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2 **A RESOLUTION NO.2018- 26 OF THE CITY OF YREKA**
3 **ESTABLISHING FATS, OILS, AND GREASE FEES FOR**
4 **FOOD SERVICE ESTABLISHMENTS AND FINDING THE RESOLUTION**
5 **EXEMPTION FROM CEQA.**

6 WHEREAS, in 2006, the State Water Resources Control Board enacted
7 Order No. 2006-003 which requires Yreka, as the operator of a sanitary
8 sewer system, to comply with the requirements of that department's General
9 Waste Discharge Requirements for Sanitary Sewer Systems (WDR); and

10 WHEREAS, the WDR requires Yreka to adopt ordinances and
11 implement procedures to reduce the amount of fats, oils and grease ("FOG")
12 discharged into the City's sanitary sewer collection system by Food Service
13 Establishments (FSE); to increase the level of maintenance, operations, and
14 capital improvement and repair to their sewer systems; to have in place a
15 fats, oils, and grease control program; and to demonstrate that it possesses
16 the legal authority necessary to control discharges of FOG that FSEs may
17 discharge into the city's sewer collection system; and

18 WHEREAS, FOG, if not properly managed, causes the blockage of
19 sanitary sewer lines, which can result in sanitary sewer overflows ("SSOs")
20 that causes sewage backups from the system onto the surface that damages
21 both public and private property, and creates public health issues; and may
22 have the potential to pollute water courses in and around the City; and

23 WHEREAS, the Yreka is required to by law to report each SSO to the
24 State. In turn, the State is required to impose a statutory minimum fine upon
25 the city for each SSO, and if the state fails to take that action a citizen may
26 file suit in federal court for the imposition of those fines and be entitled to
27 recover its attorney's fees. These fines and expenses are passed on to the
28 ratepayers, potentially causing a rate increase, unless a mechanism is in
29 place to require the FSE causing the SSO to reimburse the city for that cost;
30 and

31 WHEREAS, concurrently with the adoption of this resolution, the City
32 Council amended Title 12 of the Yreka Municipal Code to add Chapter 12.50
33 creating a Fats, Oils, and Grease (FOG) Control Program for Food Service
34 Establishments (FSEs) in the City of Yreka requiring a permit for sewer
35 discharges which could contain fats, oils, and grease and imposing
36 requirements for monitoring of and elimination of fats, oils, and grease from
37 sewer discharges for such establishments; and

38 WHEREAS, Chapter 12.50 authorizes the adoption by resolution of a
39 FOG Waste Water Discharge Permit Fee and Grease Disposal Mitigation Fee
40 to cover the costs of increased maintenance and administration of the sewer
41 system as a result of the FSE's inability to remove FOG from its wastewater
42 discharge, and to require FSE's to implement other programs that are
43 considered appropriate to protect the City's sanitary sewer system; and

44 WHEREAS, the City of Yreka has prepared an analysis which
45 demonstrates the amount of cost required to provide the services provided
46 for in Chapter 12.50; to wit: 1) A fee the application and possible issuance of
47 a FOG discharge permit; 2) A grease disposal mitigation fee for those food
48 service establishment that do not have the required FOG control devices
49 which fee is intended to cover the increased maintenance of the sewer
50 system for inspection and cleaning of FOG; 3) A security deposit when a
51 FSE has a history of prior fee payment delinquencies; 4) A fee to reimburse
52 the city's actual costs to abate a nuisance caused by FSE who have caused
53 or contributed to a sewer overflow; and 5) A charge to reimburse the city for
54 any fine imposed upon it caused by the FSE; and

55 WHEREAS, the analyses have been made and are available for public
56 inspection and copying within the Finance Department of the City, and

57 WHEREAS, the City is authorized to impose fees for services which do
58 not exceed the City's actual cost of providing these services; and

59 WHEREAS, pursuant to the provisions of the California Constitution
60 and the laws of the State of California, the City of Yreka is authorized to
61 adopt and implement rates, fees, and charges for municipal services;

62 provided, however, that such rates, fees, and/or charges do not exceed the
63 estimated reasonable cost of providing such services; and

64 WHEREAS, California Government Code Section 66016 requires notice
65 to be given and data made available at specified times prior to the adoption
66 of increases in existing rates, fees, and charges, or the adoption of new
67 rates, fees, and charges for use permits and building inspections sometime
68 hereinafter at a public meeting of this City Council; and

69 WHEREAS, California Government Code Section 66018 requires notice
70 to be published in accordance with California Government Code Section
71 6062a and data made available concerning rates, fees, and charges prior to
72 conducting a public hearing with respect to the adoption of increases in
73 rates, fees, and charges, or the adoption of new rates, fees, and charges for
74 which no other procedure is provided by law; and

75 WHEREAS, pursuant to California Government Code Section 66016,
76 this City Council has held at least one public hearing and received oral and
77 written presentations thereat with respect to "user fees" prior to the adoption
78 of this Resolution; and

79 WHEREAS, pursuant to California Government Code Section 66018,
80 this City Council has conducted and concluded a duly noticed public hearing
81 with respect to the rates, fees, and charges prior to the adoption of this
82 Resolution; and

83 WHEREAS, this City Council desires to establish fees associated with
84 the provisions of chapter 12.50 by the City of Yreka as set forth therein; and

85 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YREKA
86 DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

87 Section 1. The fees for implementation of the City of Yreka Fats, Oils,
88 and Grease Program shall be, and hereby are, established as shown on
89 Attachment "A" to this resolution, which incorporated by this reference as if
90 set forth in full; and

91 Section 2. This City Council hereby finds and determines that based
92 upon the data, information, analysis, oral and written documentation
93 presented to this City Council concerning the rates, fees, and charges
94 described in Attachment "A" attached hereto and by this reference
95 incorporated herein, the rates, fees, and charges set forth in said Attachment
96 "A" do not exceed the established reasonable cost of providing the service
97 for which the rates, fees, or charges are levied.

98 Section 3. The rates, fees, and charges set forth in Attachment "A" as
99 further described below, are hereby adopted and approved as the rates,
100 fees, and charges for the services identified for each such rate, fee, and/or
101 charge.

102 Section 4. The City Council may by resolution, from time to time,
103 revise and adjust the amount of said fees as shown on Attachment "A"; and

104 Section 5. The fees set forth in this Resolution shall be of no force or
105 effect sooner than sixty (60) days following final action on this Resolution by
106 the Yreka City Council.

107 Section 6. The Council finds that this resolution calling a mail ballot
108 election does not meet the definition of a project for the purposes of the
109 California Environmental Quality Act, under Public Resources Code Section
110 21065 and CEQA Guidelines Section 15378(b)(5), because it is an
111 administrative governmental activity which will not cause a direct or indirect
112 physical change in the environment. The City Council's review and adoption
113 of a funding mechanism for FOG permitting, inspection, nuisance abatement
114 and reimbursement of SSO related fines and related expenses is not a
115 project under CEQA Guidelines mechanisms which do not involve
116 commitment to any specific project which may result in a potentially
117 significant environmental impact. Thus, no environmental analysis is
118 required at this time.

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120 PASSED AND ADOPTED by the City Council of the City of Yreka at a
121 regular meeting held on the 21st day June, 2018.

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124 AYES:
125 NAYS:
126 ABSENT:
127 RECUSED:

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Joan Smith Freeman, Mayor

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Attest:

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Elizabeth E. Casson,
City Clerk

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ATTACHMENT A TO RESOLUTION
CITY OF YREKA
DEPARTMENT OF PUBLIC WORKS
FATS, OILS, AND GREASE (FOG) PROGRAM FEES
(Effective Date 2018)

	ACTIVITY	FEE Minimum Fee (MF)/ Actual Cost
A.	Fee for application and possible issuance of a FOG discharge permit authorized in §12.50.120	MF \$100 for each application fee with the <u>Actual Cost</u> of providing the service imposed if it exceeds that fee.
C	Annual Grease Disposal Mitigation Fee authorized in §12.50.090	MF based upon the Public Works Director's estimate of actual cost per FSE w/o GCD Minimum Fee with the <u>Actual Cost</u> of providing the service with a final fee based on the <u>Actual Cost</u> of providing the service which may result in a refund or additional fees to be paid.
D	Security deposit authorized in §12.50.280	MF based upon the Public Works Director's estimate of actual cost per FSE with a final fee based on the <u>Actual Cost</u> of providing the service which may result in a refund or additional fees to be paid.
E	Nuisance abatement costs authorized in §§12.50.100 & 12.50.290(B)	MF based upon the Public Works Director's estimate of actual cost per FSE with a final fee based on the <u>Actual Cost</u> of providing the service which may result in a refund or additional fees to be paid.
F	A charge to reimburse the city for any fine imposed upon it caused by the FSE costs authorized in §12.50.290(E)	MF of \$3,000 with a final fee based on the <u>Actual Cost</u> to reimburse the city based upon the charge or fine imposed

1. All fees include 15% administrative overhead