

YREKA CITY COUNCIL  
AGENDA

November 6, 2014 – 6:30 P.M.

Yreka City Council Chamber 701 Fourth Street, Yreka, CA

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

PLEDGE OF ALLEGIANCE

**PUBLIC COMMENTS:** This is 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.

**Presentation:** - New Fire Engine – Yreka Volunteer Fire Department Asst. Chief Robert Goyeneche.

1. Discussion/Possible Action - Consent Calendar: All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
  - a. Approval/ratification of payments issued from October 17, 2014 through November 6, 2014.
  - b. Approval of Minutes of the meeting held October 16, 2014.
  - c. Adopt Resolution approving requests associated with Yreka Chamber of Commerce Special Events to be held November 29, and December 5, 2014.
2. Discussion/Possible Action – Final work on Community Theater Rehabilitation.
3. Discussion/Possible Action – Adopt Resolution authorizing a Memorandum of Agreement with the City of Weed for reimbursement of costs associated with the Boles Fire Response.
4. Discussion/Possible Action – Adopt Resolution designating authorized signatories for Declared Emergency.
5. City Treasurer's Report: Discussion/Possible Action – Acceptance of:
  - a. Budget of Revenue and Expenditures with Year to Date Actuals through June 2014.
  - b. Quarterly Fiscal Performance Report – 4th Quarter Fiscal Year 2013/2014.
  - c. Approval of 2013-2014 Final Year End Closing Budget Revision.
6. Discussion/Possible Action – Code Enforcement Efforts

7. Discussion/Possible Action – Cameras – Public Safety – Mayor Bicego.

City Manager Report

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

**CLOSED SESSION:**

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
Agency negotiator: Steven Baker.  
Employee Organizations: Yreka Management Team Association, Confidential Unit, Yreka City Employees Association, Yreka Police Administration Unit, Yreka Police Sergeants Association, and the Yreka Police Officer's Association.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: APN: 061-341-140  
Third Party Negotiator: Tonya Dowse  
City Negotiators: Steve Baker, City Manager  
Under Negotiation: Possible transfer, including price, terms of payment.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: Portion of APN: 013-100-140 & portion of 013-110-130.  
Third Party Negotiator: Fruit Growers Supply Co.  
City Negotiators: Steve Baker, City Manager  
Under Negotiation: Possible purchase, including price, terms of payment, or both.
4. Conference with Legal Counsel - Anticipated Litigation  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 2 - The names of the parties are not disclosed as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

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

Adjournment.

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

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

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

# Accounts Payable

## Computer Check Proof List by Vendor

User: lysandra  
Printed: 10/22/2014 - 2:36PM  
Batch: 01009.10.2014



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1280 10/22/14	SC AUDITOR 2014-2015 PROP 30	43,776.00	10/22/2014	Check Sequence: 1 60-200-6507-850-000	ACH Enabled: False
	Check Total:	43,776.00			
	Total for Check Run:	43,776.00			
	Total of Number of Checks:	1			

10/22/14

# Accounts Payable

## Manual Check Proof List

User: lysandra  
Printed: 10/24/2014 - 4:00PM  
Batch: 00004.10.2014



Invoice No	Amount	Payment Date	Description	Check Number	Date	Acct Number	reference
Vendor: 1029	BENEFIT & RISK MANAGEMENT						
				521	10/17/2014		
10/17/14	807.20	10/17/2014	SELF-INSURED DENTAL	10/17/14		90-110-0000-340-104	
Total for Check	807.20						
Total for 1029	807.20						
	<hr/> <hr/>						
Total Checks:	807.20						
	<hr/> <hr/>						

10/24

# Accounts Payable

## Computer Check Proof List by Vendor

User: lysandra  
Printed: 10/28/2014 - 12:36PM  
Batch: 01011.10.2014



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1985	PACIFIC POWER			Check Sequence: 1	ACH Enabled: False
10/28/14	ELECTRIC SERVICE @ 951 DEER CREEK W	3,056.00	10/28/2014	60-400-6029-525-000	
	Check Total:	3,056.00			
	Total for Check Run:	3,056.00			
	Total of Number of Checks:	1			

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# Accounts Payable

## Manual Check Proof List

User: lysandra  
Printed: 10/28/2014 - 8:40AM  
Batch: 00005.10.2014



Invoice No	Amount	Payment Date	Description	Check Number	Date	Acct Number	reference
Vendor: 1381	US BANKCORP, LEASING DIVISIC						
				522	10/28/2014		
10/28/14	9,481.96	10/28/2014	OCTOBER 2014			30-210-0000-740-001	
10/28/14	811.04	10/28/2014	OCTOBER 2014			30-210-0000-745-001	
Total for Check	10,293.00						
Total for 1381	10,293.00						
Total Checks:		10,293.00					

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# Accounts Payable

## Computer Check Proof List by Vendor

User: lysandra  
Printed: 10/28/2014 - 8:33AM  
Batch: 01010.10.2014



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 2043	BOARD OF EQUALIZATION			Check Sequence: 1	ACH Enabled: False
57425838 9/14	57-425838 7-9/14	227.37	10/28/2014	01-350-0000-520-100	
	Check Total:	<u>227.37</u>			
	Total for Check Run:	<u>227.37</u>			
	Total of Number of Checks:	<u>1</u>			

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# Accounts Payable

## Computer Check Proof List by Vendor

User: lysandra  
 Printed: 10/30/2014 - 8:40AM  
 Batch: 01013.10.2014

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Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1527 FPA-87012	ACME COMPUTER INV FPA-87012	3,375.00	11/07/2014	Check Sequence: 1 01-050-0000-525-000	ACH Enabled: False
	Check Total:	3,375.00			
Vendor: 1011 LMED1039300	AMERICAN LINEN INV LMED1039300	38.00	11/07/2014	Check Sequence: 2 01-200-0000-526-000	ACH Enabled: False
	Check Total:	38.00			
Vendor: 4301 5821272 5853222 5853223 5853227 5853942 5854030 5854030 5862209	AT&T CALNET 2 INV 5821272 INV 5853222 INV 5853223 INV 5853227 INV 5853942 INV 5854030 INV 5854030 INV 5862209	36.55 17.49 17.04 32.83 17.23 120.75 120.75 66.88	11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014	Check Sequence: 3 01-200-0000-517-000 01-300-0000-517-000 80-560-0000-517-000 01-020-0000-517-000 70-510-0000-517-000 80-030-0000-517-006 70-030-0000-517-006 01-210-0000-517-000	ACH Enabled: False
	Check Total:	429.52			
Vendor: 1041 11/07/14	RON BLACK NOVEMBER 2014	696.00	11/07/2014	Check Sequence: 4 01-200-0000-521-004	ACH Enabled: False
	Check Total:	696.00			
Vendor: 1117 RFND DEPOSIT	CASA RFND CLEANING 10/18/14	100.00	11/07/2014	Check Sequence: 5 01-480-0000-543-000	ACH Enabled: False
	Check Total:	100.00			
Vendor: 1064 5091	CHURCHILL INSURANCE INV 5091	2,217.00	11/07/2014	Check Sequence: 6 01-210-0000-530-004	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,217.00			
Vendor: 3643	CITY OF YREKA - WATER DEPT			Check Sequence: 7	ACH Enabled: False
13279 10/14	013279-000 10/14	6,025.11	11/07/2014	80-560-0000-518-003	
13280 10/14	013280-000 10/14	78.02	11/07/2014	01-370-0000-518-003	
16150 10/14	016150-000 10/14	189.56	11/07/2014	01-400-0000-518-003	
16165 10/14	016165-000 10/14	276.45	11/07/2014	01-400-0000-518-003	
17683 10/14	017683-000 10/14	103.03	11/07/2014	01-400-0000-518-003	
17694-004 10/14	017694-004 10/14	566.54	11/07/2014	01-420-0000-518-003	
17825 10/14	017825-000 10/14	47.40	11/07/2014	01-400-0000-518-003	
17826 10/14	017826-000 10/14	752.87	11/07/2014	01-400-0000-518-003	
17827 10/14	017827-000 10/14	568.14	11/07/2014	01-400-0000-518-003	
17890 10/14	017890-000 10/14	78.02	11/07/2014	01-400-0000-518-003	
17947 10/14	017947-000 10/14	91.70	11/07/2014	01-400-0000-518-003	
17948 10/14	017948-000 10/14	4.17	11/07/2014	01-400-0000-518-003	
17949 10/14	017949-000 10/14	946.05	11/07/2014	01-400-0000-518-003	
17950 10/14	017950-000 10/14	991.32	11/07/2014	01-400-0000-518-003	
17951 10/14	017951-000 10/14	87.50	11/07/2014	01-400-0000-518-003	
17952 10/14	017952-000 10/14	238.99	11/07/2014	01-400-0000-518-003	
17963 10/14	017963-000 10/14	36.06	11/07/2014	01-400-0000-518-003	
18636 10/14	018636-000 10/14	1,554.77	11/07/2014	01-400-0000-518-003	
19066 10/14	019066-000 10/14	1,689.84	11/07/2014	01-400-0000-518-003	
19244 10/14	019244-000 10/14	31.60	11/07/2014	01-400-0000-518-003	
19532 10/14	019532-000 10/14	439.20	11/07/2014	81-550-3024-625-000	
19612 10/14	019612-000 10/14	439.20	11/07/2014	60-400-6009-615-003	
5406 10/14	005406-000 10/14	31.60	11/07/2014	01-400-0000-518-003	
5407 10/14	005407-000 10/14	91.96	11/07/2014	01-400-0000-518-003	
6136 10/14	006136-000 10/14	66.14	11/07/2014	01-400-0000-518-003	
6327 10/14	006327-000 10/14	138.15	11/07/2014	01-200-0000-518-003	
6404 10/14	006404-000 10/14	566.55	11/07/2014	01-210-0000-518-003	
6420 10/14	006420-000 10/14	78.74	11/07/2014	01-210-0000-518-003	
6427 10/14	006427-000 10/14	81.93	11/07/2014	01-400-0000-518-003	
6529 10/14	006529-000 10/14	41.08	11/07/2014	01-400-0000-518-003	
6531 10/14	006531-000 10/14	31.60	11/07/2014	01-400-0000-518-003	
7488 10/14	007488-000 10/14	100.58	11/07/2014	01-020-0000-518-003	
7599 10/14	007599-000 10/14	80.73	11/07/2014	01-400-0000-518-003	
7603 10/14	007603-000 10/14	88.48	11/07/2014	01-400-0000-518-003	
9919 10/14	009919-000 10/14	227.40	11/07/2014	01-400-0000-518-003	
9919-001 10/14	009919-001 10/14	78.22	11/07/2014	01-400-0000-518-003	
	Check Total:	16,938.70			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1077 63706	COMPUTER LOGISTICS CORPORATION INV 63706	95.00	11/07/2014	Check Sequence: 8 01-200-0000-525-001	ACH Enabled: False
	Check Total:	95.00			
Vendor: 1278 82657	COPWARE INC INV 82657	215.00	11/07/2014	Check Sequence: 9 01-200-0000-526-000	ACH Enabled: False
	Check Total:	215.00			
Vendor: 3118 61388-IN 62050-IN	CROSS PETROLEUM INV 61388-IN INV 62050-IN	1,526.97 18.53	11/07/2014 11/07/2014	Check Sequence: 10 01-350-0000-520-150 01-350-0000-520-000	ACH Enabled: False
	Check Total:	1,545.50			
Vendor: 10101 60077	DEPT OF JUSTICE INV 60077	66.00	11/07/2014	Check Sequence: 11 01-200-0000-525-000	ACH Enabled: False
	Check Total:	66.00			
Vendor: 20056 SL150012	DEPT OF TRANSPORTATION INV SL150012 7-9/14	1,640.70	11/07/2014	Check Sequence: 12 24-320-0000-518-001	ACH Enabled: False
	Check Total:	1,640.70			
Vendor: 2128 5349	FARR WEST ENGINEERING INV 5349	982.50	11/07/2014	Check Sequence: 13 60-150-1025-525-000	ACH Enabled: False
	Check Total:	982.50			
Vendor: 1123 2-816-59094	FEDEX INV 2-816-59094	19.46	11/07/2014	Check Sequence: 14 01-200-0000-516-000	ACH Enabled: False
	Check Total:	19.46			
Vendor: 1438 5060	FRED'S TOWING INC INV 5060	90.00	11/07/2014	Check Sequence: 15 01-350-0000-520-000	ACH Enabled: False
	Check Total:	90.00			
Vendor: 1916 178506	G & G HARDWARE (POLICE) INV 178506	23.63	11/07/2014	Check Sequence: 16 01-200-0000-515-000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	23.63			
Vendor: 1915 178219	G & G HARDWARE (VEHICLE MAINT) INV 178219	42.99	11/07/2014	Check Sequence: 17 01-350-0000-520-000	ACH Enabled: False
	Check Total:	42.99			
Vendor: 1141 10058	KARL GREINER INV 10058	500.00	11/07/2014	Check Sequence: 18 01-090-0000-525-000	ACH Enabled: False
	Check Total:	500.00			
Vendor: 2142 11/07/14	DOHN HENION NOVEMBER 2014 (1)	1,250.00	11/07/2014	Check Sequence: 19 01-040-0000-525-001	ACH Enabled: False
	Check Total:	1,250.00			
Vendor: 1148 1401COY-FHR 1403COY-CWM 1403COYRP	THOMAS HESSELDENZ INV 1401COY-FHR INV 1403COY-CWM INV 1403COYRP	19,503.19 39,785.00 1,656.40	11/07/2014 11/07/2014 11/07/2014	Check Sequence: 20 60-390-6035-525-000 60-390-6035-525-000 60-400-6029-615-022	ACH Enabled: False
	Check Total:	60,944.59			
Vendor: 1167 7305 7307	CLIFF KETTLE INV 7305 INV 7307	90.57 242.31	11/07/2014 11/07/2014	Check Sequence: 21 01-010-0000-516-000 01-010-0000-516-000	ACH Enabled: False
	Check Total:	332.88			
Vendor: 1551 PAY REQUEST #2	BRIAN KISCHE THEATER SIDING #2	81,046.40	11/07/2014	Check Sequence: 22 04-470-0000-620-100	ACH Enabled: False
	Check Total:	81,046.40			
Vendor: 1400 11/07/14	MADRONE HOSPICE NOVEMBER 2014	5,625.00	11/07/2014	Check Sequence: 23 01-090-0000-560-004	ACH Enabled: False
	Check Total:	5,625.00			
Vendor: 1223 S5446897.001 S5996153.001 S6042742.001	NORTH COAST ELECTRIC COMPANY CM S5446897.001 INV S5996153.001 INV S6042742.001	-509.16 98,277.15 2,247.72	11/07/2014 11/07/2014 11/07/2014	Check Sequence: 24 20-312-0000-650-000 20-312-0000-650-000 20-312-0000-650-000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
S6042742.003	INV S6042742.003	1,025.66	11/07/2014	20-312-0000-650-000	
	Check Total:	101,041.37			
Vendor: 1226	NORTH VALLEY BUSINESS SYSTEMS			Check Sequence: 25	ACH Enabled: False
121309	INV 121309	173.58	11/07/2014	01-020-0000-515-001	
	Check Total:	173.58			
Vendor: 1239	ONARHEIM			Check Sequence: 26	ACH Enabled: False
10837	INV 10837	75.00	11/07/2014	01-350-0000-520-000	
10838	INV 10838	75.00	11/07/2014	01-350-0000-520-000	
10839	INV 10839	75.00	11/07/2014	01-350-0000-520-000	
10840	INV 10840	75.00	11/07/2014	01-350-0000-520-000	
10841	INV 10841	75.00	11/07/2014	01-350-0000-520-000	
10842	INV 10842	75.00	11/07/2014	01-350-0000-520-000	
	Check Total:	450.00			
Vendor: 16014	PACE ENGINEERING INC			Check Sequence: 27	ACH Enabled: False
23075	INV 23075	17,565.33	11/07/2014	81-560-3024-425-000	
23075	INV 23075	24,461.17	11/07/2014	81-550-3024-425-000	
	Check Total:	42,026.50			
Vendor: 1253	PERFECTION CLEANING INC			Check Sequence: 28	ACH Enabled: False
11/07/14	OCTOBER 2014	300.00	11/07/2014	01-400-0000-426-003	
11/07/14	OCTOBER 2014	425.00	11/07/2014	01-080-0000-526-001	
11/07/14	OCTOBER 2014	680.00	11/07/2014	01-200-0000-526-001	
	Check Total:	1,405.00			
Vendor: 1630	PERSONNEL PREFERENCE			Check Sequence: 29	ACH Enabled: False
65272	INV 65272	152.10	11/07/2014	70-500-0000-526-000	
65272	INV 65272	152.10	11/07/2014	80-550-0000-526-000	
65344	INV 65344	152.10	11/07/2014	80-550-0000-526-000	
65344	INV 65344	152.10	11/07/2014	70-500-0000-526-000	
	Check Total:	608.40			
Vendor: 1841	KENDRA RANDALL			Check Sequence: 30	ACH Enabled: False
RFND DEPOSIT	RFND CLEANING 10/04/14	100.00	11/07/2014	01-480-0000-543-000	
	Check Total:	100.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1143 539706-2	RENTAL GUYS REDDING INV 539706-2	133.06	11/07/2014	01-350-0000-520-000	Check Sequence: 31 ACH Enabled: False
	Check Total:	133.06			
Vendor: 1914 RFND DEPOSIT	CAROL RIZZO RFND CLEANING 10/11/14	100.00	11/07/2014	01-480-0000-543-000	Check Sequence: 32 ACH Enabled: False
	Check Total:	100.00			
Vendor: 1311 PAYMENT #6	RTA CONSTRUCTION INC WW COLL IMPROV #6	653,878.57	11/07/2014	81-550-3024-625-000	Check Sequence: 33 ACH Enabled: False
	Check Total:	653,878.57			
Vendor: 1289 09/19/14	SC DEPT OF GENERAL SERVICES INV 09/19/14 STREET STRIPING	4,843.85	11/07/2014	24-320-0000-416-002	Check Sequence: 34 ACH Enabled: False
	Check Total:	4,843.85			
Vendor: 1283 11/07/14	SC ECONOMIC DEVELOPMENT COUNCIL NOVEMBER 2014	3,333.33	11/07/2014	01-090-0000-560-001	Check Sequence: 35 ACH Enabled: False
	Check Total:	3,333.33			
Vendor: 1729 10/25/14 10/28/14	LINDA SCHAMEL INV 10/25/14 INV 10/28/14	90.00 90.00	11/07/2014 11/07/2014	01-210-0000-525-000 01-210-0000-525-000	Check Sequence: 36 ACH Enabled: False
	Check Total:	180.00			
Vendor: 1569 181329-IN	SIRCHIE INV 181329-IN	60.05	11/07/2014	01-200-0000-416-000	Check Sequence: 37 ACH Enabled: False
	Check Total:	60.05			
Vendor: 1918 RFND DEPOSIT	SISKIYOU HABITAT FOR HUMANITY RFND CLEANING 10/16/14 (CENTER)	100.00	11/07/2014	01-480-0000-543-000	Check Sequence: 38 ACH Enabled: False
	Check Total:	100.00			
Vendor: 2016 RENEW 2015 RENEW 2015 RENEW 2015	SPRINGBROOK NATIONAL USERS GROUP ACCT 517 RENEW 2015 DUES ACCT 517 RENEW 2015 DUES ACCT 517 RENEW 2015 DUES	25.00 25.00 50.00	11/07/2014 11/07/2014 11/07/2014	80-030-0000-511-000 70-030-0000-511-000 01-030-0000-511-000	Check Sequence: 39 ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	100.00			
Vendor: 1324 29417	SPRINGBROOK SOFTWARE INC INV 29417	750.00	11/07/2014	Check Sequence: 40 01-030-0000-526-000	ACH Enabled: False
	Check Total:	750.00			
Vendor: 22015 002022 10/14 002535 10/14 002543 10/14 002551 10/14 010421 10/14	SUBURBAN PROPANE 1638-002022 10/14 1638-002535 10/14 1638-002543 10/14 1638-002551 10/14 1638-010421 10/14	22.30 20.50 8.00 513.15 319.17	11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014	Check Sequence: 41 01-210-0000-518-002 01-020-0000-518-002 01-470-0000-518-002 01-480-0000-518-002 01-210-0000-518-002	ACH Enabled: False
	Check Total:	883.12			
Vendor: 1339 09/16/14	RICHARD SWENSON YPD EXAM - B4A000DJ	152.00	11/07/2014	Check Sequence: 42 01-200-0000-525-000	ACH Enabled: False
	Check Total:	152.00			
Vendor: 1231 SEPT 2014	TRANSUNION RISK & ALTERNATIVE SEPT 2014 CONTRACT	140.00	11/07/2014	Check Sequence: 43 01-200-0000-525-000	ACH Enabled: False
	Check Total:	140.00			
Vendor: 1440 143568	ULTRAMAX INV 143568	624.00	11/07/2014	Check Sequence: 44 01-200-0000-416-000	ACH Enabled: False
	Check Total:	624.00			
Vendor: 1349 14090016 14090016	UNDERGROUND SERVICE ALERT INV 14090016 INV 14090016	60.00 60.00	11/07/2014 11/07/2014	Check Sequence: 45 70-500-0000-416-000 80-550-0000-416-000	ACH Enabled: False
	Check Total:	120.00			
Vendor: 21027 84V993344 84V993374 84V993374	UNITED PARCEL SERVICE INV 84V993344 INV 84V993374 INV 84V993374	29.54 5.85 13.74	11/07/2014 11/07/2014 11/07/2014	Check Sequence: 46 70-510-0000-420-000 70-510-0000-420-000 01-350-0000-520-000	ACH Enabled: False
	Check Total:	49.13			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1351 120002917-005	UNITED RENTALS NORTHWEST INV 120002917-005	43.00	11/07/2014	Check Sequence: 47 20-310-0000-416-001	ACH Enabled: False
	Check Total:	43.00			
Vendor: 1352 CI161881	UNITED ROTARY BRUSH CORP INV CI161881	439.21	11/07/2014	Check Sequence: 48 01-350-0000-520-000	ACH Enabled: False
	Check Total:	439.21			
Vendor: 25090 PERMIT #35	USPS PERMIT #35 1-12/2015	220.00	11/07/2014	Check Sequence: 49 70-030-0000-515-001	ACH Enabled: False
	Check Total:	220.00			
Vendor: 25090 11/07/14	USPS NOVEMBER 2014	1,400.00	11/07/2014	Check Sequence: 50 70-030-0000-515-001	ACH Enabled: False
	Check Total:	1,400.00			
Vendor: 1516 RFND DEPOSIT	GORDON VINCENT RFND CLEANING 10/26/14	100.00	11/07/2014	Check Sequence: 51 01-480-0000-543-000	ACH Enabled: False
	Check Total:	100.00			
Vendor: 23008 001225 001250 002396 002396 007009 007009 009782 CM 003738	WAL-MART COMMUNITY INV 001225 INV 001250 INV 002396 INV 002396 INV 007009 INV 007009 INV 009782 REVERSE INV 003738	8.00 5.64 14.37 38.72 12.87 19.32 39.91 -7.49	11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014 11/07/2014	Check Sequence: 52 70-500-0000-420-006 01-350-0000-520-000 01-230-0000-416-000 01-200-0000-516-000 01-370-0000-516-000 20-310-0000-420-503 01-350-0000-512-000 70-510-0000-420-000	ACH Enabled: False
	Check Total:	131.34			
Vendor: 25005 1395 9/14	YREKA AUTO PARTS ACCT 1395 9/14	78.18	11/07/2014	Check Sequence: 53 01-350-0000-520-000	ACH Enabled: False
	Check Total:	78.18			
Vendor: 1374 11/07/14	YREKA CHAMBER OF COMMERCE NOVEMBER 2014	4,750.00	11/07/2014	Check Sequence: 54 01-090-0000-560-000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	4,750.00			
Vendor: 25040	YREKA HARDWARE			Check Sequence: 55	ACH Enabled: False
104804	INV 104804	6.29	11/07/2014	20-310-0000-416-001	
104816	INV 104816	3.33	11/07/2014	01-400-0000-416-018	
104817	INV 104817	84.41	11/07/2014	70-500-0000-416-009	
104820	INV 104820	14.57	11/07/2014	20-310-0000-416-001	
104829	INV 104829	21.50	11/07/2014	71-500-0000-450-001	
104839	INV 104839	14.03	11/07/2014	70-500-0000-416-009	
104842	INV 104842	55.47	11/07/2014	70-500-0000-450-501	
104845	INV 104845	21.29	11/07/2014	70-500-0000-416-009	
	Check Total:	220.89			
Vendor: 25120	YREKA TRANSFER			Check Sequence: 56	ACH Enabled: False
005821 10/14	ACCT 005821 10/14	82.00	11/07/2014	01-210-0000-518-004	
024631 10/14	ACCT 024631 10/14	102.00	11/07/2014	01-200-0000-518-004	
054217 10/14	ACCT 054217 10/14	129.00	11/07/2014	01-480-0000-518-004	
	Check Total:	313.00			
Vendor: 1390	YREKA TRANSIT MIX			Check Sequence: 57	ACH Enabled: False
483721	INV 483721	7.88	11/07/2014	20-310-0000-420-503	
483721	INV 483721	7.88	11/07/2014	70-500-0000-416-001	
483721	INV 483721	7.89	11/07/2014	80-550-0000-416-001	
	Check Total:	23.65			
	Total for Check Run:	997,185.10			
	Total of Number of Checks:	57			

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON OCTOBER 16, 2014

On the 16<sup>th</sup> day of October 2014, 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 Bicego announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval/ratification of payments issued from October 3, 2014 thru October 16, 2014.
- b. Approval of Minutes of the meeting held October 2, 2014.
- c. Approve Transportation Claim for the 2014/15 Local Transportation Fund and authorize the Mayor to sign the claim on behalf of the City.
- d. Adopt Resolution approving the destruction of certain City records identified by the Finance Director.
- e. Approval of 2013-2014 Final Year End Closing Budget Revision.

Mayor Bicego requested that item 1e be pulled for discussion.

Following Council discussion, Councilmember Foster moved to approve items a - d on the consent calendar as submitted.

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

Mayor Bicego thereupon declared the motion carried.

Approval of 2013-2014 Final Year End Closing Budget Revision.

Following Council discussion Council Member Mercier moved to table this item to the next meeting to be held November 6, 2014.

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

Mayor Bicego thereupon declared the motion carried.

Adopt Resolution authorizing execution of Architectural and/or Engineering Design Services Agreement with Calpo, Hom & Dong Architects for the Yreka Police Station retrofit.

Yreka Police Chief Brian Bowles reported that the Council allocated \$1,800,000 for this project, and approximately \$811,000. has been expended/committed for the existing building leaving approximately \$989,000 for the rest of the project. A Request for Proposals was put out on June 30,

2014 for Architectural and/or Engineering Designs teams. We received 4 responses in a timely manner to our request.

Staff evaluated the architectural and/or engineering design teams and determined the top two with consideration to relevance to our project and budget. Calpo Hom & Dong Architects was selected because of their extensive experience with police buildings.

The Agreement with Calpo Hom & Dong is not to exceed \$93,420. This amount will be taken out of the money allocated for this project in the capital projects budget.

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

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

Mayor Bicego thereupon declared the motion carried.

Adopt Resolution authorizing funding for Siskiyou County Tourism Improvement District Formation.

City Manager Steve Baker reported that in 2011, the Cities of Yreka and Mount Shasta along with Siskiyou County each respectively received a \$35,000 grant from the Community Development Block Grant (CDBG) program which were combined to fund a feasibility study for improving tourism marketing in Siskiyou County. The Final Report for the City's portion of this joint project was presented to the City Council in January 2014.

One of the main findings was a revenue source for improving tourism was necessary. The recommended mechanism was the establishment of a Tourism Improvement District (TID) which have been successful in a number of other counties in California. The typical TID has self-assessments from businesses that benefit from tourism created through the State law establishing TID's. The feasibility study could not fund the formation of such a district under the CDBG rules.

The motels and hotels have formed a Siskiyou County Tourism Improvement District Steering Committee with the goal of taking the final steps of creating a TID. This involves legal work to set up the District as well as handling the voting of the hotel/motel members who much approve the district by a majority vote.

The Steering Committee has already received pledges from the individual hotels towards the formation expenses and is requesting contributions from the City and County as well. The request from the City of Yreka is \$5,000. Funds from the administrative fees earned from CDBG program income is an appropriate source for this project.

If the District is successfully formed and tourism marketing increased, the hotels should receive additional revenues from tourists. This in turn will increase the City's transient occupancy tax receipts. Given this potential revenue increase, staff is recommending approval.

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

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

Mayor Bicego thereupon declared the motion carried.

Upper Greenhorn Park Host Site Construction – Councilmember Foster.

Following Council discussion, Councilmember Foster moved to authorize staff to proceed with this project and the project to install water to the “Yreka Welcome Sign – Miner Statue” on E. Miner Street as approved and budgeted.

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

Mayor Bicego thereupon declared the motion carried.

Consideration of increasing code enforcement efforts - Councilmember Mercier.

Councilmember Mercier stated that he asked for this matter to be placed on the agenda to discuss increasing code enforcement for blighted properties within the City.

Following Council discussion, it was the consensus of the Council to direct staff to bring back a proposal for Council consideration at the next meeting.

City Treasurer's Report: Discussion/Possible Action – Acceptance of:

- a. Budget of Revenue and Expenditures with Year to Date Actuals through June 2014
- b. Quarterly Fiscal Performance Report – 4th Quarter Fiscal Year 2013/2014

Following Council discussion Council Member Foster moved to table both items a & b to the next meeting to be held November 6, 2014.

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

Mayor Bicego thereupon declared the motion carried.

City Manager announced that items No. 3 & 4 have been pulled from the Closed Session agenda.

**CLOSED SESSION:**

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
 Agency negotiators: Steven Baker  
 Employee Organizations: Yreka City Employees Association, and the Yreka Police Officer's Association.
  
2. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: APN: 061-341-140  
 Third Party Negotiator: Tonya Dowse  
 City Negotiators: Steve Baker, City Manager  
 Under Negotiation: Possible transfer, including price, terms of payment.
  
3. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: Portion of APN: 013-100-140 & portion of 013-110-130.  
 Third Party Negotiator: Fruit Growers Supply Co.  
 City Negotiators: Steve Baker, City Manager  
 Under Negotiation: Possible purchase, including price, terms of payment, or both.
  
4. Conference with Legal Counsel - Anticipated Litigation  
 Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 2 - The names of the parties are not disclosed as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

**RETURN TO OPEN SESSION:** Upon return to open session, City Manager Baker reported that Council gave direction to staff as to item #1, and no further action was taken in closed session.

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

Attest:

\_\_\_\_\_  
 Robert Bicego, Mayor  
 Minutes approved by Council  
 Motion November 6, 2014

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



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: City Clerk  
Agenda title: Adopt Resolution approving requests associated with Yreka Chamber of Commerce Special Events to be held on November 29 and December 5, 2014.  
Meeting date: November 6, 2014

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Discussion:

The Chamber of Commerce has submitted the attached request for their events known as the Holiday Parade of Lights & Downtown Festival and the Night of Lights.

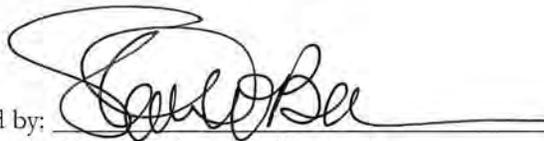
Fiscal Impact:

The Chamber is requesting the waiver of the Stage rental fee, and there will be labor costs incurred by the Public Works Department for extra trash removal and restroom maintenance due to the increased volume of users during the event. The fiscal impact is estimated to be less than \$500. This amount does not include additional costs that may be incurred by the Yreka Police Department.

Recommendation and Requested Action:

That the Council adopt Resolution as submitted.

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



Steven Baker, City Manager



**TOURIST INFORMATION CENTER**

117 W. Miner St. • Yreka, California 96097 • 530/842-1649  
www.yrekachamber.com

October 21, 2014

Steve Baker, City Manager  
City of Yreka  
701 Fourth St  
Yreka, Ca 96097

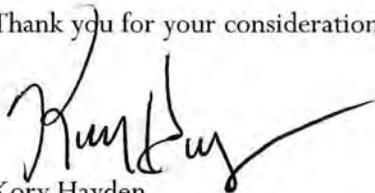
Dear Steve,

The Yreka Chamber of Commerce respectfully requests the following street closures for **Yreka's Holiday Parade of Lights and Downtown Festival** to be held on Saturday, November 29, 2014; and the annual **Night of Lights** to be held on Friday December 5, 2014.

- For the Holiday Parade & Festival: the closure of Miner from Oregon to Main; Third at Miner; Fourth from Jackson to Miner; Broadway from Miner to Dillon; Center St. from S. Oregon to Main; Lane from S. Oregon to Main; Butte from S. Oregon to Main; South Street from S. Oregon to Main, and S. Oregon from Yreka to Miner, from 1 pm until the conclusion of the parade at approximately 8 pm. In addition, for the purpose of assembling the parade, the Chamber requests the closure of Jackson from S. Oregon to S. Gold Street for assembling of the parade;
- For the Night of Lights; the closure of Miner from Oregon to Main, Fourth from Center to Miner; Third at Miner; Broadway from Miner to Butte; Center from Main to S. Broadway; Lane from Main to S. Broadway; and Butte from Main to S. Broadway; from 5 p.m. to the conclusion of the event at approximately 9 pm; and

In addition to the road closures, the Chamber requests a permissive business license allowing vendors during the events; the use of the City's 24 event barricades; and the use of the portable stage and waiver of usage fee.

Thank you for your consideration.



Kory Hayden  
Executive Director

RESOLUTION NO. 2014 - 51  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA  
APPROVING REQUESTS ASSOCIATED WITH  
YREKA CHAMBER OF COMMERCE SPECIAL EVENTS TO  
BE HELD ON NOVEMBER 29, AND DECEMBER 5, 2014.

WHEREAS, the city, a municipal corporation, is the owner of certain lands within the City of Yreka which are operated by the City as public municipal facilities, and,

WHEREAS, the Yreka Chamber of Commerce (hereafter also referred to as “event sponsor”) desires to sponsor the Annual Holiday Parade of Lights and Downtown Festival on November 29, 2014 and the Annual Night of Lights on December 5, 2014; and

WHEREAS due to the proposed plans submitted for these events, the event sponsor has demonstrated that the following provisions of the Yreka Municipal Code [YMC] are not adversely implicated by this event:

Vehicle controls- YMC Chapter 10.73

Business license-YMC Section 5.04.

Sound Amplifying Devices-YMC Chapter 9.28

Temporary Signs-YMC Section 13.16.020.D

WHEREAS, in conjunction with these events, the event sponsor requests the use of the portable stage, community event barricades, and the temporary closure of certain city streets; and,

WHEREAS, pursuant to Government Code Section 21101(e) the City Council has authority to designate by resolution a temporary closing of a through street where the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing; and,

WHEREAS, the City Council finds that the closing of the requested City Streets is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing; and,

WHEREAS, a permissive business license may be granted by the City Council for an event of this nature if the applicant demonstrates good moral character and, that issuance of the license will not be detrimental to the public peace, public health or public morals of the city, which tax is subject to an exemption if the applicant demonstrates that the activity is for charitable purposes or for exhibition on historical

subjects whenever the receipts from the activity are to be appropriated for any benevolent purpose within the limits of the city.

WHEREAS, the Yreka Chamber of Commerce has demonstrated to the City its eligibility under YMC 5.04.160, and that the event will not disrupt traffic within the city beyond practical solution; will not interfere with access to fire stations and fire hydrants; the location of the special event will not cause undue hardship to adjacent businesses or residents; the event will not require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city; and

Whereas, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this action 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; and

WHEREAS, the City Council has determined it would be in the best interests of the City to approve and authorize the action outlined in this Resolution; and

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

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

Section 2. The Council directs as follows:

a. Temporary Closure of City Streets subject to the terms and conditions as set forth hereafter:

- For the Holiday Parade & Festival November 29: the closure of Miner from Oregon to Main; Third at Miner; Fourth from Jackson to Miner; Broadway from Miner to Dillon; Center St. from S. Oregon to Main; Lane from S. Oregon to Main; Butte from S. Oregon to Main; South Street from S. Oregon to Main, and S. Oregon from Yreka to Miner, from 1 pm until the conclusion of the parade at approximately 8 pm. In addition, for the purpose of assembling the parade, the Chamber requests the closure of Jackson from S. Oregon to S. Gold Street for assembling of the parade;
- For the Night of Lights December 5; the closure of Miner from Oregon to Main, Fourth from Center to Miner; Third at Miner; Broadway from Miner to Butte;

Center from Main to S. Broadway; Lane from Main to S. Broadway; and Butte from Main to S. Broadway; from 5 p.m. to the conclusion of the event at approximately 9 pm; and

- b. Permission is hereby granted for the use of community stage and (24) event barricades in conjunction with said event contingent upon the event sponsor providing all labor necessary for the set-up and take down of the Stage as well as the placement and removal of the barricades. Event Sponsor shall erect barricades to effectively and safely block traffic on the streets designated for closure. City will provide 24 barricades and the event sponsor will procure the balance. Delivery of the barricades and community stage shall be coordinated with the City of Yreka Event Coordinator.
- c. The Chamber is hereby issued a business license for this event and is exempt from the business license tax. This exemption from the tax shall not apply to vendors at the event unless each vendor can separately demonstrate eligibility for exemption. The Chamber of Commerce may add vendors to their event and the City will work with the Chamber of Commerce to facilitate issuance of the daily business licenses for the event. Event sponsor will be responsible and hold harmless the City for acts of the vendors.
- d. The event sponsor shall provide the City with proof of general liability insurance of not less than \$1,000,000 and a separate endorsement naming the City of Yreka as additionally insured specific to the event dates and location, at least 1 week prior to the event. Event sponsor will be responsible and hold harmless the City for acts of the volunteers and vendors.
- e. The event sponsor is responsible to furnish, place and remove all necessary barricades, furnish, place and remove street closure signs, furnish place and remove extra garbage cans and dispose of garbage, provide emergency access, cleanup all areas used including but not limited to the streets.
- f. The event sponsor shall comply with all other City of Yreka ordinances; and, the event sponsor shall comply with such further conditions and requirements as may be set by the City Manager or his designee.
- g. The event sponsor is responsible to personally contact each business that may be potentially affected by this street closure prior to the event.
- h. The event sponsor shall not place any paint on the street pavement, curb, gutter, and sidewalk. Any markings on the street pavement, curb, gutter, and sidewalk shall be of a temporary nature and shall be removed by the event sponsor within 7 days after the end of the event.

i. The event sponsor shall be charged for any services required by the Public Works Department in connection with this event. The Event Sponsor shall sign a Use and Encroachment Agreement setting forth the terms of use in accordance with this Resolution.

Section 3. 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 4. The City Manager, the Chief of Police, Director of Public Works, and all other proper officers and officials of the City are hereby 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.

Section 5. The City Clerk of the City shall forward a copy of this Resolution to the event sponsor, Chief of Police and Department Public Works. This resolution shall take effect immediately upon its passage.

Passed and adopted this 6<sup>th</sup> day of November 2014, by the following vote:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Robert Bicego, Mayor

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



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Steve Baker, City Manager  
Agenda title: Discussion/Possible Action: Final work on Theater Rehabilitation  
Meeting date: November 6, 2014

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Discussion:

Work is nearing completion on the Theater siding project. At the time of approval, staff recommended that a certain amount be retained as a contingency since unknowns could occur during rehabilitation. At this time, it appears that there will be contingency funds available to allocate towards the original deductive change order, but not sufficient to fully complete it.

Staff, Red Scarf and the contractor will be working on a final tally in the next few business days and will bring to the Council alternatives for finalizing the work. Because the contractor is on-site and weather conditions could change, staff believed it was prudent to bring to City Council at this meeting.

Completion of the additional work is expected to lower maintenance costs in the future and avoid having a separate contract for this work at a later date.

Fiscal Impact

Staff will be providing further information prior to the meeting. Additional funds necessary may be in the \$12,000-13,000 range.

Recommendation:

That the City Council discuss and provide direction to staff on alternatives for the final work on the Theater Rehabilitation.

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

A blue ink signature of Steven Baker, City Manager, written over a horizontal line.

Steven Baker, City Manager



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council

Prepared by: Jeannette Hook, Administrative Assistant *JH*

AGENDA TITLE: Approve a Resolution authorizing a Memorandum of Agreement with the City of Weed for reimbursement of costs associated with the Boles Fire Response.

Meeting date: November 6, 2014

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Discussion:

The City of Yreka Police Department provided assistance to the City of Weed during the Boles Fire. The Boles Fire was subsequently declared a disaster by the State of California, an action which allows the City of Yreka to apply for reimbursement of costs associated with responding to this disaster on behalf of the City of Weed.

The attached Resolution authorizes the City Manager sign a Memorandum of Agreement with the City of Weed in order to process a reimbursement request for the Boles Fire.

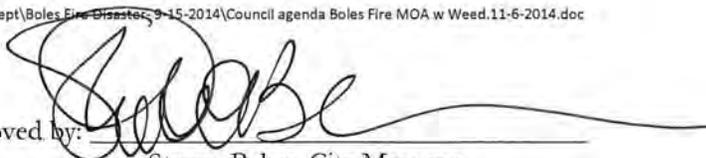
Fiscal Impact:

Reimbursement of direct costs for response and administrative support for the Boles Fire is estimated to be \$30,000.

Recommendation and Requested Action:

That the Council: Approve a Resolution authorizing a Memorandum of Agreement with the City of Weed for reimbursement of costs associated with the Boles Fire Response.

S:\Police Dept\Boles Fire Disaster 9-15-2014\Council agenda Boles Fire MOA w Weed.11-6-2014.doc

Approved by: 

Steven Baker, City Manager

Resolution # \_\_\_\_\_

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE CITY OF WEED FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH THE BOLES FIRE RESPONSE

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

WHEREAS, the State of California declared the Boles Fire in the City of Weed, California to be a wildfire disaster; and

WHEREAS, the Yreka Police Department provided disaster assistance to the City of Weed during the Boles Fire; and

WHEREAS, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this action 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; and

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

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

Section 2. The City Manager or designee is hereby authorized to execute a Memorandum of Agreement with the City of Weed, with such changes, insertions and omissions as may be approved by the City Manager, and the City Clerk or such Clerk's designee is hereby authorized and directed to affix the City's seal to said document and to attest thereto.

Section 3. The City Manager and the City Clerk, and all other proper officers and officials of the City are hereby 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.

Section 4. 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 5. This resolution shall take effect immediately upon its passage.

Passed and adopted this 6th day of November, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Robert Bicego,  
Mayor of the City of Yreka

THE UNDERSIGNED CERTIFIES THAT THIS A TRUE AND CORRECT COPY OF RESOLUTION NO. \_\_\_\_\_ AS ADOPTED BY THE CITY COUNCIL AT ITS MEETING HELD November 6, 2014.

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

**MEMORANDUM OF AGREEMENT BETWEEN CITY OF YREKA  
AND THE CITY OF WEED PERTAINING TO ASSISTANCE  
UNDER THE LAW ENFORCEMENT MUTUAL AID PLAN**

**WHEREAS**, on September 15, 2014 extreme fuel and wind conditions aided several fires that swept through the region; and

**WHEREAS**, these fires consisted of the Boles Fire in the City of Weed, Siskiyou County, California and the Siskiyou County Wildfires; and

**WHEREAS**, collectively these will be referred to as "BOLES FIRE;" and

**WHEREAS**, on September 15, 2014 a Declaration of Emergency (FEMA-5079-FM) was issued for the Boles Fire; and

**WHEREAS**, the Law Enforcement Mutual Aid Plan is issued and revised under the authority of Sections 8550, 8569, 8615 through 8619, and 8668 of the California Government Code, the California Emergency Plan, and the Master Mutual Aid Agreement; and

**WHEREAS**, the Law Enforcement Mutual Aid Plan delineates the current state policy concerning law enforcement mutual aid; and

**WHEREAS**, the Law Enforcement Mutual Aid Plan describes the standard procedures used to acquire law enforcement mutual aid resources and the method to ensure coordination of law enforcement mutual aid planning and readiness; and

**WHEREAS**, the Chief of Police is the Operational Area Law Enforcement and Mutual Aid Coordinator; and

**WHEREAS**, Law Enforcement Mutual Aid Plan provides, in pertinent part, "When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem"; and

**WHEREAS**, the Law Enforcement Mutual Aid Plan provides, in pertinent part, "A request for law enforcement mutual aid requires the approval of the chief law enforcement officer of the requesting jurisdiction"; and

**WHEREAS**, the Police Chief of the City of Weed requested the mutual aid assistance of the City of Yreka, pursuant to the Law Enforcement Mutual Aid Plan to support law enforcement services in connection with the Boles Fire; and

**WHEREAS**, City of Yreka Police Department provided mutual aid assistance consisting of law enforcement personnel, equipment, and materials from September 15, 2014 to September 22, 2014 to assist with law enforcement services in connection with the Boles Fire; and

**WHEREAS**, the City of Yreka agrees to document all of its mutual aid assistance costs related to the Boles Fire as attachments to this MOA and submit to the City of Weed as soon as practicable; and

**NOW, THEREFORE, IT IS HEREBY AGREED** by and between the City of Weed and the City of Yreka that the City of Weed shall reimburse all reasonable costs associated with City of Yreka's law enforcement mutual aid assistance during the Boles Fire.

CITY OF WEED

CITY OF YREKA

By \_\_\_\_\_  
Ron Stock  
City Manager

By \_\_\_\_\_  
Steven W. Baker  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Jeannette Hook, Administrative Assistant   
Agenda title: Approve a Resolution Designating Authorized Signatories for Declared Emergencies  
Meeting date: November 6, 2014

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Discussion:

The City of Yreka Police Department provided assistance to the City of Weed during the Boles Fire on September 15, 2104. The Boles Fire was subsequently declared a disaster by the State of California, an action which allows the City of Yreka to apply to the Office of Emergency Services (Cal OES) for reimbursement of costs associated with responding to this disaster.

Applications for disaster reimbursement require the City Council to designate specific employees to sign the various forms which must be submitted. The attached Resolution authorizes the City Manager and/or the Finance Director to act in this capacity and remains valid for three years.

Fiscal Impact:

Reimbursement of direct costs for response and administrative support for the Boles Fire is estimated to be \$30,000 at this time.

Recommendation and Requested Action:

That the Council: Approve a Resolution Designating Authorized Signatories for Declared Emergencies.

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



Steven Baker, City Manager

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of Yreka  
(Governing Body) (Name of Applicant)

THAT City Manager, OR  
(Title of Authorized Agent)

Finance Director, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Yreka, a public entity  
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Emergency Management Agency for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Yreka, a public entity established under the laws of the State of California,  
(Name of Applicant)

hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

- This is a universal resolution and is effective for all open and futures disasters up to three (3) years following the date of approval below.  
 This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this 6th day of November, 2014

Robert Bicego, Mayor

(Name and Title of Governing Body Representative)

David Simmen, Mayor Pro-Tempore

(Name and Title of Governing Body Representative)

Bryan Foster, Rory McNeil, John Mercier

(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Elizabeth E. Casson, duly appointed and City Clerk of  
(Name) (Title)

City of Yreka, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the City Council of the City of Yreka  
(Governing Body) (Name of Applicant)

on the 6th day of November, 2014.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

**2013-2014 Operating Budget of Revenue and Expenditures  
with Unaudited Results  
June 30, 2014**

Fund Analysis		REVENUE			EXPENSE			Excess of Rev over Exp.-Surplus/ (Deficit)		Based on Operating Budget			Current Cash Balance
		Adopted	Operating Budget	Year to Date	Adopted	Operating Budget	Year to Date	Operating Budget	Net Actual Year to Date	Prelim Close Beginning Working Capital	Operating Budget Net Increase / (Decrease)	Ending Working Capital	
Major Grp	Fund												
Investment in LAIF	00	-	-	-	-	-	-	-	-	-	-	-	-
General Operating	01	4,779,294.00	4,415,028.63	4,741,423.18	4,737,653.29	5,056,957.68	4,881,341.31	(641,929.05)	(139,918.13)	2,904,550.58	(641,929.05)	2,262,621.53	2,152,655.05
<b>General Operating Fund</b>		<b>4,779,294.00</b>	<b>4,415,028.63</b>	<b>4,741,423.18</b>	<b>4,737,653.29</b>	<b>5,056,957.68</b>	<b>4,881,341.31</b>	<b>(641,929.05)</b>	<b>(139,918.13)</b>	<b>2,904,550.58</b>	<b>(641,929.05)</b>	<b>2,262,621.53</b>	<b>2,152,655.05</b>
Gifts Donations	02	500.00	2,500.00	3,366.88	1,200.00	3,700.00	3,575.85	(1,200.00)	(208.97)	27,593.40	(1,200.00)	26,393.40	27,434.43
YVFD Volunter Fund	03	17,500.00	17,500.00	16,275.99	17,500.00	17,500.00	20,060.76	-	(3,784.77)	60,225.34	-	60,225.34	56,440.57
Trusts -Crandell-Stewart	04	5,200.00	(1,078,800.00)	(1,070,566.40)	31,700.00	21,700.00	16,228.86	(1,100,500.00)	(1,086,795.26)	1,910,735.05	(1,100,500.00)	810,235.05	684,572.81
General Fund Reserves	08	(117,051.00)	(117,051.00)	(110,600.19)	(178,028.00)	(98,767.00)	(92,270.48)	(18,284.00)	(18,329.71)	731,485.25	(18,284.00)	713,201.25	713,155.54
Reserves for Cap. Outlay	09	(150,000.00)	(150,000.00)	(101,415.74)	355,000.00	426,000.00	425,366.40	(576,000.00)	(526,782.14)	1,104,253.21	(576,000.00)	528,253.21	580,387.82
Capital Outlay	10	257,500.00	257,500.00	201,415.74	257,500.00	218,350.00	201,415.74	39,150.00	-	-	39,150.00	39,150.00	3,423.13
Construction Fund	11	-	1,800,000.00	1,802,017.76	-	815,000.00	811,687.46	985,000.00	990,330.30	-	985,000.00	985,000.00	1,040,330.30
<b>General Fund - Restricted or Designated</b>		<b>13,649.00</b>	<b>731,649.00</b>	<b>740,494.04</b>	<b>484,872.00</b>	<b>1,403,483.00</b>	<b>1,386,064.59</b>	<b>(671,834.00)</b>	<b>(645,570.55)</b>	<b>3,834,292.25</b>	<b>(671,834.00)</b>	<b>3,162,458.25</b>	<b>3,105,744.60</b>
<b>Total General Fund</b>		<b>4,792,943.00</b>	<b>5,146,677.63</b>	<b>5,481,917.22</b>	<b>5,222,525.29</b>	<b>6,460,440.68</b>	<b>6,267,405.90</b>	<b>(1,313,763.05)</b>	<b>(785,488.68)</b>	<b>6,738,842.83</b>	<b>(1,313,763.05)</b>	<b>5,425,079.78</b>	<b>5,258,399.65</b>
Gas Tax & Traffic Cong.	20	923,016.69	948,016.69	783,848.69	923,016.69	549,862.69	508,948.25	398,154.00	274,900.44	1,895.98	398,154.00	400,049.98	260,824.96
Local Transportation	21	(168,469.87)	(82,884.87)	107,056.94	173,625.00	202,690.00	202,531.27	(285,574.87)	(95,474.33)	449,448.42	(285,574.87)	163,873.55	296,338.18
Fines - Traffic Safety	24	88,000.72	108,000.72	122,403.98	88,000.72	140,416.72	122,223.73	(32,416.00)	180.25	86,148.40	(32,416.00)	53,732.40	86,160.01
<b>Road, Street &amp; Transit - Restricted</b>		<b>842,547.54</b>	<b>973,132.54</b>	<b>1,013,309.61</b>	<b>1,184,642.41</b>	<b>892,969.41</b>	<b>833,703.25</b>	<b>80,163.13</b>	<b>179,606.36</b>	<b>537,492.80</b>	<b>80,163.13</b>	<b>617,655.93</b>	<b>643,323.15</b>
<b>Total Road, Streets and Transit</b>		<b>842,547.54</b>	<b>973,132.54</b>	<b>1,013,309.61</b>	<b>1,184,642.41</b>	<b>892,969.41</b>	<b>833,703.25</b>	<b>80,163.13</b>	<b>179,606.36</b>	<b>537,492.80</b>	<b>80,163.13</b>	<b>617,655.93</b>	<b>643,323.15</b>
Fire Assessment Spec. Rev	30	230,750.00	819,793.00	826,328.70	142,424.90	1,111,432.44	1,106,305.59	(291,639.44)	(279,976.89)	375,220.07	(291,639.44)	83,580.63	77,669.24
Landfill Access Fee - Debt Service	31	216,000.00	216,000.00	221,270.30	181,620.93	181,860.93	181,612.08	34,139.07	39,658.22	(34,659.39)	34,139.07	(520.32)	-
Developer Impact Fees	32	16,000.00	116,300.00	142,129.96	-	-	-	116,300.00	142,129.96	92,194.80	116,300.00	208,494.80	482,483.43
<b>Special Revenue - Restricted</b>		<b>462,750.00</b>	<b>1,152,093.00</b>	<b>1,189,728.96</b>	<b>324,045.83</b>	<b>1,293,293.37</b>	<b>1,287,917.67</b>	<b>(141,200.37)</b>	<b>(98,188.71)</b>	<b>432,755.48</b>	<b>(141,200.37)</b>	<b>291,555.11</b>	<b>560,152.67</b>
<b>Total Special Revenue</b>		<b>462,750.00</b>	<b>1,152,093.00</b>	<b>1,189,728.96</b>	<b>324,045.83</b>	<b>1,293,293.37</b>	<b>1,287,917.67</b>	<b>(141,200.37)</b>	<b>(98,188.71)</b>	<b>432,755.48</b>	<b>(141,200.37)</b>	<b>291,555.11</b>	<b>560,152.67</b>
Spec Grants Capital Outlay	60	2,511,470.00	2,698,066.00	790,248.85	2,511,470.00	2,668,666.00	712,730.68	29,400.00	77,518.17	-	29,400.00	29,400.00	-
Community Development Grants	65	5,950.00	5,950.00	4,403.16	-	-	672.03	5,950.00	3,731.13	250,862.00	5,950.00	256,812.00	289,908.13
<b>Special Grants - Capital Projects</b>		<b>2,517,420.00</b>	<b>2,704,016.00</b>	<b>794,652.01</b>	<b>2,511,470.00</b>	<b>2,668,666.00</b>	<b>713,402.71</b>	<b>35,350.00</b>	<b>81,249.30</b>	<b>250,862.00</b>	<b>35,350.00</b>	<b>286,212.00</b>	<b>289,908.13</b>
<b>Special Grants - Operating &amp; Capital Projects</b>		<b>2,517,420.00</b>	<b>2,704,016.00</b>	<b>794,652.01</b>	<b>2,511,470.00</b>	<b>2,668,666.00</b>	<b>713,402.71</b>	<b>35,350.00</b>	<b>81,249.30</b>	<b>250,862.00</b>	<b>35,350.00</b>	<b>286,212.00</b>	<b>289,908.13</b>
Water Operating	70	1,602,343.05	1,602,343.05	1,113,277.99	1,602,343.05	1,558,113.05	1,328,624.74	44,230.00	(215,346.75)	-	44,230.00	44,230.00	-
Water Capital Projects	71	305,000.00	305,000.00	155,019.90	305,000.00	156,375.00	350,665.87	148,625.00	(195,645.97)	-	148,625.00	148,625.00	12,514.40
Water Debt Servicing	72	262,456.25	262,456.25	261,820.62	262,456.25	262,456.25	148,820.62	-	113,000.00	215,346.75	-	215,346.75	237,046.25
Water Reserves	74	585,700.70	585,700.70	1,329,096.95	-	-	-	585,700.70	1,329,096.95	5,587,286.97	585,700.70	6,172,987.67	6,258,172.03
<b>Water Enterprise</b>		<b>2,755,500.00</b>	<b>2,755,500.00</b>	<b>2,859,215.46</b>	<b>2,169,799.30</b>	<b>1,976,944.30</b>	<b>1,828,111.23</b>	<b>778,555.70</b>	<b>1,031,104.23</b>	<b>5,802,633.72</b>	<b>778,555.70</b>	<b>6,581,189.42</b>	<b>6,507,732.68</b>
Sewer Operating	80	1,715,574.12	1,715,574.12	1,335,669.56	1,715,574.12	1,649,499.12	1,362,672.38	66,075.00	(27,002.82)	-	66,075.00	66,075.00	-
Sewer Capital Outlay	81	3,391,102.52	3,391,102.52	1,773,189.50	3,391,102.52	3,247,202.52	434,283.76	143,900.00	1,338,905.74	-	143,900.00	143,900.00	284,506.20
Sewer Debt Servicing	82	(2,926,258.80)	(2,926,258.80)	79,571.70	(2,926,258.80)	(2,926,258.80)	31,510.51	-	48,061.19	27,002.82	-	27,002.82	110,566.95
Sewer Reserves	84	183,082.16	183,082.16	(790,974.96)	-	-	-	183,082.16	(790,974.96)	3,153,168.83	183,082.16	3,336,250.99	1,299,620.11
<b>Sewer Enterprise Fund</b>		<b>2,363,500.00</b>	<b>2,363,500.00</b>	<b>2,397,455.80</b>	<b>2,180,417.84</b>	<b>1,970,442.84</b>	<b>1,828,466.65</b>	<b>393,057.16</b>	<b>568,989.15</b>	<b>3,180,171.65</b>	<b>393,057.16</b>	<b>3,573,228.81</b>	<b>1,694,693.26</b>
<b>Total Enterprise Funds</b>		<b>5,119,000.00</b>	<b>5,119,000.00</b>	<b>5,256,671.26</b>	<b>4,350,217.14</b>	<b>3,947,387.14</b>	<b>3,656,577.88</b>	<b>1,171,612.86</b>	<b>1,600,093.38</b>	<b>8,982,805.37</b>	<b>1,171,612.86</b>	<b>10,154,418.23</b>	<b>8,202,425.94</b>
Agency Trust - Cash	90	-	-	-	-	-	-	-	-	-	-	-	108,033.13
<b>Agency Funds</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>108,033.13</b>						
<b>Total Agency Funds</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>108,033.13</b>						
<b>All Funds Combined</b>		<b>13,734,660.54</b>	<b>15,094,919.17</b>	<b>13,736,279.06</b>	<b>13,592,900.67</b>	<b>15,262,756.60</b>	<b>12,759,007.41</b>	<b>(167,837.43)</b>	<b>977,271.65</b>	<b>16,942,758.48</b>	<b>(167,837.43)</b>	<b>16,774,921.05</b>	<b>15,062,242.67</b>

Approval: \_\_\_\_\_

Robert Bicego, City Mayor

**City of Yreka Financial Statement Groupings  
Summary FY 13-14 YTD Fiscal Performance  
as of June 30, 2014**



ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)	
<b>I. GENERAL FUNDS</b>						
<b>Revenue</b>						
801	REVENUE: PROP TAXES	940,500.00	940,500.00	990,262.14	49,762.14	
807	MVLF IN LIEU	540,000.00	540,000.00	553,037.94	13,037.94	
810	SALES TAX	1,700,000.00	1,700,000.00	1,857,446.57	157,446.57	
813	REVENUE: TOT TAXES	600,000.00	600,000.00	712,114.54	112,114.54	
814	REVENUE: FRANCHISE FEES	250,000.00	250,000.00	261,606.76	11,606.76	
815	REVENUE - LICENSES AND PERMITS	160,050.00	161,550.00	203,163.93	41,613.93	
825	REVENUE - FINES & FORFEITURES	6,500.00	6,500.00	3,819.41	-2,680.59	
830	REVENUE - USE OF MONEY & PROPERTY	25,000.00	241,000.00	241,981.90	981.90	
850	REVENUE - INTERGOVERNMENTAL	136,000.00	147,048.63	148,045.55	996.92	
870	REVENUE - USER FEES AND CHARGES	46,025.00	54,525.00	72,391.36	17,866.36	
880	ICA ALLOCATION	367,868.00	367,868.00	291,193.92	-76,674.08	
882	REVENUE - OTHER	21,000.00	137,686.00	144,835.44	7,149.44	
898	INTERFUND TRANSFERS	0.00	-1,800,000.00	-1,800,000.00	0.00	
<b>1. GENERAL FUNDS</b>	<b>Revenue</b>	<b>Totals</b>	<b>4,792,943.00</b>	<b>3,346,677.63</b>	<b>3,679,899.46</b>	<b>333,221.83</b>
<b>Expense</b>						
100	MAYOR, COUNCIL, CITY MANAGER, CLERK	329,038.40	333,988.40	329,711.43	4,276.97	
110	EXP. GENERAL GOVERNMENT	563,742.31	591,408.31	536,124.37	55,283.94	
200	PUBLIC SAFETY - POLICE	2,325,128.93	2,446,537.56	2,402,151.11	44,386.45	
210	PUBLIC SAFETY - FIRE	343,313.39	458,151.15	424,193.11	33,958.04	

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ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)	
220	PLANNING AND DEVELOPMENT	452,513.59	450,705.59	430,085.97	20,619.62	
300	PUBLIC WORKS - ENGINEERING AND ADMIN	65,177.96	56,467.96	51,778.34	4,689.62	
350	PUBLIC WORKS - MECHANICAL MAINTENANC	137,736.20	172,344.20	150,354.01	21,990.19	
370	PUBLIC WORKS - SERVICE CENTER (ELIM)	0.00	0.00	0.00	0.00	
400	CULTURAL & REC - PARKS AND REC	392,326.97	420,414.97	419,982.08	432.89	
645	CAPITAL OUTLAY	95,500.00	101,375.00	98,821.40	2,553.60	
740	PRINCIPAL ON LT DEBT	0.00	0.00	0.00	0.00	
760	INTERFUND TRANSFERS	518,047.54	614,047.54	612,516.62	1,530.92	
<b>1. GENERAL FUNDS</b>	<b>Expense</b>	<b>Totals</b>	<b>5,222,525.29</b>	<b>5,645,440.68</b>	<b>5,455,718.44</b>	<b>189,722.24</b>
<b>1. GENERAL FUNDS</b>	<b>Net Position Change</b>		<b>-429,582.29</b>	<b>-2,298,763.05</b>	<b>-1,775,818.98</b>	<b>522,944.07</b>

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ACCOUNT	DESCRIPTION	Adopted Bdt	Revised Operating Bdt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 1. GENERAL FUNDS (954 detail records)					
<b>11. GENERAL BUILDING ACQUS</b>					
<b>Revenue</b>					
830	REVENUE - USE OF MONEY & PROPERTY	0.00	0.00	2,017.76	2,017.76
898	INTERFUND TRANSFERS	0.00	1,800,000.00	1,800,000.00	0.00
<b>11. GENERAL BUILDING ACQ</b>	<b>Revenue</b>	<b>0.00</b>	<b>1,800,000.00</b>	<b>1,802,017.76</b>	<b>2,017.76</b>
<b>Expense</b>					
645	CAPITAL OUTLAY	0.00	815,000.00	811,687.46	3,312.54
<b>11. GENERAL BUILDING ACQ</b>	<b>Expense</b>	<b>0.00</b>	<b>815,000.00</b>	<b>811,687.46</b>	<b>3,312.54</b>
<b>11. GENERAL BUILDING ACQ</b>	<b>Net Position Change</b>	<b>0.00</b>	<b>985,000.00</b>	<b>990,330.30</b>	<b>5,330.30</b>

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ACCOUNT	DESCRIPTION	Adopted Bdt	Revised Operating Bdt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 11. GENERAL BUILDING ACQUISITION AND CONSTRUCTION (17 detail records)					
<b>2. STREETS FUNDS</b>					
<b>Revenue</b>					
825	REVENUE - FINES & FORFEITURES	0.00	20,000.00	34,132.49	14,132.49
830	REVENUE - USE OF MONEY & PROPERTY	500.00	500.00	1,241.58	741.58
850	REVENUE - INTERGOVERNMENTAL	397,000.00	482,585.00	508,764.15	26,179.15
870	REVENUE - USER FEES AND CHARGES	7,000.00	7,000.00	6,531.64	-468.36
882	REVENUE - OTHER	0.00	0.00	533.73	533.73
898	INTERFUND TRANSFERS	438,047.54	463,047.54	462,106.02	-941.52
<b>2. STREETS FUNDS</b>	<b>Revenue</b>	<b>842,547.54</b>	<b>973,132.54</b>	<b>1,013,309.61</b>	<b>40,177.07</b>
<b>Expense</b>					
300	PUBLIC WORKS - ENGINEERING AND ADMIN	40,149.25	45,199.25	45,118.96	80.29
310	PUBLIC WORKS - STREET MAINTENANCE	238,772.68	136,404.68	134,552.09	1,852.59
311	PUBLIC WORKS - STREET SWEEPING	81,026.82	117,349.82	97,573.42	19,776.40
312	PUBLIC WORKS - STREET LIGHTING	117,347.79	118,484.79	102,403.87	16,080.92
313	PUBLIC WORKS - WEED CONTROL STREETS	9,981.83	9,669.83	8,160.23	1,509.60
314	PUBLIC WORKS - PUBLIC PARKING LOTS	1,020.00	1,620.00	1,532.88	87.12
320	PUBLIC WORKS - TRAFFIC SAFETY	88,000.72	89,416.72	71,229.33	18,187.39
340	TRANSPORTATION	165,000.00	193,065.00	193,065.00	0.00
390	PUBLIC WORKS - STORM DRAINS	119,718.32	79,134.32	78,400.87	733.45
645	CAPITAL OUTLAY	315,000.00	93,000.00	92,200.33	799.67
760	INTERFUND TRANSFERS	8,625.00	9,625.00	9,466.27	158.73
<b>2. STREETS FUNDS</b>	<b>Expense</b>	<b>1,184,642.41</b>	<b>892,969.41</b>	<b>833,703.25</b>	<b>59,266.16</b>
<b>2. STREETS FUNDS</b>	<b>Net Position Change</b>	<b>-342,094.87</b>	<b>80,163.13</b>	<b>179,606.36</b>	<b>99,443.23</b>

Thursday, October 09, 2014

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ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)	
Summary for 'Auditor Fund' = 2. STREETS FUNDS (301 detail records)						
<b>3. SPECIAL REVENUE FUNDS</b>						
<b>Revenue</b>						
811	OTHER TAXES	230,000.00	230,000.00	236,571.26	6,571.26	
815	REVENUE - LICENSES AND PERMITS	16,000.00	60,300.00	85,420.63	25,120.63	
830	REVENUE - USE OF MONEY & PROPERTY	750.00	750.00	1,725.35	975.35	
870	REVENUE - USER FEES AND CHARGES	216,000.00	216,000.00	221,270.30	5,270.30	
896	LEASE PROCEEDS	0.00	589,043.00	589,043.00	0.00	
898	INTERFUND TRANSFERS	0.00	56,000.00	55,698.42	-301.58	
<b>3. SPECIAL REVENUE FUNDS</b>	<b>Revenue</b>	<b>Totals</b>	<b>462,750.00</b>	<b>1,152,093.00</b>	<b>1,189,728.96</b>	<b>37,635.96</b>
<b>Expense</b>						
100	COLLECTION EXPENSE	13,241.86	13,721.86	13,261.51	460.35	
210	PUBLIC SAFETY - FIRE	0.00	1,000.00	740.10	259.90	
645	CAPITAL OUTLAY	0.00	589,043.00	589,043.00	0.00	
740	PRINCIPAL ON LT DEBT	180,779.41	559,503.95	559,028.91	475.04	
745	INTEREST ON LT DEBT	130,024.56	130,024.56	125,844.15	4,180.41	
<b>3. SPECIAL REVENUE FUNDS</b>	<b>Expense</b>	<b>Totals</b>	<b>324,045.83</b>	<b>1,293,293.37</b>	<b>1,287,917.67</b>	<b>5,375.70</b>
<b>3. SPECIAL REVENUE FUNDS</b>	<b>Net Position Change</b>		<b>138,704.17</b>	<b>-141,200.37</b>	<b>-98,188.71</b>	<b>43,011.66</b>

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ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)	
Summary for 'Auditor Fund' = 3. SPECIAL REVENUE FUNDS (54 detail records)						
<b>4. CAPITAL &amp; CDBG GRANTS</b>						
<b>Revenue</b>						
830	REVENUE - USE OF MONEY & PROPERTY	5,950.00	5,950.00	7,623.68	1,673.68	
850	REVENUE - INTERGOVERNMENTAL	2,302,845.00	2,457,941.00	548,049.49	-1,909,891.51	
898	INTERFUND TRANSFERS	208,625.00	240,125.00	238,978.84	-1,146.16	
<b>4. CAPITAL &amp; CDBG GRANTS</b>	<b>Revenue</b>	<b>Totals</b>	<b>2,517,420.00</b>	<b>2,704,016.00</b>	<b>794,652.01</b>	<b>-1,909,363.99</b>
<b>Expense</b>						
200	PUBLIC SAFETY - POLICE	0.00	30,096.00	30,096.00	0.00	
300	PUBLIC WORKS - ENGINEERING AND ADMIN	0.00	12,100.00	11,091.73	1,008.27	
310	PUBLIC WORKS - STREET MAINTENANCE	0.00	25,000.00	2,485.35	22,514.65	
390	PUBLIC WORKS - STORM DRAINS	7,520.00	7,520.00	86.78	7,433.22	
600	COMMUNITY DEVELOPMENT	78,750.00	86,750.00	85,913.07	836.93	
645	CAPITAL OUTLAY	2,425,200.00	2,525,200.00	583,729.78	1,941,470.22	
799	ICA EXPENSE	0.00	0.00	0.00	0.00	
<b>4. CAPITAL &amp; CDBG GRANTS</b>	<b>Expense</b>	<b>Totals</b>	<b>2,511,470.00</b>	<b>2,686,666.00</b>	<b>713,402.71</b>	<b>1,973,263.29</b>
<b>4. CAPITAL &amp; CDBG GRANTS</b>	<b>Net Position Change</b>		<b>5,950.00</b>	<b>17,350.00</b>	<b>81,249.30</b>	<b>63,899.30</b>

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ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 4. CAPITAL & CDBG GRANTS (307 detail records)					
<b>5. WATER FUNDS</b>					
<b>Revenue</b>					
830	REVENUE - USE OF MONEY & PROPERTY	12,000.00	12,000.00	14,985.97	2,985.97
850	REVENUE - INTERGOVERNMENTAL	0.00	0.00	686.98	686.98
870	REVENUE - USER FEES AND CHARGES	2,743,500.00	2,743,500.00	2,839,282.03	95,782.03
882	REVENUE - OTHER	0.00	0.00	4,260.48	4,260.48
898	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
<b>5. WATER FUNDS</b>	<b>Revenue Totals</b>	<b>2,755,500.00</b>	<b>2,755,500.00</b>	<b>2,859,215.46</b>	<b>103,715.46</b>
<b>Expense</b>					
100	COLLECTION EXPENSE	136,484.26	139,484.26	124,371.09	15,113.17
300	ENGINEERING	130,065.70	50,615.70	38,681.04	11,934.66
495	DEPRECIATION EXPENSE	0.00	0.00	281,221.28	-281,221.28
500	WATER DISTRIBUTION EXPENSE	331,815.33	336,195.33	285,358.96	50,836.37
510	WATER TREATMENT AND CONSERVATION	565,950.76	593,790.76	465,334.40	128,456.36
510	COST OF POWER AND WATER	260,500.00	260,500.00	271,124.24	-10,624.24
645	CAPITAL OUTLAY	245,000.00	86,375.00	85,575.31	799.69
690	CAPITALIZATION OF ASSETS	0.00	0.00	-85,575.31	85,575.31
740	PRINCIPAL ON LT DEBT	113,000.00	113,000.00	0.00	113,000.00
745	INTEREST ON LT DEBT	149,456.25	149,456.25	148,820.62	635.63
760	INTERFUND TRANSFERS	60,000.00	70,000.00	69,444.59	555.41
799	ICA EXPENSE	177,527.00	177,527.00	143,755.01	33,771.99
<b>5. WATER FUNDS</b>	<b>Expense Totals</b>	<b>2,169,799.30</b>	<b>1,976,944.30</b>	<b>1,828,111.23</b>	<b>148,833.07</b>
<b>5. WATER FUNDS</b>	<b>Net Position Change</b>	<b>585,700.70</b>	<b>778,555.70</b>	<b>1,031,104.23</b>	<b>252,548.53</b>

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ACCOUNT	DESCRIPTION	Adopted Bdgt	Revised Operating Bdgt	Current Period	Favorable or (Unfavorable)
Summary for 'Auditor Fund' = 5. WATER FUNDS (285 detail records)					
<b>6. SEWER FUNDS</b>					
<b>Revenue</b>					
830	REVENUE - USE OF MONEY & PROPERTY	0.00	0.00	6,283.32	6,283.32
870	REVENUE - USER FEES AND CHARGES	2,363,500.00	2,363,500.00	2,390,873.48	27,373.48
882	REVENUE - OTHER	0.00	0.00	299.00	299.00
898	INTERFUND TRANSFERS	0.00	0.00	0.00	0.00
<b>6. SEWER FUNDS</b>	<b>Revenue Totals</b>	<b>2,363,500.00</b>	<b>2,363,500.00</b>	<b>2,397,455.80</b>	<b>33,955.80</b>
<b>Expense</b>					
100	COLLECTION EXPENSE	100,556.08	103,316.08	86,162.72	17,153.36
300	ENGINEERING	106,492.96	70,292.96	54,912.60	15,380.36
495	DEPRECIATION EXPENSE	0.00	0.00	356,518.24	-356,518.24
510	COST OF POWER AND WATER	214,000.00	214,000.00	214,795.90	-795.90
550	WASTEWATER COLLECTION EXPENSE	249,262.55	218,822.55	206,786.34	12,036.21
560	WASTEWATER TREATMENT EXPENSE	777,921.53	765,726.53	664,941.43	100,785.10
645	CAPITAL OUTLAY	3,293,102.52	3,153,702.52	1,756,693.60	1,397,008.92
690	CAPITALIZATION OF ASSETS	0.00	0.00	-1,756,693.60	1,756,693.60
740	PRINCIPAL ON LT DEBT	73,447.66	73,447.66	0.00	73,447.66
745	INTEREST ON LT DEBT	53,396.06	53,396.06	31,510.51	21,885.55
760	INTERFUND TRANSFERS	60,000.00	65,500.00	65,400.00	100.00
799	ICA EXPENSE	190,341.00	190,341.00	147,438.91	42,902.09
<b>6. SEWER FUNDS</b>	<b>Expense Totals</b>	<b>5,118,520.36</b>	<b>4,908,545.36</b>	<b>1,828,466.65</b>	<b>3,080,078.71</b>
<b>6. SEWER FUNDS</b>	<b>Net Position Change</b>	<b>-2,755,020.36</b>	<b>-2,545,045.36</b>	<b>568,989.15</b>	<b>3,114,034.51</b>

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<i>ACCOUNT</i>	<i>DESCRIPTION</i>	<i>Adopted Bdgt</i>	<i>Revised Operating Bdgt</i>	<i>Current Period</i>	<i>Favorable or (Unfavorable)</i>
<i>Summary for 'Auditor Fund' = 6. SEWER FUNDS (248 detail records)</i>					
<b>Grand Total</b>		2,796,342.65	3,123,939.95	-977,271.65	-4,101,211.60



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

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**TO:** YREKA CITY COUNCIL  
**PREPARED BY:** RHETTA HOGAN, FINANCE DIRECTOR   
**AGENDA TITLE:** 2013-14 FINAL YEAR END CLOSING BUDGET REVISION  
**MEETING DATE:** THURSDAY, OCTOBER 16, 2014

Discussion:

The City's external auditors, Aiello, Goodrich & Teuscher will be reviewing the City's 2013-14 operating results in October. As part of the audited financial statements, the budget-to-actual audit schedule compares the original budget to the final budget and to actual results for budgetary compliance. The budget revision presented to you today for approval is to modify the 2013-14 operating budget to reflect more closely actual results. This is a common practice. As the City Council, your focus should be where budgeted expenditures have been over-expended and why. A detailed discussed in provided below.

The significant revisions are:

[1] General Operating Fund **01**:

- Overall revenue increase \$103,500.
  - Increase of \$103,500 in revenue for strike team revenue reimbursements.
- Overall expenditure increase of \$112,226.
  - Increase in utilities for parks – metered water \$20,000.
  - Increase in utilities for the Community Theater to keep minimum 55F minimum temperature and pipes from freezing \$14,000.
  - Corresponding to the revenues, the Fire Department increase for Strike team payout and mutual aid reimbursement was \$46,000 and admin allocation to the YVFD was \$21,500.
  - Property Insurance premium, budget was low by \$5,726.
  - Increase in contractual services, general plan housing element update \$5,000.

[2] Donated Funds **-02**:

- Revenue and expense increase of \$2,000 donated for Ringe pool and \$2,000 expense allocation to Splash.
- Increase in expense \$500 for Bo Hitson scholarship award, two awards were given, whereas one was budgeted.

[3] Crandall and Stewart Trust **-04**:

- Revenue increase for gain on sale of assets, Black's and the North Street Apartment buildings \$216,000
- Expense decrease of \$10,000 for the Miner Street mini grant program, fewer awards than budgeted.

- [4] General Fund Reserves Contingency - **08**:
- Expense offset for Worker's Comp decreased \$23,261, net result is an expense increase.
- [5] General Capital Reserves - **09**:
- No adjustments
- [6] General Capital Outlay - **10**:
- Net expenses were reduced by \$115,525, due to residual in unallocated projects and deferral of allocated projects.
- [7] Building Acquisition -**11**:
- Interfund transfers from reserves from Crandall Trust \$1,300,000 -04 and General Operating Reserves -01 of \$500,000 to the Building Acquisition Fund - 11
  - Increase of \$800,000 to acquire the Whipple building for the new police station.
- [8] Road and Street Funds -**20, 21, 24**:
- Net expenses were reduced by \$415,000.
  - Deferral of the acquisition of the new street sweeper ordered in 13-14, however, not delivered until 14-15, \$235,000, and 20% allocation on a 10-yard dump truck or \$40,000.
  - Deferral into 2014-15 on purchases for supplies for crack sealing and slurry seal program \$78,000.
  - Decrease in budget for contractual and professional services \$64,000, primarily due to the County-wide street assessment through LTC, previously budgeted for \$20,000, MS-4 planning \$30,000 deferred and Storm Drain project engineering \$10,000.
  - Slight increase in capital outlay for LED street lights \$2,000
- [9] Special Revenue Funds, includes Fire Tax – **30** and Development Fees -**32**:
- Acquisition of new fire apparatus, expense \$589,042 and debt financing proceeds \$589,043.
  - Other budget expense increases included legal fees \$1,000 and debt servicing first payment June 2014 with US Bank \$8,000.
  - Development Impact Fees, elimination of interfund borrowing \$56,000 between general fund capital outlay and the impact fees – parks, as no park development fee revenue has been collected since 2007.
- [10] Capital Projects – **60**:
- Transfers in to capital projects increased \$31,500. The water and sewer enterprise funds share of water and sewer line replacement on the Oregon Street STIP project was \$10,000 and \$5,500 respectively. General fund capital reserves contribution to grants increased \$15,000, \$10,000 for PW Admin and \$5,000 for grant backfill. Street funds contribution to capital projects increase \$1,000.
- [11] Enterprise Funds Water: -**70, 71, 72, 74**
- Operating expense budget was reduced \$80,500 due to actual expenses being lower than budget due to deferral of project work on ordinance updates and water master plan updates. This was budgeted for completion in the 14-15 budget.
  - Capital outlay expense budget was reduced \$165,000, again due to actual expenses lower than budget and deferral of projects. Delay of receipt of

equipment order (10-year dump truck) \$80,000, Fairground waterline relocation deferred \$100,000, offset by an increase for engineering plans for the North Street well and pump station \$10,000 and increase on meter replacement project \$5,000.

[12] Enterprise Funds Sewer: **-80, 81, 82, 84**

- Operating expense budget was reduced \$93,723 due to actual expenses being lower than budget due and due to deferral of project work on ordinance updates and water master plan updates. This was budgeted for completion in the 14-16 biannual budget.
- Capital outlay expense budget was reduced \$150,000, again due to actual expenses lower than budget. Delay of receipt of equipment order \$80,000 (10-year dump truck), motor controllers \$10,000, sewer line inspection services \$60,000
- 

[13] Interfund Transfers (corresponding increases and decreases between funds):

- Overall increase to transfers in (offsetting transfers out increase) of \$112,500, see descriptions above.
  - Transfer out to Street funds -20 \$25,000 from General Op. Fund -01.
  - Transfer out to Capital Grants -60 from GF Capital Reserves -09 \$15,000.
  - Transfer out to DIF -32 from Capital Reserves -09 for park acquisition \$56,000.
  - Transfers out to Capital Projects -60 for road projects from LTC - 21 for \$1,000.
  - Transfer out from water -71 \$10,000 and sewer -81 \$5,500 their share of water and sewer line replacement on the Oregon Street STIP project -60.

Attached is a recap table of summary changes, followed by a detailed line item budget journal.

Fiscal Impact:

Government-wide budgeted revenues increased \$910,543

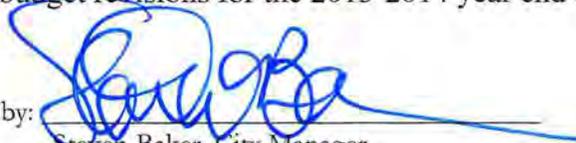
Government-wide budgeted expenses decreased \$524,282

Government-wide transfers, transfers in net increase of \$112,500, correspondingly, transfer out had a net increase of \$112,500.

Recommendation and Requested Action:

That the Council approve the budget revisions for the 2013-2014 year end close.

Approved by:



Steven Baker, City Manager

Budget Revisions  
 Recap by Fund  
 10/16/2014  
 for FY13-14

FUND	Data			
	Sum of REV	Sum of EXP	Sum of RTRANS	Sum of TRANS
01	103,500.00	112,226.00	(500,000.00)	25,000.00
02	2,000.00	2,500.00	-	-
04	216,000.00	(10,000.00)	(1,300,000.00)	-
08	-	23,261.00	-	-
09	-	-	-	71,000.00
10	-	(115,525.00)	-	-
11	-	800,000.00	1,800,000.00	-
20	-	(415,000.00)	25,000.00	-
21	-	-	-	1,000.00
30	589,043.00	598,043.00	-	-
32	-	-	56,000.00	-
60	-	18,000.00	31,500.00	-
70	-	(80,500.00)	-	-
71	-	(165,000.00)	-	10,000.00
80	-	(93,723.00)	-	-
81	-	(150,000.00)	-	5,500.00
Grand Total	910,543.00	524,282.00	112,500.00	112,500.00

# General Ledger

## Budget Adjustment Detail

User: rietta  
 Printed: 10/05/2014 - 4:15PM  
 Printed: 2014



Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
01-000-0000-760-020	Interfund Transfer Out			75,046.82
10/05/2014	IF Transfers for YE Closing - Street Funds		25,000.00	100,046.82
		75,046.82	25,000.00	100,046.82
01-000-0000-898-011	Interfund Transfers - 11			0.00
07/07/2014	Special Meeting 9/10/13 YPD Building		-500,000.00	-500,000.00
		0.00	-500,000.00	-500,000.00
01-030-0000-107-000	Salary Abatement			0.00
06/27/2014	Transfer Budget Allocation to Fleet from Finance		-10,000.00	-10,000.00
		0.00	-10,000.00	-10,000.00
01-060-0000-526-000	Contractual Services			25,000.00
06/27/2014	Contractual Services General Plan		5,000.00	30,000.00
		25,000.00	5,000.00	30,000.00
01-110-0000-530-003	Property			10,000.00
06/27/2014	SCORE Premium - under estimate actual		5,726.00	15,726.00
		10,000.00	5,726.00	15,726.00
01-210-0000-108-000	Mutual Aid			0.00
10/05/2014	Mutual Aid Reimbursements - strike teams		46,000.00	46,000.00
		0.00	46,000.00	46,000.00
01-210-0000-560-001	Fire Bene Alloc Mutual Aid Adm			0.00
10/05/2014	Mutual Aid Reimbursements - strike teams		21,500.00	21,500.00
		0.00	21,500.00	21,500.00
01-210-0000-881-000	Fire Dept Reimbursements			0.00
10/05/2014	Mutual Aid Reimbursements - strike teams		103,500.00	103,500.00
		0.00	103,500.00	103,500.00
01-350-0000-107-000	Salary Abatement			0.00
06/27/2014	Transfer Budget Allocation to Fleet from finance		10,000.00	10,000.00
		0.00	10,000.00	10,000.00

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
01-400-0000-518-003	Water/Sewer/LFF			70,000.00
06/27/2014	Utilities Water - <i>Park Water Meters</i>		20,000.00	90,000.00
		70,000.00	20,000.00	90,000.00
01-470-0000-518-001	Electric			6,000.00
06/27/2014	YE Closing Budget Adj - <i>increase costs</i> <i>minimum heating level now 50F</i>		4,000.00	10,000.00
		6,000.00	4,000.00	10,000.00
01-470-0000-518-002	Propane			9,000.00
06/27/2014	YE Closing Budget Adj. - <i>increase costs</i> <i>minimum heating level now 50F</i>		10,000.00	19,000.00
		9,000.00	10,000.00	19,000.00
02-200-1006-561-010	Bo Hittson Scholarship			500.00
06/27/2014	YE Closing Revisions - <i>additional scholarship award</i>		500.00	1,000.00
		500.00	500.00	1,000.00
02-420-0000-561-000	Ringe Pool Allocations			0.00
10/05/2014	Donated Ringe Pool - <i>donated</i>		2,000.00	2,000.00
		0.00	2,000.00	2,000.00
02-420-0000-885-000	Donations - Ringe Pool			0.00
10/05/2014	Donated Ringe Pool - <i>expended to SPLASH</i>		2,000.00	2,000.00
		0.00	2,000.00	2,000.00
04-000-0000-883-000	Gain/Loss on Sale Assets			0.00
06/27/2014	Proceeds from the Sale of the Blacks <i>Bldg</i>		141,000.00	141,000.00
06/27/2014	Sale of the North St Apts to Dieter Ruff		75,000.00	216,000.00
		0.00	216,000.00	216,000.00
04-000-0000-898-011	Interfund Transfers - 11			0.00
07/07/2014	Special Meeting 9/10/13 <i>YPD Building</i>		-1,300,000.00	-1,300,000.00
		0.00	-1,300,000.00	-1,300,000.00
04-470-0000-620-100	Yreka Theater Siding			0.00
06/27/2014	Carryover to <u>2014-15</u> <i>(net zero)</i>		0.00	0.00
		0.00	0.00	0.00
04-610-1018-561-000	Community Allocations MiniGrts			25,000.00
06/27/2014	YE Closing Adj - <i>Reduce allocations</i> <i>in 13-14, c/o 14-15</i>		-10,000.00	15,000.00
		25,000.00	-10,000.00	15,000.00
08-110-0000-360-000	Workers Comp - Excess			-60,977.00
06/27/2014	Yearend Closing Revision - <i>lower than budgeted</i>		23,261.00	-37,716.00
		-60,977.00	23,261.00	-37,716.00

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
09-000-0000-760-032	Transfer Out Fund 32			0.00
10/05/2014	IF Closing Yearend - Backfill DIF Loan <i>Mmer st Park Annex</i>		56,000.00	56,000.00
		0.00	56,000.00	56,000.00
09-000-0000-760-060	Interfund Transfer Out			80,000.00
10/05/2014	IF Transfers for YE Closing - Capital C <i>Increase Grant Backfill PW Admin</i>		15,000.00	95,000.00
		80,000.00	15,000.00	95,000.00
10-000-0000-620-000	Unallocated Capital Projects			93,025.00
06/27/2014	Release unallocated back to capital reserves <i>unallocated is zero'd out &amp; allocated or released back to reserves</i>		-93,025.00	0.00
		93,025.00	-93,025.00	0.00
10-080-0000-650-000	Mobile Shop Equip Van Bldg Srv			10,000.00
06/27/2014	Mobile Shop Van - <i>Increase, underestimated actual cost</i>		10,000.00	20,000.00
		10,000.00	10,000.00	20,000.00
10-200-0000-650-000	Vehicle Replacement			35,500.00
06/27/2014	Inceptor - Light bar, decal and retrofit <i>increase, underestimated actual cost</i>		4,500.00	40,000.00
		35,500.00	4,500.00	40,000.00
10-210-0000-650-000	Brush Fire Strike Rig (Used)			15,000.00
06/27/2014	Roll over Fire Brush Rig <i>14-15</i>		-15,000.00	0.00
		15,000.00	-15,000.00	0.00
10-300-0000-425-000	Prefunding Grant Eng. and Plan			10,000.00
06/27/2014	Backfill Capital Project Planning - Tra <i>see increase in transfer out \$15,000 &amp; 60-300-0000-107-000 \$10k</i>		-10,000.00	0.00
		10,000.00	-10,000.00	0.00
10-400-0000-450-000	Non Capitalized Equip/Project			20,000.00
06/27/2014	<i>Release playground equipment</i>		-12,000.00	8,000.00
		20,000.00	-12,000.00	8,000.00
11-000-0000-898-001	Interfund Transfers - 01			0.00
07/07/2014	Special Meeting 9/10/13 <i>YPD Building</i>		500,000.00	500,000.00
		0.00	500,000.00	500,000.00
11-000-0000-898-004	Interfund Transfers - 04			0.00
07/07/2014	Special Meeting 9/10/13 <i>YPD Building</i>		1,300,000.00	1,300,000.00
		0.00	1,300,000.00	1,300,000.00
11-200-0911-620-000	YPD Station - Whipple Bldg			0.00
07/07/2014	Council Action and Approval purchase <i>of real property</i>		800,000.00	800,000.00

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
		0.00	800,000.00	800,000.00
20-000-0000-898-001	YE Transfer FR GF 101			75,046.82
10/05/2014	IF Transfers for YE Closing - Street Ft		25,000.00	100,046.82
	<i>increase funding for street sweeping clearing of debris pile</i>	75,046.82	25,000.00	100,046.82
20-300-0000-107-000	Salary Abatement			0.00
10/05/2014	Abatement of Salaries - Street Funds A		4,000.00	4,000.00
	<i>transfer fr street maintenance and storm drain to PW Admin</i>	0.00	4,000.00	4,000.00
20-310-0000-107-000	Salary Abatement			0.00
10/05/2014	Abatement of Salaries - Street Maint		-2,000.00	-2,000.00
	<i>transfer fr street main &amp; storm drain to PW Admin</i>	0.00	-2,000.00	-2,000.00
20-310-0000-420-501	Chip/Slurry Seal Program			50,000.00
06/27/2014	Yearend Closing		-50,000.00	0.00
	<i>no expenses</i>	50,000.00	-50,000.00	0.00
20-310-0000-420-503	Crack Sealing			50,000.00
06/27/2014	Yearend Closing Revisions		-28,000.00	22,000.00
	<i>reduce based on actual expenses</i>	50,000.00	-28,000.00	22,000.00
20-310-0000-525-000	Professional Services			21,000.00
06/27/2014	Yearend Closing Revisions		-19,000.00	2,000.00
	<i>reduce based on actual expenses</i>	21,000.00	-19,000.00	2,000.00
20-310-0000-650-007	10 Yard Dump Truck (20%)			40,000.00
06/27/2014	Yearend Closing Revision - FY 14-15		-40,000.00	0.00
	<i>ordered in 13-4, but not received</i>	40,000.00	-40,000.00	0.00
20-310-1010-526-000	Contract Svcs - Snow Removal			5,000.00
06/27/2014	YE Closing Revision		-5,000.00	0.00
	<i>no snow 13-14</i>	5,000.00	-5,000.00	0.00
20-311-0000-650-000	Street Sweeper - Truck			235,000.00
06/27/2014	Yearend Closing Revision - FY 14-15		-235,000.00	0.00
	<i>ordered but not received in 13-14</i>	235,000.00	-235,000.00	0.00
20-312-0000-650-000	LED Street Light Replace 5-YR			40,000.00
10/05/2014	Capital Outlay Street Lights Increase \$		2,000.00	42,000.00
	<i>2,000</i>	40,000.00	2,000.00	42,000.00
20-313-0000-104-000	Summer Help			0.00
10/05/2014	Abatement of Salaries - Weed control		-600.00	-600.00
	<i>transfer to parking lot</i>			

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
		0.00	-600.00	-600.00
20-314-0000-104-000	Summer Help			0.00
10/05/2014	Abatement of Salaries - Parking Lots		600.00	600.00
	<i>transfer from weed control</i>	0.00	600.00	600.00
20-390-0000-107-000	Salary Abatement			0.00
10/05/2014	Abatement of Salaries - Street Funds S		-2,000.00	-2,000.00
	<i>transfer fr. street maintenance &amp; storm drain to PW Admin</i>	0.00	-2,000.00	-2,000.00
20-390-0000-625-002	S/D Plan Proj Implementation			10,000.00
06/27/2014	Yearend Closing Revision	<i>no expenses, ↓ budget</i>	-10,000.00	0.00
		10,000.00	-10,000.00	0.00
20-390-1024-525-000	Prof Svcs - MS4 Planning			30,000.00
06/27/2014	Yearend Closing Revision	<i>- no expenses, ↓ budget.</i>	-30,000.00	0.00
		30,000.00	-30,000.00	0.00
21-000-0000-760-060	Interfund Transfer Out			8,625.00
10/05/2014	IF Transfers Closing - Backfill Street C	<i>- slight increase</i>	1,000.00	9,625.00
		8,625.00	1,000.00	9,625.00
30-210-0000-525-000	Professional Services			0.00
10/05/2014	YVFD USBANK Financing - legal services on contracts		1,000.00	1,000.00
		0.00	1,000.00	1,000.00
30-210-0000-650-000	Equipment Replacement			0.00
06/27/2014	<i>YVFD Equipment - previously approved</i>		589,043.00	589,043.00
		0.00	589,043.00	589,043.00
30-210-0000-740-001	US Bank Lease - Principal			0.00
10/05/2014	YVFD USBANK Financing - 1st Int. I		8,000.00	8,000.00
	<i>1st lease payment</i>	0.00	8,000.00	8,000.00
30-210-0000-896-000	Proceeds From Capital Lease			0.00
06/27/2014	<i>YVFD Equipment - previously approved</i>		589,043.00	589,043.00
		0.00	589,043.00	589,043.00
32-000-0000-898-009	Interfund Transfer			0.00
10/05/2014	IF Closing Yearend - Backfill DIF Loan		56,000.00	56,000.00
	<i>Minor St Park Annex</i>	0.00	56,000.00	56,000.00
60-000-0000-898-009	Interfund Transfer In - 09			80,000.00

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
10/05/2014	IF Transfers for YE Closing - Capital C		15,000.00	95,000.00
	<i>transfer fr GF Capital Reserves to Special Capital Grants</i>	80,000.00	15,000.00	95,000.00
60-000-0000-898-021	Transfer Local Tran Fund 254			8,625.00
10/05/2014	IF Transfers Closing - Backfill Street C	<i>- small increase</i>	1,000.00	9,625.00
		8,625.00	1,000.00	9,625.00
60-000-0000-898-071	Interfund Transfer - 71			60,000.00
10/05/2014	Oregon STIP - Water Main Replaceme		10,000.00	70,000.00
	<i>water fund share based on actual expense</i>	60,000.00	10,000.00	70,000.00
60-000-0000-898-081	Interfund Transfer - 81			60,000.00
10/05/2014	Oregon STIP - Wastewater Main Repl:		5,500.00	65,500.00
	<i>sewer fund share based on actual expense</i>	60,000.00	5,500.00	65,500.00
60-300-0000-107-000	Salary Abatement			-134,424.07
10/05/2014	Grant Backfill - PW Admin unrecover		-10,000.00	-144,424.07
10/05/2014	PW Admin	<i>increase \$10K, transfer fr GF capital projects</i>	20,000.00	-124,424.07
		-134,424.07	10,000.00	-124,424.07
60-610-3215-526-000	EPA \$400K Brownfields			45,000.00
10/05/2014	Backfill Brownfields Grant - Closeout		8,000.00	53,000.00
	<i>increase for closeouts actual costs</i>	45,000.00	8,000.00	53,000.00
70-300-0000-525-001	Ordinance Update Services			30,500.00
06/27/2014	Yearend Closing Revision - Ordinance		-30,500.00	0.00
	<i>no expenses, dr to zero</i>	30,500.00	-30,500.00	0.00
70-300-0000-525-002	Updates to Water Master Plan			50,000.00
06/27/2014	Yearend Closing Revision - Water Plan		-50,000.00	0.00
	<i>no expenses, dr to zero</i>	50,000.00	-50,000.00	0.00
71-000-0000-760-060	Interfund Transfer Out - 60			60,000.00
10/05/2014	Oregon STIP - Water Main Replaceme		10,000.00	70,000.00
	<i>water fund share based on actual</i>	60,000.00	10,000.00	70,000.00
71-500-0000-450-001	Water Meter Replacement			65,000.00
06/27/2014	Yearend Closing Revision - FY 14-15		-30,000.00	35,000.00
10/05/2014	Water Meter Replacement - Org Budge		35,000.00	70,000.00
	<i>net increase \$5K, based on late orders in 13-14</i>	65,000.00	5,000.00	70,000.00
71-500-0000-625-003	Fairgrounds Water Line Reloc			100,000.00
06/27/2014	Yearend Closing Revision - FY 14-15	<i>no expenses</i>	-100,000.00	0.00
		100,000.00	-100,000.00	0.00

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
71-500-0000-625-011	North Street Pump Improv			0.00
10/05/2014	North St Pump Improvements	<i>, prelim engineering</i>	5,000.00	5,000.00
			0.00	5,000.00
71-500-0000-650-007	10 Yard Dump Truck (40%)			80,000.00
06/27/2014	Yearend Closing Revision - FY 14-15	<i>ordered in 13-14, not received</i>	-80,000.00	0.00
			80,000.00	0.00
71-510-0000-625-003	Alt Water Source - Wells			0.00
10/05/2014	Alt Water Source Wells - North Street	<i>, prelim engineering</i>	5,000.00	5,000.00
			0.00	5,000.00
80-300-0000-525-000	Professional Services			7,500.00
06/27/2014	Yearend Closing Revision - Prof Servi	<i>no expenses, ↓ to 0</i>	-7,500.00	0.00
			7,500.00	0.00
80-300-0000-525-001	Ordinance Update Services			30,500.00
06/27/2014	Yearend Closing Revision - FY 14-15	<i>, no expenses, ↓ to 0</i>	-30,500.00	0.00
			30,500.00	0.00
80-550-0000-420-002	Sewer Line Replacement			20,000.00
06/27/2014	Yearend Closing Revision -	<i>no expenses, ↓ to 0</i>	-20,000.00	0.00
			20,000.00	0.00
80-550-0000-535-001	Fines - State/County/Others			10,000.00
06/27/2014	Yearend Closing Revision	<i>, no expenses, ↓ to 0</i>	-10,000.00	0.00
			10,000.00	0.00
80-550-1023-525-000	Professional Services - FOG			5,000.00
06/27/2014	Yearend Closing Revision - FY 14-15	<i>, no expenses, ↓ to 0</i>	-5,000.00	0.00
			5,000.00	0.00
80-560-0000-450-000	Non Capitalized Equipment			15,723.00
06/27/2014	Yearend Closing Revision	<i>, no expenses, ↓ to 0</i>	-15,723.00	0.00
			15,723.00	0.00
80-560-0000-535-002	Fines - State/County/Others			5,000.00
06/27/2014	Yearend Closing Revision	<i>, no expenses, ↓ to 0</i>	-5,000.00	0.00
			5,000.00	0.00
81-000-0000-760-060	Interfund Transfer Out - 60			60,000.00
10/05/2014	Oregon STIP - Wastewater Main Repl	<i>sewer fund share based on actual cost</i>	5,500.00	65,500.00

Account Number	Account Description	Beginning Budget	Amount	Budget
Date	Transaction Description	Transfer Description		
		60,000.00	5,500.00	65,500.00
81-550-0000-650-003	Sewer Camera with Software			135,000.00
06/27/2014	Yearend Closing Revision - FY 14-15		-60,000.00	75,000.00
		135,000.00	-60,000.00	75,000.00
81-550-0000-650-004	2-3 YARD DUMP TRUCK			80,000.00
06/27/2014	Yearend Closing Revision - FY 14-15		-80,000.00	0.00
	<i>ordered in 13-K, but not received</i>	80,000.00	-80,000.00	0.00
81-560-0000-450-001	Motor Controllers			23,000.00
06/27/2014	Yearend Closing Revision - FY 14-15		-10,000.00	13,000.00
	<i>actual less than budget, &amp; 10K</i>	23,000.00	-10,000.00	13,000.00



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**CITY OF YREKA  
CITY COUNCIL AGENDA MEMORANDUM**

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To: Yreka City Council  
Prepared by: Steve Baker, City Manager  
Agenda title: Discussion/Possible Action: Code Enforcement Efforts  
Meeting date: November 6, 2014

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The City's Code Enforcement Process is discussed in a number of sections of the City Codes. Section 1.04.070 outlines six different processes, depending in part on the violations and the legal processes that are available or cost effective for different types of violations:

- (a) Criminal penalties, under Chapter 1.04
- (b) Civil injunction. The city attorney is authorized to initiate any appropriate civil action;
- (c) Regarding land use and development, by the granting or denial of permits, the forfeiture and revocation of permits, or the recording of a notice of violation under Title 1 (General Provisions), Title 8 (Animals), Title 16 (Zoning) or Title 17 (Historical District);
- (d) Administrative citations and fines, under Chapter 1.14
- (e) Public nuisance abatement, under Chapter 1.14 or Chapter 9.47 of Title 9
- (f) Building abatement, under any of the uniform building codes adopted by the city in Title 11, (g) Building Regulations or under Chapters 1.10 through 1.15 of Title 1

**Example (Weed Abatement):** The most frequent (and relatively straight-forward) code enforcement activity is weed abatement, which begins in the spring as weeds and grasses dry out. The process relies on education, voluntary compliance, additional contacts with owners of property who do not comply, and finally the citation and abatement processes. This process is still being refined (for example the citation was used for the first time in 2013).

Building staff sends out courtesy letters in the spring to property owners who have not abated their weeds in the past, reminding them of the requirement this year. In June when the weeds and grasses begin to dry out, a field survey of these properties is done and letters go out to anyone who has not mowed their weeds. Letters also go out to properties that we receive complaints on. The overwhelming number of owners who have not complied previously then take care of their weeds. Properties are again viewed in the field and if they have not complied a second letter is usually sent. If non-compliance continues, a citation is sent out that includes a fine and a date for a hearing with the City Manager.

The next step in the process is to take the property to the Planning Commission for a hearing on abatement of the nuisance. This has happened once in recent years and the hearing was deferred and eventually cancelled because the property owner abated the nuisance. If the Planning Commission had heard the item, the property owner could have appealed their decision to the City Council.

Approved by:   
Steven Baker, City Manager

**Complaint Basis:** The City currently addresses most code enforcement activities on a complaint basis. This means that the City staff does not normally proactively go out to survey areas to see if there are code violations. At least two factors have led to this approach. One is that the City's resources are limited and enforcing strictly all codes would require significant staff resources, probably including a full time code enforcement officer as well as significant city attorney and administrative backup time. The other has to do with community standards and neighborhood expectations. If something could be a code violation but does not negatively affect nearby neighbors, it is probably not a high enough priority for the City to spend limited resources on.

Enforcing on a complaint basis has some drawbacks. One is that people will assume that something is OK if they see other property owners doing it (which they will typically point out if contacted by city staff). Another is that serious blighting conditions may continue and escalate before the neighbors complain and by that time, the impact on the neighborhood is significant (and the ability of the property owner to correct/avoid the problem is sometimes easier earlier than later). Also, conditions that could affect either safety or property values are allowed to continue unabated if no one complains.

**Code Enforcement Strategies:** Effective Code enforcement relies on education, violation appropriate noticing, voluntary compliance and escalating consequences in the event of non-compliance. It is also critical that the City prioritize types of code enforcement to effectively use limited city resources.

The most cost effective way to obtain code compliance is to educate the public on what violations look like. This can be done through the City newsletter, press releases, business newsletter or other means of getting the word out. The courtesy letters sent out on weed abatement are targeted examples of this. This method gets early voluntary compliance.

The next step is for the city to make direct contact with a property owner/tenant. The first contact can be either in person or by letter. More staff time is involved in the personal contact, but the voluntary compliance is often significantly higher. Often personal contact is difficult to achieve (particularly for out of town property owners), so a letter is sent. Voluntary compliance at this level is usually, but not always, very high. Often the owner and city staff will discuss a timeline for correction.

If someone does not respond to the first contact and correct the problem, then the process can be escalated through second letters, notice of citation, etc. If someone does not correct the violation after being re-contacted, staff works on the best way to reach compliance. This is also the point where the costs can significantly escalate and often these costs cannot be recovered from the offending party.

The City last updated the code enforcement process in 2011. Among other things a citation process was added. This has proved effective to encourage certain recalcitrant owners to correct their violations. Staff believes that the City's codes are effective and will monitor to see if any need to be changed. None are recommended at this time.

At the meeting, staff will discuss how to address the most serious code enforcement problems. In addition, staff will bring in at a later date a code enforcement professional to discuss the overall strategies used to reduce high priority code violations.

**Recommendation:** that the City Council discuss and give direction as appropriate regarding code enforcement efforts.

## Chapter 1.04 - ENFORCEMENT

### Sections:

#### FOOTNOTE(S):

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2. For statutory authority authorizing imprisonment in the county jail, see Gov. C.A. §36903. For statutory provisions prescribing a maximum period of confinement for the punishment of misdemeanors, see Penal C.A. §19a. As to the power of cities to require persons imprisoned for violation of an ordinance to labor on public property or works within the city, see Gov. C.A. §36904. For statutory provisions relating to both municipal and justice courts, see Gov. C.A. §§ 71001 et seq. For statutory provisions relating to justice courts, see Gov. C.A. §§ 71600 et seq. For Constitutional provisions relating to municipal and justice courts, see Const., Art. 6, §§ 1 and 5. For statutory provisions relating to proceedings in inferior courts and appeals to superior courts, see Pen. C.A. §§ 1425 et seq.

#### **1.04.010 - Costs added to fine.**

Whenever, by this code, it is provided that the costs of prosecution shall be added to any fine imposed, such costs shall be a part of the fine, and in all cases the costs shall be a part of the fine unless otherwise provided.

*(Ord. 1 § 195, 1888).*

#### **1.04.020 - Commitment until fine paid.**

Whenever a fine is imposed for the violation of any provisions of this code, or ordinance of the city, the court pronouncing sentence may order the defendant to stand committed to the county jail until such fine is paid.

*(Ord. 1 § 196, 1888).*

#### **1.04.030 - Execution may issue for collection of fine.**

Execution may issue, as in civil cases, out of the court, imposing a fine under the provisions of this code against the property of the defendant for the collection of such fine.

*(Ord. 1 § 197, 1888).*

#### **1.04.040 - Prosecutions—How conducted.**

All prosecutions under any provision of this code shall be conducted in the manner and subject to the rules (as far as the same are applicable), laid down in the Penal Code of the state of California, so far as the same do not conflict with the provisions of this code, or of the Act of the Legislature of California under which the city is reorganized.

*(Ord. 1, § 198, 1888).*

#### **1.04.050 - Imprisonment for violation.**

Any person, hereafter sentenced to imprisonment for violation of an ordinance of the city, already adopted, or which may hereafter be adopted, shall be imprisoned in the county jail, in the county of Siskiyou, or in the city jail, as may be directed by the court by which sentence is imposed.

*(Ord. 229 § 1, 1947).*

#### **1.04.060 - Working of confined prisoners.**

All prisoners which now are or may be hereafter confined in the county jail of Siskiyou County or the city jail, under judgment of conviction, shall at all times when practicable, and under direction of the chief of police, be employed at work, upon the public grounds, roads, streets, alleys, highways, or public buildings or improvements, or in such places as may be deemed advisable for the benefit of the city.

*(Ord. 2, 1889).*

#### **1.04.070 - Code enforcement—General.**

It is unlawful for a person to violate a provision, or to fail to comply with a requirement, of this code. The city may enforce the provisions of this code by any one or more of the following methods, at the city's discretion:

- (a) Criminal penalties, under Chapter 1.04 ()
- (b) Civil injunction. The city attorney is authorized to initiate any appropriate civil action;
- (c) Regarding land use and development, by the granting or denial of permits, the forfeiture and revocation of permits, or the recording of a notice of violation under Title 1 () (General Provisions), Title 8 () (Animals), Title 16 () (Zoning) or Title 17 () (Historical District);
- (d) Administrative citations and fines, under Chapter 1.14 ()
- (e) Public nuisance abatement, under Chapter 1.14 () or Chapter 9.47 () of Title 9 ()
- (f) Building abatement, under any of the uniform building codes adopted by the city in Title 11 (), Building Regulations or under Chapters 1.10 () through 1.15 () of Title 1 ()
- (g) Any other lawful authority.

*(Ord. No. 826, § 2, 7-7-2011)*

#### **1.04.080 - [Compliance.]**

Except as otherwise provided herein, any applicant for a permit or license issued by the city of Yreka, must comply with all city, state and federal laws, regulations and ordinances, and must obtain all necessary permits and licenses as a condition for the commencement of any activity regulated by this code. Thereafter, the permittee shall remain in full compliance with all such city, state and federal laws, regulations and ordinances, permits and licenses through the period of the activity for which the permit or license was issued.

*(Ord. No. 826, § 3, 7-7-2011)*

## Chapter 1.10 - CODE ENFORCEMENT—GENERALLY

### Sections:

#### **1.10.010 - Title.**

Chapters 1.10 () through 1.15 () shall be known as the code enforcement chapters of the municipal code.

*(Ord. No. 826, § 4, 7-7-2011)*

#### **1.10.020 - Purpose and authority.**

The city council has determined that the enforcement of the Yreka Municipal Code throughout the city is an important public service vital to the protection of the public's peace, health, safety and quality of life. The city council establishes the procedures set forth in Chapters 1.10 () through 1.15 () for declaring and addressing nuisance conditions and other violations of this code, pursuant to California Government Code Sections 36900 et seq., 38660, 38771 through 38775, inclusive, 53069.4, 54988, and all other statutes and laws referenced herein. The purpose of Chapters 1.10 () through 1.15 () is to provide criminal, civil, and administrative remedies, which shall be in addition to all other legal remedies that may be pursued by the city, to prevent, discourage, abate, or otherwise address any unlawful condition of property, nuisance condition or violation of this code, as that term is defined below. The council has also determined that an administrative citation program is an appropriate method of enforcing violations of the municipal code and adopts the procedures and remedies set forth herein for the enforcement of Titles 5 (), 6 (), 8 (), 9 (), 10, 11 (), 12 (), 13 (), 16 () and 17 () of the Yreka Municipal Code and in addition to the enforcement processes authorized in those titles.

*(Ord. No. 826, § 4, 7-7-2011)*

#### **1.10.030 - Definitions.**

- A. "Abatement order" and "administrative order" shall mean an order issued by a hearing office following an appeal hearing or an order to show cause hearing.
- B. "Administrative costs" shall mean that segment of costs of abatement that includes staff time expended that was reasonably related to enforcement activities under Chapters 1.10 () through 1.15 (). Administrative costs shall include, but not be limited to, site inspections and re-inspections, third party inspections, investigations, printing, research, preparation of summaries, reports, notices, and the time and expense of preparing for and attending meetings and/or hearings related to abatement proceedings, and costs of compliance, reinspections and collection. The hourly rate for staff time shall be set by the city council and may be revised from time to time.
- C. "Affected property" shall mean any real property or portions thereof within city boundaries, including any buildings or other improvements located on such property, where nuisance conditions or other code violations allegedly exist or have previously existed.
- D. "City" shall mean the city of Yreka.
- E. "Code" or "this code" shall mean the city's municipal code, all uniform codes that have been incorporated into the city's municipal code, and any applicable local, state or federal laws and regulations that are or may be enforced by the city, including, without limitation, the State Housing

Law (Health and Safety Code Section 17910 et seq.).

- F. "Code enforcement officer" means any person authorized or directed by the city manager to enforce any provision of this code, including any peace officer. In addition to any other powers conferred upon him or her by this code or by any other law, a code enforcement officer shall have the authority to issue a notice to appear, or issue a notice of violation, as described in Section 1.14.020 (), if the code enforcement officer has cause to believe that a violation of this code was, or is being, committed or that any nuisance conditions exist.
- G. "Compliance" shall mean all actions required to remove, alleviate, eliminate, halt, or mitigate a nuisance condition or other violation of this code in the manner and in the time frame prescribed by a code enforcement officer, hearing officer, or city council.
- H. "Costs of abatement" shall mean all costs incurred by the city in connection with achieving compliance with an abatement order, including, but not limited to, any cost incurred by the city in performing or contracting for work required to achieve compliance with an abatement order, administrative costs, and costs of prosecuting any nuisance condition or other violation of this code, including attorneys' fees and costs, all as permitted by law.
- I. "Day" or "days" shall mean calendar days.
- J. "Enforcement action" shall mean any notice of violation, hearing, citation, investigation, complaint or petition, or any administrative or judicial order under authority of Chapters 1.10 () through 1.15 () or pursuant to any other legal authority.
- K. "Hearing officer" shall mean any person or persons appointed by the city manager to conduct a hearing pursuant to Chapters 1.10 () through 1.15 ()
- L. "NOV" or "notice of violation" shall mean a written notice of a violation of this code given to a responsible party by a code enforcement officer as specified in Section 1.14.020 ()
- M. "Nuisance condition" shall mean any condition described in California Civil Code Section 3479 or Sections 1.10.040, 1.10.050 (), or 1.10.060 () of this code, and shall also include, but not be limited to, any violation of this code.
- N. "Occupant" shall mean the person or persons having a right of present possession of the affected property, if other than the owner, including, without limitation, tenant(s), subtenant(s), lessee(s), sublessee(s), or assignee(s), or any authorized agent of any such person(s).
- O. "OSC" or "order to show cause" shall mean an order issued with an NOV as specified in Section 1.14.030 () requesting the responsible party to appear at a hearing to show cause why the city should not abate the nuisance condition described in the NOV at the responsible party's expense.
- P. "Owner" shall mean the owner(s) of record of the affected property, and shall include any authorized agent(s) of the owner(s) of record.
- Q. "Penalty" shall mean an administrative fine or penalty imposed on the responsible party, pursuant to Section 1.04.050 ()
- R. "Responsible party" shall mean any person, firm, association, club or organization (including informal clubs or organizations), corporation, partnership, trust(ee), or entity, and a parent or legal guardian of any person(s) under eighteen years of age, whose acts or omissions have caused or contributed to a violation of this code, and shall include any owner(s) or occupant(s) of the affected property.
- S. "Unlawful condition of property" includes but is not limited to any violation of a uniform code adopted by the city of Yreka, or a violation of a permit issued by the city of Yreka.

(Ord. No. 826, § 4, 7-7-2011)

**1.10.040 - Violation a public nuisance—Alternative remedies provided.**

Any violation of this code, including a continuing violation as described in Section 1.10.070 (), is unlawful and is hereby declared to be a nuisance. Any violation of this code may be prosecuted or enforced through any of the enforcement remedies provided in Chapters 1.10 () through 1.15 (). In addition to the remedies provided in Chapters 1.10 () through 1.15 (), the city expressly reserves the right to utilize enforcement remedies available under any applicable state or federal statute or pursuant to any other lawful power the city may possess. All such remedies shall be alternative to or in conjunction with, and not exclusive of, one another. The election of remedies provided by Chapters 1.10 () through 1.15 () or other applicable law shall be at the sole discretion of city officials. A hearing officer may order the abatement of any nuisance condition, including abatement by the city, following proper notice and an opportunity for a hearing. However, no notice or hearing is required to abate a nuisance condition pursuant to the summary abatement authority set forth in Chapter 1.15 ().

*(Ord. No. 826, § 4, 7-7-2011)*

**1.10.050 - Violation of license, permit, agreement or approval.**

- A. It shall be a violation of this code to violate any term or condition of any license, permit, agreement, or approval granted or issued by any authorized agent, body or agency of the city. Any responsible party (including, without limitation, any agent, employee, or contractor of the responsible party) violating or contributing to the violation of any such term or condition shall be subject to enforcement as provided in Chapters 1.10 () through 1.15 () and in any other applicable law.
- B. In addition, the following are specifically designated as administrative violations of the Yreka Municipal Code, and shall be subject to enforcement pursuant to the provisions of this chapter:
  1. All violations of the Yreka Municipal Code, unless otherwise excepted by ordinance.
  2. All violations of uniform codes adopted by the city of Yreka;
  3. All violations of design standards adopted by the city council and/or the planning commission and on file with the city clerk;
  4. All violations of conditions imposed on any entitlement, permit, contract, or environmental document issued or approved by the city of Yreka;
  5. All violations of state laws enforced by the city of Yreka that have been designated for enforcement through this chapter by ordinance.
- C. Any person violating any provision of the municipal code may be subject to the issuance of an administrative citation pursuant to the administrative procedures provided in this chapter.

*(Ord. No. 826, § 4, 7-7-2011)*

**1.10.060 - Actions deemed to be violations—Causing or permitting a violation.**

Any building or structure that is set up, erected, constructed, altered, enlarged, converted, used, maintained, moved, or demolished contrary to any provision of this code, or contrary to any term or condition of any license, permit or entitlement issued by or on behalf of the city, shall be deemed a violation of this code. Similarly, any use of any land, building or premises that is established, conducted, operated or maintained contrary to any license, permit, condition or approval relating to the use of said land, or that is contrary to any provision of this code, shall be deemed a violation of this code. Causing, permitting, aiding, abetting, contributing to, or concealing a violation of any provision of this code shall constitute a violation of such provision.

*(Ord. No. 826, § 4, 7-7-2011)*

**1.10.070 - Separate and continuing violations.**

A separate offense shall be deemed committed on each day a violation of this code occurs or continues; any penalty imposed for a violation pursuant to Section 1.14.050 () may be imposed on a "per day" basis. Any condition of real property that constitutes a nuisance condition where the same, or substantially similar, condition has been the subject of two or more enforcement actions within any three-month period is deemed to be a continuing violation.

*(Ord. No. 826, § 4, 7-7-2011)*

**Chapter 1.11 - PROPERTY INSPECTIONS AND ABATEMENT****Sections:****1.11.010 - Authority to inspect property.**

A code enforcement officer may, upon presentation of credentials identifying the code enforcement officer as a city employee, enter upon any affected property at any reasonable time to inspect the same or to perform any act or acts related to the performance of his or her enforcement duties, subject to the procedures below. Inspections may include or involve the taking of photographs, samples, measurements, surveys, or obtaining other physical evidence, and/or conferring with any person(s) present at the affected property or location, as permitted by law and consistent with legally recognized privacy rights. If a code enforcement officer has reasonable cause to believe that a condition exists that poses an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the code enforcement officer may enter the affected property or location without prior notification to the owner or occupant, subject to privacy and personal property rights and any other applicable provisions of law, including the state and federal constitutions. In all other cases, a code enforcement officer shall give the owner and/or occupant, if the same can be located after reasonable effort, reasonable notice of a request for consent to enter the affected property for purposes of conducting an inspection. If an owner or occupant refuses entry after a request for entry has been properly made or the owner or occupant cannot be located after reasonable effort, the code enforcement officer shall seek an inspection warrant from a court of competent jurisdiction, and the costs of obtaining the inspection warrant shall be included as costs of abatement.

*(Ord. No. 826, § 5, 7-7-2011)*

**1.11.020 - Authority to obtain records.**

In any enforcement action, the city attorney, code enforcement officer, or hearing officer shall have the right and authority to request and review records from the responsible party or any third party that is, or may be, related to the subject matter of the enforcement action, and to make copies of the same (at the expense of the city), in any manner authorized by law.

*(Ord. No. 826, § 5, 7-7-2011)*

**1.11.030 - Authority to abate nuisance conditions.**

If an abatement order requires or authorizes the city to abate a nuisance condition or to correct any other violation of this code, an authorized representative of the city may petition a court of competent jurisdiction for an abatement warrant authorizing a code enforcement officer or any employee, authorized agent, representative or contractor of the city to enter onto any affected property to abate the nuisance condition. An abatement warrant, as contemplated in this section, shall be requested in the same manner,

and be in substantially the same form, as an inspection warrant. The costs of obtaining the abatement warrant shall be included as costs of abatement. The city shall seek the consent of the responsible party or owner to allow the city to perform the necessary work prior to seeking an abatement warrant from a court.

*(Ord. No. 826, § 5, 7-7-2011)*

#### **1.11.040 - Execution of inspection warrant or abatement warrant.**

Upon issuance of an inspection warrant or abatement warrant, as described in this chapter, the code enforcement officer shall cause such warrant to be executed in accordance with the procedures set forth in Code of Civil Procedure Section 1822.56.

*(Ord. No. 826, § 5, 7-7-2011)*

#### **1.11.050 - Notice to stop work order.**

Whenever a violation is discovered which can be corrected and the responsible person has been issued a notice to correct or notice of violation for the same violation within the past twelve months, the enforcement authority shall issue a notice to correct in order to notify the responsible person of the violation and to order that the violation be corrected within a reasonable time. Unless a different period is specifically set forth in the Yreka Municipal Code, fifteen calendar days shall be considered a reasonable time to correct any violations. The notice to correct shall be in writing and shall set forth the facts that constitute the violation, the specific provisions of the law which have been violated, the specific acts required to correct the violation, the time allowed to correct the violation, and the rights to appeal the notice to correct. If the violation is related to a permit, license or other city approval of a project, the notice to correct may be accompanied by a stop order which orders the responsible person to immediately stop any and all work on the project that is subject to the permit, license or approval until the violation is corrected. The notice to correct shall be served in accordance with the provisions of Section 1.14.020 (). The city manager shall have discretion to establish longer than fifteen days to fix a condition.

*(Ord. No. 826, § 5, 7-7-2011)*

#### **1.11.060 - Notice of pendency of action.**

A. Concurrent with service of any notice of violation as provided for in Chapter 1.14 (), the enforcement officer may record a notice of pendency of action with the county recorder. Recordation of this notice relates to the condition of the property, not the condition of title. The notice shall be in substantially the following form:

##### NOTICE OF PENDENCY OF ACTION

NOTICE IS HEREBY GIVEN that pursuant to Yreka Municipal Code Chapter 1.14 (), an administrative abatement action was commenced on \_\_\_\_\_, by the City of Yreka against the property described herein and the action is now pending.

The action alleges that the property is in violation of Yreka Municipal Code Chapter 1.10 () in that it constitutes a dangerous building and that such dangerous building must be abated.

As of the date of commencement of the abatement action, the name and address of the record owner of the property described herein is:

\_\_\_\_\_.

The real property against which the abatement action is pending is that certain real property commonly known as ;#rule;, Assessor Parcel Number ;#rule;, and more particularly described in Exhibit A, attached hereto and incorporated by reference herein.

CITY OF YREKA

Dated:

Name of Enforcement Officer

- B. Notice of final disposition. The enforcement officer shall record a notice of final disposition of action within fifteen calendar days following the earlier of the following dates: (1) the date the enforcement officer verifies both voluntary compliance with the compliance order and payment of all accrued costs to which the city is entitled pursuant to this chapter; or (2) the date of final resolution of the action.

The notice of final disposition of action shall be in substantially the following form:

**NOTICE OF FINAL DISPOSITION  
OF ACTION**

NOTICE IS HEREBY GIVEN THAT pursuant to Yreka Municipal Code Chapter 1.10 ():

1. Final disposition has been reached in the administrative action referenced in that notice of pendency of action recorded on \_\_\_\_\_, in Book ;#rule;, at Page ;#rule;, of the Official Records of Siskiyou County, California.
2. The City of Yreka does hereby withdraw the above-referenced notice of pendency of action.
3. The above-referenced notice of pendency of action affected that certain real property commonly known as \_\_\_\_\_, Assessor Parcel Number ;#rule;, and more particularly described in Exhibit A, attached hereto and incorporated by reference herein.

CITY OF YREKA

Dated:

Name of Officer

*(Ord. No. 826, § 5, 7-7-2011)*

**Chapter 1.12 - ENFORCEMENT OF CODE VIOLATIONS**

Sections:

**1.12.010 - Classification of violations.**

- A. Any violation of this code may be prosecuted as a criminal offense. Unless expressly described as a misdemeanor, a violation of any provision of this code, or failure to comply with any mandatory requirement hereof, shall constitute an infraction.
- B. Upon entry of a second or subsequent conviction against the same responsible party within a two-year period for a condition of affected property constituting a nuisance condition under Chapters 1.10 () through 1.15 (), the court may require the responsible party to pay to the city treble the cost of the abatement (except for conditions abated pursuant to Health and Safety Code Section 17980). Any costs awarded to the city may be enforced in the manner described in Section 1.14.140 ()

*(Ord. No. 826, § 6, 7-7-2011)*

**1.12.020 - Civil court action.**

The provisions of this code may be enforced by a civil court action, prosecuted by the city attorney in the name of the city or in the name of the people of the state of California.

*(Ord. No. 826, § 6, 7-7-2011)*

### **1.12.030 - Collection of costs by the city.**

Whenever the city attorney is authorized or directed to commence or sustain any civil action or proceeding, either at law or in equity, to enforce any provision of this code, or any violation of a rule, regulation or order promulgated or issued pursuant to this code, or any term or condition of an approval, permit or license granted by the city, or to enforce any provision of any contract or agreement, or to enjoin or restrain any violation thereof, or to otherwise abate a nuisance condition or collect any sums of money on behalf of the city, the city shall be entitled to collect all costs and expenses of the same, including reasonable attorneys' fees in an amount not to exceed the amount of attorneys' fees incurred by the city, as authorized by California Government Code Section 38773.5(b), and any such award of costs and expenses shall be made a part of the judgment if the city is the prevailing party. Upon entry of a second or subsequent civil judgment against the same owner or other responsible party within a two-year period for a condition of real property constituting a nuisance condition (except for conditions abated pursuant to Health and Safety Code Section 17980), the court issuing the judgment may order said owner or other responsible party to pay treble the cost of the abatement, pursuant to Government Code Section 38773.7.

*(Ord. No. 826, § 6, 7-7-2011)*

## **Chapter 1.14 - ADMINISTRATIVE ENFORCEMENT**

### Sections:

### **1.14.010 - Responsibility and authority.**

- A. The city manager shall have the overall responsibility and authority to enforce the provisions of the Yreka Municipal Code or other applicable laws. The city manager may delegate to department heads or other appropriate subordinates the authority to enforce any of the provision of the Yreka Municipal Code or other applicable laws, which relate to the responsibilities of their department. The city manager may also delegate to the police department, or contract law enforcement officer, or code enforcement officer, the authority to enforce any of the provisions of the Yreka Municipal Code or other applicable laws. No enforcement authority shall have the power or discretion to void any notice of administrative violation unless approved in writing by the city manager.
- B. Authority of Code Enforcement Officer. A code enforcement officer shall have the authority to gain compliance with this code, including the power to issue a notice of violation ("NOV") as described in Section 1.14.020 (), the power to inspect public and private property (Section 1.11.010 ()), the power to issue a stop order (Section 1.11.050 ()), the power to record a notice of violation against any affected property (Section 1.11.060 ()), and the power to carry out the provisions of an abatement order (Section 1.11.030 ()).

*(Ord. No. 826, § 7, 7-7-2011)*

### **1.14.020 - Notice of violation.**

- A. Whenever a code enforcement officer finds that a provision of this code has been violated, including but not limited to a failure to comply with a term or condition imposed by any agreement, entitlement, permit, license or environmental document issued or approved by or on behalf of the city, or a failure to comply with any other laws the violation of which constitutes a nuisance condition, and such code enforcement officer elects to pursue administrative enforcement pursuant to Chapters 1.10 () through 1.15 (), he or she may issue the responsible party a notice of violation ("NOV"). An NOV is not required if the code enforcement officer determines that summary abatement is necessary pursuant to Section 1.15.101. If an NOV is issued, it shall be served on the responsible party in the manner described in subsection (B) of this section. The code enforcement officer shall include the following information in the NOV:
1. The date and location of the violation, including the address or other description of the location where the violation occurred or is occurring and a brief description of the conditions observed that constitute a violation;
  2. The name(s) of the responsible party(ies), if known;
  3. The code section(s) violated and a description of the section(s);
  4. Actions required to correct, abate or mitigate the nuisance condition or code violation, and a period of time during which action(s) shall be commenced and completed, considering the factors listed in Section 1.14.040 ()
  5. An order prohibiting the continuation or repeated occurrence of a nuisance condition or violation of this code described in the NOV;
  6. Except when the code enforcement officer orders the responsible party to appear at a hearing to show cause pursuant to Section 1.14.030 (), the NOV shall contain a statement that the person upon whom the NOV is served may appeal the determination that there is/are violation(s) as alleged, that the person who was served with the NOV is the responsible party, or that the amount of any administrative fine imposed is warranted. The NOV will instruct the person being served as to the proper procedure and time frame for submitting an appeal;
  7. If applicable, notice that failure to correct or abate the listed violations in the NOV within the time specified will subject the responsible party to a penalty pursuant to Section 1.14.050 (). If a fine will be imposed, the NOV shall include the amount of the fine; and
  8. The signature of the citing code enforcement officer and city contact information (address, telephone number) for additional information.
- B. The NOV shall be served upon the responsible party or owner personally or by United States mail, first-class postage prepaid, and, if by such mail, it shall be sent to the last known address listed on the most recent tax assessor's records. In the case of personal service, service shall be deemed complete at the time of such delivery. In the case of service by first-class mail, service shall be deemed complete at the time of deposit into the United States mail. Where service is by first-class mail, a copy of the NOV shall also be conspicuously posted at the affected property when reasonably practicable for a period of not less than three calendar days prior to the first date that commencement of corrective action or abatement is to be undertaken. The failure to receive an NOV sent via first-class mail shall not affect the validity of any enforcement proceedings under Chapters 1.10 () through 1.15 ()
- C. Proofs of service by mail and by posting shall be certified by a written declaration under penalty of perjury executed by the person effecting such service, declaring the date, time, and manner of service, and the date and place of posting, if applicable. The declaration shall be affixed to a copy of the NOV and retained by the code enforcement officer.

D. The failure of an NOV to satisfy all of the requirements of this provision shall not affect the validity of any other enforcement proceedings under this code.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.030 - Order to show cause hearing.**

Subject to the provisions of Sections 1.14.010 () and 1.14.020 (), any NOV issued by a code enforcement officer may include an order requiring the responsible party to appear at a hearing to show cause why such nuisance condition or other code violation should not be abated by the city at the responsible party's expense. Such hearing shall be referred to as an order to show cause hearing, or OSC hearing. All OSC hearings shall be conducted pursuant to the procedures set forth in Sections 1.14.090 () and 1.14.100 (), and subject to all of the provisions of this chapter.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.040 - Time allowed for abatement.**

In any NOV or abatement order issued, the time allowed for abatement shall be a "reasonable time" based upon the circumstances of the particular violation, taking into consideration the means required to abate the violation, the period of time that the violation has existed, and the potential threat to public health and safety created by the violation. If the violation pertains to building, plumbing, electrical, mechanical or other similar structural or zoning issues and does not pose an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the responsible party shall be provided not less than fifteen days in which to abate or otherwise remedy the violation. The determination of timely compliance, abatement, mitigation or elimination of the violation shall be made by the code enforcement officer, hearing officer, or other authorized city official.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.050 - Imposition of fines and penalties and sanctions.**

Any nuisance condition or violation of any provision of this code, including a failure to comply with a term or condition imposed by any agreement, entitlement, permit, license or environmental document issued or approved by or on behalf of the city, or a failure to comply with any county, state or federal law, may subject the responsible party to a penalty imposed pursuant to the city's general police powers, and/or Government Code Sections 36901 and 53069.4. Whether to impose a penalty shall be within the discretion of the city manager.

- A. The amount of any fine that may be imposed for a violation that would otherwise be an infraction shall not exceed the amounts set forth in Government Code Section 36900(b), as amended from time to time. The amount of any fine that may be imposed for all other violations (i.e., violations that would otherwise be misdemeanors) shall not exceed one thousand dollars per day. In determining the amount of a fine, the following factors should be taken into consideration:
1. Duration of the violation;
  2. Frequency, re-occurrence, or number of violations by the same person;
  3. Seriousness of the violation and/or its impact on the community and/or the degree of culpability of the responsible party;
  4. Justification, if any, for the existence, or continuance, of the violation;
  5. Whether the violation is susceptible to restoration or other mitigation;
  - 6.

- Good faith efforts to mitigate the violation or to come into compliance, pursuant to the terms of the NOV or abatement order;
7. Sensitivity of any affected resource;
  8. Any profits or other economic benefit realized by the responsible party resulting, directly or indirectly, from the violation;
  9. The city's schedule of administrative penalties currently existing or subsequently enacted; and
  10. Such other factors as justice may require as determined in the discretion of the city manager.
- B. Each and every day during any portion of which a nuisance condition exists or continues may be deemed a separate and distinct violation for purposes of setting the amount of penalty to be imposed. Any fine imposed may accrue on a daily basis from the date the penalty becomes effective until the violation is corrected.
- C. A fine imposed pursuant to this chapter is a debt owed to the city. In addition to all other means of enforcement, a penalty may be enforced as a personal obligation of the responsible party. If the violation is in connection with real property, a fine may also be enforced by imposition of a lien or special assessment upon the real property, as described in Section 1.14.140 (). Any lien or special assessment imposed upon real property shall remain in effect until the fine is paid in full.
- D. Sanctions for Administrative Violations. Any one of the following sanctions shall be available to redress infringement of the Yreka Municipal Code or applicable laws.
1. Revocation and/or suspension of licenses or permits, conditional use permits or entitlements issued by the city of Yreka;
  2. The placement of requirements for corrective action on permits, licenses or entitlements issued by the city of Yreka as a condition to avoid revocation of the permit, license or entitlements;
  3. For administrative violations, monetary penalties as set forth in Section 1.14.050 ()
  4. The issuance of a compliance order setting forth corrective action and recovery of costs;
  5. As an alternative to other sanctions and in appropriate circumstances, requiring community service by the responsible person;
  6. Requiring a responsible person to post a performance bond, irrevocable letter of credit or other adequate security to ensure compliance with the Yreka Municipal Code or other applicable laws;
  7. In the course of proceedings pursuant to Section 1.14.090 (), the hearing officer, in his or her discretion, may suspend the imposition of any applicable penalty for a period of time not to exceed sixty days during which the responsible party has demonstrated a willingness to correct the violations listed in the NOV or comply with an abatement order, or has applied for permits required to achieve compliance and such permit applications are actively pending before, or have already been issued by, the city, state, or other appropriate governmental agency, or under any other circumstances that would justify a suspension of the penalty.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.060 - Payment and collection of fines.**

- A. If a fine is imposed and the responsible party fails to appeal the fine as specified in Section 1.14.070 (), the responsible party shall pay the amount of the fine within thirty days of the effective date of the fine, unless an extension of time is requested by the party against whom the penalty is imposed and the request is granted by the city manager. Any fine imposed shall be payable to the city, or to a collection agency if the fine has been assigned to a collection agency pursuant to subsection (C) of this section.
- B. If the amount of any fine imposed for a violation relating to an affected property has not been satisfied in full within sixty days of the date due and has not been successfully challenged by appeal or in court, the fine amount may become a special assessment or lien against the affected property, as provided in Section 1.14.140 (). If the city elects to make any fine a special assessment or lien against the affected property, a statement of the amount due, and any additional costs or expenses that may be recoverable as part of the enforcement action, shall be prepared and submitted to the city council for confirmation in accordance with the procedures described in Section 1.14.130 ().
- C. Notwithstanding subsection (B) of this section, the amount of any unpaid fine may be collected by commencement of a civil action to collect such fine, or in any other manner provided by law for the collection of debts, including assignment of the debt to a collection agency. Subject to the requirements of Chapters 1.10 () through 1.15 () and other applicable law, amounts assigned for collection are subject to collection agency rules, regulations and policies. The city shall be entitled to recover any and all costs associated with collection of any such fine.
- D. The payment of a fine by or on behalf of any responsible party shall not relieve such party from the responsibility of correcting, removing or abating the nuisance condition, or performing restoration where required, nor prevent further proceedings under Chapters 1.10 () through 1.15 () or any other authority to achieve the correction, removal or abatement of the nuisance, or any required restoration.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.070 - Appeal of NOV.**

- A. A person or entity named as the responsible party in an NOV may appeal the determination that there is/are violation(s) as alleged in the NOV, that the person or entity who was served with the NOV is the responsible party, that a fine or the fine amount is warranted, or any other terms of an NOV. If an OSC hearing has been scheduled pursuant to Section 1.14.030 (), the OSC hearing shall serve as the appeal hearing authorized by this section.
- B. Any person appealing an NOV must obtain a "request for hearing" form from the city clerk located at Yreka City Hall, 701 Fourth Street, Yreka, California 96097, and return it to the city clerk fully completed within fifteen days from the date of service of the NOV.
- C. At the time of returning the request for hearing form to the city clerk, the person or entity requesting the appeal hearing shall pay an appeal processing fee as set forth in the city's master fee schedule, as that schedule shall be amended from time to time, and shall deposit in advance the amount of any fine. No appeal shall proceed without payment of the fee and deposit of the fine with the city clerk at the time the appeal is filed; provided, however, that the city manager may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply.
- D.

Failure to timely submit a completed request for hearing form or to pay the appeal processing fee and advance deposit of any fine constitutes a waiver of the right to appeal and a failure to exhaust administrative remedies.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.080 - Enforcement stayed during appeal.**

Enforcement of an NOV or fine shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, unless the city obtains an order from a court of competent jurisdiction requiring or authorizing the abatement of the condition that is the subject of the city's enforcement efforts.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.090 - Appeal hearings.**

- A. An appeal hearing based on a request for hearing shall be set for a date not less than ten days nor more than sixty days from the date the request for hearing form is filed, unless the code enforcement officer determines that the matter is urgent or that good cause exists for an extension of time, in which case the hearing date may be shortened or extended, as warranted by the circumstances.
- B. A hearing under authority of this section shall be conducted according to the procedures set forth herein. The failure of the responsible party or other interested party to appear at the hearing following proper notice shall constitute a waiver of the right to be heard and a failure by such party to exhaust his/her administrative remedies.
  1. When a request for hearing is filed, the city clerk shall set the time and place for hearing pursuant to subsection (A) of this section, and shall serve a notice of hearing either personally or by United States mail, first-class postage prepaid, to the appellant at the address provided in the request for hearing form. The time for such hearing shall be no sooner than ten days from the date of service of the notice of hearing. If the code enforcement officer submits a written report concerning the NOV to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing.
  2. At the place and time set forth in the notice of hearing, the hearing officer shall conduct a public hearing on the alleged violations. Any responsible party or other interested person(s) may appear and offer evidence as to whether a violation has occurred and/or whether the violation continues to exist, whether the person cited in the NOV is the responsible party for any such violation, whether a penalty or penalty amount is warranted, or any other matter pertaining thereto. Evidence presented by the code enforcement officer or other official of the city tending to show that a violation occurred and that the person named on the NOV is the responsible party shall establish a prima facie case that a violation, as charged, actually existed and that the person named in the NOV is the responsible party for the violation. The burden of proof shall then be on the responsible party to refute such evidence. The standard to be applied for meeting such burden shall be a preponderance of evidence.
  3. The hearing officer shall consider written or oral testimony or other evidence regarding the violation presented by the responsible party, the owner, the occupant, any officer, employee, or agent of the city, and any other interested party. Evidence offered during a hearing must be credible and relevant in the estimation of the hearing officer, but formal rules governing the presentation and consideration of evidence shall not apply.
  4. The hearing officer shall conduct the hearing, order the presentation of evidence, and make any rulings necessary to address procedural issues presented during the course of the hearing.

5. After receiving all of the evidence presented, the hearing officer may then deliberate and consider what action, if any, should be taken, or may adjourn the hearing and take the matter under consideration.

(Ord. No. 826, § 7, 7-7-2011)

#### **1.14.100 - Decision of the hearing officer and abatement order.**

- A. Within ten days following the conclusion of the hearing, the hearing officer shall make a decision regarding the issues presented during the course of the hearing, and the decision shall be based on a preponderance of the evidence. After making a decision, the hearing officer may issue an abatement order. If the hearing officer finds that no violation occurred, that the violation was corrected within the specified time period, or that the person cited is not the responsible party, the hearing officer shall issue an administrative order to reflect those facts, and the city will promptly refund the amount of any fine deposited.
- B. The responsible party and any interested party requesting a copy of an abatement order or administrative order shall be served with a copy of said order in the same manner as used for service of a notice of hearing as described in Section 1.14.020 (B). Proof of service of the abatement order or administrative order shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner that service was made.
- C. An abatement order shall become effective and enforceable immediately after announcement or service of such order unless the order includes a later effective date. It shall include a statement of the right to have the order judicially reviewed in the manner and in the time frames specified in Section 1.14.110 (C). Unless otherwise ordered by a court of competent jurisdiction, enforcement of the abatement order shall not be stayed pending judicial review thereof.
- D. An abatement order may include any combination of the following remedies:
  1. Impose or uphold a penalty, subject to Government Code Sections 36900(b) and 53069.4.
  2. Issue a "cease and desist order" requiring the responsible party, or any agent, representative, employee, or contractor of the responsible party, to immediately stop any act, conduct, or condition that is a violation of this code. A cease and desist order issued pursuant to this section shall be effective upon issuance and shall be served on the responsible party in the manner specified in Section 1.14.020 (B).
  3. Require the responsible party to correct or eliminate any violation, including a proposed schedule for correction or elimination of said violation within a reasonable time. If a violation pertains to building, plumbing, electrical, or any other structural or zoning issues and the violation does not create an immediate threat to health or safety, the responsible party shall be provided at least fifteen calendar days to correct, abate, or otherwise remedy the violation.
  4. Require the responsible party, or authorize the city, to restore a site or location that has been damaged or disturbed as a result of a violation of this code to a pre-violation condition. Any order authorizing the city to undertake restoration efforts shall include provisions for the city to recover all restoration costs and expenses, including administrative costs, from the responsible party.
  5. Require the responsible party, or authorize the city, to mitigate any damage or disturbance to protected or environmentally sensitive areas as a result of any violation, including, without limitation, off-site replacement of damaged or destroyed natural resources where on-site restoration or mitigation is not feasible, as determined by the city. Any order authorizing the city to undertake mitigation efforts shall include provisions for the city to recover all costs of abatement, including mitigation costs and expenses, from the responsible party.

6. Impose conditions that restrict or regulate the development of, use of, or activity on real property where a nexus exists between the violation(s) and the development, use or activity. Conditions may be imposed until the violations are fully abated. Restrictions and regulations on current or future development, use or activity may include site restoration and/or the suspension or revocation of any entitlements issued by the city.
  7. Authorize the city to abate or cause the abatement of a nuisance condition where the responsible party has refused or has otherwise neglected or is unable to take steps to correct or eliminate said conditions. The abatement order shall specify that if the city undertakes to abate or eliminate any nuisance condition as provided in Section 1.11.030 (), the city shall be entitled to recover all costs of abatement incurred in performing such work and other costs necessary to enforce the order. Such costs may be recovered by the city as a personal obligation and/or through a lien or a special assessment on the affected property as provided in Section 1.14.140 ()
  8. Sustain, modify, or overrule an NOV issued by a code enforcement officer.
  9. Any other order or remedy that serves the interests of justice.
- E. The city may seek to enforce any abatement order by confirmation from a court of competent jurisdiction. Any abatement order that is judicially confirmed may be enforced through all applicable judicial enforcement measures, including, without limitation, contempt proceedings upon a subsequent violation of such order.
- F. An order from the hearing officer constitutes the final decision of the hearing officer and the final decision of the city. Notwithstanding any other contrary provision in this municipal code, a final decision rendered in accordance with this section is not appealable to the city council.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.110 - Judicial review.**

- A. Any responsible party who is aggrieved by a decision of a hearing officer, or of a board, commission, department, agency, or person authorized to render such a decision on behalf of the city pursuant to Chapters 1.10 () through 1.15 (), and who has exhausted the administrative remedies provided in this code, or any other applicable law, shall have the right to seek judicial review of such decision by filing a petition for writ of mandate in accordance with Code of Civil Procedure Section 1094.5. A petition for writ of mandate must be filed within ninety days after the administrative decision becomes final (as determined in Code of Civil Procedure Section 1094.6). Notwithstanding these time limits, where a shorter time limitation is provided by any other law, including that set forth in Government Code Section 53069.4 (see subsection (E) of this section), such shorter time limit shall apply.
- B. Written notice of the time limitation in which a party may seek judicial review of an abatement order shall be given to all responsible parties in the matter by the city in substantially the following form: Judicial review of this decision may be sought by following the procedure outlined in Code of Civil Procedure Section 1094.5. Judicial review must be sought not later than the ninetieth day following the date on which this decision becomes final, except that where a shorter time is provided by any state or federal law, such shorter time limit shall apply.
- C. This section shall not be deemed to revive any cause of action or grounds for relief through a special proceeding that is barred by law or equity.
- D. All costs of preparing an administrative record that may be recovered by a local agency pursuant to Code of Civil Procedure Section 1094.5(a) or successor statute shall be paid by the petitioner prior to delivery of the record to petitioner.

- E. Any responsible party against whom a penalty has been imposed and who has exhausted the administrative remedies provided in this code or other applicable law may obtain judicial review of said penalty pursuant to Government Code Section 53069.4 by filing an appeal with the Siskiyou County superior court, subject to the time limits described therein. Any such appeal shall be filed as a limited civil case. Written notice of the subject time limits shall be given to all responsible parties against whom a penalty is imposed in substantially the following form:

The time within which judicial review of the penalty imposed by this order must be sought is governed by Government Code Section 53069.4. Judicial review must be sought not later than twenty days after service of the order imposing or confirming such penalty.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.120 - Recovery of costs of abatement.**

The city may elect to recover its costs to abate nuisance conditions or other code violations, including, without limitation, the costs of any appeal hearing or OSC hearing (including staff time necessary to prepare for and attend an appeal hearing or OSC hearing), any re-inspections required to determine or confirm that compliance has been achieved, production of all staff reports, environmental tests or measurements that are deemed necessary or appropriate by the code enforcement officer, third party inspection(s) or consultant services as deemed necessary by the city and any attorneys' fees incurred in pursuing enforcement. If the city elects at the initiation of an administrative enforcement action or proceeding to seek recovery of attorneys' fees, pursuant to Government Code Section 38773.5(b), then the prevailing party shall be entitled to recover attorneys' fees in an amount not to exceed the amount of attorneys' fees incurred by the city in such action. Recovery by the city of the costs of enforcement shall be in addition to any penalty imposed on the responsible party.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.130 - Cost accounts.**

- A. If any order authorizes the city to abate a nuisance condition or other code violations, the city official responsible for such abatement shall keep an accounting of the cost of abatement along with any other recoverable costs, and shall render a written report ("the cost report") to the city council showing the cost of removing and/or abating the nuisance condition and describing the work performed. The cost report shall be agendaized as a "public hearing" item by the city clerk at a subsequent city council meeting following the required notice periods set forth hereafter.
- B. At least ten days prior to the submission of the cost report to the city council, the city clerk shall cause a copy of the cost report to be mailed to the responsible party and/or to the owner of the property where the nuisance condition existed. If the nuisance concerns real property, a copy of the cost report shall be mailed to the owner(s) at the address shown for such owner(s) in the most recent tax assessor's records. The city clerk shall also cause a notice of hearing to be mailed to the same person(s) or entity receiving a copy of the cost report. The notice of hearing shall set forth the date, time and location of the city council meeting at which the cost report shall be submitted to the city council.
- C. At the time and place fixed for receiving and considering the cost report, the city council shall hear a summary of the cost report and any objections by the responsible party or property owner against whom such costs are being charged or against whose property an abatement lien or special

assessment may be imposed. After considering the cost report and any objections thereto, the city council may make such modifications to the cost report as it deems appropriate, after which the report may be confirmed by order of the city council.

- D. At the hearing on the cost report, the city council may also authorize the imposition of a lien or special assessment on the property where the nuisance condition was abated by the city pursuant to Section 1.14.140 ()
- E. A copy of a council order confirming costs against the responsible party shall be served on the responsible party within ten days of such order in the manner described in Section 1.14.020 ()(B). Any responsible party against whom costs of abatement and any other costs are awarded by council order shall have the right to seek judicial review of such order by filing a petition for writ of mandate in accordance with Code of Civil Procedure Section 1094.5.

*(Ord. No. 826, § 7, 7-7-2011)*

#### **1.14.140 - Imposition of liens or special assessments.**

- A. Any penalty imposed for violations of this code, including any other codes or statutes that have been incorporated into this code, any administrative costs or other expenses of enforcement, and the cost or expenses associated with the abatement of a nuisance condition that are levied in accordance with Chapters 1.10 () through 1.15 (), whether imposed or levied judicially or administratively, may be enforced by the recordation of a lien against the property of the owner of the real property where the nuisance condition existed. Any such lien shall be recorded in the office of the Siskiyou County recorder, and from the date of recording shall have the force, effect, and priority of a judgment lien. A lien authorized by this subsection shall specify the amount of the lien, that the lien is being imposed on behalf of the city, the date of the NOV and abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel.
- B. Before recordation of a lien authorized by this section, a notice of lien shall be served on the responsible party and/or owner of record of the parcel of land on which the nuisance existed, based on the last equalized assessment roll or the supplemental roll, whichever is more current. The notice of lien shall be served in the same manner as a summons in a civil action. If the owner of record cannot be found, after a diligent search, the notice of lien may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Siskiyou County.
- C. Any fee imposed on the city by the county recorder for costs of processing and recording the lien as well as the cost of providing notice to the owner in the manner described herein may be recovered from the owner in any foreclosure action to enforce the lien or upon sale of the property on which the city has placed a lien following recordation.
- D. As an alternative to the lien procedure described in this section, any penalty imposed for violations of this code, including any other codes or statutes that have been incorporated into this code, and any costs of enforcement or administration or expenses associated with the abatement of any nuisance levied in accordance with Chapters 1.10 () through 1.15 (), whether imposed or levied judicially or administratively, may become a special assessment against the real property where the nuisance condition(s) existed. Any special assessment imposed on real property pursuant to this section may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary municipal taxes. Notice of any special assessment that is levied on real property

pursuant to this section shall be given to the owner by certified mail, and shall contain the information set forth in Government Code Section 38773.5(c). All laws applicable to the levy, collection, and enforcement of municipal taxes, including those described in Government Code Section 38773.5(c), shall be applicable to such special assessment.

*(Ord. No. 826, § 7, 7-7-2011)*

## **Chapter 1.15 - SUPPLEMENTARY ENFORCEMENT AUTHORITY**

### Sections:

#### **1.15.010 - Summary abatement procedure.**

Notwithstanding any other provision of this code, whenever, in the reasonable judgment of the code enforcement officer, the existence or continuance of any violation of this code or any nuisance condition poses an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, a code enforcement officer may act immediately and without prior notice or hearing to abate such violation or condition. The expense or cost resulting from such summary abatement shall be enforceable as a personal obligation of the responsible party and may be imposed as a lien or a special assessment on real property, as described in Section 1.14.140 (). The code enforcement officer shall serve a post-abatement notice on the owner and any known responsible parties in accordance with the procedures described in Section 1.14.020 ()(B), informing them that the city has summarily abated a violation or condition on the affected property. Such post-abatement notice shall describe the date and location of the summary abatement, a brief description of the condition that constituted a violation and the need for summary abatement, the code section(s) violated, notice that the costs incurred by the city for the summary abatement may be assessed against the owner and/or responsible party, and notice of the right to seek a hearing on the summary abatement action. The owner or responsible party shall have the right to a hearing to determine whether a code violation existed; whether the code violation or imminent condition posed any immediate threat of harm justifying the summary abatement; and/or whether he or she is the responsible party by filing a request for hearing pursuant to the procedure set forth in Section 1.14.070 ()(B).

*(Ord. No. 826, § 8, 7-7-2011)*

#### **1.15.020 - Enforcement methods provided herein not exclusive.**

Nothing in Chapters 1.10 () through 1.15 () shall prevent the city from initiating any other legal or equitable proceeding to obtain compliance or to discourage noncompliance with the provisions of this code. The enforcement procedures described in Chapters 1.10 () through 1.15 () are intended to be alternative methods of obtaining compliance or discouraging noncompliance and are expressly intended to be in addition to any other remedies provided by law or this code. It is the intent of the city council that the immunities prescribed in Penal Code Section 836.5 and Government Code Section 820.2 shall be applicable to the code enforcement officer, and any other public officers or employees, acting in the course and scope of employment pursuant to Chapters 1.10 () through 1.15 ().

*(Ord. No. 826, § 8, 7-7-2011)*

#### **1.15.030 - No mandatory duty of care.**

Chapters 1.10 () through 1.15 () are not intended to impose, and shall not be construed or given effect in a manner that imposes, upon the city, or any officer, employee, agent, or representative of the city, a mandatory duty of care toward persons or property within and without the city limits, so as to provide a

basis of civil liability for damages, except as may otherwise be imposed by law.

*(Ord. No. 826, § 8, 7-7-2011)*

## Chapter 9.36 - WRECKED OR DISMANTLED VEHICLES

### Sections:

#### **9.36.010 - Declared nuisance—Definitions.**

In addition to and in accordance with the determination made and the authority granted by the state of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, constitutes a public nuisance which may be abated as such in accordance with the provisions of this chapter.

As used in this chapter:

- (1) "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks;
- (2) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes "street";
- (3) "Public property" does not include "highway".

*(Ord. 431 § 1, 1969).*

#### **9.36.020 - Exceptions to chapter.**

This chapter shall not apply to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;
- (3) A vehicle or part thereof which is located behind a solid fence six feet in height and which is not visible from the street or other public or private property.

*(Ord. 638 § 1, 1989; Ord. 431 § 2, 1969).*

#### **9.36.030 - Chapter not exclusive.**

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

*(Ord. 431 § 3, 1969).*

#### **9.36.040 - Enforcement of chapter.**

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the chief of police and by regularly salaried full time employees designated by the chief of police within the police department, except that the removal of a vehicle or parts thereof from property may be made by any other duly authorized person. Any such authorized person may enter upon private property for the purposes specified in this chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this chapter.

*(Ord. 638 § 2, 1989; Ord. 431 § 4, 1969).*

#### **9.36.050 - Right of entry of contracted persons.**

When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

*(Ord. 431 § 5, 1969).*

#### **9.36.060 - Removal costs—Assessment.**

The city council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this chapter.

*(Ord. 431 § 6, 1969).*

#### **9.36.070 - Notice of violation and hearing.**

(a) If the chief of police or his designated employee has reasonable cause to believe that a vehicle or part thereof is upon public or private property in violation of the provisions of Section 9.36.010 (), such employee shall give a ten-day notice of intention to abate the nuisance and remove the vehicle or part thereof. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include a notice to the property owner that he may appear in person at the hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. Notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(b) This subsection shall apply only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use, or (2) not improved with a residential structure containing one or more dwelling units. The ten-day notice of intention to abate the nuisance and remove the vehicle or part thereof pursuant to subsection (a) above is required unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. However, the notice of intention is not required for removal of a vehicle or part thereof which is

inoperable due to the absence of a motor, transmission, or wheels, is incapable of being towed, is valued at less than two hundred dollars by a person specified in Vehicle Code Section 22855, and is determined by the chief of police or his designated employee to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition pursuant to Vehicle Code Section 22662 of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to Section 9.36.120 (), the chief of police or his designated employee shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part thereof, and if the vehicle or part is not claimed or removed within twelve days after the notice is mailed, from a location specified in Vehicle Code Section 22662, final disposition may proceed.

- (c) A public hearing shall be held on the question of abatement or removal of the vehicle or part thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of administrative costs and the cost of removal of the vehicle or part thereof before the chief of police or his designated employee on request for such a hearing by the owner of the vehicle or part thereof, or the owner of the land upon which the vehicle is located. Request for hearing shall be made to the chief of police or such designated employee within ten days after the mailing of notice of intention to abate and remove the vehicle or part thereof, or at the time of signing a release pursuant to subsection (b) of this section. If the owner of the land on which the vehicle is located submits a sworn statement denying responsibility for the presence of the vehicle on his land within such period, such statement shall be constructed as a request for hearing and does not require the presence of the owner submitting such request. If such a request is not received within such period, the chief of police or his designated employee shall have the authority to cause the removal of the vehicle. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the chief of police or his designated employee shall not assess costs of administration or removal of the vehicle or part thereof against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner.
- (d) When request for a hearing has been made pursuant to this section, a hearing date shall be set by the chief of police or his designated employee for a date not later than ten days from the request for hearing and notice thereof given by registered or certified mail to the person making such request not later than five days prior to the date set for such hearing.

*(Ord. 638 § 3, 1989; Ord. 431 § 7, 1969).*

### **9.36.080 - Notice of hearing.**

Notice of hearing shall also given to the California Highway Patrol, identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least ten days prior to the public hearing.

*(Ord. 431 § 8, 1969).*

### **9.36.090 - Duties of hearing officer.**

Hearings under this chapter shall be held before the chief of police or his designated employee. Such hearing officer shall not be the same person who determined that violation existed pursuant to Section 9.36.010 () of this chapter and caused the notice to be served pursuant to Section 9.36.070 (). The facts and testimony may include testimony on the condition of the vehicle or part thereof and the

circumstances concerning its location on the private property or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration by the hearing officer of the reasons why the vehicle is on the land and why the hearing officer should not order the vehicle removed and charges levied.

The hearing officer may impose such conditions and take such other action as he deems appropriate under the' circumstances to carry out the purpose of this chapter. He may delay the time for removal of the vehicle or part thereof if, in his opinion, the circumstances justify it. At the conclusion of the public hearing, the hearing officer may find that a vehicle or part thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the hearing officer shall not assess costs of administration or removal of the vehicle from the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

If an interested party makes a written presentation to the hearing officer but does not appear, he shall be notified in writing of the decision.

*(Ord. 638 § 4, 1989; Ord. 431 § 9, 1969).*

### **9.36.100 - Appeal.**

Any interested party may appeal the decision of the hearing officer by filing a written notice of appeal with the hearing officer within five days after his decision.

Such appeal shall be heard by the city council within thirty days and the city council may affirm, amend or reverse the order or take other action deemed appropriate.

The clerk shall give written notice of the time and place of the hearing to the appellant and to those persons specified in Section 9.36.070 ().

In conducting the hearing, the city council shall not be limited by the technical rules of evidence.

*(Ord. 638 § 5, 1989; Ord. 431 § 10, 1969).*

### **9.36.110 - Disposal of vehicle or parts thereof.**

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision, if such notice is required by Section 9.36.090 (), or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard in accordance with the provisions of the California Vehicle Code. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

*(Ord. 638 § 6, 1989; Ord. 431 § 11, 1969).*

### **9.36.120 - Removal notice.**

Within five days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

*(Ord. 431 § 12, 1969).*

### **9.36.130 - Unpaid removal costs—Assessment of land—Collection.**

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to Section 9.36.090 () are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other taxes.

*(Ord. 431 § 13, 1969).*

### **9.36.140 - Parking abandoned vehicle—Enclosure required.**

It is unlawful and a misdemeanor for any person to abandon, park, store, leave, or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property, not including highways, within the city for a period in excess of five days, unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is otherwise stored or parked in a lawful manner on private property or lawfully parked in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard.

*(Ord. 431 § 14, 1969).*



## Chapter 9.47 - CONDITION OF PROPERTY NUISANCES

### Sections:

#### **9.47.005 - Definitions.**

For the purpose of this chapter, certain words and phrases are defined and certain provisions are to be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended:

- (a) "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as the planning commission in their judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.
- (b) "Building" means any house, garage, duplex, apartment, condominium, stock cooperative and other residential and nonresidential structures.
- (c) "Owner" means any person owning property, as shown on the last equalized assessment roll for city taxes, or the lessee, tenant or other person having control or possession of the property.
- (d) "Person" means any individual, partnership, corporation, association or other organization however formed.

*(Ord. 770, 2003).*

#### **9.47.010 - Findings.**

(a) The city council finds and determines that certain detrimental conditions, as set forth in this chapter, are becoming increasingly prevalent and substantial in significance and effect within the city and are injurious or potentially injurious to the public health, safety and welfare of the community by contributing to the problems of, and the necessity for, excessive and disproportionate expenditures for protection against hazards, diminution of property values, prevention of crime, accidents, fire and disease, and the protection of the community in a manner which is not offensive to the senses and which does not interfere with the comfortable enjoyment of life and property.

- (b) The city council further finds and determines that the uses and abuses of property as described in this chapter reasonably relate to the proper exercise of police power to protect the health, safety and welfare of the public, and are reasonably encompassed within the purview of the authorization granted by the California Government Code and State Constitution, and that unless corrective measures are undertaken to alleviate such present conditions, and particularly to avoid future problems in this regard, the socio-economic standards of this community will be depreciated.
- (c) It is further found and determined that the abatement of such conditions will enhance the appearance, appreciate the values and appearances of neighboring properties and benefit the use the enjoyment of properties in the city and will ultimately improve the tax base, and that the abatement procedures set forth in this chapter are reasonable and afford the required due process.

*(Ord. 770, 2003).*

#### **9.47.020 - Public nuisances designated.**

The following acts and conditions, when performed or existing upon within the city, are hereby defined and declared to be public nuisances when of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or which have a tendency to degrade the appearance and property values of surrounding property, or which cause damage to public rights-of-way, or which affect at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal:

- (a) Fire Hazards. Any combustible refuse or waste or any material growing or placed upon a street, sidewalk or private property within the city which, by reason of its size, manner of growth, placement, or location, constitutes a fire hazard to a building, improvement, crop or other property or, when dry, will in reasonable probability constitute a fire hazard. Also, any dry, dead, decayed, diseased, hazardous or overgrown trees, weeds or other vegetation, including, but not limited to, any of the following:
  - (1) Vegetation likely to harbor rats, vermin and other nuisances.
  - (2) Vegetation causing or adding to a fire hazard.
  - (3) Vegetation causing detriment to neighboring properties, or out of conformity with neighboring community standards to such an extent as to result in appreciable diminution of property values.
- (b) Hazardous Obstructions. An obstacle, landscaping or thing installed or maintained in the side yard setback area as defined in the zoning ordinances reaching a height higher than four feet above the adjoining top of curb at the applicable corner of the street intersection, or three feet above the nearest pavement surface where there is no curb, or the existing traveled roadway at the corner in question where there is no curb or pavement. Hazardous obstructions do not mean existing or future permanent buildings, otherwise constructed or maintained in accordance with applicable building and zoning regulations, public utility poles, trees trimmed at the trunk at least nine feet above the level of the ground surface; provided, trees are spaced so that trunks do not obstruct the vision of motorists.
- (c) Polluted Water. A swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" means water contained in a swimming pool, pond or other body of water, which includes but is not limited to bacterial growth, including algae, remains of deceased animals, reptiles, rubbish, refuse, debris, papers and other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.
- (d) Land where erosion, subsidence or surface water drainage problems exist.
- (e)
  - (1) Debris, rubbish and trash. The accumulation or storage of junk, trash, rubbish, garbage, salvageable materials or debris including, but not limited to: tires, lumber, household appliance or parts thereof, furniture, sinks, toilets, cabinets or other household fixtures, equipment or parts thereof, packing boxes, pallets, trimmings from lawns, trees and flower gardens, ashes, rags, paper, straw, bottles, crockery, metal vessels, brick, stones or any other combustible or noncombustible waste material; which constitute a fire or safety hazard and/or are stored or accumulated in such a manner as to constitute visual blight or to be visible from a public right-of-way or adjoining property or likely to harbor rats, vermin or other nuisances.
  - (2) Automotive Parts. Automobile motors, transmissions and all other automotive parts or accessories stored anywhere other than a fully enclosed space, carport, garage (public or private) or an approved automobile wrecking yard.
- (f) Material or items of any nature stored on rooftops when visible from the public rights-of-way;

- (g) Maintenance of Property. It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon:
- (1) Buildings or structures which are abandoned, boarded up, partially destroyed or left in a state of partial construction for a period of more than thirty days.
  - (2) Unpainted buildings or structures causing dry rot, warping and termite infestation,
  - (3) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.
  - (4) Building or structure exteriors, walls, fences, driveways, walkways and parking areas which are maintained in such condition of disrepair or deterioration that they cause depreciation of the values of surrounding property or are materially detrimental to nearby properties and improvements.
  - (5) Any device, decoration, design, fence, structure, clothesline or vegetation, which is unsightly by reason of its condition or its inappropriate location. This includes any fence that is in a condition of dilapidation or disrepair, which severely leans or is in danger of collapse due to the elements, pest infestation, dry rot or other damage.
  - (6) Obstruction or encroachment on any public property, including but not limited to any public street, public alley, highway, right-of-way, park, building, or other land dedicated to public use.
  - (7) Stacking or storage of any combustible material, including but not limited to wood, wood chips, tree trimmings or cuttings, composting, firewood, and any material which would increase or may cause an increase of the hazard or menace of fire, in front yards or side yards, or prohibited portions of rear yards, or on any portion of public property. Stacking or storage of such materials should be in the rear yard at a distance of at least five feet or more from any and all sides of a habitable buildings.
- (h) Attractive nuisances dangerous to children in the form of:
- (1) Abandoned and/or broken equipment;
  - (2) Hazardous pools, ponds and excavations;
  - (3) Neglected machinery, broken or discarded furniture and household equipment, stoves, refrigerators, freezers, cans, packing boxes and similar debris;
  - (4) Any attractive nuisance which may prove detrimental to children or inquisitive to minors, whether in a building, on the premises of a building, or upon an unoccupied lot or parcel. This includes, but is not limited to, any abandoned wells, shafts, basements or excavations; abandoned refrigerators, and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation;
  - (5) Clotheslines in front yards;
  - (6) Garbage or trash cans or containers stored in front yards should be covered and not visible from public streets and not cause offensive odors to neighbors;
- (i) Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such a manner as to constitute a public nuisance as defined in Civil Code Section 3480.
- (j) Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements and constitute a fire hazard.
- (k) Temporary signs which advertise or are related to events which have already taken place.
- (l)

Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property value of such adjacent properties.

- (m) Property maintained (in relation to surrounding property) so as to establish a prevalence of depreciated values, impaired investments, and social economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein.
- (n) Any building, driveway or structure which has any of the following conditions or defects to a significant degree:
  - (1) Whenever any portion thereof has been damaged by earthquake, wind, flood, or by any other cause, in such a manner that the structural strength or stability thereof is appreciably less than the minimum requirements of this code for a new building or similar structure, purpose, or location;
  - (2) Whenever any portion or member or appurtenance thereof is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property;
  - (3) Whenever any building, portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting wind pressure, earthquake forces, liveload or deadload as specified in the Uniform Building Code without exceeding the stressed permitted in the Uniform Building Code.
  - (4) Whenever any portion of any building or structure or any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake that is required in new construction;
  - (5) Whenever the building or structure or any portion thereof, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause is likely to completely collapse or some portion of the foundation or underpinning is likely to fall or give way;
  - (6) Whenever, for any reason whatsoever, the building or structure, or any portion thereof is unsafe for the purpose for which it is used;
  - (7) Any building which meets the definitions of a substandard building in Chapter 10 () of the Uniform Housing Code;
  - (8) Buildings or structures maintained in violation of Section 203(a) of the Uniform Building Code.

*(Ord. 770, 2003).*

#### **9.47.030 - Notice by city.**

Whenever the city staff becomes aware that a nuisance, as defined by Section 9.47.020 (), exists on any premises within the city, the city manager, or his designee, shall advise the property owner of the nuisance and direct him to abate the nuisance. The property owner shall be notified of the existence of the nuisance in writing by registered mail. The notification shall detail the violations and establish a reasonable abatement period, which, if not otherwise specified, shall be fifteen days. The notice may require the premises be rehabilitated or the building or structure on the property be repaired or demolished in order to abate a public nuisance on the property.

*(Ord. 770, 2003).*

**9.47.040 - Voluntary abatement.**

The owner or tenant of any building, structure of property found to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period by rehabilitation, removal or demolition. The city manager shall be advised of the abatement by the owner or tenant and the city manager, or his representative, shall inspect the premises to insure the nuisance has, in fact, been abated.

*(Ord. 770, 2003).*

**9.47.050 - Failure to voluntarily abate.**

If a nuisance is not properly abated within the period established under the provisions of Section 9.47.030 (), the planning commission shall hold a public hearing to determine if the nuisance should be abated under the police powers of the city.

*(Ord. 770, 2003).*

**9.47.060 - Public hearing—Notice—Service.**

A written notice of public hearing, substantially in the form established in Section 9.47.070 (), shall be served on the property owner at least ten days prior to the date set for the planning commission public hearing. The notice may require the premises be rehabilitated or the building or structure on the property be repaired or demolished in order to abate a public nuisance on the property. Service shall be made by personal service upon the owner or by certified or registered mail. If there is no known address for the owner, the notice shall be sent in care of the property address. "Owner," as used in the chapter, means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. The failure of any person to receive such notice shall not affect the validity of the proceedings.

*(Ord. 770, 2003).*

**9.47.070 - Public hearing—Notice—Form.**

Notice substantially in the following form shall be given as provided in Section 9.47.050 ()

**NOTICE OF PUBLIC HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR IN PART**

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, the Planning Commission of the City of Yreka will hold a public hearing at \_\_\_\_\_ to ascertain whether certain premises situated within the City of Yreka, State of California, known as \_\_\_\_\_ constitutes a public nuisance subject to abatement by rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or in part, are found to constitute a public nuisance as defined by Section \_\_\_\_\_ of Ordinance No. \_\_\_\_\_ and if same are not promptly abated by the owner such nuisance may be abated by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such premises and such cost will constitute a lien upon such land until paid.

Said alleged violations consist of the following:

\_\_\_\_\_  
\_\_\_\_\_

Said methods of abatement available are:

\_\_\_\_\_

\_\_\_\_\_

All persons having any objections to, or in said matters are hereby notified to attend a hearing before the Planning Commission of the City to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, at the hour of \_\_\_\_\_ M. when their testimony and evidence will be heard and given due consideration.

Dated: This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_

**CHAIRMAN**  
**PLANNING COMMISSION**

*(Ord. 770, 2003).*

**9.47.080 - Public hearing—Conduct.**

At the time and place stated in the notice of public hearing the planning commission shall hear and consider all relevant evidence, objections or protests and shall receive testimony for owners, witnesses, city personnel and interested persons relative to such alleged public nuisance and to propose abatement measures. The hearing may be continued from time to time. The planning commission may find after hearing that the premises be rehabilitated or the building or structure on the property be repaired or demolished in order to abate a public nuisance on the property.

*(Ord. 770, 2003).*

**9.47.090 - Appeal procedure—Hearing by city council.**

(a) The owner may appeal the planning commission's findings and order to the city council by filing an appeal with the city clerk within seven calendar days of the date of the service of the planning commission decision. The appeal shall contain:

- (1) A specific identification of the subject property;
- (2) The names and addresses of all appellants;
- (3) A statement of appellant's legal interest in the subject property;
- (4) A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
- (5) The date and signatures of all appellants; and
- (6) The verification of at least one appellant as to the truth of the matters stated in the appeal.

(b) As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be not less than seven calendar days nor more than thirty calendar days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and the place of the hearing at least five calendar days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuance of the hearings may be granted by the council on request of the owner for good cause shown, or on the council's own motion.

*(Ord. 770, 2003).*

**9.47.095 - Hearing procedure before the city council.**

(a) All hearings shall be tape recorded.

- (b) Hearings need not be conducted according to the technical rules of evidence.
- (c) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil action in courts of competent jurisdiction in this state.
- (d) Oral evidence shall be taken only on oath or affirmation.
- (e) Irrelevant and unduly repetitious evidence shall be excluded.
- (f) Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event less than thirty days. The decision and order of the council shall be final.

*(Ord. 770, 2003).*

#### **9.47.100 - Judicial appeal.**

Any owner or other interested person having any objections or feeling aggrieved at any proceedings taken on appeal by the city council in ordering the abatement of any public nuisance under the provisions of this chapter must bring an action to contest such decision within fifteen days after the date of such decision of the city council. Otherwise, all objections to such decisions shall be deemed waived.

*(Ord. 770, 2003).*

#### **9.47.110 - Service of abatement order.**

Within five days following the city council's decision, the property owner and/or person having charge or control of the premises shall be served with a copy of the written order of the city council in the manner provided in Section 9.47.060 ()

*(Ord. 770, 2003).*

#### **9.47.120 - Abatement by property owner.**

The property owner, or person having charge or control of the property, may at his own expense, abate the nuisance as prescribed by the order of the city council prior to the expiration of the abatement period set forth in the order. If the nuisance has been inspected by the city manager and has been abated in accordance with the order, proceedings shall be terminated.

*(Ord. 770, 2003).*

#### **9.47.130 - Abatement by city.**

(a) If such abatement is not abated as ordered with the abatement period, the city manager shall cause the same to be abated by city employees or private contract. The city manager or his representative is expressly authorized to enter upon said property for such purposes. The city manager or his representative is authorized to remove from the premises and dispose of or destroy such property as is necessary and take such other actions as required to fulfill the purposes of the abatement order. The cost, including incidental expenses of abating the nuisance shall be billed to the owner and shall become due

and payable thirty days thereafter. The term "incidental expenses" means and includes, but is not limited to, personnel costs, both direct and indirect, including attorney's fees for the prevailing party if the city should request attorney's fees at the initiation of the action; costs incurred in documenting the nuisance; the actual expenses and costs of the city in preparation of notices, specifications and contracts, and in inspecting the work; and the cost of printing and mailing required hereunder.

- (b) A person shall not obstruct, impede, or interfere with the city manager or his representative, or with any person who owns, or holds any interest or estate in any property in the performance of any necessary act, preliminary to or incidental to, carrying out an abatement order issued pursuant to Sections 9.47.090 () and 9.47.110 ()

(Ord. 770, 2003).

#### **9.47.135 - Demolition.**

(a) No property shall be found to be a public nuisance under Section 9.47.020 () and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance.

- (b) A copy of any order or resolution requiring abatement by demolition under this Section 9.47 (), Title 9 () of this Code, shall be forthwith recorded with the county recorder.

(Ord. 770, 2003).

#### **9.47.140 - Cost of abatement.**

(a) The city manager, shall keep an account of the costs (including incidental expenses) of abating such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the city council showing the cost of abatement or repairing of such premises, buildings or structures, including any salvage value relative thereto; provided, that before the report is submitted to the city council, a copy of the same shall be served in accordance with Section 9.47.060 (), upon the property owner together with a notice of the time when the report will be heard by the city council for confirmation.

- (b) The city council shall set the matter for public hearing to determine the corrections or reasonableness, or both, of such costs.
- (c) Proof of service shall be made by declaration under penalty of perjury filed with the city clerk.
- (d) "Incidental expenses" includes, but is not limited to, the actual expenses and costs to the city in the preparation of notice, specifications and contracts, and in inspecting the work, and the cost of printing and mailing required under this chapter.

(Ord. 770, 2003).

#### **9.47.150 - Costs of abatement—Hearing.**

At the time and place fixed for receiving and considering the report the city council shall hear and pass upon the report of such costs of abatement required by Section 9.47.140 (), together with any objections or protests. Thereupon, the city council may make such revision, corrections or other modifications in the report as it may deem just after which, by motion, the report, as submitted or as revised, corrected or modified, shall be confirmed. The decision of the city council on all protests and objections which may be made shall be final and conclusive.

(Ord. 770, 2003).

#### **9.47.155 - Protests and objections.**

(a) Any person liable to be assessed for the cost of an abatement action may file a written protest or objection to the city manager's report prepared under Section 9.47.140 () with the city clerk at any time prior to the time set for hearing. The city clerk shall endorse each protest or objection received and shall present such protests or objections to the city council at the time set for hearing. No other protests or objections shall be considered.

(b) Upon the day and hour fixed for the hearing of protests and objections by the city council, the council shall hear and act upon the city manager's statement and upon the protests or objections of those liable to be assessed for the cost of abatement. The modifications to the statement as it may deem just and thereafter shall confirm the statement by motion or resolution. The decision of the city council on all protests and objections which may be made shall to final and conclusive.

(Ord. 770, 2003).

**9.47.160 - Costs of abatement—Assessment.**

(a) The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of liens, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.

(b) After such confirmation and recordation, a copy may be turned over to the tax collector for the city, whereupon it shall be the duty of the tax collector to add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for municipal purposes, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or, after such recordation, such liens may be foreclosed by judicial or other sale in the manner and means provided by law.

(c) Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of City of Yreka)

Pursuant to the authority vested by the provisions of Section \_\_\_\_\_ of Ordinance Number 770 of the City of Yreka, the City Council of the City of Yreka did on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described to be repaired or demolished in order to abate a public nuisance on said property; and the City Council of the City of Yreka did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Yreka does hereby claim lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$\_\_\_\_\_, and the same shall be a lien upon said real property until same has been paid in full and discharged of record.

The real property hereinafter mentioned and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Yreka, State of California, and particularly described as follows:

(DESCRIPTION)

DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

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CITY OF YREKA MAYOR

*(Ord. 770, 2003).*

**9.47.170 - Mailing of notices.**

Except as otherwise provided, all notices required to be in writing under this chapter shall be by first class mail, postage prepaid.

*(Ord. 770, 2003).*

**9.47.180 - Violation—Penalty.**

(a) The owner or other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this chapter, or who violates any order of abatement served as provided in Section 9.47.110 (), is guilty of a misdemeanor.

(b) Any occupant or lessee in possession of any such building or structure who fails to vacate the building or structure in accordance with an order given as provided in this chapter is guilty of a misdemeanor.

(c) Any person who removes any notice or order posted as required in this chapter, for the purpose of interfering with the enforcement of the provisions of this chapter, is guilty of a misdemeanor.

(d) Any person who obstructs, impedes or interferes with any representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished, or with any person to whom the building has been lawfully sold pursuant to the provisions of this chapter, when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance, is guilty of a misdemeanor.

*(Ord. 770, 2003).*

**9.47.190 - Alternative proceedings.**

Nothing in this chapter shall be deemed to prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil Code or Penal Code provisions as an alternative to the proceedings set forth in this chapter.

*(Ord. 770, 2003).*

**9.47.195 - Emergency abatement.**

(a) Whenever any nuisance as defined herein constitutes an immediate hazard to life, health or property and, in the opinion of the planning commission or their designee, abatement must be undertaken within less than the designated period, the planning commission may abate, or cause to be abated all or any portion of the nuisance as may be necessary to protect life, health or property after giving such notice to the parties concerned as the circumstances will permit or without any notice whatever when, in the opinion of the planning commission or their designee, immediate action is necessary.

(b) Whenever an emergency abatement action is taken pursuant to the preceding section, the planning commission or their designee shall submit to the city council a written report indicating the location of the nuisance and the reasons requiring emergency abatement thereof. A copy of this report shall a [be] attached to or included as a part of notice to the owner of record when notice is given as previously provided in this chapter.

*(Ord. 770, 2003).*

## Chapter 9.48 - MISCELLANEOUS OFFENSES

### Sections:

#### FOOTNOTE(S):

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7. See Section 6.08.140

--- () ---

8. See Chapter 9.20.

#### **9.48.010 - Nuisance declared.**

Any of the following acts and things as set out in this chapter committed or being within the city are declared to be nuisances.

*(Ord. 1 § 86, 1888).*

#### **9.48.020 - Depositing rubbish or garbage on private.**

No person shall throw into or deposit upon any public highway, alley, or grounds, or upon any private premises, or anywhere except in such places as may be designated for that purpose by the chief of police, any filth, garbage, broken glass, rubbish, or refuse of any kind. Nor shall any rubbish, garbage, filth, or vegetable matter be allowed to remain on any private premises when the same emit any noxious odor in any way prejudicial to the public health.

*(Ord. 1 § 87, 1888).*

#### **9.48.030 - Dead animals.**

No person or persons shall deposit, or cause to be deposited in any street, alley, or lot within the limits of the city, any dead animal whatever.

*(Ord. 1 § 88, 1888).*

#### **9.48.040 - Water closets, cesspools.**

No person shall suffer or permit any premises belonging to or occupied by him, or any water closet, cesspool, gutter, or private drain therein or thereon, to become foul or offensive, or by reason of defective construction, or want of repair, to be liable to emit any gas or effluvium prejudicial to public health or comfort.

*(Ord. 1 § 89, 1888).*

#### **9.48.050 - Reserved.**

#### **Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.050 (), which pertained to slaughterhouses, and derived from Ord. 1, 1888.

#### **9.48.060 - Reserved.**

**Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.060 (), which pertained to other offensive acts, and derived from Ord. 1, 1888.

**9.48.070 - Penalty for violation of Sections 9.48.020—9.48.040.**

Any person or persons committing, maintaining or permitting any nuisance mentioned in Sections 9.48.020 ()—9.48.040 is punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 92, 1888).*

*(Ord. No. 824, § 7, 6-2-2011)*

**9.48.080 - Keeping gun powder, kerosene oil.**

No person shall have or keep any gun powder, nitroglycerine, dynamite, fireworks, kerosene oil, or other explosive substances or articles within the limits of the city except upon a written permit from the mayor, chief engineer of the fire department, and clerk, which permit shall specify the place where any such substance may be kept and the amount allowed to be kept. Any person keeping any such substance under such permit in a dangerous or improper manner shall forfeit his permit.

*(Ord. 1 § 95, 1888).*

**9.48.090 - Penalty for violation of Section 9.48.080.**

Any person or persons violating any of the provisions of Section 9.48.080 () shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 96, 1888).*

**9.48.100 - Reserved.****Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.100 (), which pertained to stacking or piling hay or straw, and derived from Ord. 1, 1888.

**9.48.110 - Reserved.****Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.110 (), which pertained to penalty for violation of § 9.48.100 (), and derived from Ord. 1, 1888; Ord. 440, 1970.

**9.48.120 - Violating rules and regulations of board of health.**

Any person or persons willfully violating any rule or regulation duly adopted by the board of health shall be punished as provided in Section 6.04.110 (), according to the class of offense to this section.

*(Ord. 1 § 99, 1888).*

**9.48.130 - Reserved.****Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.130 (), which pertained to wash houses and laundries, and derived from Ord. 1, 1888.

**9.48.140 - Reserved.****Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.140 (), which pertained to penalty for violation of § 9.48.130 (), and derived from Ord. 1, 1888; Ord. 440, 1970.

**9.48.150 - Disorderly conduct and other offenses.**

Every person who disturbs the peace and good order of the city by creating or making any loud or boisterous noises, or who engages in quarreling or challenging to fight, or fighting, or in any riotous conduct, or who, upon the public streets, uses any vulgar or obscene language, is punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 102, 1888).*

**9.48.160 - Indecent exposure.**

Every person who indecently exposes his or her person on the street, alley, sidewalk, or place in the city, when exposed to the gaze of the public, within the limits of the city, is punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 103, 1888).*

**9.48.170 - Skateboarding, bicycling and roller skating.**

- (a) It is unlawful for any person to ride a bicycle or skateboard, or to roller skate upon, any sidewalk adjacent to the following streets or to ride a skateboard or roller skate on any of the following streets:
- Main Street (State Route 3 ()) from its intersection with Broadway Street (Post Mile L48.847) to North Street (Post Mile L49.328);
  - Broadway Street from Jefferson Street to North Street;
  - Fourth Street from Yreka Street to West Miner Street;
  - Third Street from Miner Street to North Street;
  - Miner Street from Pine Street to Main Street;
  - West Center Street from Oregon Street to Main Street;
  - Lane Street from Oregon Street to Main Street;
  - Butte Street from Oregon Street to Main Street;
  - South Street from Oregon Street to Main Street;
  - Jackson Street from Oregon Street to Broadway;
  - Jefferson Street from Fourth Street to Broadway;
  - Fourth Street from Yreka Street to Miner Street;
  - Oregon Street from Yreka Street to Miner Street;
  - North Street from Third Street to Main Street.

- (b) It is unlawful for any person to ride a bicycle or skateboard, or to roller skate upon, any public or private property without the consent of the owner or operator when the property is posted in a conspicuous manner that such skateboarding, bicycling, or roller skating is prohibited pursuant to the provisions of this section.
- (c) A violation of this section shall constitute an infraction subject to a fine of not to exceed fifty dollars for the first violation, one hundred dollars for the second violation within one year, and two hundred fifty dollars for each subsequent violation within one year.

*(Ord. 655 § 1, 1990; Ord. 654 § 1, 1990; Ord. 440 § 1 (part), 1970; Ord. 23, 1897; Ord. 11, 1891; Ord. 1 § 105 (2), (3), 1888).*

#### **9.48.180 - Reserved.**

##### **Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.180 (), which pertained to ball playing and other boisterous games, and derived from Ord. 1, 1888; Ord. 440, 1970.

#### **9.48.190 - Opium smoking.**

No person shall, in the city, keep, maintain, or become an inmate of, or visit, or shall in any way contribute to the support of any place, house or room, where opium, or any of its preparations, is smoked, or where persons assemble for the purpose of smoking opium, or inhaling the fumes of opium or any other drug. Any person convicted of a violation of this section is punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 110, 1888).*

#### **9.48.200 - Carrying concealed weapons.**

It is unlawful for any person, not being a public officer or traveler, or not having a permit from the chief of police, to wear or carry concealed, any pistol, dirk or other dangerous or deadly weapons.

*(Ord. 1 § 111, 1888).*

#### **9.48.210 - Penalty for violation of Section 9.48.200.**

Any person violating the provisions of Section 9.48.200 () shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 112, 1888).*

#### **9.48.220 - Permission to carry concealed weapon.**

The chief of police may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, or at other times when deemed prudent or necessary, to carry concealed deadly weapons for his protection.

*(Ord. 1 § 113, 1888).*

#### **9.48.230 - Posting show bills.**

No person shall post any show bills, advertisements, or paper of any kind on any public building, private dwelling, fence, or posts surrounding such buildings without the consent of the proprietors thereof.

*(Ord. 1 § 117, 1888).*

**9.48.240 - Injuries to property.**

No person shall pull up, break down, or injure any of the trees, shrubbery, or grass, or climb, bend, cut, whittle, break or in any manner injure the seats, benches, posts or fences, or commit any nuisance or mischief whatever, upon any property belonging to the city, or upon the private property of another.

*(Ord. 1 § 118, 1888).*

**9.48.250 - Reserved.****Editor's note—**

Ord. No. 824, § 7 (), adopted June 2, 2011, repealed § 9.48.250 (), which pertained to bathing, and derived from Ord. 1, 1888.

**9.48.260 - Penalty for violation of Sections 9.48.230 and 9.48.240.**

Every person convicted of violating any of the provisions of Sections 9.48.230 () and 9.48.240 (), shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 1 § 120, 1888).*

*(Ord. No. 824, § 7, 6-2-2011)*

**9.48.270 - Telegraph, telephone and electric wires.**

No person or persons, corporation or corporations, shall place or cause to be placed, upon any of the streets or alleyways of the city, any pole or poles, from which to suspend any telegraph, telephone, electric light or other wire or wires, across any of such streets or alleyways, without first obtaining permission so to do from the city council. Nor shall any person or persons, corporation or corporations, suspend or cause to be suspended, across any of the streets or alleyways of the city, nor maintain and continue the suspension of, any telegraph, telephone, electric light or other wire or wires across such streets or alleyways, unless such wire or wires at the lowest point or points thereof, be at least twenty feet from the level of such street or streets so crossed thereby. Any violation of this section shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 12, 1891; Ord. 1 § 117 1/2, 1888).*

**9.48.280 - Throwing waste water or refuse on streets.**

It is unlawful for any person, firm or corporation to wash spittoons, cuspidors or other receptacles, or to throw slops, dirty water, paper, or any refuse matter on or upon any of the streets, alleys or public places of the city.

*(Ord. 57 § 1, 1906).*

**9.48.290 - Penalty for violation of Section 9.48.280.**

Any person convicted of the violation of any of the provisions of Section 9.48.280 () shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

*(Ord. 440 § 1 (part), 1970; Ord. 57 § 2, 1906).*

**9.48.300 - Reserved.**

**Editor's note—**

Ord. No. 824, § 2 (), adopted June 2, 2011, repealed § 9.48.300 (), which pertained to prohibiting the standing of teams across any of the sidewalks or crosswalks in the streets of the city, and derived from Ord. 59, 1-9-1907.

**9.48.310 - Reserved.****Editor's note—**

Ord. No. 824, § 2 (), adopted June 2, 2011, repealed § 9.48.310 (), which pertained to penalty for violation of § 9.48.300 (), and derived from Ord. 59, 1-9-1907; Ord. 440, 1970.

**9.48.320 - Reserved.****Editor's note—**

Ord. No. 824, § 2 (), adopted June 2, 2011, repealed § 9.48.320 (), which pertained to enforcement of §§ 9.48.300 () and 9.48.310 (), and derived from Ord. 59, 1-9-1907.

**9.48.330 - Reserved.****Editor's note—**

Ord. No. 824, § 3 (), adopted June 2, 2011, repealed § 9.48.330 (), which pertained to prohibiting telephone, telegraph and electric light poles on Miner Street from its intersection with East Street to its intersection with Gold Street, and derived from Ord. 85, 6-19-1911.

**9.48.340 - Reserved.****Editor's note—**

Ord. No. 824, § 3 (), adopted June 2, 2011, repealed § 9.48.340 (), which pertained to removal of telephone, telegraph and electric light poles found on Miner Street from its intersection with East Street to its intersection with Gold Street, and derived from Ord. 85, 6-19-1911; Ord. 91, 1912.

**9.48.350 - Unlawful entry upon property for the purpose of discharging any archery equipment.**

It is unlawful for any person to enter upon any land belonging to or occupied by another for the purpose of discharging any bow or crossbow or similar archery device without having first obtained the written permission from the owner of such lands or his or its agent, or the person in lawful possession thereof. Any violation of this section shall constitute a misdemeanor.

*(Ord. 610 § 1, 1986).*