

YREKA CITY COUNCIL
AGENDA

September 17, 2015 – 6:30 P.M.

Yreka City Council Chamber 701 Fourth Street, Yreka, CA

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

PLEDGE OF ALLEGIANCE

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

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

1. Discussion/Possible Action - Consent Calendar: All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
 - a. Approval of Minutes of the meeting held September 3, 2015.
 - b. Approval/ratification of payments issued from September 4, through September 17, 2015.
 - c. Adopt Resolution approving requests associated with the special event known as the Yreka High School Northern Athletic League Cross Country meet to be held September 30, 2015.
2. Presentation on Municipal Separate Storm Sewage System (MS4) and Geographic Information Systems (GIS) – Keven Jorgensen
3. Discussion/Possible Action – Adopt Resolution approving Consultant Agreement with Morrison Structures, Inc., for the design and engineering of the Fairlane Road Bridge Deck Preventative Maintenance Project and authorizing a supplemental appropriation for required match funds.
4. Discussion – League of California Cities Conference Resolution Packet.
5. Discussion/Possible Action – Authorize Mayor to send letter supporting HR 3353 regarding Clean Water Act Citizen Lawsuits.

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).

2. Conference with Legal Counsel - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9) (Number of cases to be discussed – 0 – No details of the existing litigation will be discussed this will be a general discussion of process only. 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 SEPTEMBER 3, 2015

On the 3rd day of September 2015, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Deborah Baird, Bryan Foster, Joan Smith Freeman, and John Mercier. Absent – David Simmen.

Mayor Mercier announced 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 August 20, 2015.
- b. Approval/ratification of payments issued from August 21 through September 3, 2015.

Following Council discussion, Councilmember Foster moved to adopt the items on the consent calendar as submitted.

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

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution # 2015-31 approving requests associated with the special event known as the Yreka Breast Cancer Run & Walk.

Valarie Wiley addressed the Council to answer any questions regarding the event. Stating that this year's event will take place at Miner Street Park on October 17 and is affiliated with Fairchild Medical Center Foundation's "Think Pink" week. The profits from the week's events, which begin on October 11, benefit the Fairchild Medical Center Foundation mammography and ultrasound fund, which stay right here in Siskiyou County and benefit our local men and women.

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

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

Mayor Mercier thereupon declared the motion carried.

Presentation/Discussion – Opengov Implementation Project (Financial Transparency Project).

David Neill, Finance Intern, gave a presentation regarding the Opengov Implementation Project he completed over the summer. The project involved setting up the City of Yreka site on

Opengov, which is a website that provides financial transparency solutions for local governments.

Mr. Neill reported that the new Opengov site will be beneficial for both the public and the city. Opengov will provide financial transparency for the public and help build the trust between the City and its citizens by giving the public access to the City's financial reports. Opengov will be able to answer questions from concerned citizens that previously would take a city employee's time and research to answer. Currently the Yreka site has annual and monthly balance sheet and profit/loss reports, as well as grid tables for Transient Occupancy Tax known as TOT tax and parks water usage. A long-term forecasting report will be added soon, which will use trends from recent years to project data for future years.

Allocate the radio system cost to the YPD building fund (estimated \$57,000) and appropriate in the 2015-16 budget an additional \$25,000 to the current \$35,000 to cover the full cost for acquisition of two administrative vehicles for the police department administrators and investigative officers.

Fleet Manager Tim Shaw expressed safety and maintenance cost concerns for the continued use of the 1999 Blue Mercury Sable and the 2003 Ford Expedition by the Police Department administrative and investigative officers.

Finance Director Rhetta Hogan reported that the proposal to use funds budgeted for police vehicles to instead replace the failing radio system resulted in a discussion of the vehicles scheduled to be replaced. Staff is recommending moving forward with the replacement of two administrative vehicles in the estimated cost of \$50,000 to \$75,000.

Following Council discussion, Councilmember Foster moved to allocate the radio system cost to the Yreka Police Department fund (estimated at \$57,000) and appropriate in the 2015-2016 budget an additional \$25,000 to the current \$35,000 allocated, to cover the full cost for the acquisition of two administrative vehicles for the police department administrators and investigative officer.

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

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution #2015-32 approving agreement for Services between the City of Yreka and Koff and Associates and authorize the City Manager to execute the necessary agreements for Classification Study.

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, and Mercier. 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 September 17, 2015

Elizabeth E. Casson, City Clerk

Accounts Payable

Computer Check Proof List by Vendor

User: lysandra
 Printed: 09/09/2015 - 9:15AM
 Batch: 00004.09.2015



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1011 LMED1170205	AMERICAN LINEN INV LMED1170205	25.00	09/18/2015	Check Sequence: 1 01-200-0000-526-000	ACH Enabled: False
	Check Total:	25.00			
Vendor: 1080 506-3957621 506-3957622 506-3972027 506-3972028 506-3986548 506-3986549 506-4001432 506-4001433	ARAMARK UNIFORM SERVICES INC INV 506-3957621 INV 506-3957622 INV 506-3972027 INV 506-3972028 INV 506-3986548 INV 506-3986549 INV 506-4001432 INV 506-4001433	31.01 45.68 31.01 45.68 31.01 45.68 31.01 45.68	09/18/2015 09/18/2015 09/18/2015 09/18/2015 09/18/2015 09/18/2015 09/18/2015 09/18/2015	Check Sequence: 2 01-350-0000-510-000 01-480-0000-525-001 01-350-0000-510-000 01-480-0000-525-001 01-350-0000-510-000 01-480-0000-525-001 01-350-0000-510-000 01-480-0000-525-001	ACH Enabled: False
	Check Total:	306.76			
Vendor: 2217 1238	TIMOTHY ASELTINE INV 1238	135.00	09/18/2015	Check Sequence: 3 01-200-0000-520-001	ACH Enabled: False
	Check Total:	135.00			
Vendor: 1591 9117828 8/15	AT&T 530 911-7828 615 4 8/15	199.56	09/18/2015	Check Sequence: 4 01-200-0000-517-000	ACH Enabled: False
	Check Total:	199.56			
Vendor: 6021 1507713 1508072 1508135 1508381	BASIC LABORATORY INC INV 1507713 - WKLY EFFLUENT INV 1508072 - WKLY EFFLUENT INV 1508135 - WKLY EFFLUENT INV 1508381 - QUARTERLY WELLS	135.40 135.40 135.40 747.00	09/18/2015 09/18/2015 09/18/2015 09/18/2015	Check Sequence: 5 80-560-0000-416-001 80-560-0000-416-001 80-560-0000-416-001 80-560-0000-416-001	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	1,153.20			
Vendor: 1023 3011215 8/15	BAXTER AUTO PARTS ACCT 3011215 8/15	13.12	09/18/2015	Check Sequence: 6 01-350-0000-520-000	ACH Enabled: False
	Check Total:	13.12			
Vendor: 1035 TRNG 9/29-30	BRIAN BOWLES TRNG 9/29-30 TRUCKEE	314.00	09/18/2015	Check Sequence: 7 01-200-6506-513-004	ACH Enabled: False
	Check Total:	314.00			
Vendor: 1423 11125	ALICE BRANDON INV 11125 - COURIER FEE FOR DELIVERY (57.00	09/18/2015	Check Sequence: 8 80-560-0000-416-001	ACH Enabled: False
	Check Total:	57.00			
Vendor: 2180 1141 1142	BRAY & ASSOCIATES INV 1141 INV 1142	1,942.50 1,305.00	09/18/2015 09/18/2015	Check Sequence: 9 60-310-6010-525-000 60-310-6010-525-000	ACH Enabled: False
	Check Total:	3,247.50			
Vendor: 1048 TRNG 10/14-15	CA RURAL WATER ASSN TREATMENT CERTIFICATION REVIEW FOI	750.00	09/18/2015	Check Sequence: 10 70-510-0000-513-001	ACH Enabled: False
	Check Total:	750.00			
Vendor: 1448 DUES 2015-2016	CENTRAL SIERRA POLICE CHIEFS' ASSN DUES 2015-2016 - YPD	40.00	09/18/2015	Check Sequence: 11 01-200-0000-511-000	ACH Enabled: False
	Check Total:	40.00			
Vendor: 1077 65802 65816	COMPUTER LOGISTICS CORPORATION INV 65802 INV 65816	1,666.67 144.00	09/18/2015 09/18/2015	Check Sequence: 12 01-200-0000-525-001 01-200-0000-517-000	ACH Enabled: False
	Check Total:	1,810.67			
Vendor: 1978 2015-831	COPLOGIC INC INV 2015-831	3,473.00	09/18/2015	Check Sequence: 13 01-200-0000-525-001	ACH Enabled: False
	Check Total:	3,473.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1081 10499	COWLEY D & L INC INV 10499 - GLYPHOSATE GENERIC HERBI	112.88	09/18/2015	Check Sequence: 14 80-560-0000-416-000	ACH Enabled: False
	Check Total:	112.88			
Vendor: 2226 32828 33037	KENNETH COZZETTO INV 32828 - GLASS FOR FIRE EXTINGUISH INV 33037 - MILGARD WHITE - LOW-E WIN	9.68 367.94	09/18/2015 09/18/2015	Check Sequence: 15 01-350-0000-521-000 01-230-0000-521-000	ACH Enabled: False
	Check Total:	377.62			
Vendor: 1092 INV0947982	DASH MEDICAL GLOVES INC INV 0947982	143.84	09/18/2015	Check Sequence: 16 01-200-0000-516-000	ACH Enabled: False
	Check Total:	143.84			
Vendor: 1098 XJRK3JXX2	DELL MARKETING LP INV XJRK3JXX2 - PCs FOR DISPATCH RADI	2,934.56	09/18/2015	Check Sequence: 17 10-050-0000-450-000	ACH Enabled: False
	Check Total:	2,934.56			
Vendor: 1107 0354090 9/15	DISH NETWORK 8255707080354090 9/15	65.68	09/18/2015	Check Sequence: 18 01-200-0000-517-000	ACH Enabled: False
	Check Total:	65.68			
Vendor: 1109 8239	DOBBY'S LOCK & KEY SHOP INV 8239 - KEYS FOR DEER CREEK	16.13	09/18/2015	Check Sequence: 19 01-400-0000-416-000	ACH Enabled: False
	Check Total:	16.13			
Vendor: 1116 2143320	DRY CREEK LANDFILL INC INV 2143320 - SLUDGE DISPOSAL	2,611.08	09/18/2015	Check Sequence: 20 80-560-0000-420-006	ACH Enabled: False
	Check Total:	2,611.08			
Vendor: 2128 6296	FARR WEST ENGINEERING INV 6296	2,695.00	09/18/2015	Check Sequence: 21 60-150-1025-525-000	ACH Enabled: False
	Check Total:	2,695.00			
Vendor: 1810 CAYRE3106	FASTENAL COMPANY INV CAYRE3106 - BUTTON HEAD CAP SCR	2.72	09/18/2015	Check Sequence: 22 01-400-0000-416-000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2.72			
Vendor: 1123	FEDEX			Check Sequence: 23	ACH Enabled: False
1667-6899-3	INV 1667-6899-3	38.62	09/18/2015	01-200-0000-516-000	
	Check Total:	38.62			
Vendor: 1902	G & G HARDWARE (WWTP)			Check Sequence: 24	ACH Enabled: False
192856	INV 192856 - TEST PLUG SLIP 4"	7.51	09/18/2015	80-560-0000-420-003	
193490	INV 193490 - ACE TUB, OVAL TUB, QUICK 1	161.52	09/18/2015	80-560-0000-420-003	
193627	INV 193627 - BRUSH WHEEL	4.83	09/18/2015	80-560-0000-420-003	
193784	INV 193784 - PRESSURE MASTER HOSE 5/8	36.54	09/18/2015	80-560-0000-420-003	
	Check Total:	210.40			
Vendor: 2142	DOHN HENION			Check Sequence: 25	ACH Enabled: False
09/18/15	SEPTEMBER 2015 (2)	1,250.00	09/18/2015	01-040-0000-525-001	
	Check Total:	1,250.00			
Vendor: 23080	JIM WILSON MOTORS			Check Sequence: 26	ACH Enabled: False
40866	INV 40866	206.38	09/18/2015	01-350-0000-520-000	
40894	CM 40894	-206.38	09/18/2015	01-350-0000-520-000	
40895	INV 40895	206.81	09/18/2015	01-350-0000-520-000	
40951	INV 40951	107.47	09/18/2015	01-350-0000-520-000	
40969	INV 40969	335.94	09/18/2015	01-350-0000-520-000	
47655	INV 47655	370.62	09/18/2015	01-350-0000-520-000	
	Check Total:	1,020.84			
Vendor: 1651	KARUK TRIBE			Check Sequence: 27	ACH Enabled: False
07/27/15	DMV EXAM - 361463A-YR-427	51.00	09/18/2015	01-080-0000-516-000	
07/27/15	DMV EXAM - 361463A-YR-427	51.00	09/18/2015	20-310-0000-416-001	
07/27/15	DMV EXAM - 361463A-YR-427	51.00	09/18/2015	70-500-0000-416-000	
07/27/15	DMV EXAM - 361463A-YR-427	51.00	09/18/2015	80-550-0000-416-000	
	Check Total:	204.00			
Vendor: 1430	KNIFE RIVER MATERIALS			Check Sequence: 28	ACH Enabled: False
375540	INV 375540 - HOT MIX FOR DIG-OUTS FOR	194.11	09/18/2015	20-390-0000-420-011	
	Check Total:	194.11			
Vendor: 2288	LAWRENCE & ASSOCIATES			Check Sequence: 29	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
22799	INV 22799	4,316.52	09/18/2015	71-510-0000-625-012	
	Check Total:	4,316.52			
Vendor: 1187	LIEBERT, CASSIDY & WHITMORE			Check Sequence: 30	ACH Enabled: False
1408599	INV 1408599	3,802.50	09/18/2015	01-200-0000-525-000	
	Check Total:	3,802.50			
Vendor: 19060	MEEK'S LUMBER			Check Sequence: 31	ACH Enabled: False
799539	INV 799539	77.31	09/18/2015	01-200-0000-516-000	
	Check Total:	77.31			
Vendor: 1432	MOUNTAIN READY MIX			Check Sequence: 32	ACH Enabled: False
JULY	INV JULY - (4) 5-SACK DELIVERY OF CONC	507.40	09/18/2015	20-390-0000-420-011	
	Check Total:	507.40			
Vendor: 1599	MOUNTAIN VIEW PAVING INC			Check Sequence: 33	ACH Enabled: False
16993	INV 16993 - HOT MIX 4.37 TONS FOR STOR	323.38	09/18/2015	20-390-0000-420-011	
17006	INV 17006 - HOT MIX 7.96 TONS FOR STOR	589.04	09/18/2015	20-390-0000-420-011	
17017	INV 17017 - HOT MIX 5.33 TONS FOR STOR	394.42	09/18/2015	20-390-0000-420-011	
17038	INV 17038 - HOT MIX 4.12 TONS FOR STOR	304.88	09/18/2015	20-390-0000-420-011	
17047	INV 17047 - HOT MIX 4.36 TONS FOR STOR	322.64	09/18/2015	20-390-0000-420-011	
17069	INV 17069 - HOT MIX 4.13 TONS FOR STOR	305.62	09/18/2015	20-390-0000-420-011	
	Check Total:	2,239.98			
Vendor: 1212	MT SHASTA SPRING WATER			Check Sequence: 34	ACH Enabled: False
365445	INV 365445 - FOR (4) 5-GAL BOTTLES OF D	36.75	09/18/2015	80-560-0000-420-003	
	Check Total:	36.75			
Vendor: 1223	NORTH COAST ELECTRIC COMPANY			Check Sequence: 35	ACH Enabled: False
S6554672.001	INV S6554672.001 - BULBS - MAXLITE (1) 1:	116.10	09/18/2015	01-480-0000-521-000	
S6596280.001	INV S6596280.001 - BULBS FOR PARKS RES	230.66	09/18/2015	01-400-0000-421-000	
	Check Total:	346.76			
Vendor: 15025	OHLUND'S OFFICE SUPPLY			Check Sequence: 36	ACH Enabled: False
7972	INV 7972	9.48	09/18/2015	01-200-0000-515-000	
	Check Total:	9.48			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1240 673097270-01	ORIENTAL TRADING COMPANY INC INV 673097270-01 GLOW STICKS	89.95	09/18/2015	Check Sequence: 37 24-200-0000-416-003	ACH Enabled: False
	Check Total:	89.95			
Vendor: 16014 24830	PACE ENGINEERING INC INV 24830	8,871.25	09/18/2015	Check Sequence: 38 81-560-3024-425-000	ACH Enabled: False
	Check Total:	8,871.25			
Vendor: 1244 43980	PACIFIC MUNICIPAL CONSULTANTS INV 43980	4,665.00	09/18/2015	Check Sequence: 39 60-390-6035-525-000	ACH Enabled: False
	Check Total:	4,665.00			
Vendor: 16030	PACIFIC POWER			Check Sequence: 40	ACH Enabled: False
56810019 8/15	62665681-001 9 8/15	33.06	09/18/2015	70-520-0000-518-001	
56810027 8/15	62665681-002 7 8/15	297.27	09/18/2015	01-400-0000-518-001	
56810035 8/15	62665681-003 5 8/15	26,415.75	09/18/2015	70-510-0000-518-001	
56810043 8/15	62665681-004 3 8/15	25.78	09/18/2015	01-090-0000-518-001	
56810050 8/15	62665681-005 0 8/15	42.21	09/18/2015	01-370-0000-518-001	
56810068 8/15	62665681-006 8 8/15	890.19	09/18/2015	70-510-0000-518-001	
56810076 8/15	62665681-007 6 8/15	2,588.05	09/18/2015	20-312-0000-418-001	
56810100 8/15	62665681-010 0 8/15	471.01	09/18/2015	70-510-0000-518-001	
56810118 8/15	62665681-011 8 8/15	637.86	09/18/2015	01-210-0000-518-001	
56810142 8/15	62665681-014 2 8/15	96.77	09/18/2015	01-400-0000-518-001	
56810217 8/15	62665681-021 7 8/15	111.01	09/18/2015	01-230-0000-518-001	
56810233 8/15	62665681-023 3 8/15	626.01	09/18/2015	01-350-0000-518-001	
56810258 8/15	62665681-025 8 8/15	8,699.27	09/18/2015	80-560-0000-518-001	
56810274 8/15	62665681-027 4 8/15	1,371.43	09/18/2015	01-200-0000-518-001	
56810324 8/15	62665681-032 4 8/15	1,198.16	09/18/2015	01-470-0000-518-001	
56810332 8/15	62665681-033 2 8/15	1,255.05	09/18/2015	01-480-0000-518-001	
56810340 8/15	62665681-034 0 8/15	23.40	09/18/2015	80-560-0000-518-001	
56810415 8/15	62665681-041 5 8/15	913.32	09/18/2015	01-020-0000-518-001	
56810506 8/15	62665681-050 6 8/15	239.75	09/18/2015	80-550-0000-518-001	
56810514 8/15	62665681-051 4 8/15	41.43	09/18/2015	20-312-0000-418-001	
56810654 8/15	62665681-065 4 8/15	109.09	09/18/2015	01-400-0000-518-001	
56810688 8/15	62665681-068 8 8/15	53.25	09/18/2015	01-400-0000-518-001	
	Check Total:	46,139.12			
Vendor: 1894 09/18/15	KEN POLI REIMBURSE SUPPLIES	85.31	09/18/2015	Check Sequence: 41 01-470-0000-520-000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	85.31			
Vendor: 2216	RAY MORGAN COMPANY			Check Sequence: 42	ACH Enabled: False
1008792	INV 1008792	1.45	09/18/2015	01-020-0000-515-000	
1008792	INV 1008792	0.29	09/18/2015	01-300-0000-515-000	
1008792	INV 1008792	2.05	09/18/2015	01-300-0000-515-000	
1008792	INV 1008792	0.03	09/18/2015	01-370-0000-515-000	
1008792	INV 1008792	2.20	09/18/2015	01-060-0000-515-000	
1008792	INV 1008792	0.02	09/18/2015	01-040-0000-515-000	
1008792	INV 1008792	1.91	09/18/2015	01-030-0000-515-000	
1008792	INV 1008792	25.43	09/18/2015	01-030-0000-515-000	
1008792	INV 1008792	9.43	09/18/2015	01-020-0000-515-000	
1008792	INV 1008792	31.60	09/18/2015	70-030-0000-515-000	
1008792	INV 1008792	0.01	09/18/2015	01-020-0000-515-000	
1008792	INV 1008792	40.96	09/18/2015	01-020-0000-515-000	
1008792	INV 1008792	40.96	09/18/2015	01-020-0000-515-000	
1008792	INV 1008792	4.00	09/18/2015	01-020-0000-515-000	
	Check Total:	160.34			
Vendor: 1275	SACRAMENTO REGIONAL PUBLIC			Check Sequence: 43	ACH Enabled: False
TRNG 9/28-10/2	TRNG 9/28-10/2 TAYLOR	133.00	09/18/2015	01-200-6506-513-004	
	Check Total:	133.00			
Vendor: 1729	LINDA SCHAMEL			Check Sequence: 44	ACH Enabled: False
08/22/15	INV 08/22/15	112.50	09/18/2015	01-210-0000-525-000	
	Check Total:	112.50			
Vendor: 1300	SEARS			Check Sequence: 45	ACH Enabled: False
08/25/15	INV 8/25/15 - NEW 12K WINDOW AC UNIT	354.74	09/18/2015	80-560-0000-521-000	
	Check Total:	354.74			
Vendor: 1304	SHASTA VALLEY CHAINSAW			Check Sequence: 46	ACH Enabled: False
8807	INV 8807 - WEDEATER LINE & LID/COVEI	39.48	09/18/2015	01-400-0000-416-000	
8812	INV 8812 - (5) 25-2 GROMMETTS FOR PARK	13.44	09/18/2015	01-400-0000-416-000	
8974	INV 8974 - NEW ROPE FOR CHAINSAW (\$15	17.56	09/18/2015	01-400-0000-416-000	
9011	INV 9011 - COMPRESSION RELEASE & PLU	63.22	09/18/2015	01-400-0000-416-000	
	Check Total:	133.70			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 19100	SISKIYOU DAILY NEWS			Check Sequence: 47	ACH Enabled: False
1007 15/16	RENEW 1007 15/16	130.00	09/18/2015	01-200-0000-511-000	
2673 15/16	RENEW 2673 15/16	43.34	09/18/2015	01-030-0000-511-000	
2673 15/16	RENEW 2673 15/16	43.33	09/18/2015	70-030-0000-511-000	
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	Check Total:	260.00			
Vendor: 1333	STEINHOFF HEAVY EQUIPMENT & REPAIR			Check Sequence: 48	ACH Enabled: False
41171	INV 41171	187.28	09/18/2015	01-350-0000-520-000	
41440	INV 41440	70.87	09/18/2015	01-350-0000-520-000	
41589	INV 41589	1,740.25	09/18/2015	01-350-0000-520-000	
	Check Total:	1,998.40			
Vendor: 1383	ZACHARY TAYLOR			Check Sequence: 49	ACH Enabled: False
TRNG 9/28-10/2	TRNG 9/28-10/2 MCCLELLAN	1,039.00	09/18/2015	01-200-6506-513-004	
	Check Total:	1,039.00			
Vendor: 1231	TRANSUNION RISK & ALTERNATIVE			Check Sequence: 50	ACH Enabled: False
AUG 2015	AUG 2015 CONTRACT	70.00	09/18/2015	01-200-0000-525-000	
	Check Total:	70.00			
Vendor: 21027	UNITED PARCEL SERVICE			Check Sequence: 51	ACH Enabled: False
84V993345	INV 84V993345	8.30	09/18/2015	01-350-0000-520-000	
84V993345	INV 84V993345	30.15	09/18/2015	80-560-0000-420-003	
	Check Total:	38.45			
Vendor: 1351	UNITED RENTALS NORTHWEST			Check Sequence: 52	ACH Enabled: False
128114497-004	INV 128114497-004 - ROLLER RENTAL FOR	510.46	09/18/2015	20-310-0000-416-001	
128114497-004	INV 128114497-004 - ROLLER RENTAL FOR	510.46	09/18/2015	20-390-0000-420-000	
128114497-004	INV 128114497-004 - ROLLER RENTAL FOR	510.46	09/18/2015	70-500-0000-416-000	
128114497-004	INV 128114497-004 - ROLLER RENTAL FOR	510.45	09/18/2015	80-550-0000-416-000	
	Check Total:	2,041.83			
Vendor: 1353	USA BLUE BOOK			Check Sequence: 53	ACH Enabled: False
727769	INV 727769 - GLASS FIBER FILTER, CHLOR	402.78	09/18/2015	80-560-0000-420-003	
	Check Total:	402.78			
Vendor: 4185	VERIZON WIRELESS			Check Sequence: 54	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
9750866363	INV 9750866363	374.32	09/18/2015	01-200-0000-517-000	
	Check Total:	374.32			
Vendor: 25005	YREKA AUTO PARTS			Check Sequence: 55	ACH Enabled: False
1395 8/15	ACCT 1395 8/15	520.22	09/18/2015	01-350-0000-520-000	
	Check Total:	520.22			
Vendor: 1391	YREKA VETERINARY HOSPITAL			Check Sequence: 56	ACH Enabled: False
131973	INV 131973 - ROSCO RABIES	18.50	09/18/2015	01-230-0000-416-000	
	Check Total:	18.50			
	Total for Check Run:	102,247.40			
	Total of Number of Checks:	56			



**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council
Prepared by: City Clerk
Agenda title: Adopt Resolution approving requests associated with Special Event known as the Yreka High School Northern Athletic League Cross Country meet to be held September 30, 2015.
Meeting date: September 17, 2015

Discussion:

Pam Borg has submitted the attached request on the behalf of Yreka High School for the use of Lower Greenhorn Park and adjacent trails for their Cross Country meet to be held on Wednesday, September 30, 2015.

Fiscal Impact: Unknown. We do ask the High School to clean the areas after the event, however, the Public Works crew typically has to provide additional clean up after the event. The amount of time spent by public works on this additional clean up varies. Historically, all school events have been exempt from any fees and/or deposits relating to use of City Parks.

Recommendation and Requested Action:

City staff has reviewed the request and recommends that the Council adopt the Resolution approving the request for the event and setting terms and conditions for same.

Approved by: _____

Steven Baker, City Manager

Liz Casson

From: Pam Borg <pborg@yuhdsd.net>
Sent: Wednesday, September 09, 2015 8:01 AM
To: Liz Casson
Cc: Toni Joling
Subject: September 30th, 2015

Liz,

On September 30th, the Yreka High Cross Country team will be hosting a Northern Athletic League meet at Greenhorn Park. We will be using the soccer field, trails up to the ditch and around the lake, as well as the lower park grounds. I will need electricity at the soccer pole and bathroom uses too. This meet is smaller than the Invite so there will be less athletes (100) and no use of vendors. I will be there setting up around 1 pm and we should be done by 6pm.

Thank you.

Pam Borg
Head Coach

CONFIDENTIALITY NOTICE: The information contained in this e-mail is information protected by Deliberative Process, Official Information, attorney-client, pending litigation or claims, and may relate to Personnel Records or the Public Interest Exemption or other privileges as well as Medical Privacy Laws including the Medical Information Act and Health Insurance Portability and Accountability Act. The information contained in this electronic mail is also covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521, and is solely for use by the person or entity that was its intended recipient. If you are not the intended recipient, please immediately delete it and notify us of the error to help us redirect it. Thank you.

RESOLUTION NO. 2015-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA
APPROVING REQUESTS ASSOCIATED WITH SPECIAL EVENT KNOWN AS
THE YREKA HIGH SCHOOL NORTHERN ATHLETIC LEAGUE
CROSS COUNTRY MEET TO BE HELD SEPTEMBER 30, 2015.**

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

WHEREAS, Yreka High School, hereinafter referred to as "event sponsor" desires to sponsor a Cross Country meet, on Wednesday September 30, 2015, from 1 p.m. to 6 p.m. at Lower Greenhorn Park, which is City property; and,

WHEREAS, event sponsor desires the exclusive use of Lower Greenhorn Park and adjacent trails for the Cross Country meet, and waiver of any use fees; and,

WHEREAS, the following provisions of the Yreka Municipal Code [YMC] are implicated by this event:

Vehicle controls- YMC Chapter 10.73
Sound Amplifying Devices-YMC Chapter 9.28
Temporary Signs-YMC Section 13.16.020(d)

WHEREAS, pursuant to YMC Section 9.50.120, in order to promote the safety, comfort and convenience of persons using any park or recreation area, the City Council may from time to time by resolution adopt rules and regulations not inconsistent with the provisions of Chapter 9.50 of the Yreka Municipal Code, and make the same applicable generally or to a particular park or recreation area or portion thereof. Such rules and regulations may include regulating the speed of vehicles, establishing campsites, parking areas and areas where parking or driving of vehicles is prohibited, areas where certain games or activities are prohibited, and such other rules and regulations as in the opinion of the council are necessary for the safety, comfort and convenience of persons using such park or recreation area; and,

WHEREAS, this event will not include the installation of any structures; and,

WHEREAS, there do not appear to be any restraints or use permits required for this activity under the zoning ordinance, as this is not a "use" as contemplated by the zoning law; and,

WHEREAS, the Chief of Police has been consulted and is available for appropriate determinations and arrangements with the Yreka High School under Section 10.73.050 in connection with this event; and,

WHEREAS, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has determined it would be in the best interests of the City to approve and authorize the action outlined in this Resolution on the terms and conditions set forth hereafter.

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

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

Section 2. The Council hereby orders:

- a) Yreka High School, as event sponsor of the Cross Country meet is granted the exclusive use of Lower Greenhorn Park and adjacent trail areas depicted on the map provided by the event sponsor, on September 30, 2015, from 1 to 6 p.m., subject to the terms and conditions as set forth hereafter. Event sponsor shall sign an Encroachment Agreement to that effect prior to any use.
- b) The event sponsor shall clean up the premises of Greenhorn Park including all parking lots after the event, and shall comply with such other and further direction as may be given by the Public Works Maintenance Manager or his designee in connection with the event, or as provided in the Encroachment Agreement;
- c) The event sponsor shall provide the City with proof of general liability insurance of not less than \$1,000,000 along with a separate endorsement naming the City of Yreka as additional insured specific to the event dates and location.
- d) All special requests such as connection to power source and or placement of vendors must be coordinated with and at the discretion of the Public Works Maintenance Manager, or his designee.
- e) At the direction of the Public Works Maintenance Manager, event sponsor shall provide additional trash receptacles as may be needed for the event.
- f) The event is subject to the terms and conditions of the Encroachment Agreement regarding the event and the event sponsor shall comply with all other City of Yreka ordinances; and, the event sponsor shall comply with such further conditions and requirements as may be set by the City Manager, the Chief of Police, the Director of Public Works, the Public Works Maintenance Manager or his designee.
- g) The event sponsor shall be charged for any services required by the Public Works Department in connection with this event. The Director of Public Works is directed prepare a Use and Encroachment Agreement to be signed by the Event Sponsor setting forth the terms of use in accordance with this Resolution.

Section 3. It is further resolved, if any section, subsection, part, clause, sentence or phrase of this Resolution or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Resolution, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

Section 4. The City Manager, the Chief of Police; the Director of Public Works, the Public Works Maintenance Manager 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 6. This resolution shall take effect immediately upon its passage.

Passed and adopted this 17th day of September 2015, by the following vote:

AYES:

NAYS:

ABSENT:

John Mercier, Mayor

Attest: _____
Elizabeth E. Casson, City Clerk

\\SLUICEBOX\REDIRECTEDFOLDERS\LIZ\MY DOCUMENTS\WORDDOCS\RESOLUTIONS\YREKA HIGH SCH CROSS COUNTRY MEET 9-30-15.DOC



CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM

To: Yreka City Council
Prepared by: Kevin Jorgensen, GIS Intern
Agenda title: Presentation on Municipal Separate Storm Sewage System (MS4) and Geographic Information Systems (GIS)
Meeting date: September 17, 2015

Discussion:

Staff will provide a brief presentation concerning the Geographic Information System (GIS) being utilized by the City of Yreka to capture, store, manipulate, analyze, manage, and present spatial and geographical data. The features and associated information of the maps will continue to be developed. Work entailed installation of software, field data collection, and compiling the data into a generally accessible database.

GIS software was used collect an inventory of storm drain inlets within the city limits to create a map for the City's MS4 permit. We were also in the process of creating a similar inventory and record of spatially accurate locations for water meters in the City. The digital maps that were created are sub-meter accuracy (i.e. the margin of error is less than 3 ft.) and can be updated to record maintenance activities and new service installations as they occur.

GIS has been in use by Yreka, and is still being developed to expand its significance. Utilizing GIS to its full potential Public Works will be able to keep current and expanding data in a single functional location, accessible to office and field staff. With GIS as an everyday tool maintenance efforts become more streamlined and cost effective.

Fiscal Impact:

This agenda item has no fiscal impact

Recommendation and Requested Action:

No action required. Presentation only

Approved by: _____
Steven Baker, City Manager

A story map: CITY OF YREKA

MS4 and GIS at The City of Yreka.

By: Kevin Jorgensen

Geographic Information Systems

- System designed to capture, store, manipulate, analyze, manage, and present all types of spatial or geographical data.

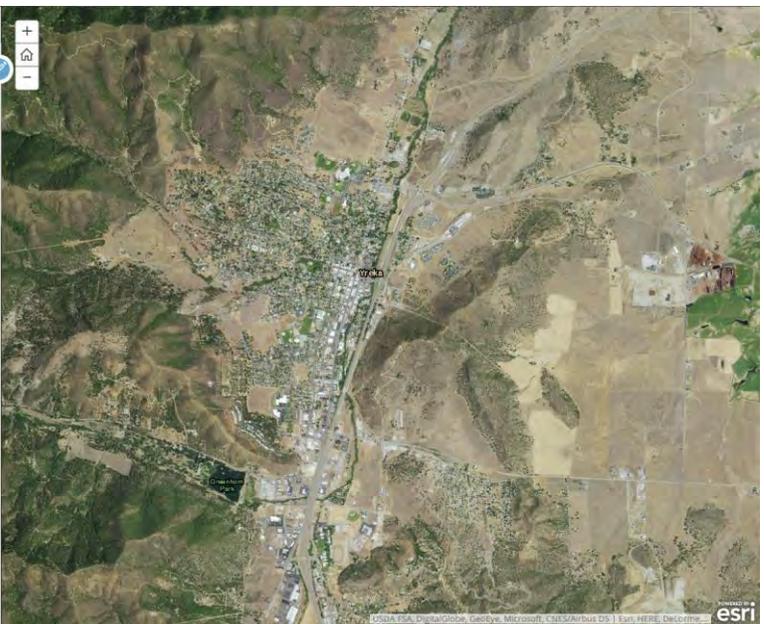
Municipal Separate Storm Sewer System

- According to the [EPA.gov](#).

FireWhat? Inc.



ADD SECTION ORGANIZE



A story map: CITY OF YREKA

MS4 and GIS at The City of Yreka.

Geographic Information Systems

- System designed to capture, store, manipulate, analyze, manage, and present all types of spatial or geographical data.

Municipal Separate Storm Sewer System

- According to the [EPA.gov](#).

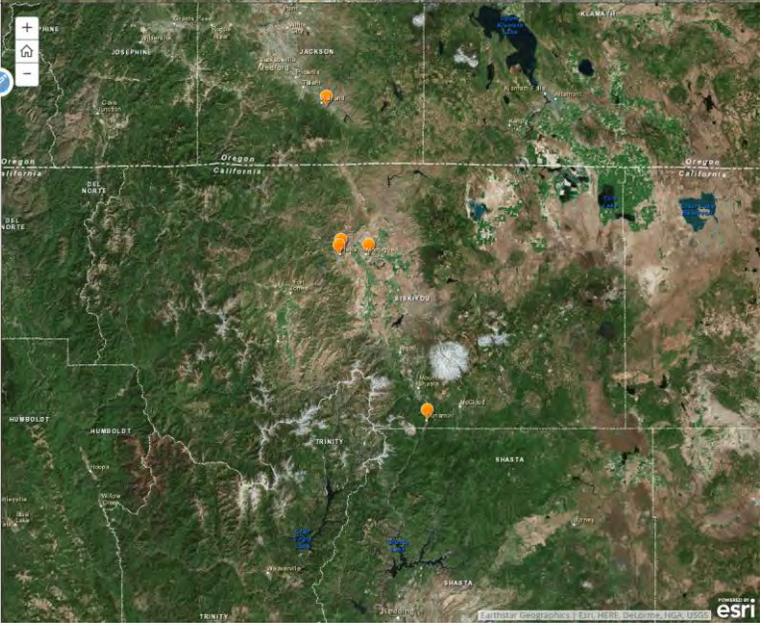
FireWhat? Inc.



ADD SECTION ORGANIZE

Things Google taught me:

- How to install the GIS software
- How to create the map layout



[Type here]

A story map

MS4 and GIS at The City of Yreka.

FireWhat? Inc.



Cassie Hatten Ph.D., Geographic Information Officer

- "Firewhat? is a Geographic Information Systems Technology Company, mapping emergency incidents, and tracking responders, in and out of the field."

Things Cassie taught me.

- How to install the GIS software.
- How to create map layers for data collection.
- The possibilities that are available with ArcGIS.

Installing ArcGIS Software

- Rhetta Hogan and I dealt with the GIS software licensing.
- Placed setup files on city server to allow use from any computer with access to city servers.
- Installed ArcDesktop on necessary computers for immediate access.
- I created a [step by step installation guide](#) for ArcDesktop.

ADD SECTION ORGANIZE



A story map

MS4 and GIS at The City of Yreka.

Installing ArcGIS Software

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- Placed setup files on city server to allow use from any computer with access to city servers.
- Installed ArcDesktop on necessary computers for immediate access.
- I created a [step by step installation guide](#) for ArcDesktop.

Gearing up for the field

- Used [Blueline GPS](#) that was previously used for reading water meters.
- Installed and downloaded ESRI's Collector application.
- Used Blue II GNSS (Global Navigation Satellite System) to connect via Bluetooth to the iPad. This device supplies sub-meter accuracy.
- Schematics of the "Advanced Water of Yreka: Water Collection Map" published by Wilkian Engineering.

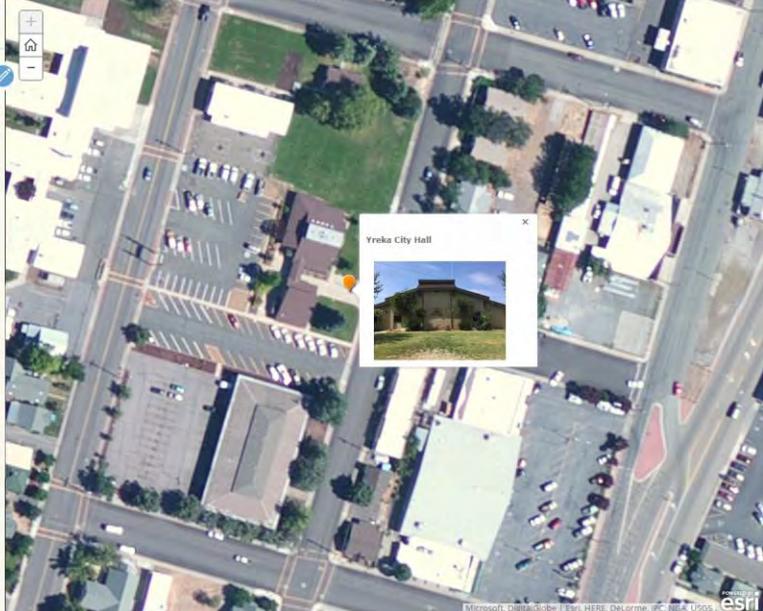
Field Work

The Yreka MS4 permit requires an inventory of inlets and outfalls to Yreka Creek.

- Inventory 550 inlets in 5 work days.
- Each inlet has [outfalls information](#) attached to it.
- Saves the amount of trips taken to the sight.

Water Meters Layer

ADD SECTION ORGANIZE



[Type here]

A story map



MS4 and GIS at The City of Yreka.

Gearing up for the field

- GEM Electric Cart that was previously used for reading water meters.
- iPad Air and downloaded ESRI's Collector application.
- iX Blue II GNSS (Global Navigation Satellite System) to connect via Bluetooth to the iPad. This device supplies sub-meter accuracy.
- Schematics of the "Master Plan of Drainage, Urban Drainage Map" published by Willdan Engineering.

Field Work

The Yreka MS4 permit requires an inventory of inlets and outfalls to Yreka Creek

- Inventory 550 inlets in 5 work days.
- Each inlet has valuable information attached to it.
- Saves the amount of trips taken to the sight.

Water Meters Layer

Matt Bray had me start work on creating a Layer that contains locations of municipal water meters and useful information about each meter and its box.

- Inventory of Water meters.
- Valuable information
- Saves time during location/repair

Future Education and Continued Work



A story map



MS4 and GIS at The City of Yreka.

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Future Education and Continued Work

- Final year at SDU.
- Continued education in GIS.
- Remote Part time work with City of Yreka.



[Type here]

A story map

MS4 and GIS at The City of Yreka.

- Install and download ESRI's Collector application
- Use Blue N GNSS (Global Navigation Satellite System) connected to the iPad. This device supplies sub-meter accuracy.
- Schematics of the "Municipal Water Utility System" published by Willdon Engineering.

Field Work

The Yreka MS4 permit requires an inventory of inlets and outfalls to Yreka Creek.

- Inventory 530 inlets in 5 work days.
- Each inlet has a [water meter](#) attached to it.
- Saves the amount of trips taken to the sight.

Water Meters Layer

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- Inventory of Water meters
- Valuable information
- Saves time during location/repair

Future Education and Continued Work

- Final year at SOU.
- Continued education in GIS.
- Remote Part time work with City of Yreka.

ADD SECTION ORGANIZE



A story map

MS4 and GIS at The City of Yreka.

- Install and download ESRI's Collector application
- Use Blue N GNSS (Global Navigation Satellite System) to connect via Bluetooth to the iPad. This device supplies sub-meter accuracy.
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Field Work

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Water Meters Layer

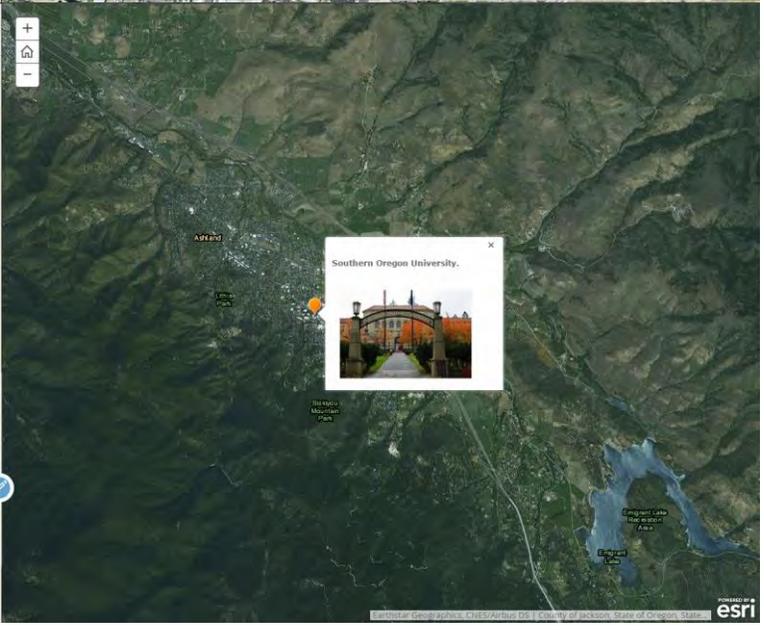
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Future Education and Continued Work

- Final year at SOU.
- Continued education in GIS.
- Remote Part time work with City of Yreka.

ADD SECTION ORGANIZE



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**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council

Prepared by: Jeannette Hook, Administrative Assistant

Agenda title: ADOPT A RESOLUTION APPROVING CONSULTANT AGREEMENT WITH MORRISON STRUCTURES, INC. FOR THE DESIGN AND ENGINEERING OF THE FAIRLANE ROAD BRIDGE DECK PREVENTATIVE MAINTENANCE PROJECT AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR REQUIRED MATCH FUNDS.

Meeting date: September 17, 2015

Discussion:

It is requested that the City Council approve a professional services agreement with Morrison Structures, Inc. for the engineering services needed to design the Fairlane Road Bridge Deck Preventative Maintenance project.

The City programmed federal funds in the Highway Bridge Preventive Maintenance Program (BPMP) in 2013 for Preliminary Engineering to address deficiencies identified in the bridge deck surface at Fairlane Road identified by a routine Caltrans Bridge Inspection. These deficiencies could affect the long-term integrity of the structure. In 2013, the City Council approved Resolution 3032 to accept the funds and authorize executing the implementing agreements with Caltrans.

After conducting a Request for Qualifications and receiving responses from two qualified firms, Morrison Structures, Inc. of Redding was selected. The Professional Services Agreement that has been negotiated is greater than the City's currently available allocation and staff has requested additional funding from Caltrans for the Preliminary Engineering and related staff costs. The funding approval from Caltrans is anticipated on or about October 1, 2015. The increase in funding will also increase the required match. Because full funding is not yet approved, the Agreement with the Morrison Structures provides for segmented authorizations to proceed in order to allow the City to better control the pace of expenditures. Starting the design now is critical to ensure that the City can program the construction funds necessary to complete the project at the next opportunity (February 2016).

Fiscal Impact:

The Agreement with Morrison Structures is not to exceed \$160,382. The BPMP program is a federally-funded reimbursement program and requires 11.47% local match. The City's has match funds budgeted for design in the amount of \$8,625. Based on the total amount of funds requested, the match requirement for design will be \$20,075, an increase of \$11,450.

Recommendation and Requested Action:

Adopt a Resolution approving Consultant Agreement with Morrison Structures, Inc. for the design and engineering of the Fairlane Road Bridge Deck Preventative Maintenance Project and authorizing a supplemental appropriation for required match funds.

Attachment

Resolution No: 2015 - ____

RESOLUTION APPROVING CONSULTANT AGREEMENT
WITH MORRISON STRUCTURES, INC. FOR THE DESIGN AND ENGINEERING OF THE
FAIRLANE ROAD BRIDGE DECK PREVENTATIVE MAINTENANCE PROJECT
AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR REQUIRED MATCH FUNDS.

WHEREAS, the California Department of Transportation has programmed and allocated funds for the Fairlane Road Bridge Deck Preventative Maintenance Project, No. BRLS 5020(016), from the Highway Bridge Preventative Maintenance Program (BPMP); and

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

WHEREAS, the City conducted procurement procedures in accordance with Caltrans and the Federal Highway Administration policy to solicit qualified professional services to prepare the plans, specifications, and estimates for the Fairlane Road Bridge Deck Preventative Maintenance Project; and

WHEREAS, on behalf of the City, Caltrans completed an environmental review pursuant to the National Environmental Policy Act (NEPA), and on September 23, 2013 the project was determined to be categorically excluded with limited potential to negatively affect the environment.

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 Professional Services Agreement with Morrison Structures, Inc. in the amount of \$160,382 is approved.

Section 3. The City Manager, the City Clerk, and all other proper officers and officials of the City are authorized to execute agreements, other documents and certificates, negotiate changes, 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. The Finance Director is authorized to appropriate match funds in the total amount of \$20,075 and make appropriate adjustments in the budget of the City.

Section 5. The City Manager, and all other proper officers and officials of the City are authorized to negotiate and execute agreement amendments which may be necessary up to a total of 10% of the initial amount without additional Council approval.

Section 6. 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 affected 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 7. This resolution shall take effect immediately upon its passage.

Passed and adopted on September 17, 2015, 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. 2015-_____AS ADOPTED BY THE CITY COUNCIL AT ITS MEETING HELD SEPTEMBER 17, 2015.

Elizabeth E. Casson, City Clerk



**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council
Prepared by: Steve Baker, City Manager
Agenda title: Discussion: League of California Cities Conference Resolution Packet
Meeting date: September 17, 2015

Discussion:

Attached is a packet of four resolutions to be considered at the League of California Cities meeting. Councilmember Smith-Freeman is the voting delegate at the League and Councilmember Baird is the alternate.

The League has requested that these resolutions be considered by the Council for an official position. In the past, however, the Yreka voting delegate has made the determination of how to vote on the proposals. This has been placed on the agenda for discussion for the delegate(s)' to hear from other Councilmembers on the resolutions.

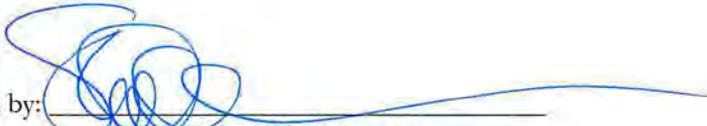
The resolutions are as follows:

1. League Bylaw Amendment – this amendment changes the line of succession if a president cannot serve so that the past president can fill in if available.
2. Overconcentration of Alcohol and Drug Treatment Facilities – This resolution supports creating separation distances for all types of treatment facilities to avoid an overconcentration.
3. Regulating Short term rentals – This is an issue that may be more prevalent in resort areas, but the resolution seeks to better regulate various short rentals (airBnB, etc), including leveling the playing field with hotels and motels so that other short term rentals also pay transient occupancy taxes.
4. Compensation for Prolonged Electric Power Outages – specifically aimed at Southern California Edison to adopt policies similar to PG&E's regarding long term power outages.

The Council may wish to talk about all, one or none of these resolutions.

Requested Action:

That the Council discuss relevant resolutions in the League of California Cities packet.

Approved by: 
Steven Baker, City Manager



*Annual Conference
Resolutions Packet*

2015 Annual Conference Resolutions



San Jose

September 30 – October 2



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

August 17, 2015

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2015 Annual Conference Resolutions Packet.

Annual Conference in San Jose. This year's League Annual Conference will be held September 30 – October 2 in San Jose. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Closing Luncheon/General Assembly - Friday, October 2, 12:00 p.m. The League's General Assembly Meeting will be held at the San Jose Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider four resolutions introduced by the deadline, Saturday, August 1, 2015, midnight. These resolutions are included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider these resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolution at the Annual Conference. This includes the date, time and location of the meetings at which the resolution will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the General Assembly Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. If your city has not yet appointed a voting delegate, please contact Meg Desmond at (916) 658-8224 or email: mdesmond@cacities.org.

**Please Bring This Packet to the Annual Conference
September 30 – October 2, San Jose**

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, four resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Four policy committees will meet at the Annual Conference to consider and take action on the resolution referred to them. The committees are Administrative Services; Environmental Quality; Housing, Community and Economic Development; and Revenue and Taxation. These committees will meet on Wednesday, September 30, 2015, at the Hilton San Jose. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 1, at the San Jose Convention Center, to consider the reports of the four policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, October 2, at the San Jose Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 1. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 30

Hilton San Jose

300 Almaden Boulevard, San Jose

9:00 a.m. – 10:30 a.m.: Environmental Quality
Housing, Community & Economic Development

10:30 a.m. – Noon: Administrative Services
Revenue and Taxation

General Resolutions Committee

Thursday, October 1, 1:00 p.m.

San Jose Convention Center

150 West San Carlos Street, San Jose

Annual Business Meeting and General Assembly Luncheon

Friday, October 2, 12:00 p.m.

San Jose Convention Center

150 West San Carlos Street, San Jose

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	League Bylaw Amendment			

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
4	Compensation for Prolonged Electrical Power Outages			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
2	Overconcentration of Alcohol & Drug Treatment Facilities			
3	Residential Rentals, Support for SB 593 (McGuire)			

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
3	Residential Rentals, Support for SB 593 (McGuire)			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

2015 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES

Source: League Board of Directors
Referred to: Administrative Services Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities® is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, on two occasions in recent years when vacancies arose in office of President of the Board of Directors after disappointing reelection results, the vacancy was filled in accordance with the League Bylaws by the First Vice President becoming President at the next Board meeting. This left a vacancy in the office of First Vice President that was filled by the Board by advancing the Second Vice President. This required recruiting a new Second Vice President that the Board chose, as provided in the Bylaws, from the ranks of the Board itself; and

WHEREAS, in September 2014 the Board chose a new Second Vice President as usual and also a new First Vice President who had not previously served as Second Vice President because the prior Second Vice President was elected to county office and was no longer eligible. When the President was not reelected in November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President; and

WHEREAS, the Board of Directors believe this confluence of events twice in recent years demonstrates a weakness in the succession of League offices required by the League Bylaws because the accelerated advancement of officers in the event of a vacancy in the office of President may deprive the junior officers and the League of adequate time to serve and develop expertise and relationships in the offices of Second and First Vice President; and

WHEREAS, it is the unanimous recommendation of the League Board that the League membership amend article VIII, section 4, of the League bylaws to allow the Immediate Past President to fill an unexpected vacancy in the office of President for the unexpired term if the Immediate Past President agrees. If not, the current succession process would occur; and now, therefore, be it,

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in San Jose, October 2, 2015, that article VIII, section 4 of the League bylaws be amended to read as follows:

Article VIII: Officers

Section 1: Identity.

The officers of the League are a President, a First Vice-President, a Second Vice-President/Treasurer, an Immediate Past President, and an Executive Director.

Section 2: Duties of League Officers.

- (a) **President.** The President presides at all League Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (b) **First Vice-President.** The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (c) **Second Vice-President/Treasurer.** The Second Vice-President/Treasurer carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/Treasurer has such other powers and duties as may be prescribed by these bylaws or the League Board.

Section 3: Election.

The League Board elects the League's President, First Vice-President and Second Vice-President for terms of one year. The election occurs at the League Board's meeting at the Annual Conference.

Section 4: Vacancies.

A vacancy in the office of President is filled ~~at the next meeting of the League Board~~ by the *Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the* succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/Treasurer, is filled for the un-expired term by appointment *by the League Board* of a member of the League Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

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Background Information on Resolution No. 1

Source: League Board of Directors

Background:

In 2010 and again recently in 2014 the city official elected League President at the Annual Conference in September was not returned to office by the voters of their city. This development triggered a series of steps laid out in the order of succession in the League Bylaws that mandates that the First Vice President advance to the office of President at the next Board meeting and that the Board fill the vacancy in the office of First Vice President for the remainder of the term.

When the Board filled the League offices in September 2014, the Second Vice President could not advance to First Vice President since she had been elected to the office of county supervisor and was ineligible to serve. Consequently the Board selected two directors to fill both the offices of First Vice President and Second Vice President. Neither had previously served as a League officer.

When the vacancy in the office of President occurred after the November general election, the First Vice President advanced to the office of President after having served only two months as a League officer in contrast to the normal advancement process of twenty-four months. The Second Vice President was advanced to the office of First Vice President after having served only two months as a League officer. The Board also chose a new Second Vice President.

At the February, 2015 meeting of the League Board of Directors, the Executive Committee recommended unanimously an amendment to the order of succession in Art. VIII, Sec. 4 of the League Bylaws. The proposed amendment would allow the most experienced member of the Executive Committee, the Immediate Past President, to fill out the remainder of the term of office of a President who leaves the office before its term is completed if the Immediate Past President is willing and able to do so. This arrangement would allow the First Vice President to continue serving and to advance to the office of President on the schedule envisioned by the League Bylaws. If the Immediate Past President were unable or unwilling to serve, the existing order of succession would occur.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Alicia Lewis
Committee: Administrative Services Policy Committee

Summary:

This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

Background:

The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to disappointing election results and officers taking office outside of city government.

In September 2014 the Board chose a new First and Second Vice President. The First Vice President had not previously served as Second Vice President because the prior member was elected to county office and therefore no longer eligible. When the President was not reelected in the November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President. This transition far outpaced the normal process for advancing as an officer on the Board of Directors.

Fiscal Impact:

This impact of this resolution would have no fiscal impact.

Comments:

The nature of this resolution is to ensure that there is a smooth succession process in place and that current Vice-Presidents (First and Second) have ample time to prepare for their role as President. By

allowing the Immediate Past President to finish out the term of a vacated presidency the Board would ensure there is minimal disruption to the workflow and goals of the association.

**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT
POLICY COMMITTEE**

**2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES
AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE
RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Source: City of Malibu

Concurrence of five or more cities/city officials: Cities: Artesia; Duarte; La Canada Flintridge; Lakewood; Lomita; and Pico Rivera. City Officials: Los Angeles Council Member Mitchell Englander

Referred to: Housing, Community and Economic Development Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, residential group home facilities provide valuable rehabilitation and support services for those who live in them, which benefits the greater society; and

WHEREAS, state departments license these facilities through several state agencies, and operators are required to meet various state statutory requirements; and

WHEREAS, in addition to residents, these facilities often include live-in managers and other staff, who provide a variety of services to residents which may include meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours, and other activities. Collectively, these uses often generate more noise and activity than expected from a traditional single-family home; and

WHEREAS, the overconcentration of residential group homes changes the character of neighborhoods as they become centers for the delivery of various services. This environment not only creates a disruption to long-time residents, it can also diminish the quality of the residential treatment experience for group home residents as the neighborhood assumes a more institutional setting; and

WHEREAS, the State and local governments operate in partnership regarding the location of these residential care facilities in residential neighborhoods in order to carry out the policy of the State to prevent overconcentration of such facilities in these neighborhoods; and

WHEREAS, the state has adopted a 300 foot separation requirement between facilities licensed by the Department of Social Services,¹ but these siting standards have not been extended to apply to facilities licensed by other state agencies such as the Department of Health Care Services or other licensed or unlicensed facilities; and

WHEREAS, it is the policy of the State that each county and city permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need;² and

¹ Health & Safety Code Section 1520.5

² Health & Safety Code Section 11834.20

WHEREAS, the California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law;³ and

WHEREAS, the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability;⁴ and

WHEREAS, there is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities; and

WHEREAS, many community concerns could be addressed if State agencies communicated and collaborated more with local governments; and

WHEREAS, the League of California Cities is committed to working in partnership with the Legislature and Administration to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations established by State and federal law.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to address the following issues:

1. Explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.
2. Avoid the creation of institutional settings when multiple facilities are concentrated in a single location, while also reducing noise, congestion and other concerns often raised by residents in residential neighborhoods.
3. Determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

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Background Information on Resolution No. 2

Source: City of Malibu

Background:

State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other “family.” In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone in terms of the land use impacts.

In order to avoid overconcentration in residential neighborhoods, most state-licensed group homes are required by state law to meet certain distancing requirements from other licensed group homes. Alcohol

³ Government Code 12955(l)

⁴ 42 U.S.C. Section 12134

and drug programs are treated differently under state law in this respect and no distancing requirements apply. In fact, the state licensing agency does not impose any restrictions on the number of facilities in the vicinity of one another and have been allowing licensees to obtain two licenses on one lot and to operate integrated multi-structure facilities under the guise of multiple single-family residential licenses. Similarly, state law currently requires private foster family agencies operating in residential zones to be organized and operated on a nonprofit basis, while drug and alcohol programs and sober living homes are permitted to operate as a for-profit business in residential zones. The addiction recovery industry has become big business. There are now thousands of treatment facilities and sober living homes in California and the number is rapidly increasing.

State policy sought integration of group homes into residential neighborhoods, not disintegration of the residential character of the neighborhoods. A course correction is required to advance state policy. Through zoning authority, cities can preserve the very neighborhoods that the community-care model depends on to provide the therapeutic environment of a residential neighborhood. Distancing requirements both respond to the biggest concern of local government (over concentration that impairs neighborhood character) and advances state policy. In addition, limiting the zoning preemption to non-profit programs will also assist in preserving the integrity of residential neighborhoods.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Dan Carrigg
Committee: Housing, Community and Economic Development

Summary:

This Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

Background:

The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

HCED Committee member and Malibu Council Member Lou La Monte raised this issue at the Committee's June meeting, where he presented a resolution that had recently been adopted by the California Contract Cities Association on May 15. The Committee encouraged him to work with League staff in his effort to draft a measure to be presented at the League's annual conference. League staff worked with Mr. La Monte in this regard, mostly in helping ensure that the various "whereas clauses" appropriately reflect the important legal rights of patients and obligations of public entities that Legislators will expect to be balanced in any solutions to local land use issues.

Resolved Clauses from Recent CCA Resolution:

NOW THEREFORE, the Members of the California Contract Cities Association hereby re-affirms its commitment to cooperation among units of government that serve the people of California and urges the

California state legislature to enact legislation that empowers local government to preserve the residential character of neighborhoods necessary to effect state policy regarding group homes as follows:

1. Amend the state law to provide the same distancing and notice requirements for ADP facilities as it does for Community Care Act facilities;
2. Enact legislation providing standards that prevent overconcentration of unlicensed sober living homes to maintain residential character of neighborhoods which has therapeutic benefit for the occupants; and
3. Restrict the zoning preemption for licensed ADP facilities to those owned and operated by non-profit organizations.

Fiscal Impact:

Minor, if any.

Comment:

- 1) The League has significant existing policy in this area. In the past the League has had internal task forces and sponsored and supported various legislative proposals.
- 2) Making significant progress in this area has been difficult in the Capitol. Federal and state fair housing and anti-discrimination laws and various court decisions have bearing on local authority in this area. Patient advocacy groups and sympathetic legislators have been suspicious of any solutions that they see as limiting patient access. Thus, any effort to develop solutions to address local land use concerns must also remain sensitive to these issues and the perspective of legislators that sit on committees with jurisdiction in these areas.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.
- The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT AND REVENUE & TAXATION POLICY COMMITTEES

3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS

Source: City of West Hollywood

Concurrence of five or more cities/city officials: Cities of Healdsburg, Mammoth Lakes, Napa, Piedmont, Santa Cruz, Santa Monica, Sonoma

Referred to: Housing, Community & Economic Development; Revenue & Taxation Policy Committees
Recommendation to General Resolutions Committee:

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use is a developing part of the sharing economy; and

WHEREAS, while these rentals provide additional options to the traveling public, and income to affected property owners or tenants, it is also important that such rentals comply with local laws, regulations and ordinances; and

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use can present numerous challenges to neighborhoods and adjacent property owners and create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows; and

WHEREAS, where temporary rental of residential units for tourist or transient use is allowed in conformance with local laws, regulations and ordinances, the applicable transient occupancy tax (TOT) should also be collected. The temporary rental of residential units for tourist or transient use is in direct competition with hotels, motels and other accommodations where guests pay the local TOT, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor; and

WHEREAS, the Thriving Communities and Sharing Economy Act, introduced as SB 593 by Senator Mike McGuire (D-2, Healdsburg), prohibits the operators of transient residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law within the applicable city or county that opts into its provisions, and requires the confidential quarterly reporting to the city or county of the following information (if the City or County adopts an ordinance requiring the reporting of the data):

1. The address of each residential unit that was occupied for tourist or transient use during the quarterly period.
2. The total number of nights the residential unit was occupied for tourist or transient use.
3. The amounts paid for the occupancy of the residential unit for tourist or transient use.

WHEREAS, the provisions of SB 593 bolster existing local authority to enforce local ordinances and collect revenue associated with the temporary rental of residential units by allowing local agencies access to the data necessary to enforce their ordinances and requiring short-term rental hosting platforms to collect local TOT and remit it to the appropriate jurisdiction if short-term rentals are allowed in that jurisdiction; and

WHEREAS, the provisions of SB 593 provide a helpful regulatory framework that cities and counties may choose in lieu of exercising their existing authority; and

WHEREAS, the League of California Cities supports SB 593 because it recognizes and preserves local flexibility to address the temporary rental of residential units in the manner that best fits with the unique issues and conditions found in each local jurisdiction; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals; and

WHEREAS, despite any existing challenges faced by cities in regulating or collecting revenue from the temporary rental of residential units, cities would oppose any effort to undermine their existing local authority to regulate land use or collect local TOT revenue.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, as follows:

1. Land use regulation and local tax collection are best overseen and implemented locally.
2. While temporary rental of residential units can offer innovative opportunities for travelers and property owners within the developing sharing economy, cities must retain flexibility to address any problems raised by such uses in a manner that reflects the unique issues and conditions in their communities.
3. Cities have existing legal authority and tools to regulate and collect revenue from the temporary rental of residential units, and SB 593 provides the data and framework that supports and bolsters such local efforts.
4. The League encourages cities to support SB 593.

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Background Information on Resolution No. 3

Source: City of West Hollywood

Background:

The sharing economy has quickly become common place in the everyday life of many individuals, whether they participate in ride-sharing, have rented a short-term residential unit, or live in a community where either is prevalent. The sharing economy has provided benefits to many, but also includes many issues that must be addressed in order to allow these sharing practices to effectively incorporate into our communities. Specifically, the short-term rental of residential units has grown exponentially within the last several years throughout the State, and its impacts need to be addressed.

Presently, many cities and counties prohibit the renting of residences for less than 30 days. However, these prohibitions are frequently ignored by Online Vacation Rental Businesses (“OVRBs”), causing unwanted burdens on cities while reducing TOT collection from sanctioned hotels. The short-term rental of residential properties presents numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows. The rentals facilitated by OVRB’s in these cities and counties go against the expressed wishes of the residents.

For the cities and counties that do allow short-term residential rentals, most require hosts to register and that transient occupancy taxes be paid. However, registration and payment of TOT in these cities and counties are based on the owners of the short terms residential units voluntarily reporting their rental activity. However, there has been a severe under-registration of hosts and underpayment of TOT. Only 10% of hosts in San Francisco have followed the city ordinance to register. Sonoma County has had to spend in excess of \$200,000 in an attempt to track down those rentals that are not paying the required TOT under the ordinance. And Los Angeles is currently experiencing a rental housing shortage due in part to the recent popularity of OVRBs.

Cities and counties have been unable to obtain this information due to the fact that OVRB's pass their responsibility to individual homeowners. This lack of oversight and enforcement presents a gap in accountability, and as a result, local laws and regulations are not being followed.

Sen. Mike McGuire's Thriving Communities and Sharing Economy Act (SB 593) will provide local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; or conversely, the data necessary to help cities enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals, if those rental are not allowed.

Specifically, SB 593 would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

The premise of SB 593 is simple: reinforce local laws already on the books. Where vacation rentals are legal, the bill will assist local jurisdictions in their regulation and collection of Transient Occupancy Taxes, (TOT) as more than 430 cities and 56 counties impose a TOT. Where vacation rentals are illegal by local ordinance, the bill will prohibit online vacation rental businesses from making a rental.

The Thriving Communities and Sharing Economies Act will empower local control, provide desperately needed funding for parks, local roads, fire and police services, and promote safe neighborhoods. SB 593 will require online vacation rental businesses to disclose information to cities and counties and/or collect and disperse Transient Occupancy Tax dollars – projected to be in the hundreds of millions of dollars statewide.

The emerging short term rental industry is an important segment of the state economic fabric and an issue of statewide importance. SB 593 would assist in facilitating a shared economy that will be beneficial to California's cities and their residents.

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League of California Cities Staff Analysis on Resolution No. 3

Staff: Dan Carrigg
Committees: Housing, Community & Economic Development; Revenue & Taxation

Summary:

This Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

Background:

The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593. They view the

legislation as helpful in bolstering local efforts to appropriately regulate a growing vacation rental industry.

The author introduced SB 593 based upon his past experience as both former Mayor of Healdsburg and a Sonoma County Supervisor. These areas are popular with tourists, and the affected communities are facing increasing land use and revenue collection issues. SB 593 is currently on the Senate Floor and is considered a “two-year bill,” meaning that it cannot move until January 2016.

In addition to the League, SB 593 has a broad range of support:

Support: American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Cost County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

Opposition: Airbnb; Consumer Watchdog; Internet Association, TechNet.

Fiscal Impact:

Transient Occupancy Taxes are a significant source of local revenue. Many cities and counties are encountering challenges identifying units in their community that are being used as vacation rentals and collecting associated revenue. Where vacation rentals are permitted by local ordinance, the passage of SB 593 can assist local efforts, thereby increasing local revenues to support local services.

Comment:

- 3) Earlier this year the League’s Housing Community and Economic Development Committee and Revenue and Taxation Committee reviewed an earlier version of SB 593 and initially adopted a

Support, If Amended position, which was concurred with by the League board. The author later incorporated the League's amendments into the bill and the League issued a support letter on the current version of the bill.

- 4) Local governments already have extensive authority to regulate land use and collect local taxes. While vacation rentals may be an increasingly popular option for the traveling public, local ordinances are beginning to adjust. The League supports SB 593 because it is crafted in a way that supports local authority in dealing with this emerging issue. Local agencies can either opt in to its provisions or continue to address issues differently under their existing local authority.

Existing League Policy:

Related to this Resolution, existing policy provides:

HCED Policy: The League believes that local zoning is a primary function of cities and is an essential component of home rule.

Rev. & Tax Policy: Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

4. **RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.**

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials: Cities of Hermosa Beach, Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates

Referred to: Environmental Quality Policy Committee

Recommendations to General Resolutions Committee:

WHEREAS, local governments in California are often reliant upon investor-owned private utility companies for the provision of electrical power to their citizens, businesses and institutions; and,

WHEREAS, the reliability and consistency of electrical supply and transmission is critically important to local governments to ensure the protection of the public safety, health and general welfare of communities; and,

WHEREAS, prolonged disruptions in electrical service can jeopardize the health of citizens who have a variety of physical challenges and rely on a constant source of power for medical devices; the safety of senior citizens who are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and the financial well-being of citizens, businesses and institutions that suffer from the loss of food, medication and other perishable items during prolonged power outages; and,

WHEREAS, Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area; and,

WHEREAS, SCE has been fined by the California Public Utilities Commission in the past due to prolonged service disruptions, most recently being levied a \$24.5 million penalty as a result of a prolonged outage that resulted from a wind storm in 2011; and,

WHEREAS, although SCE provides a claim process by which its customers may seek compensation for financial losses incurred as a result of prolonged service disruptions, SCE appears to reject most such claims; which places an unreasonable burden upon its customers and creates a false impression that customers will be compensated for their losses; and,

WHEREAS, at least one other investor-owned utility in California, Pacific Gas and Electric (PG&E) in Northern and Central California, has existing programs and procedures in place (“Safety Net” and “Service Guarantee”) that automatically and directly compensate its customers when they are affected by prolonged service disruptions, including disruptions due to weather events and other causes, without the need for customers to seek compensation through a claim process; and,

WHEREAS, these PG&E programs provide for “Storm Inconvenience Payments” of \$25 to \$100 for weather-related service disruptions of forty-eight (48) hours or more; as well as \$30 service credits in instances of where the customer’s electrical service is not restored within four (4) hours, or the customer is not provided with a time for service restoration within four (4) hours; the customer is without electrical service for twenty-four (24) hours or more in the event of unplanned service disruptions (unless the cause of the disruption is completely beyond the utility’s control); and the customer is without electrical service as a result of a planned service interruption where less than seventy-two (72) hours’ notice is provided to the customer; and,

WHEREAS, local governments within SCE’s service area believe that requiring SCE to implement automatic and direct compensation programs for prolonged service disruptions, similar to those implemented by PG&E, will provide tangible relief to citizens, businesses and institutions that are adversely affected by prolonged outages, and will incentivize SCE to improve the reliability of its equipment and service; and now therefore let it be,

RESOLVED by the General Assembly of the League of California Cities, assembled in San Jose on October 2, 2015, that the League calls for the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances; and let it be,

FURTHER RESOLVED that such program shall be modeled upon PG&E’s “Safety Net” and “Service Guarantee” programs, and shall cover weather-related events and planned and unplanned service disruptions.

//////////

Background Information on Resolution No. 4

Source: City of Rancho Palos Verdes

Background:

The City of Rancho Palos Verdes and other cities in the South Bay region of Los Angeles County have longstanding concerns regarding the ineffective process by which Southern California Edison (SCE) addresses residents’ claims, and desires to obtain the League’s assistance in correcting that process. On the Palos Verdes Peninsula, SCE’s aged infrastructure has caused fires and repeated, prolonged power

outages. The prolonged power outages are the focus of this request, because they adversely affect residents in a variety of ways, particularly:

- Residents who have a variety of physical challenges and rely on a constant source of power for medical devices;
- Residents who are senior citizens and are particularly susceptible to injury if power outages persist for a long period of time into the evening hours; and,
- Residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

The California Public Utilities Commission (CPUC) has the authority to impose penalties on utilities, including for prolonged power outages, and did so in connection with an extreme wind event that occurred in the Los Angeles area in 2011. However, the CPUC is not authorized to award claims to residents for prolonged electrical power outages. If a resident has a claim he or she wishes to pursue, the resident must file a claim with SCE, along with documentation of the financial loss that was incurred. If the claim is rejected, the resident then must file a lawsuit against SCE (probably in small claims court). Most residents will not want to spend the time and effort to pursue small claims for monetary damages arising from extended power outages.

SCE only awards claims for damages caused by its own negligence. This means that if an extended power outage is caused by a weather-related event, the claim will be denied. The SCE website also states that it will not cover claims for power surges. Since SCE often moves power from one line to another to enable repairs and maintenance, SCE can be the cause of the power surge, but residents still will not receive compensation for those claims.

Proposed Legislation

The proposed resolution calls upon the Governor and Legislature to enact legislation (or take other action) that will provide rebates in flat amounts to SCE customers for extended power outages under specified conditions. The proposed legislation could be modeled on the “Safety Net” and “Service Guarantee” programs offered by Pacific Gas and Electric (PG&E), another California-based investor-owned utility, which provides specific rebates to its customers based upon the type, cause and duration of service interruptions. These penalties are designed to provide direct compensation to SCE’s customers who are adversely affected by prolonged power outages, and to incentivize SCE to restore the power as quickly as possible. They also will eliminate the frustration that SCE’s customers experience as a result of SCE’s existing claim process.

//////////

League of California Cities Staff Analysis on Resolution No. 4

Staff: Jason Rhine
Committee: Environmental Quality

Summary:

Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

Background:

City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents’ claims associated with

prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

According to information provided by SCE, SCE has the following customer compensation program:

Service Guarantee Program

SCE shall provide the following four service guarantees to its electric customers and provide a \$30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. *Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.*
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

Compensation for Extended Outages

STORMS MESSAGE: If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of \$25 - \$100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

Safety Net Program

We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from \$25 up to \$100, depending on the length of the outage.

Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as CARE and medical baseline.
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of \$25 (\$100 maximum per event). Payment levels are based on the length of the customer's outage:
 - 48 to 72 hours \$25
 - 72 to 96 hours \$50
 - 96 to 120 hours \$75
 - 120 hours or more \$100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account \$30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If

the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a \$30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account \$50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account \$30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account \$30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account \$30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a \$100 credit adjustment if PG&E terminates service in error.

Fiscal Impact:

No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

Comment:

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a \$30 credit under specific conditions. However, prolonged electrical power outages

caused by a moderate, severe, or catastrophic storm condition are exempt from the program.

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from \$30 -\$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the “Safety Net” program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E’s two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E’s “Safety Net” and “Service Guarantee” programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E’s programs in high esteem, after hearing from a number of city officials in PG&E’s service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E’s program really working as described?
- *What about California’s other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
 - Other IOU electrical power outage compensation programs.
 - Municipal utility electrical power outage compensation programs.
 - Role of the California Public Utilities Commission.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

LETTERS OF CONCURRENCE

Resolution No. 2

Overconcentration of Alcohol & Drug Treatment Facilities



"Service Builds Tomorrow's Progress"

THE CITY OF ARTESIA, CALIFORNIA

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701
Telephone 562 / 865-6262
FAX 562 / 865-6240

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Mayor Pro Tem Victor Manalo, City of Artesia wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victor Manalo', with a long horizontal flourish extending to the right.

Victor Manalo
Mayor Pro Tem
City of Artesia



City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

July 22, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Mayor
Tzeitel Paras-Caracci
Mayor Pro Tem
Sarauel Kang
Councilmembers
John Fabara
Margaret E. Finlay
Liz Reilly
City Manager
Dannell George

Re: A Resolution of the League of California Cities calling for legislation to preserve therapeutic environments for group homes, and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods

The City of Duarte wishes to support the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods, to be adopted on October 2, 2015, at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning, and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law. The Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods, or the overconcentration of these facilities, as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if State agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting, and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Tzeitel Paras-Caracci
Mayor



City Council
David A. Spence, Mayor
Jonathan C. Curtis, Mayor Pro Tem
Michael T. Davitt
Leonard Pieroni
Terry Walker

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I am a City Council member of the City of La Cañada Flintridge and wish to express my support of the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. Said resolution is scheduled for consideration on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, I believe the Governor and Legislature should respect individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government.

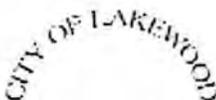
Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Davitt". The signature is stylized and cursive.

Michael T. Davitt
Council Member
CCCA Executive Board Member

Ron Piazza
Vice Mayor



Todd Rogers
Council Member

Steve Croft
Council Member

Diane Dillon
Council Member

CALIFORNIA

Jeff Wood
Mayor

July 21, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, California 95814

Re: Resolution for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

Dear President Aguilar:

The City of Lakewood supports the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. We support that this resolution be adopted at the Annual League of California Cities Conference on October 2, 2015 in San Jose, California.

Lakewood recognizes that residential group home facilities provide valuable services for those who live in them. However, we also recognize that these facilities often generate more noise and activity than expected from a traditional single-family home, and that overconcentration of these homes can change the character of the neighborhoods where they are situated. Overconcentration can occur because state agencies that oversee these homes have different siting standards (facilities licensed by the state Department of Social Services require a 300 foot separation between facilities, but those facilities licensed by other state agencies, such as the Department of Alcohol and Drugs Programs, do not have such a requirement). This resolution will seek to address, via legislation, overconcentration of alcohol and drug treatment prevention facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.

Thank you for your consideration, support and adoption of this important resolution at the League Annual Conference.

Sincerely,

A handwritten signature in black ink that reads "Jeff Wood".

Jeff Wood
Mayor

Lakewood



MITCHELL ENGLANDER

LOS ANGELES CITY COUNCILMEMBER, TWELFTH DISTRICT

July 24, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Los Angeles City Councilmember Mitchell Englander, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

MITCHELL ENGLANDER

President Pro Tempore,
Chair, City of Los Angeles Public Safety Committee



CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK



ADMINISTRATION

MICHAEL ROCK
CITY MANAGER

CITY OF LOMITA

July 23, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I, Mayor Henry Sanchez, Jr., City of Lomita, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

A handwritten signature in black ink that reads "Henry Sanchez, Jr." The signature is written in a cursive, flowing style.

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kelli Lofing, California Contract Cities Association, kelli@contractcities.org

CITY HALL OFFICES • P.O. BOX 339 • 24300 NARBONNE AVENUE, LOMITA • CALIFORNIA 90717
(310) 325-7110 • FAX (310) 325-4024 • www.lomita.com/cityhall



City of Pico Rivera
OFFICE OF THE CITY COUNCIL

6615 Parsons Boulevard · Pico Rivera, California 90660 · (562) 801-4371
web: www.pico-rivera.org · e-mail: spena@pico-rivera.org

GREGORY SALCIDO
Mayor

July 15, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP
HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL
AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN
RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Gregory Salcido, Mayor of the City of Pico Rivera wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

Stephany Aguilar, President
League of California Cities
Legislation to Preserve Therapeutic Environments
for Group Homes
Page 2

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Salcido". The signature is written in a cursive style with a large, sweeping initial "G".

Gregory Salcido
Mayor

GS:BC:sp

LETTERS OF CONCURRENCE

Resolution No. 3

Residential Rentals, Support for SB 593 (McGuire)



CITY OF HEALDSBURG ADMINISTRATION

401 Grove Street
Healdsburg, CA 95448-4723

Phone: (707) 431-3317
Fax: (707) 431-3321

Visit us at www.ci.healdsburg.ca.us

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)
AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD
AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST
OR TRANSIENT USES

Dear President Aguilar:

The City of Healdsburg supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

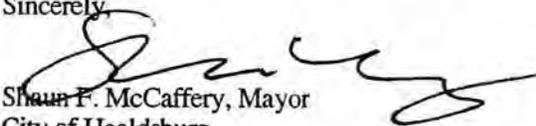
The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Healdsburg believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Healdsburg supports the League's Resolution.

Sincerely,


Shaun F. McCaffery, Mayor
City of Healdsburg

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



Mammoth Lakes Town Council

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 934-8989

www.townofmammothlakes.ca.gov

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

**RE: LETTER IN SUPPORT OF A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES
SUPPORTING SB 593 (MCGUIRE)**

Dear President Aguilar:

The Town of Mammoth Lakes supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015. The Town of Mammoth Lakes is a small, rural community in the Eastern Sierra Region of about 8,000 full-time residents. Mammoth Lakes is a tourist destination, servicing hundreds of thousands of visitors each year. We are geographically isolated from populated areas by several hundred miles and are supported by our one primary industry – tourism.

The League's proposed resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, and decrease available housing stock. In Mammoth Lakes, with a limited police force that is not staffed 24-hours a day and a code enforcement staff of one, enforcement of these types of issues can be very challenging.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all transient rentals should be subject to the same tax. The revenues generated support local services, including but not limited to, public safety, snow removal, maintenance of public parks and facilities, road maintenance, and recreation programs, which directly affect local quality of life and the attraction of the community for a visitor.

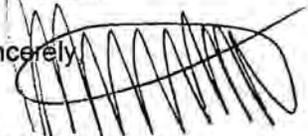
This proposal will make it much easier for communities such as Mammoth Lakes that depend on revenue from TOT to enforce existing rules and regulations and collect TOT as specified in our Municipal Code. Mammoth Lakes relies heavily on TOT collection to operate the Town government; nearly 65% of the Town's operating budget is funded by the collection of TOT.

Collection of TOT is so important to the Town that we have three full-time employees dedicated its enforcement. This includes making sure that people remit their taxes on time, but more importantly it is tracking down violators who are renting their units without an approved permit, renting units in locations where the zoning does not permit it, and/or not remitting their taxes to the Town. Enforcement is made much more difficult by the use of online vacation rental business (OVRB) websites where unit numbers and addresses are typically not listed and often owners do not require the payment of TOT. The data proposed to be collected and provided to us by OVRBs will be of great value as we manage transient rentals in our community.

The Town of Mammoth Lakes believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For all of these reasons, the Town of Mammoth Lakes supports the League California Cities' Resolution.

Sincerely,



John Wentworth
Councilmember
Town of Mammoth Lakes

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



MAYOR AND CITY COUNCIL

July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Napa supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

The City of Napa's zoning ordinance defines a "Rental Housing Shortage" as a vacancy rate less than 5%. A vacancy rate of less than 2% is defined as "Severe". We are currently at severe levels. The City's vacancy rates have continued to decline from 4% in 2009 to less than 2% today. Our Housing Element recognizes the issue of rising housing costs in Napa and its impact on the goal of maintaining Napa's quality of life by balancing the availability of housing with other environmental considerations. Maintaining and protecting our housing stock is of utmost importance to the City of Napa.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Napa believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations

regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For the reasons as stated above, the City of Napa supports the proposed Resolution.

Sincerely,

A handwritten signature in black ink that reads "Jill Techel". The signature is written in a cursive, flowing style.

Jill Techel
Mayor
CITY OF NAPA

JT/dr

cc: City of Napa City Councilmembers
Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org
City Manager Mike Parness
Community Development Director Rick Tooker

CITY OF PIEDMONT
CALIFORNIA



July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

The City of Piedmont supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging “shared economy”.

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

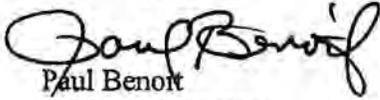
Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Piedmont believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and

a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Piedmont supports the Resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Benoit". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Benoit".

Paul Benoit
City Administrator
City of Piedmont

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

July 27, 2015

Ms. Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (McGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

As Mayor of the City of Santa Cruz, I am writing in support of the proposed resolution related to the Thriving Communities and Sharing Economy Act and concur in the submission of the resolution for consideration by the League of California Cities (LOCC) General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging “shared economy.”

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. Such rental situations may create additional noise, traffic, parking, and privacy and public safety issues; subvert local rent control laws; decrease available housing stock; and, in some cases, turn residential neighborhoods into de facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated Transient Occupancy Tax (TOT) should also be collected. These units are in direct competition with hotels, motels, and other accommodations where guests pay the local TOT, so all such uses should be subject

Ms. Stephany Aguilar, President
July 27, 2015
Page 2

to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash collection, park maintenance, and other local public services which directly affect local quality of life and make the community attractive to a visitor.

I believe SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

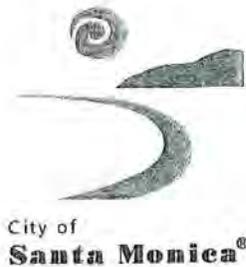
For these reasons, I support the proposed resolution and hope that the LOCC will consider adoption of this resolution at its October conference.

Sincerely,



Don Lane
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



Mayor Kevin McKeown
Mayor Pro Tempore Tony Vazquez

Councilmembers
Gleam Davis
Sue Himmelrich
Pam O'Connor
Terry O'Day
Ted Winterer

July 24, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES**

The City of Santa Monica supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Santa Monica believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

In Santa Monica, a city of just over 90,000 residents, passage of SB 593 in concurrence with our local ordinance, will generate estimated annual revenues of approximately \$138,500 in Transient Occupancy Tax and would return approximately 1,000 units to the housing market.

For these reasons, the City of Santa Monica supports the City's Resolution.

Sincerely,

Kevin McKeown
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

City of Sonoma

No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES**

The City of Sonoma supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Sonoma believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

The City of Sonoma is a tourist destination and the proliferation of vacation rentals is a top priority for City staff. The workload in monitoring and attempting to ensure compliance with local

regulations is over-burdening our small staff. In addition, the sale of available housing has become a market for out of town investors to purchase and create new vacation rentals. Without legislative intervention, vacation rentals become an epidemic in a desirable destination location and the local residents "pay the price".

For these reasons, the City of Sonoma supports the League's Resolution.

Sincerely,



Carol E. Giovanatto
City Manager
For and on behalf of the City of Sonoma

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

LETTERS OF CONCURRENCE

Resolution No. 4

Compensation for Prolonged Electrical Power Outages



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Hermosa Beach supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Andrew Brozyna at (310) 318-0238 or abrozyna@hermosabch.org if you have any questions.

Sincerely,

Tom Bakaly
City Manager

CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK



CITY OF LOMITA

July 28, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Lomita supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Laura Vander Neut, Management Analyst at (310) 325-7110, ext. 151 or L.vanderneut@lomitacity.com if you have any questions.

Sincerely,

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kit Fox, Senior Administrative Analyst, City of Rancho Palos Verdes, KitF@rpvca.gov



CITY OF
Palos Verdes Estates

OFFICE OF
THE MAYOR

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' proposed resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our City values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact City Manager Anton Dahlerbruch at 310.378.0383 or adahlerbruch@pvstates.org if you have any questions.

Sincerely,

James F. Goodhart
Mayor

Enclosure: Rancho Palos Verdes Proposed League Resolution

c: Palos Verdes Estates City Council
Rancho Palos Verdes City Council
Doug Willmore, Rancho Palos Verdes City Manager
Jeff Kiernan, League of California Cities Regional Public Affairs Manager (via email)
Post Office Box 1086, Palos Verdes Estates, California 90274-0283



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar,

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to me at (310) 377-1521 or rcruz@cityofrh.net if you have any questions.

Sincerely,

Raymond R. Cruz
City Manager

RC:hl 07-30-15RPV_League_ResolutionConcurrence_SCE

c: Mayor and City Council

JOHN C. ADDLEMAN
Mayor
STEVEN ZUCKERMAN
Mayor Pro Tem
BRITT HUFF
Council Member
JUDY MITCHELL
Council Member
FRANK ZERUNYAN
Council Member
DOUGLAS R. PRICHARD
City Manager



CITY OF
ROLLING HILLS ESTATES
4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377.1577 FAX 310.377.4468
www.ci.Rolling-Hills-Estates.ca.us

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar:

As Mayor of the City of Rolling Hills Estates, I support the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The proposed resolution seeks to require reasonable compensation to Southern California Edison (SCE) customers for losses incurred due to prolonged service disruptions which jeopardize the safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of these outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

I urge the League to place this matter before the General Assembly for consideration. Please feel free to contact me if you have any questions.

Sincerely,


John C. Addleman
Mayor

JCA:hn



**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

To: Yreka City Council
Prepared by: Steve Baker, City Manager
Agenda title: Discussion/Possible Action: Authorize Mayor to Send Letter Supporting HR 3353 Regarding Clean Water Act Citizen Lawsuits
Meeting date: September 17, 2015

Discussion:

Attached is a draft letter and information sheet on House Resolution 3353 that would make changes to the Clean Water Act to bring the procedures for citizen suits into alignment with similar procedures under other environmental laws.

Staff recommends approval.

Requested Action:

That the Council Authorize the Mayor to send a letter supporting HR 3353 regarding Clean Water Act citizen lawsuits.

Approved by: _____

Steven Baker, City Manager



City of Yreka

701 Fourth Street • Yreka, CA 96097
(530) 841-2386 • FAX (530) 842-4836



September 18, 2015

The Honorable Doug LaMalfa
U.S. House of Representatives
Washington, D.C. 20515

RE: H.R. 3353 – City of Yreka Support for Clean Water Act Citizen Suit Reform

Dear Representative LaMalfa:

The City of Yreka urges you to support H.R. 3353, sponsored by Representative Duncan Hunter. H.R. 3353 would amend the Clean Water Act to provide important protections to public clean water agencies, including our own agency. We urge you to cosponsor H.R. 3353 and seek a hearing and House action on this important legislative priority.

The City of Yreka serves a population of approximately 7,700 residents, including water, sewage and storm drain services. Yreka is a poor community and the median household income is approximately \$27,500. The City takes a long-term view of these services and recently invested over \$21 million to reduce inflow and infiltration of our sewer system and otherwise improve our sewer, flood control, water and storm drainage systems in the last 4 years. The city determined to upgrade and repair its wastewater system, not because of the threat of, nor in settlement of any Clean Water Act litigation, but because this city acts responsibly.

In 2014, the City was sued by Riverwatch alleging clean water violations related to sewer overflows, underground exfiltration of untreated sewage, and exfiltration from percolation ponds. The suit alleged 3,638 separate violations of which only a handful could be substantiated. The basis for this arbitrary number of purported violations was that homeless encampments had caused some evidence of human fecal matter in Yreka Creek. Riverwatch had no proof of water quality violations as to the other 3600+ alleged incidents and they were added simply as "make-weight."

While the City has an aggressive sewer-cleaning program to prevent sanitary sewer overflows, but they do occasionally still occur. These are reported to the Regional Water Quality Control Board. Riverwatch used these reports filed by the City to sue us for the overflows. During the five-year period in question, the complaint alleged 38 self-reported incidents. Of these only 5 qualified under federal law for a valid citizen's suit. Since any overflow that reaches a stream is a violation of the Clean Water Act, no matter how small, Riverwatch would prevail and be awarded their legal fees, which in some cases in northern California have amounted to hundreds of thousands of dollars for other communities. Because of this legal club, we settled quickly rather than disputing the suit and running up higher legal bills. We settled for \$35,000 and expensive inspections of the sewer lines near waterways on an unproven theory that the lines were contaminating waterways. The threat of high legal fees paid to those who were suing us really gave us no choice. When we asked for justification of \$35,000 in attorney fees claimed - those

requests were refused. Under this bill, an environmental organization would be motivated to accurately state facts in court. They would be motivated to settle and they would be required to only charge the fees that they actually incurred – eliminating the present pay-us-or-else situation.

Yreka is highly sensitive to environmental issues and takes an aggressive role in addressing them. The city works closely with the Siskiyou Gardens, Parks and Greenway Association. This environmental organization's goal is to improve the water quality of Yreka Creek to restore aquatic and fisheries resources. Programs that Yreka has recently worked on are: 1) Incorporating the 2005 Greenway Master Plan Update (GIS database, infrastructure & resource strategies into City of Yreka General Plan, \$25k USDA RAC grant); performed the Yreka Creek Restoration Project purchasing 5 acres and restoring 14 acres of streamside floodplain north of Oberlin Rd, [www.yrekagreenway.org] (\$800, 000 project); the 2008 North Yreka Creek Project Approved to restore part of Yreka Creek Floodplain, construct 1,500 feet of streamside multiuse accessible trails, creek overlook, picnic area, parking and rest room, in 2013 (\$1.4 million); the 2008/2009 Storm Water Mitigation Plan and Yreka Creek Uplands Assessment completed to identify enhancements & protections for Yreka Creek's water quality & aquatic habitat (\$130,000); 2009 Funds Yreka Creek Trail Project (North of Oberlin Rd) Approved to construct 3,200 feet of streamside multiuse accessible trails, restore on Floodplain restoration for 3 acres of, foot bridges, picnic areas and interpretive signing (\$1.1 million); 2012 to present Yreka Creek Flood Hazard Protection Project Approved to complete citywide flood hazard protection design plans, engage creek neighbors, perform associated CEQA/NEPA, purchase 26 acres of streamside acres from several land owners, and restore 16 acres of Yreka Creek floodplain, scheduled for completion by 2016 (\$5 million); (2010) formulated guidelines to reduce the discharge of fats, oils and grease and other materials that may cause sanitary sewer blockages;

H.R. 3353 would provide commonsense legal protections for public agencies that have been subjected to an unrelenting stream of litigation without regard to the actual source of the violation or actions taken by a clean water agency to mitigate any potential Clean Water Act violation. The legislation is necessary because of abusive practices in the use of the law's citizen suits provisions that result in the expenditure of scarce public resources without reference to the merit of the litigation.

Representative Hunter's legislation makes relatively minor changes to the CWA that help preserve Congress' original intent with regard to the law's citizen suit authority. The bill provides for a series of affirmative defenses found in other federal environmental statutes, putting the CWA on equal footing with other important environmental legislation. H.R. 3353 also provides a clearer definition of "diligent prosecution", which will reassert the primacy of state and federal regulatory authorities in enforcement and prevent citizen plaintiffs from filing suit while local agencies are on the process of working with their state enforcement authorities to resolve issues. Finally, H.R. 3353 would reduce the incentive to file these frivolous lawsuits by making attorneys' fee awards proportional to the amount of successful claims, and in line with the prevailing legal fees of the locale in which the presumed violation occurred. These provisions would provide a meaningful approach to curbing frivolous litigation while protecting the interests of our ratepayers.

Reasonable and measured CWA citizen suit reform is needed to prevent continued misuse of an important environmental law. Without such reform, local agencies and other entities will continue to be exposed to the threat of frivolous litigation that results in a “pay me now” settlement, or be forced to go to court and expend significant ratepayer funds to contest unwarranted lawsuits. For these reasons, we urge you to contact Representative Hunter and request that you be added as a cosponsor of H.R. 3353.

Sincerely,

John Mercier
Mayor

DRAFT



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

1225 8th Street, Suite 595 • Sacramento, CA 95814 • TEL: (916) 446-0388 • www.casaweb.org

CASA Fact Sheet – H.R. 3353

Legislation by Rep. Duncan Hunter to Reform Clean Water Act Citizen Suits

Why is Clean Water Act (CWA) citizen suit reform necessary?

CWA citizen suits serve an important purpose in protection of the environment, but actions based on sanitary sewer overflows (SSOs) and other alleged violations at local wastewater agencies often result in local agencies paying millions of dollars in settlements and legal fees that do not yield a corresponding environmental benefit.

Several factors make CWA citizen suits brought against wastewater agencies attractive to litigants. For example, every SSO that reaches waters is a violation of the CWA. SSOs can be reduced, but not completely prevented, and therefore all sewer systems inherently have exposure to citizen suits. In addition, the availability of substantial and disproportionate attorneys' fees is a significant motivation for third party plaintiffs. There is very little downside to pursuing litigation for a citizen plaintiff.

What does this legislation do?

H.R. 3353 is a reasonable and measured approach to CWA citizen suit reform designed to prevent continued misuse of an important environmental law. Specifically the bill:

- Ensures attorneys' fees awards are appropriate to local markets and commensurate with the proportion of successful claims in each case;
- Clarifies the definition of "diligent prosecution" of alleged violations, thereby allowing state and federal authorities to exercise their primacy in enforcement and preventing unnecessary citizen suit intervention when issues are already being actively resolved;
- Provides for normally accepted criminal and standard defenses to the Clean Water Act, similar to those provided in other federal environmental statutes.

These are tailored amendments that maintain the vitality of the CWA citizen suit provision as it was originally intended while preventing abuses that are costing local agencies millions of dollars in settlements and legal fees.

How can my agency support this bill?

CASA has prepared a model letter for your agency to send to your Congressional representative, supporting the measure and urging them become co-sponsors of H.R. 3353.

Who can I contact for more information?

For additional questions regarding citizen suit reform and H.R. 3353, contact CASA's federal advocate, Eric Sapirstein, at (202) 466-3755 or CASA's Director of Government Affairs, Adam Link, at (916) 446-0388.

114TH CONGRESS
1ST SESSION

H. R. 3353

To amend the Federal Water Pollution Control Act to limit attorney fees and penalties in citizen suits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. HUNTER (for himself, Mr. McCLINTOCK, and Mr. CALVERT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to limit attorney fees and penalties in citizen suits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LITIGATION COSTS.**

4 Section 505(d) of the Federal Water Pollution Con-
5 trol Act (33 U.S.C. 1365(d)) is amended to read as fol-
6 lows:

7 “(d) AWARDS.—

8 “(1) The court, in issuing any final order in
9 any action brought under this section, may award

1 costs of litigation (including reasonable attorney and
2 expert witness fees) to any prevailing or substan-
3 tially prevailing party, whenever the court deter-
4 mines such award is appropriate. The award—

5 “(A) may not exceed an amount that, as
6 compared to the total amount of attorney and
7 expert witness fees charged, bears the same
8 proportion as the number of successful claims
9 included in the complaint bears to the total
10 number of claims included in the complaint;

11 “(B) may not exceed the amount of mone-
12 tary penalties awarded; and

13 “(C) shall be based upon the prevailing
14 market rates in the area in which the violation
15 occurred for the kind and quality of the services
16 furnished.

17 “(2) The court may, if a temporary restraining
18 order or preliminary injunction is sought, require the
19 filing of a bond or equivalent security in accordance
20 with the Federal Rules of Civil Procedure.”.

21 **SEC. 2. DILIGENT PROSECUTION.**

22 Section 309(g)(6) of the Federal Water Pollution
23 Control Act (33 U.S.C. 1319(g)(6)) is amended by adding
24 at the end following new subparagraph:

25 “(C) DILIGENT PROSECUTION.—

1 “(i) DILIGENTLY PROSECUTING DE-
2 FINED.—In this paragraph, the term ‘dili-
3 gently prosecuting’ includes the issuance of
4 any order made under this section or a
5 State law comparable to this section.

6 “(ii) COMMENCEMENT OF DILIGENT
7 PROSECUTION.—Diligent prosecution com-
8 mences on the date the proposed order is
9 issued.

10 “(iii) ISSUANCE OF FINAL ORDER.—
11 The Administrator or the Secretary shall
12 be considered to be diligently prosecuting
13 an action under this subsection if the Ad-
14 ministrator or the Secretary issues a final
15 order before the date that is one year after
16 the date on which such proposed order is
17 issued.”.

18 **SEC. 3. AFFIRMATIVE DEFENSES.**

19 Section 309 of the Federal Water Pollution Control
20 Act (33 U.S.C. 1319) is amended by adding at the end
21 the following new subsection:

22 “(h) AFFIRMATIVE DEFENSES.—

23 “(1) IN GENERAL.—There shall be no liability
24 under this Act for a person otherwise liable for the
25 unlawful discharge of a pollutant who can establish

1 by a preponderance of the evidence that the imme-
2 diate cause of the unlawful discharge and any dam-
3 ages was—

4 “(A) an act of God;

5 “(B) an act of war;

6 “(C) an act or omission of a third party
7 (unless such third party is an employee or
8 agent of such person, or such third party’s act
9 or omission occurred in connection with a con-
10 tractual relationship, existing directly or indi-
11 rectly, with such person), if such person estab-
12 lishes by a preponderance of the evidence that
13 such person—

14 “(i) exercised due care in light of all
15 relevant facts and circumstances; and

16 “(ii) took precautions against foresee-
17 able acts or omissions of any such third
18 party and the consequences that could
19 foreseeably result from such acts or omis-
20 sions; or

21 “(D) any combination of subparagraphs
22 (A), (B), and (C).

23 “(2) OTHER AFFIRMATIVE DEFENSES.—All
24 general defenses, affirmative defenses, and bars to
25 prosecution that may apply with respect to other

1 Federal criminal offenses may apply to a person oth-
2 erwise liable for the unlawful discharge of a pollut-
3 ant under this Act and shall be determined by the
4 courts of the United States according to the prin-
5 ciples of common law as may be interpreted in light
6 of reason and experience.”.

○