

YREKA CITY COUNCIL
AGENDA

February 19, 2015 – 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

PLEDGE OF ALLEGIANCE

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

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

1. Discussion/Possible Action - Consent Calendar: All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
 - a. Approval/ratification of payments issued from February 6, through February 19, 2015.
 - b. Approval of Minutes of the meeting held February 5, 2015.
 - c. Adopt Resolution No. 2015-5 Opting to affirm an exemption from the requirements of mandatory Commercial Organics Recycling.
2. Information/Discussion: An Ordinance of the City Council of the City of Yreka, California Establishing The Private Lateral Inspection and Repair Ordinance.
3. Discussion/Possible Action – Appoint second Councilmember to the Fall Creek Ad Hoc Committee – Councilmember Simmen.

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

3. 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.
4. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager.

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.

Accounts Payable

Manual Check Proof List

User: lysandra
Printed: 02/06/2015 - 12:59PM
Batch: 00002.02.2015



Invoice No	Amount	Payment Date	Description	Check Number	Date	Acct Number	reference
Vendor: 1297	SCOTT VALLEY BANK						
				537	02/03/2015		
02/03/15	536.90	02/03/2015	CREDIT CARD CHARGES 1/15			70-030-0000-526-100	
Total for Check	536.90						
Total for 1297	536.90						
Total Checks:		536.90					

Accounts Payable

Manual Check Proof List

User: lysandra
 Printed: 02/11/2015 - 2:23PM
 Batch: 00003.02.2015



Invoice No	Amount	Payment Date	Description	Check Number	Date	Acct Number	reference
Vendor: 1119	EMPLOYMENT DEVELOPMENT D		<i>DL</i>	538	02/10/2015		
93205946 12/14	569.00	02/10/2015	ACCT 932-0594-6 12/14			01-200-0000-350-000	
93205946 12/14	154.00	02/10/2015	ACCT 932-0594-6 12/14			01-400-1028-350-000	
93205946 12/14	85.00	02/10/2015	ACCT 932-0594-6 12/14			01-400-0000-350-000	
Total for Check	808.00						
Total for 1119	808.00						
Total Checks:		808.00					

Accounts Payable

Computer Check Proof List by Vendor

User: lysandra
 Printed: 02/12/2015 - 8:33AM
 Batch: 00003.02.2015



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1005 77100	AIELLO, GOODRICH & TEUSCHER INV 77100	12,000.00	02/20/2015	Check Sequence: 1 01-030-0000-525-000	ACH Enabled: False
	Check Total:	12,000.00			
Vendor: 3007 802151741	AMERIGAS INV 802151741	511.65	02/20/2015	Check Sequence: 2 80-560-0000-518-002	ACH Enabled: False
	Check Total:	511.65			
Vendor: 1080 506-3519806 506-3534162 506-3548415 506-3562859	ARAMARK UNIFORM SERVICES INC INV 506-3519806 INV 506-3534162 INV 506-3548415 INV 506-3562859	30.09 30.09 30.09 30.09	02/20/2015 02/20/2015 02/20/2015 02/20/2015	Check Sequence: 3 01-350-0000-510-000 01-350-0000-510-000 01-350-0000-510-000 01-350-0000-510-000	ACH Enabled: False
	Check Total:	120.36			
Vendor: 2217 1146	TIMOTHY ASELTINE INV 1146	35.00	02/20/2015	Check Sequence: 4 01-350-0000-520-001	ACH Enabled: False
	Check Total:	35.00			
Vendor: 1645 TRNG 1/13-16 TRNG 1/13-16	STEVE BAKER TRNG 1/13-16 SACRAMENTO TRNG 1/13-16 SACRAMENTO	96.05 48.03	02/20/2015 02/20/2015	Check Sequence: 5 01-010-0000-512-000 01-020-0000-512-000	ACH Enabled: False
	Check Total:	144.08			
Vendor: 6021 1500687 1500860 1500888 1500911	BASIC LABORATORY INC INV 1500687 INV 1500860 INV 1500888 INV 1500911	96.00 96.00 249.00 135.40	02/20/2015 02/20/2015 02/20/2015 02/20/2015	Check Sequence: 6 70-500-0000-420-006 70-500-0000-420-006 80-560-0000-416-001 80-560-0000-416-001	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
1500993	INV 1500993	996.00	02/20/2015	80-560-0000-416-001	
1501153	INV 1501153	135.40	02/20/2015	80-560-0000-416-001	
	Check Total:	1,707.80			
Vendor: 1023	BAXTER AUTO PARTS			Check Sequence: 7	ACH Enabled: False
3011217 11/14	ACCT 3011217 11/14	26.22	02/20/2015	20-390-0000-420-000	
3011217 11/14	ACCT 3011217 11/14	26.22	02/20/2015	01-400-0000-420-000	
3011217 11/14	ACCT 3011217 11/14	26.22	02/20/2015	24-320-0000-520-000	
3011217 12/14	ACCT 3011217 12/14	15.82	02/20/2015	01-400-0000-416-000	
3011217 12/14	ACCT 3011217 12/14	3.96	02/20/2015	20-310-0000-420-503	
	Check Total:	98.44			
Vendor: 1518	BLACK'S APPLIANCES			Check Sequence: 8	ACH Enabled: False
21478	INV 21478	913.71	02/20/2015	01-370-0000-521-000	
	Check Total:	913.71			
Vendor: 3050	CHEVRON & TEXACO CARD SERVICES			Check Sequence: 9	ACH Enabled: False
43518928	INV 43518928	140.96	02/20/2015	01-200-0000-520-310	
43518928	INV 43518928	55.26	02/20/2015	01-350-0000-512-000	
	Check Total:	196.22			
Vendor: 1068	CL POPE CO			Check Sequence: 10	ACH Enabled: False
23462	INV 23462	30.05	02/20/2015	01-400-0000-416-002	
23462	INV 23462	30.05	02/20/2015	70-500-0000-416-000	
23462	INV 23462	30.05	02/20/2015	70-510-0000-416-000	
23462	INV 23462	60.08	02/20/2015	80-550-0000-416-000	
	Check Total:	150.23			
Vendor: 2240	DKF SOLUTIONS GROUP LLC			Check Sequence: 11	ACH Enabled: False
11912	INV 11912	215.38	02/20/2015	01-400-0000-513-000	
11912	INV 11912	430.76	02/20/2015	20-390-0000-513-000	
11912	INV 11912	430.76	02/20/2015	70-500-0000-513-000	
11912	INV 11912	430.76	02/20/2015	80-550-0000-513-000	
11912	INV 11912	215.38	02/20/2015	24-320-0000-513-000	
11912	INV 11912	215.38	02/20/2015	01-080-0000-521-000	
11912	INV 11912	646.20	02/20/2015	70-510-0000-513-000	
11912	INV 11912	215.38	02/20/2015	80-560-0000-513-000	
	Check Total:	2,800.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1109	DOBBY'S LOCK & KEY SHOP			Check Sequence: 12	ACH Enabled: False
7846	INV 7846	32.52	02/20/2015	01-370-0000-516-000	
7850	INV 7850	82.24	02/20/2015	01-400-0000-421-000	
7854	INV 7854	50.00	02/20/2015	01-480-0000-521-000	
	Check Total:	164.76			
Vendor: 1112	JAY DORSEY			Check Sequence: 13	ACH Enabled: False
10-12/14	MUNILOTS 10-12/14	135.00	02/20/2015	20-314-0000-526-000	
10-12/14	MUNILOTS 10-12/14	30.00	02/20/2015	20-314-0000-526-000	
10-12/14	MUNILOTS 10-12/14	120.00	02/20/2015	20-314-0000-526-000	
10-12/14	MUNILOTS 10-12/14	135.00	02/20/2015	01-080-0000-526-000	
	Check Total:	420.00			
Vendor: 1116	DRY CREEK LANDFILL INC			Check Sequence: 14	ACH Enabled: False
2083457	INV 2083457	3,037.68	02/20/2015	80-560-0000-420-006	
	Check Total:	3,037.68			
Vendor: 1902	G & G HARDWARE (WWTP)			Check Sequence: 15	ACH Enabled: False
181078	INV 181078	6.30	02/20/2015	80-560-0000-420-003	
181573	INV 181573	27.17	02/20/2015	80-560-0000-420-003	
181674	INV 181674	1.60	02/20/2015	80-560-0000-420-003	
181681	INV 181681	25.92	02/20/2015	80-560-0000-420-003	
182486	INV 182486	22.20	02/20/2015	80-560-0000-420-003	
182895	INV 182895	17.20	02/20/2015	80-560-0000-420-003	
183262	INV 183262	2.14	02/20/2015	80-560-0000-420-003	
	Check Total:	102.53			
Vendor: 1406	KUBWATER RESOURCES			Check Sequence: 16	ACH Enabled: False
4625	INV 4625	5,365.62	02/20/2015	80-560-0000-416-004	
	Check Total:	5,365.62			
Vendor: 1482	LEAGUE OF CA CITIES			Check Sequence: 17	ACH Enabled: False
4375	INV 4375	50.00	02/20/2015	01-020-0000-511-000	
	Check Total:	50.00			
Vendor: 1203	MCMMASTER-CARR			Check Sequence: 18	ACH Enabled: False
16948547	INV 16948547	64.67	02/20/2015	80-560-0000-521-000	
20687964	INV 20687964	25.63	02/20/2015	80-560-0000-420-003	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
21703003	INV 21703003	487.01	02/20/2015	01-350-0000-520-000	
	Check Total:	577.31			
Vendor: 13Y6403	MEEK'S (PUBLIC WORKS)			Check Sequence: 19	ACH Enabled: False
760660	INV 760660	58.48	02/20/2015	70-500-0000-450-501	
760769	INV 760769	31.12	02/20/2015	20-390-0000-420-011	
761451	INV 761451	12.19	02/20/2015	01-080-0000-521-000	
761825	INV 761825	90.35	02/20/2015	01-400-0000-421-000	
762180	INV 762180	14.74	02/20/2015	01-080-0000-521-000	
762508	INV 762508	91.66	02/20/2015	01-080-0000-521-000	
763867	INV 763867	4.83	02/20/2015	01-350-0000-521-000	
764773	INV 764773	62.21	02/20/2015	01-400-0000-421-000	
764889	INV 764889	26.25	02/20/2015	01-400-0000-421-000	
765510	INV 765510	75.20	02/20/2015	20-312-0000-420-000	
765590	INV 765590	43.96	02/20/2015	20-390-0000-420-011	
765634	INV 765634	13.09	02/20/2015	20-390-0000-420-011	
765851	INV 765851	23.18	02/20/2015	20-390-0000-420-011	
	Check Total:	547.26			
Vendor: 1216	MOUNTAIN AIR HEATING, COOLING & RE			Check Sequence: 20	ACH Enabled: False
6186	INV 6186	245.04	02/20/2015	80-550-0000-521-000	
6516	INV 6516	90.00	02/20/2015	01-480-0000-520-000	
	Check Total:	335.04			
Vendor: 1432	MOUNTAIN READY MIX			Check Sequence: 21	ACH Enabled: False
9831	INV 9831	474.08	02/20/2015	20-390-0000-420-011	
MRM0178	INV MRM0178	1,200.00	02/20/2015	70-500-0000-416-001	
MRM0178	INV MRM0178	1,200.00	02/20/2015	80-550-0000-416-001	
NOV	INV NOV	150.00	02/20/2015	70-500-0000-416-001	
NOV	INV NOV	150.00	02/20/2015	80-550-0000-416-001	
NOV	INV NOV	450.00	02/20/2015	70-500-0000-416-001	
NOV	INV NOV	450.00	02/20/2015	80-550-0000-416-001	
	Check Total:	4,074.08			
Vendor: 1212	MT SHASTA SPRING WATER			Check Sequence: 22	ACH Enabled: False
354036	INV 354036	45.00	02/20/2015	80-560-0000-420-003	
356598	INV 356598	44.85	02/20/2015	80-560-0000-420-003	
	Check Total:	89.85			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1930 2015-9847996-01	FREDERIC ANDY NICHOLS INV 2015-9847996-01	750.00	02/20/2015	Check Sequence: 23 01-020-0000-525-001	ACH Enabled: False
	Check Total:	750.00			
Vendor: 1223 S6233250.001	NORTH COAST ELECTRIC COMPANY INV S6233250.001	126.83	02/20/2015	Check Sequence: 24 20-312-0000-420-000	ACH Enabled: False
	Check Total:	126.83			
Vendor: 1908 2945-279371	O'REILLY AUTO PARTS INV 2945-279371	74.16	02/20/2015	Check Sequence: 25 70-510-0000-420-000	ACH Enabled: False
	Check Total:	74.16			
Vendor: 22019 752935756001 752935756001 753922221001 753922221001 753922221001 753922221001	OFFICE DEPOT INV 752935756001 INV 752935756001 INV 753922221001 INV 753922221001 INV 753922221001 INV 753922221001	19.34 222.31 305.70 48.38 48.38 96.72	02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015	Check Sequence: 26 01-300-0000-515-000 01-030-0000-515-000 01-030-0000-515-000 70-030-0000-515-000 80-030-0000-515-000 01-030-0000-515-000	ACH Enabled: False
	Check Total:	740.83			
Vendor: 1237 1949564	OLIN CORP - CHLOR ALKALI INV 1949564	5,079.50	02/20/2015	Check Sequence: 27 80-560-0000-416-002	ACH Enabled: False
	Check Total:	5,079.50			
Vendor: 1239 14144 14144 14144 14144 14144	ONARHEIM INV 14144 INV 14144 INV 14144 INV 14144 INV 14144	384.00 96.00 96.00 288.00 96.00	02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015	Check Sequence: 28 80-550-0000-416-000 20-310-0000-416-001 24-320-0000-416-001 70-500-0000-416-000 01-400-0000-416-000	ACH Enabled: False
	Check Total:	960.00			
Vendor: 1467 32175	OWEN EQUIPMENT SALES INV 32175	607.38	02/20/2015	Check Sequence: 29 80-550-0000-416-000	ACH Enabled: False
	Check Total:	607.38			
Vendor: 1244	PACIFIC MUNICIPAL CONSULTANTS			Check Sequence: 30	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
41828	INV 41828	4,617.61	02/20/2015	60-390-6035-525-000	
	Check Total:	4,617.61			
Vendor: 16030	PACIFIC POWER			Check Sequence: 31	ACH Enabled: False
56810019 1/15	62665681-001 9 1/15	32.08	02/20/2015	70-520-0000-518-001	
56810027 1/15	62665681-002 7 1/15	367.60	02/20/2015	01-400-0000-518-001	
56810043 1/15	62665681-004 3 1/15	25.68	02/20/2015	01-090-0000-518-001	
56810050 1/15	62665681-005 0 1/15	1,080.17	02/20/2015	01-370-0000-518-001	
56810068 1/15	62665681-006 8 1/15	719.12	02/20/2015	70-510-0000-518-001	
56810076 1/15	62665681-007 6 1/15	7,282.49	02/20/2015	20-312-0000-418-001	
56810100 1/15	62665681-010 0 1/15	1,128.68	02/20/2015	70-510-0000-518-001	
56810118 1/15	62665681-011 8 1/15	1,437.42	02/20/2015	01-210-0000-518-001	
56810142 1/15	62665681-014 2 1/15	10.28	02/20/2015	01-400-0000-518-001	
56810233 1/15	62665681-023 3 1/15	504.36	02/20/2015	01-350-0000-518-001	
56810258 1/15	62665681-025 8 1/15	10,741.56	02/20/2015	80-560-0000-518-001	
56810274 1/15	62665681-027 4 1/15	1,262.41	02/20/2015	01-200-0000-518-001	
56810324 1/15	62665681-032 4 1/15	1,446.76	02/20/2015	01-470-0000-518-001	
56810332 1/15	62665681-033 2 1/15	1,008.32	02/20/2015	01-480-0000-518-001	
56810340 1/15	62665681-034 0 1/15	23.46	02/20/2015	80-560-0000-518-001	
56810415 1/15	62665681-041 5 1/15	1,081.36	02/20/2015	01-020-0000-518-001	
56810506 1/15	62665681-050 6 1/15	296.43	02/20/2015	80-550-0000-518-001	
56810514 1/15	62665681-051 4 1/15	40.13	02/20/2015	20-312-0000-418-001	
56810514 1/15	62665681-051 4 1/15	51.46	02/20/2015	01-420-0000-518-001	
56810654 1/15	62665681-065 4 1/15	173.85	02/20/2015	01-400-0000-518-001	
56810688 1/15	62665681-068 8 1/15	55.85	02/20/2015	01-400-0000-518-001	
	Check Total:	28,769.47			
Vendor: 2044	JOSEPHINE PETERSON			Check Sequence: 32	ACH Enabled: False
1501	INV 1501	3,070.95	02/20/2015	01-220-0000-526-000	
	Check Total:	3,070.95			
Vendor: 1143	RENTAL GUYS REDDING			Check Sequence: 33	ACH Enabled: False
545628-2	INV 545628-2	201.00	02/20/2015	01-350-0000-520-000	
	Check Total:	201.00			
Vendor: 1288	SC COMMUNITY DEVELOPMENT			Check Sequence: 34	ACH Enabled: False
127547 2015	ACCT 127547 2015	270.00	02/20/2015	70-510-0000-535-000	
127683 2015	ACCT 127683 2015	270.00	02/20/2015	70-510-0000-535-000	
127688 2015	ACCT 127688 2015	305.00	02/20/2015	80-560-0000-535-000	
660093 2015	ACCT 660093 2015	180.00	02/20/2015	70-510-0000-535-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	1,025.00			
Vendor: 1729 02/04/15	LINDA SCHAMEL INV 02/04/15	112.50	02/20/2015	Check Sequence: 35 80-560-0000-525-000	ACH Enabled: False
	Check Total:	112.50			
Vendor: 2233 36113123-01	SCHNEIDER ELECTRIC USA INC INV 36113123-01	12,190.50	02/20/2015	Check Sequence: 36 70-510-0000-420-001	ACH Enabled: False
	Check Total:	12,190.50			
Vendor: 1904 TRNG 3/3-5 TRNG 3/3-5	TIM SHAW TRNG 3/3-5 SALEM TRNG 3/3-5 SALEM	219.37 219.36	02/20/2015 02/20/2015	Check Sequence: 37 01-350-0000-512-000 01-210-0000-512-000	ACH Enabled: False
	Check Total:	438.73			
Vendor: 19102 334877 335223 335223	SISKIYOU DISTRIBUTING INV 334877 INV 335223 INV 335223	57.75 181.34 144.78	02/20/2015 02/20/2015 02/20/2015	Check Sequence: 38 80-560-0000-420-003 01-400-0000-416-002 01-400-0000-416-000	ACH Enabled: False
	Check Total:	383.87			
Vendor: 1314 12119	SISKIYOU OPPORTUNITY CENTER INV 12119	290.08	02/20/2015	Check Sequence: 39 70-030-0000-526-000	ACH Enabled: False
	Check Total:	290.08			
Vendor: 19101 18433	SISKIYOU PLUMBING & ELECTRIC INV 18433	58.05	02/20/2015	Check Sequence: 40 01-230-0000-521-000	ACH Enabled: False
	Check Total:	58.05			
Vendor: 1320 01/08/15 10/29/14 10/29/14 10/29/14 10/29/14 10/29/14 10/29/14 10/29/14	DONALD SOLUS PW EXAM - 9684 PW EXAM - 10781 PW EXAM - 10781	85.00 21.50 21.50 0.85 8.50 12.50 12.50 5.95	02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015 02/20/2015	Check Sequence: 41 01-350-0000-510-000 70-500-0000-416-000 80-550-0000-416-000 01-400-0000-416-000 20-310-0000-416-001 20-312-0000-420-000 24-320-0000-416-000 20-390-0000-516-000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
10/29/14	PW EXAM - 10781	0.85	02/20/2015	01-090-0000-516-000	
10/29/14	PW EXAM - 10781	0.85	02/20/2015	20-310-1010-416-001	
10/30/14	PW EXAM - 4256	12.00	02/20/2015	70-500-0000-416-000	
10/30/14	PW EXAM - 4256	12.00	02/20/2015	80-550-0000-416-000	
10/30/14	PW EXAM - 4256	1.00	02/20/2015	01-400-0000-416-000	
10/30/14	PW EXAM - 4256	40.00	02/20/2015	20-310-0000-416-001	
10/30/14	PW EXAM - 4256	10.00	02/20/2015	24-320-0000-416-000	
10/30/14	PW EXAM - 4256	10.00	02/20/2015	20-390-0000-516-000	
	Check Total:	255.00			
Vendor: 1322	SOMAT COMPANY			Check Sequence: 42	ACH Enabled: False
26799	INV 26799	3,863.55	02/20/2015	80-560-0000-420-001	
	Check Total:	3,863.55			
Vendor: 1333	STEINHOFF HEAVY EQUIPMENT & REPAIR			Check Sequence: 43	ACH Enabled: False
34000	INV 34000	56.79	02/20/2015	01-350-0000-520-000	
34010	INV 34010	36.81	02/20/2015	01-350-0000-520-000	
34037	INV 34037	79.53	02/20/2015	01-350-0000-520-000	
34041	INV 34041	328.84	02/20/2015	01-350-0000-520-000	
34069	INV 34069	7.61	02/20/2015	01-350-0000-520-000	
34074	INV 34074	100.00	02/20/2015	01-350-0000-520-000	
	Check Total:	609.58			
Vendor: 1349	UNDERGROUND SERVICE ALERT			Check Sequence: 44	ACH Enabled: False
15001087	INV 15001087	54.00	02/20/2015	70-500-0000-416-000	
15001087	INV 15001087	54.00	02/20/2015	80-550-0000-416-000	
	Check Total:	108.00			
Vendor: 21027	UNITED PARCEL SERVICE			Check Sequence: 45	ACH Enabled: False
84V993025	INV 84V993025	12.00	02/20/2015	70-510-0000-420-000	
84V993035	INV 84V993035	13.22	02/20/2015	80-560-0000-420-003	
84V993045	INV 84V993045	63.28	02/20/2015	80-560-0000-420-003	
84V993514	INV 84V993514	34.61	02/20/2015	80-560-0000-420-003	
	Check Total:	123.11			
Vendor: 2229	URBAN RESTORATION GROUP US INC			Check Sequence: 46	ACH Enabled: False
12861	INV 12861	424.63	02/20/2015	01-400-0000-416-000	
	Check Total:	424.63			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1353	USA BLUE BOOK			Check Sequence: 47	ACH Enabled: False
524468	INV 524468	301.73	02/20/2015	80-560-0000-420-003	
543197	INV 543197	322.18	02/20/2015	80-560-0000-420-003	
543933	INV 543933	429.68	02/20/2015	80-560-0000-420-003	
	Check Total:	1,053.59			
Vendor: 23008	WAL-MART COMMUNITY			Check Sequence: 48	ACH Enabled: False
002083	INV 002083	32.15	02/20/2015	70-510-0000-420-000	
009192	INV 009192	42.87	02/20/2015	70-510-0000-420-000	
	Check Total:	75.02			
Vendor: 25005	YREKA AUTO PARTS			Check Sequence: 49	ACH Enabled: False
1395 1/15	ACCT 1395 1/15	13.14	02/20/2015	01-350-0000-520-000	
1395 1/15	ACCT 1395 1/15	15.11	02/20/2015	01-350-0000-520-000	
1395 1/15	ACCT 1395 1/15	20.40	02/20/2015	01-350-0000-520-000	
1395 1/15	ACCT 1395 1/15	25.79	02/20/2015	01-350-0000-520-000	
	Check Total:	74.44			
Vendor: 25040	YREKA HARDWARE			Check Sequence: 50	ACH Enabled: False
105337	INV 105337	16.05	02/20/2015	70-510-0000-420-000	
105365	INV 105365	20.96	02/20/2015	70-510-0000-420-000	
105372	INV 105372	12.58	02/20/2015	70-510-0000-420-000	
	Check Total:	49.59			
	Total for Check Run:	99,574.59			
	Total of Number of Checks:	50			

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON FEBRUARY 5, 2015

On the 5th day of February 2015, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Deborah Baird, Bryan Foster, Joan Smith Freeman, and David Simmen. Absent – John Mercier.

Mayor Pro-Tempore Foster announced that the closed session has been pulled from the agenda.

Consent Calendar: Mayor Pro-Tempore Foster 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 January 23, through February 5, 2015.
- b. Approval of Minutes of the meeting held January 22, 2015.

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

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

Mayor Pro-Tempore Foster thereupon declared the motion carried.

Adopt Resolution #2015-3 adopting the 2015 Economic Stimulus Program and Suspending Development Impact Fees for up to five Single-Family Building Permits within a 12-month period.

Councilmember Simmen announced his recusal due to a conflict of interest by reason of a foreseeable material financial effect relating to his business as a Contractor with property in Yreka listed for sale advertising developable lots for single-family homes. Councilmember Simmen left his seat at the Council Dias and left the room.

City Manager Steve Baker reported that at the January 6, 2015 meeting, the City Council directed staff to prepare an action item to exempt up to five single-family dwelling permits from development impact fees. The Development Impact Fees (“fees”) were established in 2007. These fees are designed to mitigate the impacts of growth on various City infrastructure and systems. The fees were initially implemented at 25% for a phase in, and then held at 50% as a result of the economic conditions.

Single-family residential fees are approximately \$6,505 per house, assuming a 3/4” water meter. The fees per house, as of January 1, 2015 (rounded), are broken out as follows:

Impact Type	Full fees	50% discounted Fees
1. Public Facilities	\$1,855	\$927
2. Streets	662	331

3. Parks	2,238	1,119
4. Storm Drain	122	61
5. Water	6,306	3,153
6. Wastewater	1,826	913
Total	\$13,009	\$6,505

The proposed Resolution would waive the Development Impact Fees for up to five new Single Family Dwellings that are issued a new building permit in the next 12 months. Building permits under this program would be issued for six months, with a renewal for six months, but not beyond that time period since the purpose is an immediate stimulus.

The overall cost, allocated among various Development Impact Fee funds would be approximately \$32,525 (note that the fees go up annually each January based on Engineering News Record's San Francisco area Construction Cost Index).

Following Council discussion, Councilmember Freeman moved to adopt Resolution No. 2015-3 as amended authorizing the City Manager to amend the Guidelines listed on Exhibit "A" to include the limitation of the 12-month period.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, and Freeman.

Mayor Pro-Tempore Foster thereupon declared the motion carried.

Councilmember Simmen returned to his seat at the Council Dias.

Gather input and create a landscape plan for 116 S. West Street – Councilmember Simmen.

Following Council discussion, Councilmember Simmen moved to direct the City Manager to schedule a date and time for a Special Meeting to hold a workshop with the public.

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

Mayor Pro-Tempore Foster thereupon declared the motion carried

Adopt Resolution #2015-4 making necessary findings pursuant to Government Code Section 7522.56 for Post-Retirement Employment of Darrell Hook and directing the City Manager to execute an agreement regarding such employment, together with any and all other necessary documents.

City Manager Baker reported that Darrell Hook, the City's Project Engineer, retired January 30, 2015. Staff has been considering various options for providing engineering and project management services in the interim, including contracting with other entities, contracting with a firm, and utilizing existing staff.

The City is currently in construction or design of several multimillion-dollar capital projects that Mr. Hook has worked on, including the North Yreka Creek Trail project, the Foothill Drive Project, the Oberlin Road Trail Project and the Wastewater Treatment Plant upgrade. Having Mr. Hook working as a retired CalPERS annuitant would give continuity to these large projects and could help avoid costly delays or mistakes from having his continuing administrative project oversight. The nature of these construction agreements as well as the lending and granting agencies agreements, do not allow for the luxury of project delays due to staffing transition.

The City has considered various options to insure that engineering and construction project management oversight continues on these projects without disruption to meet the City's needs. The most expedient and cost effective way to meet those urgent needs is to allow Mr. Hook to return to work as a retired annuitant immediately for the City. Government Code 7522.56(f) provides that a retiree is eligible for post-retirement employment without the 180-day wait period, if it is urgent. A resolution of the City Council must certify the nature of the employment and that the appointment is necessary to fill a critically needed position before the 180 days has passed.

The Project Engineer, part time salary schedule is currently \$76.38 per hour. It is anticipated that the design and construction phase of these projects will be completed in the spring or summer of 2015.

Following Council discussion, Councilmember Simmen moved to adopt Resolution No. 2015-4 as amended, directing staff to delete the last line in paragraph 3a of the Agreement for Temporary Employment relating to travel time.

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

Mayor Pro-Tempore Foster thereupon declared the motion carried

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

- a) Cash Balances Report – December 2014
- b) Quarterly Treasurer's Investment Report – 2nd Quarter Fiscal Year 2014/2015
- c) Budget of Revenue and Expenditures with Year to Date Actuals through December 2014.
- d) Quarterly Fiscal Performance Report – 2nd Quarter Fiscal Year 2014/2015

Following Council discussion, Councilmember Baird moved to approve the Treasurers' Reports as submitted.

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

Mayor Pro-Tempore Foster thereupon declared the motion carried.

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

Attest:

John Mercier, Mayor
Minutes approved by Council
Motion February 19, 2015

Elizabeth E. Casson, City Clerk



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Steve Baker, City Manager
Agenda title: Resolution 2015-5 Opting to affirm an exemption from the requirements of mandatory Commercial Organics Recycling.
Meeting date: February 19, 2015

Discussion: Assembly Bill 1826 (Chesbro) requires that jurisdictions implement an organic recycling program for businesses by January 1, 2016 and perform education, outreach and monitoring activities, with reports annually to the state. The bill includes an exemption under certain circumstances for counties with populations below 70,000. This applies to Siskiyou County.

The County takes the lead on many recycling activities. On January 20, 2015, the Board of Supervisors approved a resolution exempting the County from the recycling provisions as permitted in the legislation. After consulting with the County, staff believes it would be prudent to mirror the County's action. The County's staff report and supporting material is attached.

The exemption is effective to January 1, 2020, at which time, the state can make a determination on whether to continue to offer the exemption or take other action.

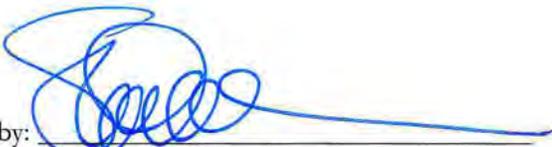
Fiscal Impact

There is no direct fiscal impact to this action. In the absence of this resolution, there would be unknown costs to assess and implement an organic recycling program, particularly by 2019 when the regulations require increasing numbers of businesses to comply.

Requested Action:

That the Council adopt Resolution 2015-5 Opting to affirm an exemption from the requirements of mandatory Commercial Organics Recycling.

Approved by: _____


Steven Baker, City Manager

RESOLUTION NO. 2015-5
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA
OPTING TO AFFIRM AN EXEMPTION FROM THE REQUIREMENTS OF
MANDATORY COMMERCIAL ORGANICS RECYCLING

WHEREAS, The City of Yreka is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and,

WHEREAS, Assembly Bill (AB) 1826 (Chesbro, 2014) was signed into law and requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner beginning April 1, 2016; and,

WHEREAS, AB 1826 requires that jurisdictions implement an organics recycling program for businesses by January 1, 2016, that includes education, outreach, and monitoring activities and reporting annually to the Department of Resources Recycling and Recovery (CalRecycle).

WHEREAS, AB 1826 defines a rural county as a county that has a total population of less than 70,000 persons and includes a provision that allows the board of supervisors of a rural county to adopt a resolution exempting the county from the requirements of Section 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste, based upon findings as to the purpose and need for the exemption; and,

WHEREAS, AB 1826 defines a rural jurisdiction as a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties. If a rural jurisdiction is a city, the city council may adopt a resolution exempting the city from the requirements of Section 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste, based upon findings as to the purpose and need for the exemption; and,

WHEREAS, a business located in a rural jurisdiction that is exempted pursuant to paragraph (2) of subdivision (a) of Section 42649.82 is not required to recycle organics.

WHEREAS, there are 19 counties in California with populations of less than 70,000 persons, which collectively represent 1.4% of the statewide waste stream; and,

WHEREAS, Siskiyou County has a population of 4,5,321 persons as of the Department of Finance's most current population estimates and City of Yreka is located within Siskiyou County; and,

WHEREAS, Siskiyou County does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the county; and,

WHEREAS, with the amounts of organic waste generated in Yreka and the distance to accessible processing facilities, it is not economically feasible for the City to require organics diversion at this time; and,

WHEREAS, with the amounts of organic waste generated in Yreka it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the city; and,

WHEREAS, The City of Yreka is committed to continue to pursue economically feasible alternatives for organics management; and,

WHEREAS, The City of Yreka is committed to encourage businesses to reduce and recycle organics materials; and,

Whereas, CalRecycle determines the state's progress toward reducing the disposal of organic waste; and,

Whereas, if the statewide disposal of organic waste is not decreased to half of the level disposed in 2014, on or after January 1, 2020, this exemption shall become inoperative, unless the department determines that ending rural exemptions will not result in a significant reduction of the disposal of organic waste.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yreka hereby chooses to exempt the City from the requirements of SECTION 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste.

BE IT FURTHER RESOLVED that the City Council reserves the right to rescind this resolution at any time prior to the sunset date of January 1, 2020.

Passed and adopted this 19TH day of February 2015, by the following vote:

AYES:

NAYS:

ABSENT:

John Mercier, Mayor

Attest:

Elizabeth E. Casson, City Clerk

AGENDA WORKSHEET

Submit completed worksheet to:
Siskiyou County Clerk, 510 N Main St, Yreka, CA

Regular Time Requested: 5 minutes Meeting Date: 1/20/15

OR
Consent

Contact Person/Department: Arthur Boyd/ General Services Department Phone: 842-8272

Address: 1312 Fairlane Road, Yreka CA 96097

Person Appearing/Title: Randy Akana/ General Services Department Director - Arthur Boyd/ Recycling Coordinator

Subject/Summary of Issue:

Discussion, direction, and possible action regarding resolution exempting County from the Requirements of Mandatory Commercial Organics Recycling.

AB 1826 Chesbro requires that jurisdictions implement an organics recycling program for businesses by January 1, 2016, and implement education, outreach, and monitoring activities and report annually to CalRecycle, much the same as the mandatory commercial recycling program. Rural counties with a population under 70,000 persons may be exempt from these requirements, according to the provision in paragraph (2) of subdivision (a) of Section 42649.82, this includes the County of Siskiyou. To take advantage of this exemption, the Board of Supervisors must pass a resolution as to the purpose and need for the exemption. AB 1826 does not provide either funding or enforcement for local jurisdictions. Siskiyou County currently lacks existing infrastructure to adequately recycle organic waste at this time, nor does it generate enough organic waste to significantly impact California's statewide reduction goals.

Fiscal Impact:

NO (Skip to Recommended Motion) YES (Complete the Information Below)

Fund: _____	Description: _____
Org.: _____	Description: _____
Account: _____	Description: _____
Activity Code: _____	Amount: _____ Local Preference Purchase: Yes <input type="checkbox"/> No <input type="checkbox"/>

For Contracts – Explain how vendor was selected:

Additional Information: _____

Recommended Motion:

Staff is recommending to the board to approve the attached resolution opting to affirm an exemption from the requirements of Mandatory Commercial Organics Recycling and authorize the chair to sign the resolution.

Reviewed as recommended by policy:
County Counsel <u>Catalina Reed</u>
Auditor _____
Personnel <u>Tom Anderson</u>
CAO _____

Special Requests:

Certified Minute Order(s) _____ Quantity: _____

Other: _____

NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 12:00 p.m. on the Wednesday prior to the Board Meeting.

**Environmental Services Joint Powers Authority
and County of Siskiyou General Services Department Staff Report
for**

Mandatory Commercial Organic Recycling Exemption

Summary

This memo provides information on the requirements of Assembly Bill (AB) 1826 (Chesbro, 2014) regarding mandatory commercial organics recycling and a Resolution for a temporary exemption from the requirements thereof.

Background

Over the last several years, the Legislature has grappled with the issue of mandating the recycling of organic materials. In addition, the California Air Resources Board (ARB) has indicated that it would consider adopting regulations – under their purview associated with the California Global Warming Solutions Act of 2006 (AB 32) - that would restrict or ban the disposal of organic material in landfills in order to reduce greenhouse gases. Specifically for the solid waste sector, the 2013 Scoping Plan Update identified six key recommended actions. The most significant as to the impacts to rural counties and the priority to ARB and the Department of Resources Recycling and Recovery (CalRecycle) is the first one:

ARB and CalRecycle will lead the development of program(s) to eliminate disposal of organic materials at landfills. Options to be evaluated will include: legislation, direct regulation, and inclusion of landfills in the Cap-and-Trade Program. If legislation requiring businesses that generate organic waste to arrange for recycling services is not enacted in 2014, then ARB, in concert with CalRecycle, will initiate regulatory action(s) to prohibit/phase out landfilling of organic materials with the goal of requiring initial compliance actions in 2016.

In other words, if legislation for organics diversion was not enacted in 2014, ARB was poised to develop regulations under its authority from AB 32. Concerned with statements made by the ARB, a number of solid waste industry stakeholders worked to construct a mandatory organics recycling measure that would have CalRecycle as the lead state entity rather than the ARB.

Following a number of bills that failed passage, in 2014, Assemblyman Wesley Chesbro (D-Humboldt) introduced Assembly Bill (AB) 1826 that requires commercial organic generators to begin diversion and recycling of organics. Local jurisdictions would be required to adopt a mandatory commercial organics recycling program and be responsible for public education and outreach, monitoring, and reporting to CalRecycle, much the same as with the current mandatory commercial recycling.

The Rural County Representatives of California (RCRC) and the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) staff worked closely with the public and private sector solid waste industry, CalRecycle, legislative staff, and Californians Against Waste (CAW) to address a number of concerns and craft a more reasonable and workable version of AB 1826. RCRC/ESJPA maintained a number of principles surrounding AB 1826, mainly, ensuring generators/local governments are not penalized or face costly burdens when an organics

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recycling infrastructure simply does not exist; and providing a temporary reprieve from the mandate for rural county/city solid waste managers in less populated counties where virtually no viable organics recycling can/will occur in the near future.

AB 1826 Recycling of Organic Waste was signed into law September 28, 2014 (attached). The statute requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner. It phases in businesses by the amount of organic waste generated as follows:

- By April 1, 2016 for businesses that generate eight cubic yards or more of commercial organic waste per week
- By January 1, 2017 for businesses that generate four cubic yards or more of commercial organic waste per week
- By January 1, 2019 for business that generate four cubic years or more of commercial **solid** waste per week (the same businesses subject to the mandatory commercial recycling requirements)

AB 1826 also requires that jurisdictions implement an organics recycling program for businesses by January 1, 2016, and implement education, outreach, and monitoring activities and report annually to CalRecycle, much the same as the mandatory commercial recycling program. However, with the mandatory commercial organic recycling program, there are some additional components for the jurisdiction to include in the program. The jurisdiction must identify:

- Existing organic waste recycling facilities within a reasonable vicinity and the capacities available for materials to be accepted at each facility.
- Existing solid waste and organic waste recycling facilities within the jurisdiction that may be suitable for potential expansion or co-location of organic waste processing or recycling facilities.
- Efforts of which the jurisdiction is aware that are underway to develop new private or public regional organic waste recycling facilities that may serve some or all of the organic waste recycling needs of the commercial waste generators within the jurisdiction subject to this chapter, and the anticipated timeframe for completion of those facilities.
- Closed or abandoned sites that might be available for new organic waste recycling facilities.
- Other nondisposal opportunities and markets.
- Appropriate zoning and permit requirements for the location of new organic waste recycling facilities.
- Incentives available, if any, for developing new organic waste recycling facilities within the jurisdiction.
- Identify barriers to siting new or expanded compostable materials handling operations, as defined in paragraph (12) of subdivision (a) of Section 17852 of the Title 14 of the California Code of Regulations, and specify a plan to remedy those barriers that are within the control of the local jurisdiction.

Issue

One of the primary concerns in the development of the legislation was a recognition and acceptance by CalRecycle that if there are no facilities to process organic waste available within a reasonable vicinity, and the local jurisdiction has done what it can to assist in the implementation of the organics recycling program under its control, that the local jurisdiction is not penalized. Language was included in the bill that requires CalRecycle during their jurisdictional reviews to consider the following:

- The availability of markets for collected organic waste recyclables.
- Budgetary constraints.
- In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets.
- The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets.
- The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

During a jurisdiction's review CalRecycle will determine whether the jurisdiction has made a "good faith effort" to implement its selected organic waste recycling program and take into account the above criterion.

A provision was also included in the statute that provides a potential exemption from all requirements of AB 1826 for the smallest counties (counties with a population of less than 70,000) until January 1, 2020, at which time CalRecycle could chose to extend or terminate the exemption. A larger threshold was originally proposed, however the inclusion of the rural county exemption language created a backlash of controversy, primarily from the composting industry and some waste haulers. The two basic objections to the exemption are: (1) to create economic feasible projects, all amounts of organic waste and jurisdictions should be subject to the requirements, and (2) those areas that currently have a composting facility and program in an exempt county will elect to discontinue utilizing the services, thus jeopardizing the investment and viability of the project. Assemblyman Chesbro was pressured to delete the exemption entirely. However the result was the threshold was reduced to a population of 70,000. This includes 19 counties in the exemption provision, representing only 1.4% of the solid waste stream statewide (see attached map).

In order to take advantage of the exemption, the county Board of Supervisor must pass a resolution including findings as to the purpose and need for the exemption. This resolution must be presented to CalRecycle six months before the operative date of the exemption, which means it must be submitted by July 1, 2015. Attached is a resolution exempting Siskiyou County from the mandatory commercial organics recycling.

Staff Recommendation

Siskiyou County does not currently generate enough organic waste to significantly impact California's statewide reduction goals. Moreover, Siskiyou County lacks existing infrastructure such as composting or anaerobic facilities.

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Any organic collection services would face significant operational barriers due to the initial costs of equipment purchases, the distances involved to collect organics in a large geographical area, fuel costs, and staff travel time.

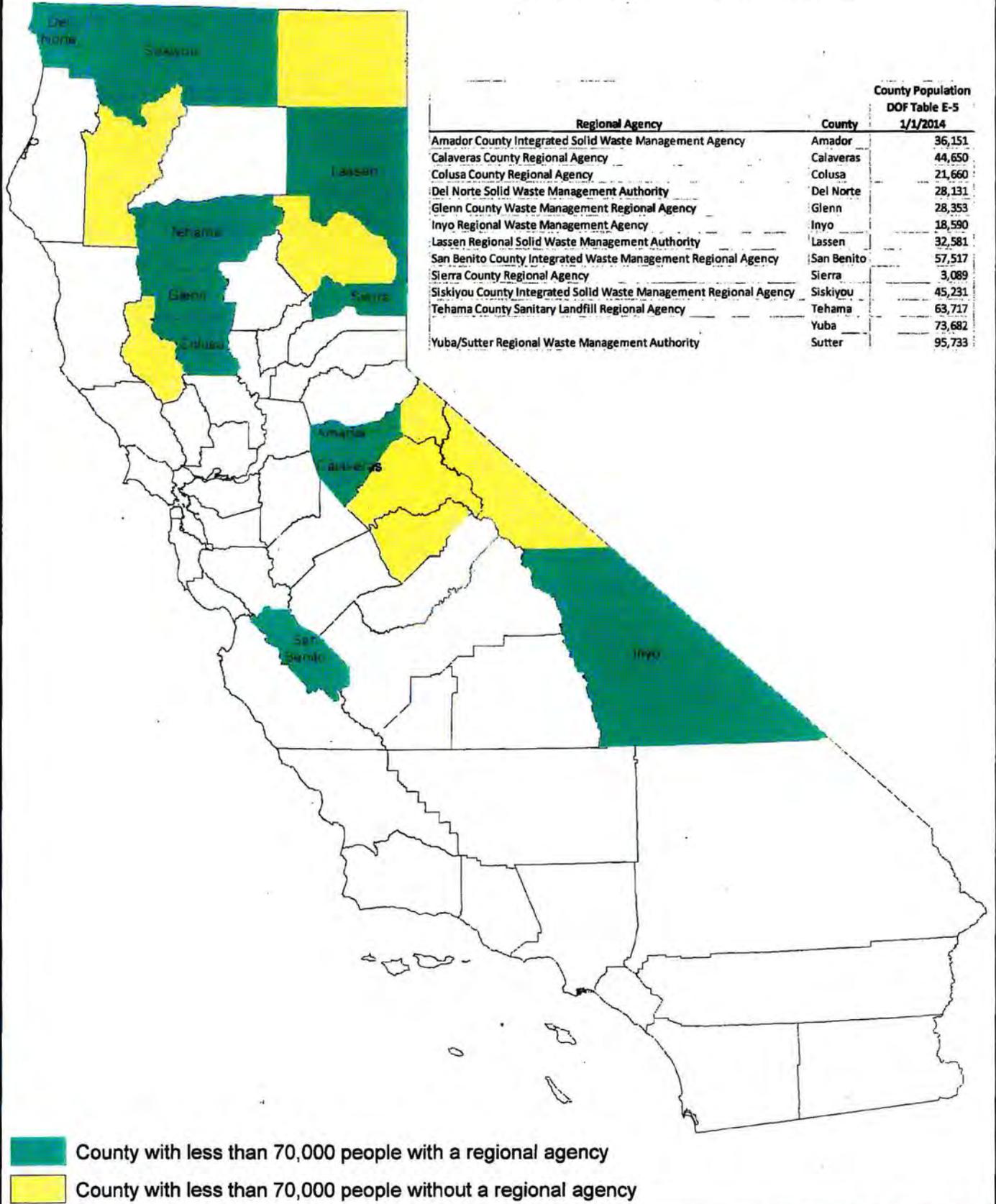
There is currently no existing business in Siskiyou County with trained staff operating a composting facility. Without a paid labor force, organic waste diversion would be restricted to a voluntary and residential basis which greatly reduces organic waste collection opportunities.

Without economically viable systems in place, it is highly recommended that the County of Siskiyou take advantage of the rural exemption from the requirements of Mandatory Commercial Organics Recycling at this time.

Attachments

- Copy of AB 1826 (Chesbro, 2014)
 - Map Depicting Counties with less than 70,000 Population
 - Resolution Opting to Affirm an Exemption from the Requirements of Mandatory Commercial Organics Recycling
-

Counties With Less Than 70,000 Population with a Regional Agency



Regional Agency	County	County Population DOF Table E-5 1/1/2014
Amador County Integrated Solid Waste Management Agency	Amador	36,151
Calaveras County Regional Agency	Calaveras	44,650
Colusa County Regional Agency	Colusa	21,660
Del Norte Solid Waste Management Authority	Del Norte	28,131
Glenn County Waste Management Regional Agency	Glenn	28,353
Inyo Regional Waste Management Agency	Inyo	18,590
Lassen Regional Solid Waste Management Authority	Lassen	32,581
San Benito County Integrated Waste Management Regional Agency	San Benito	57,517
Sierra County Regional Agency	Sierra	3,089
Siskiyou County Integrated Solid Waste Management Regional Agency	Siskiyou	45,231
Tehama County Sanitary Landfill Regional Agency	Tehama	63,717
Yuba/Sutter Regional Waste Management Authority	Yuba	73,682
	Sutter	95,733

County with less than 70,000 people with a regional agency
 County with less than 70,000 people without a regional agency

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SISKIYOU
EXEMPTING THE COUNTY
FROM THE REQUIREMENTS OF MANDATORY COMMERCIAL
ORGANICS RECYCLING**

WHEREAS, Siskiyou County is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and

WHEREAS, in September 2014, Assembly Bill (AB) 1826 (Chesbro) was signed into law and requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner beginning April 1, 2016; and

WHEREAS, AB 1826 requires that jurisdictions implement an organics recycling program for businesses by January 1, 2016, that includes education, outreach, and monitoring activities and reporting annually to the Department of Resources Recycling and Recovery (CalRecycle); and

WHEREAS, AB 1826 allows the board of supervisors of a rural county, defined as a county having a total population of less than 70,000 persons, to adopt a resolution exempting the county from the requirements of Section 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste, based upon findings as to the purpose and need for the exemption; and

WHEREAS, a business located in a rural jurisdiction that is exempted pursuant to Public Resources Code section 42649.82(a)(2) is not required to recycle organics; and

WHEREAS, there are 19 counties in California with populations of less than 70,000 persons, which collectively represent 1.4% of the statewide waste stream; and

WHEREAS, Siskiyou County has a population of 45,231 persons as of the Department of Finance's most current population estimates; and

WHEREAS, Siskiyou County does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the County; and

WHEREAS, with the amounts of organic waste generated in Siskiyou County and the distance to accessible processing facilities, it is not economically feasible for the County to require organics diversion at this time; and

WHEREAS, with the amounts of organic waste generated in Siskiyou County it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the County; and

WHEREAS, Siskiyou County is committed to continue to pursue economically feasible alternatives for organics management; and

WHEREAS, Siskiyou County is committed to encourage businesses to reduce and recycle organics materials; and

WHEREAS, CalRecycle determines the state's progress toward reducing the disposal of organic waste; and

WHEREAS, if the statewide disposal of organic waste is not decreased to half of the level disposed in 2014, on or after January 1, 2020, this exemption shall become inoperative, unless CalRecycle determines that ending rural exemptions will not result in a significant reduction of the disposal of organic waste.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Siskiyou County finds the above recitals to be true and correct.

BE IT FURTHER RESOLVED that based on the foregoing, and based on the report presented by staff, the Board of Supervisors finds that there is a need to exempt the County from the requirements of Section 1, Chapter 12.9 of the Public Resources Code (commencing with Section 42649.8) Recycling of Organic Waste, due to the relatively low volume of organic waste generated in Siskiyou County, the County's lack of suitable infrastructure and facilities for handling organic waste, and the economic infeasibility of implementing such a program in the County at this time.

BE IT FURTHER RESOLVED that pursuant to Public Resources Code section 42649.82 (a)(2)(A), the Board of Supervisors does hereby exempt the County from the above referenced requirements.

BE IT FURTHER RESOLVED that the Board of Supervisors reserves the right to rescind this resolution at any time prior to the sunset date of January 1, 2020.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 20th day of January, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ed Valenzuela, Chair
Siskiyou County Board of Supervisors

ATTEST:
COLLEEN SETZER,
COUNTY CLERK

By _____
Deputy

Assembly Bill No. 1826

CHAPTER 727

An act to add Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 28, 2014. Filed with Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1826, Chesbro. Solid waste: organic waste.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program that requires each county and city and county to prepare and submit to the department a countywide integrated waste management plan. The act requires a business, which is defined as a commercial or public entity, that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of 5 units or more, to arrange for recycling services. Existing law also requires jurisdictions to implement a commercial solid waste recycling program meeting specified elements.

This bill would, commencing April 1, 2016, require a business that generates a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner. The bill would decrease the amount of organic waste under which a business would be subject to those requirements from 8 cubic yards or more to 4 cubic yards or more on January 1, 2017. The bill would also require a business that generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if the department makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020.

This bill would require the contract or work agreement between a business and a gardening or landscaping service to require the organic waste generated by those services to comply with the requirements of this act.

This bill would require each jurisdiction, on and after January 1, 2016, to implement an organic waste recycling program to divert organic waste from the businesses subject to this act, except as specified with regard to rural jurisdictions, thereby imposing a state-mandated local program by imposing new duties on local governmental agencies. The bill would require each jurisdiction to report to the department on its progress in implementing the organic waste recycling program, and the department would be required to review whether a jurisdiction is in compliance with this act.

This bill would authorize a local governmental agency to charge and collect a fee from an organic waste generator to recover the local governmental agency's costs incurred in complying with this act.

This bill would require the department to identify and recommend actions to address permitting and siting challenges and to encourage the continued viability of the state's organic waste processing and recycling infrastructure, in partnership with the California Environmental Protection Agency and other specified state and regional agencies. The bill also would require the department to cooperate with local jurisdictions and industry to provide assistance for increasing the feasibility of organic waste recycling and to identify certain state financing mechanisms and state funding incentives and post this information on its Internet Web site.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 12.9 (commencing with Section 42649.8) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.9. RECYCLING OF ORGANIC WASTE

42649.8. For purposes of this chapter, the following terms shall apply:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial waste generator" means a business subject to subdivision (a) of Section 42649.2.

(c) "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

(d) "Organic waste generator" means a business subject to subdivision (a) of Section 42649.81.

(e) "Rural jurisdiction" means a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties.

(f) "Rural county" means a county that has a total population of less than 70,000 persons.

(g) "Self-hauler" means a business that hauls its own waste rather than contracting for that service and "self-haul" means to act as a self-hauler.

42649.81. (a) (1) On and after April 1, 2016, a business that generates eight cubic yards or more of organic waste per week shall arrange for

recycling services specifically for organic waste in the manner specified in subdivision (b).

(2) On and after January 1, 2017, a business that generates four cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(3) On and after January 1, 2019, a business that generates four cubic yards or more of commercial solid waste, as defined in Section 42649.1, per week, shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(4) On or after January 1, 2020, if the department determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during 2014, a business that generates two cubic yards or more per week of commercial solid waste shall arrange for the organic waste recycling services specified in paragraph (3), unless the department determines that this requirement will not result in significant additional reductions of organics disposal.

(5) A business located in a rural jurisdiction that is exempted pursuant to paragraph (2) of subdivision (a) of Section 42649.82 is not subject to this chapter.

(b) A business subject to subdivision (a) shall take at least one of the following actions:

(1) Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste.

(2) Recycle its organic waste onsite or self-haul its own organic waste for recycling.

(3) Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.

(4) Make other arrangements consistent with paragraph (3) of subdivision (b) of Section 42649.84.

(c) A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance with this section.

(d) A business generating organic waste shall arrange for the recycling services required by this section in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste.

(e) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service shall require that the organic waste generated by those services be managed in compliance with this chapter.

(f) (1) A multifamily residential dwelling that consists of fewer than five units is not a business for purposes of this chapter.

(2) A business that is a multifamily dwelling is not required to arrange for the organic waste recycling services specified in subdivision (b) for food waste that is generated by the business.

(g) If separate organic waste collection and recycling services are not offered through a local ordinance or local jurisdiction's franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services.

42649.82. (a) (1) In addition to the requirements of Section 42649.3, on and after January 1, 2016, each jurisdiction shall implement an organic waste recycling program that is appropriate for that jurisdiction and designed specifically to divert organic waste generated by businesses subject to Section 42649.81, whether or not the jurisdiction has met the requirements of Section 41780.

(2) (A) A county board of supervisors of a rural county may adopt a resolution, as prescribed in this paragraph, to make the rural county exempt from the requirements of this section. If a rural jurisdiction is a city, the city council may adopt a resolution, as prescribed in this paragraph, to make the rural jurisdiction exempt from this section. If a rural jurisdiction is a regional agency comprised of jurisdictions that are located entirely within one or more rural counties, the board of the regional agency may adopt a resolution, as prescribed in this paragraph, to make the rural jurisdiction is exempt from the requirements of this section.

(B) A resolution adopted pursuant to subparagraph (A) shall include findings as to the purpose of and need for the exemption.

(C) A resolution to exempt a rural jurisdiction pursuant to subparagraph (A) shall be submitted to the department at least six months before the operative date of the exemption.

(D) On or after January 1, 2020, if the department determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the 2014 calendar year, all exemptions authorized by this paragraph shall terminate unless the department determines that applying this chapter to rural jurisdictions will not result in significant additional reductions of disposal of organic waste.

(b) If a jurisdiction, as of January 1, 2016, has in place an organic waste recycling program that meets the requirements of this section, it is not required to implement a new or expanded organic waste recycling program.

(c) The organic waste recycling program required by this section shall be directed at organic waste generators and may include, but is not limited to, one or more of the following:

(1) Implementing a mandatory commercial organic waste recycling policy or ordinance that addresses organic waste recycling.

(2) Requiring a mandatory commercial organic waste recycling program through a franchise contract or agreement.

(3) Requiring organic waste to go through a source separated or mixed processing system that diverts material from disposal.

(d) (1) The organic waste recycling program shall do all of the following:

(A) Identify all of the following:

(i) Existing organic waste recycling facilities within a reasonable vicinity and the capacities available for materials to be accepted at each facility.

(ii) Existing solid waste and organic waste recycling facilities within the jurisdiction that may be suitable for potential expansion or colocation of organic waste processing or recycling facilities.

(iii) Efforts of which the jurisdiction is aware that are underway to develop new private or public regional organic waste recycling facilities that may serve some or all of the organic waste recycling needs of the commercial waste generators within the jurisdiction subject to this chapter, and the anticipated timeframe for completion of those facilities.

(iv) Closed or abandoned sites that might be available for new organic waste recycling facilities.

(v) Other nondisposal opportunities and markets.

(vi) Appropriate zoning and permit requirements for the location of new organic waste recycling facilities.

(vii) Incentives available, if any, for developing new organic waste recycling facilities within the jurisdiction.

(B) Identify barriers to siting new or expanded compostable materials handling operations, as defined in paragraph (12) of subdivision (a) of Section 17852 of the Title 14 of the California Code of Regulations, and specify a plan to remedy those barriers that are within the control of the local jurisdiction.

(C) Provide for the education of, outreach to, and monitoring of, businesses. The program shall require the jurisdiction to notify a business if the business is not in compliance with Section 42649.81.

(2) For purposes of subparagraph (A) of paragraph (1), an “organic waste recycling facility” shall include compostable materials handling operations, as defined in paragraph (12) of subdivision (a) of Section 17852 of Title 14 of the California Code of Regulations, and may include other facilities that recycle organic waste.

(e) The organic waste recycling program may include any one or more of the following:

(1) Enforcement provisions that are consistent with the jurisdiction’s authority, including a structure for fines and penalties.

(2) Certification requirements for self-haulers.

(3) Exemptions, on a case-by-case basis, from the requirements of Section 42649.81 that are deemed appropriate by the jurisdiction for any of the following reasons:

(A) Lack of sufficient space in multifamily complexes or businesses to provide additional organic material recycling bins.

(B) The current implementation by a business of actions that result in the recycling of a significant portion of its organic waste.

(C) The business or group of businesses does not generate at least one-half of a cubic yard of organic waste per week.

(D) Limited-term exemptions for extraordinary and unforeseen events.

(E) (i) The business or group of businesses does not generate at least one cubic yard of organic waste per week, if the local jurisdiction provides the department with information that explains the need for this higher exemption than that authorized by subparagraph (C).

(ii) The information described in clause (i) shall be provided to the department with the information provided pursuant to subdivision (f).

(iii) This subparagraph shall not be operative on or after January 1, 2020, if the department, pursuant to paragraph (4) of subdivision (a) of Section 42649.81, determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the 2014 calendar year.

(f) (1) Each jurisdiction shall provide the department with information on the number of regulated businesses that generate organic waste and, if available, the number that are recycling organic waste. The jurisdiction shall include this information as part of the annual report required pursuant to Section 41821.

(2) On and after August 1, 2017, in addition to the information required by paragraph (1), each jurisdiction shall report to the department on the progress achieved in implementing its organic waste recycling program, including education, outreach, identification, and monitoring, on its rationale for allowing exemptions, and, if applicable, on enforcement efforts. The jurisdiction shall include this information as part of the annual report required pursuant to Section 41821.

(g) (1) The department shall review a jurisdiction's compliance with this section as part of the department's review required by Section 41825.

(2) The department also may review whether a jurisdiction is in compliance with this section at any time that the department receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, an organic waste recycling program.

(h) During a review pursuant to subdivision (g), the department shall determine whether the jurisdiction has made a good faith effort to implement its selected organic waste recycling program. For purposes of this section, "good faith effort" means all reasonable and feasible efforts by a jurisdiction to implement its organic waste recycling program. During its review, the department may include, but is not limited to, consideration of the following factors in its evaluation of a jurisdiction's good faith effort:

(1) The extent to which businesses have complied with Section 42649.81, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are complying with Section 42649.81.

(2) The recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, all information, methods, and calculations, and any additional performance data, as requested by the department from the material recovery facilities pursuant to Section 18809.4 of Title 14 of the California Code of Regulations.

(3) The extent to which the jurisdiction is conducting education and outreach to businesses.

(4) The extent to which the jurisdiction is monitoring businesses and notifying those businesses that are not in compliance.

(5) The appropriateness of exemptions allowed by the jurisdiction.

(6) The availability of markets for collected organic waste recyclables.

(7) Budgetary constraints.

(8) In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets.

(9) The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets.

(10) The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

42649.83. (a) If a jurisdiction adds or expands an organic waste recycling program to meet the requirements of Section 42649.82, the jurisdiction shall not be required to revise its source reduction and recycling element or obtain the department's approval pursuant to Article 1 (commencing with Section 41800) of Chapter 7 of Part 2.

(b) If an addition or expansion of a jurisdiction's organic waste recycling program is necessary, the jurisdiction shall include this information in the annual report required pursuant to Section 41821.

42649.84. (a) This chapter does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This chapter does not modify, limit, or abrogate in any manner any of the following:

(1) A franchise granted or extended by a city, county, city and county, or other local governmental agency.

(2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, city or county, or other local governmental agency.

(3) The existing right of a business to sell or donate its recyclable organic waste materials.

(c) Notwithstanding any other requirement of this chapter, nothing in this chapter modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

42649.85. A local governmental agency may charge and collect a fee from an organic waste generator to recover the local governmental agency's costs incurred in complying with this chapter.

42649.86. (a) The department shall identify and recommend actions to address, with regard to both state agencies and the federal government, the permitting and siting challenges associated with composting and anaerobic digestion, and to encourage the continued viability of the state's organic waste processing and recycling infrastructure, in partnership with the California Environmental Protection Agency and other state and regional agencies. These other state and regional agencies shall include, but are not limited to, the State Air Resources Board, the State Energy Resources Conservation and Development Commission, the Public Utilities Commission, the Department of Food and Agriculture, the State Water

Resources Control Board, California regional water quality control boards, and air pollution control and air quality management districts.

(b) The department shall cooperate with local governmental agencies and industry to provide assistance for increasing the feasibility of organic recycling by promoting processing opportunities and the development of new infrastructure of sufficient capacity to meet the needs of generators, and developing sufficient end-use markets throughout the state for the quantity of organic waste required to be diverted.

(c) The department shall identify and post on its Internet Web site state financing mechanisms and state funding incentives that are available for in-state development of organic waste infrastructure to help the state achieve its greenhouse gas reduction goals and waste reduction goals.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Dohn Henion, City Attorney
Agenda title: Information/Discussion: An Ordinance of the City Council of the City of Yreka, California Establishing The Private Lateral Inspection and Repair Ordinance.
Meeting date: February 19, 2015

Discussion: The Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et seq. (also known as the Clean Water Act "CWA") is a federal statute regulating and prohibiting pollution of the nation's lakes, rivers and oceans.

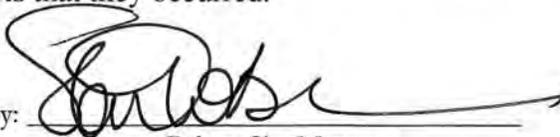
The city sewer system sometimes overflows when heavy rainfall exceeds the storage capacity of sewer pipes and/or wastewater treatment plants, and, as a result, discharge could untreated sewage and storm water into local creeks and rivers. These overflows are called sanitary sewer overflows ("SSOs") The CWA regulates the discharge of SSOs. The federal government has delegated the regulation of SSO to the California's Regional Water Quality Control Board. Heavy rainfall, insufficient capacity, roots, debris, grease, and infrastructure weaknesses are the primary causes of SSOs. Additionally, the presence of roots and defective connections between houses and the City's sewer mains can allow the exfiltration of sewage into the ground and allow the infiltration of groundwater into our treatment plant that can lead to SSOs and treatment inefficiencies.

SSOs can sometimes result in the exposure of the public to raw sewage, which contains disease-causing pathogens. Parts of the City's sewer system are located near waterways and sewage from defective pipes could contribute to the pollution of those watercourses.

The City has expended significant resources over the past five years to ensure its sewer operations and facilities are in compliance with state law and the CWA, and to reduce SSOs.

The City is required by law to notify the Regional Water Quality Control Board whenever an SSO occurs.

The Regional Water Quality Control Board is required by federal law to fine the City for each SSO. When it fails to do so, the Clean Water Act permits third parties to file litigation in District Court to enforce those penalties on the Board's behalf. These third parties are allowed, under the Clean Water Act, to be reimbursed for the costs of their litigation, together with attorneys' fees, if they are able to prove that a single SSO that occurred for which we have not been fined. Obviously, the attorney's fees alone can be a burden on this city's limited revenue stream from our wastewater enterprise fund. It is not difficult for these third parties to prove that an SSO occurred since the City itself reports that they occurred.

Approved by: 
Steven Baker, City Manager

The City was subjected to just such a lawsuit in 2012. We entered a settlement agreement in which the City agreed, among other things, to present to the City Council an ordinance that the City Council consider, prior to March 2015, amendments to the City's Municipal Code to require inspection, repair and/or replacement of sewer laterals by property owners under specified conditions.

When drafting the ordinance it appeared prudent to also provide an effective enforcement process and for the recovery of the City's costs when pursuing enforcement or remediation. This fee component requires a specific statutory process to be followed and we will now be implementing that procedure.

A preliminary draft of the ordinance will be presented prior to the meeting.

Requested Action: This is informational only. Staff will discuss the draft ordinance and answer questions.



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ORDINANCE NO. _____

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

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

SECTION ONE – CLASSIFICATION.

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

SECTION TWO – REPEAL AND SUBSTITUTION.

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

12.16.035 The Private Lateral Inspection and Repair Ordinance

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

12.16.035.020 Purpose. This Private Lateral Inspection and Repair Ordinance establishes regulations for the inspection, testing, repair, replacement, and ongoing maintenance of Private Sewer Laterals. The purpose of this Ordinance is to provide for the operation and maintenance of wastewater conveyance and treatment facilities in a

1 reliable and serviceable manner and to reduce infiltration and inflow
2 into the Public Sewer system.

3
4 12.16.035.030. **Definitions.**

5
6 (1)**City.** The City of Yreka, California.

7
8 (2)**Cleanout.** A pipe fitting and associated piping connected to a
9 Private Sewer Lateral that provides access to the Private Sewer
10 Lateral for purposes of flushing, rodding, cleaning, and other
11 maintenance and diagnostic purposes.

12
13 (3)**Common Interest Development.** A development managed or
14 governed by a Homeowners' Association. Examples of Common
15 Interest Developments may include condominium projects, planned
16 unit developments, community apartment projects (in which the
17 individual units are owned), and stock cooperatives.

18
19 (4)**Compliance Certificate.** Certificates issued by the City upon its
20 determination that all Private Sewer Laterals associated with a
21 parcel have demonstrated compliance with applicable standards by
22 passing a Verification Test.

23
24 (5)**Director.** The Director of Public Works of the City of Yreka, or his
25 or her designated representative.

26
27 (6)**Exemption Certificate.** A certificate issued by the City as
28 described in Section 12.16.035.090. A Property Owner who holds an
29 Exemption Certificate for a given parcel need not obtain a
30 Compliance Certificate for that parcel during the period the
31 Exemption Certificate remains valid.

32
33 (7)**FOG.** Fats, oils and grease.

34
35 (8)**General Waiver.** A status that applies to a Property Owner that
36 relieves the Property Owner from the requirement to perform work
37 on and testing of the Lower Sewer Lateral, or a specified portion of
38 it, where a Satellite presents the City with sufficient evidence that
39 the entire Lower Sewer Lateral was Replaced by the Satellite at any

1 time during the 20 year period preceding a Triggering Event.

2
3 (9) **Homeowners' Association.** A nonprofit corporation or
4 unincorporated association created for the purpose of managing or
5 governing a Common Interest Development and that operates in
6 accordance with governing documents, whether or not the
7 corporation or association is formally designated or commonly
8 referred to as a Homeowners' Association.

9
10 (10) **Limited Waiver.** A document with a definite expiration date
11 issued by a Satellite to a Property Owner for any reason other than
12 the Satellite's prior Repair or Replacement of the Lower Sewer
13 Lateral that relieves the Property Owner from the requirement to
14 perform work and testing on the Lower Sewer Lateral, or a specified
15 portion of it, until the Limited Waiver's expiration date.

16
17 (11) **Lineal Consanguinity Relationship.** A person is in a Lineal
18 Consanguinity Relationship with another person if, and only if, one
19 person is a direct descendent of the other person. The following are
20 examples of Lineal Consanguinity Relationships: parent and child,
21 grandparent and grandchild, and great-grandparent and great-
22 grandchild.

23
24 Persons are not in a Lineal Consanguinity Relationship if neither
25 person is directly descended from the other, even if both persons
26 are descended from a common ancestor.

27
28 The following are not Lineal Consanguinity Relationships: aunt and
29 niece, uncle and nephew, siblings, and cousins of any degree.

30
31 (12) **Local Ordinance Requirements.** All standards or requirements
32 duly adopted by the City, Satellite or a department of a Satellite
33 that relate to the maintenance or condition of Private Sewer
34 Laterals, Lower Sewer Laterals, and/or Upper Sewer Laterals.

35
36 (13) **Lower Sewer Lateral.** The portion of the Private Sewer Lateral
37 extending from the Cleanout near the curb line to the Sewer Main,
38 or from the curb line in the street to the Sewer Main if there is no
39 Cleanout near the curb line. The Lower Sewer Lateral includes the

1 connection to the Sewer Main. A Lower Sewer Lateral is associated
2 with a parcel if it, or any portion of it, is located upon the parcel or
3 conveys sewage and liquid waste from any Structure located on that
4 parcel. More than one Lower Sewer Lateral may be associated with
5 an individual parcel.

6
7 (14) **Non-Sanitary Sewer Connection.** Anything that directly or
8 indirectly conveys storm water, surface water, roof runoff,
9 intercepted groundwater or subsurface drainage into the Sanitary
10 Sewer, including, but not limited to, down spouts, yard drains, sump
11 pumps, or other sources of storm water, run-off or groundwater.

12
13 (15) **Ordinance.** This Private Sewer Lateral Ordinance.

14
15 (16) **Parcel Group.** Two or more contiguous or directly adjacent
16 parcels of real property under common ownership.

17
18 (17) **Permitting Authority.** A city, city department, county or special,
19 Indian Tribe including a Satellite but excluding the City, that
20 regulates buildings, construction, land use, and/or sewers within
21 any portion of the City's wastewater service area.

22
23 (18) **Private Sewer Lateral.** A pipe or pipes and appurtenances that
24 carry wastewater, sewage and/or liquid waste from the Structure(s)
25 served, whether the Structure(s) is or are publicly or privately
26 owned, to the Sewer Main. The Private Sewer Lateral includes both
27 the Upper Sewer Lateral and the Lower Sewer Lateral. A Private
28 Sewer Lateral is associated with a parcel if it, or any portion of it, is
29 located upon the parcel or conveys sewage and liquid waste from
30 any Structure located on that parcel. More than one Private Sewer
31 Lateral may be associated with an individual parcel.

32
33 (19) **Property Owner.** A person that owns a parcel of real property, or
34 that person's authorized representative including a tenant or
35 contractor. As used in this paragraph, "person" means an individual,
36 trust, corporation, nonprofit organization, Homeowners' Association,
37 partnership, Indian Tribe, firm, joint venture, limited liability
38 company, or association. The City of Yreka is not a Property Owner
39 for purposes of this Ordinance. Any person expressly required by

1 applicable Local Ordinance Requirements to obtain a Compliance
2 Certificate from the City or pursuant to this Ordinance is a Property
3 Owner for purposes of this Ordinance.

4
5 (20) **PSL.** Has the same meaning as "Private Sewer Lateral" and is
6 used interchangeably with that term.

7
8 (21) **Remodeling.** Any significant improvement, addition,
9 construction, reconstruction, remodeling, modification or alteration
10 of or to an existing or previously existing Structure with a valuation
11 of Ninety Thousand Dollars (\$90,000) [the "Valuation Amount"] or,
12 without respect to the permit's valuation, the installation of
13 additional plumbing fixtures that produce, in the opinion of the
14 Director, a major increase in sewage flows. The Valuation Amount
15 is based on the value of building costs in the year 2013, the base
16 year of valuation, which valuation will be increased annually in
17 January, based on the previous December, by the estimated costs
18 of the public improvements in accordance with the engineering
19 construction cost index compiled by American Cities, as published
20 by Engineering News Record, for increase in building costs from the
21 period from 2013 to the year that an application for a building
22 permit is received by the City.

23
24 (22) **Repair.** Construction activities performed to bring a Private
25 Sewer Lateral into compliance with this Ordinance and/or applicable
26 Local Ordinance Requirements consisting of the correction of less
27 than the entire Private Sewer Lateral, except a Replacement of the
28 entire Upper and Lower Sewer Lateral is a Replacement and not a
29 Repair if the Property Owner holds General Waiver status.

30
31 (23) **Replacement.** Construction activities performed to bring a
32 Private Sewer Lateral into compliance with this Ordinance and/or
33 applicable Local Ordinance Requirements consisting of the
34 replacement or lining of the complete length of the Private Sewer
35 Lateral, or the complete length of the Upper Sewer Lateral if the
36 Property Owner holds General Waiver status. "Replaced" has the
37 same meaning as "Replacement" where used in this Ordinance.

1 (24) **Sanitary Sewer.** Sewer pipes that convey wastewater from a
2 Structure and to which storm water, groundwater or surface water is
3 not intentionally admitted. The Sanitary Sewer includes Sewer
4 Mains and Private Sewer Laterals.
5

6 (25) **Satellite.** A city, special district or Indian Tribe that owns and
7 operates a sanitary sewer collection system to which a Private
8 Sewer Lateral is connected within the City's wastewater service
9 area. Satellites include the Karuk Indian Tribe.
10

11 (26) **Section.** A section of this Ordinance unless otherwise specified.
12

13 (27) **Sewer Main.** A publicly owned Sanitary Sewer that receives
14 flows from Private Sewer Laterals. The Sewer Main does not include
15 any portion of a Private Sewer Lateral.
16

17 (28) **State of Emergency.** A State of Emergency exists while there is
18 in effect a declaration of emergency within the City's service area or
19 any portion thereof, made by City's governing body or by any
20 person to whom the City Council has expressly delegated that
21 authority, or by any person authorized to declare an emergency of
22 any degree under the California Emergency Services Act (Gov.
23 Code, § 8550 et seq.) a Moratorium or other authorized act of the
24 City or under Federal law.
25

26 (29) **Structure.** Any building or facility that is required to be provided
27 with public sewer service, or that is actually provided with public
28 sewer service, or that is served by a Private Sewer Lateral.
29

30 (30) **Time Extension Certificate.** A certificate issued by the City in
31 connection with a Title Transfer transaction to a Property Owner, or
32 to a transferee, that extends the deadline to obtain a Compliance
33 Certificate for 180 days from the date the Time Extension
34 Certificate is issued.
35

36 (31) **Title Transfer.** The sale or transfer of an entire real property
37 estate or the fee interest in that real property estate, excluding the
38 sale or transfer of partial interest such as a leasehold. The
39 following are not Title Transfers for purposes of this Ordinance:

- 1 (A) a transfer to an heir by a fiduciary in the course of the
2 administration of a decedent's estates, guardianship,
3 conservatorship, or trust;
- 4 (B) a transfer from one co-owner to one or more other co-
5 owners, or from one or more co-owners into or from a revocable
6 trust, if the trust is for the benefit of the grantor or grantors;
- 7 (C) a transfer made by a trustor to fund an inter vivos trust;
- 8 (D) a transfer made to a spouse, or to a registered domestic
9 partner as defined in Section 297 of the Family Code, or to a
10 person or persons in a Lineal Consanguinity Relationship with
11 one or more of the transferors;
- 12 (E) a transfer between spouses or registered domestic
13 partners resulting from a decree of dissolution of marriage or
14 domestic partnership, or resulting from a decree of legal
15 separation or from a property settlement agreement incidental to
16 a decree; and
- 17 (F) a transfer from a Property Owner to a financial institution
18 as a result of a foreclosure or similar process. A transfer from a
19 financial institution to a new Property Owner is a Title Transfer
20 for purposes of this Ordinance.

21
22 (32) **Triggering Event.** Any event described in Section 12.16.035.050
23 that, upon the occurrence of the event and subject to the exceptions
24 listed in that Section, imposes an obligation on a Property Owner to
25 obtain a Compliance Certificate.
26

27 (33) **Upper Sewer Lateral.** The portion of the Private Sewer Lateral
28 extending from the Cleanout near the curb line to the Structure(s)
29 served by that Private Sewer Lateral, or from the curb line in the
30 street to the Structure(s) served by that Private Sewer Lateral if
31 there is no Cleanout near the curb line. The Upper Sewer Lateral
32 includes all portions of the Private Sewer Lateral upon the parcel
33 containing the Structure(s) served. If the parcel contains a sewer
34 pipe system or multiple Private Sewer Laterals, the entire sewer
35 pipe system, including manholes and other appurtenances, and all
36 Private Sewer Laterals are part of the Upper Sewer Lateral to the
37 extent they are located on that parcel.
38
39

1 If a Private Sewer Lateral connects to a rear or side yard Sewer
2 Main located in an easement, or to a manhole, the entire Private
3 Sewer Lateral, including the connection to the Sewer Main or
4 manhole, is an Upper Sewer Lateral. An Upper Sewer Lateral is
5 associated with a parcel if it, or any portion of it, is located upon
6 the parcel or conveys wastewater, sewage and liquid waste from
7 any Structure located on that parcel. More than one Upper Sewer
8 Lateral may be associated with an individual parcel.

9
10 (34) **Verification Test.** A test witnessed by the City's authorized
11 representative(s) to verify that all PSLs associated with the parcel
12 comply with this Ordinance and applicable Local Ordinance
13 Requirements.

14
15 **12.16.035.040. Responsibility and Standards for Maintenance of**
16 **Upper Sewer Laterals.**

17 (1) As a general rule, the property owner at property owner's expense
18 shall maintain all sanitary sewer laterals, including, but not limited
19 to, the building drain, sanitary sewer lateral to the cleanout wye
20 connection or to the City sanitary sewer main as provided below,
21 building cleanout, sidewalk cleanout frame and cover, backflow
22 protection and back-flow relief equipment. The property owner shall
23 provide all maintenance of the sanitary sewer lateral, including the
24 wye connection to a City sanitary sewer main, to ensure
25 unobstructed flow of sewage from the property to the City sanitary
26 sewer main. The property owner shall be responsible for clearing all
27 obstructions in the sanitary sewer lateral immediately upon
28 discovery or notification by the City. When clearing any obstructions
29 in the sanitary sewer lateral or performing any maintenance to the
30 sanitary sewer lateral, the property owner must install a temporary
31 trap downstream of the sanitary sewer lateral to ensure any roots,
32 debris or other items dislodged from the sewer lateral do not flush
33 into the City's sanitary sewer system.

34
35 The City may require property owners to remove roots from private
36 laterals that are growing into lower lateral sewer lines in the
37 sanitary sewer system owned by the City. Where this condition
38 occurs, the City will promptly notify the private property owner.
39 Within one hundred twenty days of receiving notification from the

1 City, the private property owner shall remove the roots from the
2 sanitary sewer lateral, and will make all necessary repairs to the
3 sanitary sewer lateral to prevent a reoccurrence of root intrusion
4 that reaches the City's lower lateral.
5

6 Any sanitary sewer lateral blockage that cannot be mitigated
7 through implementation of reasonable measures by the property
8 owner and/or a licensed professional sanitary sewer cleaning
9 contractor shall be reported to the public works department
10 immediately. The property owner shall reimburse the City for all
11 reasonable costs, as determined by the director of public works,
12 incurred by the City relative to any work or services rendered to
13 remove a blockage or repair or otherwise work on a sewer line
14 facility which is the responsibility of the property owner. The City
15 shall only maintain the sanitary sewer lateral from the cleanout wye,
16 inclusive of the cleanout wye, to the City sanitary sewer main under
17 the following circumstances:
18

19 (A) A cleanout is provided either in the sidewalk, or within two
20 and one-half feet of the face of curb or edge of pavement where
21 there is no sidewalk, or in a side or rear yard within two and one-
22 half feet of the City main; when the cleanout is located outside of
23 these designated areas, the property owner is responsible for
24 maintaining the sanitary sewer lateral all the way to the City
25 sanitary sewer main, including the wye connection at the main.
26 The above maintenance responsibilities shall be conducted in full
27 compliance with all applicable requirements contained in this
28 chapter.

29 (B) Prior to the City's acceptance of maintenance
30 responsibility for that portion of a sanitary sewer lateral from a
31 newly installed cleanout to the main, including the wye
32 connection to the main, the property owner shall be responsible
33 for having this section of lateral inspected internally by a closed
34 circuit television camera and providing these results to the City
35 for review. If the City determines that this section of the lateral is
36 defective and does not meet City's requirements, the property
37 owner shall be required to perform all repairs necessary to bring
38 the condition of the lateral up to City standards. Property owner

1 must obtain an encroachment permit from the City prior to
2 performing any required repairs on the City's right-of-way. The
3 City will accept maintenance responsibility for the section of the
4 lateral from the new cleanout to the main only after both of the
5 following conditions have been met: (1) the City has issued an
6 encroachment permit for the required repairs in the City's right-
7 of-way, and (2) all repair work is completed to the City's
8 satisfaction.

9 Where a property owner, or tenant in the absence of action by
10 the property owner, refuses to mitigate a condition that causes
11 sewage to leak from the sanitary sewer lateral after discovery or
12 notification by the City, or if action is not effective, the City has
13 the option to either make the repairs itself or hire a licensed
14 contractor, all at the owner's expense, to mitigate the condition.
15 If the owner does not make payment, the City may impose a
16 property tax lien to recover all of its costs associated with
17 repairing the leakage.

18 (2) All Upper Sewer Laterals must meet the following standards:

19 (A) The Upper Sewer Lateral shall be kept free from roots,
20 grease deposits, and other solids that may impede or obstruct
21 the flow.

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

23 (C) The Upper Sewer Lateral shall be free of any structural
24 defects such as fractures, cracks, breaks, openings, or missing
25 portions.

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

28 (3) There shall be no Non-Sanitary Sewer Connections to the Upper
29 Sewer Lateral or to any plumbing that connects thereto. Property
30 Owners must maintain all Upper Sewer Laterals associated with
31 their parcels to the extent necessary to ensure the Upper Sewer
32 Laterals meet the standards of this Section and comply with all
33 other requirements of this Ordinance and all applicable Local
34 Ordinance Requirements. Property Owners must perform any Repair
35 or Replacement necessary to ensure the Upper Sewer Laterals meet
36 those standards and requirements.

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12.16.035.050. When a Compliance Certificate is Required.

(1) All Property Owners must obtain a Compliance Certificate at the time and in the manner required by this Section, except for the following:

- (A) Property Owners entitled to an Exemption Certificate under Section 12.16.035.090;
- (B) Property Owners within certain Common Interest Developments governed by Section 12.16.035.100; and
- (C) Property Owners of any parcel or Parcel Group with Private Sewer Laterals totaling greater than 1000 feet, which are governed by Section 12.16.035.110.

(2) **Title Transfer.** If no inspection/replacement of the sewer lateral has occurred within 20 years, before completing a Title Transfer associated with a parcel containing any Structure, either the transferor or the transferee, as negotiated between them shall obtain a Compliance Certificate under Section 12.16.035.090, unless a Time Extension Certificate is obtained as provided in Section 12.16.035.080. After the Title Transfer is complete, the transferee is solely responsible for obtaining a Compliance Certificate. The requirement to obtain Compliance Certificate before Title Transfer in no way affects the legality of the transfer of title in the underlying property transaction.

(3) **Construction or Remodeling.** Whenever a Property Owner submits an application to a Permitting Authority for any permit or other approval needed for the installation of additional plumbing fixtures that produce a major increase in sewage flows from the house, building, property or other structure served or for Remodeling of an existing or previously existing Structure, the Property Owner shall obtain a Compliance Certificate under Section 12.16.035.060 before obtaining a final permit or approval from the Permitting Authority. This paragraph applies to construction and Remodeling if the cost of the permitted work exceeds \$90,000.00, as adjusted.

(4) **Sewer Lateral Replacement/Repair.** Upon replacement or repair of any part of the sewer lateral, or upon significant repair or replacement of the main sewer line connected to the lateral, where

1 evidence exists of issues related to the connected lateral (e.g.,
2 roots from the private lateral visible in the lower lateral or main
3 sewer line, visible offsets or damage), the Property Owner shall
4 obtain a Compliance Certificate under Section 12.16.035.060.

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

7 (6) **Change of use.** Whenever the use of the Structure served changes
8 from residence to business, commercial, or other non-residential,
9 non-restaurant, non-commercial, non-industrial to restaurant,
10 commercial or industrial use.

11 (7) **Vacancy.** Upon the re-initiation of service where the Structure has
12 been vacant/unoccupied for more than three years.

13 12.16.035.060. **How to Obtain a Compliance Certificate.**

14 (1) Whenever a Compliance Certificate is required under this
15 Ordinance, or at any time a Property Owner voluntarily requests a
16 Compliance Certificate, a Property Owner who does not hold a valid
17 Compliance Certificate shall do the following at the Property
18 Owner's expense:

19 (A) **Condition Assessment and Repair or Replacement.** The
20 Property Owner shall take steps to assess the condition of all
21 Private Sewer Laterals associated with the parcel to determine
22 whether the PSLs comply with the standards set forth in Section
23 12.16.035.040, all other requirements of this Ordinance, and all
24 applicable Local Ordinance Requirements. If the PSLs are not in
25 compliance, the Property Owner shall obtain any required
26 permits and perform all Repair or Replacement work needed to
27 bring the PSLs into compliance.

28 (B) **Verification Testing.** After the Property Owner determines
29 through any combination of inspection, Repair and/or
30 Replacement that the PSLs associated with the parcel are in
31 compliance with this Ordinance and applicable Local Ordinance
32 Requirements, and upon payment of the required Compliance
33 Certificate fee and any other applicable fees, the Property Owner
34 shall perform a Verification Test in accordance with the City's
35 procedures in the presence of the City's authorized
36 representative. The City will issue a Compliance Certificate if its

1 authorized representative determines that the Verification Test
2 confirms that all PSLs associated with the parcel are in
3 compliance with this Ordinance and applicable Local Ordinance
4 Requirements, except that Compliance Certificates issued within
5 certain Common Interest Developments under Section
6 12.16.035.100 will be issued on the conditions set forth in that
7 Section.

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

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

11 **(3) Effect of General Waiver.** A Property Owner who holds General
12 Waiver status may obtain a Compliance Certificate without
13 performing condition assessment, Repair or Replacement work, or
14 Verification Testing on the Lower Sewer Lateral.

15 **(4) Effect of Limited Waiver.** If the City has issued a Limited Waiver
16 for the Lower Sewer Lateral or a portion of it, the Property Owner
17 may obtain a Compliance Certificate without performing condition
18 assessment, Repair or Replacement work or Verification Testing on
19 the Lower Sewer Lateral, except such work and testing is required
20 for any portion of the Lower Sewer Lateral not covered by the
21 Limited Waiver.

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

29 **12.16.035.070. Compliance Certificate Term Limits.**

30 **(1) Term Limit.** A Compliance Certificate obtained as a result of
31 Replacement of all PSLs associated with the parcel shall be valid
32 for 20 years from the date of issuance. All other Compliance
33 Certificates shall be valid for 7 years from the date of issuance,
34 except as provided in paragraphs (2) and (3) in Section
35 12.16.035.100 and Section 12.16.035.110(3).

36 **(2) Effect of General Waiver.** A Compliance Certificate obtained by a

1 Property Owner while the Property Owner holds General Waiver
2 status shall be valid for a specified period as follows:

3 A Compliance Certificate obtained as a result of Replacement of the
4 entire Upper Sewer Lateral shall be valid for 20 years from the date
5 the Compliance Certificate is issued; and

6 All other Compliance Certificates shall be valid for 7 years from the
7 date the Compliance Certificate is issued, except as provided in
8 Sections 12.16.035.100(3) and 12.16.035.110(3).

9 (3) **Effect of Limited Waiver.** If the City has issued a Limited Waiver
10 for the Lower Sewer Lateral, or a portion of it, the Compliance
11 Certificate shall be valid for the same period as the Limited Waiver
12 and shall expire on the Limited Waiver's expiration date, provided
13 that the Compliance Certificate shall in no case be valid beyond 7
14 years from the date it is issued.

15 12.16.035.080. **Time Extension Certificates.**

16 (1) **Availability.** If a Compliance Certificate cannot be obtained before
17 Title Transfer, the transferor, transferee, or other interested party
18 or parties may obtain a Time Extension Certificate from the City.
19 Time Extension Certificates are issued in connection with Title
20 Transfer transactions only.

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

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

27 (4) **Obligation of Property Owner or Transferee.** During the 180-day
28 validity period of a Time Extension Certificate, the Property Owner
29 or transferee must complete any necessary Repair or Replacement
30 and obtain a Compliance Certificate. Property Owners are
31 responsible for the full cost of compliance with this Ordinance and
32 that cost may exceed the deposit.

33 (5) **Forfeiture of Deposit.** If a Compliance Certificate is not obtained
34 before a Time Extension Certificate expires, the deposit may be
35 forfeited and the current Property Owner is subject to enforcement
36 action as provided by this Ordinance. The Property Owner may

1 apply to the City for release of forfeited funds, less the City's costs.
2 The City will not release forfeited funds unless the Property Owner
3 first demonstrates full compliance with this Ordinance.

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

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

9 12.16.035.090. **Exemption Certificates.**

10 (1) **Generally.** An Exemption Certificate issued in connection with a
11 parcel excuses the Property Owner of that parcel, while the
12 Exemption Certificate remains valid, from any requirement to obtain
13 a Compliance Certificate upon the occurrence of a Triggering Event.
14 An Exemption Certificate also documents to third parties that no
15 Compliance Certificate is required. Grounds for Exemption
16 Certificates are specified in this Section. The City may require a
17 Property Owner to submit specified supporting documentation for
18 review before an Exemption Certificate will be issued.

19 (2) **Exemption for Documented Prior Work on Private Sewer Lateral.**

20 (A) A Property Owner may request an Exemption Certificate
21 from the City if all Private Sewer Laterals associated with the
22 Property Owner's parcel had been inspected prior to a Title
23 Transfer, met applicable standards at the time of the inspection
24 or replacement.

25 (B) A Property Owner may request an Exemption Certificate
26 from the City or the agency having jurisdiction over the private
27 lateral issued a dated and approved final building or sewer
28 permit indicating that all Private Sewer Laterals associated with
29 the Property Owner's parcel were Replaced or newly
30 constructed. The Exemption Certificate expires twenty years
31 after the date the final permit was issued that provides the basis
32 for the Exemption Certificate.

33

1 (3) **Other Exemptions.**

2 (A) Grounds. A Property Owner may request a short-term
3 Exemption Certificate on any of the following grounds:

4 i) an entire real property estate, or the fee interest in that real
5 property estate, has been sold or transferred, and the City is
6 provided documentation showing the sale or transfer is not a
7 Title Transfer as defined by this Ordinance;

8 ii) no Private Sewer Lateral ever existed on the parcel;

9 iii) no Private Sewer Lateral associated with the parcel is
10 connected to the public sewer system; or

11 iv) all Private Sewer Laterals associated with the parcel are
12 pressurized.

13 (B) **Expiration.** An Exemption Certificate issued on any
14 grounds provided by paragraph (3)(A) will expire as follows:

15 (i) six months after issuance, if issued on the grounds provided
16 in paragraph (3)(A) (1) and before the sale or transfer is
17 recorded; and

18 (ii) one month after issuance in all other cases.

19 (4) **Common Interest Developments.** A Property Owner of an
20 individual unit within a Common Interest Development need not
21 obtain and will not be issued an Exemption Certificate if the
22 Homeowners' Association has assumed responsibility to maintain all
23 Private Sewer Laterals within the Common Interest Development.

24 12.16.035.100. **Common Interest Developments.**

25 (1) **Compliance Certificate Requirement.** Compliance Certificates
26 must be obtained with respect to Common Interest Developments as
27 described in this Section.

28 (2) **Responsibility of Homeowners' Associations and Individual Unit
29 Owners.**

30 (A) The Homeowners' Association and the Property Owner of
31 an individual unit within the Common Interest Development are
32 each responsible to obtain a Compliance Certificate to the same
33 extent each party is responsible to maintain PSLs within the
34 Common Interest Development. The division of responsibility for

1 PSL maintenance between the Homeowners' Association and the
2 Property Owners of individual units may be described in any
3 document but is typically described in the Covenants, Conditions
4 and Restrictions applicable to Common Interest Developments or
5 the parcels in them. In some Common Interest Developments,
6 the Homeowners' Association has assumed responsibility to
7 maintain all PSLs. In other Common Interest Developments, the
8 owner of each individual unit is responsible to maintain the PSLs
9 associated with the unit he or she owns, and the Homeowners'
10 Association is responsible to maintain the remaining PSLs within
11 the Common Interest Development.

12 (B) If the Homeowners' Association has assumed responsibility
13 to maintain all PSLs within the Common Interest Development,
14 the Homeowners' Association must obtain Compliance
15 Certificates under Section 12.16.035.060 on or before July 12,
16 2021 for all parcels within the Common Interest Development,
17 except that the Homeowners' Association must comply with
18 Section 12.16.035.110 if the total combined length of PSLs
19 within the Common Interest Development exceeds 1000 feet.

20 (C) If the Property Owners of individual units and the
21 Homeowners' Association share responsibility to maintain PSLs
22 within the Common Interest Development, the parties' respective
23 responsibility to obtain Compliance Certificates is as follows:

24 i) The Property Owner of the individual unit must obtain a PSL
25 Compliance Certificate at the time and in the manner required
26 by Section 12.16.035.050 and notwithstanding paragraph
27 12.16.035.050(1)(B) of that Section, provided that the City will
28 require Verification Testing only of those PSLs or portions of
29 PSLs that are the responsibility of the Property Owner of the
30 individual unit before issuing a Compliance Certificate.

31 ii) The Homeowners' Association must obtain a Compliance
32 Certificate under Section 12.16.035.060 on or before July 12,
33 2021 for all parcels associated with any PSL that is the
34 Homeowners' Association's responsibility to maintain,
35 provided that the City will require Verification Testing only of
36 those PSLs or portions of PSLs that are the responsibility of
37 the Homeowners' Association before issuing a Compliance

1 Certificate.

2 iii) The issuance of a Compliance Certificate under paragraph
3 12.16.035.060 of this Section to either a Property Owner of an
4 individual unit or to a Homeowners' Association, with respect
5 to a specific parcel within a Common Interest Development,
6 does not relieve another party that shares responsibility to
7 maintain PSLs associated with the same parcel of its
8 obligation under paragraph 12.16.035.060 of this Section to
9 obtain a Compliance Certificate for that parcel.

10 (3) A Compliance Certificate issued to a Homeowners' Association
11 under this Section shall be valid for 20 years from the date it is
12 issued. The Homeowners' Association must obtain a new
13 Compliance Certificate under Section 12.16.035.060 upon the
14 expiration of the previously issued Compliance Certificate.

15 (4) **Developments Where No Homeowners' Association Exists.** For
16 the purposes of this Ordinance, any development without a
17 Homeowners' Association is not a Common Interest Development,
18 even if the development is classified in county records as
19 condominiums, residential planned unit developments, or similar.
20 This Section does not apply to such developments. Individual unit
21 owners within such developments must obtain a PSL Compliance
22 Certificate at the time and in the manner required by Section
23 12.16.035.050.

24 12.16.035.110. **Parcels or Parcel Groups With Private Sewer**
25 **Laterals Exceeding 1000 Feet.**

26 (1) **Condition Assessment Plan.** On or before July 12, 2020, the
27 Property Owner of any parcel or any Parcel Group with Private
28 Sewer Laterals exceeding 1000 feet in total combined length within
29 the parcel or Parcel Group shall submit for City approval a
30 Condition Assessment Plan. The Condition Assessment Plan shall
31 include a schedule for the performance of testing to assess the
32 condition of all PSLs associated with the parcel or Parcel Group.

33 (2) **Corrective Action Work Plan.** On or before July 12, 2023, a
34 Property Owner subject to this Section shall complete all condition
35 assessment testing and submit a Corrective Action Work Plan for
36 City approval. The Corrective Action Work Plan shall describe the
37 type, quantity and schedule of work needed to bring all PSLs

1 associated with the parcel or Parcel Group into compliance with the
2 standards set forth in Section 12.16.035.040, all other requirements
3 of this Ordinance. The City shall approve the Corrective Action
4 Work Plan if it determines the proposed work will result in full
5 compliance within a reasonable time.

6 (3) **Compliance Certificate.** After the Property Owner completes the
7 work described in the approved Corrective Action Plan, the Property
8 Owner must obtain a Compliance Certificate under Section
9 12.16.035.060(1)(B) for the parcel or parcels. The Compliance
10 Certificate(s) shall be valid for 20 years from the date issued, and
11 upon expiration the Property Owner must obtain new Compliance
12 Certificate(s) under Section 12.16.035.060.

13 12.16.035.120. **Enforcement.**

14 (1) The Director shall have the discretion to enforce this Ordinance.
15 Enforcement of Local Ordinance Requirements is the responsibility
16 of the Satellite that adopted the Local Ordinance Requirements.

17 (2) Violations of this Ordinance include, but are not limited to:

18 (A) Failure to obtain a Compliance Certificate when one is
19 required, including after the expiration of a Time Extension
20 Certificate;

21 (B) Failure to obtain a Time Extension Certificate if a
22 Compliance

23 (C) Certificate is not obtained or to timely perform all required
24 work after receiving a Time Extension Certificate;

25 (D) Failure to comply with the City's requirements for Repair,
26 Replacement and Verification Testing;

27 (E) Falsifying facts to obtain an Exemption Certificate or a
28 Compliance Certificate; and/or

29 (F) Presenting a false Exemption Certificate or Compliance
30 Certificate.

31 (3) **Enforcement**

32 (A) When the Director finds that a person violates or threatens
33 to violate this Ordinance, the Director may notify the person in
34 writing. Within 30 days of the mailing of that notification, the

1 notified person must submit for approval by the Director a
2 detailed time schedule of specific actions the person shall take
3 in order to correct or prevent a violation of this Ordinance. The
4 person shall take the actions within 90 days of the mailing date
5 of the Director's notification.

6 (B) The Director may take enforcement action against a person
7 who violates the provisions of this Ordinance or fails to perform
8 any act required by this Ordinance, including but not limited to
9 initiating court action to obtain an injunction requiring the work to
10 be done and/or terminating service. The City may recover from
11 any person in violation of this Ordinance the costs it incurs in
12 connection with enforcing this Ordinance, including staff time,
13 and may seek attorneys' fees in any court action or proceeding.

14 **12.16.035.130. Requests for Relief or Reconsideration.**

15 (1) **Requests for Relief.** Any person or entity unable to comply with the
16 requirements of this Ordinance, or any person affected by any City
17 decision, action, or determination related to this Ordinance, may
18 submit to the City a written request for relief setting forth in detail
19 the facts supporting the request. The Director shall designate a City
20 officer or employee with managerial authority who will consider the
21 matter without a hearing and decide whether to grant relief. The
22 Director's designee may request additional information. The
23 Director's designee may decide the matter within fifteen (15)
24 business days from the receipt of the request, or, if additional
25 information is requested and received within fifteen (15) business
26 days from the receipt of the request, then fifteen (15) business days
27 from the date the City receives all additional requested information.
28 If the Director's designee does not decide the matter within the
29 above-stated time period, the request for relief shall be deemed
30 denied on the first day following that time period. Notice of any
31 decision will be mailed to the person or entity requesting relief.

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

33 (A) Within 30 days after the date of mailing of written notice of
34 any City decision granting or denying relief under paragraph (1)
35 of this Section, or within 30 days after the date the request for
36 relief is deemed denied, any person or entity affected by the
37 requirements, decision, action or determination that was the

1 subject of the request for relief may submit to the Director a
2 written request for reconsideration. The Director shall personally
3 consider all requests for reconsideration. The request for
4 reconsideration must set forth in detail the facts supporting the
5 request.

6 (B) The Director may act on the request for reconsideration
7 with or without a hearing in any manner the Director deems
8 reasonable and shall thereafter issue a final written
9 determination concerning the request for reconsideration. If the
10 Director fails to act upon the request for reconsideration within
11 fifteen (15) business days of receipt of the request for
12 reconsideration, the request shall be deemed denied. The
13 decision, action or determination shall remain in effect during the
14 period of review by the Director.

15 (C) The Director's decision shall become final and binding at
16 the time the Director acts on the request or fails to act within the
17 time specified by this paragraph (B). If the Director acts on the
18 request for reconsideration, notice of the Director's action will be
19 mailed to the person or entity requesting reconsideration within
20 five (5) business days of the action.

21 (D) Any person or entity affected by a decision, action or
22 determination related to this Ordinance who wishes to appeal or
23 challenge the decision, action or determination must request
24 reconsideration using the process specified in this paragraph (b).
25 This requirement is jurisdictional. The failure to seek
26 reconsideration shall be deemed a failure of the person or entity
27 subject to the decision, action or determination to exhaust
28 administrative remedies.

29 12.16.035.140. Fees and Regulations.

30 (1) **Fees.** The City may establish fees in the Water and Wastewater
31 System Schedule of Rates and Charges and Fees for administration
32 of this Ordinance and may modify those fees from time to time.

33 (2) **Regulations.** The Director may develop and maintain written
34 regulations, procedures and guidance materials for administration of
35 this Ordinance and shall make them available upon request.
36

1 **SECTION THREE - INCONSISTENCIES REPEALED.**

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

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

6 The repeal of the former provisions and the text of the provisions
7 hereby substituted in Chapter 12.16.035 the Yreka Municipal Code are
8 the sole portions of this ordinance that require publication in the
9 codification of the Yreka Municipal Code.

10 **SECTION FIVE - IMPLEMENTATION.**

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

14 **SECTION SIX - EXECUTION.**

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

18 **SECTION SEVEN - SEVERABILITY.**

19 If any section, sentence, clause or phrase of this Chapter is for
20 any reason held to be invalid or unconstitutional by a decision of any
21 court of competent jurisdiction, such decision shall not affect the
22 validity of the remaining portions of this Chapter. The City Council
23 hereby declares that it would have passed this ordinance and adopted
24 this Chapter and each section, sentence, clause or phrase thereof,
25 irrespective of the fact that any one or more sections, subsections,
26 sentences, clauses or phrases were to be declared invalid or
27 unconstitutional.

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

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

8
9 Passed duly and regularly passed and adopted by the City
10 Council of the City of Yreka this day of ,
11 2015, after a first reading at a regular meeting before the City Council
12 on the day of , 2015, on the following
13 polled vote:

- 14
- 15 AYES:
- 16 NOES:
- 17 ABSTAIN:
- 18 ABSENT:
- 19
- 20
- 21
- 22

23
24 _____
25 JOHN MERCIER, Mayor
26 City of Yreka, California

27 ATTEST: APPROVED AS TO FORM:
28
29
30

31 _____
32 Liz Casson, City Clerk
33 City of Yreka, California

DOHN R. HENION
City Attorney



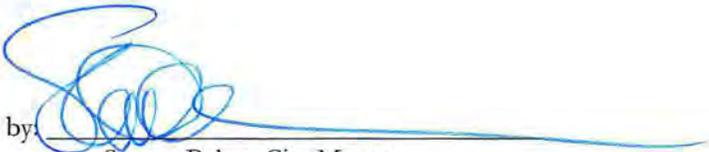
CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Steve Baker, City Manager
Agenda title: Discussion/Possible Action – Appoint Second Councilmember to the Fall Creek Ad Hoc Committee – Councilmember Simmen.
Meeting date: February 19, 2015

Discussion:

On January 22, 2015, the Council created an Ad Hoc Committee to investigate, research and recommend options for the Purchase of Superior Water Rights and associated issues for Fall Creek, and appointed Councilmember Simmen to that committee.

At the last meeting, Councilmember Simmen requested that the appointment of a second Councilmember to the Fall Creek Ad Hoc Committee be placed on tonight's agenda.

Approved by: 
Steven Baker, City Manager