

YREKA CITY COUNCIL
AGENDA

June 2, 2016 – 6:30 P.M.

Yreka City Council Chamber 701 Fourth Street, Yreka, CA

The full agenda packet can be found on the City's website www.ci.yreka.ca.us/council

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 of Minutes of the meeting held May 19, 2016.
 - b. Approval/ratification of payments issued from May 19 through June 2, 2016.
 - c. Adopt Resolution extending the suspension of Section 13.76.010 of the Yreka Municipal Code, allowing installation of Banners on Fairlane Road.
 - d. Acceptance of Treasurer's Report and Budget to Actual for the month of April 2016
2. Discussion/Possible Action – Adopt Ordinance #842 of the City Council of the City of Yreka enacting Chapter 9.26 entitled “Medical Marijuana Cultivation, Distribution and Delivery Prohibited” prohibiting the cultivation, distribution, and delivery of medical marijuana within all zones in the City of Yreka, and finding the adoption of this Ordinance to be exempt from CEQA.
3. Discussion/Possible Direction to Staff: Direct Staff to prepare and introduce an Ordinance that prohibits resale of City Water for agricultural purposes and regulates use of bulk fill water station; and provide direction on presented options for elimination (or significant reduction) of sales of bulk water to out of area residents for agricultural purposes.
4. Discussion/Possible Action – Adopt Resolution authorizing the City to apply to the State of California for Active Transportation Program Funds, enter into a funding agreement, and designate representatives to sign related documents for the City of Yreka Greenhorn Road Bicycle and Pedestrian Path Gap Closure Project.
5. Discussion/Possible Action – Adopt Resolution authorizing the Transfer of Accounts and Fiduciary assets for the Siskiyou Unified Major Investigations Team (SUMIT) from the County of Siskiyou to the City of Yreka for Fiscal, Custodial, and Limited Administrative Services.
6. Discussion/Possible Action – Adopt Resolution authorizing the Expenditure of funds prior to the Adoption of the Fiscal Years Ending June 30, 2017 and 2018 Biannual Budget.

City Manager Report

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

CLOSED SESSION:

1. Conference with Legal Counsel - Anticipated Litigation

Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 1 - The names of the parties are not disclosed, as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

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

Adjournment.

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

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

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

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON MAY 19, 2016

On the 19TH day of May 2016, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Deborah Baird, Bryan Foster, Joan Smith Freeman, John Mercier and David Simmen Absent - None.

Mayor Mercier announced that the Closed Session has been pulled from the agenda.

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

- a. Approval of Minutes of the meeting held May 5, 2016.
- b. Approval/ratification of payments issued from May 6 through May 19, 2016.
- c. Direct City Manager to review the City of Yreka Conflict of Interest Code as required by California Government Code Section 87306.5.
- d. Adopt Resolution requesting Board of Supervisors of the County of Siskiyou to consolidate a General Municipal Election to be held on Tuesday, November 8, 2016, with the Statewide General Election.

Councilmember Baird requested item 1a be pulled for discussion.

Following Council discussion, Councilmember Foster moved to approve items 1b, c & d on the consent calendar as submitted.

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

Mayor Mercier thereupon declared the motion carried.

Approval of Minutes of the meeting held May 5, 2016.

Councilmember Baird requested that the minutes be amended to add, "investigating a token process at City Hall upon proof of address" to the discussion regarding limiting the sale of City of Yreka Water, on page 12317.

And also to add Councilmember Simmen's request for a plaque to be placed at the spillway bridge in Greenhorn Park in recognition of LeRoy Manley's dedicated service to the City, to page 12318.

Following Council discussion, Councilmember Baird moved to approve minutes as amended.

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

Mayor Mercier thereupon declared the motion carried.

Approve appointment of Trestin Kimbrell to the Yreka Volunteer Fire Department.

Following Council discussion, Councilmember Simmen moved approve the appointment of Trestin Kimbrell to the Yreka Volunteer Fire Department.

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

Mayor Mercier thereupon declared the motion carried.

Introduction of Ordinance of the City Council of the City of Yreka enacting Chapter 9.26 entitled “Medical Marijuana Cultivation, Distribution and Delivery Prohibited” prohibiting the cultivation, distribution, and delivery of medical marijuana within all zones in the City of Yreka, and finding the adoption of this Ordinance to be exempt from CEQA.

Following the reading of the title of the Ordinance and Council discussion, Councilmember Foster moved to waive the reading of the body of the Ordinance and to introduce the Ordinance as submitted.

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

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution #2016-28 approving Consultant Agreement with PACE Engineering for City Engineer and City Surveyor Services.

Jeannette Hook, Administrative Assistant for the Department of Public addressed the Council reporting that a number of municipal engineering and surveyor functions must be provided by appropriately licensed professionals. PACE Engineering has been assisting the City on an ad-hoc basis since the retirement of Steve Neill in 2014. In January of this year, the City issued a Request for Proposals for City Engineer Services. Four proposals were received and reviewed by a team consisting of two engineers, the Maintenance Manager and the City Manager. Staff interviewed the two most qualified candidates and PACE was selected to continue providing a range of engineering services as City Engineer/Surveyor.

The Professional Services Agreement negotiated with PACE Engineering expands on the prior agreement by including standard municipal services such as development review, parcel map acceptance, small project design, construction oversight, overseeing the work of other engineers and surveyors, and assistance preparing or reviewing Requests for Proposals. It is anticipated that PACE will act as an extension of staff under the supervision of the Department of Public Works.

City staff is recommending the Council adopt the Resolution approving a Consultant Agreement with PACE Engineering for City Engineer and City Surveyor Services.

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

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

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution #2016-30 authorizing the City Manager to award a Construction Contact to Hayes & Sons, Inc., for the Oberlin-Young Trail Development Project in the amount of \$908,336.00 for the base bid and alternates A and B, and execute related documents.

Jeannette Hook, Administrative Assistant for the Department of Public addressed the Council reporting that this project will improve the existing public access trail north of Oberlin Road and link to a primitive trail at the US Forest Service yard, which connects to the Greenway Visitor Center. The project includes construction of a trailhead parking area and recreation facilities such as trails, picnic tables, benches, and interpretive signs, as well as restoration of floodplain, removal of noxious weeds, and planting of native riparian and upland vegetation. While primarily recreational in nature, the project will also help the City meet its MS4 obligations to protect water quality. The additive items will allow construction of “rock vanes” which are boulders placed in-stream to prevent down-cutting and provide a measure of grade control and boulder barriers along the property boundaries in order to minimize unauthorized vehicular access to the site.

The fiscal impact of awarding the Base Bid, plus Additives A and B contract is \$ 908,336.00 plus an estimated \$40,000 for the related costs of inspection, testing and contract administration. All costs are grant-eligible and will be reimbursed.

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

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

Mayor Mercier thereupon declared the motion carried.

Discussion and direction to staff to research and prepare for possible introduction, a general sales tax measure for the November 8, 2016 election.

Finance Director Rhetta Hogan reported the Budget Ad Hoc Committee is recommending that City staff be directed to research and prepare for future consideration a general sales tax measure for the November 8, 2016 election.

Finance Director Hogan stated that the City is facing a \$600,000 structural deficit in operations and has at least \$25-\$30 million in deferred capital maintenance for existing road repair and public safety facilities. The City has forecasted this structural deficit since 2010, and has reduced staffing levels, implemented new technology and equipment to operate more effectively and efficiently to cut the cost of both material and labor. Those efforts have kept the City afloat, but deferral of maintenance, is resulting in a steady state of decline. Continued infrastructure decline will result in costing taxpayers even more by the escalation in repair cost of deferred maintenance and face possible complete replacement.

Finance Director Hogan further stated that the City has been utilizing road reserve funds for road and street maintenance for the past six years and is on course to deplete those funds by the end of fiscal year 2015-16. The road and street funds are operating at about a \$400,000 operating structure deficit and have current estimate of \$25 million or more in deferred maintenance.

Following Council discussion, Councilmember Baird moved to direct staff to research and prepare for possible introduction, a general sales tax measure for the November 8, 2016 election.

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

Mayor Mercier 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 June 2, 2016

Elizabeth E. Casson, City Clerk

Accounts Payable

Computer Check Proof List by Vendor

User: lysandra
 Printed: 05/25/2016 - 10:10AM
 Batch: 00006.05.2016



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1527	ACME COMPUTER			Check Sequence: 1	ACH Enabled: False
90234	INV 90234 - WWTP HARDWARE	482.95	06/03/2016	80-560-0000-516-000	
FPA-90241	INV FPA-90241	3,480.00	06/03/2016	01-050-0000-525-000	
	Check Total:	3,962.95			
Vendor: 4301	AT&T CALNET			Check Sequence: 2	ACH Enabled: False
8043601	INV 8043601	29.05	06/03/2016	01-200-0000-517-000	
	Check Total:	29.05			
Vendor: 1024	BAY ALARM COMPANY			Check Sequence: 3	ACH Enabled: False
641166 6/16	ACCT 641166 6/16	30.00	06/03/2016	01-020-0000-517-004	
641266 6/16	ACCT 641266 6/16	30.00	06/03/2016	01-350-0000-517-004	
	Check Total:	60.00			
Vendor: 1041	RON BLACK			Check Sequence: 4	ACH Enabled: False
06/03/16	JUNE 2016	682.00	06/03/2016	01-200-0000-521-004	
	Check Total:	682.00			
Vendor: 1053	CASCADE FIRE EQUIPMENT INC			Check Sequence: 5	ACH Enabled: False
74400	INV 74400 - AIRPACKS	1,939.50	06/03/2016	01-210-0000-450-014	
	Check Total:	1,939.50			
Vendor: 2142	DOHN HENION			Check Sequence: 6	ACH Enabled: False
06/03/16	JUNE 2016 (1)	1,250.00	06/03/2016	01-040-0000-525-001	
	Check Total:	1,250.00			
Vendor: 1148	THOMAS HESSELDENZ			Check Sequence: 7	ACH Enabled: False
1601COY-FHR	INV 1601COY-FHR - GREENWAY MASTER F	22,665.64	06/03/2016	60-390-6035-525-000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	22,665.64			
Vendor: 1149 25509-IN	HINDERLITER DE LLAMAS & ASSOCIATES INV 25509-IN	474.14	06/03/2016	Check Sequence: 8 01-020-0000-525-000	ACH Enabled: False
	Check Total:	474.14			
Vendor: 1555 27603	LN CURTIS & SONS INV 27603 - TURNOUT SUITS	1,634.00	06/03/2016	Check Sequence: 9 01-210-0000-450-011	ACH Enabled: False
	Check Total:	1,634.00			
Vendor: 1400 06/03/16	MADRONE HOSPICE JUNE 2016	5,625.00	06/03/2016	Check Sequence: 10 01-090-0000-560-004	ACH Enabled: False
	Check Total:	5,625.00			
Vendor: 1101 048404393 1/16	ARVID MAGNUSON MD ACCT 048404393 1/16	51.00	06/03/2016	Check Sequence: 11 01-200-0000-525-000	ACH Enabled: False
	Check Total:	51.00			
Vendor: 2353 942816	MICHAEL BAKER INTERNATIONAL INC INV 942816 - YREKA CREEK FLOOD HAZA	4,643.75	06/03/2016	Check Sequence: 12 60-390-6035-525-000	ACH Enabled: False
	Check Total:	4,643.75			
Vendor: 1513 270425	MUNICIPAL CODE CORPORATION INV 270425 - ANNUAL WEB HOSTING	550.00	06/03/2016	Check Sequence: 13 01-020-0000-526-002	ACH Enabled: False
	Check Total:	550.00			
Vendor: 15025 15318	OHLUND'S OFFICE SUPPLY INV 15318 - RECEIPT PAPER	10.23	06/03/2016	Check Sequence: 14 70-030-0000-515-000	ACH Enabled: False
	Check Total:	10.23			
Vendor: 1237 2164158	OLIN CORP - CHLOR ALKALI INV 2164158 - SODIUM HYPOCHLORITE (45	5,056.80	06/03/2016	Check Sequence: 15 80-560-0000-416-002	ACH Enabled: False
	Check Total:	5,056.80			
Vendor: 16014 26656	PACE ENGINEERING INC INV 26656 - NORTH WELL & NORTH ST PU	2,315.38	06/03/2016	Check Sequence: 16 71-500-0000-625-011	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
26656	INV 26656 - NORTH WELL & NORTH ST PUI	2,315.37	06/03/2016	71-510-0000-625-003	
	Check Total:	4,630.75			
Vendor: 1283 06/03/16	SC ECONOMIC DEVELOPMENT COUNCIL JUNE 2016	3,333.33	06/03/2016	01-090-0000-560-001	Check Sequence: 17 ACH Enabled: False
	Check Total:	3,333.33			
Vendor: 25090 06/03/16	USPS JUNE 2016	1,400.00	06/03/2016	70-030-0000-515-001	Check Sequence: 18 ACH Enabled: False
	Check Total:	1,400.00			
Vendor: 2352 TRNG 6/6-7	DUSTIN WILSON TRNG 6/6-7 ROSEVILLE	285.00	06/03/2016	01-230-0000-512-000	Check Sequence: 19 ACH Enabled: False
	Check Total:	285.00			
Vendor: 1374 06/03/16	YREKA CHAMBER OF COMMERCE JUNE 2016	4,750.00	06/03/2016	01-090-0000-560-000	Check Sequence: 20 ACH Enabled: False
	Check Total:	4,750.00			
Vendor: 25120 005821 5/16 054217 5/16 78350 5/16	YREKA TRANSFER ACCT 005821 5/16 ACCT 054217 5/16 ACCT 78350 5/16	82.00 129.00 60.00	06/03/2016 06/03/2016 06/03/2016	01-210-0000-518-004 01-480-0000-518-004 80-560-0000-518-004	Check Sequence: 21 ACH Enabled: False
	Check Total:	271.00			
	Total for Check Run:	63,304.14			
	Total of Number of Checks:	21			



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Steve Baker, City Manager
Agenda Title: Discussion/Possible Action – Adopt Resolution extending the suspension of Section 13.76.010 of the Yreka Municipal Code allowing installation of banners on Fairlane Road.
Meeting Date: June 2, 2016.

Discussion:

On March 21, 2013, the City Council introduced a temporary ordinance allowing banners on Fairlane Road for a period of four months. This ordinance was subsequently adopted and went into effect on May 5, 2013. The four-month time-period could be extended for successive periods not to exceed four months by the City Council adopting a subsequent resolution.

Many banners have now been installed. Representatives from the County Veteran's Service office and Marine Corps League have indicated that they have had a very positive reception to this effort and would like to continue providing this recognition. They have requested another extension.

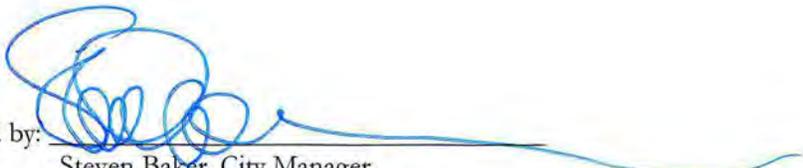
The resolution attached provides for a 4-month extension.

Fiscal Impact:

The costs of the banner program are covered by the requesting veteran's organizations.

Recommendation and Requested Action:

Adopt the Resolution extending the suspension of Section 13.76.010 of the Yreka Municipal Code, allowing Installation of Banners on Fairlane Road.

Approved by: 
Steven Baker, City Manager

RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA
EXTENDING THE SUSPENSION OF SECTION 13.76.010 OF THE
YREKA MUNICIPAL CODE, ALLOWING INSTALLATION OF
BANNERS ON FAIRLANE ROAD.

Whereas, On March 21, 2013, the City Council introduced Ordinance No. 834 Temporarily Suspending the Application of Section 13.76.010 of the Yreka Municipal Code on Fairlane Road for a Specified Time Period, and;

Whereas the Ordinance was adopted on April 4, 2013 and went into effect on May 5, 2013, and;

Whereas the Ordinance provides that the initial four month term may be extended for subsequent four month periods, and;

Whereas, the City has received a request for such extension,

NOW THEREFORE BE IT RESOLVED that the suspension of Section 13.76.010 of the Yreka Municipal Code on Fairlane Road for the installation of Banners is hereby extended to October 6, 2016.

Passed and adopted this 2nd day of June 2016, by the following vote:

AYES:

NAYS:

ABSENT:

John Mercier, Mayor

Attest: _____
Elizabeth E. Casson,
City Clerk

CITY OF YREKA
TREASURER'S REPORT TO THE CITY COUNCIL
Apr-2016

Fund Type	Fund	Fund Description	Previous Balance	Receipts / Debits	Disbursements / Credits	Cash Balance by Fund	
General-Unrestricted	01	General Operating	\$ 2,651,629.89	\$ 622,331.80	\$ 560,744.32	\$ 2,713,217.37	
General-Designated	01	Comm Art	2,772.56	-	-	2,772.56	
General-Designated	01	Fire Museum	3,322.35	-	-	3,322.35	
General-Designated	01	Planning Deposits	-	-	-	0.00	
General-Designated	01	Sidewalk in Lieu	36,228.46	-	-	36,228.46	
General-Designated	01	Parkland Trust	300.00	-	-	300.00	
General-Designated	01	Police Asset Forfeit	6,803.63	-	-	6,803.63	
General-Designated	01	Parking Fees	63,011.04	-	-	63,011.04	
General-Designated	01	Campbell Tract Redemption	48,020.34	-	-	48,020.34	
General-Designated	01	Baker Tract/Lucas	-	-	-	0.00	
General-Designated	02	Gifts Donations	6,803.80	400.00	243.50	6,960.30	
General-Designated	02	K-9 Unit	11,585.13	13.27	-	11,598.40	
General-Designated	02	YPD Donated - Hitson	5,677.69	19.81	-	5,697.50	
General-Designated	02	YPD Donated - Travellers	2,117.38	-	-	2,117.38	
General-Designated	02	YPD Donated - Teen Fund	3,091.59	-	-	3,091.59	
General-Designated	02	Greenhorn Park Redevelopment	-	-	-	0.00	
General-Designated	03	YVFD Volunter Fund	64,694.60	737.83	2,145.91	63,286.52	
General-Restricted	04	Crandell Cash	107,139.50	2,365.13	-	109,504.63	
General-Designated	08	Grant Projects Reserve	671,381.42	151,021.06	54,995.62	767,406.86	
General-Designated	08	PERS Pension Liability Reserve	(145,665.76)	19,787.54	7,997.98	(133,876.20)	
General-Designated	09	Reserves for Cap. Outlay	483,112.32	-	-	483,112.32	
General-Designated	10	Capital Outlay	71,516.06	-	4,256.92	67,259.14	General - All
General-Designated	11	Capital Building Project - YPD	1,757,361.11	500.00	1,060.53	1,756,800.58	\$ 6,016,634.77
Spec. Rev. -Streets	20	Road and Street Funds including HUTA	48,811.90	2,550.79	43,856.11	7,506.58	
Spec. Rev. -Streets	21	Local Transportation	221,230.63	13,162.35	-	234,392.98	Streets
Spec. Rev. -Streets	24	Fines - Traffic Safety	120,650.57	4,098.65	11,218.41	113,530.81	\$ 355,430.37
Special Revenue	30	Fire Assessment Spec. Rev	206,577.79	21,191.27	11,677.47	216,091.59	
Special Revenue	31	Landfill Access Fee - Debt Service	30,530.68	19,587.93	1,008.52	49,110.09	Special Revenues
Special Revenue	32	Developer Impact Fees	250,634.46	286.62	-	250,921.08	\$ 516,122.76
Special Grants	60	Spec Grants Capital Outlay	(344,687.06)	225.00	19,948.21	(364,410.27)	Special Grants
Special Grants	65	Community Development Grants	310,946.60	2,514.60	2,617.70	310,843.50	\$ (53,566.77)
Water Enterprise	70	Water Operating	(163,304.66)	220,738.70	215,242.59	(157,808.55)	
Water Enterprise	71	Water Capital Projects	1,326,172.40	-	8,116.20	1,318,056.20	
Water Enterprise	72	Water Debt Servicing	429,623.32	-	71,448.75	358,174.57	
Water Enterprise	72	USDA COPS 2010	200,000.00	-	-	200,000.00	Water Enterprise
Water Enterprise	74	Water Reserves	6,260,546.78	86,194.67	38,271.16	6,308,470.29	\$ 8,026,892.51
Sewer Enterprise	80	Sewer Operating	128,161.99	259,601.53	231,799.08	155,964.44	
Sewer Enterprise	81	Sewer Capital Outlay	928,001.46	100,882.77	2,660.91	1,026,223.32	
Sewer Enterprise	82	Sewer Debt Servicing	83,065.59	-	-	83,065.59	
Sewer Enterprise	82	USDA COPS 2003	100,000.00	-	-	100,000.00	Enterprise-Sewer
Sewer Enterprise	84	Sewer Reserves	2,386,883.58	105,677.84	51,386.66	2,441,174.76	\$ 3,806,428.11
Agency	90	Agency - Cash	(10,863.35)	568,718.60	528,132.69	29,722.56	Agency- Payroll
						\$ 29,722.56	
COLUMN TOTALS			\$ 18,363,885.79	\$ 2,202,607.76	\$ 1,868,829.24	\$ 18,697,664.31	\$ 18,697,664.31
BANK RECAPITULATION			PER BANK	Market Value	PER LEDGER		
L.A.I.F. 0.506%			18,052,402.69	18,052,402.69			
Petty Cash Drawers			1,200.00				
YVFD Petty Cash			100.00				
TriCounties YVFD DDA			64,790.15				
Scott Valley Bank - 01015102			644,993.05				
TOTAL PER BANK			18,763,485.89				
ADJUSTMENTS							
Less Outstanding Checks SVB			(23,319.87)				
Less Outstanding Checks TCB			(1,603.63)				
SVB DDA Interest 1/29 GL 2/1			(43.83)				
OS CC GL 4/29 SVB 5/2			296.58				
OS CC GL 4/30 SVB 5/2			1,039.25				
PERS Health Prem G/L 4/29 SVB 5/15			(41,907.00)				
BRMS SVB 5/15 G/L 4/29			(282.00)				
PERS Annuitant Health Adj.			(1.14)				
Miscellaneous Write-off			0.06				
TOTAL PER LEDGER			18,697,664.31		18,697,664.31		

Rhetta Hogan, City Treasurer

John Mercier, City Mayor

**2015-2016 Operating Budget of Revenue and Expenditures
with Actual Results
April 30, 2016**

Fund Analysis	Major Grp	Fund	REVENUE			EXPENSE			Based on Operating Budget			Current Cash Balance		
			Adopted	Operating Budget	Year to Date	Adopted	Operating Budget	Year to Date	Operating Budget	Net Increase / (Decrease)	Ending Working Capital			
	Investment in LAIF	00												
	General Operating	01	4,914,225.50	4,550,003.13	3,355,625.48	4,898,493.61	5,057,583.80	3,964,665.21	(507,590.67)	(507,590.67)	3,486,120.48	(507,590.67)	2,978,539.81	2,873,675.75
	General Operating Fund		4,914,225.50	4,550,003.13	3,355,625.48	4,898,493.61	5,057,583.80	3,964,665.21	(507,590.67)	(507,590.67)	3,486,120.48	(507,590.67)	2,978,539.81	2,873,675.75
	Gifts Donations	02	500.00	500.00	6,360.49	700.00	700.00	4,744.68	(200.00)	(200.00)	27,849.36	(200.00)	27,649.36	29,465.17
	VVFD Volunteer Fund	03	11,000.00	11,000.00	3,500.64	11,000.00	11,000.00	1,962.75	(200.00)	(200.00)	57,823.13	(200.00)	57,623.13	63,286.52
	Trusts - Crandell-Stewart	04	6,000.00	(524,777.63)	(518,789.05)	17,000.00	17,000.00	12,368.06	(541,777.63)	(541,777.63)	629,229.77	(541,777.63)	87,452.14	109,504.63
	General Fund Reserves	08	(146,030.50)	(146,030.50)	(50,347.59)	(142,568.75)	(139,565.57)	(83,992.67)	(6,464.93)	(6,464.93)	589,885.58	(6,464.93)	583,420.65	633,530.66
	Reserves for Cap. Outlay	09	100,000.00	100,000.00	100,000.00	180,998.35	180,998.35	180,998.35	(80,998.35)	(80,998.35)	584,070.67	(80,998.35)	483,112.32	483,112.32
	Capital Outlay	10	75,500.00	75,500.00	138,422.73	75,500.00	75,500.00	71,163.59	(935,354.76)	(935,354.76)	945,372.52	(935,354.76)	10,017.76	67,259.14
	Construction Fund	11	-	-	905,500.00	-	1,835,354.76	83,571.94	(935,354.76)	(935,354.76)	945,372.52	(935,354.76)	10,017.76	67,259.14
	Agency Trust - Cash	90	-	-	-	-	-	(27,626.30)	(1,564,755.67)	(1,564,755.67)	2,824,231.03	(1,564,755.67)	1,259,475.36	1,796,800.58
	General Fund - Restricted or Designated		46,989.50	416,191.87	584,647.22	142,589.60	1,980,947.54	249,224.90	(1,564,755.67)	(1,564,755.67)	2,824,231.03	(1,564,755.67)	1,259,475.36	29,722.56
	Total General Fund		4,961,195.00	4,966,195.00	3,940,272.70	5,041,083.21	7,038,531.34	4,213,890.11	(2,072,336.34)	(2,072,336.34)	6,310,351.51	(2,072,336.34)	4,238,015.17	6,046,357.33
	Gas Tax & Traffic Cong.	20	406,897.27	406,897.27	300,481.78	624,708.87	637,945.22	292,975.30	(231,047.95)	(231,047.95)	0.10	(231,047.95)	(231,047.85)	7,506.58
	Local Transportation	21	200,000.00	233,457.00	(26,312.53)	218,828.00	260,657.00	78,828.00	(27,200.00)	(27,200.00)	339,533.51	(27,200.00)	312,333.51	234,382.98
	Fines - Traffic Safety	24	76,208.95	76,208.95	72,728.43	76,208.95	76,289.67	45,526.27	(2,080.72)	(2,080.72)	86,328.65	(2,080.72)	84,247.93	113,530.81
	Road, Street & Transit - Restricted		683,106.22	716,563.22	346,897.68	919,745.82	976,891.89	417,329.57	(260,328.67)	(260,328.67)	425,852.26	(260,328.67)	165,533.59	355,430.37
	Total Road, Streets and Transit		683,106.22	716,563.22	346,897.68	919,745.82	976,891.89	417,329.57	(260,328.67)	(260,328.67)	425,852.26	(260,328.67)	165,533.59	355,430.37
	Fire Assessment Spec. Rev	30	230,750.00	230,750.00	197,861.93	129,727.69	130,549.57	108,677.71	100,200.43	100,200.43	130,603.78	100,200.43	230,804.21	216,091.59
	Landfill Access Fee - Debt Service	31	218,000.00	218,000.00	197,526.32	181,224.71	182,166.03	180,797.45	35,833.97	35,833.97	54,346.52	35,833.97	90,180.49	49,110.09
	Developer Impact Fees	32	16,000.00	16,000.00	7,650.87	-	-	16,000.00	16,000.00	16,000.00	24,270.21	16,000.00	259,270.21	250,921.08
	Special Revenue - Restricted		464,750.00	464,750.00	413,039.12	310,952.40	312,715.60	289,475.16	152,034.40	152,034.40	428,220.51	152,034.40	580,254.91	516,122.76
	Total Special Revenue		464,750.00	464,750.00	413,039.12	310,952.40	312,715.60	289,475.16	152,034.40	152,034.40	428,220.51	152,034.40	580,254.91	516,122.76
	Spec Grants Capital Outlay	60	2,267,393.35	2,865,301.35	2,701,082.08	2,267,393.35	2,790,692.04	2,420,266.78	84,609.31	84,609.31	161,947.96	84,609.31	246,557.27	(364,410.27)
	Community Development Grants	65	5,700.00	5,700.00	257,109.35	-	10,750.00	6,789.01	(5,050.00)	(5,050.00)	299,175.97	(5,050.00)	294,125.97	310,843.50
	Special Grants - Capital Projects		2,273,093.35	2,871,001.35	2,958,201.43	2,267,393.35	2,791,442.04	2,427,055.79	79,559.31	79,559.31	461,123.93	79,559.31	540,683.24	(63,566.77)
	Special Grants - Operating & Capital Projects		2,273,093.35	2,871,001.35	2,958,201.43	2,267,393.35	2,791,442.04	2,427,055.79	79,559.31	79,559.31	461,123.93	79,559.31	540,683.24	(63,566.77)
	Water Operating	70	1,590,366.41	1,590,366.41	1,056,059.44	1,590,366.41	1,637,425.43	1,108,186.93	(47,059.02)	(47,059.02)	-	(47,059.02)	(47,059.02)	(157,808.55)
	Water Capital Projects	71	428,000.00	1,723,000.00	1,733,856.00	428,000.00	1,723,000.00	415,799.80	119,000.00	119,000.00	521,781.07	119,000.00	640,781.07	1,318,056.20
	Water Debt Servicing	72	263,236.00	263,236.00	263,236.00	144,236.00	144,236.00	107,842.50	(818,102.41)	(818,102.41)	5,587,286.97	(818,102.41)	4,769,184.56	588,174.57
	Water Reserves	74	476,897.59	(818,102.41)	(784,770.91)	-	-	-	(746,161.43)	(746,161.43)	6,108,068.04	(746,161.43)	5,362,906.61	6,308,470.29
	Water Enterprise		2,758,500.00	2,758,500.00	2,268,380.53	2,162,602.41	3,504,661.43	1,631,829.23	(746,161.43)	(746,161.43)	6,108,068.04	(746,161.43)	5,362,906.61	8,026,892.51
	Sewer Operating	80	1,632,426.18	1,632,426.18	1,243,120.88	1,632,426.18	1,638,710.76	946,784.74	(6,284.58)	(6,284.58)	-	(6,284.58)	(6,284.58)	155,964.44
	Sewer Capital Outlay	81	5,428.00	217,428.00	1,343,683.02	5,428.00	365,572.47	377,161.63	(148,144.47)	(148,144.47)	-	(148,144.47)	(148,144.47)	1,026,223.32
	Sewer Debt Servicing	82	278,605.72	278,605.72	(841,539.30)	284,033.72	284,033.72	66,389.00	(5,428.00)	(5,428.00)	100,000.00	(5,428.00)	94,572.00	183,065.59
	Sewer Reserves	84	450,540.10	450,540.10	522,013.90	-	-	-	450,540.10	450,540.10	3,153,168.83	450,540.10	3,603,708.93	2,441,174.76
	Sewer Enterprise Fund		2,367,000.00	2,579,000.00	2,267,278.50	1,921,887.90	2,288,316.95	1,390,335.37	(455,476.38)	(455,476.38)	9,362,236.87	(455,476.38)	8,906,758.49	11,833,320.62
	Total Enterprise Funds		5,125,500.00	5,337,500.00	4,535,659.03	4,064,490.31	5,792,878.38	3,022,164.60	(455,476.38)	(455,476.38)	9,362,236.87	(455,476.38)	8,906,758.49	11,833,320.62
	All Funds Combined		13,507,644.57	14,366,009.57	12,194,069.96	12,623,665.09	16,912,659.25	10,369,915.23	(2,556,549.68)	(2,556,549.68)	16,967,795.08	(2,556,549.68)	14,431,245.40	18,697,664.31



**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council

Prepared by: Steven W. Baker, City Manager

Agenda title: Discussion/Possible Action: ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.26 ENTITLED “**MEDICAL MARIJUANA CULTIVATION, DISTRIBUTION AND DELIVERY PROHIBITED**” PROHIBITING THE CULTIVATION, DISTRIBUTION AND DELIVERY OF MARIJUANA WITHIN THE CITY OF YREKA, AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA.

Meeting date: June 2, 2016

Discussion:

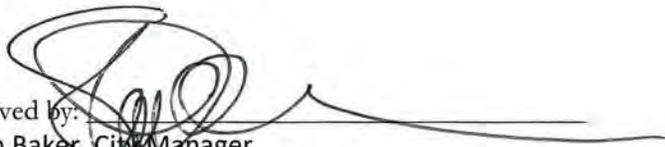
At its meeting held May 19, 2016, the Council voted 4-1 to approve the introduction of the Ordinance with no changes. This is the second-reading of Ordinance 842.

Recommended Action: Staff recommends that the City Council adopt Ordinance #842 below.

If the Council wishes to proceed with adoption of the ordinance, the action then would be to:

Waive the reading of the body of the Ordinance and adopt Ordinance by title:

ADOPT ORDINANCE # 842 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.26 ENTITLED “**MEDICAL MARIJUANA CULTIVATION, DISTRIBUTION AND DELIVERY PROHIBITED**” PROHIBITING THE CULTIVATION, DISTRIBUTION AND DELIVERY OF MARIJUANA WITHIN THE CITY OF YREKA, AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA.

Approved by: 
Steven Baker, City Manager



ORDINANCE NO. 842

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING
CHAPTER 9.26 ENTITLED "MEDICAL MARIJUANA CULTIVATION, DISTRIBUTION
AND DELIVERY PROHIBITED" PROHIBITING THE CULTIVATION, DISTRIBUTION
AND DELIVERY OF MEDICAL MARIJUANA WITHIN ALL ZONES IN THE CITY OF
YREKA, AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE
EXEMPT FROM CEQA**

THE CITY COUNCIL OF THE CITY OF YREKA FINDS AND ORDAINS AS FOLLOWS:

Section 1. Enactment.

Chapter 9.26 of Title 9 of the City of Yreka Municipal Code is hereby enacted and added as a codified ordinance to read as follows:

CHAPTER 9.26

**MEDICAL MARIJUANA CULTIVATION, DISTRIBUTION
AND DELIVERY PROHIBITED**

Sections

9.26.100 Authority

9.26.110 Purpose and Intent

9.26.110 Findings

9.26.130 Scope

9.26.140 Responsibilities

9.26.150 Private Right of Action

9.26.200 Definitions

9.26.300 Cultivation, Processing, Dispensaries and Delivery Prohibited

9.26.400 Public Nuisance

9.26.500 Enforcement Authority

9.26.510 Hearing Authority

9.26.515 Right of Entry/Inspection

9.26.520 Violations

9.26.530 Remedies

9.26.540 Notice and Order to Abate

9.26.550 Correction, Payment or Hearing

9.26.560 Administrative Hearing Procedure

- 39 **9.26.570 Failure to Appear at Planning Commission Hearing or Pay**
- 40 **Administrative Penalties**
- 41 **9.26.580 Violation Penalties**
- 42 **9.26.590 Enforcement Costs**

43 **ARTICLE I**

44 **GENERAL PROVISIONS**

45 **9.26.100 Authority**

46 Pursuant to authority granted by Article XI Section 7 of the California
47 Constitution, Section 372 of the California Penal Code, California Code
48 of Civil Procedure § 731 and California Civil Code §3491 the City
49 Council of the City of Yreka does hereby enact this Chapter.

50 **9.26.110 Purpose & Intent**

51 The purpose and intent in adopting this Chapter is to acknowledge State law as
52 it relates to Medical Marijuana and to reduce conditions that create public
53 nuisances through enacting these regulations including without limitation, the
54 prohibition of Marijuana Cultivation in order to effectively control the adverse
55 impacts associated with Marijuana Cultivation as stated herein, while
56 considering the desires of Qualified Patients Qualified Patients and Primary
57 Caregivers, in furtherance of the public necessity, health, safety, convenience,
58 and general welfare within the City's jurisdictional limits. While in 1996, the
59 voters of the State of California approved Proposition 215 (codified as Health
60 & Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use
61 Act of 1996" referred to herein as the "CUA"). In 2003, the California
62 Legislature adopted SB 420, the Medical Marijuana Program ("MMP"),
63 codified as Health and Safety Code Section 11362.7 et seq., which permits
64 qualified patients and their primary caregivers to associate collectively or
65 cooperatively to cultivate marijuana for Medical purposes without being subject
66 to criminal prosecution under the California Penal Code. Yreka presently
67 permits Marijuana dispensaries certain locations. Neither the CUA nor the
68 MMP require or impose an affirmative duty or mandate upon a local
69 government to allow, authorize, or sanction the establishment of facilities that
70 cultivate or process Medical Marijuana within its jurisdiction. Nothing in this
71 Chapter shall be construed to authorize any use, possession, Cultivation, or
72 distribution of Marijuana for non-medical purposes or that is in violation of
73 state or federal law.

74 **9.26.120 Findings**

- 75 A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies
- 76 Marijuana as a Schedule I Drug, which is defined as a drug or other
- 77 substance that has a high potential for abuse, that has no currently accepted

- 78 medical use in treatment in the United States, and that has not been
79 accepted as safe for use under medical supervision.
- 80 B. The Federal Controlled Substances Act makes it unlawful, under federal
81 law, for any person to cultivate, manufacture, distribute or dispense, or
82 possess with intent to manufacture, distribute or dispense, Marijuana. The
83 Federal Controlled Substances Act contains no exemption for the
84 Cultivation, manufacture, distribution, dispensation, or possession of
85 Marijuana for medical purposes.
- 86 C. In 1996, the voters of the State of California approved Proposition 215,
87 “The Compassionate Use Act,” (codified as Health and Safety Code
88 Section 11362.7 through 11362.83) clarify the scope of The Compassionate
89 Use Act of 1996 by creating the Medical Marijuana Identification Card
90 program, creating reasonable regulations for cultivating, processing,
91 transporting and administering Marijuana, as well as limiting the amount
92 Marijuana a qualified individual may possess. The Medical Marijuana
93 Program Act (codified as Health and Safety Code Section 11362.775)
94 defines a “primary caregiver” as an individual who is designated by a
95 qualified patient or by a person with an identification card, and who has
96 consistently assumed responsibility for the housing, health, or safety of
97 that patient or person and is further defined in the California Supreme
98 Court decision *People v. Mentch* (2008) 45 Cal. 4th 274.
- 99 D. In *City of Riverside v. Inland Empire Patients Health and Wellness Center,*
100 *Inc.* (2013) 56 Cal.4th 729 the California Supreme Court unanimously
101 ruled that the CUA and the MMP did not preempt a local agency’s own
102 ordinances, to regulate the use of its land, including the authority to
103 provide that facilities for the distribution of Medical Marijuana will not be
104 permitted to operate within its borders. The court held that the CUA and
105 the MMP: “...remove state-level criminal and civil sanctions from
106 specified medical marijuana activities, but they do not establish a
107 comprehensive state system of legalized medical marijuana; or grant a
108 ‘right’ of convenient access to marijuana for medicinal use; or override the
109 zoning, licensing, and police powers of local jurisdictions; or mandate
110 local accommodation of medical marijuana cooperatives, collectives, or
111 dispensaries.” This ruling has been applied to a City’s right to prohibit the
112 cultivation of Marijuana by numerous appellate court decisions.
- 113 E. Under the Federal Controlled Substances Act, codified in 21 U.S.C.
114 Section 801 et seq., the use, possession, and cultivation of marijuana are
115 unlawful and subject to federal prosecution without regard to a claimed
116 medical need.
- 117 F. In 2015 the “Medical Marijuana Regulation and Safety Act” (“Act”),
118 which is comprised of the state legislative bills known as AB 243, AB 266,
119 and SB 643, created a comprehensive state regulatory and licensing system
120 governing the cultivation, testing, and distribution of Medical Marijuana,
121 as well as physician recommendations for Medical Marijuana. It created the
122 Bureau of Medical Marijuana Regulation within the Department of

123 Consumer Affairs. It has primary responsibility for administering and
124 enforcing the MMRSA. That scheme also provided for the protection of a
125 local government agency's police powers in Business and Professions Code
126 §§ 19315(a), 19316(a) and 19316(c). Thus all local remedies for any
127 violation of this ordinance have been retained including the following
128 enforcement actions: 1) Administrative citations; 2) Administrative
129 abatement proceedings; 3) License revocation; 4) Civil action for
130 injunctive relief and 5) Criminal enforcement following the failure to abate
131 a public nuisance.

132 G. The City's geographic and climatic conditions provide conditions that are
133 favorable to Outdoor Marijuana Cultivation, thus growers can achieve a
134 high per-plant yield. The Federal Drug Enforcement Administration reports
135 that various types of Marijuana plants under various planting conditions
136 may yield averages of 236 grams, or about one-half (1/2) pound, to 846
137 grams, or nearly two (2) pounds.

138 H. The strong distinctive odor of Marijuana plants creates an attractive
139 nuisance, alerting persons to the location of the valuable plants, and has
140 resulted in burglary, robbery and armed robbery.

141 I. The strong and distinctive odor of Marijuana plants creates a need to
142 ensure that smells that disrupt the use of adjacent properties are minimized,
143 much in the same way that many Cities have ordinances currently in place
144 to minimize the smells associated with raising livestock.

145 J. Children (minors under the age of 18) are particularly vulnerable to the
146 effects of Marijuana use and the presence of Marijuana plants is an
147 attractive nuisance for children, creating an unreasonable hazard in areas
148 frequented by children (including schools, parks, and other similar
149 locations).

150 K. The Cultivation of Marijuana in the incorporated area of the City of Yreka
151 can adversely affect the health, safety, and well being of the City, its
152 residents and environment. Comprehensive civil regulation of premises
153 used for Marijuana Cultivation is proper and necessary to avoid the risks of
154 criminal activity, degradation of the natural environment, malodorous
155 smells, and indoor electrical fire hazards that may result from unregulated
156 Marijuana Cultivation, and that are especially significant if the amount of
157 Marijuana cultivated on a single premises is not regulated and substantial
158 amounts of Marijuana are thereby allowed to be concentrated in one place.

159 L. The indoor Cultivation of substantial amounts of Marijuana within a
160 residence presents potential health and safety risks to those living in the
161 residence, especially to children, including, but not limited to, increased
162 risk of fire from grow light systems, exposure to fertilizers, pesticides,
163 anti-fungus/mold agents, and exposure to potential property crimes
164 targeting the residence.

165 M. Comprehensive restriction of premises used for Marijuana Cultivation is
166 proper and necessary to address the risks and adverse impacts as stated

167 herein, that are especially significant if the amount of Marijuana cultivated
168 on a single premises is not regulated and substantial amounts of Marijuana
169 are thereby allowed to be concentrated in one place.

170 N. Outdoor Marijuana Cultivation is creating devastating impacts to
171 California's surface and groundwater resources and environmental damage.
172 The State Water Resources Control Board, the Central Valley Regional
173 Water Quality Control Board and the Department of Fish and Wildlife have
174 seen a dramatic increase in the number of Marijuana gardens, and
175 corresponding increases in impacts to water supply and water quality,
176 including the discharge of sediments, pesticides, fertilizers, petroleum
177 hydrocarbons, trash and human waste. The sources of these impacts result
178 from unpermitted and unregulated timber clearing, road development,
179 stream diversion for irrigation, land grading, erosion of disturbed surfaces
180 and stream banks, and temporary human occupancy without proper sanitary
181 facilities.

182 O. The immunities from certain prosecution provided to Qualified Patients and
183 their Primary Caregivers under State law to cultivate Marijuana plants for
184 medical purposes does not confer the right to create or maintain a public
185 nuisance. By adopting the regulations contained in this Chapter, the City
186 will achieve a significant reduction in the complaints of odor and the risks
187 of fire, crime and pollution caused or threatened by the unregulated
188 Cultivation of Marijuana in the City of Yreka.

189 P. Nothing in this Chapter shall be construed to allow the use of Marijuana
190 for non-medical purposes, or allow any activity relating to the Cultivation,
191 distribution, or consumption of Marijuana that is otherwise illegal under
192 State law. No provision of this Chapter shall be deemed a defense or
193 immunity to any action brought against any person by the City of Yreka,
194 the Yreka City Attorney, the Siskiyou District Attorney, the Attorney
195 General of State of California, or the United States of America.

196 Q. The Attorney General's August 2008 Guidelines for the Security and Non-
197 Diversion of Marijuana Grown for Medical Use recognizes that the
198 Cultivation or other concentration of Marijuana in any location or premises
199 without adequate security increases the risk that nearby homes or
200 businesses may be negatively impacted by nuisance activity such as
201 loitering or crime.

202 R. Based on the findings above, the potential establishment of the cultivation,
203 and processing of Medical Marijuana in the City without an express ban on
204 such activities poses a current and immediate threat to the public health,
205 safety, and welfare in the City due to the negative impacts of such
206 activities as described above;

207 S. The issuance or approval of business licenses, subdivisions, use permits,
208 variances, building permits, or any other applicable entitlement for
209 Marijuana Cultivation and processing will result in the aforementioned
210 threat to public health, safety, and welfare; and

- 211 T. It is in the interest of the City, its residents, and its lawfully permitted
 212 businesses that City adopts this Ordinance to expressly prohibit the
 213 establishment and operation of Marijuana Cultivation, processing, delivery,
 214 and dispensary activities as well as the issuance of any use permit,
 215 variance, building permit, or any other entitlement, license, or permit for
 216 any such activity, except where the City is preempted by federal or state
 217 law from enacting a prohibition on any such activity or a prohibition on the
 218 issuance of any use permit, variance, building permit, or any other
 219 entitlement, license, or permit for any such activity
- 220 U. The California Constitution, Article XI, section 7, provides cities with
 221 broad authority to determine, for purposes of health, safety, and welfare,
 222 the appropriate uses of land within a City's boundaries.
- 223 V. The Planning Commission of the City of Yreka, after due notice, at the
 224 public hearing of January 20, 2016, reviewed similar proposed ordinances
 225 and accompanying documents, considered testimony regarding similar
 226 proposed Ordinances both a complete prohibition and a regulation of
 227 outdoor cultivation, and voted Ayes 3 and Nays 2 to adopt the Ordinance
 228 referred to in Resolution number 2016-3a and recommend approval to the
 229 City Council.
- 230 W. The Planning Commission of the City of Yreka, also reviewed similar
 231 proposed ordinances and found that the imposition of restrictions, such as
 232 those imposed here, are consistent and compatible with the objectives,
 233 policies, general land uses, and programs specified in the General Plan.
- 234 X. All legal prerequisites for the adoption of this Ordinance have occurred.
- 235 Y. The above recitals are all true and correct and are incorporated in the
 236 substantive portion of this Ordinance.

237 **9.26.130 Scope**

238 The provisions of this Chapter shall apply generally to all property throughout
 239 the incorporated area of the City of Yreka, as from time to time, annexed and
 240 expanded.

241 **9.26.140 Responsibilities**

- 242 A. Regardless of whether an owner is in actual possession of his or her real
 243 property, it is the duty of every owner of real property within the
 244 incorporated area of City of Yreka to prevent a public nuisance from
 245 arising on, or from existing upon, his or her real property.
- 246 B. No person or entity shall cause, permit, maintain, conduct or otherwise
 247 allow a public nuisance as defined in this Chapter to exist upon any
 248 property within their control and shall not cause a public nuisance to exist
 249 upon any other property within the incorporated limits of the City of
 250 Yreka. It shall be the duty of every owner, occupant, and person that
 251 controls any land or interest therein within the incorporated area of the

252 City of Yreka to remove, abate and prevent the reoccurrence of any public
253 nuisance upon such land.

254 **9.26.150 Private Right of Action**

255 Nothing contained in this Chapter shall be construed to prohibit the right of any
256 person or public or private entity damaged by any violation of this Chapter to
257 institute a civil proceeding for injunctive relief against such violation, for
258 money damages, for compensatory damages, for injunctive relief, and for the
259 cost of suit and reasonable attorney's and expert witness' fees, or for whatever
260 other or additional relief the court deems appropriate. The remedies available
261 under this Chapter shall be in addition to, and shall not in any way restrict
262 other rights or remedies available under law.

263

264

265

**ARTICLE 2
DEFINITIONS**

266

9.26.200 Definitions

267

Except where the context otherwise requires, the following definitions shall
268 govern the construction of this Chapter:

269

A. "Building Official" means any person employed by the City of Yreka that
270 has been delegated or assigned building inspection duties or building plan
271 approval.

272

B. "City Manager" means the City Manager of the City of Yreka, California or
273 his or her designee.

274

C. "Code" means the City of Yreka Municipal Code.

275

D. "Code Enforcement Officer" means any person employed by the City of
276 Yreka that has been delegated or assigned code enforcement
277 responsibilities.

278

E. "Commercial cannabis activity" shall have the meaning set forth in
279 Business and Professions Code section 19300.5(k).

280

F. "Costs of Enforcement" or "Enforcement Costs" means the total cost
281 incurred by the City in connection with a public nuisance including, but not
282 limited to:

283

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

284

2. The actual expenses and costs of the City in preparation of notice and order,
285 reconsideration, appeal and termination fees for administrative services rendered
286 by the City in connection with the inspection, notification, prosecution and
287 abatement procedures authorized by this code:

288

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

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b. Notice and order, appeal and termination fees based on services rendered
291 by the City from the time of the initial complaint intake for the purpose of

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- 292 documenting a violation of this code until the violation is corrected;
- 293 c. The notice and order, appeal and termination fees are not intended to be a
294 penalty imposed for violation of this code or other laws;
- 295 d. Specifications and contracts;
- 296 e. Any attorney's fees expended by the prevailing party related to the
297 abatement of the nuisance, through inspection warrant, civil action or
298 otherwise whenever the City elects, at the initiation of that individual action
299 or proceeding, to seek recovery of its own attorneys' fees;
- 300 f. The cost of printings and mailings required under this code;
- 301 g. All costs or expenses to which the City may be entitled pursuant to
302 Health and Safety Code Section 510 and other statutory entitlement;
- 303 h. All costs and expenses for which the City may be liable under state law
304 arising from or related to the nuisance.
- 305 3. Any cost incurred by the City in collecting the costs enumerated in subsections 1
306 and 2 of this definition.
- 307 G. "City" means the City of Yreka.
- 308 H. "Chapter" or Ordinance means this ordinance.
- 309 I. "Cultivation" means the planting, growing, harvesting, drying, processing,
310 of one or more Marijuana plants or any part thereof in any location, indoor
311 or outdoor, including from within a fully enclosed and secure building.
- 312 J. "Enforcement Official" means the Code Enforcement Officer, City
313 Attorney or the City Police, or the authorized officers or designees of
314 either, each of whom is independently authorized to enforce this Chapter.
- 315 K. "Marijuana" or "Marijuana Plant" means all parts of the plant *Cannabis*
316 *sativa* L. or *Cannabis ruderalis*, whether growing or not; the seeds thereof;
317 the resin extracted from any part of the plant; and every compound,
318 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds
319 or resin. It does not include the mature stalks of the plant, fiber produced
320 from the stalks, oil or cake made from the seeds of the plant, any other
321 compound, manufacture, salt, derivative, mixture, or preparation of the
322 mature stalks (except the resin extracted there from), fiber, oil, or cake, or
323 the sterilized seed of the plant which is incapable of germination including
324 marijuana infused in foodstuff or any other ingestible or consumable
325 product containing marijuana. The term "marijuana" shall also include
326 "medical marijuana" as such phrase is used in the August 2008 Guidelines
327 for the Security and Non-Diversion of Marijuana Grown for Medical Use,
328 as may be amended from time to time, that was issued by the office of the
329 Attorney General for the state of California or subject to the provisions of
330 California Health and Safety Code Section 11362.5 (Compassionate Use
331 Act of 1996) or California Health and Safety Code Sections 11362.7 to
332 11362.83 (Medical Marijuana Program Act).

- 333 L. "Marijuana Cultivation Facility" means any business, facility, use,
334 establishment, property, or location where the cultivation of marijuana
335 occurs.
- 336 M. "Medical Marijuana" is Marijuana used for medical purposes where that
337 medical use is deemed appropriate and has been recommended by a
338 physician who has determined that the person's health would benefit from
339 the use of marijuana in the treatment of acquired immune deficiency
340 syndrome ("AIDS"), anorexia, arthritis, cancer, chronic pain, glaucoma,
341 migraine, spasticity, or any other serious medical condition for which
342 marijuana is deemed to provide relief as defined in subsection (h) of Health
343 and Safety Code § 11362.7.
- 344 N. "Medical Marijuana Dispensary" means any business, facility, use,
345 establishment, property, or location, whether fixed or mobile, where
346 Medical Marijuana is sold, made available to, delivered to and/or
347 distributed by or to three or more people. A "Medical Marijuana
348 Dispensary" does not include the following uses, as long as the location of
349 such uses are otherwise regulated by this Code or applicable law: a clinic
350 licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code,
351 a health care facility licensed pursuant to Chapter 2 of Division 2 of the
352 Health and Safety Code, a residential care facility for persons with chronic
353 life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of
354 the Health and Safety Code, a residential care facility for the elderly
355 licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety
356 Code, a residential hospice, or a home health agency licensed pursuant to
357 Chapter 8 of Division 2 of the Health and Safety Code, as long as any such
358 use complies strictly with applicable law including, but not limited to,
359 Health and Safety Code §11362.5 and following.
- 360 O. "Marijuana Processing" means any method used to prepare marijuana or its
361 byproducts for commercial retail and/or wholesale, including but not
362 limited to: drying, cleaning, curing, packaging, and extraction of active
363 ingredients to create marijuana related products and concentrates.
- 364 P. "Parcel" means any parcel of real property that may be separately sold in
365 compliance with the Subdivision Map Act (commencing with Section
366 66410 of the Government Code) and also means parcels that are described,
367 recorded and kept in official City records specifically including documents
368 and maps used by the Siskiyou County Assessor's Office, the Siskiyou
369 County Tax Collector's Office and the Siskiyou County Recorder's Office.
- 370 Q. "Primary Caregiver" shall have the same meaning as "primary caregiver"
371 as defined in the California Health and Safety Code, commencing with
372 Section 11362.7(d), and as further defined in the California Supreme Court
373 decision *People v. Mentch* (2008) 45 Ca1.4th 274.
- 374 R. "Police" or "Police Department" means the City of Yreka Police
375 Department or the authorized representatives thereof.

376 S. "Qualified Patient" shall have the same meaning as "qualified patient" as
377 defined in the California Health and Safety Code, commencing with
378 Section 11362.7(f) as amended or supplanted.

379 **ARTICLE 3**
380 **RESTRICTIONS AND REQUIREMENTS**

381 **9.26.300 Cultivation, Processing, Dispensaries and Delivery Prohibited.**

382 A. Marijuana Cultivation Facilities, Marijuana Cultivation, Marijuana
383 Processing, marijuana delivery, or the establishment or operation of a Medical
384 Marijuana Dispensary in the City, are prohibited in all zones in the City and
385 shall not be established or operated anywhere in the City except where this
386 ordinance is preempted by federal or state law from enacting a prohibition on
387 any such activity. No use permit, variance, building permit, or any other
388 entitlement, license, or permit, whether administrative or discretionary, shall
389 be approved or issued for the activities of Marijuana Cultivation Facilities,
390 Marijuana Cultivation, Marijuana Processing, marijuana delivery, or the
391 establishment or operation of a Medical Marijuana Dispensary in the City.

392 B. It is unlawful and a public nuisance for any person owning, leasing, renting,
393 occupying, or having charge or possession of any Parcel within any zoning
394 district in the City to cause or allow such Parcel or premises to be used for the
395 Cultivation of Medical Marijuana Plants except where the City is preempted by
396 federal or state law from enacting a prohibition on any such activity.
397 No person may own, establish, open, operate, conduct, or manage a Medical
398 Marijuana Dispensary, Marijuana Cultivation Facility or Commercial Cannabis
399 Activity in the City, or be the lessor of property where a Marijuana Cultivation
400 Facility and/or Commercial Cannabis Activity in all zones in the City. No
401 person may participate as an employee, contractor, agent, volunteer, or in any
402 manner or capacity in any Medical Marijuana Dispensary, Marijuana
403 Cultivation Facility and/or Commercial Cannabis Activity in all zones in the
404 City. Nothing in this prohibition shall apply to the exceptions to the prohibition
405 of "Medical Marijuana Distribution Facility" under Yreka Municipal Code
406 Chapter 9.25, §9.25.010(1) through (5) inclusive.

407 C. No person and/or entity may deliver or transport Medical Marijuana from
408 any fixed or mobile location, either inside or outside the City, to any person in
409 the City except where this ordinance is preempted by federal or state law from
410 enacting a prohibition on any such activity.

411 **ARTICLE 4**
412 **PUBLIC NUISANCE**

413 **9.26.400 Public Nuisance**

414 Any violation of this Chapter is hereby declared to be a public nuisance.
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ARTICLE 5
ENFORCEMENT

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9.26.500 Enforcement Authority

The Code Enforcement Official that has been assigned responsibility for administration of Code Enforcement services is hereby designated to enforce this Chapter.

9.26.510 Hearing Authority

The City Planning Commission's jurisdiction is expanded to include conducting hearings on any and all alleged public nuisances under this Chapter, its abatement and the imposition of administrative penalties in addition to the City Planning Commission's existing powers already set forth in other parts of the Code and in applicable statutes.

9.26.515 Right of Entry/Inspection

To enforce the provision of this Code, any Code Enforcement Officer may at a reasonable time request inspection of any Parcel suspected of Cultivating Marijuana. If the person owning or occupying the Parcel refuses the request for an inspection, the Code Enforcement Officer shall have recourse to every remedy provided by law to secure entry, including obtaining an inspection warrant.

9.26.520 Violations

- A. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.
- B. It shall be unlawful and a violation of this Chapter to do anything in contrary to the requirements and provisions set forth in this Chapter.
- C. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation, which persists for more than one day, is deemed a continuing violation.

9.26.530 Remedies

- A. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.
- B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Yreka or any other governmental entity to enforce City ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

- 454 C. Issuance of a warning shall not be a requirement prior to using any
455 enforcement provision of this Code. Violations are not tiered and are
456 subject to enforcement without warning.
- 457 D. A civil action to foreclose a lien, the special assessment procedure, and
458 a personal action against the owner and all other responsible persons
459 shall not be mutually exclusive and the City shall be free to use all
460 methods simultaneously as long as the City does not receive multiple
461 payments for Enforcement Costs.

462 **9.26.540 Notice and Order to Abate**

- 463 A. Upon making a determination that a public nuisance exists, the Code
464 Enforcement Officer shall notify the owner and/or the alleged violator that
465 a public nuisance exists upon such owner's property and of the
466 administrative penalties to be imposed. As to an owner, the Notice and
467 Order to Abate shall be delivered by personal service or by Certified,
468 Return Receipt mail, with postage prepaid, addressed to the owner as such
469 owner's name and address appears on the last equalized assessment roll or
470 to such other address as the owner directs. As to an alleged violator whom
471 the Enforcement Official has determined directly or indirectly contributed
472 to the condition creating the nuisance, the Notice and Order to Abate shall
473 be delivered by personal service or by Certified, Return Receipt mail, with
474 postage prepaid, to the last known address of the alleged violator. In
475 addition, the Notice and Order to Abate shall be delivered by first class
476 mail, with postage prepaid, addressed to the owner and/or alleged violator
477 at the same addresses. A copy shall also be posted on the property. The
478 Code Enforcement Officer shall complete a proof of service.
- 479 B. The Notice and Order to Abate shall describe the use or condition which
480 constitutes the public nuisance; and shall order that the uses or conditions
481 constituting the nuisance be abated by demolition, securing, removal,
482 cleanup, repair or other means of correction within a reasonable time
483 certain as determined necessary for such abatement by the Code
484 Enforcement Officer based upon the nature and complexity of the abatement
485 process, normally being ten (10) days, or more, from the date such notice is
486 mailed and/or posted. The correction period may be shortened in the event
487 the Code Enforcement Officer determines that an immediate threat to the
488 public health and safety may in existence. A correction period longer than
489 ten (10) days may be granted if deemed necessary by the Code Enforcement
490 Officer. No administrative penalties shall be assessed in the event the
491 nuisance is voluntarily abated within the specified correction period.

492 **9.26.550 Correction, Payment or Hearing**

- 493 A. Offenders' Obligation. After the issuance of the Notice and Order to Abate, at a
494 minimum, an offender or the offender's representative shall do one (1) of the
495 following to avoid the penalty set forth in Section 9.26.580:

496 1. Pay the administrative penalties amount designated on the Notice and Order to
497 Abate within twenty-one (21) days of the Notice and Order to Abate issuance
498 date.

499 Or

500 2. Within and including ten (10) days of the issuance of the Notice and Order to
501 Abate make a written request for a hearing with the Planning Commission and
502 appear before the Planning Commission on the designated hearing date and
503 abide by or appeal the Planning Commission's decision. The offenders' written
504 request shall be considered timely if it arrives, is delivered, or it reflects a
505 United States mail postmark date within and including ten (10) days from the
506 issuance date of the Notice and Order to Abate.

507 Or

508 3. Timely abate the nuisance by its correction and obtain the Code Enforcement
509 Officer's verification that the nuisance as been abated.

510 B. Payments. Payments shall be sent to the City's Finance Department.

511 C. Obligation to Correct Violation. Nothing in this Code shall be interpreted to mean that
512 because an offender has paid the administrative penalties that he or she is not required
513 to correct the violation. Failure to correct the violation could result in the issuance of
514 additional citations.

515 **9.26.560 Administrative Hearing Procedure**

516 A. Hearing

517 The Planning Commission shall, at the scheduled date and time specified, conduct a
518 hearing where the Commission can hear and consider any relevant testimony or evidence
519 offered by the offender, any city official or any other interested party. The hearing shall
520 be informally conducted. The formal rules of the California Evidence Code shall not
521 apply, except that irrelevant and unduly repetitious evidence shall be excluded at the
522 Planning Commission's discretion.

523 B. Jury and Public Defense

524 Pursuant to California Penal Code Section 19.6, an offender shall not be entitled to a jury
525 in a Planning Commission (infraction) hearing nor shall an Offender be entitled to have
526 the public defender or other counsel appointed at public expense to represent him or her.

527 C. Continuances

528 At its discretion, the Planning Commission may continue the hearing to another date and
529 time.

530

531 D. Written Determination Contents

532 If the offender or the offender's representative appears at the hearing, the Planning
533 Commission shall provide a written determination to the offender and the City.

534 The Planning Commission's written decision shall contain the following:

- 535 1. The Planning Commission's findings of fact and conclusions.
- 536 2. The procedure described in Sections 9.26.570(E)(2) and 9.26.570(E)(3) for
537 appealing the Planning Commission's decision.

538 E. Notification of Written Determination

539 If the Planning Commission produces a written decision, it should do so within thirty (30)
540 days of the hearing's conclusion. Written Determinations shall be provided by one (1) of
541 the following methods:

- 542 1. By personal service on the offender.
- 543 2. By registered or certified mail to the offender's last known address.

544 Written Determinations shall be considered timely if they arrive, are delivered, or reflect
545 a United States mail postmark date within and including thirty (30) days from the
546 conclusion of the Planning Commission hearing where the determination was made.

547 **9.26.570 Failure to Appear at Planning Commission Hearing or Pay**
548 **Administrative Penalties**

549 A. Penalty

550 If the offender fails to pay the administrative penalties imposed within the time period
551 specified in Section 9.26.570(G)(1) and fails to appear on the designated hearing date, the
552 offender will be subject to the penalty set forth in Section 9.26.580. When an offender
553 requests a hearing and fails to appear at the designated hearing date, the penalty in
554 Section 9.26.580 shall immediately be in effect if the offender has not paid the
555 administrative penalties imposed by the Designated Hearing Date and twenty-one (21)
556 days has passed since the citation issuance date.

557 If the offender fails to appear at the designated hearing date and twenty-one (21) days
558 from the citation issuance date has not passed, the offender has until the end of the
559 twenty-one (21) day period to pay the administrative penalties imposed.

560 B. Waiver of Right to Hearing

561 The offender's failure to appear on the designated hearing date shall constitute a waiver
562 of the right to a hearing. An offender's failure to appear on the designated hearing date
563 shall be presumed an admission of guilt to the municipal ordinance violation charges as
564 indicated on the Notice and Order to Abate.

565

566 C. Good Cause

567 Upon a showing of good cause by the offender, the Planning Commission may excuse the
568 offender's failure to appear on the designated hearing date and reschedule the offender's
569 hearing on the condition that the offender pays a deposit in the amount of the
570 administrative penalties.

571 D. Nothing in this Section shall be interpreted to mean the following:

- 572 1. The offender is excused from the requirement to pay the administrative
573 penalties or appear at a Planning Commission hearing.
- 574 2. The Planning Commission may excuse the offender from appearing altogether.
- 575 3. The Planning Commission may excuse the offender from paying the
576 administrative penalties, unless a hearing as described in Section 26.9.570(A)
577 has been conducted and the Planning Commission finds in favor of the
578 offender.
- 579 4. Notwithstanding the foregoing, the Planning Commission may suspend
580 payment of the administrative penalty and/or Enforcement Costs on the
581 condition that the nuisance is abated within a time set by the Planning
582 Commission.

583 E. Written Decision

584 If the offender fails to appear at the hearing, the Planning Commission may, but is not
585 required to render a decision. However, any decision that the Planning Commission does
586 render shall be in favor of the City, as the offender's failure to appear constitutes an
587 admission of guilt as specified above. The offender's failure to appear shall not affect the
588 validity of the Planning Commission's decision.

589 F. Planning Commission Decision in Offender's Favor

590 A decision in favor of the offender shall constitute a dismissal of the municipal ordinance
591 violation. The City shall return any monies paid by the offender as a deposit towards the
592 dismissed municipal ordinance violation administrative penalties.

593 G. Planning Commission Decision in City's Favor

594 If the Planning Commission conducts a hearing and renders a written decision in favor of
595 the City, the Offender must do one (1) of the following:

- 596 1. Abide by the Planning Commission's order including paying the administrative
597 penalties and Enforcement Costs to date in full within twenty (20) calendar days
598 of service of the Planning Commission's decision.

599 OR

- 600 2. Appeal the Planning Commission's decision pursuant to California Government
601 Code Section 53069.4 (hereinafter Section 53069.4) within twenty (20) calendar

602 days after service of the Planning Commission's decision. Pursuant to Section
603 53069.4, the appealing party shall serve a copy of the appeal notice in person or by
604 first-class mail upon the City. Appeal notices shall be sent to: City Manager, 701
605 Fourth Street, Yreka, California 96097. If no appeal notice is filed within the
606 twenty (20) calendar day period, the Planning Commission's decision shall be
607 deemed confirmed.

608 OR

609 3. File a petition for a writ of mandate pursuant to California Code of Civil
610 Procedure Section 1094.5 et seq.

611 **9.26.580 Violation Penalties**

612 A. Criminal Penalties.

613 Any responsible party, whether owner, lessee, sublessor, sublessee or occupant
614 of any premises who violates the provisions of this code shall be guilty of a
615 misdemeanor for each day such violation continues. Nothing in this provision is
616 intended to obviate any applicable immunity conferred pursuant to Health and
617 Safety Code §11362.71(e).

618 B. Administrative Penalties.

- 619 1. Any person who violates this Chapter shall be guilty of a separate offense
620 for each and every day, or portion thereof, the violation is committed,
621 permitted or continued. The city attorney may pursue any lawful civil
622 remedy and administrative penalties brought to enforce any provisions of
623 this Chapter.
- 624 2. In addition to the actual abatement and/or Enforcement Costs incurred by
625 the City any person who has been issued a Notice and Order to Abate
626 Public Nuisance shall be assessed an Administrative Penalty payable to the
627 City as follows:
- 628 a. A penalty of \$200 for each violation of this Code per day as set forth in
629 the Notice and Order to Abate.
- 630 b. A penalty of \$500 for each violation of this Code per day when a second
631 violation of this Code occurs within twelve (12) months of a previously
632 issued Notice and Order to Abate.
- 633 c. A penalty of \$1, 000 for each violation of this Code per day for each
634 subsequent violation of this Code beyond the second when the violation
635 occurs within twelve (12) months of the original Notice and Order to
636 Abate.
- 637 3. For the purpose of calculating the daily Administrative Penalty, each
638 offense of any Section of this Chapter shall be charged as a separate
639 violation; in addition, each cubic foot of area under Cultivation in violation
640 of this Chapter shall be charged as a separate violation.

641 4. The Administrative Penalty, pursuant to this Section, shall be assessed
642 immediately upon the issuance of a Notice and Order to Abate Public
643 Nuisance and shall continue to accrue until the date compliance with the
644 Order has been met and verified by the Code Enforcement Officer.

645 C. Obstruction a Crime.

646 Any person who obstructs, impedes or interferes with any representative,
647 officer, employee, contractor or authorized representative of the city council or
648 with any representative of a City department or with any person who owns or
649 holds any estate or interest in a building or Parcel which has been ordered to be
650 abated pursuant to the provisions of this Chapter when any of the
651 aforementioned individuals are engaged in the work of abating any nuisance as
652 required by the provisions of this Chapter, or in performing any necessary act
653 preliminary to or incidental to such work authorized or directed pursuant to this
654 Chapter lawfully engaged in proceedings involving the abatement of a nuisance
655 is guilty of a misdemeanor.

656 **9.26.590 Enforcement Costs**

657 A. All costs and penalties associated with the enforcement of this Chapter are
658 the joint and several responsibility of the owner, lessee, renter, occupier
659 and person having charge or possession of any Parcel(s) on which a
660 nuisance has been found to exist and such costs shall be paid within 30
661 days of the date of demand thereof.

662 B. The City Manager/designee shall keep an account of the Enforcement Costs
663 (including incidental expenses) of abating such nuisance on each Parcel
664 where the work is done and shall render an itemized billing to the property
665 owner, which shall be due and payable within thirty days. If the owner
666 refuses or neglects to pay the bill, an itemized report in writing shall be
667 made to the Planning Commission showing the Enforcement Costs and the
668 demolishing or repairing of said buildings, structures and/or Marijuana
669 eradication, including any salvage value relating thereto; provided, that
670 before said report is submitted to the Planning Commission, a copy of the
671 same shall be mailed together with a notice of the time when said report
672 shall be heard by the Planning Commission for confirmation.

673 C. The Planning Commission shall set the matter for hearing to determine the
674 correctness or reasonableness, or both, of such costs, and shall serve notice
675 thereof as set forth in Government Code §38773.5(C). At the time and
676 place fixed for receiving and considering the report, the Planning
677 Commission shall hear and pass upon the reports of the Enforcement Costs
678 and such other costs of abatement, together with any objections or protests
679 raised by any of the persons liable to be assessed for the cost of abating the
680 nuisance.

681 Thereupon, the Planning Commission may make such revision, correction
682 or modification in the report, as it may deem just, after which, by motion,
683 the report, as submitted or as revised, corrected or modified, shall be
684 confirmed. The hearing may be continued from time to time. The decision

685 of the Planning Commission on all protests and objections, that may be
686 made, shall be final and conclusive. Proof of said service of the Planning
687 Commission's determination of Enforcement Costs and other costs of
688 abatement shall be made by declaration under penalty of perjury filed with
689 the city clerk.

- 690 D. Where costs and penalties go unpaid beyond 30 days, the Code Enforcement
691 Officer shall take action to confirm the Enforcement Costs and other costs
692 and record a lien against the Parcel and will attach as a lien until paid. Costs
693 or expenses for which the City may be reimbursed shall begin to accrue at the time
694 the City first receives a complaint regarding a problem on the property. Any lien
695 recorded pursuant to Government Code §38773.5 shall not include administrative
696 penalties assessed and shall be limited to the Enforcement Costs. However, upon
697 entry of a second or subsequent civil or criminal action within a two year period
698 finding an owner of a Parcel or a person described in paragraph (3) of subdivision (d)
699 of Government Code §38772 is responsible for the condition that may be abated in
700 accordance with this Chapter, the Court may order that person to pay treble the
701 Enforcement Costs..
- 702 E. The Code Enforcement Officer shall notify the owner of record of the parcel
703 of land on which the nuisance is maintained, based on the last equalized
704 assessment roll or the supplemental roll, whichever is more current, that a
705 nuisance abatement lien will be recorded. The notice shall specify the
706 amount of the lien, the name of the City, the date of the abatement order, the
707 street address, the legal description and the assessors parcel number of the
708 parcel on which the lien is imposed, and the name and address of the
709 recorded owner of the parcel. The notice shall be served by certified mail, to
710 the property owner, if the property owner's identity can be determined from
711 the county assessor's or county recorder's records. The notice shall be given
712 at the time of imposing the assessment and shall specify that the property
713 may be sold after three years by the tax collector for unpaid delinquent
714 assessments. Such notice of lien for recordation shall be in the form
715 substantially as follows:

716 NOTICE OF LIEN
717 (Claim of City of Yreka)

718 Pursuant to the authority vested by the provisions of Chapter 9.26 of the
719 City of Yreka Municipal Code, the city manager (or his designee) of the City of
720 Yreka did on or about (insert date), cause the premises hereinafter described
721 [insert description of abatement action taken] to abate a public nuisance on said
722 real property; and the Planning Commission of the City of Yreka did on (insert
723 date), assess the cost of such abatement action taken; and the same has not been
724 paid nor any part thereof; and that said City of Yreka does hereby claim a lien
725 on premises in the amount of said assessment, to wit: the sum of \$ (insert
726 amount); and the same shall be a lien upon said real property until the same has
727 been paid in full and discharged of record. The below described real property
728 may be sold after three years by the tax collector for unpaid delinquent
729 assessments.

730 The real property hereinbefore mentioned, and upon which a lien is
731 claimed, is that certain parcel of land lying and being in the City of Yreka,
732 County of Siskiyou, State of California, and particularly described as
733 follows:

734 (Insert description)

735 DATED: (insert date).

736 City Manager of the City of Yreka, California
737 (ACKNOWLEDGEMENT)

- 738 F. The Planning Commission may order a refund of all or part of the
739 assessment paid pursuant to this Chapter if it finds that all or part of the
740 assessment was erroneously levied. An assessment or part thereof shall not
741 be refunded unless a claim is filed with a city clerk within six months after
742 the assessment became due and payable. The claim shall be verified by the
743 person who paid the assessment, or the legal representative of such person.
- 744 G. After notice is given in accordance with subsection E of this section, the
745 notice of lien shall be recorded in the Siskiyou County Recorder's office and
746 shall thereafter constitute a lien on the real property for the expense of the
747 abatement, the related administrative costs together with interest thereon.
- 748 H. In the event the lien is discharged, released or satisfied, either through
749 payment or foreclosure, notice of the discharge containing the same
750 information as the notice of lien shall be recorded in the Siskiyou County
751 Recorder's office.
- 752 I. The City may enforce the nuisance abatement lien by an action for a money
753 judgment.
- 754 J. An additional fee which shall be set by resolution of the city council shall be
755 imposed on the owner of the Parcel at the conclusion of any matter in which a notice
756 and order has been issued. This termination fee shall be calculated to recover the
757 cost of closing the file, removing or placing liens, and other associated
758 administrative costs. Costs shall be assessed at the conclusion of the abatement;
759 provided, however, in the case of abatement by any method which takes more than
760 six months, costs may be assessed at any time after six months, but in no event more
761 than two times a year.
- 762 K. Enforcement Costs and expenses may be recovered even if the nuisance is
763 corrected voluntarily, subsequent to the issuance of an abatement order. No fees
764 shall be due and owing if it is administratively determined that no nuisance exists.
765 All fees shall be a personal obligation of the owner and a lien upon the Parcel and
766 are due and payable within thirty days of issuance of the notice and order or closing
767 of the file respectively. Any fee not paid within that time shall be payable to the
768 City.
769

770 **Section 4. Severability**

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

779 **Section 5. Inconsistency.**

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

784 **Section 6. CEQA Exemption.**

785 The City Council finds the approval of this ordinance is not subject to the
786 California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines
787 Sections 15060(c)(2) (the activity will not result in a direct or reasonably
788 foreseeable indirect physical change in the environment) and 15060(c)(3) (the
789 activity is not a project as defined in Section 15378) of the CEQA Guidelines,
790 California Code of Regulations, Title 14, Chapter 3, because it has no potential
791 for resulting in physical change to the environment, directly or indirectly.
792 Alternatively, the City Council finds the approval of this ordinance is not a
793 project under CEQA Regulation Section 15061(b)(3) because it has no potential
794 for causing a significant effect on the environment. In addition, the ordinance is
795 exempt from environmental review pursuant to the general rule of the
796 California Environmental Quality Act, which exempts minor alterations to land
797 use limitations that do not result in changes in land use or density pursuant to
798 CEQA Guidelines Section 15305. Finally this Ordinance is exempt because it is
799 an urgency Ordinance necessary to protect the City from a current and
800 immediate threat to the public health, safety and welfare. Based on the
801 information contained in the staff report and accompanying attachments and
802 exhibits, the City Council hereby finds:

- 803 1. The proposed project will not result in a significant adverse effect on
804 the environment and will support the public health, safety, and welfare
- 805 2. The Ordinance and its provisions are consistent with the goals and
806 policies of the General Plan.
- 807 3. The Ordinance provides regulations for Marijuana Cultivation and this
808 minor alteration to land use limitations that do not result in changes in
809 land use or density pursuant to CEQA Guidelines Section 15305.
- 810 4. This is an urgency Ordinance necessary to protect the City from a
811 current and immediate threat to the public health, safety and welfare.

812 **Section 7. Publication of Codification.**

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

817 **Section 8. Effective Date.**

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

820 **Section 9. Implementation.**

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

823 **Section 10. Execution.**

824 The Mayor and City Clerk are authorized to subscribe this ordinance where
825 indicated below to evidence its approval by the City Council.
826 Introduced at a regular meeting of the City Council held May 19, 2016, and
827 adopted as an ordinance of the City of Yreka at a regular meeting of the City
828 Council held June 2, 2016 by the following vote:

829
830

831 AYES:

832 NOES:

833 ABSENT:

834
835
836
837
838

John Mercier, Mayor

839
840 Attest:

APPROVED AS TO FORM

841
842
843

Elizabeth E. Casson, City Clerk

DOHN HENION, City Attorney



CITY COUNCIL AGENDA MEMORANDUM

TO: Yreka City Council

PREPARED BY: Public Works Director, Matt Bray and Finance Staff (2)

AGENDA TITLE: Direct Staff to prepare and introduce an ordinance that prohibits resale of City water for agricultural purposes and regulates use of bulk fill water station;
and provide direction on presented options for elimination (or significant reduction) of sales of bulk water to out of area residents for agricultural purposes.

MEETING DATE: June 2, 2016

Discussion:

The City Council expressed concern over agricultural resale and sale of water from the bulk water dispenser operated by Magic Rain car wash under a cooperative agreement with the City. The Council on May 5, 2016 directed staff to present some viable options that would either restrict or eliminate bulk water sale and resale.

Background:

The City used to operate a bulk water dispenser at the City Fire Station. The dispenser had been in use for over 20 years and become antiquated in equipment and from a safety perspective, was located in the wrong place for emergency response operations. The purpose was to provide a high volume of water for bulk filling to assist the City in hydrant meter filling, City residents (bulk filling for pools), and neighbors in sphere of service during periods when home owners experienced "dry wells" in the summer and periods of drought.

The City was able to work with a private business, Brian Cowley of Magic Rain car wash to relocate and operate the fill station to accommodate not only the service area residents, but also provide for a high volume fill for construction and fire tender operations.

The relocation and refinement of a bulk water fill station met many city objectives of:

- Providing contractors and fire tenders a central location to fill water trucks without damage or tampering with City hydrants and illegal tapping of hydrants.
- Eliminated the need to procure and provide to local contractors hydrant meters
- Allowed fire tenders (private and public) a place to fill enroute to fire events and camps.
- Gave those residents within the City's sphere of service that experience dry wells an alternative for non-potable water for domestic use.
- Transferred administrative activities of tracking fire hydrant meters, fire hydrant repairs from various hydrants being tapped into by the contractor community.

- Provided safe, well lighted, off road access for trucks, pickups with trailers and to fill.
- Eliminated the ongoing maintenance time and repair costs of maintaining the Fire hall dispenser.

The recent boom economy for the growing of marijuana in Siskiyou County, primarily in the areas of Shasta Vista, Iron Gates estates and KRCE has resulted a sub-economy of water trucks selling and reselling water for agricultural purposes in those areas. This is an undesired use and consequence from water available at the Magic Rain car wash high pressure bulk fill station.

Current operations:

The bulk water fill station has two fill service options, a 2” fill dispensed via a token system, and a 3” high pressure volume fill, secured with a lock and key system.

Token system:

At present, water tokens can be purchased from a car wash operator during hours of operation of the automated car wash where the attendant is present. There is no token dispenser. Initially, a token dispenser was installed, however vandalism and tampering of the dispenser make it non-feasible to continually repair and operate. For \$6, an individual may purchase 3 tokens, each token providing 250 gallons of water. There is at present no limit on the number of tokens an individual can purchase at a time.

3” High Volume Fill system

A key and padlock system are in use for the high fill dispenser. Purveyors of water are given an application prior to receiving key access to the high fill dispenser. Haulers log at the station their fill up load(s) for billing every 15-days. It is an honor system for the hauler to record in the log information for the fill.

Other fill stations are now opening

Other bulk water filling stations/haulers are now in operation outside the City of Weed, and the Bogus Creek area that have reduced the number of visits to the Magic Rain car wash, but have not completely eliminated the smaller individual truck-trailer purchases.

Proposals from staff

Staff met to discuss various options that would address the agricultural use in hauling water outside the service area. Every option involves introducing an ordinance that prohibits the sale and resale of water for agricultural purposes, and restricts consumption to construction, fire tenders and domestic consumption with the defined sphere of service for the City. The attachment outlines six of the viable options that staff reviewed. Each has an approximate cost related to implementation. The City must also collaborate with Magic Rain on the option that would also work within their business framework. Magic Rain cannot screen or prescreen for purchasing eligibility. That would be the responsibility of the City within the ordinance framework.

Options

All options presented are viable, however staff is recommending the option outlined below. Enforcement for each of the options necessitates a change to the City's municipal code to recognize what constitutes a violation in use of water and respective penalties for enforcement.

Staff Proposal:

1. Direct staff to prepare and introduce an ordinance that prohibits sale and resale of City water for agricultural purposes and regulates use of bulk fill water station.
2. Have the City issue permits for the 3" high fill station. Only permitted operators would be given access to (key lock and log system) to procure water through the high fill.
3. Limit sale of tokens:
 - a. Limit the sale of tokens to six per visit. In discussing the typical token sale, customers generally are buying \$20 in tokens at a time (10 tokens – each token dispenses 250 gallons of water). Ask the attendant at the car wash to verify sphere of service, e.g. driver's license or billing statement with 96097 zip code).
 - b. Limit and restrict the sale of tokens. Ask staff at City Hall to verify sphere of service (e.g. driver's license, billing statement with 96097 zip code).
4. Assist and collaborate with Magic Rain in evaluating a monitored camera system at the dispenser and evaluate options for a card payment system in which programming limits can be triggered (e.g. zip code of card bill limits, limit swipe to one per day, etcetera).
5. Review existing agreement, and make changes as needed to ensure Magic Rain car wash agreement is in compliance with recommended actions.

Fiscal Impact:

Fiscal impact varies by option, and costs are estimated.

Recommendation and Requested Action:

Recommend staff work on option(s) _____ for elimination or significant reduction of sales of bulk water to out of area residents for agricultural (including all activities relating to the cultivation of marijuana) purposes.

Approved by: _____


Steven Baker, City Manager

CITY OF YREKA - BULD WATER FILL STATION

Options for Preventing Agricultural Water Use

All of the proposed solutions would involve a change to the municipal code: to isolate the hauling of City water (including the bulk water dispenser) for agricultural purposes as being illegal, and subject to fines. A complete ban on bulk water sales would be difficult, as RV parks, gas stations, accommodate RV vehicles for the sale of water and disposal of septic waste for recreational vehicles.

OPTION	PROS	CONS	CITY EFFORT REQUIRED	ROUGH COST
1	<p>SHUT DOWN DISPENSER COMPLETELY - Request Cowley to shut down bulk water dispenser completely</p> <p>1. Prevent use by agricultural growers</p>	<p>1. Penalizes legitimate Yreka users from obtaining water causing a hardship for domestic customers</p> <p>2. Damage Cowley's business</p> <p>3. Would impact legitimate construction users and/or fire water tenders</p> <p>4. Increase likelihood of theft and tampering of fire hydrants</p>	<p>1. Amend contract with Cowley requesting shut down of water dispenser until further notice</p> <p>2. Create Muni Code that prohibits the sale of bulk City water.</p>	\$1K - \$3K for ordinance preparations and publication
2	<p>SHUT DOWN LARGE FILLS - Request Cowley to shut down large scale (3" valve) bulk water sales but still allow small scale (2" valve) fills <=250 gallons</p> <p>1. Limit use by agricultural growers</p> <p>2. Still able to service small domestic users</p>	<p>1. Negative impact legitimate construction users and/or fire water tenders</p> <p>2. Increase likelihood of theft and tampering of fire hydrants</p>	<p>1. Amend contract with Cowley requesting shut down of large scale water sales during agricultural growing season (Apr-Nov)</p> <p>2. Create Muni Code that restricts the use of bulk City water for agricultural use</p> <p>3. Install hydrant meter at Service Center for certified contractors registered with City Hall to obtain construction/fire water. Create log book for each contractor for water use billing</p>	\$5K-\$15K depending on hours of operation at service center
3	<p>FILLS FOR 96097 USERS ONLY - Request Cowley to limit bulk water sales to domestic 96097 users only</p> <p>1. Bulk water available for legitimate users from the Greenhorn, Hawkinsville, and Pines areas</p> <p>2. This would exclude users outside Yreka area</p>	<p>1. Customers must show proof of address within the 96097 Yreka area to be eligible to obtain water</p> <p>2. Puts the burden of 96097 verification on Cowley's employees</p> <p>3. Would impact legitimate construction users and/or fire water tenders</p>	<p>1. Need new agreement with Cowley to restrict water sales to domestic small water purchasers in the 96097 area only</p> <p>2. Create Muni Code that restricts the use of bulk City water to 96097 area only</p> <p>3. Install hydrant meter at Service Center for certified contractors registered with City Hall to obtain construction/fire water. Create log book for each contractor for water use billing</p> <p>4. Hire one-two part time employees for hydrant filling a service center</p>	\$10K- \$21K depending on hours of operation
4	<p>FILLS FOR 96097 USERS ONLY - Have City seasonal employees work the bulk water fill station during the agricultural season, selling to domestic 96097 users only, approved contractors and fire support.</p> <p>1. Service for small domestic 96097 users still available</p> <p>2. Ability to restrict large quantity sales</p> <p>3. Prevent use by agricultural growers</p> <p>4. Removes verification burden off Cowley</p> <p>5. Could still service legitimate construction users and/or fire water tenders</p>	<p>1. Customers must show proof of address within the 96097 Yreka area to be eligible to obtain water</p> <p>2. Labor intensive</p>	<p>1. Need new agreement or amended contract with Cowley for City management of water sales during agricultural growing season (Apr-Nov)</p> <p>2. Hire two part time employees for work week and weekend coverage</p> <p>3. Create Muni Code that restricts the use of bulk City water for agricultural use</p> <p>4. Install hydrant meter at Service Center for certified contractors registered with City Hall to obtain construction/fire water. Create log book for each contractor for water use billing</p>	\$10K- \$21K depending on hours of operation
5	<p>LIMITED SALES - Limit number of gallons per customer, per day or per load</p> <p>1. Max 250 gallons</p> <p>2. Permit large fills</p> <p>**Control by personnel</p>	<p>1. Would require monitoring at the fill station by a Cowley or City employee to control the fill</p> <p>2. Would need to monitoring system for same day repeats</p> <p>3. Would need availability 7 days a week or restrict hours of fill</p>	<p>1. Need new agreement or amended contract with Cowley for seven day a week coverage during agricultural growing season (Apr-Nov)</p> <p>2. Create Muni Code that restricts the use of bulk City water to 250 gallons per day.</p>	\$10K- \$21K depending on hours of operation
6	<p>LIMITED SALES - Limit number of gallons per customer, per day or per load</p> <p>1. Max 250 gallons.</p> <p>2. Permit large fills</p> <p>**Control by Tokens</p>	<p>1. Would require control by tokens. One per customer, per day</p> <p>2. Would need availability 7 days a week</p> <p>3. Customers would need to register with City Hall to purchase their daily token.</p>	<p>1. Need new agreement or amended contract with Cowley for seven day a week coverage during agricultural growing season (Apr-Nov)</p> <p>2. Create Muni Code that restricts the use of bulk City water for agricultural use</p> <p>3. City would register customers in the 96097 area and sell them one token good for 250 gallons of water. This would have to be done daily</p> <p>4. Hire part time employee to assist with fill station assistance at City Hall</p>	\$5K- \$10K depending on hours of operation



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council

From: *AWEB
5/23/16* Matthew K. Bray, Director of Public Works

Prepared by: Cynthia Lynch, Project and Grant Analyst

Agenda title: Approve Resolution No. 2016-__ authorizing the City to apply to the State of California for Active Transportation Program funds, enter into a funding agreement, and designate representatives to sign related documents for the City of Yreka Greenhorn Road Bicycle and Pedestrian Path Gap Closure Project.

Meeting date: June 2, 2016

Discussion:

In 2006, the City Council adopted a Bicycle Transportation Plan (BTP) which identifies a variety of bicycle facilities and policies. The BTP was approved by the Siskiyou County Local Transportation Commission (LTC) in February 2007 and by Caltrans in October 2007.

In 2007, the City received State Transportation Improvement Program (STIP) funds to reconstruct Greenhorn Road. The plans for Greenhorn Road included a pedestrian pathway, pavement reconstruction, curb, gutter, sidewalk, and bicycle lane striping. However, due to the delay between programming in the 2000 STIP and the actual funding allocation in 2007, the available funds were sufficient only to complete the pavement reconstruction, and the remaining improvements were deferred. With minor modifications to the plans and specifications, these deferred improvements qualify for Caltrans' Active Transportation Program (ATP).

This project meets safety goals by completing the road and improving access to the Park. It implements a portion of the City's Bicycle Transportation plan on Greenhorn Road between Oregon Street and the Upper Greenhorn Park entrance near the west City Limit. It also completes important storm drain infrastructure to assist the City in complying with its Stormwater (MS4) responsibilities.

This project will receive statewide preference points because it is anticipated that the California Conservation Corps (CCC) may be able to provide a portion of the work.

Fiscal Impact:

The project cost is estimated to be \$995,000.00. There is no immediate fiscal impact because the normal local match requirement of 11.47% is able to be funded by the State using toll credits.

Recommendation and Requested Action:

That the Council approve Resolution No. 2016-__ authorizing the City to apply to the State of California for Active Transportation Program (ATP) funds, enter into a funding agreement, and designate representatives to sign related documents for the City of Yreka Greenhorn Road Bicycle and Pedestrian Path Gap Closure Project.

Approved by: 
Steven Baker, City Manager

Resolution No. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA AUTHORIZING THE CITY TO APPLY TO THE STATE OF CALIFORNIA FOR ACTIVE TRANSPORTATION PROGRAM FUNDS, ENTER INTO A FUNDING AGREEMENT, AND DESIGNATE REPRESENTATIVES TO SIGN RELATED DOCUMENTS FOR THE CITY OF YREKA GREENHORN ROAD BICYCLE AND PEDESTRIAN PATH GAP CLOSURE PROJECT

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

WHEREAS, the State of California has solicited applications for the Active Transportation Program (ATP) funding to be adopted by the California Transportation Commission; and

WHEREAS, the project was designed in 2004, but due to State budget constraints the pedestrian and bicycle portion of the planned improvements were eliminated from the State Transportation Improvement Program (STIP) funded Greenhorn Road Rehabilitation Project (completed in 2007); and

WHEREAS, the pedestrian sidewalk, bike lanes, and completion of the storm drain infrastructure was designed with that project in 2007, and may need only minor modification to meet current requirements; and

WHEREAS, the project would allow the city to complete this critical infrastructure and provide residents and visitors with better and safer access to Greenhorn Park; and

WHEREAS, the local match of 11.47% is able to be funded by the State (toll credits); and

WHEREAS, the California Transportation Commission policy requires that allocated funds have an authorization prior to the application; and

WHEREAS, the City will maintain the installed facilities consistent with its intended purposes; and

WHEREAS, the Council finds that this application is not a project until such time as funding is made available. Should funds be awarded, the appropriate environmental reviews (CEQA/NEPA) will be completed.

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

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

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

Section 3. The City Manager, or designee, and the City Clerk, and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Section 4. It is further resolved, if any section, subsection, part, clause, sentence or phrase of this Resolution or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Resolution, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

Section 5. If project is funded, the City will maintain and operate the property for the intended purposes.

Section 6. This resolution shall take effect immediately upon its passage.

Passed and adopted this 2nd day of June, 2016, by the following vote:

AYES:
NAYS:
ABSENT:

John Mercier,
Mayor of the City of Yreka

Attest: _____
Elizabeth E. Casson
City Clerk

THE UNDERSIGNED CERTIFIES THAT THIS A TRUE AND CORRECT COPY OF RESOLUTION NO. 2016 - _____ AS ADOPTED BY THE CITY COUNCIL AT ITS MEETING HELD June 2, 2016.

Elizabeth E. Casson, City Clerk



CITY COUNCIL AGENDA MEMORANDUM

TO: Yreka City Council

PREPARED BY: Brian Bowles, Chief of Police and Rhetta Hogan, Finance Director

AGENDA TITLE: Adopt a Resolution Authorizing the Transfer of Accounts and Fiduciary Assets for the Siskiyou Unified Major Investigations Team (SUMIT) from the County of Siskiyou to the City of Yreka for Fiscal and Custodial Administrative Services

MEETING DATE: June 2, 2016

Discussion:

Siskiyou Unified Major Investigations Team (SUMIT) is desirous of changing fiduciary agents from Siskiyou County and has requested that the City of Yreka provide fiscal, custodial and limited amount of administrative services. The City of Yreka is SUMIT's first choice as its fiduciary agent in the county.

On May 18, 2016 the Siskiyou Unified Major Investigations Team (SUMIT) executive board met and voted for change in fiduciary agents naming the City as agent to oversee fiduciary accounts for SUMIT. Task forces across the state are now finding it to be best practice of using cities instead of counties as fiduciary for Department of Justice lead task forces and investigation teams. One of the reasons being cities are less structured in the administrative process, enabling the teams to respond quickly and operate more efficiently. By instituting this change in fiduciary agents, SUMIT believes it will be able to operate at the financial level better (faster, and more efficient) allowing the team to function better as a whole unit.

Fiscal Impact:

Finance staff time and resources - unknown effort level, initial startup and ongoing. YPD administrative staff time and resources - unknown effort level, initial startup and ongoing. Some direct costs may be reimbursed by SUMIT.

Recommendation and Requested Action:

Adopt a Resolution Authorizing the Transfer of Accounts and Fiduciary Assets for the Siskiyou Unified Major Investigations Team (SUMIT) from the County of Siskiyou to the City of Yreka for Fiscal and Custodial Administrative Services.

Approved by

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

Steven Baker, City Manager

RESOLUTION NO. 2016-

ADOPT A RESOLUTION AUTHORIZING THE TRANSFER OF ACCOUNTS AND FIDUCIARY ASSETS FOR THE SISKIYOU UNIFIED MAJOR INVESTIGATIONS TEAM (SUMIT) FROM THE COUNTY OF SISKIYOU TO THE CITY OF YREKA FOR FISCAL, CUSTODIAL AND LIMITED ADMINISTRATIVE SERVICES

WHEREAS, Siskiyou Unified Major Investigations Team (SUMIT) is desirous of changing fiduciary agents from Siskiyou County and has requested that the City of Yreka provide fiscal, custodial and limited amount of administrative services

WHEREAS, on May 18, 2016 the Siskiyou Unified Major Investigations Team (SUMIT) Amended Board Meeting Minutes approved a change in fiduciary agents naming the City as agent to oversee fiduciary accounts for SUMIT.

WHEREAS, the SUMIT Task Force is a multi-agency, multi-jurisdictional specialized enforcement team that endeavors to effectively enforce major crimes and the controlled substance laws of the State of California.

WHEREAS, the SUMIT Task Force is intended to ensure well-coordinated narcotic and major crime enforcement regionally and to increase the flow of criminal intelligence information between law enforcement agencies.

WHEREAS, the City of Yreka is supportive of the efforts of SUMIT and has a history has provided direct and support services to the organization

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

1. The City of Yreka, effective on July 1, 2016, will receive from the County of Siskiyou all asset forfeiture funds and associated fiduciary duties from all accounts held or managed by the County of Siskiyou on behalf of the Siskiyou Unified major Investigation Team (SUMIT), including the following accounts: DA (not Adjudicated) Seized 772028-216126, 772029-212227, State Fund Balance (Restricted) 1004-461013, Federal-Justice 772036-212213, Justice Federal Treasury 772038-212138 and Federal Fund Balance (Restricted) 1004-461027.
2. The City of Yreka Police Department will provide administrative assistance relating to travel arrangements, ordering, and purchase order and invoice preparation.
3. The City of Yreka, Finance Department will provide and be responsible for fiscal administration, audit support, that includes maintaining cash accounts, monthly reporting, budgeting and accounting services.

4. The City of Yreka, Finance Department will administer departmental fiscal resources within the framework of existing procedures for cash receipts, accounts payable (that may include credit card procurement) and bank reconciliation.

5. City of Yreka understands and accepts there is audit and compliance risk in performing fiscal services for SUMIT, should there be any substantive findings.

Passed and adopted this 2nd day of June, 2016 by the following vote:

AYES:

NAYS:

ABSENT:

John Mercier
Mayor

Attest: _____
Liz Casson
City Clerk



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Rhetta Hogan, Finance Director
Agenda title: Adopt a Resolution Authorizing the Expenditure of Funds Prior to the Adoption of the Fiscal Years Ending June 30, 2017, and 2018 Biannual Budget
Meeting date: June 2, 2016

Discussion:

The City's biannual budget process is expected to continue into the new fiscal year beginning July 1, 2016.

City staff is working with an ad hoc budget committee of Councilmembers and department heads to address some of the operating structural deficit issues and will be working on recommendations for the City's ongoing fiscal solvency.

Adoption of the City's annual budget will be scheduled for an action item late in July or August of 2016. This resolution is for that interim period, as the City will have expenses related to on-going services, programs and projects. The attached resolution will authorize such on-going expenses.

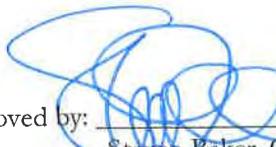
Fiscal Impact:

Fiscal impact will be determined when the budget is adopted.

Recommendation and Requested Action:

Adopt a Resolution Authorizing the Expenditure of Funds Prior to the Adoption of the Fiscal Years Ending June 30, 2017, and 2018 Biannual Budget.

Approved by: _____


Steven Baker, City Manager

RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA
AUTHORIZING THE EXPENDITURE OF FUNDS PRIOR TO
ADOPTION OF THE FISCAL YEARS ENDING JUNE 30, 2017-2018
BIANNUAL BUDGET

WHEREAS, the City of Yreka Budget for the Fiscal year ending June 30, 2017 and 2018 has not been approved; and

WHEREAS, the City's daily operations require the expenditure of funds for usual and necessary expenditures including, but not limited to, expenditures for contract services previously authorized by the City Council.

NOW ,THEREFORE, BE IT RESOLVED that the City Council of the City of Yreka authorizes the City Manager to approve expenditures of funds for usual and necessary expenditures, including those previously approved by the City Council prior to the Adoption of the Fiscal Years Ending 2017 and 2018 Biannual Budget.

Passed and adopted this 2nd day of June 2016, by the following vote:

AYES:

NAYS:

ABSENT:

John Mercier, Mayor

Attest: _____
Elizabeth E. Casson,
City Clerk