact:

Adoption of this ordinance does not have specific or immediate fiscal impacts to the City.

Recommendation and Requested Action:

Discussion/ Possible action: Introduce an Ordinance creating section 12.16.035 "Private Lateral and Sewer Inspection and Repair" of the Yreka Municipal Code

  
Approved By: Steven W. Baker, City Manager

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4

ORDINANCE NO. \_\_\_\_\_

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8

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF YREKA, CALIFORNIA ESTABLISHING THE PRIVATE  
LATERAL AND SEWER INSPECTION AND REPAIR ORDINANCE**

9

Now, Therefore, the City Council of the City of Yreka does ordain as follows:

10

11

**SECTION ONE – CLASSIFICATION.**

12

This ordinance is classified as a codified ordinance of a permanent nature.

13

14

**SECTION TWO – REPEAL AND SUBSTITUTION.**

15

The provisions of this ordinance supersedes Section 12.16.035 of the Yreka Municipal Code and its former provisions are hereby repealed in their entirety and the following provisions are hereby substituted in its stead:

16

17

18

19

**12.16.035 The Private Lateral and Sewer Inspection and Repair Ordinance**

20

21

12.16.035.010 **Short Title.** This ordinance shall be known as the "Private Lateral and Sewer Inspection and Repair Ordinance" and may be cited accordingly.

22

23

24

12.16.035.020 **Purpose.** This Private Lateral and Sewer Inspection

25 and Repair Ordinance establishes regulations for the inspection,  
26 testing, repair, replacement, and ongoing maintenance of Private  
27 Sewer Laterals and Private Sewers. The purpose of this Ordinance is  
28 to provide for the operation and maintenance of wastewater  
29 conveyance and treatment facilities in a reliable and serviceable  
30 manner and to reduce infiltration and inflow into the Public Sewer  
31 system.

32 12.16.035.030. **Definitions.**

33 (1)**City.** The City of Yreka, California.

34 (2)**Cleanout.** A pipe fitting and associated piping connected to a  
35 Private Sewer Lateral that provides access to the Private Sewer  
36 Lateral for purposes of flushing, rodding, cleaning, and other  
37 maintenance and diagnostic purposes.

38 (3)**Common Interest Development.** A development managed or  
39 governed by a Homeowners' Association. Examples of Common  
40 Interest Developments may include condominium projects, planned  
41 unit developments, community apartment projects (in which the  
42 individual units are owned), and stock cooperatives.

43 (4)**Compliance Certificate.** Certificates issued by the City upon its  
44 determination that all Private Sewer Laterals associated with a  
45 parcel have demonstrated compliance with applicable standards by  
46 passing a Verification Test.

47 (5)**Director.** The Director of Public Works of the City of Yreka, or his  
48 or her designated representative.

49 (6)**FOG.** Fats, oils and grease.

50 (7)**Homeowners' Association.** A nonprofit corporation or  
51 unincorporated association created for the purpose of managing or  
52 governing a Common Interest Development and that operates in

53 accordance with governing documents, whether or not the  
54 corporation or association is formally designated or commonly  
55 referred to as a Homeowners' Association.

56 (8) **Local Ordinance Requirements.** All standards or requirements  
57 duly adopted by the City that relate to the maintenance or condition  
58 of Private Sewer Laterals and Private Sewers.

59 (9) **Non-Sanitary Sewer Connection.** Anything that directly or  
60 indirectly conveys storm water, surface water, roof runoff,  
61 intercepted groundwater or subsurface drainage into the Sanitary  
62 Sewer, including, but not limited to, down spouts, yard drains, sump  
63 pumps, or other sources of storm water, run-off or groundwater.

64 (10) **Ordinance.** This Private Sewer Lateral Ordinance.

65 (11) **Parcel Group.** Two or more contiguous or directly adjacent  
66 parcels of real property under common ownership.

67 (12) **Permitting Authority.** A city, city department, county or special,  
68 Indian Tribe including a Satellite but excluding the City, that  
69 regulates buildings, construction, land use, and/or sewers within  
70 any portion of the City's wastewater service area.

71 (13) **Private Sewer.** A private sewer is defined as a sewer, other than  
72 a Private Sewer Lateral, that serves a Satellite or one or more  
73 houses or buildings on private property and is not located in a right-  
74 of-way or easement in which the City has been granted right of  
75 entry.

76 (14) **Private Sewer Lateral.** A pipe or pipes and appurtenances that  
77 carry wastewater, sewage and/or liquid waste from the Structure(s)  
78 served, whether the Structure(s) is or are publicly or privately  
79 owned, to the Sewer Main. The Private Sewer Lateral and Private  
80 Sewers. A Private Sewer Lateral is associated with a parcel if it, or

81 any portion of it, is located upon the parcel or conveys sewage and  
82 liquid waste from any Structure located on that parcel. More than  
83 one Private Sewer Lateral may be associated with an individual  
84 parcel.

85 (15) **Property Owner.** A person that owns a parcel of real property, or  
86 that person's authorized representative including a tenant or  
87 contractor. As used in this paragraph, "person" means an individual,  
88 trust, corporation, nonprofit organization, Homeowners' Association,  
89 partnership, Indian Tribe, firm, joint venture, limited liability  
90 company, or association. The City of Yreka is not a Property Owner  
91 for purposes of this Ordinance. Any person expressly required by  
92 applicable Local Ordinance Requirements to obtain a Compliance  
93 Certificate from the City or pursuant to this Ordinance is a Property  
94 Owner for purposes of this Ordinance.

95 (16) **PSL.** Has the same meaning as "Private Sewer Lateral" and is  
96 used interchangeably with that term.

97 (17) **Repair.** Construction activities performed to bring a Private  
98 Sewer Lateral or Private Sewer into compliance with this Ordinance  
99 and/or applicable Local Ordinance Requirements consisting of the  
100 correction of less than the entire Private Sewer Lateral or Private  
101 Sewer.

102 (18) **Replacement.** Construction activities performed to bring a  
103 Private Sewer Lateral into compliance with this Ordinance and/or  
104 applicable Local Ordinance Requirements consisting of the  
105 replacement or lining of the complete length of the Private Sewer  
106 Lateral or Private Sewer. "Replaced" has the same meaning as  
107 "Replacement" where used in this Ordinance.

108 (19) **Sanitary Sewer.** Sewer pipes that convey wastewater from a  
109 Structure and to which storm water, groundwater or surface water is

110 not intentionally admitted. The Sanitary Sewer includes Sewer  
111 Mains, Private Sewer Laterals and Private Sewers.

112 (20) **Satellite.** A city, special district or Indian Tribe that owns and  
113 operates a sanitary sewer collection system to which a Private  
114 Sewer Lateral is connected within the City's wastewater service  
115 area. Satellites include the Karuk Indian Tribe.

116 (21) **Section.** A section of this Ordinance unless otherwise specified.

117 (22) **Sewer Main.** A publicly owned Sanitary Sewer that receives  
118 flows from Private Sewer Laterals and Private Sewers. The Sewer  
119 Main does not include any portion of a Private Sewer Lateral or  
120 Private Sewers.

121 (23) **State of Emergency.** A State of Emergency exists while there is  
122 in effect a declaration of emergency within the City's service area or  
123 any portion thereof, made by City's governing body or by any  
124 person to whom the City Council has expressly delegated that  
125 authority, or by any person authorized to declare an emergency of  
126 any degree under the California Emergency Services Act (Gov.  
127 Code, § 8550 et seq.) a Moratorium or other authorized act of the  
128 City or under Federal law.

129 (24) **Structure.** Any building or facility that is required to be provided  
130 with public sewer service, or that is actually provided with public  
131 sewer service, or that is served by a Private Sewer Lateral.

132 (25) **Triggering Event.** Any event described in Section 12.16.035.050  
133 that, upon the occurrence of the event and subject to the exceptions  
134 listed in that Section, imposes an obligation on a Property Owner to  
135 obtain a Compliance Certificate.

136 (26) **Verification Test.** A test witnessed by the City's authorized  
137 representative(s) to verify that all Private Sewer Laterals or Private

138 Sewers associated with the parcel comply with this Ordinance and  
139 applicable Local Ordinance Requirements.

140 12.16.035.040. **Responsibility and Standards for Maintenance of**  
141 **Private Sewer Laterals.**

142 (1) The property owner at property owner's expense shall maintain all  
143 sewer laterals and Private Sewers, including, but not limited to, the  
144 building drain, sewer lateral to the cleanout wye connection or to  
145 the City sanitary sewer main as provided below, building cleanout,  
146 sidewalk cleanout frame and cover, backflow protection and back-  
147 flow relief equipment and the connection to a City sanitary sewer  
148 main, to ensure unobstructed flow of sewage from the property to  
149 the City sanitary sewer main. The property owner shall be  
150 responsible for clearing all obstructions immediately upon discovery  
151 or notification by the City. When clearing any obstructions or  
152 performing any maintenance, the property owner must install a  
153 temporary trap downstream of the sanitary sewer lateral to ensure  
154 any roots, debris or other items dislodged from the sewer lateral do  
155 not flush into the City's sanitary sewer system. The property owner  
156 shall notify City when roots or heavy debris has been encountered  
157 and request City's assistance and pay the applicable fee. In the  
158 alternative a property owner may obtain an encroachment permit  
159 and engage a licensed plumber to gain access through City's  
160 manhole to correct the obstruction.

161  
162 The City may require property owners to remove roots from private  
163 laterals that are growing into City's sewer main. Within one hundred  
164 twenty days of receiving notification from the City, the private  
165 property owner shall remove the roots and will make all necessary  
166 repairs to prevent a reoccurrence of root intrusion that reaches the

167 City's sewer main.

168

169 Any blockage that cannot be mitigated through implementation of  
170 reasonable measures by the property owner and/or a licensed  
171 professional sanitary sewer cleaning contractor shall be reported to  
172 the public works department immediately.

173 Where a property owner refuses to mitigate a condition that causes  
174 sewage to leak from the sanitary sewer lateral after discovery or  
175 notification by the City, or if action is not effective, the City has the  
176 option to hire a licensed contractor, all at the owner's expense, to  
177 mitigate the condition. If the owner does not make payment, the City  
178 may impose a property tax lien to recover all of its costs associated  
179 with repairing the leakage.

180 (2) All Private Sewer Laterals and Private Sewers must meet the  
181 following standards:

182 (A) Shall be kept free from roots, grease deposits, and other  
183 solids that may impede or obstruct the flow.

184 (B) All joints shall be watertight and all pipes shall be sound.

185 (C) Shall be free of any structural defects such as fractures,  
186 cracks, breaks, openings, or missing portions.

187 (D) All Cleanouts shall be securely sealed with a proper cap or  
188 approved overflow device at all times.

189 (3) There shall be no Non-Sanitary Sewer Connections to the Private  
190 Sewer Lateral or to any plumbing that connects thereto. Property  
191 Owners must maintain all Private Sewer Laterals or Private Sewers  
192 associated with their parcels to the extent necessary to ensure the  
193 Private Sewer Laterals or Private Sewers meet the standards of this  
194 Section and comply with all other requirements of this Ordinance

195 and all applicable Local Ordinance Requirements. Property Owners  
196 must perform any Repair or Replacement necessary to ensure the  
197 Private Sewer Laterals or Private Sewers meet those standards and  
198 requirements.

199 **12.16.035.050. When a Compliance Certificate is Required.**

200 (1) All Property Owners must obtain a Compliance Certificate at the  
201 time and in the manner required by this Section.

202 (2) **Sewer Lateral Replacement/Repair.** Upon replacement or repair of  
203 any part of the sewer lateral, or upon significant repair or  
204 replacement of the main sewer line connected to the lateral, where  
205 evidence exists of issues related to the connected lateral (e.g.,  
206 roots from the private lateral visible in the lateral or main sewer  
207 line, visible offsets or damage), the Property Owner shall obtain a  
208 Compliance Certificate under Section 12.16.035.060.

209 (3) **Reoccurrences of SSOs.** Whenever the occurrence of two or more  
210 SSOs caused by the same private sewer lateral within two years.

211 (4) **Change of use.** Whenever the use of the Structure served changes  
212 from residence to business, commercial, or other non-residential,  
213 non-restaurant, non-commercial, non-industrial to restaurant,  
214 commercial or industrial use.

215 **12.16.035.060. How to Obtain a Compliance Certificate.**

216 (1) Whenever a Compliance Certificate is required under this  
217 Ordinance, or at any time a Property Owner voluntarily requests a  
218 Compliance Certificate, a Property Owner who does not hold a valid  
219 Compliance Certificate shall do the following at the Property  
220 Owner's expense:

221 (A) **Condition Assessment and Repair or Replacement.** The

222 Property Owner shall take steps to assess the condition of all  
223 Private Sewer Laterals associated with the parcel to determine  
224 whether the PSLs comply with the standards set forth in Section  
225 12.16.035.040, all other requirements of this Ordinance, and all  
226 applicable Local Ordinance Requirements. If the PSLs are not in  
227 compliance, the Property Owner shall obtain any required  
228 permits and perform all Repair or Replacement work needed to  
229 bring the PSLs into compliance.

230 (B) **Verification Testing.** After the Property Owner determines  
231 through any combination of inspection, Repair and/or  
232 Replacement that the PSLs associated with the parcel are in  
233 compliance with this Ordinance and applicable Local Ordinance  
234 Requirements, and upon payment of the required Compliance  
235 Certificate fee and any other applicable fees, the Property Owner  
236 shall perform a Verification Test in accordance with the City's  
237 procedures in the presence of the City's authorized  
238 representative. The City will issue a Compliance Certificate if its  
239 authorized representative determines that the Verification Test  
240 confirms that all Private Sewer Laterals or Private Sewers  
241 associated with the parcel are in compliance with this Ordinance  
242 and applicable Local Ordinance Requirements.

243 (2) **Procedures for Verification Testing of Private Sewer Laterals.**

244 The Director will maintain written procedures for Verification  
245 Testing. The procedures shall be made available upon request.

246 (3) **Effect of General Waiver.** A Property Owner who holds General  
247 Waiver status may obtain a Compliance Certificate without  
248 performing condition assessment, Repair or Replacement work, or  
249 Verification Testing on the Private Sewer Lateral.

250 (4) **Effect of Limited Waiver.** If the City has issued a Limited Waiver

251 for the Private Sewer Lateral or a portion of it, the Property Owner  
252 may obtain a Compliance Certificate without performing condition  
253 assessment, Repair or Replacement work or Verification Testing on  
254 the Private Sewer Lateral, except such work and testing is required  
255 for any portion of the Private Sewer Lateral not covered by the  
256 Limited Waiver.

257 (5) **Voluntary Certification.** The City shall provide a Compliance  
258 Certificate to any Property Owner or Public Entity who requests one  
259 and passes a Verification Test conducted pursuant to this Section,  
260 including but not limited to a Property Owner or Public Entity who  
261 receives notice from the City or a Satellite that the Private Sewer  
262 Lateral is damaged, deteriorating, defective, or in any other way  
263 fails to comply with Section 12.16.035.040.

264 12.16.035.070. **Compliance Certificate Term Limits.**

265 (1) **Term Limit.** A Compliance Certificate obtained as a result of  
266 Replacement of all PSLs associated with the parcel shall be valid  
267 for 20 years from the date of issuance. All other Compliance  
268 Certificates shall be valid for 7 years from the date of issuance.

269 (2) **Effect of General Waiver.** A Compliance Certificate obtained by a  
270 Property Owner while the Property Owner holds General Waiver  
271 status shall be valid for a specified period as follows:

272 A Compliance Certificate obtained as a result of Replacement of the  
273 entire Private Sewer Lateral shall be valid for 20 years from the  
274 date the Compliance Certificate is issued; and

275 All other Compliance Certificates shall be valid for 7 years from the  
276 date the Compliance Certificate is issued.

277 (3) **Effect of Limited Waiver.** If the City has issued a Limited Waiver  
278 for the Private Sewer Lateral, or a portion of it, the Compliance

279 Certificate shall be valid for the same period as the Limited Waiver  
280 and shall expire on the Limited Waiver's expiration date, provided  
281 that the Compliance Certificate shall in no case be valid beyond 7  
282 years from the date it is issued.

283 12.16.035.080. **Time Extension Certificates.**

284 (1) **Availability.** If a Compliance Certificate cannot be obtained before  
285 Title Transfer, the transferor, transferee, or other interested party  
286 or parties may obtain a Time Extension Certificate from the City.  
287 Time Extension Certificates are issued in connection with Title  
288 Transfer transactions only.

289 (2) **Deposit.** The Time Extension Certificate shall be completed and  
290 submitted to the City along with a refundable \$2,000.00 deposit and  
291 any nonrefundable fee that the City may require. The deposit will be  
292 refunded after a Compliance Certificate is issued.

293 (3) **Validity Period.** A Time Extension Certificate expires 180 days  
294 after it is issued.

295 (4) **Obligation of Property Owner or Transferee.** During the 180-day  
296 validity period of a Time Extension Certificate, the Property Owner  
297 or transferee must complete any necessary Repair or Replacement  
298 and obtain a Compliance Certificate. Property Owners are  
299 responsible for the full cost of compliance with this Ordinance and  
300 that cost may exceed the deposit.

301 (5) **Forfeiture of Deposit.** If a Compliance Certificate is not obtained  
302 before a Time Extension Certificate expires, the deposit may be  
303 forfeited and the current Property Owner is subject to enforcement  
304 action as provided by this Ordinance. The Property Owner may  
305 apply to the City for release of forfeited funds, less the City's costs.  
306 The City will not release forfeited funds unless the Property Owner

307 first demonstrates full compliance with this Ordinance.

308 (6) **No Renewal.** Time Extension Certificates are not renewable.

309 (7) **Transferability.** The Director may authorize and regulate the  
310 transferability of Time Extension Certificates. Transfers, if  
311 authorized, shall not extend the Time Extension Certificate's  
312 expiration date.

313 12.16.035.090. **Enforcement.**

314 (1) When the Director finds that a person violates or threatens to  
315 violate this Ordinance, the Director may notify the person in writing.  
316 Within 30 days of the mailing of that notification, the notified person  
317 must submit for approval by the Director a detailed time schedule of  
318 specific actions the person shall take in order to correct or prevent  
319 a violation of this Ordinance. The person shall take the actions  
320 within 90 days of the mailing date of the Director's notification.

321 (2) The Director may take enforcement action against a person who  
322 violates the provisions of this Ordinance or fails to perform any act  
323 required by this Ordinance, including but not limited to initiating  
324 court action to obtain an injunction requiring the work to be done  
325 and/or terminating service. The City may recover from any person in  
326 violation of this Ordinance the costs it incurs in connection with  
327 enforcing this Ordinance, including staff time, and may seek  
328 attorneys' fees in any court action or proceeding.

329 12.16.035.100. **Requests for Relief or Reconsideration.**

330 (1)**Requests for Relief.** Any person or entity unable to comply with the  
331 requirements of this Ordinance, or any person affected by any City  
332 decision, action, or determination related to this Ordinance, may  
333 submit to the City a written request for relief setting forth in detail  
334 the facts supporting the request. The Director shall designate a City  
335 officer or employee with managerial authority who will consider the  
336 matter without a hearing and decide whether to grant relief. The  
337 Director's designee may request additional information. The  
338 Director's designee may decide the matter within fifteen (15)  
339 business days from the receipt of the request, or, if additional  
340 information is requested and received within fifteen (15) business  
341 days from the receipt of the request, then fifteen (15) business days  
342 from the date the City receives all additional requested information.  
343 If the Director's designee does not decide the matter within the  
344 above-stated time period, the request for relief shall be deemed  
345 denied on the first day following that time period. Notice of any  
346 decision will be mailed to the person or entity requesting relief.

347 (2)**Requests for Reconsideration.**

348 (A) Within 30 days after the date of mailing of written notice of  
349 any City decision granting or denying relief under paragraph (1)  
350 of this Section, or within 30 days after the date the request for  
351 relief is deemed denied, any person or entity affected by the  
352 requirements, decision, action or determination that was the  
353 subject of the request for relief may submit to the Director a  
354 written request for reconsideration. The Director shall personally  
355 consider all requests for reconsideration. The request for  
356 reconsideration must set forth in detail the facts supporting the  
357 request.

358 (B) The Director may act on the request for reconsideration  
359 with or without a hearing in any manner the Director deems  
360 reasonable and shall thereafter issue a final written  
361 determination concerning the request for reconsideration. If the  
362 Director fails to act upon the request for reconsideration within  
363 fifteen (15) business days of receipt of the request for  
364 reconsideration, the request shall be deemed denied. The  
365 decision, action or determination shall remain in effect during the  
366 period of review by the Director.

367 (C) The Director's decision shall become final and binding at  
368 the time the Director acts on the request or fails to act within the  
369 time specified by this paragraph (B). If the Director acts on the  
370 request for reconsideration, notice of the Director's action will be  
371 mailed to the person or entity requesting reconsideration within  
372 five (5) business days of the action.

373 (D) Any person or entity affected by a decision, action or  
374 determination related to this Ordinance who wishes to appeal or  
375 challenge the decision, action or determination must request  
376 reconsideration using the process specified in this paragraph (b).  
377 This requirement is jurisdictional. The failure to seek  
378 reconsideration shall be deemed a failure of the person or entity  
379 subject to the decision, action or determination to exhaust  
380 administrative remedies.

381 12.16.035.110. **Fees and Regulations.**

382 (3) Fees. The City may establish fees in the Water and Wastewater  
383 System Schedule of Rates and Charges and Fees for administration  
384 of this Ordinance and may modify those fees from time to time.

385 (4) Regulations. The Director may develop and maintain written

386 regulations, procedures and guidance materials for administration of  
387 this Ordinance and shall make them available upon request.

388 **SECTION THREE - INCONSISTENCIES REPEALED.**

389 Any provisions of the Yreka Municipal Code, or appendices  
390 thereto, or any other ordinances of the City inconsistent herewith, to  
391 the extent of such inconsistencies and no further, are hereby repealed.

392 **SECTION FOUR - PUBLICATION OF CODIFICATION.**

393 The repeal of the former provisions and the text of the provisions  
394 hereby substituted in Chapter 12.16.035 the Yreka Municipal Code are  
395 the sole portions of this ordinance that require publication in the  
396 codification of the Yreka Municipal Code.

397 **SECTION FIVE - IMPLEMENTATION.**

398 The City Council hereby authorizes and directs the City Manager  
399 to take any action and sign any documents necessary to implement  
400 this Ordinance.

401 **SECTION SIX - EXECUTION.**

402 The Mayor and City Clerk are authorized to subscribe this  
403 ordinance where indicated below to evidence its approval by the City  
404 Council.

405 **SECTION SEVEN - SEVERABILITY.**

406 If any section, sentence, clause or phrase of this Chapter is for  
407 any reason held to be invalid or unconstitutional by a decision of any  
408 court of competent jurisdiction, such decision shall not affect the  
409 validity of the remaining portions of this Chapter. The City Council  
410 hereby declares that it would have passed this ordinance and adopted  
411 this Chapter and each section, sentence, clause or phrase thereof,  
412 irrespective of the fact that any one or more sections, subsections,

413 sentences, clauses or phrases were to be declared invalid or  
414 unconstitutional.

415 **SECTION EIGHT - EFFECTIVE DATE; PUBLICATION.**

416 At least five (5) days prior to its adoption and within fifteen (15)  
417 days after its adoption, a summary of this ordinance, in a form  
418 approved by the City Attorney, shall be published once in a newspaper  
419 of general circulation printed and published in the County of Siskiyou.  
420 This ordinance shall be effective thirty-one (31) days from and after its  
421 adoption.

422 Passed duly and regularly passed and adopted by the City  
423 Council of the City of Yreka this \_\_\_\_\_ day of \_\_\_\_\_,  
424 2016, after a first reading at a regular meeting before the City Council  
425 on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, on the following  
426 polled vote:

427 AYES:

428 NOES:

429 ABSTAIN:

430 ABSÉNT:

431 \_\_\_\_\_  
432 JOHN MERCIER, Mayor  
433 City of Yreka, California

434 ATTEST:

APPROVED AS TO FORM:

435 \_\_\_\_\_  
436 Liz Casson, City Clerk  
437 City of Yreka, California

  
\_\_\_\_\_  
DOHN R. HENION  
City Attorney



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**CITY OF YREKA**

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To: Yreka City Council  
From: Steven W. Baker, City Manager  
Prepared by: Rhetta Hogan, City Treasurer/Finance Director  
Agenda title: Discussion/Possible Action – Introduction of Proposed Ordinance 845 of the City Council of the City of Yreka Amending Chapter 3.30 entitled Investment and Audit Committee of the Yreka Municipal Code  
Meeting date: October 20, 2016

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**DISCUSSION**

The City of Yreka's Audit and Investment committee has discussed at its regular meeting held June 6, and its rescheduled regular meeting held September 7, 2016 changes to the Investment and Audit committee municipal code Chapter 3.30 - Sections 010-040.

The proposed changes serve to:

- modernize language,
- eliminate standing meetings and Monday holiday conflicts, and
- broaden in scope the activities of the committee in reviewing all matters of the City that in part includes: audits, investments, and debt issuance.

Attached is a markup copy of the changes where italicized items are new, lined out represents deletions, and regular font indicates no changes.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Introduction of Proposed Ordinance 845 of the City Council of the City of Yreka Amending Chapter 3.30 entitled Investment and Audit Committee of the Yreka Municipal Code, and following the consideration of any deliberation by the Council, that the Ordinance be passed to a subsequent regular City Council meeting for consideration of its adoptions with the following motion:

“I move that the Council approve the introduction of the Ordinance and waive its full reading, it having been read by title only.”

A majority of affirmative votes of those members present will result in this motion's adoption.

**ATTACHMENTS**

Approved by:   
Steven Baker, City Manager



ORDINANCE NO. 845

**AN ORDINANCE OF THE CITY OF YREKA AMENDING CHAPTER 3.30  
INVESTMENT AND AUDIT COMMITTEE OF THE YREKA MUNICIPAL  
CODE**

THE CITY COUNCIL OF THE CITY OF YREKA DOES HEREBY ORDAIN AS  
FOLLOWS:

**Section 1.** Chapter 3.30 Investment and Audit Committee of the Yreka Municipal Code is hereby amended with the following additions and deletions to read as follows (additions in underline, deletions in strikethrough):

**Chapter 3.30** - Audit, Debt and Investment Committee ~~INVESTMENT AND AUDIT COMMITTEE~~

**Section 3.30.010** - Audit, Debt and Investment Committee. ~~Investment and audit committee.~~

~~There is hereby created an investment and audit committee which~~ The audit, debt and investment committee shall be composed of the city manager and two city councilmembers appointed by the mayor. The mayor shall be an alternate member of the committee who shall serve in the event of the absence of any one of the regularly appointed members of the committee. The city councilmembers shall serve on the committee for two years from the date of their appointment. In the event of any vacancy created on the committee, the mayor shall appoint another city councilmember to fill the vacancy. The city treasurer and finance director serve as staff liaisons to the committee.

**3.30.020 – Duties of committee.**

24 ~~(b)(a) - The committee shall review the external financial audit on an annual basis. The~~  
25 ~~committee shall advise the responsible city officials of matters relating to office and~~  
26 ~~accounting procedures, bookkeeping and receipt and disbursement of city funds.~~

27 (b) - The committee shall review new debt issuance and structure, prepayment and  
28 repayments, and debt policy as needed.

29 ~~(a)(c) The committee shall review and advise the city treasurer in the manner and types of~~  
30 ~~investments for any and all city funds available for investment purposes. The City treasurer~~  
31 ~~shall not change the institutions in which the City funds are invested without prior approval~~  
32 ~~of the committee. The committee shall direct the city treasurer or other responsible official~~  
33 ~~as to the institutions in which the funds shall be invested, but shall otherwise act only in an~~  
34 ~~advisory capacity to the city treasurer or other responsible official. The city treasurer shall~~  
35 ~~invest the surplus city funds as directed by the committee. Nothing herein contained shall~~  
36 ~~be construed to authorize the committee to direct the investment of city funds in any~~  
37 ~~manner which is contrary to applicable state law regulating the investment of city moneys.~~  
38 The committee shall review the city's investment portfolio on an annual basis and the city's  
39 investment policies as needed.

#### 40 **3.30.030 - Meetings.**

41 Meetings shall be held as required by the business needs of the committee in the City  
42 Council Chambers or such other locations as allowed by and property noticed under the  
43 Ralph M. Brown Act, on weeknights or weekdays (Monday-Thursday) at a time that is  
44 convenient for the committee and the public to encourage public participation. The  
45 ~~investment and audit committee shall meet on the first Monday of each December, March,~~  
46 ~~June, and September to review all city investments, review the manner and type of~~  
47 ~~investments of all city funds, make recommendations in regard thereto, and determine the~~  
48 ~~institutions in which city funds shall be invested for the next succeeding quarters. Two~~  
49 ~~members of the committee shall constitute a quorum and any action taken by the committee~~  
50 ~~shall be by two-thirds affirmative vote. The city manager shall be the chairperson~~ man ~~of~~

51 the committee and any recommendation made or action taken by the committee shall be in  
52 writing directed to the city treasurer, finance director or other responsible city official and  
53 executed by the city manager as chairperson~~man~~ of the committee. On request of any  
54 member of the committee, special meetings of the committee shall be called by the  
55 chairperson~~man~~ ~~on twenty-four hours prior written notice thereof to the remaining~~  
56 ~~members, the notice to be given personally to the members, or mailing the notice to the~~  
57 ~~members at their residence address at least twenty-four hours prior to the time set for the~~  
58 ~~special meeting.~~

59 **3.30.040 - Review.**

60 In the event of any dispute arising between the city treasurer and the ~~investment~~ committee,  
61 the matter shall be referred to the city council for action.

62 **Section 2. Severability**

63 If any section, sentence, clause or phrase of this Chapter is for any reason held to be  
64 invalid or unconstitutional by a decision of any court of competent jurisdiction, such  
65 decision shall not affect the validity of the remaining portions of this Chapter. The City  
66 Council hereby declares that it would have passed this ordinance and adopted this Chapter  
67 and each section, sentence, clause or phrase thereof, irrespective of the fact that any one  
68 or more sections, subsections, sentences, clauses or phrases were to be declared invalid  
69 or unconstitutional.

70 **Section 3. Inconsistency.**

71 Any provisions of the Yreka Municipal Code, or appendices thereto, or any other  
72 ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no  
73 further, are hereby repealed for the purposes of the enforcement of this Chapter.

74

75 **Section 4. Effective Date.**

76 This ordinance shall be effective thirty-one (31) days from and after its adoption.

77 **Section 5. Implementation.**

78 The City Council hereby authorizes and directs the City Manager to take any action and  
79 sign any documents necessary to implement this Ordinance.

80 **Section 6. Execution.**

81 The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below  
82 to evidence its approval by the City Council.

83  
84 Introduced at a regular meeting of the City Council held October 20, 2016, and adopted as  
85 an ordinance of the City of Yreka at a regular meeting of the City Council held on  
86 November 3, 2016 by the following vote:

87 AYES:

88 NOES:

89 ABSENT:

90 /s/ John Mercier  
91 John Mercier, Mayor

92 Attest: APPROVED AS TO FORM

93 /S/ Elizabeth E. Casson  
94 Elizabeth E. Casson, City Clerk

/s/ Dohn Henion  
DOHN HENION, City Attorney



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**CITY OF YREKA**

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To: Yreka City Council

From: Steven W. Baker, City Manager

Prepared by: Rhetta Hogan, City Treasurer/Finance Director  
Jerry Lemos, Fire Chief, Yreka Volunteer Fire Department

Agenda title: Discussion/Possible Action – Introduction of Proposed Ordinance of the City Council of the City of Yreka Amending Chapter 2.28.070 – Assignment of duties – Payment for services of the Yreka Municipal Code

Meeting date: October 20, 2016

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**DISCUSSION**

“Title 2 - Administration and Personnel, Chapter 28 - Fire Department, Section 070 Assignment of duties – Payment for services” of the City’s municipal code is being updated to reflect current practice for the quarterly payroll processing of stipends for the Yreka Fire Department’s volunteers.

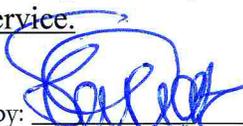
In December of 2008, Resolution 2735 updated the call out fees and acknowledged that member call out stipends are subject to Internal Revenue Service publication 963, whereas call out stipends paid to volunteer firefighters are considered wages subject to payroll taxes and withholdings.

Operational changes were made in the calendar month of payment to follow quarterly payroll tax reporting to ensure employees received timely W-2 forms that reflected for the most part, wages earned for the tax periods. These updates serve to align the ordinance with actual practice.

Attached is a markup copy of the changes where italicized items are new, lined out represents deletions, and regular font indicates no changes.

Section 2.28.070 - Assignment of duties – Payment for services.

Such compensation for the services described herein shall be at the rate fixed from time to time pursuant to resolution of the city council and shall be paid ~~on the presentation by the chief engineer of a sworn statement to the council in the usual manner accompanied by the certificate of the chief engineer, attested by the secretary treasurer, that the services have been performed by the members of the department, and the report shall be so presented and filed at the first meeting of the council in the months of January, April, July and October succeeding the dates of the rendering of the service for which such compensation is claimed. quarterly.~~ A payroll report, attested by the secretary-treasurer that the services have been performed by the members of the department, shall be submitted to Finance for processing in the months of December, March, June and September succeeding the dates of service.

Approved by:   
Steven Baker, City Manager

**FISCAL IMPACT**

None

**RECOMMENDATION**

Introduction of Proposed Ordinance of the City Council of the City of Yreka Amending Chapter 2.28.070 – Assignment of duties – Payment for services of the Yreka Municipal Code, and following the consideration of any deliberation by the Council, that the Ordinance be passed to a subsequent regular City Council meeting for consideration of its adoptions with the following motion:

“I move that the Council approve the introduction of the Ordinance and waive its full reading, it having been read by title only.”

A majority of affirmative votes of those members present will result in this motion’s adoption.

**ATTACHMENTS**



ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF YREKA AMENDING CHAPTER 2.28.070  
ADMINISTRATION AND PERSONNEL - FIRE DEPARTMENT OF THE  
YREKA MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF YREKA DOES HEREBY ORDAIN AS  
FOLLOWS:

**Section 1.** Chapter 2.28.070 Fire Department of the Yreka Municipal Code is hereby  
amended with the following additions and deletions to read as follows (additions in  
underline, deletions in strikethrough):

**Chapter 2.28** - Fire Department

**Section 2.28.070** – Assignment of duties – Payment for services

The chief engineer shall assign to each member of the department his special duty at the  
time of fire. When an alarm of fire is sounded, it shall be the duty of each and every member  
of the department to respond immediately and proceed to the fire station, or the place of  
fire, without delay. Members of the department who are present at any fire or who respond  
to any alarm of fire shall report to the chief engineer or other officer in charge and each  
such member shall be entitled to payment for services for each such attendance upon an  
actual fire. In the case of false alarm of fire, or where the fire is extinguished before the  
arrival of the fire department thereat, each member shall be entitled to receive payment for  
services for his attendance. Each member shall be entitled to payment for actual attendance  
at each regularly called monthly meeting of the fire department. Such compensation for  
the services described herein shall be at the rate fixed from time to time pursuant to  
resolution of the city council and shall be paid ~~on the presentation by the chief engineer of~~

25 a sworn statement to the council in the usual manner accompanied by the certificate of the  
26 chief engineer, attested by the secretary-treasurer, that the services have been performed  
27 by the members of the department, and the report shall be so presented and filed at the first  
28 meeting of the council in the months of January, April, July and October succeeding the  
29 dates of the rendering of the service for which such compensation is claimed. quarterly. A  
30 payroll report, attested by the secretary-treasurer that the services have been performed by  
31 the members of the department, shall be submitted to Finance for processing in the months  
32 of December, March, June and September succeeding the dates of service.

33 **Section 2. Severability**

34 If any section, sentence, clause or phrase of this Chapter is for any reason held to be  
35 invalid or unconstitutional by a decision of any court of competent jurisdiction, such  
36 decision shall not affect the validity of the remaining portions of this Chapter. The City  
37 Council hereby declares that it would have passed this ordinance and adopted this Chapter  
38 and each section, sentence, clause or phrase thereof, irrespective of the fact that any one  
39 or more sections, subsections, sentences, clauses or phrases were to be declared invalid  
40 or unconstitutional.

41 **Section 3. Inconsistency.**

42 Any provisions of the Yreka Municipal Code, or appendices thereto, or any other  
43 ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no  
44 further, are hereby repealed for the purposes of the enforcement of this Chapter.

45  
46 **Section 4. Effective Date.**

47 This ordinance shall be effective thirty-one (31) days from and after its adoption.

48 **Section 5. Implementation.**

49 The City Council hereby authorizes and directs the City Manager to take any action and  
50 sign any documents necessary to implement this Ordinance.

51 **Section 6. Execution.**

52 The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below  
53 to evidence its approval by the City Council.

54  
55 Introduced at a regular meeting of the City Council held October 20, 2016, and adopted as  
56 an ordinance of the City of Yreka at a regular meeting of the City Council held on  
57 November 3, 2016 by the following vote:

58 AYES:

59 NOES:

60 ABSENT:

61 /s/ John Mercier  
62 John Mercier, Mayor

63 Attest: APPROVED AS TO FORM

64 /S/ Elizabeth E. Casson /s/ Dohn Henion  
65 Elizabeth E. Casson, City Clerk DOHN HENION, City Attorney



CITY OF YREKA

To: Yreka City Council
Prepared by: Rhetta Hogan, Finance Director
Agenda title: Designation of Other Post Employer Benefits Reserves (OPEB), for the Year Ending June 30, 2016, the Annual Required Contribution (ARC) of \$185,218, based on the City's Actuarial OPEB Valuation Report performed by Bickmore
Meeting date: October 20, 2016

Discussion/Possible Action:

Staff presented the City's Actuarial report on Other Post Employment Benefits at the September 15, 2016, City Council meeting. One of the staff recommended action items was to set aside the 2015-16 Annual Required Contribution (ARC) in reserves. In closing the fiscal year, the opportunity exists to set aside funds in reserves due to one-time money received.

The table below, shows the unaudited trial balance for fiscal year 2015-16, where the General Operating Fund Net Equity was higher than budget, primarily due to receipt of one-time money (SCORE insurance premium and casino interagency agreement cost reimbursement) and deferred payments arising from the triple flip closeout proceeds received.

Table with 4 columns: ACCOUNT DESCRIPTION, Adopted Budget, Operating Budget Current Period, DB(CR). Rows include Revenue, Expense, and Net Equity Chang for FUND: 01.

The OPEB Annual Required Contribution (ARC) is a liability of the City much like pension payments, and in 2016-17 that cost will be spread across payroll as specified in GASB75.

In the Bickmore report for 2016, this liability grew from an unfunded actuarial liability of \$954,000 in 2012 to \$1,735,097 in 2016, (some of this increase was attributable to changes in the calculation for implicit valuation).

The recommended allocation of \$185,218 will help begin to lower this liability over time. Of this amount, approximately 40% of the annual contribution will come from the water and wastewater enterprise funds and 60% from the general operating fund.

In taking a measured approach of reserving the current year's contribution, the City will be able to begin to study how to invest and the level of contribution, if any, above the current actuarial liability.

Approved by: [Signature] Steven Baker, City Manager

Next steps, will be to assign this review to a subcommittee for further recommendations to address a long term strategy for OPEB funding and trust investments.

Fiscal Impact:

Transfer from undesignated reserves to designated reserves \$185,218 for purposes of funding the City's 2015-16 fiscal year Annual Required Contribution.

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<b>Subsidy</b>	<b>Explicit</b>	<b>Implicit</b>	<b>Total</b>
Annual Required Contribution (ARC) for FYE 2016	\$ 88,711	\$ 96,507	\$ 185,218

Recommendation:

Approval of the Designation of Other Post Employer Benefits Reserves (OPEB), for the Year Ending June 30, 2016, the Annual Required Contribution (ARC) of \$185,218, based on the City's Actuarial OPEB Valuation Report performed by Bickmore.