

YREKA CITY COUNCIL MEETING AGENDA
November 15, 2012 – 6:30 P.M.
Yreka City Council Chamber 701 Fourth Street, Yreka, CA

PLEDGE OF ALLEGIANCE

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

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

1. Discussion/Possible Action - Consent Calendar: All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
 - a. Approval of Minutes of the special meeting held October 23, 2012 and the regular meeting held November 1, 2012.
 - b. Approval of Warrants issued from November 2 through November 15, 2012.
- 2 Discussion/Possible Action – Approval of budgetary appropriation of \$9,529 for capital outlay and the transfer of \$6,000 from unallocated to allocated capital projects for the YPD’s computer aided dispatch and records management upgrade project.
3. Discussion/Possible Action - Adopt Ordinance No. 831 repealing and amending by adding various sections of Title 11 of the Yreka Municipal Code relating to the adoption by reference of Uniform Construction Codes; Adding New Chapter 11.50 relating to Placards used to denote conditions relating to continued occupancy of buildings; and repealing certain Ordinances.
4. (a) PUBLIC HEARING: to consider a zoning text amendment to Yreka Municipal Code Section 16.46.080 prohibiting sales from vehicles, trailers or mobile units in the public right of way.

(b) Discussion/Possible Action – re-introduce Ordinance No. 832 of the City Council of the City of Yreka Amending certain sections of the Yreka Municipal Code in Chapters 6.08 Garbage, Rubbish & Waste, 8.04 Animals-General Provisions, 10.32 Vehicles & Traffic and 16.46 Zoning-Special Provisions.
5. Discussion/Possible Action – Adopt Resolution No. 2998 making necessary findings pursuant to Government Code 7522.56 for post-retirement employment of Mark Schmitt and authorizing City Manager to execute agreement regarding such employment, together with any and all other necessary documents.

City Manager Report:

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

CLOSED SESSION:

1. Personnel pursuant to Government Code §54957(b)(1), consider appointment for the position of City Attorney.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 013-110-130 & 140
Third Party Negotiator: County of Siskiyou
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both

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.

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON OCTOBER 23, 2012

On the 23rd day of October 2012, the City Council of the City of Yreka met in the City Council Chambers of said City in special session, and upon roll call, the following were present: Robert Bicego, Bryan Foster, Rory McNeil, John Mercier and David Simmen. Absent – None.

PUBLIC COMMENTS: None

CLOSED SESSION:

Personnel pursuant to Government Code §54957(b)(1), consider public employee appointment for the position of City Attorney.

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

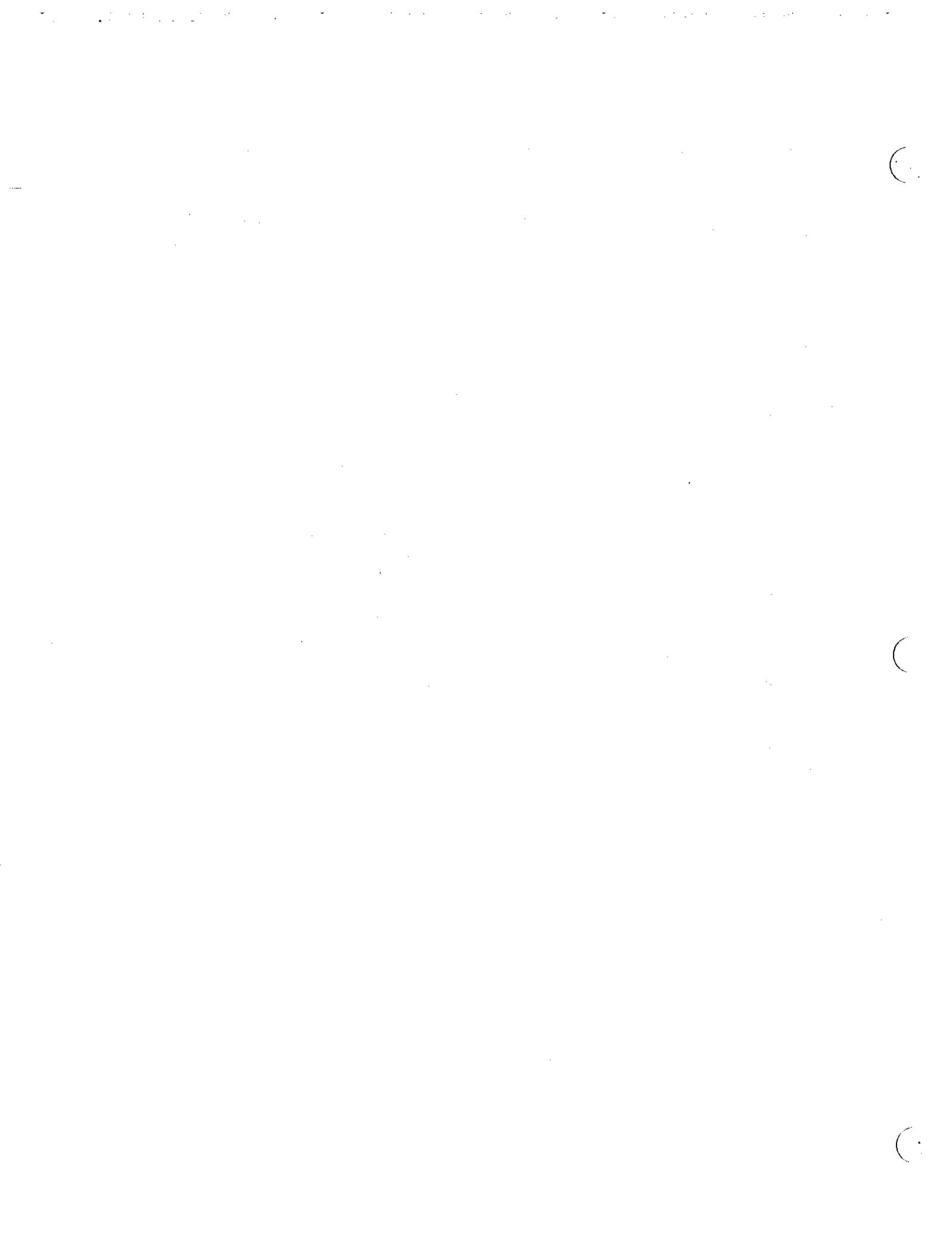
The City Council will issue a Request for Proposals (RFP) for a contract for provision of legal services for the City of Yreka on November 2, 2012. The RFP will request the provision of legal services for a full-service city. Scheduling of the review of responses is tentatively set for November 15, 2012, and interviews are tentatively scheduled for the afternoon of December 3, 2012, which will all be confirmed on November 1, 2012. The City Manager is authorized to place an advertisement in the Siskiyou Daily News to this effect, and the City Attorney is authorized to notify North State bar associations and the League of California Cities with this information. Motion by Foster, second by Mercier. All ayes. Motion carried.

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion 11-15- 2012

Elizabeth E. Casson, City Clerk



MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON NOVEMBER 1, 2012

On the 1ST day of November 2012, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Robert Bicego, Bryan Foster, Rory McNeil, John Mercier and David Simmen. Absent – None.

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

- a. Approval of Minutes of the special meeting held October 11, 2012 and the regular meeting held October 18, 2012.
- b. Approval of Warrants issued from October 19, 2012 through November 1, 2012.

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

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

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2997 approving the Department of Forestry and Fire Protection Agreement No. 7FG12080 for Volunteer Fire Assistance Wildland Gear.

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

City Manager Baker reported that in March, 2012 the Yreka Fire Department submitted an application for a Cal Fire Volunteer Fire Assistance (VFA) grant. The grant is a 50/50 local match grant primarily for wildland firefighting safety gear. The total requested amount for the grant is \$12,280.13. The funds used for the purchase of the safety gear will come out of the fire department's benefit fund. No money will be used out of the fire departments budget for this purchase.

On October 2nd, 2012 the Department received approval for the VFA grant in the amount of \$6,141 and it is staff's recommendation that the City Council adopt the resolution to accept the grant to complete the approval process.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2997 as submitted.

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

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

Presentation – Yreka Police Department Chief of Police – Brian Bowles:

- Yreka Police Facility Needs Assessment Report

Brian Bowles, Chief of Police, addressed the Council to present a facility needs assessment report as prepared by the Siskiyou Design Group. Chief of Police Bowles reported that the Police Department has outgrown their current facility located on Miner Street. The building is very old and will continue to need many fixes to keep it operational. The department has work creatively and effectively to utilize the existing building layout. However, the existing three levels of the facility are antiquated in their design, layout, exiting arrangement, construction and do not promote efficiency.

Introduction of Ordinance No. 831 repealing and amending by adding various sections of Title 11 of the Yreka Municipal Code relating to the adoption by reference of Uniform Construction Codes; Adding New Chapter 11.50 relating to Placards used to denote conditions relating to continued occupancy of buildings; and repealing certain Ordinances.

City Attorney Mary Frances McHugh reported that the California Building Standards Codes are published every 3 years by the California Building Standards Commission. The California Building Standards Commission has published the 2010 California Building Standards Codes by amending Title 24 of the California Code of Regulations, effective January 1, 2011. By California law, these codes became enforceable within the jurisdiction of the City of Yreka six months after adoption.

City Attorney McHugh further reported that the City has the power at any time to make jurisdiction specific modifications to the Building Standards if certain findings are made in connection with the particular changes. This Ordinance will amend California Building Code Chapter 16, and California Code of Regulations R301.2 Snow load, to fix the minimum snow load at 40 pounds per square foot of roof snow and establishing the basic wind speeds at 80 mph except the area east of Butcher Hill, which shall be 90 mph. These standards have been required by the Building Official of the City for many years, without the support of appropriate amendment to the Building Standards Codes. The changes include the adoption of the current appendix now referenced as Appendix J in place of Appendix 33, the grading requirements. The 2010 California Building Standards Codes requires any adopting ordinance specifically reference the grading appendix in order for it to be enforceable. Once adopted, this ordinance will be filed with the State Commission.

Following the reading of the body of the Ordinance and Council discussion, Council Member McNeil moved to introduce Ordinance No. 831 as amended.

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

Mayor Simmen thereupon declared the motion carried.

Introduction of Ordinance No. 832 amending certain sections of the Yreka Municipal Code in Chapters 2.28 Fire Department, 6.08 Garbage, Rubbish & Waste, 8.04 Animals-General Provisions, and 10.32 Vehicles & Traffic and 16.46 Zoning – Special Provisions.

City Attorney McHugh reported that Ordinance 832 contains amendments to a variety of chapters of the Yreka Municipal Code with the principal purpose to bring the ordinances into alignment with existing practices or law. And that City staff recommends the introduction of Ordinance 832 as amended to reflect changes in Chapter 6.08 relating to burn permits, Chapter 8.04 relating to disturbance by animals, and Chapters 10.31 and 16.46 relating to street vendors. The proposed amendment to Chapter 2.28 relating to the Fire Department Advisory Board has been removed from the proposed Ordinance 832.

Tom Laurent addressed the Council in favor of the amendment to Chapter 8.04, stating that under the existing ordinance little could be done by the Animal Control Officer to control disturbance by animals, so he has been working with the Chief of Police to come up with a solution to give the Animal Control Officer the authority and tools to solve the problem.

Following the reading of the body of the Ordinance and Council discussion, Council Member Bicego moved to introduce Ordinance 832 as amended.

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

Mayor Simmen thereupon declared the motion carried.

Approval of all Warrants payable to Siskiyou County Economic Development Council from October 19, 2012 through November 1, 2012.

Council Member Mercier announced his recusal stating that he has a conflict of interest with one of the warrants listed by reason of his employment relationship with one of the proposed payees, namely, Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to approve the warrants as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Council Member Mercier returned to his seat at the Council table.

Approval of Request for Proposals for Contract City Attorney services.

City Attorney McHugh presented the Council with a draft request for proposals for Contract City Attorney Services.

Following Council discussion, Council Member McNeil moved to approve the request for proposals as submitted, and authorized the City Attorney to proceed with the process.

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

Mayor Simmen thereupon declared the motion carried.

CLOSED SESSION:

1. Conference with Legal Counsel pursuant to Government Code § 54959.9
On the Matter of City of Yreka v. Kimberlee Abbott., et al., Siskiyou County Superior Court Case No. 11-1001.
2. Anticipated Litigation. Government Code Section 54956.9(b)(3)(E) and (c). Conference with Legal Counsel, a point has been reached where, in the opinion of the Council on the advice of its legal counsel, based on existing facts and circumstances, there is significant exposure to litigation against the City and the Council is deciding or will decide whether to initiate litigation, due to a statement threatening litigation made outside an open and public meeting on a specific matter within the responsibility of the Council. Three cases – names of parties are not disclosed since it is believed the facts which may result in litigation are not yet be known to the potential litigant(s), which facts need not be disclosed, and, to do so would jeopardize City's ability to conclude existing settlement negotiations to its advantage.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 013-110-130 & 140
Third Party Negotiator: County of Siskiyou
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both
4. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: 320 Miner St., Yreka, CA
Third Party Negotiator: to be determined
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: 307 North St., Yreka, CA
Third Party Negotiator: to be determined
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both

6. Conference with Real Property Negotiator (Government Code Section 54956.8)
 Property: Assessor Parcel No. 053-681-070
 Third Party Negotiator: Cliff Brown, Phillipe Lane Industrial Park
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both.

RETURN TO OPEN SESSION at 9:30 pm: Upon return to open session, City Attorney Mary Frances McHugh reported out the following:

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

The Council conferred with its legal advisors and gave direction. No other reportable action was taken.

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

On one matter the Council conferred with its legal advisor and gave direction. The two remaining matters were taken off calendar at the request of the City Attorney. No other reportable action was taken.

3. Conference with Real Property Negotiator (Government Code Section 54956.8)
 Councilmember Rory McNeil announced a recusal due to proximity of property she owns to the project, and left the room.

Property: Assessor Parcel No. 013-110-130 & 140
 Third Party Negotiator: County of Siskiyou
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

All Councilmembers except Councilmember Mercier present.

Property: 320 Miner St., Yreka, CA
 Third Party Negotiator: to be determined
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

Property: 307 North St., Yreka, CA
 Third Party Negotiator: to be determined
 City Negotiators: City Manager and City Attorney

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

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

Property: Assessor Parcel No. 053-681-070
 Third Party Negotiator: Cliff Brown, Phillipe Lane Industrial Park
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both.

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

Attest:

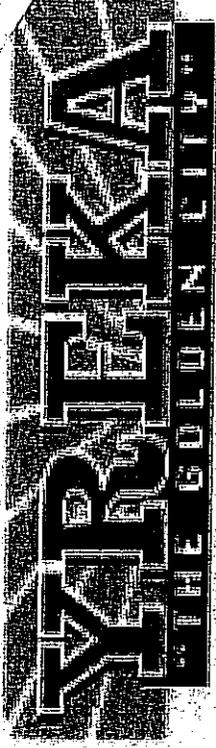
 David Simmen, Mayor
 Minutes approved by Council
 Motion 11-15- 2012

 Elizabeth E. Casson, City Clerk

Accounts Payable

Computer Check Proof List by Vendor

User: Debbie
 Printed: 11/01/2012 - 11:38AM
 Batch: 00001.11.2012

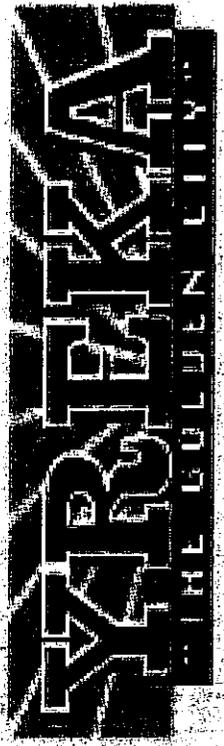


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	Check Total:	1,680.00			
Vendor: 1133	DAVID GAMACHE				
11/06-11/08	11/06-11/08/12	404.00	11/01/2012	01-200-0000-512-000	ACH Enabled: False
	Check Total:	404.00			
	Total for Check Run:	2,084.00			
	Total of Number of Checks:	2			

Accounts Payable

Computer Check Proof List by Vendor

User: Debbie
 Printed: 11/07/2012 - 11:15AM
 Batch: 00003.11.2012



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17423	INVOICE 17423	647.58	11/07/2012	01-201-0000-450-000	
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Vendor: 2125	JOSE & ESPERANZA ALANTZ				ACH Enabled: False
11/02/2012	FACADE GRANT REIMBURSEMENT	9,775.00	11/07/2012	Check Sequence: 2 04-610-1018-561-000	
	Check Total:	9,775.00			
Vendor: 3050	CHEVRON & TEXACO CARD SERVICES				ACH Enabled: False
36297553	INV 36297553	96.99	11/07/2012	Check Sequence: 3 01-060-0000-512-000	
36297553	INV 36297553	458.49	11/07/2012	01-200-0000-520-310	
	Check Total:	555.48			
Vendor: 1047	DEPT OF FISH & GAME				ACH Enabled: False
11/07/2012	FALL CREEK PUMP FACILITY	1,618.13	11/07/2012	Check Sequence: 4 70-510-0000-535-000	
	Check Total:	1,618.13			
Vendor: 2124	JUDY GRENSTED				ACH Enabled: False
11/02/2012	FACADE GRANT PROGRAM	3,817.00	11/07/2012	Check Sequence: 5 04-610-1018-561-000	
	Check Total:	3,817.00			
Vendor: 2126	NATIONAL FISH AND WILDLIFE FOUNDAI				ACH Enabled: False
11/07/2012	FALL CREEK PUMP FACILITY	7,700.00	11/07/2012	Check Sequence: 6 70-510-0000-535-000	
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Invoice No

Description

Amount

Payment Date

Acct Number

Reference

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29,113.19

Total of Number of Checks:

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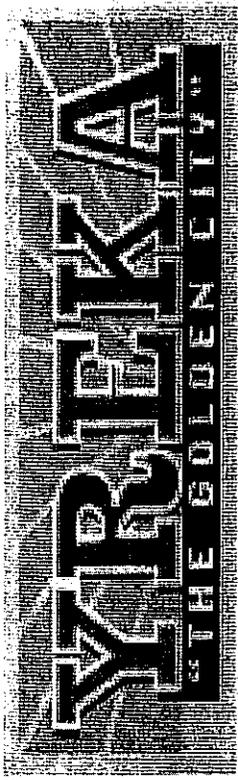
Accounts Payable

Computer Check Proof List by Vendor

User: lysandra

Printed: 11/08/2012 - 10:06AM

Batch: 00004.11.2012



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Vendor: 1080	ARAMARK UNIFORM SERVICES INC				ACH Enabled: False
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Vendor: 6021	BASIC LABORATORY INC				ACH Enabled: False
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1209898	INV 1209898	84.00	11/16/2012	70-500-0000-420-006	
1209943	INV 1209943	56.00	11/16/2012	70-500-0000-420-006	
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Vendor: 1423	1442	ALICE BRANDON	75.00			ACH Enabled: False
		INV 1442	75.00	11/16/2012	80-560-0000-416-001	
Vendor: 1043	115026	BUDGE-MCHUGH	320.82			ACH Enabled: False
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Vendor: 1045	11076176	C & H DISTRIBUTORS INC	511.58			ACH Enabled: False
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Vendor: 1050	-20128 11/12	CAL-ORE COMMUNICATIONS INC	206.80			ACH Enabled: False
		ACCT 20128 11/12	36.90	11/16/2012	01-050-0000-517-000	
		ACCT 21859 11/12	243.70	11/16/2012	70-510-0000-517-000	
Vendor: 1068	21075	CL POPE CO	127.41			ACH Enabled: False
		INV 21075 GLOVES	127.41	11/16/2012	80-560-0000-420-003	
Vendor: 54945	373734	COOLEY & POLLARD (WATER)	29.44			ACH Enabled: False
		INV 373734	29.44	11/16/2012	70-510-0000-420-000	

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6750	INV 6750	18.77	11/16/2012	Check Sequence: 14 70-510-0000-416-000	
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Vendor: 1124	FERGUSON ENTERPRISES INC				ACH Enabled: False
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142956	INV 142956	34.30	11/16/2012	80-560-0000-420-003	
143445	INV 143445	62.18	11/16/2012	80-560-0000-420-003	
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Vendor: 1140	GRAINGER				ACH Enabled: False
9964516802	INV 9964516802	39.81	11/16/2012	Check Sequence: 18 70-510-0000-420-004	
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Vendor: 1928	HARRINGTON INDUSTRIAL PLASTICS LLC				ACH Enabled: False
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Vendor: 1803	INDUSTRIAL ELECTRIC MOTORS				ACH Enabled: False
51826	INV 51826	2,912.87	11/16/2012	Check Sequence: 20 80-560-0000-420-003	
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Vendor:	1964	JEFFERSON ECONOMIC DEVELOPMENT II	INV 58740912	9,165.27	11/16/2012	Check Sequence: 21	65-630-3505-526-000	ACH Enabled: False
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Vendor:	1199	JOHN MCCARTHY	INV 15217	143.00	11/16/2012	Check Sequence: 23	01-230-0000-521-000	ACH Enabled: False
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Vendor:	1203	MCMMASTER-CARR	INV 38994347	113.35	11/16/2012	Check Sequence: 24	70-500-0000-420-002	ACH Enabled: False
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Vendor:	19060	MEEK'S LUMBER	INV 680306	82.07	11/16/2012	Check Sequence: 25	70-510-0000-420-000	ACH Enabled: False
		Check Total:		82.07				
Vendor:	1212	MT SHASTA SPRING WATER	INV 321813	43.75	11/16/2012	Check Sequence: 26	80-560-0000-420-003	ACH Enabled: False
		Check Total:		43.75				
Vendor:	1215	MUNNELL & SHERRILL	INV 27126	70.47	11/16/2012	Check Sequence: 27	80-550-0000-416-000	ACH Enabled: False
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		Check Total:		70.47				
Vendor:	27313	MUNNELL & SHERRILL	INV 27313	639.89	11/16/2012	Check Sequence: 27	01-400-0000-416-000	ACH Enabled: False
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Invoice No	Description	Amount	Payment Date	Acct Number	Reference
27313	INV 27313	107.44	11/16/2012	01-400-0000-510-000	
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27814	INV 27814	7.15	11/16/2012	01-400-0000-416-000	
27814	INV 27814	7.15	11/16/2012	70-500-0000-416-000	
27814	INV 27814	7.15	11/16/2012	80-550-0000-416-000	
27814	INV 27814	7.15	11/16/2012	20-310-0000-416-001	
27814	INV 27814	7.15	11/16/2012	80-560-0000-416-000	
27826	INV 27826	60.36	11/16/2012	70-510-0000-510-000	
28705	INV 28705	13.60	11/16/2012	70-510-0000-510-000	
	Check Total:	1,557.49			
Vendor: 1781	NATIONAL ASSN OF CHIEFS OF POLICE				ACH Enabled: False
11/02/12	RENEW YPD - 3 YRS	155.00	11/16/2012	Check Sequence: 28 01-200-0000-511-000	
	Check Total:	155.00			
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S1041585.001	INV S1041585.001	53.63	11/16/2012	Check Sequence: 29 71-500-0000-450-001	
S1041718.001	INV S1041718.001	36,325.70	11/16/2012	71-500-0000-450-001	
S1041718.002	INV S1041718.002	157,285.34	11/16/2012	71-500-0000-450-001	
	Check Total:	193,664.67			
Vendor: 1517	NORTHERN CREDIT SERVICE				ACH Enabled: False
ACCT 17864	MADDEN, CHRIS	233.72	11/16/2012	Check Sequence: 30 01-000-0000-914-001	
	Check Total:	233.72			
Vendor: 15025	OHLUND'S OFFICE SUPPLY				ACH Enabled: False
186506	INV 186506	42.00	11/16/2012	Check Sequence: 31 01-020-0000-515-000	
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186506	INV 186506 COPIES	1.20	11/16/2012	01-020-0000-515-000	
186506	INV 186506 COPIES	2.73	11/16/2012	01-300-0000-515-000	
186506	INV 186506 COPIES	9.05	11/16/2012	01-300-0000-515-000	
186506	INV 186506 COPIES	0.03	11/16/2012	01-370-0000-515-000	
186506	INV 186506 COPIES	0.53	11/16/2012	01-220-0000-515-000	
186506	INV 186506 COPIES	14.67	11/16/2012	01-060-0000-515-000	
186506	INV 186506 COPIES	5.79	11/16/2012	01-040-0000-515-000	
186506	INV 186506 COPIES	10.32	11/16/2012	01-030-0000-515-000	
186506	INV 186506 COPIES	49.66	11/16/2012	01-030-0000-515-000	
186506	INV 186506 COPIES	37.57	11/16/2012	01-020-0000-515-000	

186506	INV 186506 COPIES	39.04	11/16/2012	70-500-0000-515-000	
186506	INV 186506 COPIES	0.03	11/16/2012	01-210-0000-515-000	
186506	INV 186506 COPIES	0.01	11/16/2012	01-020-0000-515-000	

Check Total: 254.63

Vendor: 1237	OLIN CORP - CHLOR ALKALI				ACH Enabled: False
1600732	INV 1600732	5,001.69	11/16/2012	80-560-0000-416-002	Check Sequence: 32

Check Total: 5,001.69

Vendor: 1243	PACIFIC ELECTRICAL CONTRACTORS				ACH Enabled: False
118767	INV 118767	3,014.12	11/16/2012	80-560-0000-420-003	Check Sequence: 33

Check Total: 3,014.12

Vendor: 16030	PACIFIC POWER				ACH Enabled: False
56810019 10/12	62665681-001 9 10/12	66.47	11/16/2012	70-520-0000-518-001	Check Sequence: 34
56810027 10/12	62665681-002 7 10/12	312.26	11/16/2012	01-400-0000-518-001	
56810043 10/12	62665681-004 3 10/12	23.74	11/16/2012	01-090-0000-518-001	
56810050 10/12	62665681-005 0 10/12	95.23	11/16/2012	01-370-0000-518-001	
56810068 10/12	62665681-006 8 10/12	401.61	11/16/2012	70-510-0000-518-001	
56810076 10/12	62665681-007 6 10/12	5,965.02	11/16/2012	20-312-0000-418-001	
56810100 10/12	62665681-010 0 10/12	621.99	11/16/2012	70-510-0000-518-001	
56810118 10/12	62665681-011 8 10/12	667.13	11/16/2012	01-210-0000-518-001	
56810142 10/12	62665681-014 2 10/12	128.42	11/16/2012	01-400-0000-518-001	
56810217 10/12	62665681-021 7 10/12	174.34	11/16/2012	01-230-0000-518-001	
56810233 10/12	62665681-023 3 10/12	654.76	11/16/2012	01-350-0000-518-001	
56810258 10/12	62665681-025 8 10/12	8,872.10	11/16/2012	80-560-0000-518-001	
56810324 10/12	62665681-032 4 10/12	406.34	11/16/2012	01-470-0000-518-001	
56810332 10/12	62665681-033 2 10/12	760.67	11/16/2012	01-480-0000-518-001	
56810340 10/12	62665681-034 0 10/12	47.69	11/16/2012	80-560-0000-518-001	
56810415 10/12	62665681-041 5 10/12	873.56	11/16/2012	01-020-0000-518-001	
56810506 10/12	62665681-050 6 10/12	162.02	11/16/2012	80-550-0000-518-001	
56810514 10/12	62665681-051 4 10/12	33.09	11/16/2012	20-312-0000-418-001	
56810605 10/12	62665681-060 5 10/12	108.68	11/16/2012	04-610-1016-518-001	
56810654 10/12	62665681-065 4 10/12	121.21	11/16/2012	01-400-0000-518-001	

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Vendor: 2101	PRECISION BRUSH COMPANY				ACH Enabled: False
7998	INV 7998	266.78	11/16/2012	70-510-0000-420-000	Check Sequence: 35

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	266.78			
Vendor: 1463	R & B COMPANY			Check Sequence: 36	ACH Enabled: False
S1309087.001	INV S1309087.001	131.69	11/16/2012	71-500-0000-450-001	
S1309087.002	INV S1309087.002	162.98	11/16/2012	71-500-0000-450-001	
S1317896.002	INV S1317896.002	319.61	11/16/2012	70-500-0000-420-010	
S1319120.002	INV S1319120.002	382.88	11/16/2012	70-500-0000-420-010	
S1320305.001	INV S1320305.001	1,038.71	11/16/2012	71-500-0000-450-001	
S1322914.001	INV S1322914.001	121.20	11/16/2012	80-560-0000-420-003	
	Check Total:	2,157.07			
Vendor: 1270	RELIABLE			Check Sequence: 37	ACH Enabled: False
DDY46700	INV DDY46700	92.17	11/16/2012	80-560-0000-515-000	
	Check Total:	92.17			
Vendor: 1283	SC ECONOMIC DEVELOPMENT COUNCIL			Check Sequence: 38	ACH Enabled: False
YEPA-29	INV YEPA-29	474.73	11/16/2012	60-610-3215-526-000	
YEPA-30	INV YEPA-30	474.73	11/16/2012	60-610-3215-526-000	
	Check Total:	949.46			
Vendor: 1304	SHASTA VALLEY CHAINSAW			Check Sequence: 39	ACH Enabled: False
11706	INV 11706	48.52	11/16/2012	20-390-0000-420-000	
11882	INV 11882	10.19	11/16/2012	80-560-0000-416-000	
	Check Total:	58.71			
Vendor: 25035	MICHAEL SIMAS			Check Sequence: 40	ACH Enabled: False
38197	INV 38197	139.43	11/16/2012	01-010-0000-515-000	
38410	INV 38410	254.83	11/16/2012	01-030-0000-515-000	
38416	INV 38416	685.86	11/16/2012	01-020-0000-515-000	
	Check Total:	1,080.12			
Vendor: 19100	SISKIYOU DAILY NEWS			Check Sequence: 41	ACH Enabled: False
6295	INV 6295	56.00	11/16/2012	01-020-0000-519-000	
	Check Total:	56.00			
Vendor: 1317	SISKIYOU TWO-WAY			Check Sequence: 42	ACH Enabled: False
7394	INV 7394	32.16	11/16/2012	01-020-0000-517-000	
7395	INV 7395	32.16	11/16/2012	01-350-0000-517-000	

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Check Total: 64.32
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11/16/2012 01-030-0000-511-000
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WD-0080204
WD-0080234
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STATE WATER RESOURCES CONTROL BOA
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INV WD-0080234
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002022 10/12
002555 10/12
002543 10/12
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010421 10/12
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SUBURBAN PROPANE
1638-002022 10/12
1638-002535 10/12
1638-002543 10/12
1638-002551 10/12
1638-010421 10/12
Check Sequence: 45
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11/16/2012 04-610-1016-518-002
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11/16/2012 01-210-0000-518-002
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Vendor: 2100
YREKAINV12-1
Check Total: 540.23
SYNETCOM DIGITAL INC
INV YREKAINV12-1
Check Sequence: 46
11/16/2012 70-510-0000-420-000
ACH Enabled: False

Vendor: 20015
5250606 12/13
5250618 12/13
Check Total: 3,511.73
TERMINIX INTERNATIONAL
ACCT 5250606 12/13
ACCT 5250618 12/13
Check Sequence: 47
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RFND TOT
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US GEOLOGICAL SURVEY
RFND TOT 10/16/12
Check Sequence: 48
11/16/2012 01-000-0000-813-200
ACH Enabled: False

Vendor: 1353
787830
Check Total: 7.70
USA BLUE BOOK
INV 787830
Check Sequence: 49
11/16/2012 80-560-0000-416-003
ACH Enabled: False

Check Total: 113.35

Invoice No Description Amount Payment Date Acct Number Reference

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 4185	VERIZON WIRELESS			Check Sequence: 50	ACH Enabled: False
1130832212	INV 1130832212	113.46	11/16/2012	01-020-0000-517-000	
1130832212	INV 1130832212	38.01	11/16/2012	01-040-0000-517-000	
1130832212	INV 1130832212	6.96	11/16/2012	01-080-0000-517-000	
1130832212	INV 1130832212	51.88	11/16/2012	01-210-0000-517-000	
1130832212	INV 1130832212	47.60	11/16/2012	01-220-0000-517-000	
1130832212	INV 1130832212	51.71	11/16/2012	01-300-0000-517-000	
1130832212	INV 1130832212	1.10	11/16/2012	01-350-0000-517-000	
1130832212	INV 1130832212	51.71	11/16/2012	01-370-0000-517-000	
1130832212	INV 1130832212	6.48	11/16/2012	01-400-0000-517-000	
1130832212	INV 1130832212	9.72	11/16/2012	20-310-0000-517-000	
1130832212	INV 1130832212	2.07	11/16/2012	20-390-0000-517-000	
1130832212	INV 1130832212	3.97	11/16/2012	24-320-0000-517-000	
1130832212	INV 1130832212	7.83	11/16/2012	70-500-0000-517-000	
1130832212	INV 1130832212	189.77	11/16/2012	70-510-0000-517-000	
1130832212	INV 1130832212	7.67	11/16/2012	80-550-0000-517-000	
	Check Total:	589.94			

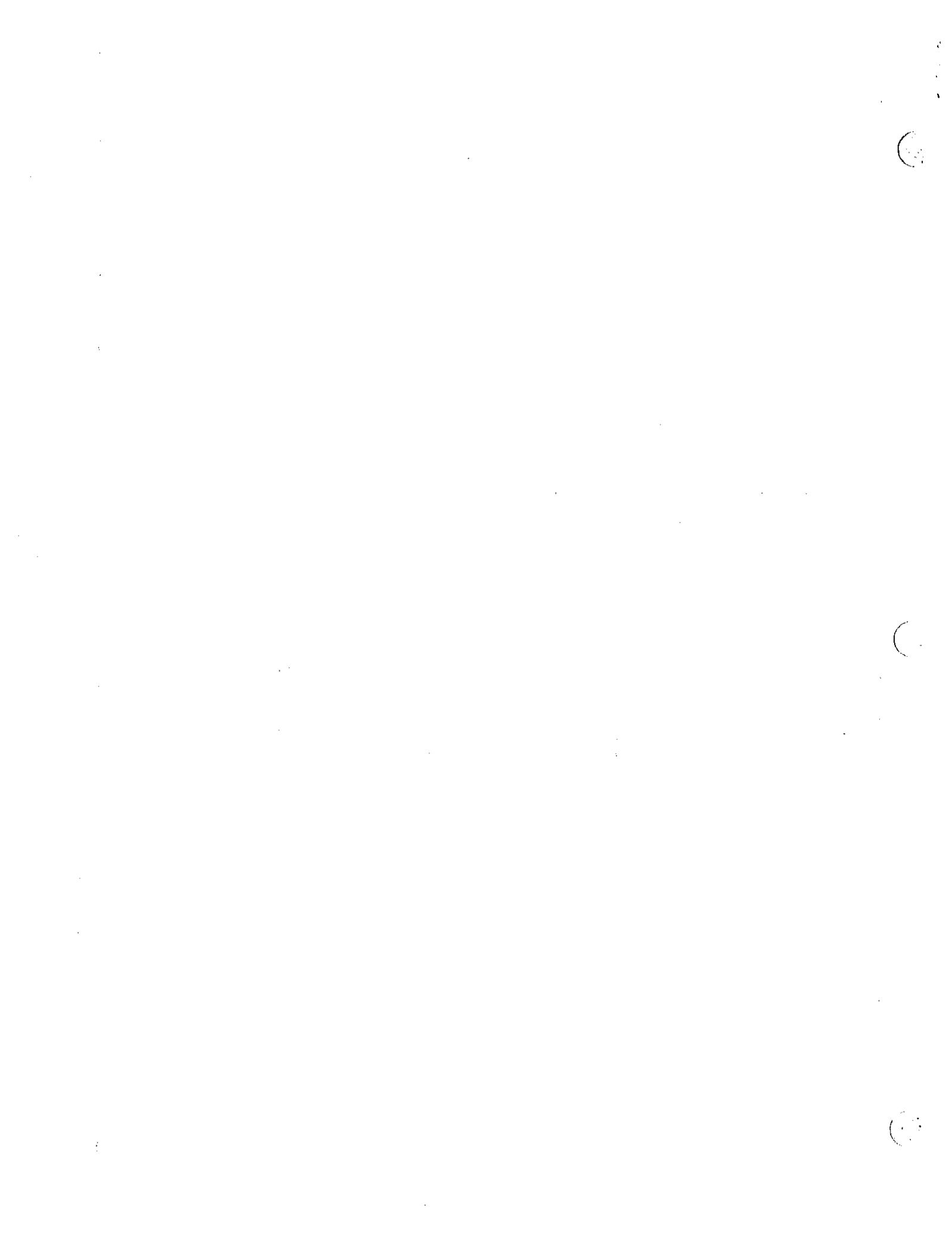
Vendor: 23008	WAL-MART COMMUNITY			Check Sequence: 51	ACH Enabled: False
004234	INV 004234	10.66	11/16/2012	70-510-0000-420-000	
007524	INV 007524	34.42	11/16/2012	80-560-0000-420-003	
008573	INV 008573	158.54	11/16/2012	70-510-0000-420-000	
	Check Total:	203.62			

Vendor: 1994	WATER GROUP - WATER LAW & ADVOCAC			Check Sequence: 52	ACH Enabled: False
1116	INV 1116	1,020.00	11/16/2012	70-510-0000-525-002	
1116	INV 1116	510.00	11/16/2012	70-510-0000-525-004	
	Check Total:	1,530.00			

Vendor: 25005	YREKA AUTO PARTS			Check Sequence: 53	ACH Enabled: False
1415 10/12	ACCT 1415 10/12	32.16	11/16/2012	80-560-0000-422-000	
1415 10/12	ACCT 1415 10/12	42.89	11/16/2012	70-510-0000-422-000	
	Check Total:	75.05			

Vendor: 25040	YREKA HARDWARE			Check Sequence: 54	ACH Enabled: False
100707	INV 100707	3.22	11/16/2012	70-510-0000-420-000	
100711	INV 100711	5.68	11/16/2012	70-510-0000-420-000	
100729	INV 100729	75.02	11/16/2012	70-500-0000-420-010	
100762	INV 100762	43.92	11/16/2012	70-510-0000-420-000	
100803	INV 100803	93.79	11/16/2012	80-560-0000-420-003	

Invoice	Description	Amount	Payment Date	Acct Number	Reference
100806	INV 100806	13.73	11/16/2012	70-510-0000-420-000	
100834	INV 100834	12.71	11/16/2012	70-510-0000-420-000	
100838	INV 100838	4.02	11/16/2012	01-400-0000-416-000	
100843	INV 100843	23.17	11/16/2012	70-510-0000-420-000	
100855	INV 100855	7.08	11/16/2012	70-500-0000-420-010	
100856	INV 100856	105.27	11/16/2012	70-510-0000-420-000	
100869	INV 100869	12.60	11/16/2012	01-400-0000-416-000	
100872	INV 100872	49.28	11/16/2012	70-510-0000-420-000	
100879	INV 100879	23.86	11/16/2012	70-510-0000-420-000	
	Check Total:	473.35			
Vendor: 1770	YREKA MACHINE WORKS INC			Check Sequence: 55	ACH Enabled: False
2688	INV 2688	120.00	11/16/2012	70-510-0000-420-000	
	Check Total:	120.00			
Vendor: 25120	YREKA TRANSFER			Check Sequence: 56	ACH Enabled: False
043311 10/12	ACCT 043311 10/12	20.00	11/16/2012	04-620-1017-518-004	
123571	INV 123571 ACCT 47811	3,785.69	11/16/2012	80-560-0000-420-006	
	Check Total:	3,805.69			
Vendor: 1596	ZERO WASTE USA INC			Check Sequence: 57	ACH Enabled: False
27292	INV 27292	670.31	11/16/2012	01-400-0000-416-000	
	Check Total:	670.31			
	Total for Check Run:	289,110.17			
	Total of Number of Checks:	57			





**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council
Prepared by: Chief of Police, Brian Bowles
Agenda title: Approval of a budgetary appropriation of \$9,529 for capital outlay and the transfer of \$6,000 from unallocated to allocated capital projects for YPD's computer aided dispatch and records management upgrade project.
Meeting date: November 15, 2012

Discussion:

Presentation by the Chief of Police on the upgrade of the police department Computer Aided Dispatch (CAD), Records Management System (RMS), 911 and electronic filing of reports to the DA.

The Yreka Police Department is tasked with upgrading the 911 system with the state. This is a lengthy process and the entire dispatch center is reviewed with this upgrade. The police department has an opportunity to go with a single vendor for our CAD and RMS. We have experienced various issues with the support of our current system and need a better user friendly system. The CAD and RMS has multiple functions that will assist the department with evidence, training, warrants, evaluations, UCR reporting to the state, 500 different reports and various in house functions. Our aging computer servers are all out of warranty and are very old. Computer Logistics (Police Department vendor for IT services) recommends an upgrade to our computer system for this project. Higher speed delivery via fiber is desired for transfer of data, voice, video, and photos, to the District Attorney for prosecution of cases.

The upgrade to the new CAD and RMS will be covered by our current service costs in the budget except for travel costs associated with offsite training. The new server, software licensing, backup device and installation are needed to fulfill the requirements for optimum performance.

City has recently received \$9,529.00 one-time money from the State of California for reimbursement of state mandated services rendered by the Yreka Police Department. Staff is requesting appropriating these funds for this project, and a budgetary transfer from the unallocated capital projects fund for the \$6,000 to cover the remaining cost.

Fiscal Impact:

New CAD and RMS are already budgeted in the current budget.

Travel costs associated with offsite training	\$ 1,000.00
New server, barracuda backup, installation, fiber project, with cloud back up	\$14,479.75
Total	\$15,479.75

Recommendation and Requested Action:

Approval of a budgetary appropriation of \$9,529 for capital outlay and the transfer of \$6,000 from unallocated to allocated capital projects for YPD's computer aided dispatch and records management upgrade project.

Approved by: 
Steven Baker, City Manager

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CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council

Prepared by: City Clerk

Agenda title: Adopt Ordinance No. 831 repealing and amending by adding various sections of Title 11 of the Yreka Municipal Code relating to the adoption by reference of Uniform Construction Codes; Adding New Chapter 11.50 relating to Placards used to denote conditions relating to continued occupancy of buildings; and repealing certain Ordinances.

Meeting date: November 15, 2012

Discussion:

The City Council introduced Ordinance 831 at its meeting held November 1, 2012.

Recommendation and Requested Action:

That the Council waive the reading of the body of the Ordinance and Adopt Ordinance No. 831 as submitted.

Approved by: _____

A handwritten signature in black ink, appearing to read "Steven Baker", written over a horizontal line.

Steven Baker, City Manager

ORDINANCE NO. - 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA, CALIFORNIA, REPEALING AND AMENDING BY ADDING VARIOUS SECTIONS OF TITLE 11 OF THE YREKA MUNICIPAL CODE RELATING TO THE ADOPTION BY REFERENCE OF UNIFORM CONSTRUCTION CODES; ADDING NEW CHAPTER 11.50 RELATING TO PLACARDS USED TO DENOTE CONDITIONS RELATING TO CONTINUED OCCUPANCY OF BUILDINGS; AND REPEALING CERTAIN ORDINANCES

WHEREAS, the State Building Standards Commission adopted the 2010 California Building Standards Code, codified in Title 24 of the California Code of Regulations; and

WHEREAS, the City Council of the City of Yreka (the "City") wish to update the rules and regulations governing building and construction in the City limits to reflect the 2010 California Building Standards Code, California Code of Regulations Title 24 ("CBSC"); and

WHEREAS, the City desires to make certain amendments to the 2010 CBSC in order to address the health and safety issues of the City's local climatic, geological or topographical conditions; and,

WHEREAS, before making changes to the CBSC pursuant to Health and Safety Code Section 17958.5, Health and Safety Code Section 17958.7 requires the City to make express findings that such changes are reasonably necessary because of local climatic, geological or topographical conditions; and,

WHEREAS, the Applied Technology Council ("ATC" developed building placards ("ATC 20 placards") that clearly identify the condition of a building for continued occupancy; and,

WHEREAS, the City would like to officially adopt the ATC-20 placards to make then enforceable under law and to protect to the property owner, tenant and the general public;

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

SECTION 1. Repeal.

- A. Chapters 11.02, 11.05, 11.07, 11.12, 11.16, 11.18, and 11.19 are repealed in their entirety.
- B. Chapter 11.04 is repealed except that this ordinance shall not have any effect upon existing litigation and shall not operate as an abatement of any action or proceeding then pending or by virtue of the repealed Chapter.

SECTION 2. Findings. The City finds it is necessary to adopt local amendments to the following subcodes of the CBSC: Building Code and Fire Code. These local amendments have been evaluated and recognized by the City as tools for addressing problems with building construction in the City of Yreka, which are aimed at establishing and maintaining an environment that will afford the City a high level of fire and life safety to all those who work live and play within the City's boundaries. The City finds as follows:

A. The City, pursuant to the authority granted it under California Health and Safety Code Sections 17958.5 and 18941.5, has determined that there is a need to establish building standards that are more restrictive than those adopted by the State of California and found in Title 24 and Title 25 of the California Code of Regulations. These new building standards have been determined by the City of Yreka to address the problems, concerns and future direction by which the City can establish and maintain an environment which will afford an appropriate level of fire and life safety to all who live and work within its boundary.

B. Under the provisions of Sections 17958.5 and 18941.5 of the Health and Safety Code, the amendment of state building standards at the local level must be reasonably necessary due to local climatic, topographical and/or geological conditions and the City must make express findings in this regard. The Council has determined that the following findings of fact address and present the local climatic, topographical, and/or geological conditions, which either singularly or in combination, have caused the aforementioned amendments to be adopted:

1. CLIMATIC

a. The City of Yreka has extreme variations in weather patterns: summers are arid and hot, winters are freezing and snowy, fall and spring can bring any combination of weather pattern together, and high winds are frequent during changes of weather patterns. As a result, the climate in the City of Yreka area can have a great influence on fire behavior and other major emergency events in the City.

2. TOPOGRAPHICAL

a. The City of Yreka is subject to possible flooding in low lying elevations within the City and along creeks which are seasonal.

b. Climate and Weather relating to wildland fire risks. As reported in the Jay Perkins Proposed Changes for the Yreka Local Responsibility Area re Fire Hazard Severity Zones approved by the City Council on May 15, 2008, the City of Yreka is situated in the Shasta Valley in north central Siskiyou County. Climate associated with wildland is not atypical for other Mediterranean type systems; cool, rainy winter months followed by four or more months of hot, dry weather with no front-borne rain. This pattern sets the area up for long, hot dry summers. The wildland fire season occurs primarily mid-June through late-September. However, drought and climate change are responsible for fire season starting as early as mid-April and lasting well into October.

Temperatures into the 90's coupled with relative humidity in the teens are not uncommon in summer. Wind is the most variable of the weather elements. It is also the weather component most responsible for dramatic fire spread and fire intensity that we experience. Daily summer winds are typically out of the south, southwest reinforced by the daytime heating of the valley floor. Wind speeds average about six to eight miles per hour.

There are several wind situations that do occur in the Shasta Valley that can be responsible for potentially problematic wildfire events:

1. Winds associated with summer thunderstorm occurrence. This is a common wind event associated with summer thunderstorm weather. Well developed thunderstorm cells have characteristically strong downdrafts. These strong downdrafts can push fires in any direction depending on the location of a fire with respect to the location of the thunderstorm cell. When the

thunderstorm cells move on the wind event is finished, but it can leave a problem wildfire in its aftermath. Downdraft winds can reach peak gusts of from 40 to 60 miles per hour.

2. Early fall north/northeast wind events. These events commonly occur annually. The wind is strong and low double digit to single digit relative humidity is not uncommon with these events. Typically short lived (18 to 24 hours), fires in the greater Siskiyou or adjacent counties have experienced significant fire growth. 20 to 40 mile per wind speeds can be predicted.

3. A third situation, which occurred during the Going fire outside of town in July 2006, is associated with late afternoon intense heating before the sun sets below the ridge. The intense valley heating can "draw" the wind from the hills towards the valley, creating a high speed, down slope wind situation. Though typically short-lived, wind speeds can reach into the 20 mile per hour range.

4. Topography. The City is mainly situated on lands that are flat or gently rolling. The western edge of the City does have slopes that are about 30%. These slopes have an easterly facing aspect that the setting sun leaves first. The other outstanding feature within the LRA is an area known as Butcher hill. Butcher Hill is located directly east of 1-5 in the centrally located. The area of greatest concern on Butcher Hill is the aspect that directly faces the City. It is a west aspect, which directly faces the sun at the peak of the daytime heating. These aspects are the hottest and driest during the summer months.

5. Fuels. The City of Yreka has areas which have been identified as having wildland fuel profiles which are considered Very High.

3. GEOLOGICAL

a. The City of Yreka is subject to ground tremors from seismic events as the City Seismic Design Category (D) is as determined by CBC Chapter 16.

b. The City of Yreka is located in Seismic Design Category (D), as defined by the International Code Council, an area with a higher risk of seismic activity than most areas in the country. Catastrophic earthquakes account for 60% of worldwide casualties associated with natural disasters. Economic damage from earthquakes is increasing, even in technologically advanced countries, as shown by the 1989 Loma Prieta, CA, (\$ 6 billion), 1994 Northridge, CA, (\$ 25 billion), and 1995 Kobe, Japan, (> \$ 100 billion) earthquakes. Additionally, a high degree of hazard to occupants has been found to occur from unsupported fixtures, appliances and appurtenances in ceilings. These fixtures, though small in size, have been found to create a significant hazard to occupants in the event of seismic activity.

Soil conditions have been found to be a source of concern for footing and foundation design. Additionally, expansive soils can hold large amounts of moisture for extended periods of time. Either of these factors, or a combination of both has been found to create an increased risk of moisture intrusion under slabs in certain, common construction methods. Accordingly, soils analysis according to Chapter 18 of the CBC is necessary to identify whether proposed building sites are impacted.

C. Based upon the local climatic, topographical and geological conditions identified in Section B, the specific amendments identified in Yreka Municipal Code Sections 11.01.190 are found to be reasonable and necessary modifications to the requirements established pursuant to Sections

17958.5 and 18941.5. While it is clearly understood that the adoption of such amendments may not prevent the incidence failures, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

D. California Health and Safety Code Section 17958.7 requires that building standards modifications or change be expressly marked and identified as to which each finding refers. Therefore, the City Council finds that the following table identifies the sections of the subcodes that have been amended by the City and the corresponding local climatic, geological and topographical conditions, as identified in Section B, that have necessitated the modification of the state's building standards.

Code Section	Local Condition:
Building Code Chapter 1, Section 1.1.8, and California Residential Code Section 1.1.8 (YMC § 11.01.190 (windload))	1a, 2a, 2b
Building Code Chapter 1, Section 1.1.8, and California Residential Code Section 1.1.8 (YMC § 11.01.190) (snowload)	1a, 2a

SECTION 3. Yreka Municipal Code Amendment – Title 11 is hereby amended by adding new Chapter 11.01. A new Chapter 11.01 of the Yreka Municipal Code “Uniform Codes” as follows:

11.01.010 Purpose.

This chapter is enacted for the purpose of adopting rules and regulations pursuant to the State Housing Law and the Health and Safety Code, for the protection of the public health, safety and general welfare of the occupant and the public governing the creation, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court area, sanitation, ventilation and maintenance of any building used for human habitation; provided, however, that nothing in the codes adopted in this chapter shall be construed to prevent any person from performing his own building, mechanical, plumbing or electrical work when performed with the permits in compliance with this chapter.

11.01.020 Definitions.

Whenever any of the following names or terms are used in this chapter or in any of the codes adopted by reference by this chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed thereto by this section:

A. “Board of appeals,” “housing advisory and appeals board” and any other reference to the appellate body, mean the Board of Appeals for the City of Yreka made up of five (5) Building Official members who are Building Officials and/or Building Inspectors and/or Construction Industry personnel who are located within the jurisdictions of Siskiyou and Shasta counties, appointed on a case by case basis. Building Officials are well versed in the technical and administrative provisions of construction codes.

B. The "Accessibility Appeals Board" shall mean the Board of Appeals for the City of Yreka plus an additional two members having demonstrated experience dealing with accessibility standards and their applications, appointed on a case by case basis.

C. All decisions by the Board of Appeals and by the Accessibility Appeals Board shall be submitted in writing to the City Council for final review. All actions found by the City Council to be based on incomplete or inadequate analysis shall be referred back to the appropriate board for further deliberations.

D. "Building official," "plumbing official," "chief," "electrical inspector," "fire code official," "administrative authority" and similar references to a chief administrative position mean the Chief Building Official of the city of Yreka; provided, however, that:

1. Where such terms are used in connection with those duties imposed by statute or ordinance upon the county health officer the terms shall include the county health officer;

2. For the purpose of implementing the Uniform Building Code (Dangerous Building), Volume IV, Uniform Code for the Abatement of Dangerous Buildings the term "authorized representative" of the "building official" shall refer to and include the director of environmental health and such personnel of the Siskiyou County department of environmental health as he may designate.

E. "Building department," "electrical department," "plumbing department," "department of fire prevention", "office of administrative authority" or "housing department" means the building department of the city.

F. "City clerk" means the ex officio clerk of the city council.

G. "City council" or "mayor" means the governing elected officials of the city of Yreka.

H. "Fire chief" means the chief of the fire department of the city wherein a particular building is or is to be located, or, for any area not within the city limits, the same shall mean the county fire warden designated by the board of supervisors.

I. "Safety assessment" is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

11.01.030 Uniform codes adopted.

Subject to the modifications and amendments contained in this chapter, the following primary and secondary codes are adopted and incorporated into the codes of the city by reference and as having the same legal effect as if their respective contents were set forth in this chapter and which may be amended and/or corrected from time to time:

A. The 2010 California Building Code (CBC) which references the International Building Code 2009 Edition together with Appendix J, as published by the International Code Council, Inc, and state amendments.

B. The Uniform Housing Code, 1997 Edition, as published by the International Council of Building Officials, is adopted by reference as the housing code of the city.

C. The 2010 California Plumbing Code which references the Uniform Plumbing Code, 2009 Edition, together with the appendices thereto, and state amendments as published by the International Association of Plumbing and Mechanical Officials is adopted by reference as the plumbing code of the city.

D. The 2010 California Electric Code which references the National Electrical Code, 2008 Edition, as published by the National Fire Protection Association and state amendments is adopted by reference as the electrical code of the city.

E. The 2010 California Mechanical Code which references the Uniform Mechanical Code, 2009 Edition, together with the appendices thereto, as published by the International Association of Plumbing and Mechanical Officials, and state amendments, is adopted by reference as the mechanical code of the city.

F. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Council of Building Officials, is adopted by reference as the dangerous buildings code of the city, with Section 205 amended as follows:

Section 205.1. In order to provide for final interpretation of provisions of this code and to hear appeals provided for hereunder, there is hereby established a Board of Appeals as defined in City Code Section 11.01.020. The Building Official shall be an ex officio member of and shall act as secretary to said Board. The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant, with a copy to the Building Official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official, who shall make them freely accessible to the public.

G. The Uniform Sign Code, 1997 Edition, as published by the International Council of Building Officials, is adopted by reference as the sign code for the city with the following exception: Section 303 item 3 is deleted.

H. The California Referenced Standards Code, 2010 Edition, together with appendices thereto, as published by the International Code Council, with state amendments, is adopted by reference as the building standards of the city.

I. The 2010 California Fire Code which references the International Fire Code, 2009 Edition as published by the International Code Council, including appendices, with state amendments, is adopted by reference as the fire code of the city.

J. The California Building Standards Administrative Code, 1998 edition, as published by the International Conference of Building Officials, is adopted by reference as the building standards administrative code of the city, for fee schedules contained therein.

K. The 2010 California Building Standards Administrative Code, as published by the California Building Standards Commission, is adopted by reference as the building standards administrative code of the city.

L. The 2010 California Residential Code with Appendices (CRC), incorporating the 2009 edition of the International Residential Code, as published by the International Code Council, is adopted by reference as the residential code of the city.

M. The 2010 California Green Building Standards Code, as published by the California Building Standards Commission, is adopted by reference as the green building standards code of the city.

N. The California Energy Code, 2010 Edition published by the International Code Council, is adopted by reference as the energy code of the city.

O. The California Historical Building Code, 2010 Edition published by the California Building Standards Commission, is adopted by reference as the historical building code of the city.

P. The California Existing Building Code, 2010 Edition published by the California Building Standards Commission, is adopted by reference as the existing building code of the city.

11.01.035. All construction, alteration, moving demolition, repair and use of any building or structure within the city shall be made in conformance with the state code and any rules and regulations promulgated pursuant thereto and as they are amended from time to time, together with the amendments of such appendices as are specifically identified in this ordinance as adopted by the City of Yreka.

11.01.040 Copies of adopted codes.

The city clerk shall maintain at least one copy of each primary code adopted by reference, and each secondary code pertaining thereto, at the office of the city clerk for public inspection while this Ordinance is in force.

11.01.050 Utility connections.

It is unlawful for any person, including utility companies, to connect electric power lines or liquefied petroleum gas or natural gas sources permanently to any building or structure for which a permit is required by this chapter until the final inspection has been made and the approval signed by the building inspector. This section shall not prohibit the erection and use of temporary power poles approved by the power company during the course of construction, when approved by the building official.

11.01.060 Encroachment or grading.

No building permit shall be issued for which an encroachment or grading permit is required, unless and until the requirements prerequisite to the encroachment or grading permit have been met.

11.01.070 Conformance of construction to law.

No building permit shall be issued unless and until the building official is satisfied that the construction authorized by the permit will not violate any existing law or ordinance.

11.01.075 Construction work hours.

It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows.

A. No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of

seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.

B. A request for an exception to the permitted construction hours and days may be granted by the chief building inspector for emergency work, to offset project delays due to inclement weather, for twenty-four-hour construction projects, or other similar occurrences.

C. City projects determined by the director of public works to be emergencies shall be exempt from these provisions.

11.04.080 Violations and penalties.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter.

B. Any person, firm, corporation or other entity which violates any of the provisions of this chapter including any of the codes adopted by reference, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specification of plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction shall be guilty of an infraction unless otherwise provided in this code.

C. Any person, firm, corporation or other entity which is guilty of an infraction under this chapter shall be punished by:

1. A fine not exceeding one hundred dollars for the first violation;
2. A fine not exceeding five hundred dollars for a second or subsequent conviction within one year.

Any failure to correct the condition for which the infraction is imposed within a period of seven days after the issuance of a citation, and for each seven day period thereafter may be treated as a separate and additional violation subject to the same penalties set forth herein.

In addition to the penalties set forth above, any violation beyond the third conviction within a one-year period or any willful violation of this section which creates an immediate threat to the health, safety or welfare of the members of the public or the occupants of any structure in violation of this section may be charged as a misdemeanor punishable as provided in Chapter 1.04.

D. In addition to the penalties set forth herein, any person, firm, corporation or other entity guilty of a violation of this chapter shall be liable for such costs, expenses and disbursements paid or incurred by the city in correction, abatement and prosecution of the violation.

11.01.090 Enforcement.

A. Pursuant to Section 836.5 of the California Penal Code, the chief building official, any deputy or assistant building official, agent or other employee of the building department of City of Yreka

is authorized to enforce the provisions of this chapter and to arrest or issue citations to violators thereof.

B. The city manager shall have the power to designate by written order that particular officers and other individuals shall be authorized to enforce particular provisions of this chapter as described in subsection A of this section in addition to those persons set forth therein.

C. Nothing in this Chapter shall bar the City from using the enforcement procedures and penalties established in Title 1 of the Yreka Municipal Code.

11.01.100 Building permit-Business license required.

A. Any contractor or subcontractor who applies for permits to do work within the city limits of the city shall be denied permits if he does not possess current valid city business licenses.

B. Any permits issued in error to anyone not licensed by the city shall be revoked until such time as all fees are paid and licenses are valid.

11.01.110 Building permit-Application-Plans and specifications.

A. Applications are to be signed by the property owner or a duly licensed contractor, engineer or architect.

B. With each application for a building permit, and when required by the building official for enforcement of any provisions of this chapter, three sets of plans and specifications shall be submitted. The building official may require plans and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

11.01.120 Building permit-Professional designs required.

All structures or buildings classified in Occupancy Groups A, B, E, F, H, I, M, S and R-1 shall be designed in accordance with the Building and Professional Codes of the state of California.

11.01.130 Building permit-Term-Retention of plans.

A. The permits for Occupancy Groups A, B, F, E, H, I, M, S and R-1 will expire twelve months after issuance. The permit documents and plans or a retrievable document image of the permit documents and plans will be retained as a permanent record for the life of the structure.

B. Permits for R-3 and U occupancy groups shall be valid for two years from the date of their issuance provided that the time limits of starting work or work stoppage are met. The permit documents and plans or a retrievable document image of the permit documents and plans will be retained as a permanent record for the life of the structure.

11.01.140 Building permit-Fees.

Building permit fees shall be prescribed in Section 304 of the 1997 Uniform Administrative Code, except buildings shall be valued as determined by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

11.01.150 Fees for plan checking, inspections and/or related permits.

The city council shall establish a schedule of fees, as found in the master fee schedule, to be charged and collected for plan checking, inspection services performed, and for the issuance of permits. A copy of these fee schedules shall be kept in the office of the city clerk and shall be available for public inspection in all city offices where permits are issued.

11.01.160 CBC Chapter 1, Section 111.1 (2010 CBC) amended and CRC Section R110.1-Certificate of occupancy Required.

Chapter 1, Section 111.1 and CRC Section R110.1 shall be amended to add:

No building or structure shall be used or occupied without a certificate of occupancy. Such a certificate shall not be issued until compliance with all city requirements has been met. Occupying or using a structure without this approval constitutes a public nuisance.

11.01.170 CBC Chapter 1, Section 111.1 amended and CRC Section R110.1 -Certificate of occupancy-Requirements.

Chapter 1, Section 111.1 and CRC Section R110.1 shall be amended to add:

A certificate of occupancy shall not be issued until all applicable city ordinances, resolutions, regulations and the conditional use permit conditions have been complied with.

11.01.180 CBC Chapter 1, Section 110.3.10 amended and CRC Section R109.2- Final inspection.

Chapter 1 Section 110.3.10 and CRC Section R109.2 shall be amended to read as follows:

Final Inspection: To be made after final grading and the building is completed and ready for occupancy. This shall mean all electrical, plumbing and mechanical complete and ready for occupancy, as well as all floor covering installed and painting completed, as well as any required exterior landscaping complete with house, sidewalks and streets cleaned.

11.01.190 California Building Code Amendments

CBC Chapter 16 & CRC R301.2 Climatic and Geographic Design Criteria

CBC 1608 & CRC R301.2.3 Snow Loads: are hereby amended as follows:

The minimum snow load in the City limits is 40 pounds per square foot for roof snow.

CBC 1609. 3. 2 Basic wind speed: is hereby amended to add as follows: *Siskiyou County is designated to be within a special wind region. In certain areas, the basic wind speed is higher, as determined by case studies and the approval of the building official.*

The minimum Basic Wind Speed is 80 mph (b). For the area east of Butcher Hill, the minimum Basic Wind Speed is 90 mph (c). The wind speeds specified are "the Basic wind speed; m.p.h. Vfm)".

11.01.200. Penalties. In addition to the penalty provision provided in Section 11.01.090 of this chapter, violations of Chapter 11.01 shall be subject to enforcement and penalties as set out in Title 1 of the Yreka Municipal Code.

SECTION 4. Reserved.

SECTION 5. **Filing with the CBSC.** A copy of this Ordinance and City of Yreka Municipal Code Chapter 11.0 shall be filed with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7.

SECTION 6. Adoption of the Chapter 11.50 relating to Safety Assessment Placards.

Title 11 of the City of Yreka Municipal Code is hereby amended by adding a new Chapter, 11.50, to read in its entirety as follows:

Chapter 11.50. Safety Assessment Placards.

Sections:

11.51 Intent

11.52 Application of Provisions

11.53 Placards

Section 11.51 Intent

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Section 11.52 Application of Provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Yreka. The Council may extend the provisions as necessary.

Section 11.53 Placards.

A. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.

1. **INSPECTED - Lawful Occupancy Permitted** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. **UNSAFE - Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

B. This ordinance number, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

C. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

SECTION 7. Repeal. This ordinance repeals ordinance numbers 416, Section 1; 418, Section 1; 553; 676 Section 1; 677, 678, Section 1; Section 1; 710; 712, Section 1, 713, Section 1, 715, 717,

718; 719. This ordinance shall not have any effect upon existing litigation and shall not operate as an abatement of any action or proceeding then pending or by virtue of the repealed ordinance.

SECTION 8. Mandatory Duty Savings Clause. By the use of such words as "shall" and "must" herein the City Council does not intend to create a mandatory duty upon the city. **In imposing duties in this ordinance the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.**

SECTION 9. Severability and Validity. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of City of Yreka by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 10. Effective Date. In accordance with California Government Code Section 36937, this Ordinance shall take effect and be in force on the thirty-first (31st) day after adoption.

SECTION 11. Publication. In accordance with Section 36933 of the Government Code of the State of California, The City Clerk is directed to cause a copy of the full text of this ordinance to be published once in an adjudicated newspaper of general circulation in the City of Yreka within fifteen (15) days after adoption of this ordinance. If the charge for publication of the ordinance exceeds the customary rate charged by the newspaper for publication of private legal notices, the City Clerk is directed to prepare, post and publish a summary of this ordinance as provided in Government Code Section 36933(c)(1). If the charge for publication of this ordinance exceeds the customary rate charged by the newspaper for publication of private legal notices, and the City Clerk determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, the City Clerk is directed to prepare and cause a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city to be published at least five days prior to the City Council meeting at which this to be adopted as provided in Government Code Section 36933(c)(2).

SECTION 12. CODIFICATION. The City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Sections 2, 3 and 6.

Introduced at a regular meeting of the City Council held November 1, 2012, and adopted as an ordinance of the City of Yreka at a regular meeting of the City Council held on November 15, 2012, by the following vote:

AYES:

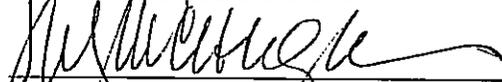
NOES:

ABSENT:

David Simmen, Mayor

ATTEST:

APPROVED AS TO FORM



Mary Frances McHugh, City Attorney

Liz Casson, City Clerk

\\SLUI\CEBOX\REDIRECTED\FOLDERS\MARYFRANCES\MY DOCUMENTS\DOCUMENTS\BUILDING\ORDINANCES\10-24-12 BUILDING CODE REVISION ORDINANCE NO. 831.DOC



**CITY OF YREKA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Yreka will hold a public hearing on November 15, 2012 at 6:30 p.m., to consider a zoning text amendment to Yreka Municipal Code Section 16.46.080 B.

The City of Yreka is proposing an amendment to Yreka Municipal Code (YMC) Section 16.46.080 Sales from vehicles, trailers or mobile units on public property. The modification prohibits mobile units from sales of food, beverages and merchandise from vehicles, trailers or mobile units in the public right of way.

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

Interested persons are encouraged to attend the Public Hearing in order to make their comments known. If you are unable to attend the Public Hearing, you may submit your written comments to the Yreka City Clerk at casson@ci.yreka.ca.us or 701 Fourth Street, Yreka, CA 96097 no later than 4 p.m. November 15, 2012.

Liz Casson
Yreka City Clerk





CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Mary Frances McHugh, City Attorney
AGENDA TITLE: Re-Introduction of Ordinance 832 Amending Certain Sections of the Yreka Municipal Code In Chapters 6.08 Garbage, Rubbish & Waste, 8.04 Animals - General Provisions, 10.32 Vehicles & Traffic And 16.46 Zoning-Special Provisions
Meeting date: November 15, 2012

Recommendation and Requested Action: Waive Reading And Re-Introduce Ordinance 832 Amending Certain Sections Of The Yreka Municipal Code In Chapters 6.08 Garbage, Rubbish & Waste, 8.04 Animals-General Provisions, 10.32 Vehicles & Traffic And 16.46 Zoning-Special Provisions.

Discussion: Ordinance 832 contains amendments to a variety of chapters of the Yreka Municipal; the principal purpose being the need to bring the ordinances into alignment with existing practices or law.

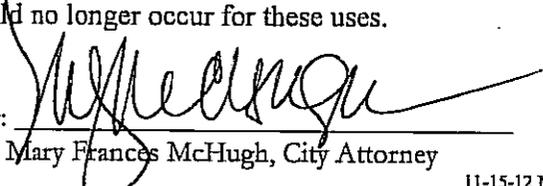
Ordinance 832 was introduced on November 1, 2012 and was initially scheduled for adoption at this meeting.

Subsequent to the introduction of the ordinance, the Fire Chief met with the Siskiyou Air Pollution Control District staff. The District staff indicated that the burn permits are for residential burning. Any commercial burning must have a permit issued by the District. This requirement also includes the City whenever vegetation burning is performed around city facilities such as Greenhorn Park or the City's water tanks.

The ordinance has been revised to incorporate these changes. As a result the ordinance needs to be reintroduced. If reintroduced, the adoption of the ordinance will be scheduled for December 6, 2012. The ordinance would go into effect 30 days later.

Staff recommends re-introduction of Ordinance 832. It is summarized as follows:

- Chapter 6.08 – Burn Permits for Yard Debris, Section 6.08.130. This revision will bring the ordinance into alignment with State law on burning and clarifies what is permissible to burn within the City during permitted periods. The fiscal impact is that there will be no recovery of administrative costs; there will be some increased administrative burden from current practices because the permits will be tracked administratively, which is not the case currently.
- Chapter 8.04 – Animals-General Provisions, Section 8.04.050, Disturbance by Animals. This revision is at the request of the Yreka Police Department and reflects a change in procedure which will enhance the ability of the department to respond to animal noise/odor complaints. The fiscal impact will streamline Animal Control operations.
- Chapters 10.32 and 16.46 – relating to street vendors. Sections 10.32.120 and 16.46.080 are changed to eliminate street vendors in the public right of way. Because California Vehicle Code Section 22455 pre-empts regulation of parking and standing of vehicles except where there are findings made, this action requires findings by the City Council of the public interest this serves, and those findings are set forth in Section 4 ordinance 832. There is no known fiscal effect, except that conditional use permitting would no longer occur for these uses.

Approved by: 
Mary Frances McHugh, City Attorney

ORDINANCE NO. 832

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA
AMENDING CERTAIN SECTIONS OF THE YREKA MUNICIPAL CODE IN
CHAPTERS 6.08 GARBAGE, RUBBISH & WASTE, 8.04 ANIMALS-GENERAL
PROVISIONS, 10.32 VEHICLES & TRAFFIC and 16.46 ZONING-SPECIAL
PROVISIONS

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

SECTION 1. Chapter 6.08 AMENDED. Section 6.08.130 of Chapter 6.08 of the Yreka Municipal Code is hereby amended to read as follows:

6.08.130 - Burning- *yard debris* —Requirements.

(a) It is unlawful for any person or persons to burn *yard debris* at any place within the City *without first obtaining a burn permit. Permissible burn hours shall be set by the Siskiyou County Air Pollution Control office for of any permissible burn day. Yard debris may be burned between those hours and shall be burned only in a fire safe enclosure, which shall be constructed so that sparks and burning brands of sufficient size to ignite buildings, structures, or adjoining combustible materials are not emitted, or a pile no larger than 3' x 3' x 3' in size. Burn barrels, which are banned in the State of California, do not qualify as an acceptable fire safe enclosure. Burning of yard debris shall be attended by at least one able-bodied adult person at all times, who shall have the fire protection materials required on the burn permit. "Yard debris" is defined as and shall only consist of dried grass, leaves, twigs, brush, bush and tree trimmings.*

(b) Application for any such permit *to burn yard debris* shall be made *at City Hall prior to the time at which the permittee desires to burn such yard debris and in no event shall any burning of any such yard debris be commenced prior to obtaining a burn permit. The City provides burn permits for residential property only, located inside the city limits of Yreka. Non-Residential properties, or properties outside the Yreka City Limits, or the burning of weeds or plots of grass larger the 3' x 3' x 3' must obtain a burn permit from the Siskiyou County Air Pollution Control or local County authority.*

(c) The Chief of the Fire Department may delay the issuance of any such permit, postpone the time provided therein for burning, or revoke any such permit at any time when, in his judgment, conditions exist which might cause the burning of such *yard debris* to be or become hazardous.

(d) *Burn Permits shall be displayed in a conspicuous area of the property viewable by Yreka Fire or Police Department personnel should they respond to a fire call. Permits are not transferable between applicants or parcels. Each person desiring to burn yard debris on their property, must obtain their own permit for each parcel upon which they desire to burn yard debris. Applicants desiring to burn plots of grass on vacant land must make arrangements with the Chief of the Fire Department of the City.*

(e) (d) Any expense incurred by the City in suppressing any fire resulting from the burning pursuant to any such permit or for the protection of property endangered by burning pursuant to

any such permit shall be borne by the permittee. The permittee, by applying for such permit, shall be deemed to have agreed to bear all such expense, *and shall pay restitution charges based on actual costs of fire suppression.*

Section 6.08.2600 of Chapter 6.08 of the Yreka Municipal Code is hereby amended to read as follows:

6.08.260 - Penalty for violation.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not *more than one thousand (\$1,000) dollars* or by imprisonment in the city jail not exceeding six months, or by both such fine and imprisonment. *Such person, firm or corporation, is guilty of a separate offense for each and every day during any portion of which violation of this title is committed or continued by such person, firm or corporation, and shall be punishable as herein provided.*

SECTION 2. Chapter 8.04 AMENDED. Section 8.04.050 of Chapter 8.04 of the Yreka Municipal Code is hereby amended to read as follows:

8.04.050 - Disturbance by animals.

(a) It is unlawful and a public nuisance for any person owning or having custody of any animal, fowl, or bird within any residential neighborhood, or adjacent to a residential neighborhood, to cause, permit or allow any such animal, fowl, or bird to make or utter any frequent or long continued noise which by reason of its raucous, loud or irritating nature *causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area*

(b) It is unlawful and a public nuisance for any person owning or having custody of any animal, fowl, or bird to maintain any such animal, fowl, or bird upon any private property in the city within a residential neighborhood or adjacent to a residential neighborhood whereby *said property* is maintained in a manner so as to cause noxious odors *causing discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.*

(c) Persons desiring to complain of *disturbing noise or odor* shall *notify Yreka Police Department. A written warning will be issued to the owner or keeper of the animal, or to the address where the animal resides or is being kept. Any additional complaint against the same animal or address, occurring within 30 days of any other complaint shall constitute a violation.*

(d) *An additional complaint from the same person, against the same animal or address, occurring within 30 days of any other complaint shall include a log of the disturbance for seven consecutive days. The disturbance is to be confirmed by the Yreka Police Department Animal Control Officer's investigation. Any person owning or having custody of any such animal found to be in violation is guilty of an infraction.*

(e) *Every violation is punishable by:*

(1) A fine not exceeding fifty dollars for the first violation;

(2) A fine not exceeding one hundred dollars for the second violation of the same section within one year;

(3) A fine not exceeding two hundred fifty dollars for each additional violation of the same section within one year.

SECTION 3. Street vendors in the public right of way and on public property.

Part A. Findings: Pursuant to California Vehicle Code Section 22455, a city may, by ordinance or resolution, adopt additional requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon any street. Food vending vehicles must be operated safely to benefit the health and safety and welfare of all the residents of the City of Yreka. Regulating the location of operation of food vending vehicles also benefits the health and safety and welfare of City residents because operation of such vehicles at inappropriate hours, at inappropriate locations or in any one location for prolonged periods of time creates traffic hazards, the blockage of adjacent sidewalks to pedestrians and unwanted noise, littering and loitering at that location. The regulation of food vending vehicles in the public right of way is consistent with the City's interests in the aesthetics of the community because many of the streets in the City of Yreka are narrow, there is limited street parking available, and due to the narrowness of city roadways there is not sufficient width for safe passage of traffic around parked vehicles, and traffic congestion and the safety of pedestrians crossing the street will be controlled. The regulation of food vending vehicles on private property is also consistent with the City's interests in the aesthetics of the community and in promoting permanent development on private property. For the foregoing reasons, the City Council makes the following amendments of Chapter 10.32 and 16.46:

Part B. Chapter 10.32 AMENDED. Section 10.32.120 of Chapter 10.32 of the Yreka Municipal Code is hereby amended to read as follows:

10.32.120 - Peddlers, vendors—Parking unlawful.

(a) Except as otherwise provided in this section, no person shall stand or park any vehicles, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or food stuffs are sold, displayed, solicited, offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this city, except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

(b) No person shall park or stand on any street, any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale.

(c) No person shall park or stand any vehicle, or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon, without first obtaining a written permit to do so from the legislative body which shall designate the specific location where such vehicle may stand.

(d) Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the legislative body upon the filing of the record of such conviction with the legislative body, and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation.

Part C. Chapter 16.46 AMENDED. Section 16.46.080 of Chapter 16.46 of the Yreka Municipal Code is hereby amended to read as follows:

16.46.080 - Sales from vehicles, trailers or mobile units, or on public property.

A. Sales of food, beverages and merchandise from vehicles, trailers or mobile units shall be permitted in any district without a use permit provided such business is conducted in the following manner:

1. Such vehicles, trailers or mobile units shall be parked upon private property with the consent of the property owner.

2. No such vehicle, trailer or mobile unit shall remain upon any such private property for a period in excess of two hours in any twenty-four-hour period unless a conditional use permit is first obtained in the same manner as set forth in subsection (B) of this section.

B. Sales on public streets or property shall not require a conditional use permit pursuant to this section at city sanctioned celebrations or promotions; provided, however, any such sales shall be conducted at such locations and in such time and manner as may be directed by the City Manager, Chief of Police or the Director of Public Works.

SECTION 4. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 5. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

SECTION 6. MANDATORY DUTY SAVINGS CLAUSE. By the use of such words as "shall" and "must" herein the City Council does not intend to create a mandatory duty upon the city. In imposing duties in this ordinance the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 8. POSTING AND PUBLICATION. The City Clerk is directed to cause a copy of the full text of this ordinance to be published once in an adjudicated newspaper of general circulation in the City of Yreka within fifteen (15) days after adoption of this ordinance. If the charge for publication of the ordinance exceeds the customary rate charged by the newspaper for publication of private legal notices, the City Clerk is directed to prepare, post and publish a summary of this ordinance as provided in Government Code Section 36933(c)(1) .

[use for posting and publication of a ¼ page ad]

If the charge for publication of this ordinance exceeds the customary rate charged by the newspaper for publication of private legal notices, and the City Clerk/Planning Director

determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, the City Clerk/Planning Director is directed to prepare and cause a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city to be published at least five days prior to the City Council meeting at which this to be adopted as provided in Government Code Section 36933(c)(2).

SECTION 9. CODIFICATION. The City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Sections 1 through 5.

Introduced at a regular meeting of the City Council held November 15, 2012, and adopted as an ordinance of the City of Yreka at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

David Simmen, Mayor

ATTEST:

APPROVED AS TO FORM

Liz Casson, City Clerk

Mary Frances McHugh, City Attorney

P:\DOCUMENTS\ORDINANCES\10-25-12 FINAL ORDINANCE 832 -CLEAN COPY - AMENDING VARIOUS ORDINANCES-MOBILE VENDORS-BURN PERMITS-ANIMALS REV 11-5-12 ORDINANCES.DOC



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Steve Baker, City Manager
Agenda title: Adopt Resolution No. 2998 making necessary findings pursuant to Government Code Section 7522.56 for post-retirement employment of Mark Schmitt and authorizing City Manager to execute agreement regarding such employment, together with any and all other necessary documents.
Meeting date: November 15, 2012

Discussion:

Mark Schmitt, the City's Building Inspector, is retiring in December, 2012. Staff has considered various options for the continued provision of building inspection services, including contracting with other entities, contracting with a firm, hiring a new inspector on either a part time or full time basis, having Mr. Schmitt work as a retired CalPERS annuitant or some combination of these.

Building inspection services required, including plan checking and fire marshal services fluctuate with the economy. The expected workload is less than the average over the last ten years, indicating that at least for some time until the local economic conditions improve a full time inspector is not expected to be necessary.

After having considered the options, the best way to insure building inspection services that continue to meet the City's needs is to allow Mr. Schmitt to work for the City as a retired annuitant up to 960 hours a year. As a backup, if workload increases or Mr. Schmitt is unavailable, the City will be contracting with a local firm that provides building inspection services (but not plan checking or fire marshal services) for other local cities.

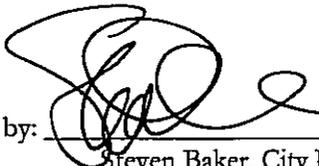
The CalPERS law has changed recently that affect retired annuitants. Despite the fact that this agreement with Mr. Schmitt is prior to that date, the City is using the process contemplated in the law for such agreements after January 1, 2013.

Fiscal Impact:

Annually the cap on Mr. Schmitt's time will be \$29,836, which is budgeted in the General Fund and specifically revenues related to building permits.

Recommendation:

That the City Council adopt Resolution No. 2998 as submitted.

Approved by: 
Steven Baker, City Manager

RESOLUTION NO. 2998

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA
MAKING NECESSARY FINDINGS PURSUANT TO GOVERNMENT
CODE SECTION 7522.56 FOR POST-RETIREMENT EMPLOYMENT OF
MARK SCHMITT AND AUTHORIZING CITY MANAGER TO EXECUTE
AGREEMENT REGARDING SUCH EMPLOYMENT, TOGETHER WITH
ANY AND ALL OTHER NECESSARY DOCUMENTS

WHEREAS, the City, a municipal corporation, is a contract agency with CalPERS, and is subject to the provisions of Government Code Section 7522.56 regarding the post-retirement employment of City employees;

WHEREAS, the Agreement between the City and Mark Schmitt has been filed with the City Clerk, and the members of the City Council of the City, with the assistance of its staff, have reviewed said document; and,

WHEREAS, Government Code Section 7522.56(f) provides that a retired City employee shall not be eligible to be employed by the City for a period of 180 days following the date of that employee's retirement unless he meets one of 4 conditions. Three of those conditions cannot apply in this instance. The condition which does apply is that the employer certifies the nature of the employment and appointment is necessary to fill a critically needed position within the 180 days of employee's retirement and the appointment is approved by the governing body in a public meeting. The appointment may not be placed on a consent calendar;

WHEREAS, the City Manager has certified to the City Council that due to the retirement of Mark Schmitt there is a vacancy in the office of the Building Official, that ongoing building services are needed, but with the current economy, full time services are not anticipated to be required during the 180 day period within the employee's retirement, but the appointment is necessary to continue the provision of building inspection services, which is a critically needed service, during that period; and,

WHEREAS, the City Council has determined it would be in the best interests of the City to approve and authorize the execution of said Agreement; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YREKA DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The City Council of the City of Yreka does hereby find that the facts certified by the City Manager are true, the Agreement described herein is in the best interests of the City of Yreka, and the City Council does hereby authorize execution of said Agreement by the City Manager on behalf of the City of Yreka. The City Manager or designee is hereby further authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions

herein authorized, and the City Clerk or such Clerk's designee is hereby authorized and directed to affix the City's seal to said documents and to attest thereto.

Section 2. It is further resolved, if any section, subsection, part, clause, sentence or phrase of this Resolution or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Resolution, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

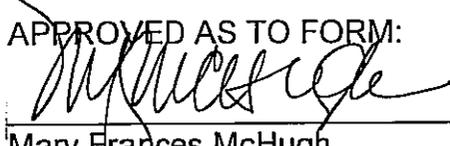
Section 3. This resolution shall take effect immediately upon its passage.

Passed and adopted this 15th day of November, 2012, by the following vote:

AYES:
NAYS:
ABSENT:

David Simmen,
Mayor

APPROVED AS TO FORM:



Mary Frances McHugh,
City Attorney

Attest: _____
Elizabeth E. Casson, City Clerk

AGREEMENT FOR TEMPORARY EMPLOYMENT

This Agreement is made effective as of the 31st. day of December 2012, by and between the City of Yreka, a Municipal Corporation ("City") and Mark Schmitt, whose address is P.O. Box 115 Castella, California 96017, ("Employee") with reference to the following:

RECITALS

A. The City desires to employ Employee on at-will basis and to enter into an Agreement with Employee for as needed services upon the terms and conditions in this Agreement.

B. This Agreement is for post-retirement annuitant employment pursuant to Government Code Section 21223 (service for purpose of litigation) and 21224 (service to utilize specialized skills in performing work of limited duration);

C. Employee is uniquely skilled having served as a building inspector for the County of Siskiyou and for the City of Yreka for over 20 years;

D. There is currently pending litigation regarding enforcement of Yreka Municipal Codes relating to construction and building permit violations, for which Employee's services are necessary for trial preparation and for testifying as to matters which are based upon his knowledge, acquired while employed by the City; and,

E. Employee is willing to accept such employment on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. Commencement: The term of this Agreement shall commence upon the day above written.

2. Services to Be Performed by Employee: During the Term of this Agreement, Employee agrees to perform, as needed, the functions and duties of Building Inspector as specified in the laws of the State of California, and the Yreka Municipal Code.

3. Compensation: As consideration for the performance of specified services under this Agreement Employee shall be compensated as follows:

a. Pay of Thirty one dollars and 08/100 Dollars (\$31.08) per hour for hours worked pursuant to this Agreement. Employee shall be paid on a bi-weekly basis subject to State and Federal income tax withholding. This hourly rate shall be considered just compensation and no additional benefits or holiday pay will be provided under this Agreement. The hourly compensation shall include one hour of travel time for all work performed in Yreka, California.

b. Employee shall maintain and submit complete records of time expended pursuant to this Agreement corresponding to City's payroll schedule.

c. By this Agreement, Employee agrees to pay, and hold the City harmless, for all income tax liability which may arise or be associated with the monies paid to him pursuant to this agreement.

4. Hours:

a. No hours of work are guaranteed. Employee's services will be provided on an as needed, per project basis, upon written request of the City Manager, or designee. Hours of work shall generally not exceed 20 hours per week and shall not exceed 960 hours in a calendar year per section 9 below.

5. Benefits. Employee understands that he shall not be entitled to any sick leave, vacation, or other benefits provided to any other employee, employee group or organization of the City.

6. Termination: Employee understands and agrees that:

a. Employee's employment is at will which means that Employee's employment with City may be terminated at any time, with or without cause, by either party by giving 30 days prior written notice to the other party

b. Employee's at-will status cannot be changed except in writing on a form signed both by the City Manager and Employee. No representative or other employee of the City, other than the City Manager, has any authority to enter into an agreement with Employee for any specific period of time or to change Employee's Employment contrary to the at-will status provided in this Agreement.

c. No promises or representations regarding regular employment have been made to Employee and Employee has no expectation of permanent employment with the City.

d. Upon termination of this Agreement, the City shall pay to Employee that portion of compensation specified in this Agreement that is earned and unpaid prior to the effective date of termination.

7. Supervision and Confidentiality: Employee's supervisor for the term of this Agreement is the City Manager. Employee understands that a condition of employment is to maintain in confidence any information of a confidential nature which Employee may acquire in the course and scope of Employee's employment.

8. Conflicts Of Interest: Employee covenants that neither he nor any relative by blood or marriage have any interest, nor shall he or any relative by blood or marriage acquire an interest, directly or indirectly, which would conflict in any manner with the unbiased performance of Employee's services under this Agreement.

9. Compliance with Laws: Employee shall comply with all local, state and federal laws and regulations applicable to the services required hereunder.

10. Effect of Compensation upon Existing Retirement: At the effective date of this Agreement, and during its term, Employee is a retired annuitant with CalPERS, and acknowledges he may only work up to 960 hours per fiscal year as an "employee" of a PERS contract agency without that agency being required to contribute further to CalPERS. Employee

agrees he is solely responsible for keeping track of the time which he works for the City for the purpose of maintaining his qualified post-retirement status. Employee agrees to hold harmless and indemnify the City, its officers, agents and representatives from any liability arising from Employee's exceeding the post-retirement annuitant threshold for CalPERS.

11. Modifications and Amendments:

This Agreement may be modified or amended only by a written instrument signed by both parties

12. Entire Agreement:

a. This Agreement supersedes any and all other prior agreements, either oral or written, between the City and Employee with respect to the subject matter of this Agreement.

b. This Agreement contains all of the covenants and agreements between the parties with respect to the subject matter of this Agreement, and each party to this Agreement acknowledges that no representations, inducements, promises, or agreements have been made by or on behalf of any party except those covenants and agreements embodied in this Agreement.

c. No agreement, statement, or promise not contained in this Agreement shall be valid or binding.

13. Non-Liability of City Officers and Employees: No officer or employee of the City shall be personally liable to Employee in the event of any default or breach by the City for any amount which may become due to Employee or for any breach of any obligation of the terms of this Agreement.

14. Interpretation: This Agreement shall not be interpreted against either party on the grounds that one of the parties was solely responsible for preparing it or caused it to be prepared as both parties were involved in drafting it.

15. Waiver:

a. No waiver shall be binding, unless executed in writing by the party making the waiver.

b. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision.

c. Failure of either party to enforce any provision of this Agreement shall not constitute a waiver of the right to compel enforcement of the remaining provisions of this Agreement.

16. Captions and Headings: The captions and headings contained in this Agreement are provided for identification purposes only and shall not be interpreted to limit or define the content of the provisions described under the respective caption or heading.

17. Severability: If any one or more of the sentences, clauses, paragraphs or sections contained herein is declared invalid, void or unenforceable by a court of competent

jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate any of the remaining sentences, clauses, paragraphs or sections contained herein.

18. Governing Law: The validity of this Agreement and any of its terms or provisions, as well as the rights and duties of the parties under this Agreement, shall be construed pursuant to and in accordance with California law.

19. Rights And Remedies: Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default of any other default by the other party.

20. Venue: All proceedings involving disputes over the terms, provisions, covenants or conditions contained in this Agreement and all proceedings involving any enforcement action related to this Agreement shall be initiated and conducted in the applicable court or forum in Siskiyou County, California.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

CITY OF YREKA, A Municipal Corporation

By: _____
Steven W. Baker, City Manager

By: _____
Mark Schmitt, Employee

APPROVED AS TO FORM:
By: 
Mary Frances McHugh
City Attorney

Attest:
By: _____
Liz Casson, City Clerk

\\SLUICEBOX\REDIRECTED\FOLDERS\MARYFRANCES\MY DOCUMENTS\DOCUMENTS_PERSONNEL\TEMPORARY EMPLOYEES\MARK SCHMITT
TEMPORARY EMPLOYMENT FOR BUILDING CODE SVS.DOC

