

**REGULAR MEETING  
DUNSMUIR CITY COUNCIL  
COUNCIL CHAMBERS  
5902 DUNSMUIR AVE, DUNSMUIR, CA  
JUNE 18, 2015  
CLOSED SESSION: NONE  
REGULAR SESSION: 6:00 P.M.**

**As a courtesy, please turn off cell phones and electronic devices while the meeting is in session. Thank you.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CLOSED SESSION: None**
- 4. FLAG SALUTE**
- 5. APPROVAL OF AGENDA**
  
- 6. APPROVAL OF MINUTES**
  - A. June 4, 2015**
  
- 7. COMMITTEE REPORTS**
  - A. Trophy Trout committee**
  - B. Finance committee**
  - C. Water Ad Hoc committee on Water Master Plan update and Water Rates**
  
- 8. ANNOUNCEMENTS AND PUBLIC COMMENT**

Regular City Council meetings are televised on Channel 15 to keep the City residents informed of City Council actions and deliberations that affect the community (meetings are scheduled to be televised on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. Meetings that take place on dates other than the 1<sup>st</sup> and 3<sup>rd</sup> Thursday will not be televised

This time is set aside for citizens to address the City Council on matters listed on the Consent Agenda as well as other items **not** included on the Regular Agenda. If your comments concern an item noted on the Regular Agenda, please address the Council when that item is open for public comment. **Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time.** Comments should be limited to matters within the jurisdiction of the City. Speaker forms are available from the City Clerk, 5915 Dunsmuir Ave, Dunsmuir, on the City's website, or at the back of the meeting hall. The City Council can only take action on matters that are on the Agenda, but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the City Council, please provide a minimum of seven (7) copies.

**9. ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

Members of the Council or staff may ask questions, request reports for a later meeting, or ask that an item be placed on a future agenda on any subject within the Council's jurisdiction.

**A. Citywide clean up Saturday, June 20**

**10. CONSENT AGENDA**

The Consent Agenda consists of proposed actions on business matters which are considered routine and for which approval is based on previously approved City policy or practice. The Consent Agenda will be approved by a single motion to "Adopt the Consent Agenda" and Council Members will vote without debate. Council Members may remove a Consent Agenda matter for any reason and request that it be placed on the Agenda for discussion and consideration. Matters removed from the Consent Agenda will be placed on the agenda as an item of "New Business" for discussion and consideration.

**A. Authorize Interim City Manager to execute one day ABC license application as part of Dunsmuir Botanical Gardens June 20 fundraiser and concert at Botanical Gardens, 3 pm to 9 pm**

**B. Consideration and adoption of Resolution No. 2015- authorizing signors of City Bank Accounts**

**C. Consideration and adoption of Resolution No. 2015- authorizing signors of Local Agency Investment Fund (LAIF) Account**

**D. Consideration and adoption of Resolution No. 2015- appointing representatives to the SCORE Board of Directors**

**E. Receive and file memorandum from City Attorney regarding referendum of Ordinance No. 544**

**11. PUBLIC HEARING:**

**Public Hearing Protocol:**

- a. Mayor will describe the purpose of the Public Hearing
- b. City Staff will provide the Staff Report
- c. City Staff will respond to questions by the City Council
- d. Mayor will open the Public Hearing
- e. Citizens wanting to comment will come to the podium, provide the City Clerk with their name and address and provide their comments.
- f. Mayor will close the Public Hearing

**A. Consideration and second reading and adoption of Ordinance No. 546, An Ordinance of the City Council of the City of Dunsmuir amending the Zoning Code**

June 18, 2015

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**12. OLD BUSINESS**

- A. Consider request from Don Harley to exempt green businesses from trash charges**
- B. Consider and adopt Resolution No. 2015- authorizing fee payment to David Hicks of binding award as filed by State Bar of California**
- C. Consider and adopt Resolution No. 2015- amending HCD Resolution No. 2015-13 adopted June 4 and authorize application for supplemental activity**

**13. NEW BUSINESS**

- A. Consideration of proposal for Records Management Services**
- B. Introduction of Ordinance No. Implementing Mandatory Water Conservation Measures pursuant to Section 350 of the California Water Code**
- C. Reorganization of City Council assignments to committees**
- D. Designation of voting delegate and up to two alternates for League of California Cities Annual conference September 30 to October 2, San Jose**

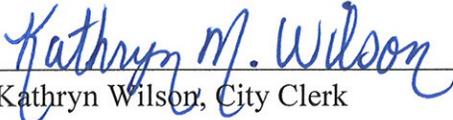
**14. ADJOURNMENT:**

**Copies of this agenda were posted at City Hall, Dunsmuir City Library, Dunsmuir Park and Recreation District Office and at the Post Office on or before 6:00 p.m., Sunday, June 14, 2015.**

The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification 48 hours prior to the meeting will enable the City reasonable arrangements to accomodate participation in the meeting.

**CERTIFICATION**

This is the official Dunsmuir City Council Agenda created and posted in accordance with the Dunsmuir City Council Protocols.

  
Kathryn Wilson, City Clerk

  
Date

**CITY OF DUNSMUIR  
CITY COUNCIL MEETING MINUTES  
JUNE 4, 2015**

**CALL TO ORDER:**

Meeting was called to order at 6:00 pm by Mayor Keisler.

**ROLL CALL:**

Council members present: Craig, Spurlock, Keisler

Council members absent: Syrrist

City staff present: Johnsen

City official present: Wilson

Flag salute

**APPROVAL OF AGENDA:**

Mayor Keisler made a motion to add an urgency item to the Consent Agenda as item 10E regarding funding for Railroad Days, second by Craig. Roll call vote:

Ayes: 3 Craig, Spurlock, Keisler

Noes: 0

Abstain: 0

Absent: 1 Syrrist Motion carried, 3-0-0-1.

Mayor Keisler also requested that item B on the consent agenda be amended to add Sunday June 14th for road closures.

Motion to approve agenda as amended by Craig, second by Spurlock. Voice vote: 3-0-0-1, motion carried. (Ayes: Craig, Spurlock, Keisler. Absent: Syrrist)

**APPROVAL OF MINUTES:**

Motion to approve minutes of January 31, 2015 special meeting and May 21, 2015 regular meeting by Craig, second by Spurlock. Voice vote: 3-0-0-1, motion carried. (Ayes: Craig, Spurlock, Keisler. Absent: Syrrist)

**COMMITTEE REPORTS:**

**A. Big Fish Committee**

Interim City Manager Johnsen reviewed changes to the event, including: Name change to Trophy Trout, more fish this year of smaller size, permit applied for but not yet received, Cheryl Petty volunteered to work on publicity, including press releases and documents. He discussed that the program has a high probability of success due to the fact that several other rivers have been closed to fishing. He stated that the committee is working to create a map.

Mayor Keisler requested that item 13A be tabled due to lack of information. ICM Johnsen requested the authority to forward all proposals related to marketing Dunsmuir to the Economic Development and Tourism Committee, Council agreed.

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**CITY OF DUNSMUIR MEETING MINUTES**  
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Mayor Keisler requested the continuation of item 13D to the next meeting due to lack of information.

**ANNOUNCEMENTS AND PUBLIC COMMENT:**

Audience member Mario Rubino questioned the addition of a money-related item to the Consent Agenda. Mayor Keisler explained that the item had previously been approved, but needed to be followed up with a Resolution.

Siskiyou County Sheriff's Corporal Adam Zanni reviewed the date of the next Neighborhood Watch meeting, stating that it would include basic first-aid training.

Audience member Brad Warner suggested that the City block off an area of the downtown to allow for **walking** traffic only, such as his previous city of Charlottesville did to help increase economy. He suggested cobblestone, and the creation of an older environment, including period dress, in an effort to revitalize the area.

**ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

Council member Craig suggested to Mr. Warner that he take his idea before the E.D.&T.C. Council member Craig reviewed meeting of the Inter Regional Water Management Plan group, explaining that the group is discussing scoring of specific projects, of which Dunsmuir has three. He stated that more information was needed in order to score the projects, and that scoring would be available in two weeks. He stated that Dunsmuir has the potential to get one or two projects into the grant application packet.

Council member Craig reviewed the date of the next Water Master Plan and Rate Study committee meeting, and encouraged everyone to attend.

**CONSENT AGENDA:**

- A. Consideration and adoption of Resolution No. 2015-17 certifying AB 2788 (Chapter 886/94) maintenance of effort requirements concerning the use of Proposition 172 public safety revenues
  - B. Consideration and approval of additional "no Parking" on June 12, 13, and 14 from 6am to 4pm on Dunsmuir Ave from Pine to Spruce and reservation of south City Hall parking lot to park cars from 9am to 4pm on June 12 as part of Railroad Days
  - C. Approve request from Councilman Syrrist to attend Council meetings this summer by Skype
  - D. Consider and approve Check Register
  - E. Resolution 2015-12, funding for Railroad Days
- Motion to approve as amended by Craig, second by Spurlock. Voice vote: 3-0-0-1, motion carried. (Ayes: Craig, Spurlock, Keisler. Absent: Syrrist)

**PUBLIC HEARING:**

- A. Appointment of Council member to succeed Dick Kelby

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Council asked questions of two applicants, Bruce Deutsch and Mari Shanta, who had received the questions ahead of time. Both applicants spoke about their concerns and interests within the City, their experience, transparency and positive goals, understanding of the Brown Act, and why they wanted the position.

Brief Council discussion.

Mayor Keisler nominated Mr. Bruce Deutsch for the position, citing his education and experience in government. Second by Spurlock. Voice vote: 3-0-0-1, motion carried. (Ayes: Craig, Spurlock, Keisler. Absent: Syrrist.) Mr. Deutsch was administered the oath of office by City Clerk Wilson. Mari Shanta was thanked for her interest in applying.

B) Appointment of City Treasurer to succeed Mabel Kelby

Review by Mayor Keisler, who explained that only one application had been received. Mayor Keisler nominated Mario Rubino for the position of City Treasurer.

Mr. Rubino reviewed that he would be learning the position under the tutelage of ICM Johnsen. He stated that he is familiar with the budget and expenses, and previously sat on the Finance Committee. Brief discussion. Second by Deutsch. Voice vote: 3-0-0-1, motion carried. (Ayes: Craig, Spurlock, Keisler. Absent: Syrrist) Oath of office administered by City Clerk Wilson.

**OLD BUSINESS:**

A. Consideration and adoption of Resolution 2015-13 creating a Housing and Economic Development Revolving Loan Fund

Review by ICM Johnsen, who explained that Program Income funds can be used to create loans or to be used on existing grants. He stated that he did not recommend the program in the past due to the complexity of the issue and the lack of staff. He stated that Jim Cook has stated that he will voluntarily put together loan packets, and that a Loan Committee could be created, making the program easier than anticipated originally. He reviewed options of creating a loan program or applying to the State to add the money to the existing grant.

Audience member Ana Mulvaney stated that the City previously had a loan program, and that there was a problem getting the money paid back. She suggested looking into the history of the success of that program, stating that it would be a lot of work to put a program together and not get paid back. She stated that it is not the City's job to be a bank.

Audience member Brad Warner, owner of the mortuary building and majority shareholder of Morgan Manor, Inc. stated that it is his intention to build a Bed and Breakfast in the building, bringing in high-end tourists to spend time and money in Dunsmuir. He implored the City to consider a portion of program income for business and housing loans. Mr. Warner stated that he felt that past debacles were related to unqualified applicants being given loans. He stated that if the City advertises the loans, the pool would be wider to choose from, allowing them to evaluate and choose businesses that will forward the City's economic growth. He stated that the program would need management, and support given to business owners to ensure their success.

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**CITY OF DUNSMUIR MEETING MINUTES**

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Audience member Mario Rubino stated that the loans are hard to qualify for, and that businesses can only receive \$35,000 for each employee they intend to hire. He stated that the program is a lot of work, and that the loans are difficult to get people to take.

Audience member Don Harley stated that the program has been a failure in the past, and that the City is setting itself up for more failure.

Council discussion.

Council member Craig asked who would set the interest rate, ICM Johnsen stated that the loan committee would. Council member Craig asked about previous loans that were not collected, ICM Johnsen explained that some were not collateralized, and that some had to be written off. He stated that the City would get experienced people on the loan committee to be responsible for the program.

Council member Deutsch stated that the information regarding the recipients of the loans would be anonymous. ICM Johnsen agreed, and explained that this is why the information is given to a committee, and not to the Council. Discussion.

Council member Spurlock stated that he would like to see the money split into different options. He stated that he would like to see jobs created, but that he would be hesitant to put all of the money in one pot. He stated that he would like to see it split to accommodate all areas: business, housing, and the community building.

Mayor Keisler stated that the City has already been advised of two requests totaling \$140,000 for business loans, and that would only leave a bit to split between the other two programs.

Discussion.

Council member Craig stated that allocating money to the existing grant reduces the amount of the grant, and that he did not see the benefit of doing this. ICM Johnsen recommended putting all of the funds in a business loan program. Discussion to amend Resolution 2015-13, eliminating paragraph related to housing, adding the dollar amount of \$231, 204, and changing the date to June 4, 2015. Motion to approve as amended by Craig, second by Deutsch.

Ayes: 4 Craig, Spurlock, Keisler, Deutsch

Noes: 0

Abstain: 0

Absent: 1 Syrrist Motion carried, 4-0-0-1.

B. Consideration and adoption of Resolution 2015-14 identifying the financial terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident.

Council member Spurlock recused himself from discussion as he is a member of the Fire Department.

Review by ICM Johnsen.

Audience member Linda Gnesa expressed support for the Resolution.

Audience member Brian Wilson asked if there would be an administrative fee, ICM Johnsen stated that there would not.

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Motion to approve by Craig, second by Deutsch. Voice vote: 3-0-1-1, motion carried. (Ayes: Craig, Deutsch, Keisler. Abstain: Spurlock. Absent: Syrrist.)

C) Consider request for title report on city property south of Manfredi's proposed for use as Bent Rail Park

Review by ICM Johnsen, stating that Recreation District staff had concerns with access and easements, and is requesting the title report.

Recreation District Director Mike Rodriguez reviewed the need for the title report in order to proceed with the evaluation of the property.

Audience member Richard Dinges stated that the City could request the report free of charge. ICM Johnsen explained that the request was up to \$500, but that this amount may not be needed.

Motion to instruct staff to proceed with the title report by Keisler, second by Craig. Voice vote: 4-0-0-1, motion carried. (Ayes: Craig, Spurlock, Deutsch, Keisler. Absent: Syrrist.)

**NEW BUSINESS:**

B. Consider appointment of Carolyn Rivard to Big Fish Committee

ICM Johnsen reviewed Mrs. Rivard's request for appointment.

Committee member Brian Wilson stated that there are two openings on the committee, and felt that Mrs. Rivard would make a good addition.

Brief discussion. Mayor Keisler appointed Mrs. Carolyn Rivard to the Big Fish Committee.

C. Consider Dunsmuir Depot Society request to place porta-potties on Sacramento Avenue during City wide events so as not to overload Amtrak Depot restroom.

ICM Johnsen reviewed the request from the Depot Society. He stated that the restroom at the Depot is old and is not well plumbed, and is often overused during events. He explained his concern that if porta-potties were provided and the restroom was left open, no one would use the porta-potties. He recommended closing the restroom during events, and explained that the cost of the porta-potties would be a cost to the event, and not to the City.

Council member Craig expressed concern about the additional burden placed on events that come to the City for assistance. Discussion.

ICM Johnsen stated that he is developing an application for events and that he could include a request for porta-potties.

Council directed staff to continue developing the document as is seen fit, and to include the request for porta-potties.

E. Consider and approve agreement for transfer of entitlement funds for airport capital improvements

Review by ICM Johnsen, explaining that it would not be possible to develop a plan and get approval from the FAA by the deadline. He stated that the FAA has suggested an allocation transfer to another airport. He stated that he had spoken with several airports, and that the Oakdale airport is willing to give back \$100,000 during the next round of allocations. He

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**CITY OF DUNSMUIR MEETING MINUTES**  
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reviewed entitlement grants, explaining that small airports can receive \$150,000 every year. Mr. Johnsen stated that Oakdale representative Carolyn Ford is willing to work with the City in the future on these entitlement grants.

Audience member Brian Wilson asked if the capital improvements included maintenance. Mr. Johnsen explained that it would have to be a project approved by the FAA.

Brief discussion.

Motion to approve by Deutsch, second by Spurlock. Roll call vote:

Ayes: 4 Craig, Spurlock, Deutsch, Keisler.

Noes: 0

Abstain: 0

Absent: 1 Syrrist Motion carried, 4-0-0-1.

F. Consider designation of Health Official for the City of Dunsmuir

Review by ICM Johnsen, who explained that the County official has been working as the Health Official for Dunsmuir.

Motion to adopt Resolution No. 2015-15 consenting to the enforcement of all Health Laws within the City of Dunsmuir by the Siskiyou County Health Officer by Craig, second by Spurlock. Voice vote: 4-0-0-1, motion carried. (Ayes: Craig, Spurlock, Deutsch, Keisler. Absent: Syrrist.)

G. Consider and adopt Resolution 2015-16 approving funding for Trophy Trout event

ICM Johnsen reviewed the request for \$7500.

Audience member Ana Mulvaney asked about the size difference of the fish, and stated that she would like to see more, smaller fish.

Trophy Trout Committee member Brian Wilson stated that Lassen Trout Farm has recommended that the City stay with the same size fish as last year, and that the program will probably go back to 24 inch trout.

ICM Johnsen explained that there are regulations as to what could be called a 'trophy' trout, and that the measurements were no less than 24 inches or four and a half pounds. He stated that the Committee would like to see some trophy trout, but more smaller fish as well.

Discussion.

Council member Craig asked about the amount of money to be spent on advertising versus prizes. Committee member Richard Dinges stated that last year, \$1100 was spent on marketing and the rest on prizes. He stated that local merchants give discounts on prizes. Council member Craig asked if \$1100 would be sufficient funding for marketing. Mr. Dinges replied that it would be the minimum.

Motion to approve funding by Deutsch, second by Craig. Roll call vote:

Ayes: 4 Craig, Spurlock, Deutsch, Keisler

Noes: 0

Abstain: 0

Absent: 1 Syrrist Motion carried, 4-0-0-1.

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H. Consider request from staff to increase the temporary housing allowance for summer housing for Interim City Manager

Review by ICM Johnsen, explaining that the consultant arranging housing has advised that he can no longer provide housing for the amount of \$1000 per month, and has requested a 50% increase due to the difficulty in finding housing due to the season.

Mayor Keisler stated that the owner of the home Mr. Johnsen is staying in has given City a deal until now.

Audience member Brian Wilson asked about the current contract for temporary housing in place, and asked if it included increases.

In response to question, ICM Johnsen stated that his employment agreement is open-ended until he is replaced. Discussion.

Council member Craig suggested that Council review the housing contract in place before making a decision. He stated that there are a lot of places to stay, and that a 50% increase needs to be justified by more than just a seasonal increase.

In response to question ICM Johnsen explained that the existing housing arrangement ends the following day. Mayor Keisler explained that the City had rented the property in which Mr. Johnsen has been staying and that owner wants even more money. The \$1,500 per month will be for a different property.

Council member Deutsch suggested approving the increase for one month, and looking at the contract the following meeting.

Motion to approve the increase for one month, and to look into further details next meeting by Deutsch, second by Craig. Roll call vote:

Ayes: 4 Craig, Spurlock, Deutsch, Keisler

Noes: 0

Abstain: 0

Absent: 1 Syrrist Motion carried, 4-0-0-1.

**ADJOURNMENT: 8:57 pm**

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**Mayor Keisler**

**ATTEST:**

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**City Clerk Wilson**

June 18, 2015

9: A.

City of Dunsmuir

**FREE**

# **City Wide Clean Up**

**Saturday, June 20, 2015**

8:00 am to 1:30 pm

**City Hall Parking Lot**

**No Hazardous Waste**

**No paint, chemicals, oil, pesticides**

Call City Hall for more info – 235-4822

***City of Dunsmuir residents ONLY***

***PROOF OF RESIDENCY REQUIRED:***

***Utility bill, Driver's License, PP&L bill***

Department of Alcoholic Beverage Control

State of California  
Edmund G. Brown Jr., Governor

**DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable**

Instructions: Complete all items. Submit to local ABC District Office with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded. For a listing of ABC District Offices please visit <http://www.abc.ca.gov/dstmap.html>

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

LICENSE NUMBER	GEO CODE
RECEIPT NUMBER	
FILE	
\$	

1. ORGANIZATION'S NAME: Dunsmuir Botanical Gardens

CONDITIONS REQUIRED:  Yes  No

DIAGRAM REQUIRED:  Yes  No

2. LICENSE TYPE (Check appropriate license type AND organization type)

a.  **Daily General (\$25.00)** (Includes beer, wine and distilled spirits)

Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure

Organization Formed for Specific Charitable or Civic Purpose

Other: \_\_\_\_\_

Fraternal Organization in Existence Over Five Years with Regular Membership

Religious Organization

Vessel per Section 24045.10 B&P (\$50.00)

NUMBER OF DISPENSING POINTS: 1

b.  **Special Daily Beer (\$25.00)**

Charitable  Fraternal  Social  Political  Other: \_\_\_\_\_

Civic  Religious  Cultural  Amateur Sports Organization

**Special Daily Beer & Wine (\$50.00)**

**Special Daily Wine (\$25.00)**

NUMBER OF DISPENSING POINTS: \_\_\_\_\_

c.  **Special Temporary License (\$100.00)** (Different privileges depending on statute)

Television Station per Section 24045.2 or 24045.9 B&P

Nonprofit Corporation per Sections 24045.4 and 24045.8 B&P

Person conducting Estate Wine Sale per Section 24045.8 B&P

Women's Educational and Charitable Organization per Section 24045.3 B&P

Other Special Temporary Licenses, per Section \_\_\_\_\_

License number \_\_\_\_\_ Amount \$ \_\_\_\_\_

3. EVENT TYPE

Dinner  Dance  Wedding  Lunch  Picnic  Barbeque  Social Gathering  Festival

Sports Event  Concert  Birthday  Mixer  Carnival  Dinner Dance  Other: \_\_\_\_\_

4. TOTAL # OF DAYS: \_\_\_\_\_

5. ESTIMATED ATTENDANCE: 250

6. HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND/OR CONSUMPTION: From 3:00 pm To 9:00 pm

7. EVENT DATE(S): June 20, 2015

8. EVENT IS OPEN TO THE PUBLIC:  Yes  No

9. EVENT LOCATION (Give facility name, if any, street number and name, and city): Dunsmuir Botanical Gardens 4841 Dunsmuir Avenue, Dunsmuir

10. LOCATION IS WITHIN THE CITY LIMITS:  Yes  No

11. TYPE OF ENTERTAINMENT: Fundraiser/Concert

12. SECURITY GUARDS:  Yes  No If yes, how many? \_\_\_\_\_

13. AUTHORIZED REPRESENTATIVE'S NAME: Arlene Dinges, Treasurer

14. REPRESENTATIVE'S TELEPHONE NUMBER: 530 235 9874

15. REPRESENTATIVE'S ADDRESS: 4604 Siskiyon Ave Dunsmuir CA 96025

16. ORGANIZATION'S MAILING ADDRESS (if different from #15 above): PO Box 242 Dunsmuir CA 96025

17. AUTHORIZED REPRESENTATIVE'S SIGNATURE: Arlene Dinges

18. DATE SIGNED: 5/25/15

PROPERTY OWNER APPROVAL BY (Name), (Required): \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_ PROPERTY OWNER SIGNATURE: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

LAW ENFORCEMENT APPROVAL BY (Name), IF APPLICABLE: Lt. Karl G. Hartman PHONE NUMBER: 530-872-8300 LAW ENFORCEMENT SIGNATURE: \_\_\_\_\_ DATE SIGNED: 06-01-15

DISTRICT OFFICE APPROVAL BY (Name): \_\_\_\_\_ ABC EMPLOYEE SIGNATURE: \_\_\_\_\_ ISSUANCE DATE: \_\_\_\_\_

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale ("to-go") privileges.

This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

June 18, 2015 10. B.

**RESOLUTION 2015-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
AUTHORIZING SIGNORS OF CITY BANK ACCOUNTS**

**WHEREAS**, the City Council of the City of Dunsmuir has filled the one vacancy of the City Council Member and Treasurer, and

**WHEREAS**, checks, drafts or other orders for the payment on the City bank accounts must have three (3) signatures; and

**WHEREAS**, the City council has full power and lawful authority to adopt the resolution and confer the powers herein granted to the persons named and that such persons have full power and authority to exercise the same.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Dunsmuir, effective this date:

- The following individuals are authorized signors on the City's bank accounts at US Bank and Premier West Bank:
  - Dave Keisler, Council Member
  - Bruce Deutsch, Council Member
  - Bryce Craig, Council Member
  - Nick Syrrist, Council Member
  - Josh Spurlock, Council Member
  - Mario Rubino, Treasurer
  
- The following city officials will be removed from the list of authorized signers:
  - Richard Kelby
  - Mabel Kelby

The City Clerk is authorized to certify this is a true and correct resolution.

**IT IS HEREBY CERTIFIED** that the foregoing Resolution 2015- was introduced and duly adopted by the City Council of the City of Dunsmuir at a regularly scheduled meeting held on the 18th day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Kathryn Wilson, City Clerk

\_\_\_\_\_  
Mayor Keisler



# Appendix A-1

## New Account/Change in Authorized Account Signer(s)

### Customer Information

Customer Name: City of Dunsmuir

New Account

Tax Identification Number: 94-6000324

Change in Authorized Account Signers

### Account Information

Account Name	Account Number	Tax Identification Number
City of Dunsmuir	2080	
City of Dunsmuir CWSRF Debt Service Reserve	9567	
City of Dunsmuir DWR Debt Service Reserve	6024	

### Authorized Account Signers

#### Add Authorized Account Signer(s):

Name	Title	Specimen Signature
Mario Rubino	Treasurer	
Bruce Deutsch	Council Member	

#### Delete Authorized Account Signer(s) (list name(s) only):

Richard Kelby		
Mabel Kelby		

#### Existing Authorized Account Signer(s) other than those new Authorized Account Signers listed above (list name(s) only, no specimen signatures are needed)

Bryce Craig	Dave Keisler	
Josh Spurlock	Nick Syrrist	

The Signer listed below represents and warrants to the Bank that: (i) the signatures listed above are the true and authentic signatures of the additional Authorized Account Signer(s); (ii) that each Customer listed above has taken all action required by its respective organizational documents to appoint the additional Authorized Account Signer(s) and to delete any Existing Authorized Account Signer(s); and (iii) he/she is authorized to complete this Appendix A-1 for each Customer listed above.

Account Signer may execute this Appendix A-1 to add an account(s) for Customer if the Existing Authorized Signers remain the same. Otherwise, this Appendix A-1 must be executed by a Contract Signer. This Appendix A-1 becomes effective only after U.S. Bank receives and has time to modify its records to reflect the changes noted herein.

Signer Signature: \_\_\_\_\_

Print Title: Accounts Payable

Print Name: Elaine Cantrell

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

For Internal Use Only:

Authorized Signers are related to the Master Services Agreement dated: \_\_\_\_\_

Review \_\_\_\_\_ Validation Method \_\_\_\_\_ TL Review \_\_\_\_\_ Imaged \_\_\_\_\_



# Appendix A-1

## New Account/Change in Authorized Account Signer(s)

---

CTN

For Internal Use Only:

Authorized Signers are related to the Master Services Agreement dated: \_\_\_\_\_

Review \_\_\_\_\_ Validation Method \_\_\_\_\_ TL Review \_\_\_\_\_ Imaged \_\_\_\_\_

June 18, 2015

10. C.

**RESOLUTION NO. 2015-**

**A RESOLUTION OF THE DUNSMUIR CITY COUNCIL AUTHORIZING  
SIGNORS OF LOCAL AGENCY INVESTMENT FUND (LAIF) ACCOUNT**

**WHEREAS**, the business name and address of this agency is City of Dunsmuir, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025, and

**WHEREAS**, the City of Dunsmuir agrees to continue to deposit or withdraw money in LAIF in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and

**WHEREAS**, the City Council has full power and lawful authority to adopt the resolution and confer the powers herein granted to the persons named, and that such persons have full power and authority to exercise the same, and

**WHEREAS**, the City wishes to remove Brenda Bains and J. Keith Anderson as authorized to deposit or withdraw money in LAIF, and

**WHEREAS**, the City wishes to add City Treasurer Mario Rubino and Interim City Manager Randy L. Johnsen, as authorized to deposit or withdraw money in LAIF, and

**WHEREAS**, the City wishes to retain City Accounts Payable/Receivable Clerk Elaine Cantrell as authorized to deposit or withdraw money in LAIF.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Dunsmuir, effective this date:

1. The following individuals are authorized signers on the city's investment account with LAIF:

Mario Rubino, City Treasurer  
Randy L. Johnsen, Interim City Manager  
Elaine Cantrell, Accounts Payable/Receivable Clerk

2. The following will be removed from list of authorized signers:

Brenda Bains  
Keith Anderson

**IT IS HEREBY CERTIFIED** that the foregoing Resolution was introduced and duly adopted by the City Council of the City of Dunsmuir at a regular meeting held on the 18<sup>th</sup> day of February, 2015 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk Kathryn Wilson

\_\_\_\_\_  
Mayor Keisler

June 18, 2015

10.D.

**RESOLUTION NO. 2015-**

**A RESOLUTION OF THE CITY COUNCIL OF DUNSMUIR APPOINTING REPRESENTATIVES TO THE S.C.O.R.E. BOARD OF DIRECTORS**

**WHEREAS**, the City Council has considered its authority pursuant to Article X, BOARD OF DIRECTORS, of the Small Cities Organized Risk Effort (S.C.O.R.E.) Joint Powers Agreement, Effective July 1, 2000 – “The governing body (i.e. Dunsmuir City Council) of each member entity (i.e. Dunsmuir) shall appoint one representative who shall serve as its member on the Board... (Further), the governing body shall appoint an alternate for such representative who shall attend meetings in the absence of the appointed Board member and who shall, as an alternate, have the same rights as the representative so appointed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Dunsmuir City Council, that:

1. The City Council hereby appoints Randy L. Johnsen, Interim City Manager to serve as member and Bryce Craig, Councilmember, to serve as alternate member to the S.C.O.R.E. Board of Directors, with the same rights as City Manager; and
2. The City Council directs that a copy of this resolution be filed with the Authority (S.C.O.R.E.).

\*\*\*\*\*

**IT IS HEREBY CERTIFIED** that the foregoing Resolution was introduced and duly adopted by the City Council of the City of Dunsmuir at a regular meeting held on the 18<sup>th</sup> day of June, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Mayor Keisler**

**ATTEST:** \_\_\_\_\_  
**Kathryn Wilson, City Clerk**

June 18, 2015

10. F.

JOHN SULLIVAN KENNY  
KELLY J. SNOWDEN\*  
JONZ NORINE  
LINDA R. SCHAAP  
PATRICK HENSLEIGH

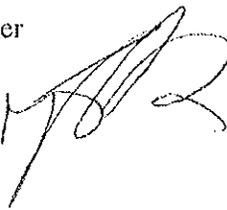
**KENNY, SNOWDEN & NORINE**  
A LAW CORPORATION  
www.lawksn.com

REDDING LANDING  
2701 PARK MARINA DRIVE  
REDDING, CA 96001  
530-225-8990  
FAX 530-225-8944

\*Member - American Board  
Of Trial Advocates

MEMORANDUM

To: Randy Johnsen, Interim City Manager  
CITY OF DUNSMUIR

From: John Sullivan Kenny, City Attorney 

Date: June 4, 2015

Re: Referendum of Ordinance 544

---

You advise that you have received a number of petitions for the referendum of Ordinance 544. You question what action should be taken on the petitions.

It is my understanding that the Election Official for the County of Siskiyou is serving as the City of Dunsmuir's Election Official. The petitions you received should be delivered to the Siskiyou County Election Official who will determine whether the petitions are sufficient, comply with the Elections Code and have the number of valid signatures. The Election Official will then report to the City Council the results of the Election Official's work.

If you have any questions, please advise.

JSK;jll/6736  
4838-2854-7876, v. 1

# City Council Agenda Item

## Public Hearing Staff Report

**Item No:** 11.A.  
**Date:** June 18, 2015  
**Subject:** Consider and approve second reading and adoption of Ordinance No. 546 Amending the Zoning Ordinance

The brief history of the proposed amendments to the Zoning Ordinance is that the then Planning Commission and the then City Council in 2009 agreed to make these changes, resulting in the then Housing Element to the General Plan being certified by the State Department of Housing and Community Development. This made the City eligible to apply for and received CDBG/EDBG grants. The promised changes were never made. Two years ago the then City Council retained PMC Consulting to prepare necessary amendments to the Zoning Code and Housing Element to allow submission to State HCD for certification of an update to the Housing Element and allow the City to again apply for CDBG/EDBG funds. Housing elements are required by State law to be updated every five years. This update is to show how City will meet State mandated housing needs and the update will be certified if it is shown Zoning Code and Housing Element meet all State laws and mandates.

The PMC prepared changes were presented to the current Planning Commission at their April 1 meeting and at a Public Hearing before the Planning Commission on May 6. The Planning Commission unanimously adopted PC Resolution No. 2015-04 recommending the changes be adopted by the City Council. There were several questions posed about the consequences of adopting these changes and the Planning Commission has already started studying and addressing them.

Ordinance No. 546 was presented to the City Council and passed first reading at your May 21 regular meeting. At that time it was set for second reading and public hearing at your June 4 meeting. Staff was unable to publish notice for second reading and adoption in time to meet requirements for June 4 meeting so item was continued to this meeting.

**Recommendation:** Move to read by number and title only (This must be unanimous or someone will need to read the entire Ordinance)

Move to approve second reading and adopt Ordinance No. 546, An Ordinance of the City Council of the City of Dunsmuir amending the Zoning Code by amending Section 17.04.050-Definitions; Section 17.12.020-Single Family residential R-1 District; Section 17.12.030-Duplex Residential R-2 District; Section 17.12.040-Multiple-Family Residential R-3 District; Section 17.12.050-Multiple-Residential and Professional R-4 District; Section 17.12.060-Neighborhood Commercial C-1 District; Section 17.12.070-Central Commercial C-2 District; add Section 17.16.100-Second Dwelling Units; adding Section 17.16.110-Single-Room Occupancy Residential Unit (SRO); adding Section 17.16.120-Emergency Shelters; and adding Chapter 17.36-Affordable Housing Incentives/Residential Density Bonuses.

## ORDINANCE NO. 546

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR AMENDING THE ZONING CODE BY AMENDING SECTION 17.04.050 – DEFINITIONS; SECTION 17.12.020 – SINGLE FAMILY RESIDENTIAL R-1 DISTRICT; SECTION 17.12.030 – DUPLEX RESIDENTIAL R-2 DISTRICT; SECTION 17.12.040 – MULTIPLE-FAMILY RESIDENTIAL R-3 DISTRICT; SECTION 17.12.050 – MULTIPLE-RESIDENTIAL AND PROFESSIONAL R-4 DISTRICT; SECTION 17.12.060 – NEIGHBORHOOD COMMERCIAL C-1 DISTRICT; SECTION 17.12.070 – CENTRAL COMMERCIAL C-2 DISTRICT; ADD SECTION 17.16.100 – SECOND DWELLING UNITS; ADDING SECTION 17.16.110 - SINGLE-ROOM OCCUPANCY RESIDENTIAL UNIT (SRO); ADDING SECTION 17.16.120 - EMERGENCY SHELTERS; AND ADDING CHAPTER 17.36 - AFFORDABLE HOUSING INCENTIVES/RESIDENTIAL DENSITY BONUSES.**

**WHEREAS**, the City of Dunsmuir's 2009-2014 Housing Element promotes the provision of a variety of housing types to serve the community's needs; and

**WHEREAS**, the Housing Element also provides an opportunity for the City to demonstrate how this goal will be achieved; and

**WHEREAS**, according to State law, the Housing Element must provide information, policies and programs to encourage the development of housing to meet the needs of all the City's residents; and

**WHEREAS**, on June 3, 2010, the City Council of the City of Dunsmuir adopted the 2009-2014 Housing Element of the City's General Plan; and

**WHEREAS**, the Plan requires the City to amend the Dunsmuir Municipal Code in order to provide for a variety of housing types and in order to comply with State law; and

**WHEREAS**, the changes included in Attachment A hereto are consistent with the policies, standards, and land uses specified in the General Plan and any applicable specific plan; and

**WHEREAS**, the changes included in Attachment A hereto are consistent and compatible with the uses authorized in, and the regulations prescribed for, the zoning districts for which they are proposed; and

**WHEREAS**, the Planning Commission reviewed the amendments included in Attachment A hereto to Title 17, Zoning, at the Commission's regularly scheduled meeting on April 1, 2015; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed amendments to Title 17, Zoning, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

**WHEREAS**, the Planning Commission determined the procedure for reasonable accommodations and the amendments to Title 17, Zoning, meet the standards to qualify as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *General Rule* of the State CEQA Guidelines.

**WHEREAS**, the Planning Commission adopted PC Resolution No. 2015-04 recommending these amendments to the Zoning Code be adopted by the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNSMUIR DOES ORDAIN AS FOLLOWS:**

**Section 1.** That the amendments to Title 17, Zoning of the City of Dunsmuir City Code as contained in Attachment A hereto and made a part hereof are adopted.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The City Council of the City of Dunsmuir hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

**Section 3. Publication.** The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code section 36933 and shall certify to the adoption of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

\* \* \* \* \*

**Introduced** and first read at a regular meeting of the City Council on the 21<sup>st</sup> day of May, 2015, by the following vote:

AYES:	Syrrist, Spurlock, Keisler
NOES:	None
ABSENT:	Craig
ABSTAINING:	None

**Final passage and adoption** by the City Council of the City of Dunsmuir occurred at a regular meeting thereof held on the 18<sup>th</sup> day of June, 2015, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAINING:	

---

Dave Keisler, Mayor

ATTEST:

---

Kathryn Wilson, City Clerk

# ORDINANCE NO. 546

## Attachment A

### Housing Element Implementation Code Amendment

(Additions are underlined, deletions are ~~overstruck~~)

#### Chapter 17.04

#### GENERAL PROVISIONS

##### 17.04.050 – Definitions.

B. Definitions. For the purpose of this title, certain terms used herein are defined as follows:

“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.

“Employee housing – large” means housing for employees consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household.

“Employee housing – small” means housing for employees consisting of six or fewer persons in a single family dwelling.

“Family” means one or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family may include the clients of group homes. ~~A family may include not more than two paying guests.~~

“Group care home - large” means a privately operated residential home or facility of any capacity that provides services in a group setting to more than six persons who are in need of twenty-four (24) hour-a-day care and/or supervision. (A state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if such homes provide care on a twenty-four (24) hour-a-day basis. Such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single family dwellings. (Welfare and Institutions Code Section 5116.))

“Group care home - small” means a privately operated residential home or facility of any capacity that provides services in a group setting to six or less persons who are in need of twenty-four (24) hour-a-day care and/or supervision.

“Second dwelling unit” means a second permanent dwelling that is accessory to a primary dwelling on the same site. A secondary unit provides permanent facilities for living, sleeping, eating, cooking, and sanitation.

“Single-room occupancy residential unit” means a compact dwelling unit with limited cooking and living facilities that is the primary residence of its occupant(s) and is within a multiple-unit structure.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target populations as defined by 53260(d) of the California Health and Safety Code, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“Transitional housing” means a building configured as rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Chapter 17.12

USE REGULATIONS FOR SPECIFIC DISTRICTS

17.12.020 – Single-family residential R-1 district.

Uses: None but the following uses, or uses which in the opinion of the planning commission are similar will be allowed	Use Permit Required	Maximum Allowable Height (Feet)	Minimum Building Site Required (Square Feet)		Minimum Lot Width Required (Feet)		Maximum Allowable Lot Coverage by Buildings or Structures
			Corner Lot	Interior Lot	Corner Lot	Interior Lot	
Single-family dwellings	No	30	6,500	5,500	65	55	40%
<u>Second dwelling unit</u> <sup>1</sup>	<u>No</u>	<u>30</u>	=	=	=	=	<u>40%</u>
<u>Employee housing - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Supportive housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Transitional housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - large</u>	Yes	To be determined on an individual basis					

<sup>1</sup>See Section 17.16.100

Uses	Minimum Front Yard Required (Feet)	Minimum Side Yard Required (Feet)		Minimum Rear Yard Required (Feet)		Minimum Lot Area Per Family Unit	Minimum Off-Street Parking Space Required  The planning commission may prescribe the amount of parking for uses not listed herein
		Corner Lot	Interior Lot	Corner Lot	Interior Lot		
Single-family dwellings	20	10	5	20	20	5,500	One garage or carport per dwelling
<u>Second dwelling unit<sup>1</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>0</u>	<u>One parking space per bedroom</u>
<u>Employee housing - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Supportive housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Transitional housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - large</u>	To be determined on an individual basis						

<sup>1</sup>See Section 17.16.100

17.12.030 – Duplex residential R-2 district.

Uses: None but the following uses, or uses which in the opinion of the planning commission are similar will be allowed	Use Permit Required	Maximum Allowable Height (Feet)	Minimum Building Site Required (Square Feet)		Minimum Lot Width Required (Feet)		Maximum Allowable Lot Coverage by Buildings or Structures
			Corner Lot	Interior Lot	Corner Lot	Interior Lot	
Duplexes	No	35	6,500	5,500	65	55	50%
<u>Employee housing - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Supportive housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Transitional housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - large</u>	Yes	To be determined on an individual basis					

<sup>1</sup>See Section 17.16.100

Uses	Minimum Front Yard Required (Feet)	Minimum Side Yard Required (Feet)		Minimum Rear Yard Required (Feet)		Minimum Lot Area Per Family Unit	Minimum Off-Street Parking Space Required  The planning commission may prescribe the amount of parking for uses not listed herein
		Corner Lot	Interior Lot	Corner Lot	Interior Lot		
Duplexes	20	10	5	20	20	2,750	One garage or carport per dwelling
<u>Second dwelling unit<sup>1</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5,500</u>	<u>One parking space per bedroom</u>
<u>Employee housing - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Supportive housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Transitional housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - large</u>	To be determined on an individual basis						

<sup>1</sup>See Section 17.16.100

**17.12.040 – Multiple-family residential R-3 district.**

Uses: None but the following uses, or uses which in the opinion of the planning commission are similar will be allowed	Use Permit Required	Maximum Allowable Height (Feet)	Minimum Building Site Required (Square Feet)		Minimum Lot Width Required (Feet)		Maximum Allowable Lot Coverage by Buildings or Structures
			Corner Lot	Interior Lot	Corner Lot	Interior Lot	
Multiple-family dwellings	No	35	6,500	5,500	65	55	75%
<u>Employee housing - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Supportive housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Transitional housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - large</u>	Yes	To be determined on an individual basis					
<u>Single-room occupancy residential unit<sup>2</sup></u>	<u>Yes</u>	<u>35</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>75%</u>

<sup>1</sup>See Section 17.16.100

<sup>2</sup>See Section 17.16.110

Uses	Minimum Front Yard Required (Feet)	Minimum Side Yard Required (Feet)		Minimum Rear Yard Required (Feet)		Minimum Lot Area Per Family Unit	Minimum Off-Street Parking Space Required  The planning commission may prescribe the amount of parking for uses not listed herein
		Corner Lot	Interior Lot	Corner Lot	Interior Lot		
<u>Second dwelling unit<sup>1</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5,500</u>	<u>One parking space per bedroom</u>
<u>Employee housing - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Supportive housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Transitional housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - large</u>	To be determined on an individual basis						
<u>Single-room occupancy residential unit<sup>2</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>20</u>	<u>1,000</u>	<u>One parking space for every two units</u>

<sup>1</sup>See Section 17.16.100

<sup>2</sup>See Section 17.16.110

17.12.050 – Multiple-residential and professional R-4 district.

Uses: None but the following uses, or uses which in the opinion of the planning commission are similar will be allowed	Use Permit Required	Maximum Allowable Height (Feet)	Minimum Building Site Required (Square Feet)		Minimum Lot Width Required (Feet)		Maximum Allowable Lot Coverage by Buildings or Structures
			Corner Lot	Interior Lot	Corner Lot	Interior Lot	
Multiple-family dwellings	No	35	6,500	5,500	65	55	75%
<u>Second dwelling unit<sup>1</sup></u>	<u>No</u>	<u>30</u>	=	=	=	=	<u>40%</u>
<u>Employee housing - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Supportive housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Transitional housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Single-room occupancy residential unit<sup>2</sup></u>	<u>Yes</u>	<u>35</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>75%</u>
<u>Group care homes - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - large</u>	Yes	To be determined on an individual basis					

<sup>1</sup>See Section 17.16.100

<sup>2</sup>See Section 17.16.110

Uses	Minimum Front Yard Required (Feet)	Minimum Side Yard Required (Feet)		Minimum Rear Yard Required (Feet)		Minimum Lot Area Per Family Unit	Minimum Off-Street Parking Space Required  The planning commission may prescribe the amount of parking for uses not listed herein
		Corner Lot	Interior Lot	Corner Lot	Interior Lot		
<u>Second dwelling unit<sup>1</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5,500</u>	<u>One parking space per bedroom</u>
<u>Employee housing - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Supportive housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Transitional housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Single-room occupancy residential unit<sup>2</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>20</u>	<u>1,000</u>	<u>One parking space for every two units</u>
<u>Group care homes - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - large</u>	To be determined on an individual basis						

<sup>1</sup>See Section 17.16.100

<sup>2</sup>See Section 17.16.110

17.12.060 – Neighborhood commercial C-1 district.

Uses: None but the following uses, or uses which in the opinion of the planning commission are similar will be allowed	Use Permit Required	Maximum Allowable Height (Feet)	Minimum Building Site Required (Feet)		Minimum Lot Width Required (Feet)		Maximum Allowable Lot Coverage by Buildings or Structures
			Corner Lot	Interior Lot	Corner Lot	Interior Lot	
<u>Employee housing - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Supportive housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Transitional housing</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Single-room occupancy residential unit<sup>1</sup></u>	<u>Yes</u>	<u>35</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>75%</u>
<u>Group care homes - small</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - large</u>	Yes	To be determined on an individual basis					

<sup>1</sup>See Section 17.16.110

Uses	Minimum Front Yard Required (Feet)	Minimum Side Yard Required (Feet)		Minimum Rear Yard Required (Feet)		Minimum Lot Area Per Family Unit	Minimum Off-Street Parking Space Required  The planning commission may prescribe the amount of parking for uses not listed herein
		Corner Lot	Interior Lot	Corner Lot	Interior Lot		
<u>Employee housing - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Supportive housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Transitional housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Single-room occupancy residential unit<sup>1</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>20</u>	<u>1,000</u>	<u>One parking space for every two units</u>
<u>Group care homes - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - large</u>	To be determined on an individual basis						

<sup>1</sup>See Section 17.16.110

17.12.070 – Central commercial C-2 district.

Uses: None but the following uses, or uses which in the opinion of the planning commission are similar will be allowed	Use Permit Required	Maximum Allowable Height (Feet)	Minimum Building Site Required (Feet)		Minimum Lot Width Required (Feet)		Maximum Allowable Lot Coverage by Buildings or Structures
			Corner Lot	Interior Lot	Corner Lot	Interior Lot	
Churches, schools, parks, playgrounds, and public buildings and residential uses	Yes	As specified in the R district, Sections 17.12.020, 17.12.030, 17.12.040					
<u>Residential uses, second floor and above only</u>	<u>No</u>	<u>As specified in the R district, Sections 17.12.020, 17.12.030, 17.12.040</u>					
<u>Employee housing - small, second floor and above only</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Supportive housing, second floor and above only</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Transitional housing, second floor and above only</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Group care homes - small, second floor and above only</u>	<u>No</u>	<u>30</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>40%</u>
<u>Emergency Shelter<sup>1</sup></u>	<u>No</u>	<u>35</u>	<u>6,500</u>	<u>5,500</u>	<u>65</u>	<u>55</u>	<u>75%</u>

<sup>1</sup>See Section 17.16.120

Uses	Minimum Front Yard Required (Feet)	Minimum Side Yard Required (Feet)		Minimum Rear Yard Required (Feet)		Minimum Lot Area Per Family Unit	Minimum Off-Street Parking Space Required The planning commission may prescribe the amount of parking for uses not listed herein
		Corner Lot	Interior Lot	Corner Lot	Interior Lot		
Churches, schools, parks, playgrounds, and public buildings and residential uses	As specified in the R districts, Sections 17.12.020, 17.12.030, 17.12.040						
<u>Residential uses, second floor and above only</u>	<u>As specified in the R districts, Sections 17.12.020, 17.12.030, 17.12.040</u>						
<u>Employee housing - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Supportive housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Transitional housing</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Group care homes - small</u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>20</u>	<u>20</u>	<u>5,500</u>	<u>One garage or carport per dwelling</u>
<u>Emergency Shelter<sup>1</sup></u>	<u>20</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>20</u>	=	<u>See 17.12.120</u>

<sup>1</sup>See Section 17.12.120

(Note: New Sections added to Chapter 17.16 Use Regulations Generally)

## Chapter 17.16

### USE REGULATIONS GENERALLY

#### Sections:

17.16.080 – Nonconforming buildings.

17.16.090 – Fences, hedges, walls and equivalent screening.

17.16.100 – Second dwelling units.

17.16.110 – Single-room occupancy residential unit (SRO).

17.16.120 – Emergency shelters.

#### 17.16.100 – Second dwelling units.

The following development standards shall apply to second dwelling units:

- A. The maximum square footage of a second dwelling unit is 1,200 square feet.
- B. Either the second dwelling unit or the primary dwelling unit must be occupied by an owner of the property.
- C. The required off-street parking for the primary dwelling unit and one off-street parking space per bedroom for the second dwelling unit must be provided.
- D. One second dwelling unit per parcel is allowed.
- E. The second dwelling unit can be attached or detached from the primary dwelling unit.
- F. The second dwelling unit shall be architecturally compatible with the primary dwelling unit or the immediate neighborhood.
- G. The second dwelling unit shall be compatible with the scale of adjoining residence and blend into the existing neighborhood.
- H. All HVAC or other mechanical units shall be placed not in public view or shall be screened from public view by a fence, wall or permanent landscaping.
- I. The second dwelling unit shall not exceed the allowable density for the lot upon which it is located.

#### 17.16.110 Single-room occupancy residential unit (SRO).

The following development standards shall apply to single-room occupancy residential units:

- A. Tenancy of single-room occupancy residential units shall not be less than thirty (30) days.
- B. Each unit shall accommodate a maximum of two (2) persons.
- C. No unit may exceed four hundred (400) square feet.
- D. Single-room occupancy residential unit facilities shall provide individual or shared bathing facilities and may provide individual or shared kitchen facilities.

- E. Common laundry facilities shall be provided at a rate of one (1) washer and dryer per ten (10) units, with a minimum of one (1) washer and dryer.
- F. An on-site management office or manager's unit shall be provided.
- G. On-site parking shall be provided at a rate of one (1) space for every two (2) units.
- H. Each unit shall have a separate closet.

**17.16.120 Emergency shelters.**

The following development standards shall apply to emergency shelters:

- A. The maximum number of beds shall be fifteen (15).
- B. The emergency shelter shall provide on-site parking at a rate of one (1) space for staff plus one (1) space per five (5) allowed occupants.
- C. A written management plan is required for all emergency shelters that includes provisions for staff training, neighborhood outreach, transportation, security, client services, and food services.
- D. The maximum term of staying at an emergency shelter is six (6) months in a consecutive twelve (12) month period.

(Note: New Chapter added to Title 17)

Chapter 17.36

AFFORDABLE HOUSING INCENTIVES/RESIDENTIAL DENSITY BONUSES

Sections:

17.36.010 Purpose.

17.36.020 Applicability.

17.36.030 Application and approval.

17.36.040 Planning Commission recommendation.

17.36.050 Determination of housing density bonus or incentives.

16.78.010 Purpose.

The purpose of providing a housing density bonus or incentives is to contribute to the economic feasibility of low income and moderate income housing in housing developments proposed within the City.

16.78.020 Applicability.

When a developer enters into an agreement pursuant to Government Code Section 65915 consisting of at least one of the following:

- A. Five (5) percent of units restricted to very low-income households; or
- B. Ten (10) percent of the total units of a housing development restricted to low-income households; or
- C. Ten (10) percent of the total for-sale of a common interest housing development restricted to moderate-income households; or
- D. The project donates at least one (1) acre of land with the appropriate general plan, zoning, permitting, and approvals and access to public facilities needed for such housing to the city for very low-income units; or
- E. The project is restricted to seniors.

The developer shall be eligible for housing density bonuses and incentives as listed in Government Code Section 65915.

16.78.030 Application and approval.

Any person requesting a housing density bonus, incentives, or concessions shall apply for a development agreement. Density bonus, incentives, or concessions shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus, incentive and/or concession.

16.78.040 Planning Commission recommendation.

Prior to Council action on a development agreement providing a housing density bonus or incentives, the Commission, if applicable, shall consider the development agreement and make a recommendation to the Council.

**16.78.050 Determination of housing density bonus or incentives.**

The project developer may specify the requested housing density bonus or incentives; however, the City may agree to provide a housing density bonus or incentives other than those requested, so long as such housing density bonus or incentives meet the requirement set forth in the California Government Code.

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Audience member Ana Mulvany stated that it would be a good idea to create a Housing Element subcommittee in order to deal with the State mandates regarding zoning and commercial requirements.

**NEW BUSINESS:**

A. Consideration and first reading of Ordinance No. 546, an Ordinance of the City Council of the City of Dunsmuir amending the Zoning Ordinance

Review by ICM Johnsen, stating that these are the minimum requirements to comply with State Law, and that the issues caused by the Ordinance amendment can be dealt with at a later time. He recommended moving forward so that the item could be sent to the State and the Housing Element certified as updated, explaining that amendments could be made in the future. Public Comment: None.

Discussion.

Motion to read Ordinance No. 546 by number and title only by Mayor Keisler, second by Syrrist.

Roll call vote:

Ayes: 3 Syrrist, Spurlock, Keisler

Noes: 0

Abstain: 0

Absent: 1 Craig Motion carried, 3-0-0-1.

Motion to approve first reading of Ordinance No. 546, An Ordinance of the City Council of the City of Dunsmuir amending the Zoning Ordinance, and setting June 4, 2015 for public hearing and second reading thereof by Mayor Keisler, second by Syrrist. Roll call vote:

Ayes: 3 Syrrist, Spurlock, Keisler

Noes: 0

Abstain: 0

Absent: 1 Craig Motion carried, 3-0-0-1.

B. Consideration and adoption of Resolution No. 2015- identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident

Item moved to the next regular meeting as there would not be a quorum for the item due to one City Council member recusing due to conflict of interest.

D. Consider and approve amendment to contract agreement for financial services with Pamela Russell to increase work authorization to three days equivalent per week.

Review by ICM Johnsen. Public Comment: None.

Motion to approve by Mayor Keisler, second by Spurlock.

Roll call vote:

## PC RESOLUTION NO. 2015-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR RECOMMENDING THE CITY COUNCIL AMEND SECTION 17.04.050 – DEFINITIONS; SECTION 17.12.020 – SINGLE FAMILY RESIDENTIAL R-1 DISTRICT; SECTION 17.12.030 – DUPLEX RESIDENTIAL R-2 DISTRICT; SECTION 17.12.040 – MULTIPLE-FAMILY RESIDENTIAL R-3 DISTRICT; SECTION 17.12.050 – MULTIPLE-RESIDENTIAL AND PROFESSIONAL R-4 DISTRICT; SECTION 17.12.060 – NEIGHBORHOOD COMMERCIAL C-1 DISTRICT; SECTION 17.12.070 – CENTRAL COMMERCIAL C-2 DISTRICT; ADD SECTION 17.16.100 – SECOND DWELLING UNITS; ADD SECTION 17.16.110 - SINGLE-ROOM OCCUPANCY RESIDENTIAL UNIT (SRO); ADD SECTION 17.16.120 - EMERGENCY SHELTERS; AND ADD CHAPTER 17.36 - AFFORDABLE HOUSING INCENTIVES/RESIDENTIAL DENSITY BONUSES.**

**WHEREAS**, the City of Dunsmuir's 2009-2014 Housing Element promotes the provision of a variety of housing types to serve the community's needs; and

**WHEREAS**, the Housing Element also provides an opportunity for the City to demonstrate how this goal will be achieved; and

**WHEREAS**, according to State law, the Housing Element must provide information, policies and programs to encourage the development of housing to meet the needs of all the City's residents; and

**WHEREAS**, on June 3, 2010, the City Council of the City of Dunsmuir adopted the 2009-2014 Housing Element of the City's General Plan; and

**WHEREAS**, the Plan requires the City to amend the Dunsmuir Municipal Code in order to provide for a variety of housing types and in order to comply with State law; and

**WHEREAS**, the proposed change as included in Attachment A hereto is consistent with the policies, standards, and land uses specified in the General Plan and any applicable specific plan; and

**WHEREAS**, the proposed change as included in Attachment A hereto is consistent and compatible with the uses authorized in, and the regulations prescribed for, the zoning district for which it is proposed; and

**WHEREAS**, a Notice of Public Hearing was published in the Dunsmuir News on April 22, 2015; and

**WHEREAS**, the Planning Commission reviewed the proposed draft amendment included in Attachment A hereto to Title 17, Zoning, at the Commission's regularly scheduled meeting on April 1, 2015; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed amendments to Title 17, Zoning, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

**WHEREAS**, the Planning Commission determined the proposed procedure for reasonable accommodations and the proposed amendments to Title 17, Zoning, meet the standards to qualify as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *General Rule* of the State CEQA Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends the City Council adopt the proposed amendments to Title 17, Zoning of the City of Dunsmuir Municipal Code as contained in Attachment A hereto and made a part hereof.

**IT IS HEREBY CERTIFIED** that the foregoing Resolution 2015-04, was duly introduced and adopted by the Dunsmuir Planning Commission at a regular meeting held on the 6<sup>th</sup> day of May, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Kathryn Wilson, City Clerk

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**CALL TO ORDER:**

Meeting called to order at 7:00 pm by Vice Chair Cross.

Flag salute.

**ROLL CALL:**

Commissioners present: Harley, Lamb, Cross, Powers, Conway

Commissioner absent: Posten

City staff present: Johnsen, Dinges

City official present: Wilson

**APPROVAL OF AGENDA AND MINUTES/AGENDA REVISIONS:**

Motion to approve by Harley, second by Powers. Voice vote: 5-0-0-1, motion carried.

**ANNOUNCEMENTS AND PUBLIC COMMENT:**

No public comment.

**OLD BUSINESS:**

A) Election of Chairperson and Vice Chairperson and Historic District Delegate

Commissioner Powers nominated Commissioner Cross for the position of Chair, Commissioner Cross declined.

Commissioner Harley nominated Commissioner Powers for the position of Chair, Commissioner Powers declined.

Commissioner Powers nominated Commissioner Harley for the position of Chair, second by Cross. Voice vote: 5-0-0-1, motion carried, Lamb, Cross, Powers, Conway and Harley voting aye, Posten absent.

Commissioner Conway nominated Commissioner Lamb for the position of Vice Chair, second by Powers. Voice vote: 5-0-0-1, motion carried, Harley, Cross, Powers, Conway and Lamb voting aye, Posten absent.

Commissioner Powers nominated Commissioner Cross for the position of Historic District Delegate, second by Commissioner Conway. Voice vote: 5-0-0-1, Commissioners Harley, Lamb, Powers, Cross and Conway voting aye, Posten absent.

**PUBLIC HEARING:**

A) Consider and adopt Planning Commission Resolution No. 2015-04 recommending that the City Council determine that the proposed project is exempt from further review under CEQA: and recommending approval of Zoning Code Amendment.

**Public Hearing Open: 7:05 pm**

Review by City Planner Arlene Dinges, explanation of the differences between C1 and C2 zoning, and discussion of the minimum requirements by the state. Mrs. Dinges explained that

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that some residences that change hands would not be able to be used as residences in the C2 district without a Conditional Use Permit. Discussion.

Chair Harley asked about reducing the span of the Commercial District, Mrs. Dinges explained that it could be done, at a later time. Commissioner Lamb expressed concern about homes on Dunsmuir Avenue, stating that they should not be affected. Interim City Manager Johnsen stated that the Commission would have the option of re-zoning later, and that the Resolution needs to be adopted in order to complete the Housing Element.

Audience member Ana Mulvaney expressed concern about the changes, and asked the Commission to consider the item longer.

ICM Johnsen explained that the item would still have to go before the Council, and that the recommendation would be that the Council consider the changes required by the State.

Discussion.

City Planner Dinges explained that the City would not be able to apply for certain block grant funds and would be open to lawsuit if there was no Housing Element. She explained that the options were to either adopt with the minimum requirements set forth, or to make it more lenient in certain areas. Discussion.

Commissioner Conway suggested looking at rezoning after the item has gone through Council. Planner Dinges agreed, stating that changes could be made to allow a single family residence in a C2 zone able to occupy the ground floor if the structure is designed as a house and not a commercial property. She stated that she would like to see the restriction taken out that states that the residence has to be on the second floor.

ICM Johnsen recommended that the Commission adopt the Resolution to send to Council, and to direct staff to help deal with issues as they come up. Commissioner Cross asked that the item be sent to Council with the Commissions concerns.

Chair Harley expressed concern with the sale of properties, and the need for the new owner to get a Conditional Use Permit.

Audience member Ana Mulvaney recommended that the Commission send the item to Council with a strong recommendation that the zoning be changed from C2.

**Public Hearing Closed: 7:51 pm**

Motion to approve Resolution by Cross, second by Powers. Voice vote: 5-0-0-1, motion carried, Harley, Lamb, Cross, Conway, Powers voting aye, Posten absent.

Commission comments: Concern with residential homes in the C2 District, need to look at options to change the zoning in the future. Concern with property sales and CUP process, don't want housing only in upper story.

**ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF:**

Commissioner Cross stated that Mr. Rick Galassi, former Commission member, had died recently. She stated that she had worked with him for many years, and always found him to be cordial and respectful. Staff directed to suggest to Council that Mr. Galassi be replaced on Commission.

# City Council Agenda Item

## Interim City Manager Staff Report

### Old Business

**Item No:** 12.A.  
**Date:** June 18, 2015  
**Subject:** Consider request from Don Harley to exempt green businesses from garbage charges

At your May 21 regular meeting Don Harley presented the attached written request that green businesses be exempt from garbage charges under mandatory garbage provisions of Dunsmuir City Codes. In conversation with staff he presents that his business operation at 5835 Dunsmuir Avenue creates no trash. The business is Harley's Antiques. His address has no bathroom and is not charged for water or sewer. He reports that he attends auctions, barn or yard sales, etc. to collect inventory that he displays at 5835 Dunsmuir Avenue or on the internet. He has notice posted on front window of 5835 Dunsmuir Avenue advising customers to call him and he will discuss purchase with them. The notice also provides that he may be at the location on Saturdays. There is no appearance of desk, chair, or waste basket. It is also apparent that window displays of Harley's Antiques are present in storefront of both adjacent addresses. Both of those addresses operate other businesses and have bathrooms and are charged for water, sewer, and trash.

Dunsmuir City Code section 8.08.130, which Mr. Harley quotes in his request, presents that Council may by resolution set rates for garbage service. More applicable to this request is Dunsmuir Municipal Code section 8.08.100 that defines who/what is to be charged. The City Council in 2004 held two hearings and amended this City Code section to provide that "A. Every person who maintains a residence within the city shall be subject to garbage and refuse service under this chapter, and is required to subscribe to such service. B. Every person who maintains within the city any place of business or a commercial property shall be subject to service under this chapter and is required to subscribe to such service." Staff is informed that the intention was to make garbage collection mandatory for all addresses in Dunsmuir. Staff is further informed that the major issue at that time was vacation homes not paying for trash. And that the solid waste fund was in debt and other costs were anticipated to be imposed on this fund which could not be covered by then existent rates.

Thus, if the program is to make garbage collection mandatory, it does not matter if refuse or rubbish is generated or collected and removed. It mean that the cost of garbage service is to be shared by those having access to the service whether used or not.

That being said, there is attempt by almost all to minimize impact of refuse on dumps and the environment in general. In order to encourage and/or reward those who can operate with no refuse or waste product, definitions would be needed, qualifications determined, and follow up (enforcement) provided. While Mr. Harley could save \$37.01 per month, there is no way of knowing how many other businesses or others might request equal consideration and if such would have a significant impact on

solid waste revenues and if such consideration would be fair to remaining residents and businesses who share cost of garbage program.

The above presentation would have been different if Ordinance No. 544 had become valid. As the City has received referendum petitions appealing adoption of Ordinance No. 544, it is in limbo. If it had become operable, the amending action of 2004 City Council would have been altered and the 8.08.100 Code Sections would have read in part "Every person. . .who maintains a place of business where any refuse or rubbish is accumulated, shall be subject to service under this chapter and is required to subscribe to such service." Under this definition it's not the conduct of business that requires trash subscription but the accumulation of refuse or rubbish.

Based on the above, staff needs direction on how to proceed. There is certainly the issue of insuring that mandatory garbage collection continues as determined in 2004. The second question as posed by Mr. Harley is whether there should be exception(s) based on no contribution to the waste stream. Staff can obtain examples of implementing language for green programs from other jurisdictions that may have already addressed this question.

**Recommendation:** Move to direct staff to prepare any needed amendments to Dunsmuir City Code to insure that mandatory garbage collection continues in Dunsmuir.

Move to direct staff to obtain examples of program language in other cities that would provide for recognition of green or non-accumulation of refuse or rubbish, and prepare amending language to Dunsmuir City Code for Council consideration.

I would like this to be put on the agenda for a motion from the city Council to stop enforcing it's garbage law as Reads today And add an amendment d to resolution DMC 808.100 amendment c to exempt green businesses that create no garbage or waste. To not have to subscribe to garbage service.

8.08.130 - Rates and charges— Generally.

The city council shall, by resolution, fix the rates to be charged for services rendered under this chapter, and may, by resolution, fix the monthly, quarterly or annual rates to be charged residents, multiple-dwelling units, motels and business establishments. Any resolution fixing rates shall be published once in the local newspaper.

*Jan & Asenda*

**RESOLUTION 2004-26 (Amended April 16, 2004)**

Page 1 of 2

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
AMENDING THE SCHEDULE OF CHARGES FOR GARBAGE AND REFUSE  
COLLECTION SERVICE**

**WHEREAS**, Sections 8.08.130 and 13.08.060 of the Dunsmuir Municipal Code provides that the city administrator may submit amendments to the rate schedule set forth in Attachment A, and the council may amend such rate schedule by resolution; and

**WHEREAS**, the City Refuse Fund has absorbed without commensurate rate increase the average 33 % rise in the combined costs of Staff Salaries & Benefits, Contract Services provided by Clemens Waste Removal (CDWR), and Other Operating & Administrative Costs since July 1, 2001; and

**WHEREAS**, the City Refuse Fund has absorbed without commensurate rate increase the approved Lease/Rental \$16,000 annual cost of uniform refuse containers provided by CDWR since July 1<sup>st</sup>, 2003; and

**WHEREAS**, the City Refuse Fund anticipates the Dump Fees paid to Siskiyou County will more than triple effective January 1<sup>st</sup>, 2004; and

**WHEREAS**, after removal of Spring Clean Up Costs, it has been determined that the increase needed to fund these increased operating expenses is 71% for Garbage; and

**WHEREAS**, Council, at its January 16<sup>th</sup>, 2004 meeting, adopted rate schedules incorporating a 41% increase taking effect with the February 1, 2004 billing for the February solid waste removal services.

**WHEREAS**, at this, its March 19th, 2004 meeting, Council amended D.M.C. §8.08.100 to read Persons subject to collection (now include) "A. Every person who maintains a residence within the city shall be subject to garbage and refuse service under this chapter, and is required to subscribe to such service. B. Every person who maintains within the city any place of business or a commercial property shall be subject to service under this chapter and is required to subscribe to such service." taking effect with the May 1, 2004 billing for the May solid waste removal services.

**WHEREAS**, a 25% increase to rate schedules - in addition to the increased cost sharing achieved by amending (above) the Dunsmuir Municipal Code to include all dwellings and commercial property - will significantly reduce if not eliminate current 2003-04 and projected 2004-05 Solid Waste Fund deficit spending.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
AMENDING THE SCHEDULE OF CHARGES FOR SOLID WASTE  
COLLECTION SERVICE**

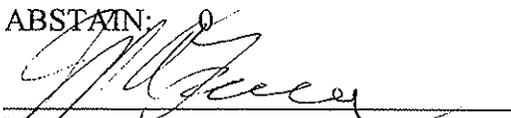
**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of  
Dunsmuir the following:

1. The Dunsmuir City Council hereby adopts the attached revision to Attachment A of Dunsmuir City Code Chapters 8.08.170 and 13.08.060 on file in the city clerk's office for the Sewer and Water Utility Services (Prior Code 15-16, 15A and 15 B).
2. The adopted rate schedules incorporating a 25% increase is to be published in the Dunsmuir News, a general circulation newspaper, prior to taking effect with the ~~May 1, 2004 billing for the May garbage charges.~~ October 1, 2004 billing for October garbage charges.
3. That any rates in conflict with those set forth in this resolution are revoked on the effective dates set forth above.

\*\*\*\*\*

**IT IS HEREBY CERTIFIED** that the foregoing Resolution 2004-26 was introduced and duly adopted by the City Council of the City of Dunsmuir at the regularly scheduled meeting held on the 19<sup>th</sup> day of March, 2004 by the following vote:

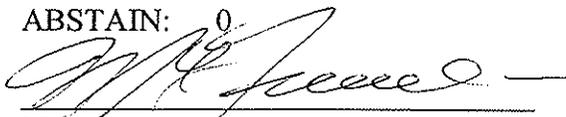
AYES: 4  
NOES: 1  
ABSENT: 0  
ABSTAIN: 0

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy City Clerk

**IT IS HEREBY CERTIFIED** that the foregoing Resolution 2004-26 was amended to delay the adopted rate schedules incorporating a 25% increase to take effect October 1, 2004 by the City Council of the City of Dunsmuir at the regularly scheduled meeting held on the 16<sup>th</sup> day of April, 2004 by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy City Clerk

ATTACHMENT A  
*(Adopted 3/19/04 amended 4/16/04 effective 10/1/04)*

Section 8.08.170

First two sentences of the first paragraph (A) will read:

“The rate (#300) for private residences shall be the sum of twenty three dollars and forty eight cents (\$23.48) per month, for a uniform-65-gallon-contractor-provided container collected at curb side. The rate for private residences for a uniform-95-gallon-contractor-provided container collected at curbside (#400) shall be \$34.55. A further surcharge in the sum of Eleven dollars and seven cents (\$11.07) shall be charged for other than curbside pickup (#405)”.

Rates to be charged to commercial establishments will read:

One Stop/Week

Basic Service #301	(65 gal)	\$37.01
Dumpster #307		128.30
Over 6 cans #329		8.04 each

Two Stop/Week

Basic Service #308		\$45.93
Dumpster #314		226.75
Over 6 Cans #330		16.10 each

Three stop/week

Basic Service #315		\$54.00
Dumpster #321		325.21
Over 6 Cans #331		24.16 each

Five stop/week

Basic Service #322		56.24
Dumpster #328		522.12
Over 6 Cans #332		40.26 each

Effective 10/1/04

June 18, 2015

12.B.

**RESOLUTION NO. 2015-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
AUTHORIZING PAYMENT TO DAVID KEITH HICKS  
OF MONEYS FOR DISPUTED CITY ATTORNEY BILLS**

**Whereas**, Mr. Hicks was appointed City Attorney for a short period of time by a previous City Council; and

**Whereas**, Mr. Hicks prepared his own agreement for services which was approved by that previous City Council; and

**Whereas**, Mr. Hicks presented bills for services that were questioned by a previous City Council that included some of the current City Council members; and

**Whereas**, questioned billings were submitted to State Bar of California for binding arbitration; and

**Whereas**, arbitrator for State Bar of California has awarded Mr. Hicks \$17,145.37 which includes payment for some of the bills submitted to arbitration and interest on the disputed amount from 20 days after the date the bills were submitted.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Dunsmuir that payment of \$17,145.37 be made to David Keith Hicks in compliance with State Bar of California Arbitrator's Award filed June 4, 2015.

\* \* \* \* \*

**IT IS HEREBY CERTIFIED** that this Resolution was introduced and duly adopted by the City Council of the City of Dunsmuir at a regular meeting held on June 18, 2015 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Dave Keisler, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn Wilson, City Clerk

STATE BAR OF CALIFORNIA  
MANDATORY FEE ARBITRATION

**FILED**

JUN 01 2015

**MANDATORY  
FEE ARBITRATION  
PROGRAM**

In the Matter of the Fee Arbitration Between:	)	Case Number: <b>14-A-085</b>
	)	
<b>CITY OF DUNSMUIR</b>	)	
Petitioner(s)	)	
	)	
v.	)	<b>FEE ARBITRATION</b>
	)	<b>FINDINGS AND AWARD</b>
<b>DAVID KEITH HICKS</b>	)	
Respondent(s)	)	
	)	

---

**INTRODUCTION**

**Identification of Parties**

The Petitioner and Client is the **CITY OF DUNSMUIR** (hereinafter either the “City” or “Petitioner”). No one from the City Staff or City Council was present. Petitioner was represented by the firm of Kenny, Snowden & Norine. Present were John S. Kenny and Patrick Hensleigh. Mr. Hensleigh also testified.

The Respondent is **DAVID KEITH HICKS** as the Attorney and was present (hereinafter “Respondent” or “David Hicks”). Respondent was self-represented.

Also present as witnesses for Mr. Hicks were Timothy Padula and Leslie Wilde.

**Binding/Non-Binding**

The arbitration is binding. Both sides reconfirmed at the beginning of the hearing that the arbitration was binding.

**Responsible Attorney**

Pursuant to Business and Professions code 6203(d), the responsible attorney in this matter is David Hicks.

**Arbitration Hearing**

A fee arbitration hearing between Petitioner and Respondent was held on Tuesday, April 14, 2015, commencing at 9:00 a.m., and, without recess, concluding at approximately 1:15 p.m. The

hearing was conducted before a three person panel consisting of Jerrald K Pickering, II, Panel Chairman, and Stephen Watson and Kelly Hamilton. The Panel reached a unanimous decision.

Prior to the commencement of the hearing, Panel Chairman, Jerrald K Pickering II, disclosed that he in the past worked as an Assistant City Attorney for the City of Fresno, has represented public entities, and has served as a hearing officer for code enforcement for Shasta County. Petitioner and Respondent accepted these disclosures without objection.

### **Fees Incurred and Amount in Dispute**

1. The amount that the Petitioner claim/s should have been charged:	\$0.00
2. The amount that the Respondent claim/s should have been charged:	\$30,361.95
3. The amount that the Petitioner has/have paid the attorney: (the Panel selects \$14,225.00)	\$14,225.00 or \$14,253.90
4. If there was a written fee agreement, under the agreement, what fees were charged:	\$30,361.95
5. The amount that Respondent claims is owed:	\$21,680.51
6. Amount of the filing fee:	\$1,518.10
7. The filing fee was paid by: Petitioner City of Dunsmuir.	

### **Statement of Facts/Issues in Dispute**

#### **A. Statement of Facts**

The basic facts to this matter are straightforward. Petitioner was seeking new counsel. Several members of the City Council were familiar with Respondent. He was asked if he would be willing to serve as City Attorney. He agreed. He was asked to prepare and submit a retainer agreement to Petitioner, which he did. The City Council for Petitioner approved that agreement. The agreement has certain unusual terms related to continuing legal education and the California League of Cities Conference. However, neither side disputed those provisions. Petitioner then provided services for approximately 9 months before his services were terminated.

Petitioner confirmed it did not dispute the existence of the retainer agreement, the validity of that agreement, and that certain services were rendered pursuant to the agreement. Petitioner since then disputes the nature of certain services and Respondent's billing invoices.

#### **B. Issues in Dispute**

Petitioners frame the issues as:

1. The invoices were vague as to services performed and it was difficult to glean what work was performed;
2. Respondent did not respond to requests for information explaining invoices;

3. Respondent had a certain conflict of interest as to certain matters and should not have billed for analyzing such conflicts of interest;
4. Certain services rendered were of no benefit to Petitioner;
5. There was a lack of transparency as to the invoices;
6. Respondent billed time for responding to Public Record Act Requests for copies of his invoices;
7. Petitioner should not pay for MCLE training (although whether Petitioner continued to argue this into the hearing room was unclear);
8. Respondent made certain mistakes for which the City should not be required to pay.

As to number 8 above, Petitioner cited certain work by Respondent with respect to Measure "N". Respondent acknowledged that he made an error, but contended that his work was above the standard of care. The witness for Petitioner estimated this time to be 4 to 9 hours.

Petitioner also pointed to the Fabrini ex parte hearing in litigation as an example of services rendered by Respondent, which did not benefit the City for which should not have been rendered. Petitioner noted that the City Manager asked that Respondent not attend the hearing. Respondent countered by saying that he felt in his best legal judgment that he should attend the hearing.

Another example offered by Petitioner was the referendum to terminate the contract for Respondent services. The witness for Petitioner estimated this work to be 3 to 20 hours.

Petitioner also submitted Exhibit "15" which states that the amount of time as set forth in the invoices that is "uncertain" is 35.7 or \$5,355.00.

Respondent frame the issues as:

- a. All work was performed pursuant to the contract;
- b. The contract provided for all work to be billed;
- c. All work was performed at the request of either the City Manager for the City Council;
- d. All work met the standard of care;
- e. While the contract provided for prompt payment, the City (i.e., some council members or staff) delayed payments, withheld payments and committed other acts designed to prevent Respondent from being paid; and
- f. Respondent is entitled to pre-judgment interest.

## **FINDINGS**

### **Statement, Stipulations, Reasoning and Determination of Questions Submitted [Business and Professions Code Section 6203(a)]**

#### **Background Statement**

Both sides offered extensive evidence as to the status of affairs with respect to the politics of the city of Dunsmuir and the City Council. The Panel found that there was extensive political infighting, conflicts, divisiveness – to say the least, with numerous recalls and referendum. This is further borne out by the fact that the law firm of Kenny, Snowden & Norine previously acted as City Attorney for Petitioner, prior to services by David Hicks, and again, currently represented Petitioner at the arbitration hearing. This is an important set of background facts setting the context of services provided by David Hicks.

#### **Stipulations**

Both sides agreed and stipulated that there was a written retainer agreement between Petitioner and Respondent. Respondent provided the background to the negotiation of that agreement. Petitioner did not dispute the existence of the retainer agreement, that that agreement was at least in part a “true” retainer agreement, or the services were provided pursuant to that agreement.

Both sides agreed that Respondent provided services pursuant to the retainer agreement.

Witnesses for both sides confirmed that, other than the contract, there were no written protocols in place as to how or who should request services from Respondent, who is to review Respondent’s invoices, who should interact with Respondent, and similar protocols providing guidance and direction.

#### **Evidence Offered**

The panel accepted the testimony of Petitioner’s witness as to the issues of a lack of clarity, ambiguity and uncertainty as to the invoice submitted, but considered whether the extent of such was sufficient to deny recovery to Respondent. The panel decided the invoices were not so unclear, ambiguous, or uncertain as to deny Respondent compensation for services. Petitioner also offered evidence that the amount paid was either \$14,225.00 or \$14,253.90. The Panel selects the former.

#### **Determination of Questions Submitted**

The Panel determined that invoices prepared by Respondent and submitted by Petitioner for consideration could have been stated with greater clarity and detail. While there is some minimal evidence that the City requested clarification, there does not seem to have been any follow-up by the City to seek specific clarification of a particular invoice for invoices.

Respondent submitted a sample invoice from the Kenny, Snowden & Norine firm, which the Arbitrators note is not much different from those submitted by Respondent to the City

Respondent argued that the City should be estopped for denying payment and that the City unreasonably delayed (i.e. laches) in bring the request for arbitration. The Panel rejects both arguments.

One of the issues specifically addressed by the Panel related to work which Respondent originally did not charge for (i.e., "NC"), but for which he later attempted to bill after his retainer agreement was terminated. The Panel feels it is inappropriate for the attorney to attempt to later charge for services, for which the attorney had previously decided not to charge. The Panel determines that this amount of \$5,115.00 should not be recovered. This is the amount for MCLE conferences, etc., which Respondent originally NC, but later sought compensation.

However, neither side disputes the fact that the parties entered into the signed retainer agreement nor that Respondent provided services pursuant to that agreement. Furthermore, both sides acknowledge and offered evidence of the very chaotic nature of politics in the City of Dunsmuir. While the Panel does not in any way hold Petitioner responsible for the political environment in the City of Dunsmuir, neither can the Panel use those facts as a basis to deny Respondent compensation for services rendered.

The Panel therefore decides as follows:

1. The retainer agreement is enforceable;
2. Respondent is entitled to additional compensation as set forth below in the amount of \$21,537.93, which amount is found on the last invoice dated August 22, 2014, minus a certain deduction made by the Panel;
3. The Panel deducts the amount of \$5,115.00, which is the amount that Respondent originally NC, but then later attempted to charge (for attending conferences, etc.);
4. Prejudgment interest in the total amount of \$1,030.37 is awarded, as calculated below; and
5. The final amount awarded to Respondent is \$16,422.93 (\$21,537.93 - \$5,115.00), not including prejudgment interest.

### **Prejudgment Interest**

The Panel believes an award of prejudgment interest is appropriate. Prejudgment interest is awarded on the principal amount of \$16,422.93 at the rate of 10% interest from the date of September 11, 2014. The Panel selected the date of September 11, 2014, as being 20 days from the date of the last invoice submitted by Respondent. The contract called for payment to be made within 20 days from the date of the invoice. Based upon this provision, the Panel selected 20 days from the date of the last invoice.



AWARD

The Panel finds that the total amount of fees, costs or both which should have been charged in this matter is: \$30,647.95

Of which the Petitioner(s) is/are found to have paid: \$14,225.00

Pre-award Interest is awarded in the amount of: \$1,030.37

The filing fee of \$1,518.10 was paid to the Program by the Client and is not allocated.

ACCORDINGLY, the following award is made:

- Petitioner, **CITY OF DUNSMUIR**, shall pay to Respondent, **DAVID KEITH HICKS**, the sum of Sixteen Thousand Four Hundred Twenty-Two and 93/100 (\$16,422.93),
  - plus pre-award interest in the amount of 10% per annum in the sum of \$1,030.37 (See the attached):
  - plus post-judgment interest in the amount of 10% per annum from the 20th day after the date after the date of the Proof of Service of this award; and
  - Petitioner, **CITY OF DUNSMUIR** shall pay to the State Bar of California, the filing fee of: \$1,518.10.

Nothing further shall be paid by either the Petitioner(s) or the Respondent(s).

This award is:

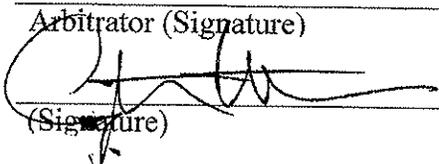
- Binding.** Either party may convert said award into a judgment pursuant to the provisions of Section 6200 and following of the Business and Professions Code and/or Section 1280 and following of the Code of Civil Procedure of the State of California.
- Non-Binding.** Pursuant to Section 6203(b) of the Business and Professions Code of the State of California, said award shall become binding within thirty (30) days of mailing of notice of this award unless within such time one or the parties hereto seek judicial review by filing appropriate pleadings to such affect in any abated action or by commencing an action in a court having jurisdiction. **NOTE: FAILURE TO ACT WITHIN 30 DAYS OF MAILING OF NOTICE OF AWARD WILL CONVERT A NON-BINDING TO A BINDING AWARD.**

Jerrald K. Pickering, Jr.  
Panel Chairman

Stephen Watson  
Public Member Arbitrator

Kelly Hamilton  
Attorney Arbitrator

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



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

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

\_\_\_\_\_  
Dated

5/28/2015  
Dated

\_\_\_\_\_  
Dated

**AWARD**

The Panel finds that the total amount of fees, costs or both which should have been charged in this matter is: \$30,647.93

Of which the Petitioner(s) is/are found to have paid: \$14,225.00

Pre-award Interest is awarded in the amount of: \$1,030.37

The filing fee of \$1,518.10 was paid to the Program by the Client and is not allocated.

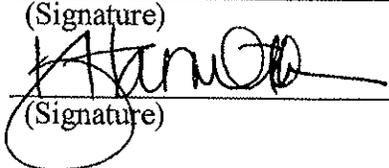
**ACCORDINGLY, the following award is made:**

- Petitioner, **CITY OF DUNSMUIR**, shall pay to Respondent, **DAVID KEITH HICKS**, the sum of Sixteen Thousand Four Hundred Twenty-Two and 93/100 (\$16,422.93),
  - plus pre-award interest in the amount of 10% per annum in the sum of \$1,030.37 (See the attached);
  - plus post-judgment interest in the amount of 10% per annum from the 20th day after the date after the date of the Proof of Service of this award; and
  - Petitioner, **CITY OF DUNSMUIR** shall pay to the State Bar of California, the filing fee of: \$1,518.10.

Nothing further shall be paid by either the Petitioner(s) or the Respondent(s).

**This award is:**

- Binding.** Either party may convert said award into a judgment pursuant to the provisions of Section 6200 and following of the Business and Professions Code and/or Section 1280 and following of the Code of Civil Procedure of the State of California.
- Non-Binding.** Pursuant to Section 6203(b) of the Business and Professions Code of the State of California, said award shall become binding within thirty (30) days of mailing of notice of this award unless within such time one of the parties hereto seeks judicial review by filing appropriate pleadings to such affect in any abated action or by commencing an action in a court having jurisdiction. **NOTE: FAILURE TO ACT WITHIN 30 DAYS OF MAILING OF NOTICE OF AWARD WILL CONVERT A NON-BINDING TO A BINDING AWARD.**

Jerrald K. Pickering, II Panel Chairman	Arbitrator (Signature)	Dated
Stephen Watson Public Member Arbitrator	(Signature)	Dated
Kelly Hamilton Attorney Arbitrator	 (Signature)	6.2.15 Dated

## **Notice of Your Rights After Fee Arbitration**

(Revised October 5, 2001; July 11, 2008; Nov. 16, 2009; May 17, 2010; Feb. 29, 2012)

The arbitrator's award deciding your fee dispute is enclosed. Please read the award carefully.

This notice will explain the rights you may have now that the arbitration is completed. To understand your rights, you must first determine whether the award is **binding** or **non-binding**, which should be stated in the award.

If you are not satisfied with the award, you should follow the instructions below to protect your rights. If you are satisfied with the award, please see Part 1G below if your award is non-binding or Part 2C and D if your award was binding or has become binding. If you are unsure of your rights or have questions after reading this pamphlet, you should consult an attorney.

**Each of the procedures described in this Notice has an important deadline. You may lose your legal rights if you miss these deadlines.**

### **PART 1 - Rights After Non-Binding Arbitration**

If the arbitration award is non-binding, you may have a right to a new trial in court. At the trial, you will have the opportunity to present evidence to a judge who will issue a new decision about the fee dispute without regard to the arbitration award. However, if you did not appear at your fee arbitration hearing, you will have to prove to the court that you had a good reason for not being there. If the court determines that your failure to appear was willful, you may not be entitled to a trial after arbitration.

The court will charge a filing fee or first appearance fee unless you are unable to pay them and request a waiver of fees and costs. Use Judicial Council Form FW-001 INFO [Information Sheet on Waiver of Court Fees and Costs], FW-001 [Request to Waive Court Fees] and FW-003 [Order on Court Fee Waiver]. These forms are available online at <http://www.courts.ca.gov/forms.htm> and at the court clerk's office.

Although you are generally entitled to a trial after non-binding arbitration without explaining your reasons for doing so, you may prefer to petition to correct the award, or vacate the award and have a new arbitration with a new arbitration panel. See Part 2B below for further information on the remedies for correcting and vacating an arbitration award. Since these remedies apply only on proof of specified grounds, you may wish to preserve your right to trial in court in case the court denies these remedies. To preserve your right to a new trial, you will need to file your papers in the proper court within 30 days after the award was mailed to you, as shown on the proof of service attached to the award. If your case is in superior court, you should consult an attorney if you wish to pursue correcting or vacating the award while preserving your right to a trial in court. If your case is in small claims court, Judicial Council Form SC-101 (described below in Part 1C) may be used.

#### **A. HOW LONG DO I HAVE TO ACT?**

If you want a trial in court, you must file your papers in court within 30 days after the date the arbitration award was served on you. The date the arbitration award was served is printed on the Proof of Service attached to the award.

**D. DO I RISK ANYTHING BY FILING FOR A TRIAL IN COURT?**

Yes. After a new trial, the court may make a decision that is less favorable to you than the arbitration award. The losing party in court may be ordered to pay the prevailing party's attorney's fees and costs. You will be the losing party if you do no better in court than you did in the arbitration.

**E. EXCEPTION TO RIGHT TO NEW TRIAL IN COURT: PRE-EXISTING PRIVATE ARBITRATION AGREEMENT**

There is an exception to your right to a new trial in court following non-binding mandatory fee arbitration if the attorney and client previously agreed to resolve disputes over fees and costs through private arbitration. If such an agreement exists, and either party acts to reject the award in court within the required 30 day time period after service of the award, either party may be entitled to resolve the dispute through the agreed upon private arbitration instead of a new trial in court.

**F. DO I HAVE A RIGHT TO REQUEST THAT THE ARBITRATOR(S) CORRECT OR AMEND THE AWARD?**

Once the arbitration award has been served, the arbitrator(s) may not reconsider the same or any new evidence presented after the case has been submitted for a decision. However, the arbitrator(s) may correct the award only if the award contains a miscalculation of figures, or an evident mistake in the description of any person, thing or property referred to in the award or if the award is imperfect in a matter of form not affecting the merits of the controversy. You may request a correction of the award with the program as long as you file your request with the program within 10 days of the date of service of the award and serve a copy on the other party. The arbitrator(s) must correct or deny correction of the award within 30 days of the date of service of the award.

If you believe that the arbitrator(s) failed to include a finding or issue raised in the hearing, then you may request an amendment of the award. You must file your request promptly with the program and serve a copy on the other party. The arbitrator(s) on their own may amend the award any time prior to judicial confirmation of the award. Seeking an amendment or correction of the award by the arbitrator is not permitted to challenge or appeal the arbitrator's findings or conclusions.

**G. WHAT IF I AM SATISFIED WITH THE AWARD?**

If you are satisfied with the award, wait 30 days. The non-binding award will become binding automatically if the other party does not file for a trial in court within the 30 day period after service of the award. Once the award becomes binding, see Part 2C and D to find out what to do next.

**H. WHAT SHOULD I DO IF THE OTHER PARTY FILES IN COURT TO REJECT THE NON-BINDING AWARD?**

You must respond to the other party's request for trial after arbitration to avoid losing your right to participate in a trial about the fees, even if you are satisfied with the non-binding award. If no lawsuit was pending before arbitration, the other party has 30 days after the date the non-binding award was served to file an "action" in the court having jurisdiction over the amount of money in controversy. You will then become a defendant in the lawsuit, and a trial about the fees will take place in court. The

- The award was procured by corruption, fraud or other undue means.
- There was corruption in any of the arbitrators.
- The rights of the party were substantially prejudiced by misconduct of an arbitrator.
- The arbitrators exceeded their powers and the award cannot be corrected without affecting the merits of the decision upon the controversy submitted.
- The rights of the party were substantially prejudiced by the refusal of the arbitrators to postpone the hearing upon sufficient cause being shown therefore or by the refusal of the arbitrators to hear evidence material to the controversy or by other conduct of the arbitrators contrary to the provisions of this title.
- An arbitrator making the award either (1) failed to disclose within the time required for disclosure a ground for disqualification of which the arbitrator was then aware; or (2) was subject to disqualification upon grounds specified in Section 1281.91 but failed upon receipt of timely demand to disqualify himself or herself as required by that provision.

A court can also correct obvious mistakes in the award, such as an arithmetic miscalculation or evident mistake in the description of any person, thing or property referred to in the award.

If you think you are entitled to correct or vacate the arbitration award, please follow the instructions below to protect your rights.

### **(1) What must I do to vacate or correct a binding arbitration award?**

You must file a **petition** in the **proper court**. Part 2B subsection (3) below describes this process.

### **(2) How long do I have to act?**

- If you want to correct or vacate the award, you must file a petition within 100 days after the date the arbitration award was served. The date of service is on the proof of service attached to the award.
- However, if you wish to petition to vacate or correct the award but receive notice that the other side has filed a petition to confirm the award, **you no longer have 100 days to file your petition**. You must then respond by filing, in a timely manner, your opposition to the petition to confirm the award and your petition to vacate/correct the award.

### **(3) What is a petition?**

A **petition** is a legal document that tells the court what you want and why you are entitled to it. The bar association does not provide forms for these petitions. You may need a lawyer's help to prepare your petition. If you are filing the petition in small claims court, you should use Judicial Council form SC-101 [Attorney Fee Dispute (After Arbitration)]. If you are filing the petition in the superior court, you should use Judicial Council form ADR-103 [Petition After Attorney-Client Fee Dispute Arbitration Award]. You may need a lawyer's help to assist you with a petition in the superior court.

### **(4) In what court do I file my petition?**

That depends upon whether a lawsuit about the fees has already been filed.

The State Bar Court may place the opposing attorney on involuntary inactive status until the award is paid. An attorney on inactive status is not entitled to practice law. (Business and Professions Code section 6203(d)). Any party may contact the State Bar at the address above for a copy of the rules that govern this procedure.

Any party who is owed money has the right to request court orders allowing that party to take property or money from the other party's paycheck, and/or bank accounts. To get those court orders, you must first obtain a judgment confirming the arbitration award.

**(1) How do I obtain a judgment confirming the arbitration award?**

To obtain a judgment confirming the arbitration award, whether it was the result of a hearing or a stipulated agreement, you must ask (petition) for confirmation of the award with the proper court.

(a) What is a petition for confirmation?

A petition for confirmation is a legal document that tells the court what you want and why you are entitled to it. The bar association does not have forms for these petitions. You may need a lawyer's help to prepare your petition.

- If you are filing in small claims court, you should use Judicial Council form SC-101 [Attorney Fee Dispute (After Arbitration)].
- If you are filing in the superior court, you should use Judicial Council form ADR-103 [Petition to Confirm, Correct, or Vacate Attorney-Client Fee Arbitration Award].

(b) What is the proper court?

That depends on the amount you are owed. If it is \$5,000 or less, the small claims court is the proper court. Otherwise, the superior court is the proper court.

**(2) How long do I have to file my petition for confirmation?**

You must file your petition for confirmation within four years of the date the arbitration award is served on you. That date appears on the proof of service attached to the award.

**(3) What are my rights after the arbitration award is confirmed?**

When the arbitration award is confirmed, it becomes a judgment of the court. Once you have a judgment, as a judgment creditor, you have a right to "execute" the judgment. That means you may be entitled to court orders allowing you to collect your money by garnishing the other party's paycheck or bank accounts, and/or placing a lien on his or her property. The court has forms to use when you execute. The bar association has no such forms.

**D. WHAT IF I AM SATISFIED WITH THE ARBITRATION AWARD AND I OWE MONEY?**

# Excerpt from the California Code of Civil Procedure

## CHAPTER 4 ENFORCEMENT OF THE AWARD

Art. 1. Confirmation, Correction or Vacation of the Award  
§§ 1285-1287.6

Art. 2 Limitations of Time §§ 1288-1288.8

### ARTICLE 1

#### Confirmation, Correction or Vacation of the Award

Filing Petition for Court Review of Award. §1285.

Response to Petition. §1285.2.

Content of Petition. §1285.4.

Contents of Response. §1285.6.

Grounds on Request to Vacate or Correct. §1285.8.

Action by Court. §1286.

Grounds for Vacating Award. §1286.2.

Requisites for Vacating Award. §1286.4.

Grounds for Correcting Award. §1286.6.

Requisites for Correcting Award. §1286.8.

Order for Rehearing. §1287.

Dismissal of Proceedings. §1287.2.

Judgment Confirming Award. §1287.4.

Effect of Unconfirmed or Unvacated Award. §1287.6.

#### § 1285. Filing Petition for Court Review of Award

Any party to an arbitration in which an award has been made may petition the court to confirm, correct or vacate the award. The petition shall name as respondents all parties to the arbitration and may name as respondents any other persons bound by the arbitration award.

#### § 1285.2. Response to Petition

A response to a petition under this chapter may request the court to dismiss the petition or to confirm, correct or vacate the award.

#### § 1285.4. Content of Petition

A petition under this chapter shall:

(a) Set forth the substance of or have attached a copy of the agreement to arbitrate unless the petitioner denies the existence of such an agreement.

(b) Set forth names of the arbitrators.

(c) Set forth or have attached a copy of the award and the written opinion of the arbitrators, if any.

#### § 1285.6. Contents of Response

Unless a copy thereof is set forth in or attached to the petition, a response to a petition under this chapter shall:

(a) Set forth the substance of or have attached a copy of the agreement to arbitrate unless the respondent denies the existence of such an agreement.

(b) Set forth the names of the arbitrators.

(c) Set forth or have attached a copy of the award and the written opinion of the arbitrators, if any.

#### § 1285.8. Grounds on Request to Vacate or Correct

A petition to correct or vacate an award, or a response requesting such relief, shall set forth the grounds on which the request for such relief is based.

#### § 1286. Action by Court

If a petition or response under this chapter is duly served and filed, the court shall confirm the award as made, whether rendered in this state or another state, unless in accordance with this chapter it corrects the award and confirms it as corrected, vacates the award or dismisses the proceedings.

#### § 1286.2. Grounds for Vacating Award

(a) Subject to Section 1286.4, the court shall vacate the award if the court determines any of the following:

(1) The award was procured by corruption, fraud or other undue means.

(2) There was corruption in any of the arbitrators.

(3) The rights of the party were substantially prejudiced by misconduct of a neutral arbitrator.

(4) The arbitrators exceeded their powers and the award cannot be corrected without affecting the merits of the decision upon the controversy submitted.

(5) The rights of the party were substantially prejudiced by the refusal of the arbitrators to postpone the hearing upon sufficient cause being shown therefor or by the refusal of the arbitrators to hear evidence material to the controversy or by other conduct of the arbitrators contrary to the provisions of this title.

(6) An arbitrator making the award either: (A) failed to disclose within the time required for disclosure a ground for disqualification of which the arbitrator was then aware; or (B) was subject to disqualification upon grounds specified in Section 1281.91 but failed upon receipt of timely demand to disqualify himself or herself as required by that provision. However, this subdivision does not apply to arbitration proceedings conducted under a collective bargaining agreement between employers and employees or between their respective representatives.

(b) Petitions to vacate an arbitration award pursuant to Section 1285 are subject to the provisions of Section 128.7.

#### § 1286.4. Requisites for Vacating Award

The court may not vacate an award unless:

(a) A petition or response requesting that the award be vacated has been duly served and filed; or

(b) A petition or response requesting that the award be corrected has been duly served and filed and;

(1) All petitioners and respondents are before the court; or

(2) All petitioners and respondents have been given reasonable notice that the court will be requested at the hearing to vacate the award or that the court on its own motion has determined to vacate the award and all petitioners and respondents have been given an opportunity to show why the award should not be vacated.

## ARTICLE 13

### ARBITRATION OF ATTORNEYS' FEES

#### **§ 6200. Establishment of system and procedure; arbitration and mediation; application of article; voluntary or mandatory nature; rules; immunity of arbitrator and mediator; powers of arbitrator; confidentiality of mediation**

(a) The board of governors shall, by rule, establish, maintain, and administer a system and procedure for the arbitration, and may establish, maintain, and administer a system and procedure for mediation of disputes concerning fees, costs, or both, charged for professional services by members of the State Bar or by members of the bar of other jurisdictions. The rules may include provision for a filing fee in such amount as the board may, from time to time, determine.

(b) This article shall not apply to any of the following:

(1) Disputes where a member of the State Bar of California is also admitted to practice in another jurisdiction or where an attorney is only admitted to practice in another jurisdiction, and he or she maintains no office in the State of California, and no material portion of the services were rendered in the State of California.

(2) Claims for affirmative relief against the attorney for damages or otherwise based upon alleged malpractice or professional misconduct, except as provided in subdivision (a) of Section 6203.

(3) Disputes where the fee or cost to be paid by the client or on his or her behalf has been determined pursuant to statute or court order.

(c) Unless the client has agreed in writing to arbitration under this article of all disputes concerning fees, costs, or both, arbitration under this article shall be voluntary for a client and shall be mandatory for an attorney if commenced by a client. Mediation under this article shall be voluntary for an attorney and a client.

(d) The board of trustees shall adopt rules to allow arbitration and mediation of attorney fee and cost disputes under this article to proceed under arbitration and mediation systems sponsored by local bar associations in this state. Rules of procedure promulgated by local bar associations are subject to review by the board or a committee designated by the board to insure that they provide for a fair, impartial, and speedy hearing and award.

(e) In adopting or reviewing rules of arbitration under this section the board shall provide that the panel shall include one attorney member whose area of practice is either, at the option of the client, civil law, if the attorney's representation involved civil law, or criminal law, if the attorney's representation involved criminal law, as follows:

(1) If the panel is composed of three members the panel shall include one attorney member whose area of practice is either, at the option of the client, civil or criminal law, and shall include one lay member.

(2) If the panel is composed of one member, that member shall be an attorney whose area of practice is either, at the option of the client, civil or criminal law.

(f) In any arbitration or mediation conducted pursuant to this article by the State Bar or by a local bar association, pursuant to rules of procedure approved by the board of governors, an arbitrator or mediator, as well as the arbitrating association and its directors, officers, and employees, shall have the same immunity which attaches in judicial proceedings.

(g) In the conduct of arbitrations under this article the arbitrator or arbitrators may do all of the following:

(1) Take and hear evidence pertaining to the proceeding.

(2) Administer oaths and affirmations.

(3) Issue subpoenas for the attendance of witnesses and the production of books, papers, and documents pertaining to the proceeding.

(h) Participation in mediation is a voluntary consensual process, based on direct negotiations between the attorney and his or her client, and is an extension of the negotiated settlement process. All discussions and offers of settlement are confidential and may not be disclosed in any subsequent arbitration or other proceedings. (Added by Stats. 1978, ch. 719. Amended by Stats. 1984, ch. 825; Stats. 1989, ch. 1416; Stats. 1990, ch. 483; Stats. 1990, ch. 1020; Stats. 1993, ch. 1262; Stats. 1994, ch. 479; Stats. 1996, ch. 1104; Stats. 2009, ch. 54.)

#### **§ 6201. Notice to client and state bar; stay of action; right to arbitration; waiver by client**

(a) The rules adopted by the board of governors shall provide that an attorney shall forward a written notice to the client prior to or at the time of service of summons or claim in an action against the client, or prior to or at the commencement of any other proceeding against the client under a contract between attorney and client which provides for an alternative to arbitration under this article, for recovery of fees, costs, or both. The written notice shall be in the form that the board of governors prescribes, and shall include a statement of the client's right to arbitration under this article. Failure to give this notice shall be a ground for the dismissal of the action or other proceeding. The notice shall not be required, however, prior to initiating mediation of the dispute.

The rules adopted by the board of governors shall provide that the client's failure to request arbitration within 30 days after receipt of notice from the attorney shall be deemed a

## PROOF OF SERVICE

I am a citizen of the United States and an employee in the City and County of San Francisco, State of California. I am over the age of eighteen (18) and I am not a party to the within action. My business address is: State Bar of California, 180 Howard Street, 6th Floor, San Francisco, California 94105-1639.

On **June 4, 2015** I served the following documents for **Case No. 14-A-085**:

1. **Findings and Award of the State Bar of California Mandatory Fee Arbitration Program**
2. *A Notice of Your Rights After Fee Arbitration*

on the parties in this action in this action, by causing to be placed a true copy thereof, in a sealed envelope for collection and mailing at this office, in San Francisco, California, following our ordinary business practices, addressed to:

**City of Dunsmuir  
c/o John S. Kenny, Esq.  
P. O. Drawer 994608  
Redding, CA 96099-4608**

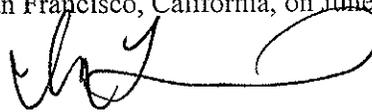
**City of Dunsmuir  
c/o Brenda Bains  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025**

**David K. Hicks, Esq.  
P.O. Box 562  
Dunsmuir, CA 96025**

by United States Postal Service first class mail and placed the envelope for collection and mailing at this office, in San Francisco, California, following our ordinary business practices.

I am readily familiar with the practices of this office in the collection and processing of mail. On the same day that the envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare, under penalty of perjury, under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on June 4, 2015.



---

Isabel Liou

Display Invoices by Vendor

Date: 06/08/2015  
Time: 2:16 pm  
Page: 1

City of Dunsmuir

Vendor Name: STATE BAR OF CALIFORNIA  
Vendor Number: 10143

Invoice Number	Inv. Date	Ref No.	Status	Check No.	Check Date	Net Amt	PO No.	Invoice Description
	08/13/2014	71070	C	45902	08/15/2014	1,518.10		ARBRITRATION FILIN'FEE/D HICKS
Total Invoices: 1						1,518.10		

June 18, 2015

1200

## City Council Report CDBG Consultant

Re: CDBG Program Income Reuse

We brought you a resolution previously which has been rejected by the State. In order to meet the Council goals of creating a Business Loan Revolving fund and expending any additional funds on expanding the current waterline and community center renovation we ask that the Council amend the Program Income resolution to state that \$167,500 will be used to establish a Economic Development Revolving Loan Fund and the City Manager should proceed with establishing a "supplemental activity" to the current grant.

### GOALS

- Establish Economic Development Revolving Loan Fund
- Expend remaining Program Income on existing grant allowing for additional waterline or building rehabilitation. (create Supplemental Activity)

### ACTIONS

- 1) Amend PI resolution to establish ED at \$167,500 and authorize Interim City Manager to sign PI Agreement
- 2) Sign PI Agreement and send in with PI resolution as well as other supporting documentation (Loan guidelines may be required)
- 3) To initiate Supplemental Activities

a. The grantee must complete and submit to the Department a "Supplemental Activity Inquiry Form," signed by the Authorized Representative, along with any necessary supporting documentation.

b. The Department will review the Supplemental Activity Inquiry Form for eligibility and meeting National Objective.

c. If approved, the grantee will be required to complete the citizen participation process and submit a final resolution approving:

- 1) the submission of the PI Supplemental Activity(ies); and,
- 2) the amending of the grantee's contract.

**Recommendations:** Move to adopt Resolution No. 2015- amending Resolution No. 2015-13.

Move to authorize Interim City Manager to execute Program Income Agreement and forward to HCD.

Move to authorize Interim City Manager and CDBG consultant to prepare and execute Supplemental Activity Inquiry form

RESOLUTION NO. 2015-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
CREATING A HOUSING AND ECONOMIC DEVELOPMENT REVOLVING LOAN FUND  
AS PER CDBG MANAGEMENT MEMORANDUM 14-05  
AND AMENDING RESOLUTION NO. 2015-13

WHEREAS, the City of Dunsmuir is required by Housing Urban Development (HUD) which administers the Department of Housing and Community Development for the Community Development Block Grant Program (CDBG) and the Economic Development Block Grant Program (EDBG) to create revolving loan funds from existing program income money that the City of Dunsmuir has on hand as of July 1, 2014; and

WHEREAS, Resolution No. 2015-13 used a combined balance number to transfer to new economic development RLF.

NOW THEREFORE BE IT RESOLVED, the existing City of Dunsmuir Program Income account which has a balance of \$167,500 will be rolled over into the new Economic Development Revolving Loan Fund. Funds dispersed from the Economic Development Revolving Loan Fund will be used specifically for Special Economic Development Business Assistance and Microenterprise Financial Assistance loans.

IT IS HEREBY CERTIFIED that the amounts described in the accounts above are accurate as of June 4, 2015 and that the amount for the new account is accurate.

IT IS FURTHER HEREBY CERTIFIED that the foregoing Resolution No. 2015- was introduced, passed and duly adopted at a regular meeting of the Dunsmuir City Council on June 18, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

\_\_\_\_\_  
Dave Keisler, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn Wilson, City Clerk

**CDBG SUPPLEMENTAL ACTIVITY REQUEST  
- PROJECT -**



GRANTEE: _____	CONTACT PERSON: _____	PHONE: _____
		EMAIL: _____
DATE SUBMITTED BY JURISDICTION: _____	CDBG REPRESENTATIVE: _____	

**1. INDICATE CDBG ACTIVITY and MATRIX CODE TO BE FUNDED AS A SUPPLEMENTAL ACTIVITY::**

Activity: \_\_\_\_\_  CD PROJECT  ED PROJECT  
Matrix Code: \_\_\_\_\_

Contract(s) this activity is to be added to: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**2. INDICATE PROJECT FUNDING SOURCES:**

- A. TOTAL PROJECT COST: \$ \_\_\_\_\_
  - B. TOTAL CDBG FUNDS NEEDED: \$ \_\_\_\_\_
  - C. TOTAL NON-CDBG FUNDING COMMITTED: \$ \_\_\_\_\_  
Sources of Other Committed Funding: (*Indicate each funding source.*)  
(i) \_\_\_\_\_  
(ii) \_\_\_\_\_
  - D. TOTAL OTHER FUNDING NEEDED (is there a gap?): \$ \_\_\_\_\_
- Comments: \_\_\_\_\_

**3. ACTIVITY DESCRIPTION: (*Be sure to fully answer A. and B. below.*)**

- A. INDICATE ADDRESS OR LOCATION (IF INFRASTRUCTURE) OF PROJECT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. PROPOSED PROJECT: (*Aggregated Scope of Work for entire project.*)  
\_\_\_\_\_
- C. SCOPE OF WORK FOR CDBG FUNDING:  
\_\_\_\_\_
- D. TIMELINE OF PROPOSED PROJECT:  
\_\_\_\_\_

**CDBG SUPPLEMENTAL ACTIVITY REQUEST**

- PROJECT -

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JURISDICTION: \_\_\_\_\_

**4. ELIGIBILITY:**

**A. NATIONAL OBJECTIVE:**

- 1)  Low/Moderate Area (LMA)
- 2)  Low/Mod Housing (LMH)
- 3)  Low/Mod Clientele (LMC)

**B. HUD LOW/MOD BENEFIT:**

National Objective must be met by either:

- 1) Beneficiaries meeting income restriction;
- 2) Beneficiaries being members of a Limited Clientele; or,
- 3) Service area being primarily Low/Mod individuals (>51%).

Area Benefit:

Low/Mod %: \_\_\_\_\_

Based on HUD Low/Mod Data

Based on Income Survey

(Prior Department approval is required for submission of this form)

Jurisdiction-Wide     Service Area

Income Restricted (*Public Improvements in Support of Housing Only*)

Limited Clientele: (*Public Facility Only*)

List Type(s) of Limited Clientele: \_\_\_\_\_

Explain Benefit in Activity: \_\_\_\_\_

Check the box that describes how this Project will meet the National Objective, and describe the details requested.

**C. DESCRIPTION OF SERVICE AREA:**

Submit Map(s) and Identify:

- (1) Census Tract/ Block Group; and,
- (2) Zoning in description

Entire Jurisdiction

Service Area(s):

Describe Service Area of Project: \_\_\_\_\_

Map must be included

**Note:** Service area information is needed regardless of which Low/Mod benefit is being used.

**CITIZEN PARTICIPATION:**

No CDBG Project can be approved without the required Citizen Participation being completed.

Indicate the status of each of the following:

Public Notice:  Completed     Not Completed    Comments: \_\_\_\_\_

Resolution of the Governing Body (Authorizing submittal of Supplemental Request, designating the Authorized Representative)

Completed     Not Completed    Comments: \_\_\_\_\_

Please submit evidence of the above with this request.

**CDBG SUPPLEMENTAL ACTIVITY REQUEST**

- PROJECT -

Page | 3

**On behalf of the City/County of:** \_\_\_\_\_ **I submit this CDBG Supplemental Activity Request and understand that, upon approval, this activity will be amended into an open CDBG contract and all conditions of that contract will be applicable, including the need to clear General Condition before incurring costs.**

Authorized Representative Signature: \_\_\_\_\_

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

Print Name and Title of Authorized Signer:

\_\_\_\_\_

Print Name of Preparer: \_\_\_\_\_ Date: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

*(FOR USE BY CDBG PROGRAM ONLY)*

**JURISDICTION:** \_\_\_\_\_

**6. ACTIVITY APPROVAL:**

APPROVED

APPROVED WITH SPECIAL CONDITIONS:

\_\_\_\_\_

Activity Eligibility 105(a): \_\_\_\_\_

NOT APPROVED Date: \_\_\_\_\_

**7. REASONS FOR NOT APPROVING:**

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

CDBG Representative: \_\_\_\_\_ Date: \_\_\_\_\_

CDBG Program Manager: \_\_\_\_\_ Date: \_\_\_\_\_

CDBG Section Chief: \_\_\_\_\_ Date: \_\_\_\_\_

## Staff Report

Re: CDBG Program Income Reuse

We brought you a resolution previously which has been rejected by the State. In order to meet the Council goals of creating a Business Loan Revolving fund and expending any additional funds on expanding the current waterline and community center renovation we ask that the Council amend the Program Income resolution to state that \$167,500 will be used to establish a Economic Development Revolving Loan Fund and the City Manager should proceed with establishing a "supplemental activity" to the current grant.

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b. The Department will review the Supplemental Activity Inquiry Form for eligibility and meeting National Objective.

c. If approved, the grantee will be required to complete the citizen participation process and submit a final resolution approving:

- 1) the submission of the PI Supplemental Activity(ies);and,
- 2) the amending of the grantee's contract.

# City Council Agenda Item

## Interim City Manager Staff Report

### New Business

**Item No:** 13.A.  
**Date:** June 18, 2015  
**Subject:** Consideration of proposal for Records Management Services

For a moment it had been presented that Administrative Assistant would be off for some time for medical reason. Being very afraid that I would be unable to find any file or document needed to complete work assignments, I contacted Diane Gladwell who is a former City Clerk and author of much of the Municipal Clerk's Handbook recommended for all City Clerks by the League of California Cities. She is now managing her own one person company that provides organization of all records into a system that is usable by all. As noted in the attached proposal there are several steps in her process. It is also notable that this proposal is for a larger city with a lot more records and more staff accessing records.

She is proposing that all records will be reviewed and organized and those needing to be destroyed will be listed in resolutions for City Attorney review and then taken to City Council for authorization to destroy. She would prepare report that such was being done in accordance with all applicable laws and "best practices".

She would prepare retention schedules for future years and train staff in maintaining that schedule. The outcome would be more space available for what needed as opposed to what is just being kept around, and files would be indexed and easier to find.

I have not tried to negotiate the proposal as I am not recommending this be done at this time. The Administrative Assistant has informed me she is not going to be taking any medical leave this summer. This would be a great program at some point to assist in training employees and creating and maintaining a workable records retention program.

**Recommendation:** Move to receive and file proposal and direct staff to contact consultant with note that future City Manager will review and possibly negotiate a proposal more in tune with City of Dunsmuir needs.

# PROPOSAL FOR DUNSMUIR RECORDS MANAGEMENT

## Phase 1a: Records Retention Schedules (On-site Best Practices)

All past policies and work will be taken into consideration in developing the new retention schedules, in addition to “Best Practices” and legal requirements.

Pre-existing copyright-protected records retention schedules developed by Gladwell Governmental Services, Inc. (GGS) will be customized to be organized to reflect the City’s organizational structure, and schedules will include all current laws and will show which records could be scanned into the document imaging system, and will identify if, and when, the paper version should be destroyed after imaging. Vital records will be identified, assisting the City in developing their disaster recovery plan.

Two days of on-site meetings will be held with each department, to “Best Practices” and advice regarding the City’s records management program while on site.

### Deliverables:

- Records Retention Schedules for each function
- One retention schedule for records common to all functions
- Index to retention schedules
- Draft resolution of adoption
- Draft staff report
- One day of on-site meetings with departments

Cost, including on-site visit and travel expenses: \$5,900

## Phase 1b: Records Retention Schedules (Virtual Services)

All past policies and work will be taken into consideration in developing the new retention schedules, in addition to “Best Practices” and legal requirements.

Pre-existing copyright-protected records retention schedules developed by Gladwell Governmental Services, Inc. (GGS) will be customized to be organized to reflect the City’s organizational structure, and schedules will include all current laws and will show which records could be scanned into the document imaging system, and will identify if, and when, the paper version should be destroyed after imaging. Vital records will be identified, assisting the City in developing their disaster recovery plan.

Two days of on-site meetings will be held with each department, to “Best Practices” and advice regarding the City’s records management program while on site.

### Deliverables:

- Records Retention Schedules for each function
- One retention schedule for records common to all functions
- Index to retention schedules
- Draft resolution of adoption

- Draft staff report

Cost: \$3,500

### Phase 2a: Implementation / Destruction Procedures and Training (On-site)

The goal of this day is to assist department employees in making the maximum progress in an efficient, legal manner to destroy records if they are copies, or if their retention has expired.

GGs will interactively design written instructions to ensure all laws, policies and procedures of the City are followed. GGS will then facilitate a 1 hour "kickoff" meeting to demonstrate the procedures, train employees and answer any questions.

Employees will return to their departments and proceed to "Free their Files" and prepare records for destruction. Diane Gladwell will then meet with the employees in each department to answer any questions and ensure they are directing their efforts in areas where the organization will realize the maximum value.

#### Deliverables:

- Policies, Procedures and Forms for destroying records in compliance with laws and "best practices"
- Various Planning meetings (telephone & e-mail)
- City-wide Kick-off Meeting
- Meetings with Departments to provide advice and assistance
- One Day on Site

Cost, including on-site visit and travel expenses: \$1,900

### Phase 2b: Implementation / Destruction Procedures and Training (Virtual)

The goal of this day is to assist department employees in making the maximum progress in an efficient, legal manner to destroy records if they are copies, or if their retention has expired.

GGs will interactively design written instructions to ensure all laws, policies and procedures of the City are followed. GGS will then facilitate a 1 hour "kickoff" meeting to demonstrate the procedures, train employees and answer any questions.

Employees will return to their departments and proceed to "Free their Files" and prepare records for destruction. Diane Gladwell will then meet with the employees in each department to answer any questions and ensure they are directing their efforts in areas where the organization will realize the maximum value.

#### Deliverables:

- Policies, Procedures and Forms for destroying records in compliance with laws and "best practices"

Cost: \$500

### Phase 3: Annual Updates / Subscription for Unlimited Advice

The subscription includes:

- Legal review of all changes for the year (presented in “Track Change” format,)
- Additional changes requested by your employees,
- Approval forms and assistance,
- Re-writing of the index to your schedules to reflect the changes made,
- Unlimited e-mail and telephone assistance / Q&A throughout the year.

Cost: \$500 a year (July 1 – June 30); Subscription continues until cancelled by the City.

## METHODOLOGY

All work is performed by the President of Gladwell Governmental Services, Inc. Assignments are not delegated to less skilled personnel or subcontractors, assuring the project is well-coordinated without communication problems or scheduling conflicts among various consultants and their other projects. In addition, this also assures the highest quality work.

The consultant proposes to build on the progress already made in the organization and the pre-existing intellectual property of GGS, ensuring consistency and high levels of quality for the project.

The project will be structured to increase participation, expedite results, minimize costs and ensure the successful implementation of an excellent program by temporarily employing the skills and knowledge of the contractor as needed.

This approach is customized for Dunsmuir to ensure the program:

- Provides a “one-time fix”;
- Is interactive, producing a high level of participation and ownership;
- Matches the organization’s values and structure;
- Provides appropriate solutions;
- Can be implemented quickly;
- Will achieve long-term viability; and
- Has the highest cost/benefit ratio and return on investment.

Drafts of all work will be released to Dunsmuir during the course of the project. Dunsmuir will have an opportunity to edit and comment on these drafts, assuring that (1) the City will maintain control of the project, and (2) the current work of the organization supports the final program. In addition, on-site visits, e-mail, and telephone communications will keep Dunsmuir apprised of the work progress.

The consultant will provide the computer facilities, forms and equipment necessary to complete the work in this proposal. A resident workspace will be necessary when the consultant is on-site with access to computer systems, a photocopier, and Dunsmuir staff for information.

**“...a records management program is actually a money saver - a protection against ineffective operations. It is even more significant as a safeguard against disaster and lawsuits”**

*-ICMA (International City/County Management Association)*

# RESUME

## SUMMARY

Diane R. Gladwell is a Master Municipal Clerk with over twenty years experience managing in public and private sectors. Recipient of multiple awards recognizing excellence in municipal clerk administration. Facilitator, author and instructor for document imaging, best practices and reengineering in over 100 organizations, including AIIIM, ARMA and COMDEX.

## PROFESSIONAL BACKGROUND

### Gladwell Governmental Services, Inc.

1989 to present

#### President

Clients have included over 100 California Cities and Counties; VISA Corporation; City and County of Kansas City, Kansas; Saint Paul, Minnesota; the International Institute of Municipal Clerks (IIMC); and the City Clerks Association of California (CCAC). Projects have included:

1. Organization-wide and Department-level Records Management Programs:  
Retention Schedules, Procedures, Manuals and Training
2. EDMS / Document Imaging / Optical Disk System Acquisition or Remediation
3. Educational Programs and Publications in Technology, Business Process Reengineering,  
Best Practices, Records Management and other subjects.
4. Facilitation of Business Process Reengineering.
5. Elections Management.

### City of San Luis Obispo

1992 to 1995

#### City Clerk

As a member of the management team, responsible for records management, election administration, municipal code maintenance, FPPC disclosures, special event permits, City Council support, and coordination of over 20 boards and commissions for the City of San Luis Obispo. Administration of the agenda process and all public notification and advertisement.

Received the Presidents Award of Distinction for Excellence in Organization and Administration from the California Clerks Association (1994). Reduced expenses by 22% while increasing services to the public; developed "InfoSLO" computerized information kiosk, electronic advertising and electronic agendas; reengineered all programs and processes in the Division.

### City of Glendale

1989 to 1992

#### Assistant City Clerk

As a member of management, responsible for records management, election administration, municipal code maintenance, FPPC disclosures, business licensing, film permits and special events for Glendale (population 187,000). Supervised Council and Redevelopment Agency agendas, packets and minutes preparation as required; administrated publication and mailing of legal notices, bids, and process claims for the City. Develop, presented and administrated City Clerk annual budget of \$800,000. Acted as Public Information Officer for the City during emergencies (Glendale fire, storm damage). Supervised a staff of nine who serve a culturally diverse community.

Developed, implemented, and administrated a Citywide records management program based on optical disk technology which has received international, national and state awards for exceptional records management programs.

## Proposal for Dunsmuir – Records Retention Schedules

**Food 4 Less / Market Basket / Viva / Boys Markets  
Credit Management Services Supervisor**

**1980-1989**

Administered payment systems and collections for a chain of 50 grocery stores (over five million transactions annually.) Records management for payment transactions, criminal and civil incidents for chain. A key member of the management team that developed and implemented computerized Electronic Funds Transfer for checks and credit cards as well as several custom applications to track returned items and issue check cashing cards. Budget development and administration for four Divisions representing expenditures of over \$8,000,000.

**EDUCATION**

Pacific Southern University, Los Angeles: Bachelor of Science, Business Administration  
California Polytechnic University, Pomona: Business administration courses  
Citrus College, Azusa: Associate of Science, Business Administration  
UCLA: Business management courses  
Institution de Technologico, Yucatan, Mexico: Attended institute as a foreign exchange student  
ESRI Geographic Information Systems (GIS) training

**HONORS**

Olsten Award for Excellence in Records Management Programs;  
Association of Records Management Administrators (ARMA, International)  
President's Award of Distinction for Excellence in Organization and Administration;  
City Clerks Association of California (CCAC)  
Records Management Award for Exceptional Municipal Programs Utilizing Alternative Technologies;  
International Institute of Municipal Clerks (IIMC)  
President's Award for Excellence in Public Presentations and Published Articles;  
City Clerks Association of California (CCAC);  
Rotary, International, Lake Arrowhead Chapter: (2) Special Service Awards for Projects which raised over \$40,000 for fire victims.  
(3) Honorary Service Awards (California PTA, for outstanding service to youth and community)  
Life Member: Delta Mu Delta, Alpha Gamma Sigma and California Scholarship Federation  
Listed in Who's Who of Executives and Professionals

**PRESENTATIONS AND PUBLICATIONS**

University of Riverside, Extension / Technical Track for Clerks: Records Management, Elections  
AIIM (Association for Information and Image Management)  
ARMA (Association of Records Managers and Administrators)  
IIMC (International Institute of Municipal Clerks)  
CCAC (City Clerks Association of California)  
Government Technology Conference  
Co-Author: Ballot Counting Procedures and Guidelines (various voting systems)  
Author: Document Imaging  
Efficient Filing  
Funding Records Management Projects  
Elections Management and Performance Measurement  
Various articles published by ARMA, ICMA, IIMC and NAGARA

**PROFESSIONAL MEMBERSHIPS**

AIIM Professional Level Member  
Association of Records Managers and Administrators  
California Association of Clerks and Elections Officials  
City Clerks Association of California (*Past First Vice President, Past Second Vice President*)  
International Institute of Municipal Clerks (*Past Chair, Resource Committee, Membership Task Force, Past Chair, Records Management Committee*)  
National Association of Government Archives and Records Administrators (NAGARA)

**Proposal for Dunsmuir – Records Retention Schedules**

## City Manager

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**From:** Gladwell4@aol.com  
**Sent:** Sunday, May 17, 2015 4:44 PM  
**To:** City Manager  
**Subject:** Proposal for Records Management Services  
**Attachments:** Proposal - Dunsmuir.pdf

Hi, Randy,

Here is the proposal we discussed.

Let me know if you have any questions, or would like any changes.

Thanks!

Diane R. Gladwell, MMC  
President, Gladwell Governmental Services, Inc.  
office 909.337.3516  
cell 951.288.7360 <http://www.gladwellgov.org>

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise us by reply e-mail ([info@gladwellgov.org](mailto:info@gladwellgov.org)), and delete the message. Thank you very much.

# City Council Agenda Item

## Interim City Manager Staff Report

### New Business

**Item No:** 13.B.  
**Date:** June 18, 2015  
**Subject:** Introduction of Ordinance No. Implementing Mandatory Water Conservation Measures pursuant to Section 350 of the California Water Code

Within the body of the Ordinance there are several reasons listed for water conservation measures. A request for residents and businesses to voluntarily conserve was posted and passed out starting three weeks ago. New regulations now being imposed by State Water Resources Control Board give smaller public water providers the options of providing monthly reports that a 25% reduction in potable water usage is being attained compared to 2013, or imposing mandatory conservation measures and not reporting.

The recommended Ordinance will impose mandatory conservation measures through April 1, 2016. It is hoped that by that time there will have been a wet winter and reservoirs will be approaching safe capacity levels.

**Recommendation:** Move to read by title and number only. (This must be unanimous or someone will need to read the Ordinance in its entirety.)

Move to introduce and pass first reading of Ordinance No. of the City Council of the City of Dunsmuir implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code, and set July 2, 2015 for public hearing, second reading and adoption thereof.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
IMPLEMENTING MANDATORY WATER CONSERVATION MEASURES  
PURSUANT TO SECTION 350 OF THE CALIFORNIA WATER CODE**

The City Council makes the following findings:

1. On January 17, 2014, the Governor of the State of California issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions; and

2. On April 1, 2015, the Governor of the State of California issued an Executive Order mandating the reduction in potable urban water usage; and

3. On May 5, 2015, the State Water Resources Control Board (SWRCB) adopted emergency regulations to achieve a 25% reduction in urban use of potable water by February 2016; and

4. The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist and will likely continue for the foreseeable future; and

5. Section 350 of the California Water Code permits the governing board of a public water supply to declare a water shortage emergency and to impose mandatory water conservation measures; and

6. The drought conditions within the State of California constitute an emergency and the City Council does hereby find that these conditions constitute a water shortage emergency as defined by Section 350 of the California Water Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 13.06 of the Dunsmuir City Code is hereby adopted to read in its entirety as follows:

**CHAPTER 13.06 - WATER SHORTAGE EMERGENCY PROVISIONS**

**13.06.010 - Definitions.** The following definitions shall apply to this Chapter:

(1) "City" means the City of Dunsmuir.

(2) "Potable Water" means water suitable and approved for consumption by human beings which has been provided by the City's municipal water system, any private well, any spring, or any other governmental or private source, except for recycled wastewater.

**13.06.020 - Prohibited Conditions.** To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by the City or a state or federal agency:

(1) The application of Potable Water to outdoor lawns or landscapes in a manner that causes surface runoff onto property not owned by the person who own the property to which the water was being applied, or to any non-irrigated areas, paved areas, private or public sidewalks or walkways, roadways, parking lots, ditches, drains, or structures.

(2) The use of a hose that dispenses Potable Water to wash a vehicle, except where the hose is fitted with a shut-off nozzle or other device that causes it to cease dispensing water immediately when not in use.

(3) The application of Potable Water to clean driveways and sidewalks.

(4) The use of Potable Water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(5) The application of Potable Water to outdoor landscapes during and within 48 hours after measurable rainfall.

(6) The serving of drinking water other than upon request in any restaurant, cafe, cafeteria, bar, or other public place where food or drink are served.

(7) The use of Potable Water for cooling purposes, except when recirculated.

(8) Any drinking fountain except those which provide water only when actively manipulated by the user.

(9) Water lines, hoses, faucets, or other water fixtures which leak.

(10) Any toilet tank valve which does close and remains closed until activated.

(11) The construction or creation of any new pool, pond, reservoir, or other body of water, except that decorative reservoirs which are part of a recirculating system and which are sealed against leakage and seepage are permitted.

(12) The installation of any new landscape irrigation system which does not utilize drip irrigation where feasible.

(13) The installation or creation of any new grass lawn area, except that lawns on lots containing a sole single-family residence and its outbuildings may have a grass lawn(s) of not more than a total of 1000 square feet and provided that its grasses consist of only drought-resistant varieties.

(14) The installation of any toilet or shower head which does not meet current water-conservation standards in the applicable state or local building code.

(15) The irrigation of any lawn between the hours of 7 am and 7 pm.

(16) The operation of any commercial car wash which does not use recirculated water.

(17) Any other extraordinary usage, or waste of significant amounts of Potable Water.

**13.06.030 - Hotels and Motels.** To prevent the waste and unreasonable use of water and to promote water conservation, the operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

**13.06.040 - Outdoor Landscape Irrigation.**

(1) Outdoor irrigation of ornamental landscapes, lawns, or gardens is limited to no more than two (2) days per week and not longer than thirty (30) minutes on each such occasion. For properties with even-numbered street addresses, such watering is limited to Saturdays and Wednesdays only. For properties with odd-numbered street addresses, such watering is limited to Sundays and Thursdays only. This 2 days per week limitation shall not apply to gardens for produce and vegetables, but does apply to flower gardens.

(2) Nothing in this Chapter shall prohibit watering foliage by using a hand-held container on any days and at any time.

(3) The irrigation of public schools, public parks, and cemeteries shall take place on Mondays and Fridays.

**13.06.050 - Expiration.** This ordinance shall expire and be of no further force or effect as of April 1, 2016, provided, however, that the City Council may extend the expiration date by one or more resolutions adopted before, or within thirty (30) days after its scheduled expiration..

**13.06.060 - Exceptions.** The City Council may, by resolution, grant temporary exceptions or variances to this ordinance upon finding that special circumstances exist whereby its strict application would create a danger or great hardship to the public or any property owner.

**13.06.070 - Penalties and Remedies.** Any violation of this Chapter shall be punishable in the manner described in Chapter 1.08 of the Dunsmuir City Code, and/or other applicable City ordinances. In addition or as alternative thereto, the City may seek injunctive relief from the Superior Court.

**Section 2.** CEQA. This ordinance is not a “project” subject to the California Environmental Quality Act (CEQA). “Project” does not include “general policy and procedure making” or “organization or administrative activities of governments that will not result in direct or indirect physical changes in the environment” pursuant to CEQA Guidelines 15378(b).

**Section 3.** Severability. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The City Council of the City of Dunsmuir hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

**Section 4.** Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code section 36933 and shall certify to the adoption of this Ordinance.

\* \* \* \* \*

**Introduced and first read** at a regular meeting of the City Council held on \_\_\_\_\_, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Ordinance No.  
Page 4 of 4

**Final passage and adoption** by the Dunsmuir City Council occurred at a regular  
Dunsmuir City Council meeting held \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dave Keisler, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn Wilson, City Clerk

5-7-15

June 18, 2015

13.C.

# City of Dunsmuir Elected, Appointed and Assigned As of 2015

## ELECTED

### City Council

Meets twice monthly currently on 1<sup>st</sup> and 3<sup>rd</sup> Thursdays

Bryce Craig	elected November, 2014	term ends December, 2018
Dave Keisler	elected November, 2012	term ends December, 2016
Vacant		term ends December, 2016
Josh Spurlock	elected November, 2014	term ends December, 2018
Nick Syrrist	elected November, 2014	term ends December, 2018

### City Clerk

Kathryn Wilson	elected November 2014	term ends December, 2016
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### City Treasurer

Vacant		term ends December, 2016
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## APPOINTED

### Planning Commission

Meets once monthly currently on 1<sup>st</sup> Wednesday

Kenna Conway	appointed January, 2014	term ends June, 2016
Barbara Cross	appointed May, 2013	term ends June, 2016
Vacant		term ends June, 2018
Don Harley	appointed January, 2014	term ends June, 2016
Forrest Lamb	appointed September, 2014	term ends June, 2016
John Poston	appointed September, 2014	term ends June, 2018
Ann Powers	appointed September, 2014	term ends June, 2018

### Committees:

#### Economic Development/Tourism

Purpose: To develop an economic development strategy and incentive program

Councilmembers: Spurlock, Syrrist

Meets fourth Tuesday of month as needed

**Finance**

Purpose: To provide oversight of city finances and debt management, bond ratings, grants and loans

Councilmembers: Craig, Syrrist

Staff: CFO, Treasurer

Meets second Tuesday of month as needed

**Public Facilities and Services**

Purpose: To develop and monitor policy and operations of Utilities (water, sewer), Historic District, and Railroad.

Councilmembers: Craig, Spurlock

Staff: City Manager

Meets as needed

**Public Safety**

Purpose: To address local and regional policing issues, fire service issues, emergency plan, code enforcement, and animal control

Councilmembers: Keisler, Spurlock

Staff: City Manager, Sheriff, Fire Chief, Code Enforcement

Meets third Wednesday as needed

**Airport**

Purpose: To consider and review all activities of Mott airport including the feasibility of municipal solar farm or public/private partnership of same, new business park

Councilmember: Syrrist

Staff:

Meets as needed

**Solid Waste**

Purpose: To consider and review all operations and activities related to solid waste, including green waste recycling, state mandates regarding recycling, possible grants, biweekly pickup, and smaller can pickup

Councilmember: Craig

Staff:

Contractor: Clemens

Meets as needed

**CDBG Loan Committee**

Purpose: To review and approve applications for business and residential loans funded by CDBG and program income

Councilmember:

Staff:

Meets on call in executive session

## **Ad Hoc Committees**

Purpose: To review and report findings and recommendations to City Council and once project is completed the committee will cease

### **Master Water Plan Update and Water Utility Rate Study**

Purpose: To review progress and provide feedback on 2015 update reports

Councilmembers: Craig, Spurlock

Citizens: Bruce Deutsch, Richard Dinges, Ed Steele

Staff: City Manager, Public Utilities Supervisor

Meets as needed

### **Protocols**

Purpose: To develop and maintain protocols for conduct of Council business

Councilmembers: Craig, Spurlock

Staff: City Manager

Meets as needed

### **Audio and Video system in Council Chambers**

Purpose: To develop recommendation(s) for improvements to audio and video systems to allow televising of City Council and other meetings held in Council Chambers

Councilmembers: Craig, Spurlock

Citizens:

Meets as needed

### **Assignments:**

Purpose is to represent City and report back findings and recommendations to the City Council.

### **League of Local Agencies (LOLA)**

Purpose: Mayor's select committee makes appointments of Councilmembers to serve on County Boards/Commission representing City interests, LOLA meets in open session to discuss Countywide concerns of cities

Councilmembers: Keisler/Spurlock

Staff: City Manager

### **IRWMP (Integrated Regional Water Management Plan)**

Purpose: To attend Board, TAC, and other meetings of IRWMP and oversee city's participation in concert with other governmental and non-governmental agencies

Councilmembers: Craig, Syrrist

Staff: City Manager

Citizen: Ed Steele

Meets on call of IRWMP Board and TAC chairmen

**SCORE (Small Cities Organized Risk Effort)**

Purpose: To participate in SCORE quarterly meetings to discuss risk management and insurance issues, pooled risk and financial information.

Board member: City Manager

Alternate member: Craig

**Neighborhood Watch**

Purpose: To attend monthly meetings of Neighborhood Watch in Dunsmuir

Councilmembers: Keisler, Spurlock

Staff: Sheriff's Department representative

Meets as called

**City Web Site**

Purpose: To improve and maintain the City's web site

Councilmember: Craig

Reports to Council as needed.

**Local Agency Formation Commission (LAFCo)**

Purpose: To represent the City of Dunsmuir and other cities of Siskiyou County in considering planning matters that affect County and Cities

Councilmember: appointed by LOLA

Meets second Tuesday of the month.

**Siskiyou County Local Transportation Commission**

Purpose: To review and approve matters related to transportation and street needs throughout Siskiyou County and its Cities often involving grant funding. Membership is three Supervisors and three City representatives with one city alternate.

Councilmember: no Dunsmuir member at the moment, appointments are made by LOLA

Staff: City Manager, Public Works Supervisor attend TAC meetings

Commission meets first Tuesday of the month. TAC meets as called.

**Weed/Mt. Shasta/Dunsmuir Trail Committee**

Purpose: To create a non-motorized trail connecting Weed, Mt. Shasta and Dunsmuir.

Councilmember: Syrrist

Meets as called

**Regional Integrated Waste Management Council**

Purpose: Consider solid waste and recycling matters often to seek compliance with State mandates.

This Council is still forming and appointments have yet to be made.

Councilmember:

Staff:

Meets as called

### **Dunsmuir Recreation and Parks District, Board of Directors**

Mayor and Council appoint citizens to serve and represent City and report to City Council

Three appointments: Guy Shoop, Jerry Totten, Brian Wilson

Terms expire June 30, 2016

### **Big Fish**

Mayor and Council appoint citizens to organize Big Fish program

Councilmember: Keisler

Citizens: Chris Raine, Chairman; Richard Dinges; Mike Kerns; Mike Robinson; Carol Skalko; Brian Wilson

June 18, 2015

13. D.



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

**Council Action Advised by July 31, 2015**

May 29, 2015

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 30 – October 2, San Jose**

The League's 2015 Annual Conference is scheduled for September 30 – October 2 in San Jose. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, October 2, at the San Jose Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 18, 2015. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

-over-

## Annual Conference Voting Procedures 2015 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



**CITY:** \_\_\_\_\_

**2015 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to the League office by Friday, September 18, 2015. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.**

**OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

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

**Please complete and return by Friday, September 18, 2015**

League of California Cities  
**ATTN: Kayla Gibson**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: kgibson@cacities.org  
(916) 658-8247