

**AGENDA FOR THE REGULAR MEETING  
DUNSMUIR CITY COUNCIL  
COUNCIL CHAMBERS  
5902 DUNSMUIR AVE, DUNSMUIR, CA  
AUGUST 11, 2016  
CLOSED SESSION: 5:15 PM  
REGULAR SESSION: 6:00 PM**

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. PUBLIC COMMENT ON CLOSED SESSION ITEM**
- 4. ADJOURN TO CLOSED SESSION: Two Items**
  - (1) PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code Section 54957)**

**Title: City Manager**
  - (2) STATUS OF CLAIM (Govt. Code Section 54957)**
- 5. REPORT FROM CLOSED SESSION**
- 6. FLAG SALUTE**
- 7. APPROVAL OF AGENDA**
- 8. APPROVAL OF MINUTES:**

Regular meeting of July 21, 2016
- 9. COMMITTEE REPORTS**
  - a. Economic Development/Tourism**
  - b. Finance**
  - c. Public Facilities and Services**
  - d. Public Safety**
  - e. Airport**
  - f. Solid Waste**
  - g. Safety Task Force**
  - h. Veteran's Memorial**
  - i. Mossbrae Trail**

**10. ANNOUNCEMENTS AND PUBLIC COMMENT**

Regular City Council meetings are televised on Channel 15 to keep 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 to another speaker.** 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 on the podium. 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.

#### **11. 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.

#### **12. 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. Approval of check register dated July 29, 2016

#### **13. PRESENTATION**

A. Public Works employee will present report on and pictures of work completed on Mott Road by City crew and California Deadwood crew

#### **14. OLD BUSINESS**

A. Consider and authorize painting of wall mural on north facing outside wall of City Hall building as recommended by Planning Commission (continued from July 21, 2016 regular meeting)

B. Consider and provide direction regarding Speed Studies conducted on Dunsmuir and Sacramento Avenues by PACE Engineering (Request item be continued to September 1, 2016 regular meeting)

C. Consider and approve form and process to request Transactions and Use Tax proceeds grants

D. Consider and pass first reading of Ordinance No. implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code

E. Consideration and report on Veteran's fountain restoration and Veteran's Memorial project

F. Consider and provide Dunsmuir position regarding proposed transportation of crude oil by rail through Northern California (continued from July 21, 2016 regular meeting)

G. Consider report on PACE program implementation

H. Consider and receive information regarding blue bag program

I. Receive report on grant applications and approvals from FAA for Dunsmuir Mott airport

**15. NEW BUSINESS**

- A. Consider information about Train 1727
- B. Adopting Resolution No. \_\_ to adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Dunsmuir Downtown Water Storage Tank Replacement and Relocation Project.
- C. Approving Resolution No. \_\_ to purchase real property from the Dunsmuir School District for the Dunsmuir Downtown Water Storage Tank Replacement and Relocation Project.
- D. Consider and review City ordinances past and present related to marijuana cultivation, sales and use
- E. Consider and accept final report on tree trimming and removal project
- F. Consider and authorize execution of Mutual Agreement under Community Wildfire Protection Plan
- G. Consider and approve updating Records Management Services proposal
- H. Consider and approve contract for CDBG business loan underwriting and authorize execution thereof

**13. 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 pm August 7, 2016**

**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 to make reasonable arrangements to accommodate participation in the meeting.**

**CERTIFICATION**

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

  
\_\_\_\_\_  
Julie Iskra, City Clerk

08-08-16  
Date

**DUNSMUIR CITY COUNCIL  
JULY 21, 2016  
MINUTES**

**1. CALL TO ORDER**

Meeting called to order by Mayor Spurlock at 6:00 pm

**2. ROLL CALL**

Council members present: Shanta, Keisler, Deutsch, Craig, Spurlock

City staff present: Interim City Manager Johnsen, Deputy City Clerk Iskra

**3. FLAG SALUTE**

**4. APPROVAL OF AGENDA**

Motion by Keisler to approve the amended agenda continuing items 12 G and 12 K under New Business to the August agenda, seconded by Deutsch. Voice vote: 5-0-0-0

**5. APPROVAL OF MINUTES:**

Motion by Keisler to approve the corrected minutes of July 7, 2016, seconded by Craig. Voice vote: 5-0-0-0

**6. COMMITTEE REPORTS**

**a. Economic Development/Tourism**

Economic Development will meet Monday, July 25, 2016 at 5:30 pm

**b. Finance**

No meeting

**c. Public Facilities and Services**

No meeting

**d. Public Safety**

No meeting

**e. Airport**

Working to finalize the grant process

**f. Solid Waste**

No meeting

**g. Mossbrae**

See item 12A for presentation later this meeting

**h. Audio Visual**

No meeting

**I. Veteran's Memorial**

ICM Johnsen reported there are two projects (1) replacement/restoration of the fountain, (2) Veteran's Memorial, tree at fountain has been removed and stump will be ground down, new Public Works employee will do the restoration of the fountain with direction from Council

Peter Arth stated that ICM Johnsen was not present for the prior meeting to see the petitions and to hear the discussion of a need to honor all Veterans. He stated the Planning Commission is frustrated not being a part of this plan

Motion by Craig to direct staff to restore the Veteran's fountain, seconded by Spurlock.

Voice vote: 4-0-0-1 (Shanta)

Deutsch stated the fountain is historic per Planning Chairperson Cross

**e. Airport**

Presentation by Deutsch showing overview of the Mott Airport, 46.2 acres used as airport and 79.8 acres vacant, hangars to the north and south with trailer parking in the middle

**7. ANNOUNCEMENTS AND PUBLIC COMMENT**

Karen Roberts thanked the Council for the help with parking in Shasta Retreat

Peter Arth spoke about his frustration with the Veteran's Memorial and the lack of forward movement. He commended the work on Butterfly Avenue "The Wall" with garbage cans and signs

Carolyn Rivard is on the Big Fish Committee who put the cans and signs at "The Wall"

Ann Powers stated it was nice to fix the fountain in honor of the "soldier boys" of WWI

Mario Rubino stated that the hangars at the airport were placed there due to geological issues with rocks, encouraged the Council to take a practical look at the airport – with only 1700 people, is it realistic? Easy to get grants but there is shortage of use and the airport is struggling

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

Keisler thanked Ms. Roberts, thanked Brian Wilson for the cans and signs at "The Wall", suggested inviting the Planning Commission to a Council meeting to talk about the Veteran's Memorial

ICM Johnsen stated he will be unavailable to attend the August 4 meeting and asked to continue the meeting to August 11

Craig thought a good solution was a Task Force/Town Hall meeting to explore ideas and get feedback

Keisler directed staff to move the August 4, 2016 meeting to August 11, 2016 and suggested scheduling a Town Hall meeting for Monday, August 8, 2016, asked to have an agenda item added to the August 11, 2016 meeting for a discussion about Engine 1727 with a few speakers

Shanta wants to recognize two people, Guy Shoop and Larry Baker for cleaning up the river, asked about discussion on the previous Medical Marijuana Ordinance and its feasibility

ICM Johnsen suggested looking at the history of Medical Marijuana – where we are and options for the future, it would go to the Planning Commission and come back to the Council, could be a lengthy process

Deutsch stated the laws have changed with new measures in the County and state

Spurlock gave direction to talk with the City Attorney

Craig gave condolences to ICM Johnsen on the passing of his father and thanked him for being at this meeting

Deutsch commented on (1) the organization working well and with a positive attitude and (2) he was recently added to the COS Board of Directors (3) met with Mario Rubino to discuss his airport concerns and agreed to develop a business plan with a team consisting of ICM Johnsen, Richard Dinges and Mario Rubino

Spurlock stated that the airport is open to everyone, one the biggest customers is based in McCloud, and anyone with an aircraft is welcome to land

ICM Johnsen stated that the Mitigated Negative Declaration for the water tank replacement is available for review and is on file with the state clearing house, the 2014-2015 audit dealt with projects over \$500,000, the federal monies were received in a prior year so it did not need to be reported, the 2013-2014 audit was late with no negative impact

## **9. CONSENT AGENDA**

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- A. Approve check register dated July 13, 2016
- B. Receive and file notification of pending retirement of League of California Cities Executive Director
- C. Receive and file note from Union Pacific about derailment that occurred 2 miles north of Dunsmuir on April 29, 2016
- D. Receive and file notification and agenda for July 18, 2016 meeting of Siskiyou County Tourism Improvement District
- E. Authorize Interim City Manager to forward letter to State ABC supporting ABC license for Dunsmuir Rotary Club to operate beer booth for State of Jefferson Brew Fest
- F. Receive and file report on Bank Accounts as of June 30, 2016

Motion by Keisler to approve the consent agenda, seconded by Craig,  
Voice vote: 5-0-0-0

## **10. PUBLIC HEARING: None**

**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 from 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.

## **11. OLD BUSINESS**

A. Consider and adopt Resolution No. 2016- establishing some new fees and charges for use of property and facilities at Dunsmuir Mott Airport

ICM Johnsen reported that the FAA is changing regarding hangars rented with no aviation use, airports in the US are losing income by not renting to non-aviation uses, previously the Council considered raising commercial rents to 3 times the aviation rate, in this packet the rates are 2 times the aviation rate with a slight increase in other rates.

New to these fees are the commercial rates for trailers with a hangar lease

7:00: Mayor Spurlock recused himself from discussion, left the Council chambers and Mayor Pro Tem Craig took the gavel

Craig asked if hangars were commercially rented, does an aviation use take precedent.

ICM Johnsen stated the commercial user would have 30 days to move out, City of

Dunsmuir plans to do 2 hanger inspections per year with the Fire Chief

Deutsch reminded the Council that Hangar A is 2.25 times as big and also has a separate office and restroom

Craig reviewed that all hangars are rented to aviation except hangars A, B and E

Public Comment:

Peter Arth reminded the Council that the airport does not make money, if fees are increased too much the tenants move out

Mario Rubino stated that people in Dunsmuir do not use the airport, that money can fix sidewalks and other things, the airport problems are big ticket items, paving is very expensive and previously chose to chip seal, currently two startup companies have hangars, need to keep businesses in town, pilots contribute nothing

Jerry Totten reviewed a time in 1989 in a Watsonville earthquake, highways collapsed and the only way in and out was the airport

Council Comment:

Deutsch said it is not an option to close airport

Motion by Keisler to adopt Resolution 2016-21 establishing new fees and charges for the use of property and facilities at the Dunsmuir Mott Airport, seconded by Deutsch

Discussion:

Craig: FAA is changing their position on commercial leases, the airport is struggling, perhaps we wait for clarification, if we raise the rates we could lose two commercial rents

ICM Johnsen: this all started when the City was cited, if we increase by two times the rent and lose tenants then we go back to FAA, we addressed the FAA concerns, no commercial leases are currently in effect, if you want to keep the commercial and non-aviation rates the same (Fair Market Value) then amend this and send to FAA for approval, Hangar A is more expensive since it is larger

Shanta: we cannot lose two good businesses

Deutsch: we need to amend the airport non-aviation rates per the report of May 21, 2016

Keisler: retract previous motion

Deutsch: retract second to motion

Motion by Craig to adopt Resolution 2016-21 as amended (keeping aviation rates the same as commercial) and increasing the move out time to 90 days, seconded by Keisler.

Voice vote: 4-0-0-0 (Spurlock out of the room)

7:55 pm Mayor Spurlock returns

B. Consider and provide direction regarding Speed Studies conducted on Dunsmuir and Sacramento Avenues by PACE Engineering

Introduction by ICM Johnsen of the PACE Speed Study and the amendments to that original study.

Public Comment:

Linda Gnesa: look at business hours, 25 mph may be too fast in the downtown

Council Comment:

Brief discussion among Council members and Sgt Mero regarding speeds and the ability to write tickets

Motion by Craig to refer back to staff and continue the item to the August 11, 2016 agenda, seconded by Keisler. Voice vote: 5-0-0-0

C. Consider and conduct second reading of and adopt Ordinance No. 555 amending Section 17.12.070 of the Dunsmuir City Code to allow Single Family Houses in Central Commercial (C-2) Zone by right and in the Historic District (C-2HD) combining zone with an approved conditional use permit

ICM Johnsen noted that this item had been approved at a prior meeting

Public Comment:

Peter Arth supports the second reading

Council Comment:

Motion to approve the second reading of Ordinance 555 by number and title, seconded by Deutsch. Voice vote: 5-0-0-0

Motion by Keisler to adopt Ordinance 555, seconded by Craig.

Roll call vote:

Keisler	yes	
Deutsch	yes	
Shanta	yes	
Craig	yes	
Spurlock	yes	5-0-0-0

D. Consider and approve second progress payment to Central Federal Lands in the amount of \$28,739.13 for development of feasibility study for Butterfly Bridge project and authorize staff to submit billing to Caltrans for reimbursement of total cost under federal bridge replacement program

ICM Johnsen noted that this is an ongoing project

Public Comment: None

Council Comment:

Motion by Keisler to approve second progress payment to Central Federal Lands in the amount of \$28,739.13 for development of feasibility study for Butterfly Bridge project and authorize staff to submit billing to Caltrans for reimbursement of total cost under federal bridge replacement program, seconded by Craig. Roll call vote:

Deutsch	yes	
Keisler	yes	
Craig	yes	
Shanta	yes	
Spurlock	yes	5-0-0-0

E. Consider and approve request from Siskiyou Opportunity Center to increase costs to City of Dunsmuir and other Siskiyou County cities that participate in Blue Bag program Introduction by ICM Johnsen explaining that the Blue Bag program costs very little, Clemens transports and we pay the Opportunity Center to sort, new costs of almost \$500

per month will be paid from Solid Waste, there are few recycling opportunities in Siskiyou County, it is an appropriate use of the money

Deutsch: disabled workers will now be paid more

Public Comment:

Mario Rubino: \$500,000 in Solid Waste will not take long to diminish, need to do research, how many people use the Blue Bags, don't rush to spend \$500 per month

Carolyn Rivard: has lived in town three years but never received Blue Bags

Peter Arth: residents have asked for solid waste program, Opportunity Center gives jobs to disabled adults, the City needs to plan for the future of recycling

Linda Gnesa: several citizens from Dunsmuir work at the Opportunity Center

Council Comment:

Craig: want to support Blue Bags but very limited recycling, no cardboard or paper, in favor of Blue Bags and the City has the money, will negotiate with Clemens in 2017

Shanta: in favor of recycling but how effective is it, would like to table for more information

Deutsch: this is the only game in town, additional \$500 per month with \$500,00 in place  
Motion by Keisler to approve the request from the Opportunity Center to increase costs in the Blue Bag program, seconded by Craig. Roll call vote:

Shanta	no	
Craig	yes	
Deutsch	yes	
Keisler	yes	
Spurlock	yes	4-1-0-0 (Shanta)

F. Consider and authorize Mayor to execute documents to complete purchase of site for proposed downtown area water tank

ICM Johnsen: this is to replace the old water tank, have high demand and cannot produce the pressure for firefighting, replaces pipes and conserves water

Motion by Craig to authorize the Mayor to execute documents to complete purchase for site for proposed downtown area water tank, seconded by Keisler. Roll call vote:

Keisler	yes	
Shanta	yes	
Craig	yes	
Deutsch	yes	
Spurlock	yes	5-0-0-0

8:50 Mayor calls for a 5 minute break

8:55 Resume meeting

## 12. NEW BUSINESS

A. Consider and adopt Resolution No. prepared by Mossbrae trail committee providing position to be taken by City of Dunsmuir regarding Mossbrae Trail Project

Introduction by Craig with a brief status report and a screen presentation, resolution sent to attorneys, City of Dunsmuir and Union Pacific

Public Comment:

Peter Arth: good group, UP very cooperative, need to protect our water source

Carolyn Rivard: Hedge Creek needs help, treacherous trail with rocks

Mario Rubino: Appreciative of efforts, hard work

Council Comment:

Craig: trail project will be ADA compliant beginning at top of Hedge Creek Falls, Siskiyou County property, County will be involved

Keisler: vital to emphasize ADA compliance, safety factor, Supervisor Valenzuela is on board

Deutsch: who is responsible for Hedge Creek

Motion by Craig to approve Resolution 2016-22 adopting the Mossbrae Trail project, seconded by Shanta. Voice vote: 5-0-0-0

B. Consider and authorize Interim City Manager to enroll City of Dunsmuir in Alliant Crime Insurance Program through SCORE

ICM Johnsen recommends enrolling in the Alliant Crime Insurance Program with an increase of \$350 per year to increase coverage to \$1,000,000.

Public Comment: None

Council Comment:

Motion by Craig to enroll in the Alliant Crime Insurance Program through SCORE, seconded by Keisler. Roll call vote:

Shanta	yes	
Deutsch	yes	
Keisler	yes	
Craig	yes	
Spurlock	yes	5-0-0-0

C. Consider and authorize Interim City Manager to execute letter authorizing Siskiyou County to submit grant application and implement project including Dunsmuir under Used Oil Recycling Program administered by CalRecycle

Introduction by ICM Johnsen explaining that this is an annual renewal of authorization

Public Comment: None

Council Comment:

Motion by Keisler to authorize Interim City Manager to execute letter authorizing Siskiyou County to submit grant application and implement project including Dunsmuir under Used Oil Recycling Program administered by CalRecycle, seconded by Shanta.

Voice vote: 5-0-0-0

D. Consider and authorize Interim City Manager to approve change out of new phone instruments in City Hall at no additional cost and no loss of promised savings

Introduction by ICM Johnsen noting that the new phone system is less expensive than the old system, currently with a loss of features, vendor will change out phones to promote new features with no additional fees.

Public Comment: None

Council Comment:

Motion by Craig to approve change out of new phone instruments in City Hall at no additional cost, seconded by Keisler. Voice vote: 5-0-0-0

E. Consider and authorize letter opposing Assembly Bill 1217 challenging local control over Joint Powers Authorities

Introduction by ICM Johnsen recommending the City oppose Assembly Bill 1217.

Public Comment: None

Council Comment:

Deutsch: the State is taking away local authority

Council Comment:

Motion by Keisler to authorize letter opposing Assembly Bill 1217 challenging local control over Joint Powers Authorities, seconded by Shanta. Voice vote: 5-0-0-0

F. Consider and authorize Interim City Manager to prepare documents to withdraw from PACE program if there is to be cost borne by City

Introduction by ICM Johnsen that the Siskiyou County auditor is going to charge the City for the recordation of the loan, no other Counties are charging, not a significant cost

Craig: how much is being charged versus the benefit to the property owner

Spurlock: probably a few hundred dollars

ICM Johnsen: City Managers group suggested withdrawing from the program if charged for the process of loan docs

Public Comment:

Carolyn Rivard: What is PACE

Council Comment:

PACE provides loans for energy improvements to residents which is paid through property tax bills but now the auditor wants the City to pay recording fees

Craig: Citizens cannot use the program if the Council does not pay the fees

Motion by Keisler to authorize Interim City Manager to prepare documents to withdraw from PACE program if there is to be cost borne by City, seconded by Deutsch.

Voice vote: 3-2-0-0 (Spurlock, Craig)

H. Consider and approve request to create committee to assist in the preparation of an overall emergency plan for the City of Dunsmuir and authorize staff to evaluate alternatives for development of update to Safety Element of General Plan

Council member Shanta stated that the Task Force needs to prepare an Emergency Plan

Craig: didn't the Fire Chief develop a plan

ICM Johnsen: the Chief updated an Emergency Plan, need to update the Safety Element of the General Plan to provide an overall Emergency Plan for the City

Public Comment:

Mario Rubino: previously had a severe power outage, medical use needs power, Main St notified of outage but not side streets

Laurie Barnes-Harley and Carolyn Rivard: need a plan

Council Comment:

Craig: already in the duties of the Chief to assist on the Task Force

Shanta: Chief is ok with the Task Force and several citizens are on board, is anyone from the Council interested

Keisler: yes

Motion by Shanta to create a Task Force to create a comprehensive Emergency Plan for the City of Dunsmuir, seconded by Craig.

Shanta: Committee will be: Chief Padilla, Arlene Dinges, Kelley Brentt, Mari Shanta, Dave Keisler, this will be an agendized meeting not a standing committee

Craig: any additional members, timeline?

Shanta: no additional members, 2-3 months timeline

Voice vote: 5-0-0-0

I. Consider and authorize Interim City Manager to execute Emergency Facilities & Land Use Agreement with Shasta Trinity National Forest for use of Dunsmuir Mott Airport by emergency helicopters

ICM Johnsen introduced the new agreement with the fees increased from \$80 to \$100 per day for a helicopter and \$200 per day for four or more helicopters, recommends adoption

Deutsch: the rates are lower because we do not have fuel and have fewer services

Public Comment:

Carolyn Rivard: go for it

Mario Rubino: is this acceptable to the pilots

ICM Johnsen: sent email to pilots and they had no problem with it

Council Comment:

Spurlock: if we are willing to provide restrooms and supplies/trash would they pay more

ICM Johnsen: already use the public restroom

Motion by Deutsch to execute Emergency Facilities & Land Use Agreement with Shasta Trinity National Forest for use of Dunsmuir Mott Airport by emergency helicopters, seconded by Keisler. Voice vote: 5-0-0-0

J. Receive and file Governor's Executive Order B-37-16 regarding water conservation and provide direction regarding possible re-adoption of Ordinance No. 547 which implemented water conservation measures through February 2016

Introduction by ICM Johnsen: last year the Council adopted Ordinance 547, should adopt again to be in compliance through February 2017, the City is in much better position but the ground water has not replenished

Public Comment:

Rivard: no free water

Rubino: the City has no money but we need to comply as best we can and do what we can afford

Council Comment:

Motion by Keisler to Receive and file Governor's Executive Order B-37-16 regarding water conservation and provide direction regarding possible re-adoption of Ordinance No. 547 which implemented water conservation measures through February 2016, seconded by Deutsch. Voice vote: 5-0-0-0

L. Authorize attendance at League of California Cities annual conference and designate voting delegates

Introduction by ICM Johnsen: this is notice of annual meeting, it has been previously authorized for council member attendance, who wants to go and who will be the authorized voting delegates, all five council members can go, early hotel reservations are a must

Keisler: this is a very educational conference and great for networking

Public Comment: None

Council Comment:

Mayor and Vice Mayor will be voting delegates and Council members will attend if available

M. Authorize attendance at Association of California Airports annual conference

Introduction by ICM that the Council can go, Deutsch and Spurlock are both willing to go

Public Comment:

Rubino: the Solid Waste fund does not have \$500,000 in surplus, it loses \$50,000 per year, spending is spending and we need to stop spending

Council Comment:

Deutsch: if Spurlock goes then he will not go

Spurlock: concerned with fire season, better send Deutsch and Johnsen

Motion by Keisler to authorize attendance at Association of California Airports annual conference by Deutsch or Spurlock, seconded by Deutsch. Roll call vote:

Craig	yes	
Keisler	yes	
Shanta	no	
Deutsch	yes	
Spurlock	yes	4-1-0-0 (Shanta)

ICM Johnsen stated that he has documents to be signed for (1) South Dunsmuir Sewer District and (2) Dunsmuir Fire Department for south of the City, need to be filed by August 10, 2016

**13. ADJOURNMENT:**

Motion to adjourn at 10:20 pm by Craig, seconded by Shanta Voice vote: 5-0-0-0

\_\_\_\_\_  
Mayor Spurlock

**ATTEST:**

\_\_\_\_\_  
Clerk, Julie Iskra

Deputy City

Check Register Report

7-29-16 A/P

Date: 07/29/2016

Time: 12:35 pm

Page: 1

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
48389	07/01/2016	Printed		1225	ACME COMPUTER	AGRMNT FPA 7-1-15-6-30-17	1,066.91
48390	07/01/2016	Printed		10359	AQUATIC BIOASSAY & CONSULTING	CHRONIC NPDES LAB ANALYSIS	3,190.00
48391	07/01/2016	Printed		9447	AUS SACRAMENTO MC LOCKBOX	C.H.MATS, WKLY LNDRY 6-29-16	96.05
48392	07/01/2016	Printed		2635	BASIC LABORATORY, INC.	MONTHLY TESTING	513.00
48393	07/01/2016	Printed		2800	BAXTER AUTO PARTS, INC.	MISC PARTS	214.11
48394	07/01/2016	Printed		10353	GARY BENSON	JUNE '16 CHILDRENS PRK RNT	725.00
48395	07/01/2016	Printed		10361	BUSINESS RADIO LICENSING	RENEW RADIO LICENSING	95.00
48396	07/01/2016	Printed		10360	C. PISTORIUS REFRIGERATION	SEMI/ANNUAL MAINT ICE MKR	335.52
48397	07/01/2016	Printed		9000	CABITTO'S SMALL ENGINE REPAIR	DOLMAR 1 GAL SYNT MIX OIL,GATO	345.89
48398	07/01/2016	Printed		5325	REBECCA CATLETT	CLN SVC 6-17,19,26-16	132.00
48399	07/01/2016	Printed		10001	CED-REDDING	VERDE GREEN FINIAL	70.40
48400	07/01/2016	Printed		5915	CHEM QUIP, INC.	PENTAIR PUMP DIFFUSER	22.63
48401	07/01/2016	Printed		9820	CITY OF DUNSMUIR	R SPAGNOLO #11026	237.60
48402	07/01/2016	Printed		6325	CLEMENS WASTE REMOVAL	RECYCLING/SORTING	14,344.43
48403	07/01/2016	Printed		10097	COMMUNITY DEVELOPMENT ON CALL	13-CDBG-8968 JUNE '16	11,505.00
48404	07/01/2016	Printed		13074	FEDERAL EXPRESS CORP.	TRANSPORTATION CHRGS,SPCL HNDL	393.18
48405	07/01/2016	Printed		5219	FERGUSON ENTERPRISES INC,1423	3/4 SS INSERTS	248.70
48406	07/01/2016	Printed		10362	ELIZABETH FITZGERALD	REFND DEP E. FITZGERALD #53180	151.20
48407	07/01/2016	Printed		13063	SUSAN FREDRICKSON	REFND DEP S FREDRICKSON #7053	171.20
48408	07/01/2016	Printed		18200	HACH COMPANY	CHLORINE PP PK/100, FLTER GLAS	227.47
48409	07/01/2016	Printed		22145	INTERSTATE SALES	STREET SIGNS	262.50
48410	07/01/2016	Printed		39466	JO PETERSON DESIGN WORKS, INC.	PLN CK FEE DOLLAR GENERAL	6,625.93
48411	07/01/2016	Printed		24875	LILLY JONES	CEMETERY MAINT JUNE '16	583.33
48412	07/01/2016	Printed		25317	KENNY, SNOWDEN & NORINE	MAY '16 LEGAL SVCS	8,249.04
48413	07/01/2016	Printed		9870	MT SHASTA AREA NEWSPAPERS	NOTICE OPUB HRNG C2 RES&HOES	50.00
48414	07/01/2016	Printed		33130	MT SHASTA CITY	PUMP PRIMER INOP RPR	165.00
48415	07/01/2016	Printed		37106	OFFICEMAX CONTRACT INC.	DESK PAD	474.34
48416	07/01/2016	Printed		39015	PACIFIC POWER & LIGHT	MAY 14 TO JUNE 17, 2016 ELEC	8,732.50
48417	07/01/2016	Printed		44240	RAMSHAW'S ACE HARDWARE	TITANIUM LINE	75.37
48418	07/01/2016	Printed		47520	SHASTA AUTO SUPPLY	JUNE '16 TANK RNTL	242.55
48419	07/01/2016	Printed		57228	SOLANO'S HOME IMPROVEMNT CTR	18000BTU AIR CONDITIONER	1,043.23
48420	07/01/2016	Printed		48726	ST. WATER RESOURCES	D DELLA BONA RENWL APP GRD II	230.00
48421	07/01/2016	Printed		48728	STATE WATER RESOURCES	D DELLA BONA, EXAM GRD III APP	350.00
48422	07/01/2016	Printed		48729	SWRCB ACCOUNTING OFFICE	LRG WASYS FEES 7-1-15/12-31-15	1,390.77
48423	07/01/2016	Printed		9489	TULLIS, INC.	3/8" COLD MIX 1,244	1,762.30
48424	07/01/2016	Printed		53813	U.S. BANK CORP PAYMENT SYSTEMS	SQUARESPACE, VIMEO	460.00
48425	07/01/2016	Printed		53799	UPS	DELIVERY SVC	7.48
48426	07/01/2016	Printed		9999999388	VALLEY INDUSTRIAL COMM.,INC.	RADIO, CASE,BATT	1,672.12
48427	07/08/2016	Printed		9447	AUS SACRAMENTO MC LOCKBOX	C.H.MATS, WEEKLY LNDRY 7-8-16	96.05
48428	07/08/2016	Printed		2635	BASIC LABORATORY, INC.	FRENCH DRAIN LEACH LINE	139.00
48429	07/08/2016	Printed		10076	CHRISTOPHER D. BROWN	APR,MAY,JUNE'16 CALL OUTS	6.50
48430	07/08/2016	Printed		9245	JERRY A BROWN	APR,MAY,JUNE'16 CALL OUTS	6.50
48431	07/08/2016	Printed		10017	CAL-ORE COMMUNICATIONS	JULY '16 COMMUNICATIONS	19.95
48432	07/08/2016	Printed		6325	CLEMENS WASTE REMOVAL	COD 20YRD/WEIGHT/DMP FEES	6,393.22
48433	07/08/2016	Printed		6630	ANTHONY CONGI	APR,MAY,JUNE'16 CALL OUTS	354.00
48434	07/08/2016	Printed		9603	ANTHONY CONGI	QTRLY PHONE CHRGS 2ND QTR	90.00
48435	07/08/2016	Printed		7899	JOHN A. DELGADO	APR,MAY,JUNE'16 CALL OUTS	55.00
48436	07/08/2016	Printed		12752	DENNIS DELLA BONA	PHONE- 2ND QTRLY CHRGS '2016'	164.00

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City of Dunsmuir

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Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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48438	07/08/2016	Printed		9830	DUNSMUIR VOL. FIREMAN'S ASSOC	APR,MAY,JUNE '16 CALL OUT DUES	684.00
48439	07/08/2016	Printed		11255	ELECSYS INTERNATIONAL CORP	AUG '16 MO MAINT CHRGS	223.50
48440	07/08/2016	Printed		10096	ANTONIO D. FLORES	APR,MAY,JUNE '16 CALL OUTS	7.50
48441	07/08/2016	Printed		9273	RONALD L. GRIFFITH	APR,MAY,JUNE '16 CALL OUTS	81.00
48442	07/08/2016	Printed		18200	HACH COMPANY	DPD TOT CHLORINE PP 25MLPK/100	120.57
48443	07/08/2016	Printed		18240	TERRY HALL	REFND DEP T. HALL #5014	180.00
48444	07/08/2016	Printed		18600	JOSEPH HATTEN	APR,MAY,JUNE '16 CALL OUTS	48.50
48445	07/08/2016	Printed		18610	A.C. HEILMAN	APR,MAY,JUNE '16 CALL OUTS	217.50
48446	07/08/2016	Printed		9246	JERRY L HILL	APR,MAY,JUNE '16 CALL OUTS	33.50
48447	07/08/2016	Printed		19590	ED HINES	APR,MAY,JUNE '16 CALL OUTS	7.50
48448	07/08/2016	Printed		19592	MARLENE HINES	APR,MAY,JUNE '16 CALL OUTS	107.00
48449	07/08/2016	Printed		19597	MARTIN HINES	APR,MAY,JUNE '16 CALL OUTS	133.00
48450	07/08/2016	Printed		19595	PATRICK J. HINES	APR,MAY,JUNE '16 CALL OUTS	42.00
48451	07/08/2016	Printed		19500	TOM HONEY	APR,MAY,JUNE '2016	204.50
48452	07/08/2016	Printed		28650	RON LA RUE	APR,MAY,JUNE '16 CALL OUTS	22.50
48453	07/08/2016	Printed		31605	EUGENE MEYER	APR,MAY,JUNE '2016 CALL OUTS	347.50
48454	07/08/2016	Printed		31610	LOU MEYER	APR,MAY,JUNE '2016 CALL OUTS	133.00
48455	07/08/2016	Printed		9870	MT SHASTA AREA NEWSPAPERS	CREATIVE NEW/AD ENCHNCE	255.00
48456	07/08/2016	Printed		35505	NORTHLAND CABLE TELEVISION	JULY '16 HIGH SPEED INTERNET	207.35
48457	07/08/2016	Printed		9274	WILLIAM R. O'CONNOR	APR,MAY,JUNE '16 CALL OUTS	3.00
48458	07/08/2016	Printed		31209	PAUL R. MALONE ATTY.	7-1-16/6-30-16 PRK LOT RNT	2,220.00
48459	07/08/2016	Printed		9468	JOSHUA S. PAULUS	APR,MAY,JUNE '16 CALL OUTS	42.00
48460	07/08/2016	Printed		39560	PERSONNEL PREFERENCE, INC	BRIAN LEHMAN DRUG SCRIN	26.50
48461	07/08/2016	Printed		45110	MARIO J. RUBINO	JULY '16 TREASURER MO STIPEN	50.00
48462	07/08/2016	Printed		47676	SMITH BUILDING SERVICES, LLC	JUNE '16 PLN CK& BLDG SVCS	1,737.94
48463	07/08/2016	Printed		10077	JOSHUA M. SPURLOCK	APR,MAY,JUNE '16 CALL OUTS	315.00
48464	07/08/2016	Printed		9497	MATTHEW A. STANFORD	APR,MAY,JUNE '16 CALLOUTS	81.00
48465	07/08/2016	Printed		21016	BRIAN A. TAYLOR	APR,MAY,JUNE '16 CALL OUTS	237.00
48466	07/08/2016	Printed		49880	TESSCO INCORPORATED	WAVE ANTENNA,UHF MALE,MNT,	304.85
48467	07/08/2016	Printed		5050	THOMPSON, DAVE	APR,MAY,JUNE '16 CALL OUTS	523.00
48468	07/08/2016	Printed		53810	US BANK EQUIPMENT FINANCE	6-20-16/7-20-16 PRNTRS&COPIER	771.93
48469	07/08/2016	Printed		50850	VERIZON WIRELESS	JUNE '2016 CELL SVC	268.37
48470	07/08/2016	Printed		58075	BRIAN WITHERELL	APR,MAY,JUNE '16 CALL OUTS	6.50
48471	07/13/2016	Printed		1215	ALSCO	PW&WWTP CVRALL RNTL	32.00
48472	07/13/2016	Printed		2635	BASIC LABORATORY, INC.	DRINKING WATER MONITORING	128.00
48473	07/13/2016	Printed		2800	BAXTER AUTO PARTS, INC.	COPPR CORE SPRK, 5LB WHT BR TW	46.26
48474	07/13/2016	Printed		3572	BLUE CROSS OF CALIF	8-1-16/9-1-16 LIFE INS	214.05
48475	07/13/2016	Printed		5325	REBECCA CATLETT	CLN SVC 7-3,4,10-16	148.50
48476	07/13/2016	Printed		10001	CED-REDDING	4' FLOR LIGHTS	64.50
48477	07/13/2016	Printed		9820	CITY OF DUNSMUIR	APLY DEP D. GANS	721.68
48478	07/13/2016	Printed		10123	BRYCE CRAIG	LEAGUE OF CITIES CONF REIMB	1,238.97
48479	07/13/2016	Printed		17041	GOODYEAR COMMERCIAL TIRE	4-TIRES	695.77
48480	07/13/2016	Printed		22138	INTERNAL REVENUE SERVICE	0437700367, LTR2782C	154.58
48481	07/13/2016	Printed		33140	MT SHASTA RADIOLOGY	TONYA A BELZER #110.031447	110.00
48482	07/13/2016	Printed		9272	MT. LASSEN TROUT FARMS, INC.	799LBS CATCHABLES TROPHY TROUT	850.08
48483	07/13/2016	Printed		10176	NORTHERN CALIFORNIA GLOVE	T-SHIRTS (27)	431.88
48484	07/13/2016	Printed		35515	PACIFIC NORTHWEST HYDRO, INC.	INSP & SVC TEST FIRE HOSE	1,867.95
48485	07/13/2016	Printed		39560	PERSONNEL PREFERENCE, INC	7-3-16 LEHMAN, BRIAN E. 27 HRS	541.08
48486	07/13/2016	Printed		9999992126	S.J. DENHAM, INC.	'2016 RAM TRUCK 2500	40,798.55
48487	07/13/2016	Printed		47520	SHASTA AUTO SUPPLY	42" CREEPER, SILICONE	118.92
48488	07/13/2016	Printed		12022	SIRENNET.COM	15' CABLE TAC8, BMPR,	2,675.91

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Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
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48490	07/13/2016	Printed		48729	SWRCB ACCOUNTING OFFICE	SAFE DRNKING WA ST REVOLV FND	1,395.00
48491	07/13/2016	Printed		49875	TERMINIX INTERNATIONAL	4837 DUNS AVE PEST CNTRL	380.00
48492	07/22/2016	Printed		1225	ACME COMPUTER	SVC 1908 - NEW WRK STA	500.00
48493	07/22/2016	Printed		514	ADVANCE INFOSYSTEMS	PROCESS JULY '16 UTIL BILLS	412.38
48494	07/22/2016	Printed		1215	ALSCO	PW/WWTP CVRALL RNTLS	68.48
48495	07/22/2016	Printed		9447	AUS SACRAMENTO MC	CH MATS, WKLY LNDRY 7-20-16	246.03
48496	07/22/2016	Printed		10363	BLAISE BARNES	REFND DEP B BARNES #350760	150.00
48497	07/22/2016	Printed		2635	BASIC LABORATORY, INC.	QUARTERLY EFFLUENT	433.40
48498	07/22/2016	Printed		2800	BAXTER AUTO PARTS, INC.	4-AIR SHLD DIESEL EXH	64.61
48499	07/22/2016	Printed		10353	GARY BENSON	CHILDREN'S PRK RNT JULY '16	725.00
48500	07/22/2016	Printed		10001	CED-REDDING	4FT LMP RECYL KIT	93.53
48501	07/22/2016	Printed		9999992110	CEDAR LODGE MOTEL	R. JOHNSON 7-21-16 1-NIGHT	78.40
48502	07/22/2016	Printed		9820	CITY OF DUNSMUIR	APLY DEP S. SAUNDERS #24270	280.00
48503	07/22/2016	Printed		10123	BRYCE CRAIG	REFND FOR LUNCH 7-13-16	56.31
48504	07/22/2016	Printed		48731	DEPARTMENT OF	SIGNALS & LIGHTING	207.00
48505	07/22/2016	Printed		9999999461	TRANSPORTATION	APR/JUNE '16	
48506	07/22/2016	Printed		10185	DEPT OF	ODA PERMIT 7-16/7-17	350.00
48507	07/22/2016	Printed		10317	TRANSPORTATION-ODA	ARLENE DINGES	581.25
48508	07/22/2016	Printed		9885	DUNSMUIR INN & SUITES	6-21-16/7-14-16	398.72
48509	07/22/2016	Printed		10364	DUNSMUIR TIRE	R.JOHNSON 7-11/15-16 STAY	92.86
48510	07/22/2016	Printed		9303	CHARLES & KRISTINA ENGAN	DISMNT/MNT 4 TIRES & BAL	150.00
48511	07/22/2016	Printed		5219	FASTENAL COMPANY	REFND DEP C&K ENGAN #1032	68.67
48512	07/22/2016	Printed		9999999515	FERGUSON ENTERPRISES	ABS GRAN/SNOW SCOOP (2)	2,202.09
48513	07/22/2016	Printed		17013	INC,1423	1" CU BADGER MTR	800.00
48514	07/22/2016	Printed		22145	FORD AVIATION CONSULTANTS,	FAA AIRPORT GRNT PREP	102.66
48515	07/22/2016	Printed		22620	INC	LEAHY- BUSINESS CARDS 500	932.71
48516	07/22/2016	Printed		26425	GOLD NUGGET PRINTING CO.	5-STREET SIGNS	97.20
48517	07/22/2016	Printed		25317	INTERSTATE SALES	MILEAGE ELEC TRAINING & ELEC	378.94
48518	07/22/2016	Printed		10365	JULIE ISKRA	LUBE & OIL CHNG #300	4,505.76
48519	07/22/2016	Printed		33120	KEN ELGIN	JUNE '16 LEGAL SVCS	150.00
48520	07/22/2016	Printed		33146	KENNY, SNOWDEN & NORINE	REFND DEP. M. KERSN #5028	1,371.90
48521	07/22/2016	Printed		10336	MIKE KERNS	MOUNTAIN COUNTIES SUPPLY	85.15
48522	07/22/2016	Printed		10366	CO.	MT SHASTA SPRING WATER CO 1 GAL CASE (12) DISTILLED WATE	68.38
48523	07/22/2016	Printed		39560	MUNICIPAL EMERGENCY	SVC KIT-BELT KIT	150.00
48524	07/22/2016	Printed		10367	SERVICES	W/SCRW&WSHR	480.96
48525	07/22/2016	Printed		47520	REBECCA NEEDHAM	REFND DEP R NEEDHAM #4055	150.00
48526	07/22/2016	Printed		9999991099	PERSONNEL PREFERENCE,	7-10-16 BRIAN E LEHMAN	480.96
48527	07/22/2016	Printed		9918	INC	JEAN & CAROLYN RIVARD	150.00
48528	07/22/2016	Printed		57228	SHASTA AUTO SUPPLY	REFND DEP J&C RIVARD 4421	48.10
48529	07/22/2016	Printed		48255	SILVERADO AVIONICS INC	GLEA	48.10
48530	07/22/2016	Printed		9413	SISKIYOU MEDIA COUNCIL	12-CLEANER, 2-DUCK BILL BLU 20	1,600.06
48531	07/22/2016	Printed		53813	SOLANO'S HOME IMPROVEMNT	KENWOOD VHF RADIO	550.00
48532	07/22/2016	Printed		9318	CTR	2-PUB BRDCSTNG CC MTG	399.08
48533	07/22/2016	Printed		10368	SOUSA READY MIX, LLC.	24.4200 AGGREGATE ROCK	405.44
48534	08/01/2016	Printed		9277	STATEWIDE TRAFFIC SAFETY	CREDIT	1,099.61
48535	08/01/2016	Printed		1225	U.S. BANK CORP PAYMENT	THE HOME DEPOT, OTTERBOX	326.34
48536	08/01/2016	Printed		1223	SYSTEMS	POSTAGE FOR UTIL MAILINGS	1,500.00
48537	08/01/2016	Printed		9447	US POSTMASTER	REFND DEP E. WASSON #352781	150.00
					ERNIE WASSON	REMOVE & TRIM TREES SVC	32,710.00
					A CUT ABOVE TREE SERVICE,		
					INC		
					ACME COMPUTER	MO BILLING FOR AUG '16	833.00
					ADAMS ASHBY GROUP, INC.	PREPARE LABOR COMP RPT6-16	750.00
					AUS SACRAMENTO MC	C.H.MATS, WKLY LNDRY 7-27-16	106.29
					LOCKBOX		

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Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
48538	08/01/2016	Printed		2635	BASIC LABORATORY, INC.	DRINKING WATER	483.40
48539	08/01/2016	Printed		2800	BAXTER AUTO PARTS, INC.	AIR SHLD DIESEL	64.61
48540	08/01/2016	Printed		5325	REBECCA CATLETT	CLN SVC 7-17,18,20,24,25-16	132.00
48541	08/01/2016	Printed		12705	CENTURY COMTEL, INC.	JULY `16 HOSTED PBX	696.61
48542	08/01/2016	Printed		9820	CITY OF DUNSMUIR	APLY DEP P.#G. COOLS #8074	220.50
48543	08/01/2016	Printed		6325	CLEMENS WASTE REMOVAL	RECYCLING/SORTING	16,210.10
48544	08/01/2016	Printed		10372	PAUL & GEORGIA COOLS	REFND DEP P&G COOLS #8074	64.50
48545	08/01/2016	Printed		9471	CWSRF ACCOUNTING OFFICE	CLN WA ST REVOLV FND PYMNT	104,758.57
48546	08/01/2016	Printed		8640	DICK'S LOCK SERVICE	LUB&ADJ SAFE DOOR	80.00
48547	08/01/2016	Printed		10370	ENTERPRISE SERVICE CENTER	BUTTERFLY BRIDGE PROJ	28,739.13
48548	08/01/2016	Printed		10371	GENE EVERSON	REIMB FOR GA CHRGS	1,271.82
48549	08/01/2016	Printed		47610	FISCHER'S SISKIYOU BACKHOE	T.PARK RNTL CHEM TOILET	457.28
48550	08/01/2016	Printed		23425	JIM WILSON MOTORS	ADDITIVE - CE DISP	108.75
48551	08/01/2016	Printed		24875	LILLY JONES	JULY `15 CEMETERY MAINT	583.33
48552	08/01/2016	Printed		9870	MT SHASTA AREA NEWSPAPERS	LEGAL #7613 ORD #551	188.10
48553	08/01/2016	Printed		10176	NORTHERN CALIFORNIA GLOVE	5-SHIRTS	86.38
48554	08/01/2016	Printed		35505	NORTHLAND CABLE TELEVISION	AUG `16 HIGH SPEED INTERNET	148.87
48555	08/01/2016	Printed		39005	PACE ENGINEERING, INC.	CITY ENG SVCS DUNS	62,991.75
48556	08/01/2016	Printed		39015	PACIFIC POWER & LIGHT	ELEC SVCS 6-17-16 TO 7-15-16	9,546.13
48557	08/01/2016	Printed		39043	PAINT MARTS	2-SC-6 PLUS 315 REVERSIBLE TIP	53.64
48558	08/01/2016	Printed		39560	PERSONNEL PREFERENCE, INC	LEHMAN,BRIAN E. 7-17-16 32 HRS	641.28
48559	08/01/2016	Printed		39825	PITNEY BOWES, INC	EQUIP LEASE CNTRCT	155.10
48560	08/01/2016	Printed		10045	RA MARTIN CONSTRUCTORS INC	6-1-16/6-30-16 WA REPL PROJ	139,893.00
48561	08/01/2016	Printed		47213	SCHLUMBERGER CONSULTING	13018.1 C.O.D.-COMM BLDG REMDL	3,031.00
48562	08/01/2016	Printed		47520	SHASTA AUTO SUPPLY	JULY `16 TANK RNTL	259.92
48563	08/01/2016	Printed		9999999473	SISKIYOU CO. SHERIFF DEPT	4THQTR END 6/16 & OVRTIME	101,940.00
48564	08/01/2016	Printed		57228	SOLANO'S HOME IMPROVEMNT CTR	BRACE, HOLE STRAP	46.86
48565	08/01/2016	Printed		53799	UPS	SHIPPING SVCS	9.31
48566	08/01/2016	Printed		10369	CALEB WEBB	REIMB FOR LIVE SCAN	74.00
48567	08/01/2016	Printed		00010	WHITEHAWK CONSTRUCTION	SO. DUNS WA MAIN RPL #2	133,421.31

Total Checks: 179

Checks Total (excluding void checks):

800,054.12

Total Payments: 179

Bank Total (excluding void checks):

800,054.12

Total Payments: 179

Grand Total (excluding void checks):

800,054.12

**Agenda Item: 10.A**

**MEMORANDUM**

August 4, 2016

From: City Manager



To: Mayor and City Council

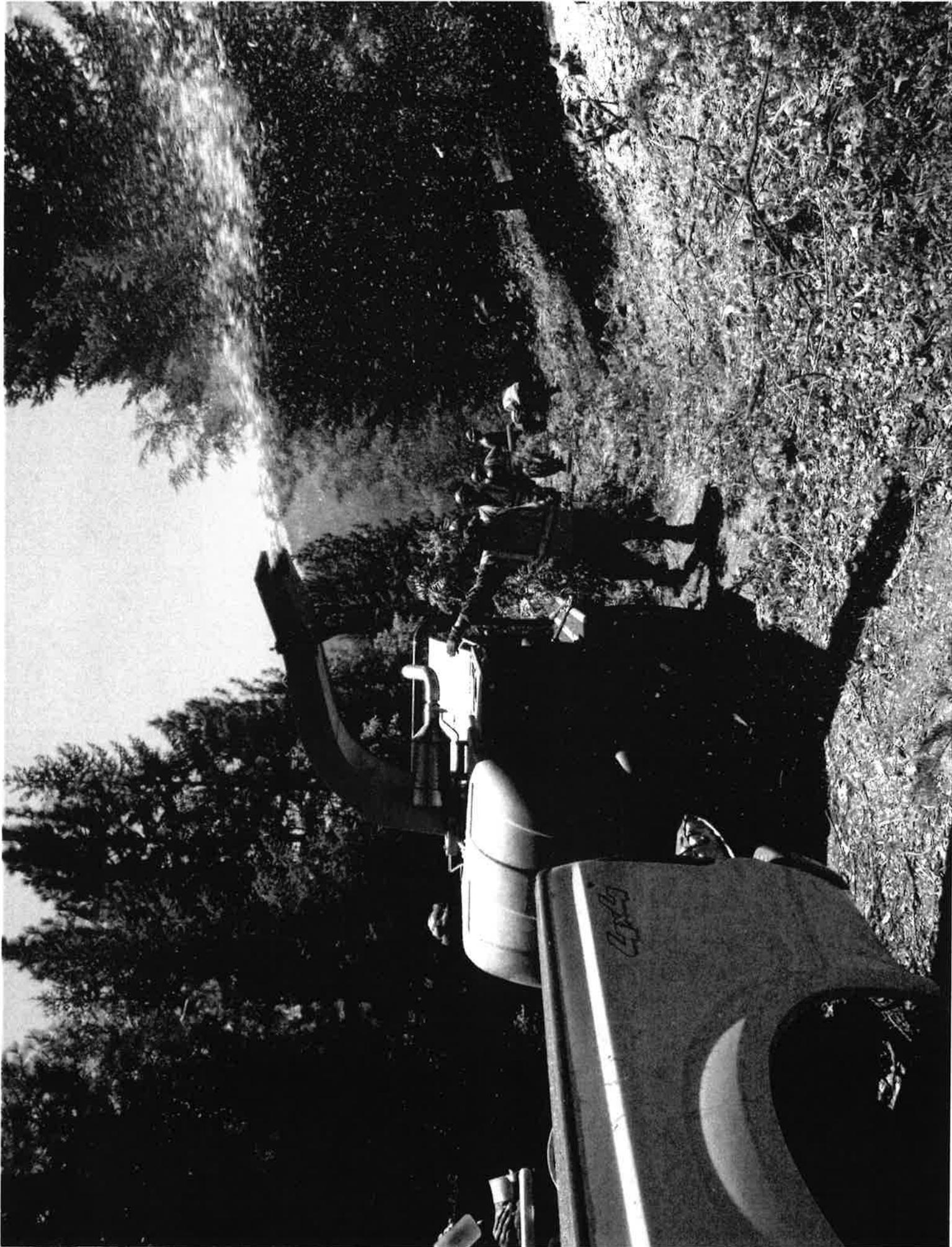
Subj: Clean-up of Mott Road by City crew and California Deadwood crew

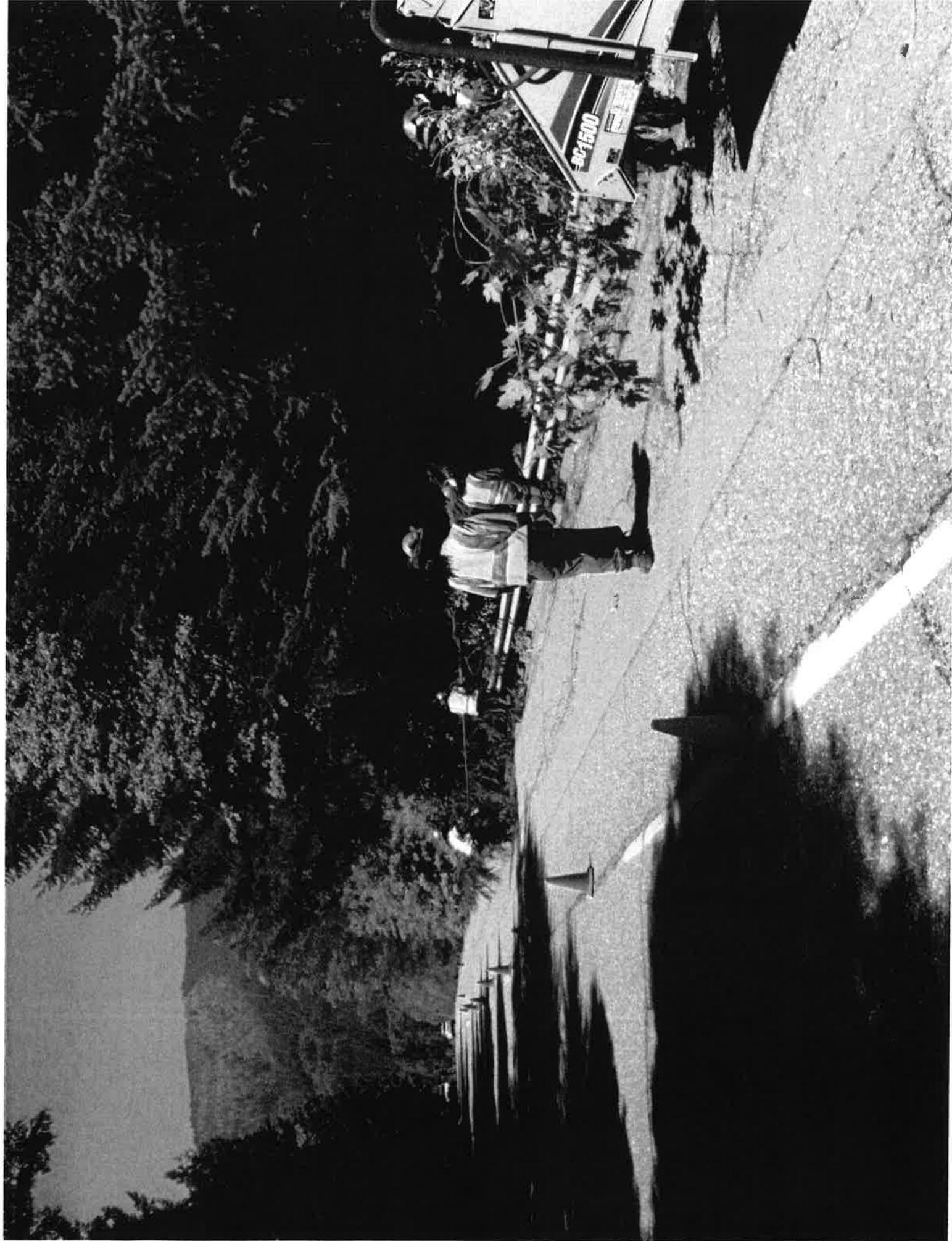
Presentation will be made by Brian Wilson, Public Works employee

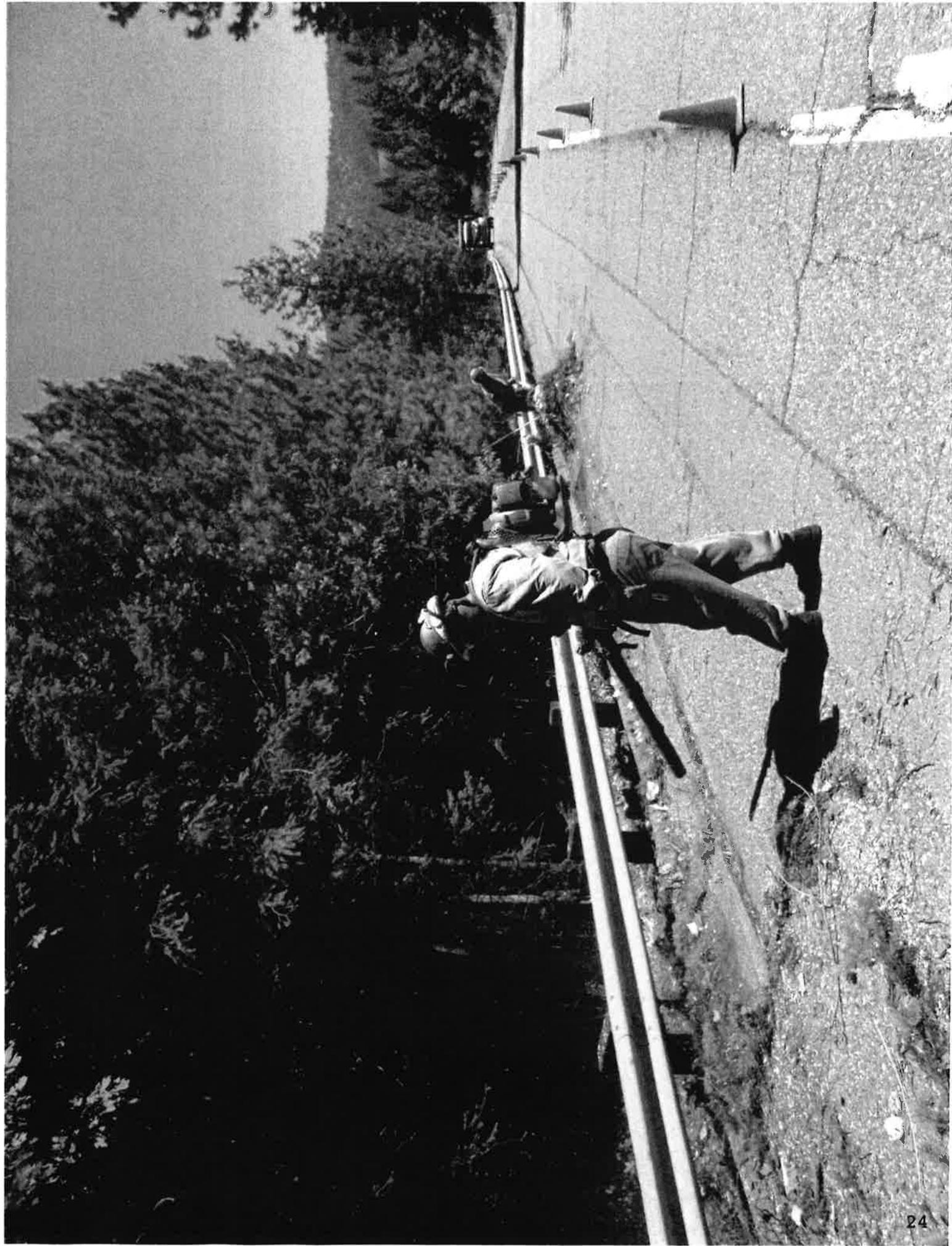


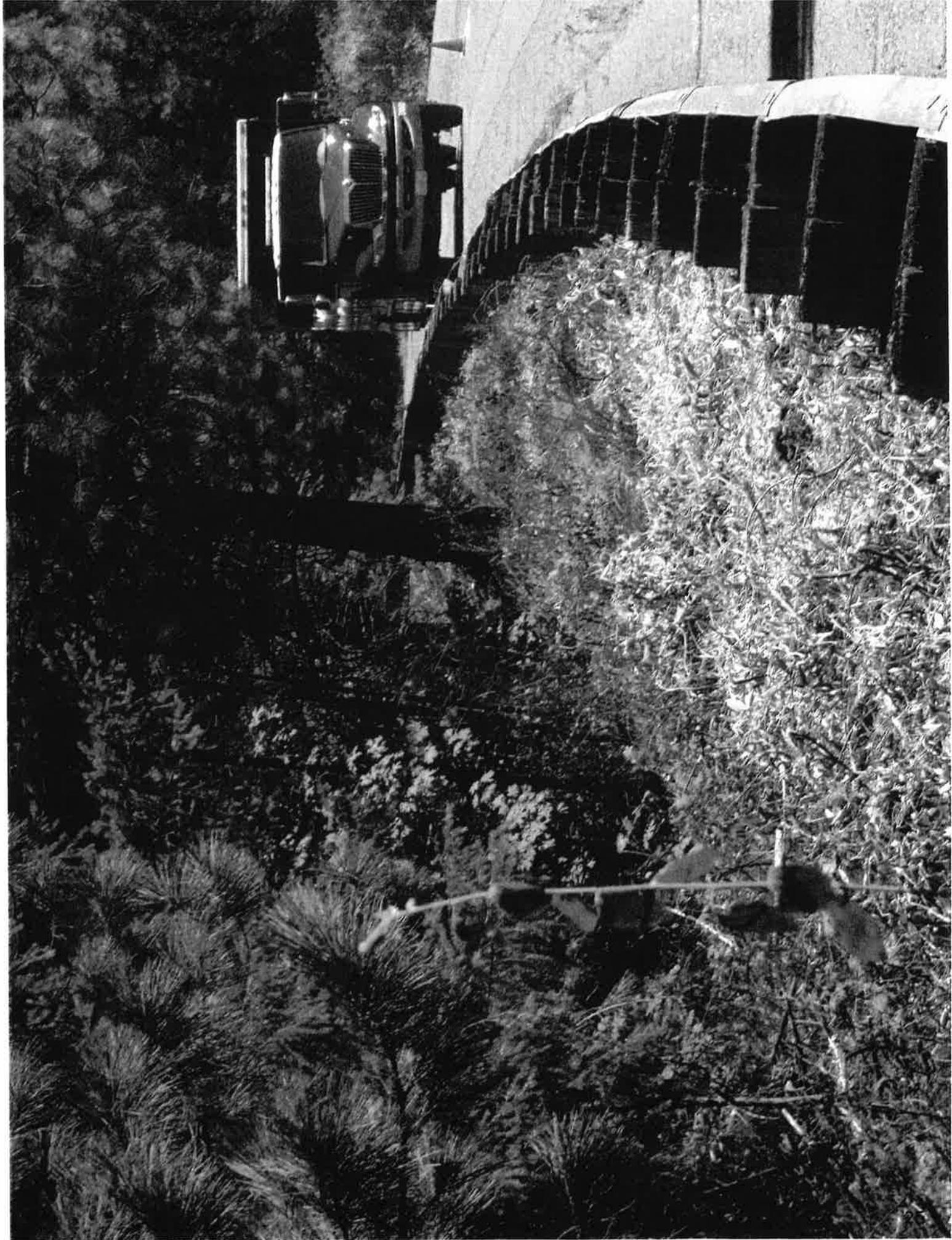












## City Council Agenda Item Old Business

**Item No:** 14A  
11.A.  
**Date:** August 11, 2016  
**Subject:** Consider and authorize painting of wall mural on north facing outside wall of City Hall building as recommended by Planning Commission (Continued from July 21, 2016 regular meeting)

The Planning Commission at their July 13, 2016 regular meeting received a presentation from Downtown Beautification Committee and artist regarding there provision for and design of mural for outside north wall of City Hall building.

The project is 100% funded with the possible exception of need for graffiti resistant covering paint when the mural is done. The attached information was presented to the Planning Commission which unanimously recommended the project for approval by the City Council.

The artist would like to begin very soon after wall surface is prepared.

There is question in the proposal about City insurances. City insurances do not cover volunteers and City will require volunteers to sign waivers before they may perform the work. Rotary Club of Dunsmuir is checking to determine if their insurance will cover the volunteers as their members are involved.

**Recommendation:** Move to authorize painting of wall mural on north facing outside wall of City Hall building as recommended by Planning Commission

## City Manager

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**From:** Julie Iskra  
**Sent:** Friday, July 22, 2016 2:04 PM  
**To:** write2us@finestplanet.com  
**Cc:** City Manager  
**Subject:** Mural

Hi Helen,

The mural discussion and possible approval was continued from last night's City Council meeting to the next Council meeting.

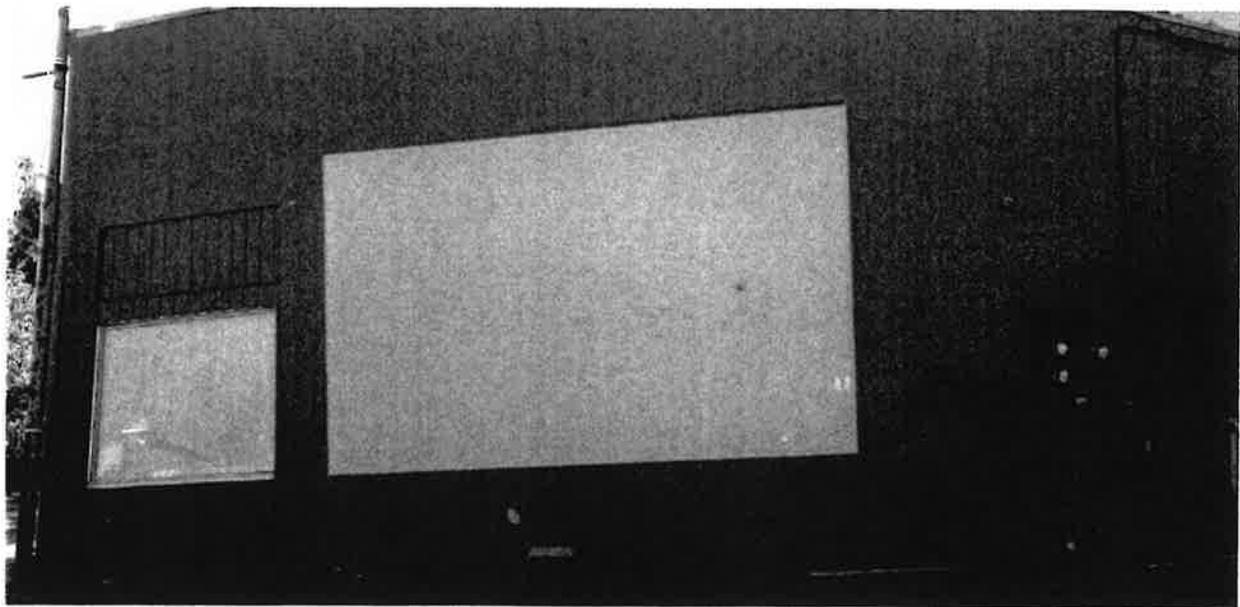
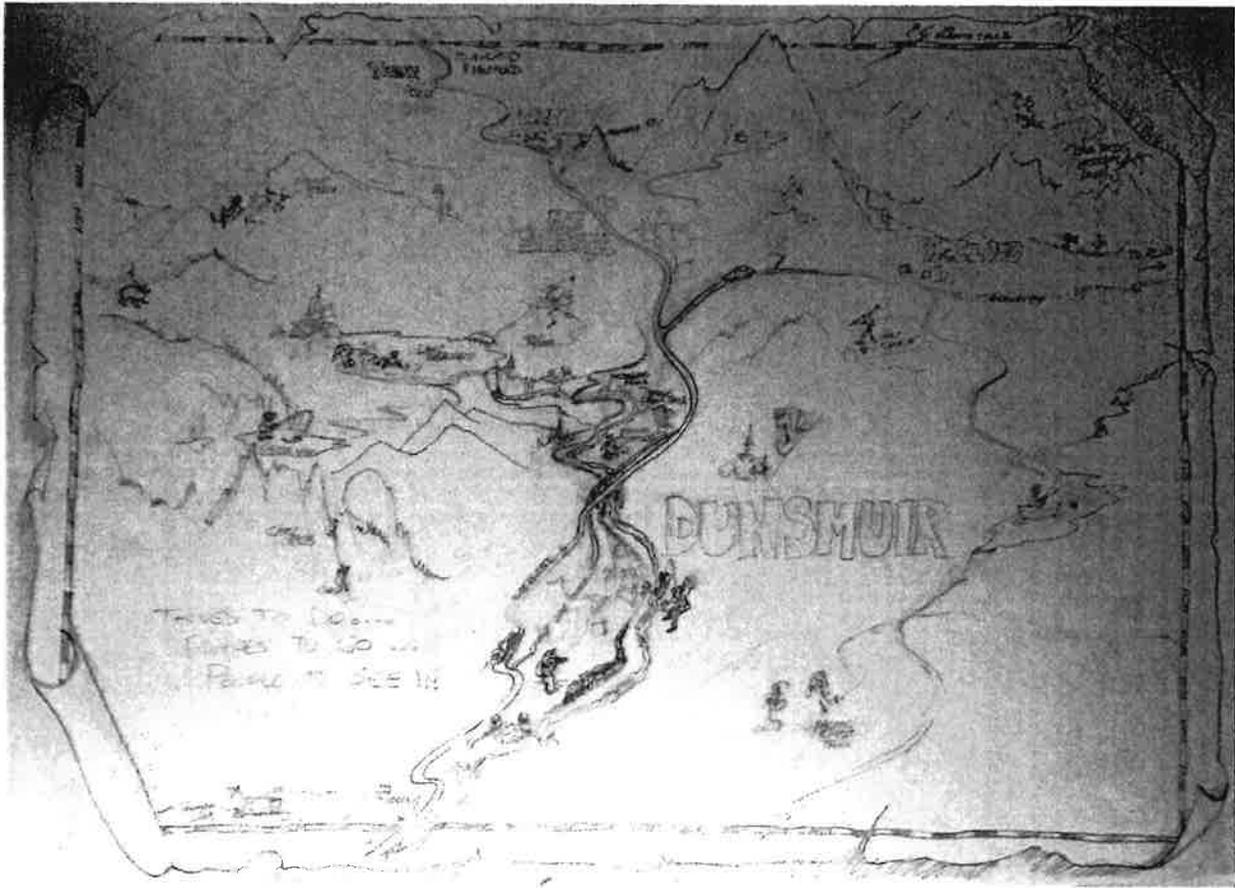
The next meeting will actually be August 11 rather than August 4 since Randy will be out of town the first week of August. Will this date work for you and Kim?

Julie

**Item 9B** – Review design and plans for mural on north wall or city hall building.

**Staff Report**  
**City of Dunsmuir Planning Commission**  
By Arlene Dinges, Planning Consultant

Date of Meeting	July 13, 2016
Item No.	9.B
Project Location	North-facing wall of city hall building
Project Description	Mural
Purpose of Review	Review design and implementation plans
Existing conditions	Wall is currently painted the same color as the rest of the building.
Applicant:	This mural is sponsored by the Shasta Regional Community Foundation and the Siskiyou Arts Museum. It is instigated and planned by the Downtown Beautification Committee which at present includes Helen Cartwright, Tim Holt, and Barbara Cross.
Design:	The mural will be 10' by 14'. Photo sample below. The full sized design, with color, will be available at the meeting.



### Materials

High quality exterior paints for base coats and for the mural design, applied by roller and a variety of brushes. The wall will be prepped before painting by Big Dave. We will be using

scaffolding to reach the higher sections. Members are currently looking into the best anti-graffiti coating to apply after the art work is completed, which will be either early or late October, depending on the weather.

Cost \$4,900. The majority of the funding comes from Shasta Regional Community Foundation with the balance raised by the committee through solicitations and donations. We have raised the total amount. Two pledges of \$500 are still outstanding but we feel confident they will come through.

Dates Scheduled to begin late July.

Other: Hopefully the City has insurance on the City Hall building to cover workers during construction.

Environmental review Not a project per CEQA

Recommendation: Review and approve design.

*early Aug to*

## City Council Agenda Item Old Business

**Item No:** 14B  
~~118.B~~  
**Date:** August 11, 2016  
**Subject:** Consider and provide direction regarding Speed Studies conducted on Dunsmuir and Sacramento Avenues by PACE Engineering (Request item be continued to September 1, 2016 regular meeting)

City Engineer Elkins will complete the report and be available at your September 1, 2016 meeting. He has been asked to determine what at the lowest speeds that can be approved.

**Recommendation:** Move to continue consideration and action on Speed Studies until September 1, 2016 regular meeting

## City Manager

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**From:** jelkins777@gmail.com  
**Sent:** Thursday, July 28, 2016 9:30 AM  
**To:** Fred Lucero; City Manager  
**Subject:** Re: Speed Zone study

Randy,

I do not have access to my May 12 email. I believe it said the following:

I can justify a lower speed (25 mph) on Sacramento Avenue and on Dunsmuir Avenue south of the pool. In order to reduce the speed limit below 35 mph north of the pool I need traffic accident data that justifies the lower speed. I will revise the report when I get the traffic accident data. Or I can revise it without the data using 25, 25, and 35.

Since it has already been 3 months, can the Council wait one more month until I return September 1? If they want it ASAP, please resend me the email with the input from the Sheriff and Bill, it will take me about a week to revise the report due to intermittent email access and the time difference.

Jim Elkins

On Jul 28, 2016, at 3:18 PM, Fred Lucero <[flucero@paceengineering.us](mailto:flucero@paceengineering.us)> wrote:

Jim,

See the question below from Randy. Let me know how to advise.

Thanks,

**Fred Lucero, P.E., P.L.S.**

Principal Engineer

<image001.png>PACE Engineering, Inc.

1730 South St., Redding, CA 96001

Ph: 530.244.0202, Fax: 530.244.1978

**From:** City Manager [<mailto:citymanager@ci.dunsmuir.ca.us>]

**Sent:** Wednesday, July 27, 2016 7:46 PM

**To:** Fred Lucero

**Subject:** Speed Zone study

Jim completed speed zone study on Dunsmuir and Sacramento Aves recently, May 4. The City Council reviewed the study and recommendations at their July 21 regular meeting.

They asked that it be made clear to them what is the lowest speeds they can adopt along these streets and still be legal.

Please let me know ASAP. I have been out of the office and I am trying to get this into next Council agenda packet.

## City Manager

---

**From:** City Manager  
**Sent:** Wednesday, July 27, 2016 7:46 PM  
**To:** Fred Lucero (flucero@paceengineering.us)  
**Subject:** Speed Zone study

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They asked that it be made clear to them what is the lowest speeds they can adopt along these streets and still be legal.

Please let me know ASAP. I have been out of the office and I am trying to get this into next Council agenda packet.

If you don't have copies of writings from Public Works Supervisor or Siskiyou County Sheriff you can get them from Julie. Jim did email on May 12 that somewhat addressed what was presented by Public Works Supervisor and Siskiyou County Sheriff.

Thanks

Randy

# City Council Agenda Item

## Old Business

**Item No:** 11.B.  
**Date:** July 21, 2016  
**Subject:** Consider and provide direction regarding Speed Studies conducted on Dunsmuir and Sacramento Avenues by PACE Engineering

Some time ago it was asked that speed studies be completed on Dunsmuir and Sacramento Avenues to enable writing of speeding tickets using radar. The speed studies were completed by City Engineer PACE Engineering. A copy of the final documents is included in your packet.

Additionally there are comments and input from Public Works Supervisor and Sgt. LaRue of the Siskiyou County Sheriff's Department.

Direction is needed as to which speeds you wish to be established as the maximum speed on these street sections.

**Recommendation:**

May 4, 2016

204.56

Paul H. Poczobut Jr.  
City Manager  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Dear Mr. Poczobut:

Subject: Dunsmuir Speed Zone Engineering and Traffic Survey

The basic speed law is stated in Section 22350 of the California Vehicle Code (CVC). "No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface width of, the highway, and in no event at a speed which endangers the safety of persons or property." Additionally, Section 22352 states several statutory speed limits that apply. For example, on local streets such as the streets in Dunsmuir, the statutory speed limit is 25 mph in any business or residential district unless a different speed is determined by local authority under procedures established by the CVC. Section 40802 of the CVC requires a speed zone be established if the speed limit is enforced using radar.

Establishing speed zones, other than statutory speed limits, requires an engineering and traffic survey. The engineering study includes an analysis of the speed distribution of free flowing vehicles in normal weather conditions. As stated in Section 2B.13 of the California Manual on Uniform Traffic Control Devices, "Speed limits need to depend on the voluntary compliance of the greater majority of motorists. Speed limits cannot be set arbitrarily low, as this would create violators of the majority of drivers and would not command the respect of the public". Speed limits are normally set near the 85<sup>th</sup> percentile, rounded to a multiple of five. CVC Sections 627, 22358.4, and 22358.5 allow a 5 mph reduction in the speed limit when certain conditions are met.

When speed limits are established from engineering studies, CVC Section 40802 recommends that local agencies conduct the studies at least once every 5 to 7 years.

PACE Engineering, Inc. (PACE) conducted speed surveys on Dunsmuir Avenue and Sacramento Avenue on February 4, 2016. PACE recommends two speed zones on Dunsmuir Avenue and two speed zones on Sacramento Avenue.

North of the Interstate 5 (I-5) underpass (located approximately 1,000 feet south of the Sacramento River) Dunsmuir Avenue is relatively straight and wide. Visibility is good and cross traffic is limited. The 85<sup>th</sup> percentile speed on the date of the survey was 35 mph. **PACE recommends establishing a speed zone on Dunsmuir Avenue north of the I-5 underpass with a speed limit of 35 mph.**

South of the I-5 underpass on Dunsmuir Avenue the traffic is generally slower due to on-street parking, especially in the downtown commercial area; increased cross traffic; commercial businesses and residences with frontage on both sides of Dunsmuir Avenue; and reduced site distances due to curves in the road. The 85<sup>th</sup> percentile speed on the date of the survey was 28 mph. **PACE recommends establishing a speed zone on Dunsmuir Avenue south of the I-5 underpass with a speed limit of 30 mph.**

Sacramento Avenue north of Pine Street is fairly narrow, with one traffic lane in each direction; however, traffic volumes are very low. With very few residences or commercial uses having frontage on this stretch of Sacramento Avenue, there is very little on-street parking or cross traffic. The 85<sup>th</sup> percentile speed on the date of the survey was 28 mph. **PACE recommends establishing a speed zone on Sacramento Avenue north of Pine Street with a speed limit of 30 mph.**

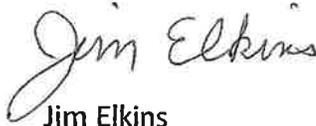
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The recommendations described above are summarized on the following two pages. We recommend that the City Council adopt these speed zones for a period of seven years.

Please call me if you have any questions.

Sincerely,



Jim Elkins  
Principal Engineer

JCE

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**Engineering and Traffic Survey  
of  
Dunsmuir Avenue  
Dunsmuir, CA**

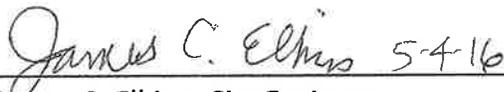
Survey Date: February 4, 2016  
7-year Expiration: February 4, 2023

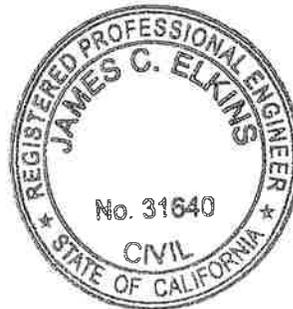
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Based on the results of this E&TS, the following speed zones on Dunsmuir Avenue are recommended:

- 35 mph north of the Interstate 5 underpass (approximately 1,000 feet south of the Sacramento River)
- 30 mph south of the Interstate 5 underpass

Appropriate signs giving notice of the above speed zoning should be placed and the stated speed limit(s) made effective upon the placement of such signs.

  
James C. Elkins, City Engineer



**Engineering and Traffic Survey  
of  
Sacramento Avenue  
Dunsmuir, CA**

Survey Date: February 4, 2016  
7-year Expiration: February 4, 2023

For the determination of safe and reasonable speed zoning as required by Sections 22358 and 40802 of the California Vehicle Code (CVC), as defined by Section 627 of the CVC and in accordance with Section 2B.13 of the California Manual on Uniform Traffic Control Devices, this Engineering and Traffic Survey (E&TS) was initiated to verify or modify speed zones on Sacramento Avenue.

Based on the results of this E&TS, the following speed zones on Sacramento Avenue are recommended:

- 30 mph north of Butterfly Avenue
- 25 mph south of Butterfly Avenue

Appropriate signs giving notice of the above speed zoning should be placed and the stated speed limit(s) made effective upon the placement of such signs.

  
James C. Elkins, City Engineer



M:\Jobs\0204\0204.56 Speed Survey\Recommended Speed-Sacramento Ave.docx

## City Manager

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**From:** Jim Elkins <jelkins@paceengineering.us>  
**Sent:** Thursday, May 12, 2016 1:39 AM  
**To:** City Manager; Julie Iskra  
**Cc:** Fred Lucero  
**Subject:** Dunsmuir Speed Study  
**Attachments:** 20160511122429.pdf; ATT00001.htm

Hello Paul and Julie,

Thank you for the feedback on the speed study.

I can justify lowering the speed limit on all of Sacramento Avenue and South Dunsmuir Avenue to 25 mph. The 85th percentile speed in those areas was measured at 28 mph, which rounded to 30 mph. If it had been 27 mph it would have rounded to 25 mph. It is a small statistical difference. Additionally, CVC section 21400B allows the speed limit to be rounded down if no other reductions are used.

I can also justify moving the limit of the southerly speed limit zone on Dunsmuir Avenue from the I-5 underpass to the entrance to Dunsmuir City Park based on the information provided by Bill Willman and Officer LaRue.

The 85th percentile speed north of Dunsmuir city park is 35 mph. 15% of the drivers are already exceeding that speed. I need legal justification to lower the speed limit 5 mph to 30 mph. For example, if Officer LaRue could provide specific accident data over the past five years showing a significant problem that could be alleviated by lower speeds. The accident data I reviewed indicated there have been 55 accidents on all of Dunsmuir Avenue over the past five years, but the data did not include the locations, the severity of the accidents, or the number of injuries, including deaths. I am unable to justify lowering the speed limit 10 mph to 25 mph. Alternatively, the city Council could choose to leave the speed limit at the statutory limit of 25 mph. However, radar could not be used to enforce this limit.

I will wait to receive the additional accident data before revising the report.

Thank you for giving me the opportunity to address these concerns.

Sincerely,

Jim Elkins

Begin forwarded message:

**From:** Julie Iskra <[utilitybilling@ci.dunsmuir.ca.us](mailto:utilitybilling@ci.dunsmuir.ca.us)>  
**Date:** May 11, 2016 at 9:26:34 PM GMT+2  
**To:** Jim Elkins <[jelkins@paceengineering.us](mailto:jelkins@paceengineering.us)>  
**Subject:** Traffic Study

Hi Jim,

Paul Poczobut asked me to forward the attached concerns about the Traffic Study from our Public Works Supervisor, Bill Willman and our Sgt with the Sheriff's Dept, Jeremiah LaRue.

Paul would appreciate your feedback on these comments.

Many thanks,

Julie

May 10, 2016

Paul,

The PACE speed zone/traffic survey report is a well done survey, in my opinion.

I do have some reservations about increasing the speed limit on some of the roads that have been recommended for speed limit increases. The 800' bridge north: at the north end of the bridge (north bound) we have a gas station, a restaurant and a small fast food business as well as the swimming pool and the Dunsmuir ballpark. There are on occasion "choke" points at YAKS restaurant where the road narrows when all parking spaces are full, the gas station when busy can have cars/trucks waiting to get into the islands and at times intrude onto Dunsmuir Ave. Also, when the swimming pool/ballpark is open there is an increased amount of pedestrian traffic in and around the area. This would hold true for southbound traffic from Cave Springs Motel to the end of the south end of the 800' bridge. From Cave Springs north I would like to recommend leaving as is or only increase to 30 mph.

I recommend leaving Florence Loop south to the south City limits at 25 mph, due to the residential housing as well as the business district being in this area and soon, hopefully, a Dollar General Store at the Florence Loop – Dunsmuir Ave intersection. The Sacramento Ave areas that have been identified may support a speed limit increase but from a personal standpoint I would like to see them remain as they currently are.

Ultimately, this will be yours and Council's decision to make and we will follow whatever direction we are given. One another note, braking/stopping time will increase with each 5 mph increment (see attachment).

Thank you,

Bill Willman

## Julie Iskra

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**From:** Jeremiah LaRue <Jeremiah.LaRue@siskiyousheriff.org>  
**Sent:** Tuesday, May 10, 2016 12:49 PM  
**To:** Julie Iskra  
**Subject:** Speed Recommendations

Paul H. Poczobut, Jr.  
City Manager  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Mr. Poczobut:

After review of the recent *Speed Zone and Engineering and Traffic Survey* report completed by PACE Engineering, Inc., dated May 4, 2016, the following are my recommendations representing the Siskiyou County Sheriff's Office:

1. Dunsmuir Avenue north of the Interstate 5 underpass:

Because of the higher volume of vehicles entering and exiting the gas station, and the on-street parking, the section between Stagecoach Road and Pioneer Way can become congested. Further, during the summer months, a large number of children are in the area due to the swimming pool being open. An increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

2. Dunsmuir Avenue south of Interstate 5 underpass:

Because of the curves in the road, bus stops, crosswalks, downtown business district, and on-street parking, an increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

3. Sacramento Avenue north of Pine Street

Because of the narrow roadway, curves in road, on-street parking, and steep grade, an increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

4. Sacramento Avenue between Butterfly Avenue and Pine Street:

Because of the narrow roadway, on-street parking, and the Amtrak Station entrance, an increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

5. Sacramento Avenue south of Butterfly Avenue

Because of the narrow roadway and steep grade, an increase in the speed limit through this area is not recommended.

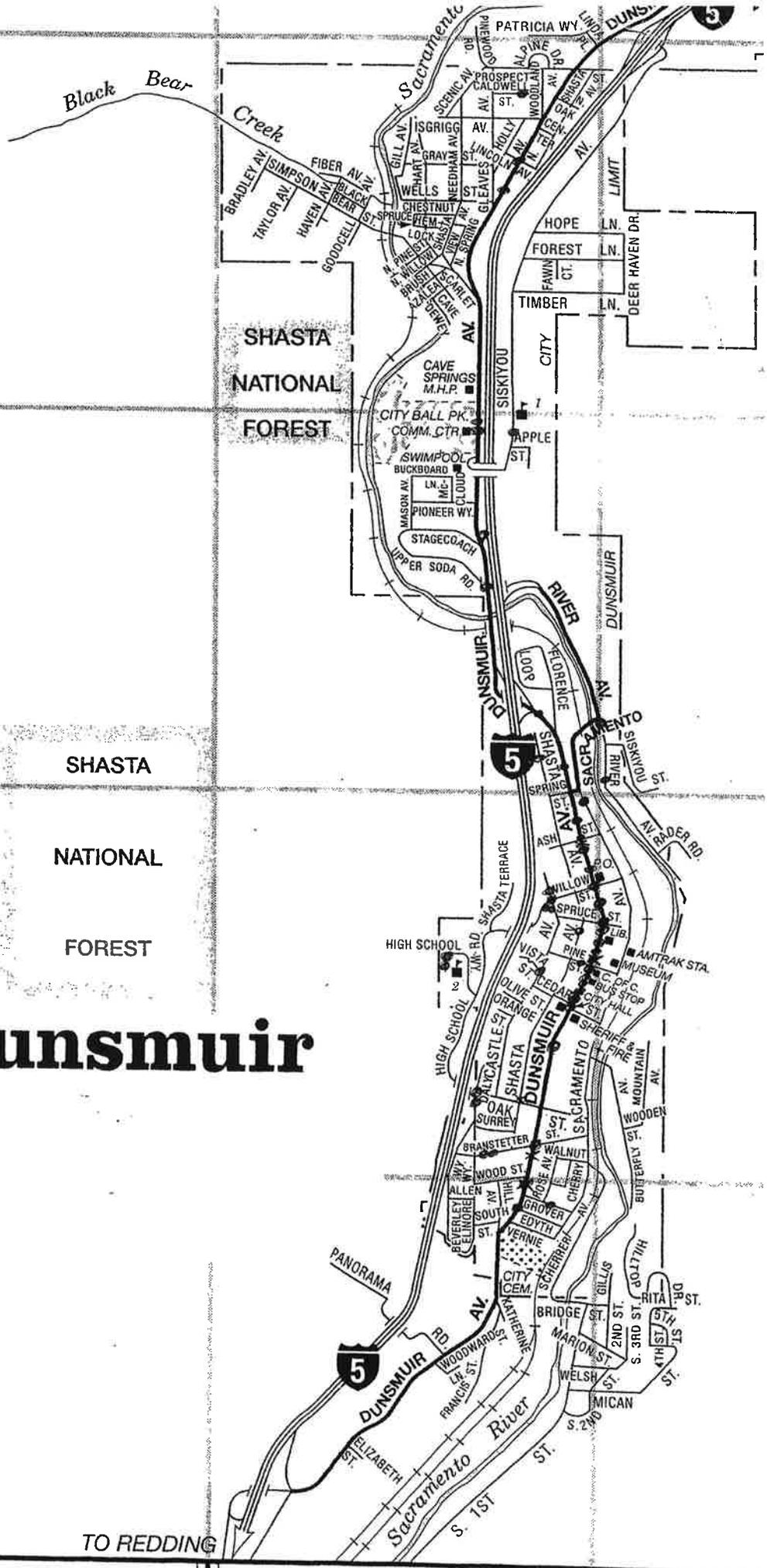
**Recommendation:     Keep current 25 mph speed limit**

Sincerely,

Jeremiah LaRue  
Dunsmuir Supervisor  
Siskiyou County Sheriff's Office

# Dunsmuir

● VEHICLE DAMAGE ONLY  
 \* MODERATE / NOISEY



TO REDDING





## ACCIDENT QUERY LIST

03/24/2010 16:00	31000071	3100071	1366	SACRAMENTO AVENUE
02/12/2010 20:26	31000045	31000045	2495	DUNSMUIR AVE
12/15/2009 00:00	30090326	3090326	1075	OAK STREET
11/18/2009 13:25	30090308	3090308	1075	CASTLE AVENUE
10/31/2009 13:35	30090291	3090291	2330	SACRAMENTO AVE
10/18/2009 15:36	30090279	3090279	2330	DUNSMUIR AVE
07/20/2009 10:57	30090202	3090202	2495	DUNSMUIR AVE
07/19/2009 11:29	30090201	3090201	2232	5600 BLOCK OF DUNSMUIR AVE DUNSMUIR, CA.
06/19/2009 17:30	3-09-0173	3090173	2272	4800 BLOCK OF DUNSMUIR AVE
04/24/2009 16:30	30090126	3090126	2272	

**TOTAL ACCIDENTS: 55**

# City Council Agenda Item

## Old Business

**Item No:** 11.B.  
**Date:** July 21, 2016  
**Subject:** Consider and provide direction regarding Speed Studies conducted on Dunsmuir and Sacramento Avenues by PACE Engineering

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Additionally there are comments and input from Public Works Supervisor and Sgt. LaRue of the Siskiyou County Sheriff's Department.

Direction is needed as to which speeds you wish to be established as the maximum speed on these street sections.

**Recommendation:**

May 4, 2016

204.56

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City Manager  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

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**Subject: Dunsmuir Speed Zone Engineering and Traffic Survey**

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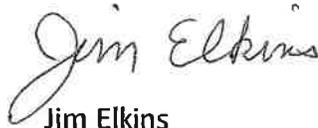
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The recommendations described above are summarized on the following two pages. We recommend that the City Council adopt these speed zones for a period of seven years.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jim Elkins".

Jim Elkins  
Principal Engineer

JCE

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**Engineering and Traffic Survey  
of  
Dunsmuir Avenue  
Dunsmuir, CA**

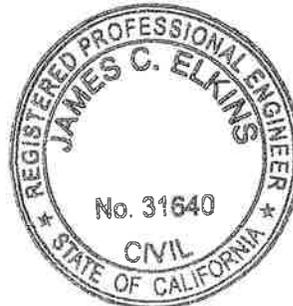
Survey Date: February 4, 2016  
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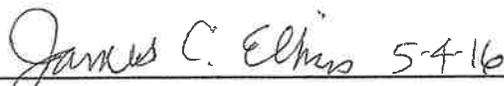
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James C. Elkins, City Engineer

**Engineering and Traffic Survey  
of  
Sacramento Avenue  
Dunsmuir, CA**

Survey Date: February 4, 2016  
7-year Expiration: February 4, 2023

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\_\_\_\_\_  
James C. Elkins, City Engineer



## City Manager

---

**From:** Jim Elkins <jelkins@paceengineering.us>  
**Sent:** Thursday, May 12, 2016 1:39 AM  
**To:** City Manager; Julie Iskra  
**Cc:** Fred Lucero  
**Subject:** Dunsmuir Speed Study  
**Attachments:** 20160511122429.pdf; ATT00001.htm

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I will wait to receive the additional accident data before revising the report.

Thank you for giving me the opportunity to address these concerns.

Sincerely,

Jim Elkins

Begin forwarded message:

**From:** Julie Iskra <[utilitybilling@ci.dunsmuir.ca.us](mailto:utilitybilling@ci.dunsmuir.ca.us)>  
**Date:** May 11, 2016 at 9:26:34 PM GMT+2  
**To:** Jim Elkins <[jelkins@paceengineering.us](mailto:jelkins@paceengineering.us)>  
**Subject:** Traffic Study

Hi Jim,

Paul Poczobut asked me to forward the attached concerns about the Traffic Study from our Public Works Supervisor, Bill Willman and our Sgt with the Sheriff's Dept, Jeremiah LaRue.

Paul would appreciate your feedback on these comments.

Many thanks,

Julie

May 10, 2016

Paul,

The PACE speed zone/traffic survey report is a well done survey, in my opinion.

I do have some reservations about increasing the speed limit on some of the roads that have been recommended for speed limit increases. The 800' bridge north: at the north end of the bridge (north bound) we have a gas station, a restaurant and a small fast food business as well as the swimming pool and the Dunsmuir ballpark. There are on occasion "choke" points at YAKS restaurant where the road narrows when all parking spaces are full, the gas station when busy can have cars/trucks waiting to get into the islands and at times intrude onto Dunsmuir Ave. Also, when the swimming pool/ballpark is open there is an increased amount of pedestrian traffic in and around the area. This would hold true for southbound traffic from Cave Springs Motel to the end of the south end of the 800' bridge. From Cave Springs north I would like to recommend leaving as is or only increase to 30 mph.

I recommend leaving Florence Loop south to the south City limits at 25 mph, due to the residential housing as well as the business district being in this area and soon, hopefully, a Dollar General Store at the Florence Loop – Dunsmuir Ave intersection. The Sacramento Ave areas that have been identified may support a speed limit increase but from a personal standpoint I would like to see them remain as they currently are.

Ultimately, this will be yours and Council's decision to make and we will follow whatever direction we are given. One another note, braking/stopping time will increase with each 5 mph increment (see attachment).

Thank you,

Bill Willman

## Julie Iskra

---

**From:** Jeremiah LaRue <Jeremiah.LaRue@siskiyousheriff.org>  
**Sent:** Tuesday, May 10, 2016 12:49 PM  
**To:** Julie Iskra  
**Subject:** Speed Recommendations

Paul H. Poczobut, Jr.  
City Manager  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Mr. Poczobut:

After review of the recent *Speed Zone and Engineering and Traffic Survey* report completed by PACE Engineering, Inc., dated May 4, 2016, the following are my recommendations representing the Siskiyou County Sheriff's Office:

1. Dunsmuir Avenue north of the Interstate 5 underpass:

Because of the higher volume of vehicles entering and exiting the gas station, and the on-street parking, the section between Stagecoach Road and Pioneer Way can become congested. Further, during the summer months, a large number of children are in the area due to the swimming pool being open. An increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

2. Dunsmuir Avenue south of Interstate 5 underpass:

Because of the curves in the road, bus stops, crosswalks, downtown business district, and on-street parking, an increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

3. Sacramento Avenue north of Pine Street

Because of the narrow roadway, curves in road, on-street parking, and steep grade, an increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

4. Sacramento Avenue between Butterfly Avenue and Pine Street:

Because of the narrow roadway, on-street parking, and the Amtrak Station entrance, an increase in the speed limit through this area is not recommended.

**Recommendation: Keep current 25 mph speed limit**

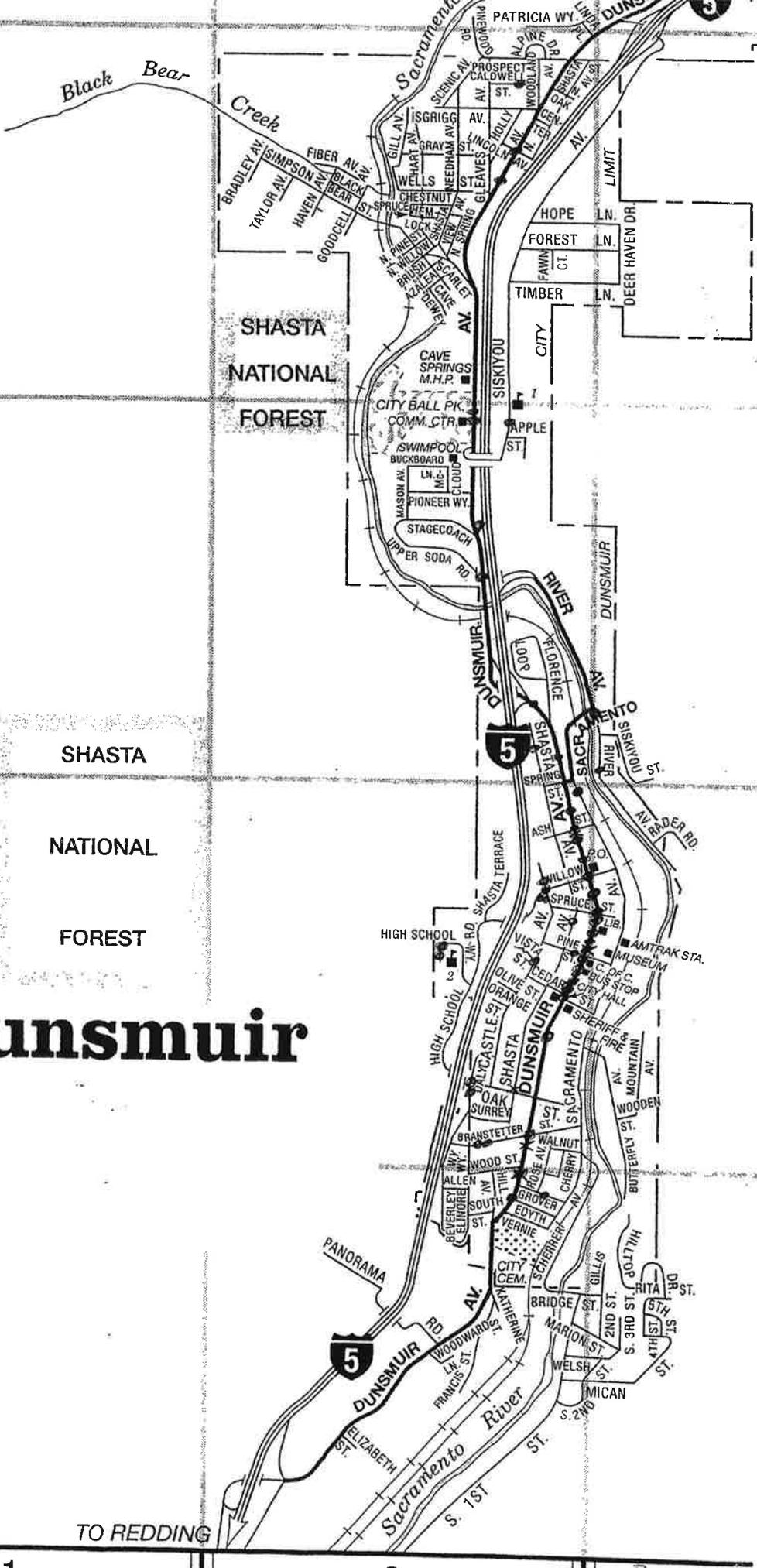
5. Sacramento Avenue south of Butterfly Avenue

Because of the narrow roadway and steep grade, an increase in the speed limit through this area is not recommended.

**Recommendation:      Keep current 25 mph speed limit**

Sincerely,

Jeremiah LaRue  
Dunsmuir Supervisor  
Siskiyou County Sheriff's Office



# Dunsmuir

VEHICLE DAMAGE ONLY  
 \* MODERATE INJURY

TO REDDING



**ACCIDENT QUERY LIST**

**ACCIDENT NO.**  
**AGENCY**  
**LOCATION ON:**  
**DISTRICT**  
**LAST NAME**  
**DL NO.**  
**VEHICLE**  
**PC FACTOR**  
**NARRATIVE**

**OFFICER**  
**CASE NO. 3%**  
**AT:**  
**ZONE**  
**AGE**  
**INVOLV.**  
**MAKE**  
**COLL.TYPE**

**DATE** 01/16/2009 to 05/16/2016

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fatal                | <input type="checkbox"/> Private Property     | <input type="checkbox"/> EMS at Scene     |
| <input type="checkbox"/> Personal Injury      | <input type="checkbox"/> Public Trafficway    | <input type="checkbox"/> Officer at Scene |
| <input type="checkbox"/> Property Damage Only | <input type="checkbox"/> Alcohol/Drug Related | <input type="checkbox"/> Hit and Run      |
- Commercial Vehicle  
 Towed  
 Carrying Hazardous Material  
 Check Supplements, Also

DATE	ACCIDENT NO.	CASE NO.	OFFICER	LOCATION
03/12/2016 00:16	31060034	3160034	2330	DUNSMUIR AVE.
03/08/2016 00:00	31060020	3160020	1407	5175 SHASTA AVE
12/22/2015 16:12	31050205	3150205	1574	CASTLE AVE (ST. JOHN'S CATHOLIC CHURCH)
12/22/2015 16:12	31501205	3150205	1574	CASTLE AVE (ST. JOHN'S CATHOLIC CHURCH)
09/17/2015 00:00	31050159	3150159	2469	4829 SISKIYOU AVENUE
09/10/2015 00:00	31500149	3150149		OAK ST
09/01/2015 13:50	31050148	3150148	1655	SACRAMENTO AVE.
08/15/2015 12:00	31050140	3150140	1407	DUNSMUIR AVE.
06/04/2015 00:00	31500094	3150094	2844	OAK ST.
01/09/2015 14:27	31500005	3150005	2844	DUNSMUIR AVE.
12/23/2014 13:35	31040197	3140197	1537	DUNSMUIR AVE
12/17/2014 11:04	31040193	3140193	2469	DUNSMUIR AVENUE
05/10/2014 15:32	31040084	3140084	2769	DUNSMUIR AVE. 587 FEET SOUTH OF WOOD ST
04/23/2014 07:40	31040068	3140068	1884	DUNSMUIR AVENUE
03/21/2014 11:27	31040051	3140051	2844	IN FRONT OF 5335 DUNSMUIR AVE.
03/16/2014 00:00	31040044	3140044	1537	RUVER AVE
02/07/2014 16:01	31040024	3140024	2844	DUNSMUIR AVE.
02/05/2014 13:13	14000005	3140022	2844	SHASTA AVE.
01/04/2014 08:12	31040001	3140001	2469	DUNSMUIR AVENUE
12/06/2013 20:11	31030250	3130250	1670	4334 BRANSTETTER AVENUE
12/06/2013 19:00	31030251	3130251	1670	4334 BRANSTETTER
12/06/2013 17:49	31030249	3130249	1670	WILLOW STREET
11/25/2013 18:10	31030243	3130243	1884	IN FRONT OF 5827 DUNSMUIR AVENUE
09/29/2013 11:23	31030209	3130209	1670	S/B DUNSMUIR AVENUE
09/29/2013 11:23	3-13-0209	3-13-0209	1670	S/B DUNSMUIR AVENUE
04/22/2013 19:41	31030080	3130080	2373	DUNSMUIR AVE. AT THE S/B I-5 OFF RAMP
10/02/2012 17:45	31200192	3120192	1544	4119 GROVER STREET
09/21/2012 15:18	31020184	3120184	1655	DUNSMUIR AVE
07/12/2012 00:00	31020140	3120140	1366	DUNSMUIR AVENUE
03/04/2012 00:00	31020049	3120049	2330	
01/18/2012 10:19	31020013	3120013	1537	PINE ST
07/24/2011 19:18	31010197	3110197	2330	DUNSMUIR AVE
06/11/2011 18:38	31010147	3110147	2272	DUNSMUIR CITY PARK
03/26/2011 20:36	31100093	3110093	2202	4835 DUNSMUIR AVENUE
03/25/2011 00:00	1103260023	3110092	1075	DUNSMUIR AVENUE
03/14/2011 15:30	31100080	3110080	2202	5420 DUNSMUIR AVENUE
03/11/2011 17:30	31100077	3110077	1884	DUNSMUIR AVENUE IN FRONT OF 5838
12/08/2010 04:11	31000282	3100282	2202	DUNSMUIR AVENUE
11/20/2010 14:15	31000268	3100268	2202	4510 DUNSMUIR AVENUE
09/03/2010 17:00	31000197	3100197	1075	CALDWELL AVENUE
08/21/2010 25:00	31000185	3100185	2330	5902 DUNSMUIR AVE.
05/29/2010 16:15	31000116	3100116	2330	DUNSMUIR AVE. JUST NORTH OF CEDAR ST
05/13/2010 00:00	31000100	3100100	2495	5805 HIGH SCHOOL WAY (PARKING LOT)
04/12/2010 13:35	31000081	3100081	1407	5805 DUNSMUIR AVE.
04/07/2010 03:00	31000079	3100079	1407	5805 HIGH SCHOOL WAY



## ACCIDENT QUERY LIST

03/24/2010 16:00	31000071	3100071	1366	SACRAMENTO AVENUE
02/12/2010 20:26	31000045	31000045	2495	DUNSMUIR AVE
12/15/2009 00:00	30090326	3090326	1075	OAK STREET
11/18/2009 13:25	30090308	3090308	1075	CASTLE AVENUE
10/31/2009 13:35	30090291	3090291	2330	SACRAMENTO AVE
10/18/2009 15:36	30090279	3090279	2330	DUNSMUIR AVE
07/20/2009 10:57	30090202	3090202	2495	DUNSMUIR AVE
07/19/2009 11:29	30090201	3090201	2232	5600 BLOCK OF DUNSMUIR AVE DUNSMUIR, CA.
06/19/2009 17:30	3-09-0173	3090173	2272	4800 BLOCK OF DUNSMUIR AVE
04/24/2009 16:30	30090126	3090126	2272	

**TOTAL ACCIDENTS: 55**

## City Council Agenda Item Old Business

**Item No:** J4C  
11.C.  
**Date:** August 11, 2016  
**Subject:** Consider and approve form and process to request Transactions and Use Tax proceeds grants

Included in your packets is a simplified form to allow for requests to be provided to the City Council when considering allocation of funds from the Transactions and Use tax imposed in 2015 and for which monies are now being forwarded to the City by State Board of Equalization.

At the time of passage it was estimated that annual proceeds should be about \$36,000. As this is general tax not special, the funds are allocated to City general fund and may not be restricted to a special purpose. A special tax would have required a 2/3 majority vote. The general tax passed with a 50% majority vote requirement.

Expenses to date to implement the tax have included about \$10,000 for election and about \$8,000 for Board of Equalization to implement collection of the tax and reporting thereof. The \$8,000 was taken out of the proceeds before moneys were sent to City. The cost of election has not yet been reimbursed to City general fund.

The intent of City Council that originated this tax was to use funds to assist non-profit or governmental programs serving Dunsmuir residents. Of course the sitting City Council may change this direction at any time though proceeds may not be allocated in a manner that would be considered gift of public funds.

The tax will be collected for 10 years, then sunset. Another election could be conducted at that time to extend the tax.

It is suggested that applications be accepted every three months to allocate funds received for that quarter. Board of Equalization will forward funds monthly but makes adjustments for actual funds received at the end of each fiscal quarter.

**Recommendation:** Move to approve application form and set date of September 1, 2016 as deadline for applications to be considered for first allocation of funds actually received by City as of that date.



5915 Dunsmuir Ave  
Dunsmuir, CA 96025  
530.235.4822  
530.235.4824 fax

## City of Dunsmuir

20\_\_ / 20\_\_ Application Form

### Transactions and Use Tax (TUT) Grant Request

Instructions: One application to be completed for each project

#### Organization:

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

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

#### Project:

Name of Project: \_\_\_\_\_

Purpose of Project (check one):

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> Education  | <input type="checkbox"/> Economic Enhancements |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Community Events      |
| <input type="checkbox"/> Other      |  |

Type of project (check one):

- Purchase of equipment of installation of improvement
- Maintenance of Equipment or improvement previously purchased with TUT
- Annual funding for current operation of program
- One-time funding for event or operation
- Other \_\_\_\_\_

Project description \_\_\_\_\_

Funding Request: \$ \_\_\_\_\_

If submitting request for more than one project, our organization considers this project a (first, second, third, etc. ) \_\_\_\_\_ priority.

Please attach to this application a proposed budget that details the expenditure of the requested funds. You may also attach any other information you feel will be helpful in weighing this application with others. If prior year funding has been expended, a copy of the final report shall be submitted.

Submitted by: \_\_\_\_\_

## City Council Agenda Item Public Hearing Staff Report

**Item No:** 11.B.  
**Date:** May 7, 2015  
**Subject:** Consider request from Library supporters and Community Center supporters for Transactions and Use Tax; conduct public hearing then consider Ordinance No. 545 by authorizing reading by number and title only and approving first reading thereof, and set May 21 for second reading and consideration of adoption

At your March 5 regular meeting staff was asked to contact Friends of the Library and Dunsmuir Recreation and Parks District regarding their thoughts about and support for a Transactions and Use tax increase. City staff met with both bodies.

Friends of the Library are requesting that a general tax measure be put forward with the hope that this and future City Councils will use some of the proceeds to support continuation of Library services in the City of Dunsmuir. Siskiyou County has advised that no financial support will be available for the Library in current year and little hope is seen for financial support in the future. The Friends recommend the measure be put before the voters in November 2015 at .5% for 10 years. It is their understanding that .5% should generate about \$36,000 per year of which the Library would hope to receive \$18,000.

Dunsmuir Recreation and Parks District Board will meet May 6 to finalize a recommendation. A report from them will be provided at your meeting.

The options available are general or special tax. General tax only requires 50% voter approval and special tax requires 66% voter approval. A general tax provides proceeds to the City to be appropriated each year as determined by the City Council. A special tax provides proceeds may only be used for specific purposes, Library and Community Center.

Further options are amount of tax in increments of 0.125% up to 2%; length of time tax to be assessed which could include forever; and date of election.

As you will recall a general tax election was attempted in 2014 which passed with 62% voter approval. Unfortunately the ordinance passed to implement the tax was flawed.

The anticipated cost for the election on this measure in November is \$10,000. The draft Ordinance in your packets is based on request of Friends of the Library and anticipates Dunsmuir Recreation and Parks District will concur. If any changes are made, you can proceed with the public hearing and first reading of Ordinance No. 545 as amended.

**Recommendations:** Move to approve request of Library supporters and Community Center supporters for Transactions and Use Tax measure to be placed on November 2015 ballot.

After close of public hearing, move to approve reading of Ordinance No. 545 by number and title only (this must be unanimous vote or ordinance will need to be read in entirety)

If above motion successful, move to approve first reading of Ordinance No. 545, An Ordinance of the City Council of the City of Dunsmuir Imposing a Transactions and Use Tax to be administered by the State Board of Equilization.

Move to set May 21, 2015 for second reading of Ordinance No. 545 and consideration of adoption thereof.

**RESOLUTION NO. 2015-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR CALLING FOR AN ELECTION ON NOVEMBER 3, 2015 TO APPROVE A ONE-HALF OF ONE PERCENT (0.50%) TRANSACTIONS AND USE TAX WITHIN THE CITY OF DUNSMUIR AND FINDING THAT THIS MEASURE IS NOT SUBJECT TO CEQA**

**WHEREAS**, City of Dunsmuir placed a measure on November 2014 ballot to impose increase in local sales tax; and

**WHEREAS**, due to procedural issues that tax increase could not be implemented; and

**WHEREAS**, this City Council heard presentations from Friends of the Library and Dunsmuir Recreation and Parks District about needs for additional funding; and

**WHEREAS**, it was recommended and the City Council concurs that a general Transactions and Use Tax increase would provide additional general fund monies that could be used to benefit Dunsmuir Library, programs of the Dunsmuir Recreation and Parks District including Community Center, other community programs, and general fund supported activities of the City; and

**WHEREAS**, the City Council adopted Ordinance No. 545 that shall impose a one-half of one percent (0.50%) Transactions and Use Tax within the City of Dunsmuir if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose; and

**WHEREAS**, pursuant to the Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the County to permit the County Elections Official to render specified services to the City relating to the conduct of a special election; and

**WHEREAS**, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

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

SECTION I. The Siskiyou County Board of Supervisors is asked to permit and direct the County Elections Official to conduct a special election for the City of Dunsmuir regarding imposition of Transactions and Use Tax.

SECTION II. The following question shall be submitted to the voters of the City of Dunsmuir and shall appear on the special election ballot and read as follows:

Shall the City of Dunsmuir impose a Transactions and Use Tax of one-half of one percent (0.50%) of the gross receipts of any sale or use pursuant to Revenue and Taxation Code Section 7285.9 to fund general operations of the City of Dunsmuir including supporting the Dunsmuir Library, Dunsmuir Recreation and Parks District activities including the Community Center, and other eligible projects and/or services within the City of Dunsmuir.	YES	NO
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SECTION III. The Siskiyou Board of Supervisors is also asked to permit and direct the Siskiyou County Elections Official to provide all related election services for conducting the requested special election.

SECTION IV. Pursuant to the Election Code, the City of Dunsmuir shall reimburse the County is full for services performed by the County Elections Official in rendering special election services for this ballot question.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Dunsmuir City Council held the 2nd day of July, 2015 by the following vote to wit:

AYES: Craig, Deutsch, Spurlock, Keisler

NOES: None

ABSTAIN: None

ABSENT: Syrrist

s/Dave Keisler, Mayor

ATTEST: s/Julie Iskra, Deputy City Clerk



## City Council Agenda Item Old Business

**Item No:** ~~11.D.~~ 14D  
**Date:** August 11, 2016  
**Subject:** Consider and pass first reading of Ordinance No. implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code

This is follow up to agenda item presented at your previous meeting. The Governor has declared a continuing emergency related to water in California. Staff has checked with surrounding cities and they have also continued conservation of water restrictions that were imposed last year. Ordinance No. 547 was adopted in early 2015 and sunset in February 2016. This new ordinance will impose the same restrictions as last year.

**Recommendation:** Move to introduce Ordinance No. and read by title and number only.

Move to pass first reading of 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

**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. On May 9, 2016, the Governor of the State of California issued Executive Order B-37-16 making water conservation a California way of life; and

5. 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

6. 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

7. 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 the 11<sup>th</sup> day of August, 2016, by the following vote:

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

**Final passage and adoption** by the Dunsmuir City Council occurred at a regular Dunsmuir City Council meeting held the 1<sup>st</sup> day of September, 2016 by the following vote:

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

---

Josh Spurlock, Mayor

ATTEST:

---

Julie Iskra, City Clerk

## City Manager

---

**From:** Parish Cross <pcross@mtshastaca.gov>  
**Sent:** Thursday, July 28, 2016 8:50 AM  
**To:** City Manager  
**Subject:** RE: Water Conservation

Randy,  
Per my Public Works Director, he stated that we in Mt. Shasta has continued to adopt the conservation measures for 2016.  
Parish Cross

**From:** City Manager [mailto:citymanager@ci.dunsmuir.ca.us]  
**Sent:** Wednesday, July 27, 2016 8:57 PM  
**To:** Parish Cross <pcross@mtshastaca.gov>  
**Subject:** FW: Water Conservation

**From:** City Manager  
**Sent:** Wednesday, July 27, 2016 8:54 PM  
**To:** 'pcross@mtshasta.gov' <pcross@mtshasta.gov>; 'Steven Baker' <Sbaker@ci.yreka.ca.us>; 'stock@ci.weed.ca.us' <stock@ci.weed.ca.us>  
**Subject:** Water Conservation

Last year we were required to impose water conservation measures on our constituents. Dunsmuir Ordinance doing so lasted until February of 2016. Governor's Executive Order B-37-16 seems to require us to re-adopt those conservation measures. What are your cities doing or have done for 2016?

Randy L. Johnsen  
Interim City Manager  
(530) 235-4822 x 103  
[citymanager@ci.dunsmuir.ca.us](mailto:citymanager@ci.dunsmuir.ca.us)

## City Manager

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**From:** Steven Baker <Sbaker@ci.yreka.ca.us>  
**Sent:** Thursday, July 28, 2016 8:05 AM  
**To:** City Manager  
**Subject:** RE: Water Conservation

Randy:

The Water Board enacted new rules that allow cities to self certify on their supplies. We submitted our self certification quite a while ago, but they have not yet processed it. The date that they estimated was "end of July"

There might be different rules for smaller cities, but it is worth doing if you have the supplies.

So today, we are technically under the old rules until they process our application.

Let me know if you need further information.

Steve

**From:** City Manager [mailto:citymanager@ci.dunsmuir.ca.us]  
**Sent:** Wednesday, July 27, 2016 8:55 PM  
**To:** pcross@mtshasta.gov; Steven Baker <Sbaker@ci.yreka.ca.us>; stock@ci.weed.ca.us  
**Subject:** Water Conservation

Last year we were required to impose water conservation measures on our constituents. Dunsmuir Ordinance doing so lasted until February of 2016. Governor's Executive Order B-37-16 seems to require us to re-adopt those conservation measures. What are your cities doing or have done for 2016?

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[citymanager@ci.dunsmuir.ca.us](mailto:citymanager@ci.dunsmuir.ca.us)

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## City Manager

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**From:** Ron Stock <stock@ci.weed.ca.us>  
**Sent:** Friday, July 29, 2016 9:57 AM  
**To:** City Manager; pcross@mtshasta.gov; Steven Baker  
**Subject:** RE: Water Conservation

We adopted our original conservation measures by ordinance so that they did not have an "end date." However, with the change we amended the ordinance to be less restrictive. Originally we complied with the requirement saying that watering was restricted to 2 days a week. Our amendment allows watering 3 days a week.

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**From:** City Manager [mailto:citymanager@ci.dunsmuir.ca.us]  
**Sent:** Wednesday, July 27, 2016 8:55 PM  
**To:** pcross@mtshasta.gov; Steven Baker; Ron Stock  
**Subject:** Water Conservation

Last year we were required to impose water conservation measures on our constituents. Dunsmuir Ordinance doing so lasted until February of 2016. Governor's Executive Order B-37-16 seems to require us to re-adopt those conservation measures. What are your cities doing or have done for 2016?

Randy L. Johnsen  
Interim City Manager  
(530) 235-4822 x 103  
[citymanager@ci.dunsmuir.ca.us](mailto:citymanager@ci.dunsmuir.ca.us)

## City Council Agenda Item

### New Business

**Item No:** 12.J.  
**Date:** July 21, 2016  
**Subject:** Receive and file Governor's Executive Order B-37-16 regarding water conservation and provide direction regarding possible re-adopting of Ordinance No. 547 which implemented water conservation measures through February 2016

Drought is still upon California. In response to Governor's executive order of 2015 Ordinance No. 547 was adopted and effective through February of 2016. Adopting a similar or same ordinance through February 2017, which is one month after new State regulations are to be adopted, allows Dunsmuir to show compliance with intent and purpose of Governor's Executive Order.

**Recommendation:** Move to receive and file Governor's Executive Order B-37-16 regarding water conservation and direct staff to prepare Ordinance similar to Ordinance No. 547 regarding water conservation for consideration at next regular meeting

DK + BD

# Executive Department

State of California

## EXECUTIVE ORDER B-37-16 MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE

**WHEREAS** California has suffered through a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

**WHEREAS** Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by 23.9% between June 2015 and March 2016 and saving enough water during this period to provide 6.5 million Californians with water for one year; and

**WHEREAS** severe drought conditions persist in many areas of the state despite recent winter precipitation, with limited drinking water supplies in some communities, diminished water for agricultural production and environmental habitat, and severely-depleted groundwater basins; and

**WHEREAS** drought conditions may persist in some parts of the state into 2017 and beyond, as warmer winter temperatures driven by climate change reduce water supply held in mountain snowpack and result in drier soil conditions; and

**WHEREAS** these ongoing drought conditions and our changing climate require California to move beyond temporary emergency drought measures and adopt permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

**WHEREAS** increasing long-term water conservation among Californians, improving water use efficiency within the state's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change; and

**WHEREAS** these activities are prioritized in the California Water Action Plan, which calls for concrete, measurable actions that "Make Conservation a California Way of Life" and "Manage and Prepare for Dry Periods" in order to improve use of water in our state.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.,** Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular California Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

The orders and provisions contained in my January 17, 2014 Emergency Proclamation, my April 25, 2014 Emergency Proclamation, Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 remain in full force and in effect except as modified herein.

State agencies shall update temporary emergency water restrictions and transition to permanent, long-term improvements in water use by taking the following actions.

**USE WATER MORE WISELY**

1. The State Water Resources Control Board (Water Board) shall, as soon as practicable, adjust emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions across the state. To prepare for the possibility of another dry winter, the Water Board shall also develop, by January 2017, a proposal to achieve a mandatory reduction in potable urban water usage that builds off of the mandatory 25% reduction called for in Executive Order B-29-15 and lessons learned through 2016.
2. The Department of Water Resources (Department) shall work with the Water Board to develop new water use targets as part of a permanent framework for urban water agencies. These new water use targets shall build upon the existing state law requirements that the state achieve a 20% reduction in urban water usage by 2020. (Senate Bill No. 7 (7th Extraordinary Session, 2009-2010).) These water use targets shall be customized to the unique conditions of each water agency, shall generate more statewide water conservation than existing requirements, and shall be based on strengthened standards for:
  - a. Indoor residential per capita water use;
  - b. Outdoor irrigation, in a manner that incorporates landscape area, local climate, and new satellite imagery data;
  - c. Commercial, industrial, and institutional water use; and
  - d. Water lost through leaks.

The Department and Water Board shall consult with urban water suppliers, local governments, environmental groups, and other partners to develop these water use targets and shall publicly issue a proposed draft framework by January 10, 2017.

3. The Department and the Water Board shall permanently require urban water suppliers to issue a monthly report on their water usage, amount of conservation achieved, and any enforcement efforts.

### **ELIMINATE WATER WASTE**

4. The Water Board shall permanently prohibit practices that waste potable water, such as:
  - Hosing off sidewalks, driveways and other hardscapes;
  - Washing automobiles with hoses not equipped with a shut-off nozzle;
  - Using non-recirculated water in a fountain or other decorative water feature;
  - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
  - Irrigating ornamental turf on public street medians.
5. The Water Board and the Department shall direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
6. The Water Board and the Department shall direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission shall order investor-owned water utilities to accelerate work to minimize leaks.
7. The California Energy Commission shall certify innovative water conservation and water loss detection and control technologies that also increase energy efficiency.

### **STRENGTHEN LOCAL DROUGHT RESILIENCE**

8. The Department shall strengthen requirements for urban Water Shortage Contingency Plans, which urban water agencies are required to maintain. These updated requirements shall include adequate actions to respond to droughts lasting at least five years, as well as more frequent and severe periods of drought. While remaining customized according to local conditions, the updated requirements shall also create common statewide standards so that these plans can be quickly utilized during this and any future droughts.
9. The Department shall consult with urban water suppliers, local governments, environmental groups, and other partners to update requirements for Water Shortage Contingency Plans. The updated draft requirements shall be publicly released by January 10, 2017.

10. For areas not covered by a Water Shortage Contingency Plan, the Department shall work with counties to facilitate improved drought planning for small water suppliers and rural communities.

**IMPROVE AGRICULTURAL WATER USE EFFICIENCY AND DROUGHT PLANNING**

11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods of limited water supply.
12. The Department shall permanently require the completion of Agricultural Water Management Plans by water suppliers with over 10,000 irrigated acres of land.
13. The Department, together with the California Department of Food and Agriculture, shall consult with agricultural water suppliers, local governments, agricultural producers, environmental groups, and other partners to update requirements for Agricultural Water Management Plans. The updated draft requirements shall be publicly released by January 10, 2017.

The Department, Water Board and California Public Utilities Commission shall develop methods to ensure compliance with the provisions of this Executive Order, including technical and financial assistance, agency oversight, and, if necessary, enforcement action by the Water Board to address non-compliant water suppliers.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 9th day of May 2016.

  
EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

14E

Agenda Item: ~~11.E~~

**MEMORANDUM**

August 4, 2016

From: City Manager

To: Mayor and City Council



Subj: Veteran's Fountain Restoration and Veteran's Memorial project

My understanding in talking with Mr. Randy Johnsen and seeing the previous City Council meeting video, is the Mr. Peter Arth, Jr. requested this agenda item and the consensus of the City Council to discuss it at the next meeting.

# City Council Agenda Item

## New Business

14F  
~~11.F.~~  
**Item No:**  
**Date:** July 21, 2016  
**Subject:** Consider and provide Dunsmuir position regarding proposed transportation of crude oil by rail through Northern California

This issue was discussed at LOLA last Wednesday. No one from Dunsmuir was present at the meeting.

The issue being presented is that Valero, who intends to move crude oil by rail through Northern California, does not want cities and other local agencies to have the chance to require local mitigation measures to reduce environmental, health and safety concerns. The League of California Cities is asking if city members disagree with the Valero petition/argument that the Interstate Commerce Commission Termination Act preempts local agencies from requiring mitigation measures and if there are mitigation issues that need to be considered. Larger cities have already weighed in on this as you can see by the documents attached.

**Recommendation:**

## City Manager

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**From:** Charles Anderson <canderson@cacities.org>  
**Sent:** Monday, July 11, 2016 10:02 AM  
**Subject:** Question: Is Crude Oil By Rail a concern to your city/communities?  
**Attachments:** California Local Government Agenices Reply to Petition-c1 (3).pdf

Good Monday morning Sacramento Valley Division Members,

Is crude oil by rail a concern for you, your city or its citizens?

Valero intends to move crude oil by rail through Northern California. Naturally, cities have an interest in the environment and health and safety of its citizens and may require some local mitigation measures to reduce impacts. Valero, however, disagrees and is currently petitioning the surface transportation board to rule that the Interstate Commerce Commission Termination Act preempts local agencies from requiring mitigation measures ("ICCTA") (49 U.S.C. §§ 10101-16106).

Please let me know ASAP if this is a concern to you. Attached is a reply to Valero's petition signed by legal counsel for the Cities of Berkeley, Davis, Oakland, County of Yolo and SACOG.

Thank you.

Charles

Charles Anderson  
Regional Public Affairs Manager, Sacramento Valley Division  
League of California Cities  
1400 K Street, Sacramento, CA 95814  
M: 916-798-2231 | F: 866-593-2927 | E: [canderson@cacities.org](mailto:canderson@cacities.org)  
[Website](#) |

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCUMENT NO. 36036**

**VALERO REFINING COMPANY – CALIFORNIA  
PETITION FOR DECLARATORY ORDER**

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**REPLY OF THE CITIES OF DAVIS, BERKELEY AND OAKLAND, THE COUNTY OF  
YOLO, AND THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS IN  
OPPOSITION TO PETITION FOR DECLARATORY ORDER**

Communication with respect to this  
document should be addressed to:

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*Counsel for the City of Oakland, California*

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*Counsel for the County of Yolo*

Dated July 8, 2016

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCUMENT NO. 36036**

**VALERO REFINING COMPANY – CALIFORNIA  
PETITION FOR DECLARATORY ORDER**

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**REPLY OF THE CITIES OF DAVIS, BERKELEY AND OAKLAND, THE COUNTY OF  
YOLO, AND THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS IN  
OPPOSITION TO PETITION FOR DECLARATORY ORDER**

The Cities of Davis, Berkeley and Oakland, the County of Yolo, and the Sacramento Area Council of Governments, a California joint powers agency of 22 city and 6 county member jurisdictions (collectively “California Local Government Agencies”) hereby reply in opposition to the Petition for Declaratory Order filed by non-carrier Valero Refining Company – California (“Valero”) on May 31, 2016. Valero seeks a declaratory order from the Surface Transportation Board (“Board”) that the City of Benicia (“City”) Planning Commission’s decisions (1) declining to certify the Valero Benicia Crude Oil By Rail environmental impact report (“EIR”) pursuant to the California Environmental Quality Act (California Public Resources Code section 21000 *et. seq* or “CEQA”), and (2) denying a use permit for changes to oil and refinery operations required by Title 17 of the City’s Municipal Code (a denial currently on appeal to the City Council) are preempted by the Interstate Commerce Commission Termination Act (“ICCTA”) (49 U.S.C. §§ 10101-16106).

## INTRODUCTION

The California Local Government Agencies have an interest in protecting their rights under applicable law to regulate the use of non-railroad property within their respective borders. They are fortunate to have extensive transportation infrastructure – rail, highway and, in certain instances, maritime – and acknowledge the crucial role that these facilities play in their economies. However, the California Local Government Agencies also have an obligation to their citizens to ensure that development and other actions occur in a way that does not harm the health, safety and other interests of its citizens and in a manner consistent with planning, zoning, and environmental laws.<sup>1</sup> They respect the extent to which federal law may preempt state law, but, by participating in this action, they are defending their ability to regulate the use of property subject to their jurisdiction from assertions of preemption and attempts to use federal law as a shield for activity that is not properly covered by those laws.

Valero is not a rail carrier providing transportation subject to the jurisdiction of this Board under the ICCTA. Instead, Valero seeks a use permit from the City of Benicia to enable it to modify its existing refinery in order to receive crude oil by tank car. These modifications involve the installation of rail spur tracks, a tank car unloading rack, pumps, connecting pipelines, and infrastructure including installation of approximately 4,000 feet of 16-inch diameter crude oil pipeline and associated components and pump infrastructure between the offloading rack and the existing crude supply piping, replacement and relocation of

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<sup>1</sup> The City of Benicia shares this obligation. (*See e.g.* Municipal Code section 17.104.060 which requires the City to make findings before approving a use permit, such as the one sought by Valero, that 1) the proposed location of the use is in accord with the objectives of the zoning code and the purposes of the district in which the site is located; 2) the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City; and 3) the proposed conditional use will comply with the provisions of the zoning code, including any specific condition required for the proposed conditional use in the district in which it would be located.)

approximately 1,800 feet of existing tank farm dikes, relocation of an existing firewater pipeline, compressor station, and underground infrastructure. (City of Benicia, Valero Benicia Crude Oil By Rail Project, Draft Environmental Impact Report (2014) at 3-5.<sup>2</sup>) It is undisputed that Valero, a non-carrier, would solely and independently construct and operate the unloading facilities and related infrastructure and fully own those improvements. It is also undisputed that no rail carrier would directly or indirectly control the construction or operation of the unloading facilities.

Valero asserts that the ICCTA prevents the City from refusing to issue Valero a local land use permit, because that would deny “Valero the right to receive rail common carrier service” and “unreasonably burden[] interstate commerce” by “preventing [the Union Pacific Railroad] from providing such service.” (Pet. for Dec. Ord., pp. 2-3.) Valero further insists that it “does not seek by this Petition an order declaring that the City of Benicia’s permitting authority [] is itself subject to ICCTA preemption. However, the EIR/Permit Denials impinge on Board jurisdiction, regulate rail transportation and unreasonably burden interstate commerce.” (Pet. for Dec. Ord., p. 16.)<sup>3</sup> Valero’s position is misleading, inconsistent, and finds no support in applicable federal law.

First, Valero’s lumping together of (a) the EIR prepared to analyze the proposed use permit, and (b) the use permit, into one phrase “EIR/Permit Denials” misrepresents the requirements of CEQA, as EIRs are not permits that can be approved or denied. “Unlike most

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<sup>2</sup> Available at: [http://www.ci.benicia.ca.us/index.asp?SEC=B7EDC93A-FFF0-4A14-9B1A-1C8563BC256A&DE=11318773-7E57-4AE0-9DC0-D1F64E7AA54B&Type=B\\_BASIC](http://www.ci.benicia.ca.us/index.asp?SEC=B7EDC93A-FFF0-4A14-9B1A-1C8563BC256A&DE=11318773-7E57-4AE0-9DC0-D1F64E7AA54B&Type=B_BASIC)

<sup>3</sup> It is incorrect for Valero to continually refer to “Permit Denials.” As Valero admits, it has appealed the Planning Commission’s February 11, 2016 denial of its use permit to the City Council. (Pet. for Dec. Ord, p. 2.) As such, the City’s review of Valero’s use permit application is not yet complete. But, rather than wait to learn whether the City Council would uphold the denial, grant the permit, or grant the permit with conditions, Valero requested that the City Council “defer a decision on Valero’s appeal until September 20, 2016.” (*Id.*) In other words, it is Valero who has chosen to delay the possible issuance of the use permit. Moreover, Valero’s Petition to this Board is actually premature in one sense, since there is not yet any final action that Valero can claim should be preempted. If, however, Valero’s intent is to ensure that the City is aware that (in Valero’s view), the City cannot deny Valero’s application, then it may be appropriate for this Board to clarify that the City may act on this Petition in a way that fulfills its obligations to its citizens because the matter does not affect the business or operation of a rail carrier providing transportation subject to this Board’s jurisdiction.

environmental laws, CEQA generally does not contain substantive regulatory standards. Instead of prohibiting agencies from approving projects with adverse environmental effects, CEQA requires only that agencies inform themselves about the environmental effects of their proposed actions, carefully consider all relevant information before they act, give the public an opportunity to comment on the environmental issues, and avoid or reduce significant environmental impacts when it is feasible to do so.” (*Practice Under the California Environmental Quality Act*, §1.1, Continuing Education of the Bar – California; Kostka and Zischke, attached hereto as Exhibit 1.) Valero presents no arguments in its Petition (there are none) as to why the informational requirements of CEQA are preempted by the ICCTA when a permit is sought by an entity that is not a rail carrier providing transportation subject to this Board’s jurisdiction. As such, it is entirely inappropriate for Valero to bootstrap an attempt to preempt enforcement of CEQA onto its claims about the City’s purported denial of a use permit.

Second, Valero asserts that “denial” of the use permit is preempted (Pet. for Dec. Ord., pp. 2-3), yet maintains that it is not seeking an order declaring that the City’s authority to issue the use permit is preempted (Pet. for Dec. Ord., p. 16). This brings to mind the famous Henry Ford quote: “you can have a car in any color so as long as it’s black.” Valero is being disingenuous. Valero is clearly asking the Board to preempt the City’s permitting authority – a decision that, as detailed below, would contradict the Board and Federal courts’ previous decisions and is inconsistent with the ICCTA.

### **Declaratory Relief Is Not Appropriate**

Valero asserts that requiring oil refineries in California to comply with CEQA and with local planning and zoning laws has impeded its efforts to receive crude oil from within North America via their chosen mode of shipment, rail. (Pet. for Dec. Ord, pp. 3 - 7.) Thus Valero

argues, it is necessary for the Board to issue a declaratory judgment to eliminate controversy and remove uncertainty. (*Id.*) But Valero's complaints do not actually pertain to rail operations at all. They pertain to the operations of oil refineries within California, refineries that wish, for their own financial benefits,<sup>4</sup> to be exempted from compliance with state and local environmental and planning laws. It is outside the role of the Board and, outside the scope of the ICCTA to issue declarations regarding oil refineries' obligations to comply with state and local law. Declaratory relief is not appropriate.

### ARGUMENT

The Board has discretionary authority under 5 U.S.C. § 554(e) and 49 U.S.C. § 721 to issue a declaratory order to terminate a controversy or remove uncertainty. (*See Intercity Transp. Co. v. United States*, 737 F.2d 103 (D.C. Cir. 1984); *Delegation of Auth.—Declaratory Order Proceedings*, 5 I.E. 2d 675 (1989).) The Board has, on many occasions, used the declaratory order process to address issues involving the federal preemption provision contained in 49 U.S.C. § 10501(b). (*See, e.g.*, STB Finance Docket No. 35788, *14500 Ltd.—Pet. for Declaratory Order*, (Service Date June 5, 2014); STB Finance Docket No. 34662, *CSX Transp., Inc.—Pet. for Declaratory Order*, (Service Date May 3, 2005).) In this matter, the Board should exercise its authority to decline to grant the Petition requested by Valero, as the activities at issue are being conducted by an entity that is not a rail carrier providing transportation subject to the jurisdiction of the Board.

It is, of course, true that the ICCTA protects the ability of a rail carrier to fulfill its common carrier obligations once a shipper has located along its lines and made a reasonable request for rail service. (49 U.S.C. §11101.) However, contrary to Valero's arguments, the

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<sup>4</sup> "North American crude oil is economically and competitively accessible to the Benicia refinery only by rail delivery." (Pet. for Dec. Ord., pp. 8-9.)

ICCTA does not guarantee to shippers the right to locate anywhere and to engage in activities that are otherwise precluded by applicable local laws just because the location will, or may have, the benefit of being served by a rail carrier. Adopting Valero's view of the applicable law would stretch this Board's interpretations of its own jurisdiction beyond its limits and should be summarily rejected.

**a. The Board's Decision in *SEA-3* Supports the Denial of Valero's Petition**

The most recent and instructive Board decision on the question of the ICCTA's preemption of state and local land use and environmental laws when a rail carrier is not the proponent owner or operator of the project is *SEA-3, Inc. – Petition for Declaratory Order*, STB Finance Docket No. 35853 ("*SEA-3*"). In that matter, SEA-3 Inc., like Valero a non-carrier, sought a ruling that the ICCTA preempted zoning claims by the City of Portsmouth regarding SEA-3's proposed construction of five rail berths at a liquefied petroleum gas transload facility owned and operated by SEA-3. (*SEA-3*, slip op. at 1.) Like Valero, SEA-3 claimed that the new rail berths were financially necessary to its propane-selling business. (*SEA-3*, slip op. at 2.) Like Valero, SEA-3 claimed that by opposing SEA-3's zoning approvals the City of Portsmouth was "attempting to regulate rail transportation by [rail carrier] Pan Am through litigation that would frustrate and delay increased rail services to SEA-3's transload facility." (*SEA-3*, slip op. at 3.)

The Board denied the Petition for lack of jurisdiction, stating:

The Board's jurisdiction extends to rail-related activities that take place at transloading facilities if the activities are performed by a rail carrier, the rail carrier holds out its own service through a third party that acts as the rail carrier's agent, or the rail carrier exerts control over the third party's operations. The record presented to the Board in this case, however, does not demonstrate that SEA-3 is a carrier or that it is performing transportation-related activities on behalf of Pan Am or any other rail carrier at the transload facility.

(*SEA-3*, slip op. at 5; *see also* STB Finance Docket No. 34824, *Tri-State Brick & Stone of N.Y.—Pet. for Declaratory Order*, slip op. at 6 (Service Date Aug. 11, 2006) (“[W]hile a facility [here the Yard] may be subject to our jurisdiction, not all activities within that facility [here, Coastal’s operations] fall under our jurisdiction.”). Here, too, the Board should deny Valero’s Petition for lack of jurisdiction as Valero – not any rail carrier – will own, construct, control, and operate the unloading facilities.

Seeking to avoid this outcome, Valero argues that *SEA-3* actually supports its Petition because the Board found that *SEA-3* “had not identified an attempt by Portsmouth to regulate Pan Am’s operations” and noted that such interference “with Pan Am’s common carrier operations . . . would be preempted under §10501(b).” (Pet. for Dec. Ord., p. 19, citing *SEA-3*, slip op. at 6 and 7. ) Valero claims that, unlike the facts presented in *SEA-3*, the City here is attempting to interfere with rail common carrier operations. (*Id.*) Valero is wrong for two reasons. First, Valero focuses on the fact that the City of Portsmouth did not seek to impose regulations in *SEA-3*, but this is a distinction without a difference. In *SEA-3* the issue under consideration was whether local regulation was permitted at all, not whether Portsmouth, in particular, could impose regulations on *SEA-3*. Second, Valero ignores the actual procedural posture of its application for a use permit from the City: the permit was denied by the Planning Commission and Valero appealed to the City Council. The City Council has not acted on the permit application. The City has not imposed any conditions on a permit’s issuance that Valero can complain of (even if such complaints lacked merit). Until its appeal is heard, Valero’s permit is still being processed and there is no final action by the City.

Valero’s Petition appears to be asking this Board to prospectively hold that state and local governments have no ability to regulate the use by parties who are not railroads of land within

those states' or communities' borders, solely because, once completed, the proposed use of the property will be accompanied by rail service to it. No statute and no case in this Board's jurisprudence, or that of the Interstate Commerce Commission ("ICC") before it, allow this Board to extend its jurisdiction so far. Valero's own description of the current state of affairs confirms that there is no impact on rail transportation that would give rise to an issue over which this Board can assert jurisdiction. Valero contends that "[i]f the EIR had contained rail transportation mitigation and had been certified and *if* the Planning Commission had approved Valero's use permit with rail transportation conditions, those conditions would not have been enforceable." (Pet. for Dec. Ord., p. 16, FN 49 [emphasis added].) But, there are no such conditions for the Board to review and evaluate – the permit was denied and Valero appealed.<sup>5</sup> Thus, as settled in *SEA-3*, the Board does not have jurisdiction over the City's discretionary review of land use permits for non-carriers.

**b. Recent Case Law Supports Denial of Valero's Petition**

Two U.S. Court of Appeals decisions also affirm that this Board does not have jurisdiction over the City's discretionary review of land use permits for a non-carrier. In *N.Y. & Atl. Ry. Co. v. STB*, 635 F.3d 66 (2nd Cir. 2011) a freight railroad entered into an agreement with Coastal Distribution, LLC to construct and operate a transloading facility on a rail yard leased by the railroad. The Town of Babylon sought to stop work on the facility on grounds that the transloading facility was a prohibited use under a local zoning ordinance. (635 F.3d at 68.)

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<sup>5</sup> The California Local Government Agencies have received and reviewed the pleading submitted in this proceeding on July 7, 2016 by the City of Benicia. As a general matter, the California Local Government Agencies agree that the denial of Valero's requested permit is not preempted, as explained more fully in this brief. The California Local Government Agencies do not agree, however, that it is appropriate for this Board to provide the guidance that Benicia seeks without specific information about the nature and content of the conditions that would be proposed. This Board has jurisdiction over rail transportation moving in interstate commerce. Without knowing precisely what conditions Benicia might wish to propose, and how or whether those conditions would impede a railroad's ability to fulfill its common carrier obligation to a shipper that has lawfully located along its lines, it is hard to envision a circumstance where any general advice without knowledge of the specifics would be of value to the parties and would not lead to more uncertainty rather than less.

Babylon petitioned the Board for a declaratory order that the zoning ordinance was not preempted. (*Id.* at 69.) The Board held that it did not have exclusive jurisdiction over the facility because the railroad’s responsibility and liability for the cars “end when they are uncoupled at the [ ] Yard and resumes when they are coupled to [the railroad’s] locomotive.” (*Id.* at 73.) The Board explained that it has exclusive jurisdiction over transloading facilities if, and only if, “the activities are performed by a rail carrier or the rail carrier holds out its own service through the third-party as an agent or exerts control over the third-party’s operation.” (*Id.*) The freight railroad and distributor sought review of the Board’s decision at the U. S. Court of Appeals. The Court agreed with the Board, holding that the facility did not constitute “transportation by rail carrier” because the railroad did not own or operate the facility and the distributor was not acting as an agent of the railroad. (*Id.* at 75.) This is precisely the analysis that applies to Valero. No railroad owns or will operate Valero’s facility, nor will Valero act as the agent of a railroad. Accordingly, the regulation of proposed uses on the Valero site is beyond the jurisdiction of this Board.

Similarly, in *Florida East Coast Ry. Co. v. City of West Palm Beach*, 266 F.3d 1324 (11th Cir. 2001), a railroad leased rail yard property in the City of West Palm Beach to a third party corporation. The corporation used the rail yard as a transloading facility. (266 F.3d at 1327.) The City of West Palm Beach issued a cease and desist order because the transloading operation did not comply with the city’s zoning. (*Id.*) The railroad sued the city, seeking a declaration that the ICCTA preempted the city’s zoning. (*Id.*) The Court held that the application of the city’s ordinances to the transloading facility did not constitute regulation of “transportation by rail carrier” within the meaning of the ICCTA preemption provision, explaining:

existing zoning ordinances of general applicability, which are enforced against a private entity leasing property from a railroad

for non-rail transportation purposes, are not sufficiently linked to rules governing the operation of the railroad so as to constitute laws ‘with respect to regulation of rail transportation.

(*Id.* at 1331.) Therefore, the Court concluded, “in no way does federal pre-emption under the ICCTA mandate that municipalities allow any private entity to operate in a residentially zoned area simply because the entity is under a lease from the railroad.” (*Id.*)

Here, the Valero unloading facilities, just like the transloading facilities in *N.Y. & Atl. Ry. Co.* and *Florida East Coast Railway*, would be owned and operated by a third party - Valero, which in no way would be acting as an agent of a railroad, much less as a rail common carrier. Valero’s refinery is subject to the same zoning laws as all property in the City.

**c. The Board’s Decisions Cited by Valero Have No Application Here**

*Boston and Main Corporation and Springfield Terminal Railroad Company – Petition for Declaratory Order*, STB Financial Docket No. 35749 (“*Winchester*”), involved a local regulation that would have prohibited a rail carrier from operating trains over a rail line. As explained by the Board in *SEA-3*, when considering the *Winchester* matter the Board determined that the ICCTA preempted a local regulation because it directly prevented the rail carrier from conducting its operations. (*SEA-3*, slip op. at 6.) Here, Valero has not identified an attempt by the City to regulate a rail carrier’s operations. Instead, the City’s denial of a permit to Valero, Valero’s appeal to the City Council, and Valero’s request for a stay of the Council’s consideration of its appeal, impact only Valero’s desire to expand its refinery facilities. Valero is not a rail carrier or acting under the auspices of a rail carrier. Thus, as the Board held in *SEA-3*, contrary to the facts of *Winchester*, “the only regulatory action at issue in this case is a local government’s participation in zoning [regulation] over the expansion of a non-carrier facility. Without more, this situation does not reflect undue interference with ‘transportation by rail carriers.’ See 49 U.S.C. § 10501(b).” (*SEA-3*, slip op. at 6-7.)

Valero also attempts to rely on *Norfolk Southern Railway v. City of Alexandria*, 608 F.3d 150 (4th Cir. 2020) (“*Alexandria*”), to ask for preemption of the city and state’s environmental and land use laws, but that case too is of no assistance. *Alexandria* involved local regulation of an ethanol transload facility constructed and owned by Norfolk Southern Railway Company and operated under its auspices. (608 F.3d at 1326.) Valero does not allege that it is a rail carrier, or that its proposed uploading would be performed under the auspices of a rail carrier, as was the case in *Alexandria*. Therefore, just as this Board held in *SEA-3*, the holdings of *Alexandria* have no relevance here. (*SEA-3*, slip op. at 6.)

**CONCLUSION**

For the foregoing reasons, the California Local Government Agencies respectfully request that the Board issue an order denying Valero’s Petition for Declaratory Order because no transportation by rail carrier that is subject to this Board’s jurisdiction is proposed to occur on Valero’s property, and no railroad owns or will operate Valero’s refinery facility. The City of Benicia is engaging in zoning and environmental regulation over the expansion of a non-carrier facility.

Respectfully submitted,

Dated: July 8, 2016

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the **REPLY OF THE CITIES OF DAVIS, BERKELEY AND OAKLAND, THE COUNTY OF YOLO, AND THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS IN OPPOSITION TO PETITION FOR DECLARATORY ORDER** in matter number FD-36036 by using the following service:

**SEE ATTACHED SERVICE LIST.**

**E-Mail Service:** sending the entire document as an attachment to an e-mail message to all known parties of record to this proceeding who provided electronic mail addresses.

**U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on **July 8, 2016**, at Sacramento, California.

\_\_\_\_\_  
/s/ Marnie A. Prock

Marnie A. Prock

**VALERO REFINING COMPANY- PETITION FOR DECLARATORY ORDER  
FINANCE DOCUMENT NO. 36036**

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**EXHIBIT 1**

Practice Under the California Environmental Quality Act » 1 Overview of CEQA Process » I.  
OVERVIEW OF CEQA PROCESS »

**I. OVERVIEW OF CEQA PROCESS**

**§1.1 A. Introduction**

The California Environmental Quality Act (Pub Res C §§21000–21189.3), commonly referred to as CEQA, was adopted in 1970 and is one of California's most important environmental laws. CEQA applies to most public agency decisions to carry out, authorize, or approve projects that could have adverse effects on the environment. Unlike most environmental laws, CEQA generally does not contain substantive regulatory standards. Instead of prohibiting agencies from approving projects with adverse environmental effects, CEQA requires only that agencies inform themselves about the environmental effects of their proposed actions, carefully consider all relevant information before they act, give the public an opportunity to comment on the environmental issues, and avoid or reduce significant environmental impacts when it is feasible to do so.

Because litigation over CEQA compliance is expensive and time consuming, whether the environmental review of a proposed project complies with CEQA is often a significant factor in an agency's approval decision. A project approval may be set aside if a court finds that a public agency did not comply with CEQA. CEQA lawsuits are frequently filed when a development project or other action is controversial, or when members of the public or other agencies believe that the lead agency has not complied with CEQA's environmental review requirements. For these reasons, attorneys representing any party involved in the CEQA process must thoroughly understand CEQA's varied requirements.

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**§1.2 B. Scope of Book**

This book is intended to guide attorneys and environmental professionals step by step through the CEQA process with a detailed discussion of the legal requirements and practical considerations of practice under CEQA. The book primarily takes the point of view of an attorney representing a project proponent, either a private project applicant or a public agency seeking to comply with CEQA in considering, approving, or applying for particular projects or other actions. This perspective affords the most complete context for discussion of the entire CEQA process. Throughout the text, the authors have included discussions of issues and approaches pertinent to attorneys representing other parties involved in public agency CEQA compliance. Our hope is that attorneys representing any party involved in the CEQA process will find abundant useful information for developing successful legal strategies.

Chapter 1 describes the steps in the CEQA review process (see §§1.3–1.12) and discusses the historical development of CEQA and its current statutory and regulatory framework (see §§1.14–1.34). The roles of the attorney and the public agency in the CEQA review process are covered in chapters 2 and 3, respectively.

In chapters 4 and 5, the reader is led through the initial steps of the CEQA process: determining whether the activity is a project (see chap 4), and ascertaining whether the project is exempt from CEQA requirements under statutory exemptions, categorical exemptions, or the so-called "common sense" exemption for projects that will clearly have no significant environmental impact (see chap 5).

Chapter 6 discusses the next step in the CEQA process, documenting in the initial study whether the project will have a significant effect on the environment and whether a negative declaration or environmental impact report (EIR) will be required (see chap 6). Chapter 7 covers the procedural and substantive requirements for negative declarations.

Chapters 8 through 16 discuss the detailed requirements for EIRs. Chapters 8 and 9 discuss the process for determining the scope of an EIR and the requirements for preparation and public review of draft EIRs. Chapter

10 discusses various special types of EIRs, such as program EIRs and master EIRs, that can be used to streamline CEQA requirements for certain types of actions.

Chapter 11 discusses the overall substantive requirements for an adequate EIR. Chapter 12 covers the project description, environmental setting, and baseline for impact analysis in EIRs. Chapter 13 discusses the evaluation of significant environmental impacts, chapter 14 discusses mitigation measures in EIRs, and chapter 15 discusses the evaluation of alternatives to a project. Chapter 16 covers the requirements for preparation of a final EIR, including the preparation of responses to comments.

Chapter 17 sets forth the requirements for approval of a project, including the adoption of findings. Chapter 18 covers the required adoption of mitigation monitoring or reporting provisions in connection with project approval and findings.

Chapter 19 discusses the requirements for subsequent CEQA review once a project has already been reviewed under CEQA, including the provisions governing subsequent and supplemental EIRs, and addenda to EIRs and negative declarations.

Chapter 20 discusses the relationship between CEQA and various other state and federal environmental statutes. This includes discussion of CEQA's interrelationship with the California Global Warming Solutions Act of 2006 (Health & S C §§38500–38599).

Chapter 21 describes state programs (known as certified regulatory programs) that are exempt from some EIR requirements. Chapter 22 covers preparation of joint federal/state environmental documents when projects are subject to both CEQA and the equivalent federal statute, the National Environmental Policy Act of 1969 (NEPA) (42 USC §§4321–4370h).

Chapter 23 discusses judicial review of public agency approvals that result from the CEQA review process, and the special provisions that govern CEQA litigation.

The full text of the state Guidelines for implementing CEQA are contained in 14 Cal Code Regs §§15000–15387. These Guidelines are drafted by the state Office of Planning and Research (OPR) and promulgated by the Secretary of the Natural Resources Agency. See §§1.27–1.28. The Guidelines also include appendixes with various informational documents, checklists, and notice forms. See §1.27.

A glossary of CEQA terms is in §1.36.

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### §1.3 C. Summary of Steps in CEQA Review Process

The CEQA process can be triggered by an application for a public agency approval or by an agency's decision to consider a project. The basic procedural steps of the CEQA process are described in §§1.4–1.12. For detailed discussion of all aspects of these steps, see the applicable chapters in this book.

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### §1.4 1. Pre-CEQA Application Activities

A substantial period of pre-CEQA application activity may occur before a project applicant formally applies for a development permit or other approval or before an agency formally decides to consider a particular public project. During this time, the applicant or agency staff may conduct feasibility studies, due-diligence reviews, or constraints analyses (*i.e.*, studies to identify physical constraints on the development of the site). On the attorney's involvement in preliminary project activities, see chap 2.

At this point in the process, the project sponsor (*i.e.*, the private applicant deciding to apply for a project or the agency deciding to consider a project) should identify the lead agency (*i.e.*, the agency with primary authority over the action) as well as any responsible agencies (*i.e.*, agencies with other permitting authority) or trustee agencies (*i.e.*, agencies with jurisdiction over natural resources that may be affected by the project). See chap 3. The project sponsor should also evaluate whether any prior CEQA documents have been

prepared for the project or the project site. If a prior CEQA document has been prepared and adopted, this may reduce or eliminate the need for further environmental review. See chap 19.

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### **§1.5 2. Preliminary Review: Does CEQA Apply to Proposed Action?**

The CEQA process starts with a formal proposal to proceed with an action or an application to an agency for a development permit or other approval.

If an applicant applies for a project, the first step is to determine whether the application is complete. Under CEQA and the Permit Streamlining Act (Govt C §§65920–65964), the agency must make this determination within 30 days. The application may be "deemed complete" if the agency fails to act within the 30 days. See 14 Cal Code Regs §§15060, 15101 (CEQA preliminary review). See also §4.2.

The first substantive question under CEQA is whether the action is a "project" subject to CEQA. 14 Cal Code Regs §15060. Generally, a project is a discretionary action undertaken, supported, or authorized by a public agency that may cause a physical change to the environment. See chap 4. If the action is a "project" under CEQA, the lead agency must determine whether the action is exempt from CEQA under a statutory exemption or a categorical (or regulatory) exemption contained in the CEQA Guidelines. 14 Cal Code Regs §15061. See chap 5.

If CEQA does not apply to the action, either because the action is not a "project" or because an exemption applies, an agency may file and post a notice of exemption under CEQA. See §§5.114, 5.116.

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### **§1.6 3. Initial Study Process: Is There a Potentially Significant Environmental Impact?**

If CEQA applies to the project, within 30 days after the application is complete (if there is a project application) the lead agency must prepare an initial study to determine whether the project may have a potentially significant effect on the environment. 14 Cal Code Regs §§15063, 15102. See chap 6.

On the basis of the initial study, the agency must determine the type of CEQA document to be prepared. If the initial study shows that the project may have a significant environmental impact, an EIR must be completed before the project is approved. See chaps 6, 8. If there is no possible significant impact, a negative declaration must be completed before the project is approved. 14 Cal Code Regs §§15063, 15102. See chap 7.

A mitigated negative declaration may be prepared when a possible significant impact can be avoided or substantially mitigated to insignificance by changing the project (usually by adopting or imposing a mitigation measure as a condition of approval). See Pub Res C §21080(c); 14 Cal Code Regs §15070. See also chap 6.

A lead agency may skip the initial study process and proceed directly with preparation of an EIR when it is clear that an EIR is required. Some agencies still use initial studies in such cases to determine the particular issues to be analyzed in the EIR. 14 Cal Code Regs §15063.

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### **§1.7 4. Negative Declaration Process**

If a negative declaration is to be prepared, the lead agency must complete and approve the negative declaration within 180 days after the date on which the application is complete. Pub Res C §§21100.2(a), 21151.5(a); 14 Cal Code Regs §15107. See §7.5.

The lead agency must circulate the proposed negative declaration to responsible agencies, trustee agencies, and the public for comment. The period for review and comment must be 20 days if the document is not submitted to the State Clearinghouse for review, and 30 days for negative declarations that are submitted to the Clearinghouse, unless the Clearinghouse approves a shorter review time. Pub Res C §21091(b); 14 Cal Code Regs §§15072–15073, 15105(b). See §7.20. If the lead agency is considering a mitigated negative

declaration, the lead agency may need to consider whether the document should be recirculated if additional mitigation measures are added. See §7.24. The decision-making body must consider the negative declaration and determine whether to adopt it before approving the project. 14 Cal Code Regs §15074. See §7.25. After approving the negative declaration, the agency may proceed to project approval.

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### §1.8 5. EIR Process

Several different types of environmental impact reports (EIRs) are prepared in different situations. Most are "project EIRs" covering a particular project. A "master EIR" may be prepared for a planning action or multiphased project. A "program EIR" or "staged EIR" may be prepared in some similar situations. A "focused EIR" may be prepared for an approval following a master EIR (and in certain other situations), and a "subsequent" or "supplemental EIR" may be prepared for later approvals when some change in circumstance or new information requires it. See chap 10 (types of EIRs), chaps 12–15 (general requirements for EIRs), and chap 19 (subsequent EIRs).

For many projects, the first step in the EIR process is selection of the consultant or agency staff who will prepare the EIR (see §§9.6–9.10) and, for private projects, submission of project information by the applicant (see §9.3). The next step is a consultation and scoping process to identify the major issues to be identified and analyzed in the EIR. This process begins with circulation of a notice of preparation by the lead agency to responsible agencies and other involved agencies. Pub Res C §21080.4; 14 Cal Code Regs §15082. Responsible agencies must provide the lead agency with information on the scope and content of the EIR within 30 days following receipt of the notice. Pub Res C §21080.4; 14 Cal Code Regs §§15082, 15103. This process can be expanded to include members of the public. See §8.20.

The EIR preparer conducts the necessary studies (or arranges for consultants to do this) and writes the EIR, often circulating internal administrative drafts during this process. See §9.11. For suggestions on how attorneys can work well with agency staff and consultants during this process, see §2.4. When a draft EIR has been completed and is ready for public review, a notice of completion is prepared. The EIR preparer files a notice of completion with the Office of Planning and Research (OPR) in either a printed hard copy, an electronic form on a disk, or by e-mail submission. 14 Cal Code Regs §15085. Agencies are encouraged to post copies of the notices on the Internet. 14 Cal Code Regs §15085(e). The draft EIR is then circulated for comments by the public and other agencies. The OPR's State Clearinghouse coordinates distribution of the EIR to state and regional agencies for review and comment. 14 Cal Code Regs §§15085–15086. See Pub Res C §§21092, 21161. When review through the State Clearinghouse (SCH) is required, the lead agency must provide one copy of the EIR in electronic format to the Clearinghouse. Pub Res C §21082.1(c)(4). See also §§9.17–9.30. The SCH coordinates the state-level review of environmental documents under CEQA, provides technical assistance on land use planning and CEQA matters, and coordinates state review of certain federal grants programs. The SCH also maintains the CEQAnet database, a searchable database of all environmental documents that SCH receives from public agencies. Information about the SCH and its publications can be obtained from its website.

The public review period is 45 to 60 days, and a public hearing on the draft EIR is encouraged but not required. Agencies may post notices of the hearings on the Internet. 14 Cal Code Regs §§15201–15202. During this period, agencies and individuals provide written comments on the EIR and may also comment at the hearing, if one is held. See 14 Cal Code Regs §§15087, 15105(a), 15202. See also Pub Res C §21091 and §9.28. After the public review period, the lead agency evaluates comments on the draft EIR and prepares responses to those comments. The lead agency then prepares the final EIR, which consists of the draft EIR plus the comments and responses, and any revisions to the draft EIR that are made in response to the submitted comments. 14 Cal Code Regs §§15088–15089. See Pub Res C §§21092.5, 21104, 21153. See also §16.3.

The EIR need not be circulated again for public review unless significant new information is added, in which case further public and agency review is required. Pub Res C §21092.1; 14 Cal Code Regs §15088.5. In all cases, however, the lead agency must provide other commenting agencies with copies of the responses to their comments 10 days before certifying the EIR. See Pub Res C §21092.5. See also §16.14.

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### **§1.9 6. Project Approval**

Before approving a project for which a negative declaration was prepared, the lead agency must consider the negative declaration with any comments received on it and approve the negative declaration. 14 Cal Code Regs §15074. See §7.25.

Before approving a project for which an EIR was prepared, the lead agency must certify the EIR by finding that it was completed in compliance with CEQA and that the information in the EIR was presented and considered before the project was approved. 14 Cal Code Regs §15090. See §16.4.

In conjunction with project approval for an EIR project, the agency must adopt findings regarding mitigation measures, project alternatives, and any unavoidable impacts. Pub Res C §21081; 14 Cal Code Regs §§15091–15092. If significant impacts cannot be mitigated, the agency must adopt a statement of overriding considerations, supported by substantial evidence in the record, stating why the project is being approved despite the unavoidable impacts. 14 Cal Code Regs §15093. See §§17.32–17.34.

In conjunction with adoption of EIR findings or approval of a mitigated negative declaration, the agency must adopt a reporting or monitoring program designed to ensure that mitigation measures for the project actually are implemented. Pub Res C §21081.6. See chap 18.

The agency must file a notice of determination following the project approval (14 Cal Code Regs §§15075, 15094) and may need to pay a filing fee in connection with this notice. See Pub Res C §§21108, 21152. See also §17.46. The agency is encouraged to post the notice on the Internet. 14 Cal Code Regs §15075(h).

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### **§1.10 7. Subsequent Approvals and CEQA Review**

After the lead agency approves a project, other approvals may be required from responsible agencies or additional approvals may be required from the lead agency. With certain exceptions, responsible agencies must use the EIR or negative declaration adopted by the lead agency. See Pub Res C §21167.2. See also §§3.28–3.29. In connection with these approvals, the agency may have to determine whether additional CEQA review is required. See Pub Res C §21166; 14 Cal Code Regs §15162.

Generally, no subsequent or supplemental EIR is required unless (a) a new or more severe significant impact is caused by a change in the project or a changed circumstance or (b) significant new information that could not have been known when the EIR was prepared becomes available. Pub Res C §21166; 14 Cal Code Regs §§15162–15164. See chap 19.

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### **§1.11 8. Judicial Review of Agency Actions**

CEQA establishes short time periods within which any suit challenging an agency's compliance with CEQA must be filed. If a notice of determination is posted after a project is approved following certification of an EIR or adoption of a negative declaration, the time limit is generally 30 days after the date the notice was filed. Pub Res C §21167(e); 14 Cal Code Regs §15112(c)(1).

If a notice of exemption is filed following agency approval of a project that is exempt from CEQA, a CEQA challenge must be brought within 35 days after the filing. Pub Res C §21167(d); 14 Cal Code Regs §15112(c)(2).

If the agency does not file and post a notice of its decision, a CEQA challenge must be filed within 180 days after approval of the project. Pub Res C §21167(a); 14 Cal Code Regs §15112(c)(5).

On these time limits and the standards of judicial review for CEQA actions, see chap 23.

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#### **§1.12 9. Special Situations Relating to CEQA**

A wide variety of CEQA provisions set out special standards or procedures for specific projects or types of projects. On these provisions and CEQA's relation to planning and environmental laws, see chap 20.

A number of state agency programs are designated by the state Natural Resources Agency as "certified regulatory programs" because the programs already include environmental review that is "functionally equivalent" to CEQA. Special rules govern approvals under certified regulatory programs. See chap 21.

If a project requires approvals from a federal agency, the National Environmental Policy Act of 1969 (NEPA) (42 USC §§4321–4370h), the federal equivalent of CEQA, may apply. If the project involves a "major federal action" with significant impacts, an environmental impact statement (EIS) under NEPA may be required. Sometimes a joint EIR/EIS can be used to satisfy the requirements of both CEQA and NEPA. See chap 22. See also California Land Use Practice, chap 14 (Cal CEB).

Practice Under the California Environmental Quality Act » 1 Overview of CEQA Process »

#### **§1.13 D. CEQA Process Flow Chart**

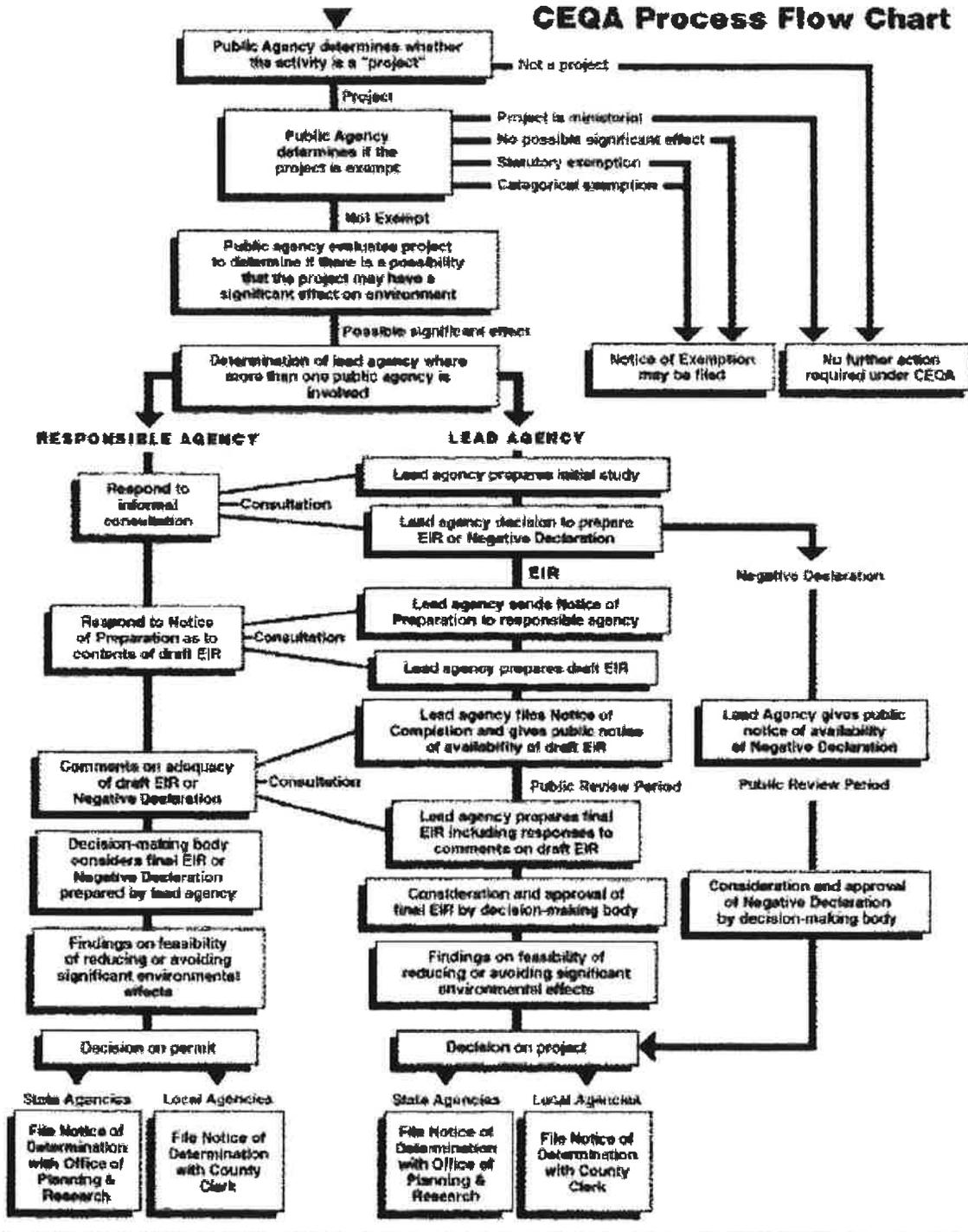
The steps in the basic CEQA review process, outlined in §§1.3–1.10, are depicted visually in the flow chart on the next page, which appears as CEQA Guidelines Appendix A. For an electronic version of this flow chart, see the Natural Resources Agency website.

# CEQA

The California Environmental Quality Act

[Credits](#) | [Disclaimer](#)

## CEQA Process Flow Chart



## City Council Agenda Item Old Business

**Item No:** 146  
~~11.G.~~  
**Date:** August 11, 2016  
**Subject:** Consider report on PACE program implementation

At your prior meeting staff was directed to bring back resolutions rescinding authorization to use this program in Dunsmuir if there are costs to be absorbed by City. City Managers of other Siskiyou County cities raised this concern and have met with Siskiyou County Auditor-Controller. Staff is informed that a better understanding of the program has been achieved and at this time there is no need to revoke the program. City Mangers group will continue to monitor this with Auditor-Controller.

**Recommendation:** Move to receive and file the above report on PACE program implementation.

## City Manager

---

**From:** Steven Baker <Sbaker@ci.yreka.ca.us>  
**Sent:** Thursday, July 28, 2016 8:09 AM  
**To:** City Manager; stock@ci.weed.ca.us; Paul Eckert  
**Subject:** RE: PACE program

Randy:

I talked to Jennie previously. Her enthusiasm was low, but she subsequently talked to another PACE program and got things squared away.

I iced my agenda item that would have allowed all four of the companies to operate the PACE program and frankly just haven't gotten back to that project. I probably will revisit it in a couple of months.

We were looking at the program that you discussed, as well as Ygreen (adopted by County), HERO, and another that I can't recall off the top of my head.

Steve

**From:** City Manager [mailto:citymanager@ci.dunsmuir.ca.us]  
**Sent:** Wednesday, July 27, 2016 8:42 PM  
**To:** stock@ci.weed.ca.us; Steven Baker <Sbaker@ci.yreka.ca.us>; Paul Eckert <eckert@mtshastaca.gov>  
**Subject:** PACE program

Received July 20 letter from County of Siskiyou Auditor-Controller today further muddying the waters. So where are you all on the PACE program? The one approved in Dunsmuir is with California Statewide Communities Development Authority. I have not heard of the other sponsors/companies Auditor-Controller mentions in her letter.

Randy L. Johnsen  
Interim City Manager  
(530) 235-4822 x 103  
[citymanager@ci.dunsmuir.ca.us](mailto:citymanager@ci.dunsmuir.ca.us)

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



County of Siskiyou  
Jennie Ebejer, Auditor-Controller

311 Fourth Street, Room 101 • Yreka, California 96097 • Phone: 530.842.8030 • Fax: 530.842.8077

July 20, 2016

City of Dunsmuir  
Attn: City Council  
5915 Dunsmuir Avenue  
Dunsmuir CA 96025

Re: Property Assessed Clean Energy (PACE) program

I have recently been made aware that different companies are sweeping California and targeting counties and cities in an effort to bring the PACE program to our communities. Unfortunately some of the communication is not always clear. I wanted to take this opportunity to help with making sure that this is a smooth and seamless transition for the constituents of the County of Siskiyou.

The companies that I have been made aware of are Ygrene, HERO, and Fig Tree. I'm sure there are probably more than this, but these are the ones that I'm aware of.

What do we need from you? I need you to send me copies of all of your resolutions that you currently have and any future companies that you may go with. If you have contact information for each of the companies please include their name and phone number. The county will be contracting with these companies to have the ability to place the homeowner's new assessment on the property tax roll.

Please let me know if you have any questions regarding this or if I can clarify anything for you. You can reach me directly at (530) 842-8020. If you would like to send the resolutions electronically, please send them to [jebejer@co.siskiyou.ca.us](mailto:jebejer@co.siskiyou.ca.us), please reference PACE Program and your city name in the subject line. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennie Ebejer".

Jennie Ebejer  
Auditor-Controller

# City Council Agenda Item

## New Business

**Item No:** 12.F.  
**Date:** July 21, 2016  
**Subject:** Consider and authorize Interim City Manager to prepare documents to withdraw from PACE program if there is to be cost borne by City

Recently the City Council adopted Resolutions to allow residents and businesses to enroll in and apply for PACE loan funding through CSCDA. Last year when the same resolutions were adopted and recently when these resolutions were adopted it was presented that there would never be any costs to the City for individuals participating in the program.

Cities in Siskiyou County are now being notified by Siskiyou County Auditor that cities will be charged for County auditor staff time and expenses in doing tax accounting, billing and handling of payments under this program. The Auditor advises she will be forwarding to all of the cities in the County an agreement which is intended to make cities responsible for these costs.

Staff knows of no justification for the City to bear the private cost of a loan that benefits and individual or business entity. A representative from CSCDA (California Statewide Communities Development Authority) has advised that he is in negotiations with County Auditor. If a resolution is not available the PACE program will not be offered in Siskiyou County.

**Recommendation:** Move to authorize Interim City Manager to prepare documents to withdraw from PACE program if there is to be cost borne by City

DK + BD  
(3-2) BC + JS

**From:** Paul Eckert [<mailto:eckert@mtshastaca.gov>]  
**Sent:** Friday, June 10, 2016 8:32 PM  
**To:** Ron Stock <[stock@ci.weed.ca.us](mailto:stock@ci.weed.ca.us)>; James Hamill <[jhamill@cscda.org](mailto:jhamill@cscda.org)>  
**Cc:** [pjs1031@yahoo.com](mailto:pjs1031@yahoo.com); Steven Baker <[Sbaker@ci.yreka.ca.us](mailto:Sbaker@ci.yreka.ca.us)>; Kelly McKinnis <[mckinnis@ci.weed.ca.us](mailto:mckinnis@ci.weed.ca.us)>  
**Subject:** RE: PACE Information Request Form

The City of Mt. Shasta would react similarly to the City of Weed.

**From:** Ron Stock [<mailto:stock@ci.weed.ca.us>]  
**Sent:** Thursday, June 09, 2016 3:58 PM  
**To:** James Hamill <[jhamill@cscda.org](mailto:jhamill@cscda.org)>  
**Cc:** [pjs1031@yahoo.com](mailto:pjs1031@yahoo.com); Paul Eckert <[eckert@mtshastaca.gov](mailto:eckert@mtshastaca.gov)>; Steven Baker <[Sbaker@ci.yreka.ca.us](mailto:Sbaker@ci.yreka.ca.us)>; Kelly McKinnis <[mckinnis@ci.weed.ca.us](mailto:mckinnis@ci.weed.ca.us)>  
**Subject:** RE: PACE Information Request Form

James,

This program was "sold" to us on the basis that it required minimal effort on the part of the City and no cost. We just received a call from the Siskiyou County Auditor alleging that the City will be responsible for the staff time and expenses of her office in doing the tax accounting, billing, and handling of payments. She advises that she will be forwarding to all of the cities in the County (seven of nine apparently) an agreement which is intended to make us responsible for these costs. Is she accurate in her interpretation? If so, and there is a cost to the City of Weed for this program, we will rescind our approval of the PACE Resolution. I cannot justify having the taxpayers of the City bear the private cost of a loan to the benefit of one individual or business entity.

Ron Stock  
Weed City Administrator

## City Manager

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**From:** Pamela Stock <pjs1031@yahoo.com>  
**Sent:** Tuesday, July 12, 2016 2:16 PM  
**To:** City Manager  
**Subject:** Fwd: PACE Information Request Form

Sent from my iPhone

Begin forwarded message:

**From:** James Hamill <jhamill@cscda.org>  
**Date:** June 10, 2016 at 8:40:28 PM PDT  
**To:** Paul Eckert <eckert@mtshastaca.gov>, Ron Stock <stock@ci.weed.ca.us>  
**Cc:** "pjs1031@yahoo.com" <pjs1031@yahoo.com>, Steven Baker <Sbaker@ci.yreka.ca.us>, Kelly McKinnis <mckinnis@ci.weed.ca.us>  
**Subject:** RE: PACE Information Request Form

Hi Paul and All,

I do have a message into the County and hopefully will have more answers next week. We agree with your position and would/will not offer the program in Siskiyou County if this is how the County decides to proceed. Thanks and enjoy the weekend.

Kind regards,

James



James Hamill  
Managing Director  
Direct: 925.476.5644  
Cell: 925.708.0271  
1700 North Broadway | Suite 405  
Walnut Creek, CA 94596

[www.cscda.org](http://www.cscda.org)



## City Manager

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**From:** Ron Stock <stock@ci.weed.ca.us>  
**Sent:** Friday, July 29, 2016 9:49 AM  
**To:** Steven Baker; City Manager; Paul Eckert  
**Subject:** RE: PACE program

Weed approved all four programs, but did it at two separate meetings—one before Jennie's letter and one after she changed her position.

**From:** Steven Baker [mailto:Sbaker@ci.yreka.ca.us]  
**Sent:** Thursday, July 28, 2016 8:09 AM  
**To:** City Manager; Ron Stock; Paul Eckert  
**Subject:** RE: PACE program

Randy:

I talked to Jennie previously. Her enthusiasm was low, but she subsequently talked to another PACE program and got things squared away.

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**Subject:** PACE program

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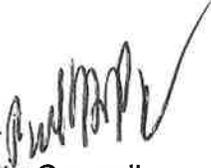
Randy L. Johnsen  
Interim City Manager  
(530) 235-4822 x 103  
[citymanager@ci.dunsmuir.ca.us](mailto:citymanager@ci.dunsmuir.ca.us)

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14H  
Agenda Item: 11.H

**MEMORANDUM**

August 4, 2016

From: City Manager   
To: Mayor and City Council

Subj: Information regarding blue bag recycling program

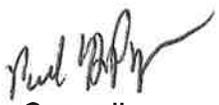
My understanding from the last City Council meeting, is that the City Council approved the Blue Bag Recycling program with Clemens Garbage Collection and was seeking the public use.

It has been reported to me that during the summer that approximately 90 bags are used each day of collection x 2 days a week collection (North on Monday and South on Thursday) for a total of approximately 180 bags per week.

It was further reported that in the winter it is approximately 60 bags are used each day of collection x 2 days a week collection (North on Monday and South on Thursday) for a total of approximately 120 bags per week.

**Agenda Item: 11.1****MEMORANDUM**

August 4, 2016

From: City Manager   
To: Mayor and City Council

Subj: Airport Application for Federal Assistance from the FAA for Mott Airport

There are two (2) Revised Applications for Federal Assistance (SF-424) submitted last week to the Federal Aviation Administration (FAA): (1) \$100,899 for the Pavement Maintenance Management Plan (PMMP); (2) \$240,929 for the Airport Layout Plan with AGIS. These are the same applications which were submitted in February. They were revised due to estimates from the consultants and Independent Fee Estimates. The applications were sent to Carol Ford who will hand carry them to the FAA.

The Professional Services Agreement Between the City of Dunsmuir and Coffman Associates, INC and between the City of Dunsmuir and Dyer Engineering, Inc. have been signed by the City and forward to Coffman Associates for their signature. **NO WORK WILL PROCEED UNTIL A WORK ORDER IS INITIATED BY THE CITY AFTER THE GRANT IS RECEIVED.**

The City is now waiting on the FAA to approve and provide the funding per our request so that the work can begin.

**Application for Federal Assistance SF-424**

<p>* 1. Type of Submission</p> <p><input type="checkbox"/> Preapplication</p> <p><input checked="" type="checkbox"/> Application</p> <p><input type="checkbox"/> Changed/Corrected Application</p>	<p>* 2. Type of Application</p> <p><input checked="" type="checkbox"/> New</p> <p><input type="checkbox"/> Continuation</p> <p><input type="checkbox"/> Revision</p>	<p>* If Revision, select appropriate letter(s):</p> <p>- Select One -</p> <p>* Other (Specify)</p>
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* 3. Date Received:	4. Application Identifier:
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5a. Federal Entity Identifier:	* 5b. Federal Award Identifier:
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**State Use Only:**

6. Date Received by State:	7. State Application Identifier:
----------------------------	----------------------------------

**8. APPLICANT INFORMATION:**

\* a. Legal Name: City of Dunsmuir

* b. Employer/Taxpayer Identification Number (EIN/TIN): 94-600324	*c. Organizational DUNS:
--	--------------------------

**d. Address:**

\* Street1: 5915 Dunsmuir Ave  
 Street 2:  
 \* City: Dunsmuir  
 County: Siskiyou  
 \* State: California  
 Province: --  
 Country: United States \*Zip/ Postal Code: 96025

**e. Organizational Unit:**

Department Name: City	Division Name:
--------------------------	----------------

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix: Mr. First Name: Paul  
 Middle Name:  
 \* Last Name: Poczobut  
 Suffix:

Title: City Manager

Organizational Affiliation:

* Telephone Number: (530) 235-4822	Fax Number:
------------------------------------	-------------

\* Email: citymanager@ci.dunsmuir.ca.us

**Application for Federal Assistance SF-424**

\*9. Type of Applicant 1: Select Applicant Type:

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

\* Other (specify):

\* 10. Name of Federal Agency:

FAA

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

\*12. Funding Opportunity Number:

Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Dunsmuir, Siskiyou County

\* 15. Descriptive Title of Applicant's Project:

1. Pavement Maintenance Management Plan

**Attach supporting documents as specified in agency instructions.**

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**

\*a. Applicant: 2nd

\*b. Program/Project: 2nd

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\*a. Start Date: 08/15/2016

\*b. End Date: 04/30/2017

**18. Estimated Funding (\$):**

*a. Federal	90,810.00
*b. Applicant	5,549.00
*c. State	4,540.00
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	100,899.00

**19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on \_\_\_\_\_
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372

**20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation on next page.)**

Yes       No

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix: Mr

\*First Name: Paul

Middle Name:

\*Last Name: Poczobut

Suffix:

\*Title: City Manager

\*Telephone Number: (530) 235-4822

Fax Number:

\* Email: citymanager@ci.dunsmuir.ca.us

\*Signature of Authorized Representative:

\*Date Signed:

**Application for Federal Assistance SF-424**

**\*Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

NONE.

**INSTRUCTIONS FOR THE SF-424**

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry
1.	<b>Type of Submission:</b> (Required) Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> <li>• Preapplication</li> <li>• Application</li> <li>• Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date.</li> </ul>
2.	<b>Type of Application:</b> (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> <li>• New – An application that is being submitted to an agency for the first time.</li> <li>• Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.</li> <li>• Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided.               <ul style="list-style-type: none"> <li>A. Increase Award</li> <li>B. Decrease Award</li> <li>C. Increase Duration</li> <li>D. Decrease Duration</li> <li>E. Other (specify)</li> </ul> </li> </ul>
3.	<b>Date Received:</b> Leave this field blank. This date will be assigned by the Federal agency.
4.	<b>Applicant Identifier:</b> Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.
5a.	<b>Federal Entity Identifier:</b> Enter the number assigned to your organization by the Federal Agency, if any.
5b.	<b>Federal Award Identifier:</b> For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.
6.	<b>Date Received by State:</b> Leave this field blank. This date will be assigned by the State, if applicable.
7.	<b>State Application Identifier:</b> Leave this field blank. This identifier will be assigned by the State, if applicable.
8.	<b>Applicant Information:</b> Enter the following in accordance with agency instructions: <ul style="list-style-type: none"> <li>a. <b>Legal Name:</b> (Required) Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.</li> <li>b. <b>Employer/Taxpayer Number (EIN/TIN):</b> (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.</li> <li>c. <b>Organizational DUNS:</b> (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.</li> <li>d. <b>Address:</b> Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).</li> <li>e. <b>Organizational Unit:</b> Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.</li> <li>f. <b>Name and contact information of person to be contacted on matters involving this application:</b> Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.</li> </ul>
9.	<b>Type of Applicant:</b> (Required) Select up to three applicant type(s) in accordance with agency instructions: <ul style="list-style-type: none"> <li>A. State Government</li> <li>B. County Government</li> <li>C. City or Township Government</li> <li>D. Special District Government</li> <li>E. Regional Organization</li> <li>F. U.S. Territory or Possession</li> <li>G. Independent School District</li> <li>H. Public/State Controlled Institution of Higher Education</li> <li>I. Indian/Native American Tribal Government (Federally Recognized)</li> <li>J. Indian/Native American Tribal Government (Other than Federally Recognized)</li> <li>K. Indian/Native American Tribally Designated Organization</li> <li>L. Public/Indian Housing Authority</li> <li>M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)</li> <li>N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)</li> <li>O. Private Institution of Higher Education</li> <li>P. Individual</li> <li>Q. For-Profit Organization (Other than Small Business)</li> <li>R. Small Business</li> <li>S. Hispanic-serving Institution</li> </ul>

Item	Entry
	T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)
10.	<b>Name Of Federal Agency:</b> (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
11.	<b>Catalog Of Federal Domestic Assistance Number/Title:</b> Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
12.	<b>Funding Opportunity Number/Title:</b> Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
13.	<b>Competition Identification Number/Title:</b> Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
14.	<b>Areas Affected By Project:</b> List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
15.	<b>Descriptive Title of Applicant's Project:</b> (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
16.	<b>Congressional Districts Of:</b> (Required) <b>16a.</b> Enter the applicant's Congressional District, and <b>16b.</b> Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 <sup>th</sup> district, CA-012 for California 12 <sup>th</sup> district, and NC-103 for North Carolina's 103 <sup>rd</sup> district. <ul style="list-style-type: none"> <li>• If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland.</li> <li>• If nationwide, i.e. all districts within all states are affected, enter US-all.</li> <li>• If the program/project is outside the US, enter 00-000.</li> </ul>
17.	<b>Proposed Project Start and End Dates:</b> (Required) Enter the proposed start date and end date of the project.
18.	<b>Estimated Funding:</b> (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
19.	<b>Is Application Subject to Review by State Under Executive Order 12372 Process?</b> Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.
20.	<b>Is the Applicant Delinquent on any Federal Debt?</b> (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.
21.	<b>Authorized Representative:</b> (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required), title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant.  A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

**PART III - BUDGET INFORMATION - CONSTRUCTION****SECTION A - GENERAL**

1. Federal Domestic Assistance Catalog No. .... 20-106 .....
2. Functional or Other Breakout                      1. Pavement Maintenance Management Plan

**SECTION B - CALCULATION OF FEDERAL GRANT**

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense,	\$	\$	\$ 8,000
2. Preliminary expense			\$
3. Land, structures, right-of-way		IFE	\$ 1,400
4. Architectural engineering basic fees			\$ 89,900
5. Other Architectural engineering fees			
6. Project inspection fees		City	\$ 1,600
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			\$
11. Construction and project improvement			\$
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			\$ 100,900
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			\$
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			\$ 100,900
20. Federal Share requested of Line 19			\$ 90,810
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			\$ 90,810
23. Grantee share			\$ 5,549
24. Other shares			\$ 4,540.
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$ 100,900



Application for Federal Assistance SF-424		
* 1. Type of Submission	* 2. Type of Application	* If Revision, select appropriate letter(s):
<input type="checkbox"/> Preapplication	<input checked="" type="checkbox"/> New	- Select One -
<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Continuation	* Other (Specify)
<input type="checkbox"/> Changed/Corrected Application	<input type="checkbox"/> Revision	
* 3. Date Received:	4. Application Identifier:	
5a. Federal Entity Identifier:	* 5b. Federal Award Identifier:	
<b>State Use Only:</b>		
6. Date Received by State:	7. State Application Identifier:	
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: City of Dunsmuir		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 94-600324	*c. Organizational DUNS:	
<b>d. Address:</b>		
* Street1: 5915 Dunsmuir Ave		
Street 2:		
* City: Dunsmuir		
County: Siskiyou		
* State: California		
Province: --		
Country: United States	*Zip/ Postal Code: 96025	
<b>e. Organizational Unit:</b>		
Department Name:	Division Name:	
City		
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix:	First Name: Paul	
Middle Name:		
* Last Name: Poczobut		
Suffix:		
Title: City Manager		
Organizational Affiliation:		
* Telephone Number: (530) 235-4822	Fax Number:	
* Email: citymanager@ci.dunsmuir.ca.us		

**Application for Federal Assistance SF-424**

\*9. Type of Applicant 1: Select Applicant Type:

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

\* Other (specify):

\* 10. Name of Federal Agency:

FAA

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

\*12. Funding Opportunity Number:

Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Dunsmuir, Siskiyou County

\* 15. Descriptive Title of Applicant's Project:

1. Narrative Airport Layout Plan including an updated Exhibit A Property Map and
2. Airports Geographic Information System (Airports GIS)

**Attach supporting documents as specified in agency instructions.**

<b>Application for Federal Assistance SF-424</b>	
<b>16. Congressional Districts Of:</b>	
*a. Applicant: 2nd	*b. Program/Project: 2nd
Attach an additional list of Program/Project Congressional Districts if needed.	
<b>17. Proposed Project:</b>	
*a. Start Date: 08/16/2016	*b. End Date: 08/30/2017
<b>18. Estimated Funding (\$):</b>	
*a. Federal	216,836.00
*b. Applicant	13,251.00
*c. State	10,842.00
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	240,929.00
<b>*19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____ <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372	
<b>*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation on next page.)</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)  <input checked="" type="checkbox"/> ** I AGREE  ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
<b>Authorized Representative:</b>	
Prefix: Mr.	*First Name: Paul
Middle Name:	
*Last Name: Poczobut	
Suffix:	
*Title: City Manager	
*Telephone Number: (530) 235-4822	Fax Number:
* Email: citymanager@ci.dunsmuir.ca.us	
*Signature of Authorized Representative:	*Date Signed:

**Application for Federal Assistance SF-424**

**\*Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

NONE.

**INSTRUCTIONS FOR THE SF-424**

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry
1.	<b>Type of Submission:</b> (Required) Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> <li>• Preapplication</li> <li>• Application</li> <li>• Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date.</li> </ul>
2.	<b>Type of Application:</b> (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> <li>• New – An application that is being submitted to an agency for the first time.</li> <li>• Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.</li> <li>• Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided.               <ul style="list-style-type: none"> <li>A. Increase Award</li> <li>B. Decrease Award</li> <li>C. Increase Duration</li> <li>D. Decrease Duration</li> <li>E. Other (specify)</li> </ul> </li> </ul>
3.	<b>Date Received:</b> Leave this field blank. This date will be assigned by the Federal agency.
4.	<b>Applicant Identifier:</b> Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.
5a	<b>Federal Entity Identifier:</b> Enter the number assigned to your organization by the Federal Agency, if any.
5b.	<b>Federal Award Identifier:</b> For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.
6.	<b>Date Received by State:</b> Leave this field blank. This date will be assigned by the State, if applicable.
7.	<b>State Application Identifier:</b> Leave this field blank. This identifier will be assigned by the State, if applicable.
8.	<b>Applicant Information:</b> Enter the following in accordance with agency instructions: <ul style="list-style-type: none"> <li>a. <b>Legal Name:</b> (Required) Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.</li> <li>b. <b>Employer/Taxpayer Number (EIN/TIN):</b> (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.</li> <li>c. <b>Organizational DUNS:</b> (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.</li> <li>d. <b>Address:</b> Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).</li> <li>e. <b>Organizational Unit:</b> Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.</li> <li>f. <b>Name and contact information of person to be contacted on matters involving this application:</b> Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.</li> </ul>
9.	<b>Type of Applicant:</b> (Required) Select up to three applicant type(s) in accordance with agency instructions: <ul style="list-style-type: none"> <li>A. State Government</li> <li>B. County Government</li> <li>C. City or Township Government</li> <li>D. Special District Government</li> <li>E. Regional Organization</li> <li>F. U.S. Territory or Possession</li> <li>G. Independent School District</li> <li>H. Public/State Controlled Institution of Higher Education</li> <li>I. Indian/Native American Tribal Government (Federally Recognized)</li> <li>J. Indian/Native American Tribal Government (Other than Federally Recognized)</li> <li>K. Indian/Native American Tribally Designated Organization</li> <li>L. Public/Indian Housing Authority</li> <li>M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)</li> <li>N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)</li> <li>O. Private Institution of Higher Education</li> <li>P. Individual</li> <li>Q. For-Profit Organization (Other than Small Business)</li> <li>R. Small Business</li> <li>S. Hispanic-serving Institution</li> </ul>

Item	Entry
	T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)
10.	<b>Name Of Federal Agency:</b> (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
11.	<b>Catalog Of Federal Domestic Assistance Number/Title:</b> Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
12.	<b>Funding Opportunity Number/Title:</b> Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
13.	<b>Competition Identification Number/Title:</b> Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
14.	<b>Areas Affected By Project:</b> List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
15.	<b>Descriptive Title of Applicant's Project:</b> (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
16.	<b>Congressional Districts Of:</b> (Required) <b>16a.</b> Enter the applicant's Congressional District, and <b>16b.</b> Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 <sup>th</sup> district, CA-012 for California 12 <sup>th</sup> district, and NC-103 for North Carolina's 103 <sup>rd</sup> district. <ul style="list-style-type: none"> <li>• If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland.</li> <li>• If nationwide, i.e. all districts within all states are affected, enter US-all.</li> <li>• If the program/project is outside the US, enter 00-000.</li> </ul>
17.	<b>Proposed Project Start and End Dates:</b> (Required) Enter the proposed start date and end date of the project.
18.	<b>Estimated Funding:</b> (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
19.	<b>Is Application Subject to Review by State Under Executive Order 12372 Process?</b> Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.
20.	<b>Is the Applicant Delinquent on any Federal Debt?</b> (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.
21.	<b>Authorized Representative:</b> (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required), title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant.  A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

**PART III - BUDGET INFORMATION - CONSTRUCTION****SECTION A - GENERAL**

1. Federal Domestic Assistance Catalog No. .... 20-106
2. Functional or Other Breakout                    1. Airport Layout Plan with AGIS

**SECTION B -CALCULATION OF FEDERAL GRANT**

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$ 13,900
2. Preliminary expense inc.            DBE			\$ 11,000
3. Land, structures, right-of-way        IFE			\$ 1,400
4. Architectural engineering basic fees			\$ 214,629
5. Other Architectural engineering fees			
6. Project inspection fees			\$
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			\$
11. Construction and project improvement			\$
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			\$ 240,929
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			\$
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			\$ 240,929
20. Federal Share requested of Line 19			\$ 216,836
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			\$ 216,836
23. Grantee share			\$ 13,251
24. Other shares			\$ 10,842
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$240,929

15A  
Agenda Item: ~~12.A~~

**MEMORANDUM**

August 4, 2016

From: City Manager 

To: Mayor and City Council

Subj: Clean-up of Train 1727

Councilman Dave Keisler is requesting to address the City Council with the condition and potential cleaning up of Train 1727.

## City Council Agenda Item New Business

**Item No:** 15B  
12.b.  
**Date:** August 11, 2016  
**Subject:** Consider and Adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Downtown Water Storage Replacement and Relocation Project.

The City has complied with the California Environmental Quality Act (CEQA) and completed an Initial Study/Mitigated Negative Declaration for the City of Dunsmuir Water Storage Tank Replacement and Relocation Project.

This was made available to the general public and interested agencies for a 30-day review period. The State Clearinghouse ended July 6, 2016 and the general public review period ended July 9, 2016.

There were two comment letters received from California Department of Fish and Wildlife and the Central Valley Regional Water Quality Control Board. There were no comments from the general public.

The Mitigation Monitoring and Reporting Program (MMRP) presents all mitigation measures for the project and describes necessary monitoring actions to be taken, as well as the timing and frequency of the prescribed monitoring activities. CEQA requires that, when adopting a Mitigated Negative Declaration, the lead agency must also adopt a MMRP.

**Recommendation:** Move to adopt Resolution No. 2016-\_\_ Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Dunsmuir Downtown Water Storage Replacement and Relocation Project.

RESOLUTION NO. 2016-\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR, CA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DUNSMUIR DOWNTOWN WATER STORAGE TANK REPLACEMENT AND RELOCATION PROJECT**

**WHEREAS**, the City of Dunsmuir has proposed to replace its 400,000-gallon downtown water storage tank with a 900,000-gallon water storage tank at the slightly higher level and a more stable system pressure, and

**WHEREAS**, the City, through its consultant ENPLAN, prepared an Initial Study and Mitigated Negative Declaration addressing environmental impacts of the Project, as well as a Mitigation Monitoring and Reporting Program for the Project, as per the requirements of the California Environmental Quality Act, and

**WHEREAS**, a Notice of Availability of the Initial Study was published in the local newspaper, and the Initial Study/Mitigated Negative Declaration was made available to the general public for a 30-day review period ending July 6, 2016 for the State Clearinghouse and July 9, 2016 for the general public, and

**WHEREAS**, mitigation measures to bring the impacts of the project to less than significant levels have been identified in the Mitigated Negative Declaration and shall be incorporated into the project; and

**WHEREAS**, the Mitigation Monitoring and Reporting Program has been developed for the Project to ensure that all mitigation measures will in fact be implemented by the City; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Dunsmuir, CA adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Dunsmuir Downtown Water Tank Replacement and Relocation Project, on the basis that:

1. The Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act and all legal requirements, including all public notice and comment period requirements.
2. The City Council finds on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment, and the mitigated negative declaration reflects the lead agency's independent judgement and analysis.
3. The City Council approves and adopts the Mitigation Monitoring and Reporting Program for the Project, and directs City staff, in carrying out the Project, to implement and comply with: (1) the Mitigation Measures, which are described and referenced in the Initial Study and Mitigated Negative Declaration; and (2) the Mitigation Monitoring and Reporting Program.

4. The custodian of the documents comprising the record of proceedings is the City Manager, or his/her designee, of the City of Dunsmuir, whose office is located at 5915 Dunsmuir Ave, Dunsmuir, CA 96025.

IT IS HEREBY CERTIFIED that 2016-\_\_\_\_ was passed and adopted this 11th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: August 11, 2016

ATTEST:

---

Julie Iskra, City Clerk

---

Josh Spurlock, Mayor

32-23  
July 13, 2016

## MEMORDANUM

TO: Pam Stock, City of Dunsmuir

CC: Paul Reuter

FROM: Lindsay Kantor

SUBJECT: Dunsmuir Downtown Tank Replacement and Relocation Project—Response to Comments and Mitigation Monitoring and Reporting Program

In accordance with the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) for the Dunsmuir Downtown Tank Replacement and Relocation Project was made available to the general public and interested agencies for a 30-day review period. The agency review period managed by the State Clearinghouse ended July 6; the general public review period ended July 9, 2016. All written comments received during the public review period are attached, along with written responses to environmental issues raised by commenters on the IS/MND. A Mitigation Monitoring and Reporting Program (MMRP) prepared for the project is also attached.

### Response to Comments

In addition to confirmation from the State Clearinghouse that the 30-day posting requirement had been met, two (2) comment letters were received with regard to the IS/MND. The comment letters were received from Michael Harris, Interior Conservation Planning Supervisor, at California Department of Fish and Wildlife, and Dannas Berchtold, Engineering Associate, at the Central Valley Regional Water Quality Control Board. No comments from the general public were received. Both letters are reproduced in their entirety and are followed by response(s) to the letters.

### Mitigation Monitoring and Reporting Program

The MMRP presents all mitigation measures for the project and describes necessary monitoring actions to be taken, as well as the timing and frequency of the prescribed monitoring activities. CEQA requires that, when adopting a Mitigated Negative Declaration, the lead agency must also adopt a MMRP.

encl. Public Comment Letters  
Responses  
Mitigation Monitoring and Reporting Program



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

July 7, 2016

Pamela Stock  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Subject: Downtown Tank Relocation and Replacement Project  
SCH#: 2016062018

Dear Pamela Stock:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 6, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2016062018  
**Project Title** Downtown Tank Relocation and Replacement Project  
**Lead Agency** Dunsmuir, City of

**Type** MND Mitigated Negative Declaration

**Description** The project entails replacement of the City's existing 400,000 gallon downtown water storage tank with a new 900,000 gallon storage tank at a slightly higher elevation. A new tank is necessary to provide water storage at a higher elevation so that more stable system pressures can be delivered during peak demands, to increase water storage, and to replace the aged tank. Associated improvements include a pipeline, access road, supervisory valve, and two pressure reducing valves. The project site is not identified as a hazardous waste facility, hazardous waste property, or hazardous waste disposal site.

**Lead Agency Contact**

**Name** Pamela Stock  
**Agency** City of Dunsmuir  
**Phone** (530) 235-4822 **Fax**  
**email**  
**Address** 5915 Dunsmuir Avenue  
**City** Dunsmuir **State** CA **.Zip** 96025

**Project Location**

**County** Siskiyou  
**City** Dunsmuir  
**Region**  
**Lat / Long** 41° 12' 47" N / 122° 16' 30" W  
**Cross Streets** Various  
**Parcel No.** various  
**Township** 39N **Range** 4W **Section** 24,25 **Base** MDMB

**Proximity to:**

**Highways** 5  
**Airports**  
**Railways** UPRR  
**Waterways** Sac River  
**Schools** Dunsmuir HS, Dunsmuir ES  
**Land Use** Open space, roads/multi family res, central commercial, non prime ag/combining district/low density res

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Water Supply; Landuse; Cumulative Effects; Other Issues; Growth Inducing

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 1; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 2; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Redding); Native American Heritage Commission; Public Utilities Commission; State Lands Commission

**Date Received** 06/07/2016 **Start of Review** 06/07/2016 **End of Review** 07/06/2016

**State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit**

The Clearinghouse submitted the Mitigated Negative Declaration to select state agencies for review. The 30-day agency review period closed on July 6, 2016; comments received by the Clearinghouse were provided to City staff.

*Response: Noted. No response necessary.*



July 5, 2016

Ms. Pamela Stock  
 Interim City Manager  
 City of Dunsmuir  
 5915 Dunsmuir Avenue  
 Dunsmuir, CA 96025

**Subject: Review of the Proposed Mitigated Negative Declaration for the Downtown Tank Relocation and Replacement Project, City of Dunsmuir, Siskiyou County, California**

Dear Ms. Stock:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Mitigated Negative Declaration dated June 2016, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act, California Public Resource Code section 21000 et seq.

**Project Description**

The proposed Project "entails replacement of the City of Dunsmuir's existing 400,000-gallon downtown water storage tank with a new 900,000-gallon storage tank at a slightly higher elevation. A new tank is necessary to provide water storage at a higher elevation so that more stable system pressures can be delivered during peak demands, to increase water storage, and to replace the aged tank. Associated improvements include a pipeline, access road, supervisory valve, and two pressure reducing valves."

**Comments and Recommendations**

A site visit of the Project was conducted with City staff, ENPLAN, and the Department on December 15, 2015. The Department has the following comments:

1. On page 25 of the MND/IS, it states that the City will be diverting the water that was previously used for the continuous overflow. This volume or rate of flow of water would instead be allowed to flow naturally to Mossbrae Falls, which feeds the Sacramento River. The Lead Agency should quantify the amount of water not being diverted and should be documenting their forbearance or protecting the downstream flow via some legal mechanism. Please clarify whether instream flow is a designated beneficial use currently listed for the City's water right. The

1 - 1

*Conserving California's Wildlife Since 1870*

- 1 - 1  
cont. Department is supportive of this action; however, it will need to be documented.  
Will the City formally petition for a Dedicated Instream Water (Section 1707) use?
- 1 - 2 2. Mitigation Measure 4.1 states that a botanical field survey will be conducted in the  
summer. The Department requests that results of this survey be sent to the  
Department at the following address: California Department of Fish and Wildlife,  
Attn: CEQA, 601 Locust Street, Redding, CA 96001.
- 1 - 3 3. Mitigation Measure 4.2 states that if western mastiff bats (*Eumops perotis  
californicus*) are identified within the Project area, humane exclusion/eviction  
measures will be developed and implemented by the bat biologist in consultation  
with the City of Dunsmuir. The Department should be included in the  
consultation.

If you have any questions, please contact Amy Henderson, Senior Environmental  
Scientist (Specialist), at (530) 225-2779, or by email at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,



Michael R. Harris  
Interior Conservation Planning Supervisor

cc: Pamela Stock, Interim City Manager  
[cfo@ci.dunsmuir.ca.us](mailto:cfo@ci.dunsmuir.ca.us)

State Clearinghouse  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)

Don Burk  
[dburk@enplan.com](mailto:dburk@enplan.com)

Kristin Hubbard and Amy Henderson  
California Department of Fish and Wildlife  
[Kristin.Hubbard@wildlife.ca.gov](mailto:Kristin.Hubbard@wildlife.ca.gov) and [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov);

## California Department of Fish and Wildlife

### Comment 1-1

The California Department of Fish and Wildlife (CDFW) comments on the water that would be diverted to Mossbrae Falls during low-demand periods when the City is not using its full water right. CDFW states that the City "should quantify the amount of water not being diverted and should be documenting their forbearance or protecting the downstream flow via some legal mechanism." In addition, CDFW asks "whether instream flow is a designated beneficial use currently listed for the City's water right," and "will the City formally petition for a Dedicated Instream Water (Section 1707) use."

Response: *The City will adhere to the policies and regulations of the State Water Resources Control Board, Division of Water Rights, as they relate to the City's water right to Mossbrae Springs. No changes in water rights or peak diversion rates are proposed.*

### Comment 1-2

CDFW requests that they receive the results of the late-season botanical survey to be conducted as part of Mitigation Measure 4.1.

Response: *Survey results will be sent to CDFW upon survey completion.*

### Comment 1-3

In regards to Mitigation Measure 4.2 which requires humane exclusion/eviction measures if western mastiff bats are identified in the project site, CDFW requests that they be consulted with in developing the measures.

Response: *CDFW will be consulted with in conjunction with City staff and the bat biologist if western mastiff bats are identified at the project site. Mitigation Measure 4.2 has been revised accordingly, as presented in the attached MMRP.*

---

**Central Valley Regional Water Quality Control Board**

22 June 2016

Ms. Pamela Stock  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

**COMMENTS ON THE NEGATIVE DECLARATION FOR PROPOSED DOWNTOWN TANK  
RELOCATION & REPLACEMENT PROJECT, DUNSMUIR, SISKIYOU COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 9 June 2016, we received your request for comments on the Mitigated Negative Declaration for the Downtown Tank Relocation & Replacement Project.

The project entails replacement of the City's existing 400,000-gallon downtown water storage tank with a new 900,000-gallon storage tank at a slightly higher elevation. A new tank is necessary to provide water storage at a higher elevation so that more stable system pressure can be delivered during peak demands, to increase water storage, and to replace the aged tank. Associated improvements include a pipeline, access road, supervisory valve, and two pressure reducing valves.

Based on our review of the information submitted for the proposed project, we have the following comments:

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

2 - 1

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Downtown Tank Relocation & Replacement Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/gen\\_const.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml)

If you have any questions or comments regarding this matter please contact me at (530) 224-4783 or [dberchtold@waterboards.ca.gov](mailto:dberchtold@waterboards.ca.gov).



Danna J. Berchtold  
Engineering Associate  
Storm Water & Water Quality Certification Unit

DJB: wrb:sjs

cc w/o

enclosures: Mr. Matt Kelley, U.S. Army Corp of Engineers, Redding  
Ms. Donna Cobb, Department of Fish and Wildlife, Region 1, Redding  
State Clearing House Number (2016062018)

## Central Valley Regional Water Quality Control Board

### Comment 2-1

The Central Valley Regional Water Quality Control Board noted that coverage under a General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP) must be obtained. The CGP requires implementation of storm water pollution controls during construction and post-construction. Permit Registration Documents must be submitted electronically prior to construction at the State Water Board website.

Response: *Noted. The requirement for obtaining a CGP is identified on pages 10 and 31 of the IS/MND. In accordance with the CGP, the City of Dunsmuir or its designee will implement storm water pollution controls during construction and post-construction. The City of Dunsmuir or its designee will apply for coverage under the CGP by electronically submitting the Permit Registration Documents at the State Water Board website.*

## Dunsmuir Tank Relocation and Replacement Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Monitoring Action	Monitoring Timing/Frequency	Date Checked/ By Whom
<p>MM 4.1. A botanical field survey shall be conducted in the summer, when northern clarkia, seaside bittercress, and other special-status plants known to occur in the region would be identifiable. In the unlikely event that special-status plant species are present, final design of the tank site shall avoid the plant population(s) and a suitable buffer zone(s) to the extent practicable. If avoidance is not feasible, loss of the special-status plants shall be offset through creation of suitable habitat at a minimum 3:1 ratio. A detailed mitigation plan shall be submitted to the City of Dunsmuir and California Department of Fish and Wildlife for review and approval. The plan shall identify the mitigation site, methods to be employed to create offsetting special-status plant habitat, success criteria, monitoring requirements, remedial measures, and/or other pertinent data to ensure successful replacement of the affected plant populations. Mitigation shall be undertaken concurrently with or in advance of the start of project construction.</p> <p><b>Responsibility:</b> City of Dunsmuir</p>	<p>BC</p> <ul style="list-style-type: none"> <li>Confirm that field survey is performed prior to final design of the tank site and that the results are provided to the City and CDFW.</li> <li>If special-status plant species are present but avoidable, confirm suitable buffer zones have been established and are depicted on project plans.</li> <li>If special-status plant species are present but not avoidable, confirm creation of suitable habitat at a minimum 3:1 ratio, or submission of a mitigation plan to City of Dunsmuir and California Department of Fish and Wildlife for review and approval.</li> </ul>	<p>BC</p> <ul style="list-style-type: none"> <li>One-time check of biologist's documentation.</li> <li>If avoidance of special-status plant species is proposed, conduct a one-time check of final project design to confirm that an appropriate buffer is provided.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>Field check of buffer zones as needed.</li> </ul> <p>DC/AC</p> <ul style="list-style-type: none"> <li>Additional monitoring, if required, shall be undertaken with the timing/frequency described in the mitigation plan.</li> </ul>	
<p>MM 4.2. To ensure that western mastiff bats are not directly impacted, prior to tree removal, an acoustical survey for bats shall be conducted at the project site by a qualified bat biologist to determine presence or absence of bat species. In the event that western mastiff bats or other special-status bat species are detected, appropriate humane eviction/exclusion measures shall be developed and implemented by the bat biologist in consultation with City of Dunsmuir and California Department of Fish and Wildlife staff, preceding tree removal activity.</p> <p><b>Responsibility:</b> City of Dunsmuir</p>	<p>BC</p> <ul style="list-style-type: none"> <li>Confirm mitigation measure is included in construction contract.</li> <li>Check documentation provided by biologist regarding the results of the pre-tree removal survey.</li> <li>Verify that any measures identified by the bat biologist in consultation with City of Dunsmuir and CDFW staff, are implemented as appropriate.</li> </ul>	<p>BC</p> <ul style="list-style-type: none"> <li>One-time check of construction contract.</li> <li>One-time check of biologist's pre-tree removal report.</li> <li>Field check prior to demolition to confirm measures identified by the bat biologist are implemented.</li> </ul>	

## Dunsmuir Tank Relocation and Replacement Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Monitoring Action	Monitoring Timing/Frequency	Date Checked/ By Whom
<p>MM 4.3. To ensure that active nests of migratory birds are not disturbed, vegetation removal and construction activities shall occur between August 31 and February 1, if feasible. If vegetation removal or construction must occur during the nesting season, a nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of vegetation removal or facility construction. If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged. Further, to prevent nest abandonment and mortality of chicks and eggs, no vegetation removal or construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service (the size of the construction buffer zone may vary depending on the species of nesting birds present).</p> <p>Responsibility: City of Dunsmuir</p>	<p>BC</p> <ul style="list-style-type: none"> <li>• Confirm mitigation measure is included in construction contract.</li> <li>• If vegetation removal or construction must occur between February 1 and August 31, check pre-construction survey report provided by biologist regarding the presence/absence of active nests.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>• If active nests are present, inspect project area to verify applicable buffers are maintained until after the young birds have fledged.</li> </ul>	<p>BC</p> <ul style="list-style-type: none"> <li>• One-time check of construction contract.</li> <li>• One-time check of biologist's documentation.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>• Field check on a weekly basis until the birds have fledged to confirm that buffers are maintained.</li> </ul>	

## Dunsmuir Tank Relocation and Replacement Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Monitoring Action	Monitoring Timing/Frequency	Date Checked/ By Whom
<p>MM 5.1. If any human remains are encountered during any phase of construction, all earth-disturbing work shall stop within 50 feet of the find. The county coroner shall be contacted to determine whether investigation of the cause of death is required as well as to determine whether the remains may be Native American in origin. Should Native American remains be discovered, the county coroner must contact the Native American Heritage Commission (NAHC). The NAHC will then determine those persons it believes to be most likely descended from the deceased Native American(s). Together with representatives of the people of most likely descent, a qualified archaeologist shall make an assessment of the discovery and recommend/implement mitigation measures as necessary.</p> <p><u>Responsibility:</u> City of Dunsmuir</p>	<p>BC</p> <ul style="list-style-type: none"> <li>Confirm mitigation measure is included in construction contract.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>If any human remains are encountered, confirm all construction activities stop within the affected area and that a qualified archaeologist and the county coroner are contacted.</li> <li>If human remains are recognized as Native American, additional monitoring requirements may be specified by the archaeologist in consultation with representatives of the people of most likely descent.</li> </ul>	<p>BC</p> <ul style="list-style-type: none"> <li>One-time check of construction contract.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>Field check as needed to confirm temporary construction stoppage within buffer zone.</li> <li>The archeologist shall specify the timing/frequency of additional monitoring, as appropriate.</li> </ul>	
<p>MM 5.2. If any previously unevaluated cultural resources (i.e., burnt animal bone, midden soils, projectile points or other humanly modified lithics, historic artifacts, etc.) are encountered, all earth-disturbing work shall stop within 50 feet of the find until a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary.</p> <p><u>Responsibility:</u> City of Dunsmuir</p>	<p>BC</p> <ul style="list-style-type: none"> <li>Confirm mitigation measure is included in construction contract.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>If any cultural resources are encountered, confirm all construction activities stop within the affected area and a qualified archaeologist is contacted.</li> </ul>	<p>BC</p> <ul style="list-style-type: none"> <li>One-time check of construction contract.</li> </ul> <p>DC</p> <ul style="list-style-type: none"> <li>Field check as needed to confirm temporary construction stoppage within the buffer zone.</li> <li>The archeologist shall specify the timing/ frequency of additional monitoring, as appropriate.</li> </ul>	
<p>MM 12.1. Where feasible, construction work associated with the proposed project shall be limited to weekdays between the hours of 7:00 a.m. and 5:00 p.m.</p> <p><u>Responsibility:</u> City of Dunsmuir</p>	<p>BC</p> <ul style="list-style-type: none"> <li>Confirm mitigation measure is included in construction contract.</li> </ul>	<p>BC</p> <ul style="list-style-type: none"> <li>One-time check of construction contract.</li> </ul>	

## Dunsmuir Tank Relocation and Replacement Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Monitoring Action	Monitoring Timing/Frequency	Date Checked/ By Whom
	DC • Field check to confirm adherence to mitigation measure.	DC • Field check as needed to confirm adherence to mitigation measure.	

Notice of Determination

Appendix D

To:
[ ] Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

[ ] County Clerk
County of: Siskiyou County Clerk
Address: 501 N. Main Street, Yreka, CA 96097

From:
Public Agency: City of Dunsmuir
Address: 5915 Dunsmuir Ave
Dunsmuir, CA 96025
Contact: Paul Poczobut
Phone: 530-235-4822

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2016062018

Project Title: Downtown Tank Relocation and Replacement Project

Project Applicant: City of Dunsmuir

Project Location (include county): Dunsmuir, Siskiyou County

Project Description:

The proposed project entails replacement of the City's existing 400,000-gallon downtown water storage tank with a new 900,000-gallon storage tank at a slightly higher elevation. A new tank is necessary to provide water storage at a higher elevation so that more stable system pressures can be delivered during peak demands, to increase water storage, and to replace the aged tank. Associated improvements include a pipeline, access road, supervisory valve, and two pressure reducing valves. The project site is not identified as a hazardous waste facility, hazardous waste property, or hazardous waste disposal site.

This is to advise that the City of Dunsmuir has approved the above ( [ ] Lead Agency or [ ] Responsible Agency )

described project on August 11, 2016 and has made the following determinations regarding the above (date) described project.

- 1. The project [ ] will [ ] will not have a significant effect on the environment.
2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ] were [ ] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ ] was [ ] was not adopted for this project.
5. A statement of Overriding Considerations [ ] was [ ] was not adopted for this project.
6. Findings [ ] were [ ] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Dunsmuir City Hall, 5915 Dunsmuir Ave, Dunsmuir, CA 96025

Signature (Public Agency): Title:

Date: Date Received for filing at OPR:

# CALIFORNIA ENVIRONMENTAL FEE FORM

On \_\_\_\_\_, \_\_\_\_\_ filed an application  
(Date) (Name)

for development with the Dunsmuir Before the application  
(Name of City)

is accepted as complete for processing, fees in the following amount(s) must be deposited with the County Clerk.

- |                                     |                                 |            |
|-------------------------------------|---------------------------------|------------|
| <input checked="" type="checkbox"/> | Clerk Processing Fee            | \$50.00    |
| <input checked="" type="checkbox"/> | Negative Declaration            | \$2210.25* |
| <input type="checkbox"/>            | EIR                             | \$3070.00  |
| <input type="checkbox"/>            | Categorically Exempt            | \$0.00     |
| <input type="checkbox"/>            | Statutorily Exempt              | \$0.00     |
| <input type="checkbox"/>            | Fee Exemption issued by the DFG | \$0.00     |
| <input type="checkbox"/>            | Other _____                     | \$ _____   |

No project shall be operative, vested or final until the required fee is paid. *Public Resources Code* §21089 (b)

On \_\_\_\_\_, \_\_\_\_\_ deposited \$ 2,260.25 ,  
(Date) (Name)

with the Siskiyou County Clerk \_\_\_\_\_  
(Attest)

Application No. \_\_\_\_\_ Receipt # \_\_\_\_\_  
(To be completed when application is received for processing)

\* If it is determined by Siskiyou County that the fee required for a Negative Declaration does not apply to your project a refund will be granted.

fee.form

## City Council Agenda Item New Business

**Item No:** 15C  
~~12.C.~~  
**Date:** August 11, 2016  
**Subject:** Approve Resolution No. \_\_\_ approving the real estate purchase from the Dunsmuir School District as part of the Downtown Water Storage Tank Replacement and Relocation Project.

The City is required to purchase approximately 1.35 acres of undeveloped land from the Dunsmuir School District to build a new Water Storage Tank. The real estate purchase and sale agreement is attached. The purchase price is \$14,075.00.

All appropriate required documents are attached for review.

**Recommendation:** Move to approve Resolution No. 2016-\_\_ the purchase of real estate property from the Dunsmuir School District for the Downtown Water Storage Tank Replacement and Relocation Project.

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
APPROVING THE REAL ESTATE PURCHASE FROM THE DUNSMUIR SCHOOL  
DISTRICT, AS PART OF THE DOWNTOWN WATER STORAGE TANK  
REPLACEMENT PROJECT

WHEREAS, Dunsmuir School District, (Grantors) has agreed to sell real property described in Exhibit "A" of the sales agreement; and

WHEREAS, said real estate purchase and sale agreement is for approximately 1.35 acres of undeveloped land; and

WHEREAS, the City of Dunsmuir (Grantee) desires to purchase such real property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dunsmuir approves the purchase of real property from the Dunsmuir School District, that is attached hereto and made a part hereof;

BE IT FURTHER RESOLVED, a Grant Deed can be executed by the Mayor, and authorize staff to issue payment to Seller in the amount of \$14,075.00.

I HEREBY CERTIFY the foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Dunsmuir held the 11<sup>th</sup> day of August, 2016, by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Mayor Spurlock, City of Dunsmuir

ATTEST:

---

Julie Iskra, City Clerk, City of Dunsmuir

**REAL ESTATE PURCHASE AND SALE AGREEMENT  
BETWEEN CITY OF DUNSMUIR (“PURCHASER”) AND  
DUNSMUIR SCHOOL DISTRICT (“SELLER”)**

**RECITALS**

- A. To update its water delivery system, Purchaser needs to acquire a new water tank site.
- B. Seller owns undeveloped land that is suitable for Purchaser’s new water tank.
- C. The proposed new tank site is outside the City limits and on property adjacent to the existing Dunsmuir High School and is appropriate for the water tank site.

In partial consideration of the Recitals set forth above, and as more fully described below, the parties agree as follows:

1. **PURCHASE AND SALE:** The Seller agrees to sell and the Purchaser agrees to purchase the property described in paragraph 2 below on the terms set forth herein.
2. **PROPERTY DESCRIPTION:** The Property to be sold and purchased (“Property”) includes approximately 1.35 acres of undeveloped land. The Property is more fully described in Exhibit “A” attached and incorporated herein by reference. The Property includes all rights, title and interest, remainder easement, development rights, right-of-ways and other rights pertinent to the Property and that benefit the Property. The purchase includes timber standing on the Property.
3. **PURCHASE PRICE:** For and in consideration of this agreement and for other good and valuable consideration, the Seller agrees to sell and the Purchaser agrees to pay fourteen thousand seventy-five dollars (\$14,075.00).
4. **ADDITIONAL COSTS:** In addition to the compensation set forth above, Purchaser shall reimburse Seller for attorney’s fees incurred relating to this sale. Payment shall be made within fifteen (15) days of receipt by Purchaser from Seller an invoice showing attorney’s fees incurred by Seller for legal services related to this transaction.
5. **POSSESSION:** Vacant possession of the property will be delivered to Purchaser upon the execution of this agreement by both Purchaser and Seller. Seller represents and warrants that there are currently no tenants or other occupants of any improvements located on any portion of the Property.
6. **FOREIGN INVESTMENTS IN REAL PROPERTY TAX ACT (“FIRPTA”):** Seller shall provide Purchaser with an affidavit under penalty of perjury that Seller is not a “Foreign Person” as defined in FIRPTA.
7. **ATTORNEY’S FEES/CHOICE OF LAW:** In the event of any action or proceeding to enforce the terms or conditions of this agreement, the prevailing party in such action, or the non-dismissing party when the dismissal occurs other than by settlement, will be

entitled to recover its reasonable costs and expenses including reasonable attorney's fee incurred in good faith. The "Prevailing Party" for the purposes of this agreement, will be deemed to be the party who obtained substantially the results sought, whether by settlement, dismissal, or judgment. This agreement shall be governed by the laws of the State of California.

8. BROKER COMMISSION: Each party represents and warrants to the other that it has not entered into any agreement that would obligate the other to pay a brokerage commission, finder's fee, or other remuneration arising out of this transaction.

9. SELLER'S REPRESENTATION: Seller hereby represents it has no knowledge of toxic, contaminated or hazardous substances, other defective conditions at the property.

10. COMPLETE AGREEMENT: The parties acknowledge this contract constitutes the complete agreement between the parties and supersedes any and all agreements between the parties hereto relating to the Property.

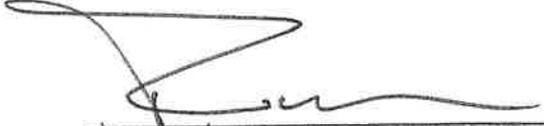
11. DEED: Title to the Property will be conveyed to Purchaser by Grant Deed.

12. MISCELLANEOUS: This agreement shall bind and adhere to the benefit of the heirs, representatives, and/or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement.

Dated: 6-8-16, 2016

DUNSMUIR SCHOOL DISTRICT  
COUNTY OF SISKIYOU

  
By: Jay K. K. K. Superintendent

Dated: \_\_\_\_\_, 2016

CITY OF DUNSMUIR

By: \_\_\_\_\_, Mayor

4819-0477-2658, v. 1

**EXHIBIT A**

ALL THAT REAL PROPERTY BEING A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 4 WEST, MDM, IN THE COUNTY OF SISKIYOU, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE A POINT ON THE EAST LINE OF SAID NORTHWEST ONE-QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF SUBURBAN LOT 46 AS SHOWN ON THE MAP OF THE TOWN OF DUNSMUIR FILED IN TRACT MAP BOOK 1, PAGE 1, SISKIYOU COUNTY RECORDS; THENCE, NORTHERLY ALONG SAID EAST LINE 150.00 FEET TO THE NORTHEAST CORNER OF PARCEL 1 AS DESCRIBED IN THE DEED CONVEYED TO THE CITY OF DUNSMUIR, RECORDED ON AUGUST 30, 1989 AS DOCUMENT NUMBER 89010163, SISKIYOU COUNTY RECORDS, SAID POINT BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE WESTERLY, PERPENDICULAR TO SAID EAST LINE, ALONG THE NORTHERLY LINE OF SAID CITY OF DUNSMUIR PARCEL AND THE WESTERLY PROLONGATION THEREOF 280.00 FEET; THENCE NORTHERLY AT RIGHT ANGLES, 210.00 FEET; THENCE EASTERLY, AT RIGHT ANGLES, 280.00 FEET; THENCE SOUTHERLY ALONG SAID EAST LINE 210.00 FEET RETURNING TO THE SAID TRUE POINT OF BEGINNING.

CONTAINING 1.35 ACRES, MORE OR LESS.



12/10/15



210.00'

1"=50'

280.00'

1.35 AC

210.00'

SUBURBAN LOT 45  
T.M.B. 1,  
PG 1

80.00'

280.00'

200.00'

T.P.O.B.

EAST LINE OF THE NW 1/4 OF  
SECTION 25, T.39N., R.4W., M.D.M

DUNSMUIR SCHOOL  
DISTRICT  
BOOK 101 OR PAGE 102

CITY OF DUNSMUIR  
PARCEL 1  
DOC# 89010163

150.00'



P.O.C.

SUBURBAN LOT 46  
T.M.B. 1,  
PG 1

DATE  
12/15



EXHIBIT B

JOB #204.55

**PRELIMINARY CHANGE OF OWNERSHIP REPORT**

To be completed by the transferee (buyer) prior to a transfer of subject property, in accordance with section 480.3 of the Revenue and Taxation Code. A Preliminary Change of Ownership Report must be filed with each conveyance in the County Recorder's office for the county where the property is located.

NAME AND MAILING ADDRESS OF BUYER/TRANSFeree  
(Make necessary corrections to the printed name and mailing address)

City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

ASSESSOR'S PARCEL NUMBER
N/A (Land Conveyance between government agencies)
SELLER/TRANSFEROR
Dunsmuir School District
BUYER'S DAYTIME TELEPHONE NUMBER
( 530 ) 235-4822
BUYER'S EMAIL ADDRESS

STREET ADDRESS OR PHYSICAL LOCATION OF REAL PROPERTY  
Address not available. Latitude 41°12'47.62"N, Longitude 122°16'34.54"W

MAIL PROPERTY TAX INFORMATION TO (NAME)  
City Clerk

ADDRESS	CITY	STATE	ZIP CODE
5915 Dunsmuir Avenue	Dunsmuir	CA	96025

<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	This property is intended as my principal residence. If YES, please indicate the date of occupancy or intended occupancy.	MO	DAY	YEAR
---	---	----	-----	------

**PART 1. TRANSFER INFORMATION** Please complete all statements.

This section contains possible exclusions from reassessment for certain types of transfers.

YES NO

- A. This transfer is solely between spouses (addition or removal of a spouse, death of a spouse, divorce settlement, etc.).
- B. This transfer is solely between domestic partners currently registered with the California Secretary of State (addition or removal of a partner, death of a partner, termination settlement, etc.).
- \*C. This is a transfer:  between parent(s) and child(ren)  from grandparent(s) to grandchild(ren).
- \*D. This transfer is the result of a cotenant's death. Date of death \_\_\_\_\_
- \*E. This transaction is to replace a principal residence by a person 55 years of age or older. Within the same county?  YES  NO
- \*F. This transaction is to replace a principal residence by a person who is severely disabled as defined by Revenue and Taxation Code section 69.5. Within the same county?  YES  NO
- G. This transaction is only a correction of the name(s) of the person(s) holding title to the property (e.g., a name change upon marriage). If YES, please explain: \_\_\_\_\_
- H. The recorded document creates, terminates, or reconveys a lender's interest in the property.
- I. This transaction is recorded only as a requirement for financing purposes or to create, terminate, or reconvey a security interest (e.g., cosigner). If YES, please explain: \_\_\_\_\_
- J. The recorded document substitutes a trustee of a trust, mortgage, or other similar document.
- K. This is a transfer of property:
  - 1. to/from a revocable trust that may be revoked by the transferor and is for the benefit of  the transferor, and/or  the transferor's spouse  registered domestic partner.
  - 2. to/from a trust that may be revoked by the creator/grantor/trustor who is also a joint tenant, and which names the other joint tenant(s) as beneficiaries when the creator/grantor/trustor dies.
  - 3. to/from an irrevocable trust for the benefit of the  creator/grantor/trustor and/or  grantor's/trustor's spouse  grantor's/trustor's registered domestic partner.
- L. This property is subject to a lease with a remaining lease term of 35 years or more including written options.
- M. This is a transfer between parties in which proportional interests of the transferor(s) and transferee(s) in each and every parcel being transferred remain exactly the same after the transfer.
- N. This is a transfer subject to subsidized low-income housing requirements with governmentally imposed restrictions.
- \*O. This transfer is to the first purchaser of a new building containing an active solar energy system.

\* Please refer to the instructions for Part 1.

Please provide any other information that will help the Assessor understand the nature of the transfer.

**THIS DOCUMENT IS NOT SUBJECT TO PUBLIC INSPECTION**

**PART 2. OTHER TRANSFER INFORMATION**

*Check and complete as applicable.*

- A. Date of transfer, if other than recording date: \_\_\_\_\_
- B. Type of transfer:
- Purchase  Foreclosure  Gift  Trade or exchange  Merger, stock, or partnership acquisition (Form BOE-100-B)
- Contract of sale. Date of contract: \_\_\_\_\_  Inheritance. Date of death: \_\_\_\_\_
- Sale/leaseback  Creation of a lease  Assignment of a lease  Termination of a lease. Date lease began: \_\_\_\_\_
- Original term in years (including written options): \_\_\_\_\_ Remaining term in years (including written options): \_\_\_\_\_
- Other. Please explain: **Conveyance of land**
- C. Only a partial interest in the property was transferred.  YES  NO If YES, indicate the percentage transferred: \_\_\_\_\_ %

**PART 3. PURCHASE PRICE AND TERMS OF SALE**

*Check and complete as applicable.*

- A. Total purchase price \$ 14,075.00
- B. Cash down payment or value of trade or exchange excluding closing costs Amount \$ 14075.00
- C. First deed of trust @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Monthly payment \$ \_\_\_\_\_ Amount \$ \_\_\_\_\_
- FHA (\_\_\_\_ Discount Points)  Cal-Vet  VA (\_\_\_\_ Discount Points)  Fixed rate  Variable rate
- Bank/Savings & Loan/Credit Union  Loan carried by seller
- Balloon payment \$ \_\_\_\_\_ Due date: \_\_\_\_\_
- D. Second deed of trust @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Monthly payment \$ \_\_\_\_\_ Amount \$ \_\_\_\_\_
- Fixed rate  Variable rate  Bank/Savings & Loan/Credit Union  Loan carried by seller
- Balloon payment \$ \_\_\_\_\_ Due date: \_\_\_\_\_
- E. Was an Improvement Bond or other public financing assumed by the buyer?  YES  NO Outstanding balance \$ \_\_\_\_\_
- F. Amount, if any, of real estate commission fees paid by the buyer which are not included in the purchase price \$ \_\_\_\_\_
- G. The property was purchased:  Through real estate broker. Broker name: \_\_\_\_\_ Phone number: (\_\_\_\_) \_\_\_\_\_
- Direct from seller  From a family member-Relationship \_\_\_\_\_
- Other. Please explain: \_\_\_\_\_
- H. Please explain any special terms, seller concessions, broker/agent fees waived, financing, and any other information (e.g., buyer assumed the existing loan balance) that would assist the Assessor in the valuation of your property.  
**Conveyance of land was made under threat of condemnation.**

**PART 4. PROPERTY INFORMATION**

*Check and complete as applicable.*

- A. Type of property transferred
- Single-family residence  Co-op/Own-your-own  Manufactured home
- Multiple-family residence. Number of units: \_\_\_\_\_  Condominium  Unimproved lot
- Other. Description: (i.e., timber, mineral, water rights, etc.)  Timeshare  Commercial/Industrial
- B.  YES  NO Personal/business property, or incentives, provided by seller to buyer are included in the purchase price. Examples of personal property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships, etc. Attach list if available.
- If YES, enter the value of the personal/business property: \$ \_\_\_\_\_ Incentives \$ \_\_\_\_\_
- C.  YES  NO A manufactured home is included in the purchase price.
- If YES, enter the value attributed to the manufactured home: \$ \_\_\_\_\_
- YES  NO The manufactured home is subject to local property tax. If NO, enter decal number: \_\_\_\_\_
- D.  YES  NO The property produces rental or other income.
- If YES, the income is from:  Lease/rent  Contract  Mineral rights  Other: \_\_\_\_\_
- E. The condition of the property at the time of sale was:  Good  Average  Fair  Poor
- Please describe: Undeveloped land

**CERTIFICATION**

*I certify (or declare) that the foregoing and all information hereon, including any accompanying statements or documents, is true and correct to the best of my knowledge and belief.*

SIGNATURE OF BUYER/TRANSFeree OR CORPORATE OFFICER 	DATE	TELEPHONE ( 530 ) 235-4522
NAME OF BUYER/TRANSFeree/LEGAL REPRESENTATIVE/CORPORATE OFFICER (PLEASE PRINT) Josh Spurlock	TITLE Mayor	EMAIL ADDRESS spurlockncouncil@gmail.com

The Assessor's office may contact you for additional information regarding this transaction.

## ADDITIONAL INFORMATION

Please answer all questions in each section, and sign and complete the certification before filing. This form may be used in all 58 California counties. If a document evidencing a change in ownership is presented to the Recorder for recordation without the concurrent filing of a *Preliminary Change of Ownership Report*, the Recorder may charge an additional recording fee of twenty dollars (\$20).

**NOTICE:** The property which you acquired may be subject to a supplemental assessment in an amount to be determined by the County Assessor. Supplemental assessments are not paid by the title or escrow company at close of escrow, and are not included in lender impound accounts. **You may be responsible for the current or upcoming property taxes even if you do not receive the tax bill.**

**NAME AND MAILING ADDRESS OF BUYER:** Please make necessary corrections to the printed name and mailing address. Enter Assessor's Parcel Number, name of seller, buyer's daytime telephone number, buyer's email address, and street address or physical location of the real property.

**NOTE:** Your telephone number and/or email address is very important. If there is a question or a problem, the Assessor needs to be able to contact you.

**MAIL PROPERTY TAX INFORMATION TO:** Enter the name, address, city, state, and zip code where property tax information should be mailed. This must be a valid mailing address.

**PRINCIPAL RESIDENCE:** To help you determine your principal residence, consider (1) where you are registered to vote, (2) the home address on your automobile registration, and (3) where you normally return after work. If after considering these criteria you are still uncertain, choose the place at which you have spent the major portion of your time this year. Check YES if the property is intended as your principal residence, and indicate the date of occupancy or intended occupancy.

### PART 1: TRANSFER INFORMATION

If you check YES to any of these statements, the Assessor may ask for supporting documentation.

**C,D,E, F:** If you checked YES to any of these statements, you may qualify for a property tax reassessment exclusion, which may allow you to maintain your property's previous tax base. **A claim form must be filed and all requirements met in order to obtain any of these exclusions.** Contact the Assessor for claim forms. **NOTE:** If you give someone money or property during your life, you may be subject to federal gift tax. You make a gift if you give property (including money), the use of property, or the right to receive income from property without expecting to receive something of at least equal value in return. The transferor (donor) may be required to file Form 709, Federal Gift Tax Return, with the Internal Revenue Service if they make gifts in excess of the annual exclusion amount.

**G:** Check YES if the reason for recording is to correct a name already on title [e.g., Mary Jones, who acquired title as Mary J. Smith, is granting to Mary Jones]. This is not for use when a name is being removed from title.

**H:** Check YES if the change involves a lender, who holds title for security purposes on a loan, and who has no other beneficial interest in the property.

**"Beneficial interest"** is the right to enjoy all the benefits of property ownership. Those benefits include the right to use, sell, mortgage, or lease the property to another. A beneficial interest can be held by the beneficiary of a trust, while legal control of the trust is held by the trustee.

**I:** A **"cosigner"** is a third party to a mortgage/loan who provides a guarantee that a loan will be repaid. The cosigner signs an agreement with the lender stating that if the borrower fails to repay the loan, the cosigner will assume legal liability for it.

**M:** This is primarily for use when the transfer is into, out of, or between legal entities such as partnerships, corporations, or limited liability companies. Check YES only if the interest held in each and every parcel being transferred remains exactly the same.

**N:** Check YES only if property is subject to subsidized low-income housing requirements with governmentally imposed restrictions; property may qualify for a restricted valuation method (i.e., may result in lower taxes).

**O:** If you checked YES, you may qualify for a new construction property tax exclusion. **A claim form must be filed and all requirements met in order to obtain the exclusion. Contact the Assessor for a claim form.**

### PART 2: OTHER TRANSFER INFORMATION

**A:** The date of recording is rebuttably presumed to be the date of transfer. If you believe the date of transfer was a different date (e.g., the transfer was by an unrecorded contract, or a lease identifies a specific start date), put the date you believe is the correct transfer date. If it is not the date of recording, the Assessor may ask you for supporting documentation.

**B:** Check the box that corresponds to the type of transfer. If OTHER is checked, please provide a detailed description. Attach a separate sheet if necessary.

**PART 3: PURCHASE PRICE AND TERMS OF SALE**

It is important to complete this section completely and accurately. The reported purchase price and terms of sale are important factors in determining the assessed value of the property, which is used to calculate your property tax bill. Your failure to provide any required or requested information may result in an inaccurate assessment of the property and in an overpayment or underpayment of taxes.

**A.** Enter the total purchase price, not including closing costs or mortgage insurance.

**“Mortgage insurance”** is insurance protecting a lender against loss from a mortgagor’s default, issued by the FHA or a private mortgage insurer.

**B.** Enter the amount of the down payment, whether paid in cash or by an exchange. If through an exchange, exclude the closing costs.

**“Closing costs”** are fees and expenses, over and above the price of the property, incurred by the buyer and/or seller, which include title searches, lawyer’s fees, survey charges, and document recording fees.

**C.** Enter the amount of the First Deed of Trust, if any. Check all the applicable boxes, and complete the information requested.

A **“balloon payment”** is the final installment of a loan to be paid in an amount that is disproportionately larger than the regular installment.

**D.** Enter the amount of the Second Deed of Trust, if any. Check all the applicable boxes, and complete the information requested.

**E.** If there was an assumption of an improvement bond or other public financing with a remaining balance, enter the outstanding balance, and mark the applicable box.

An **“improvement bond or other public financing”** is a lien against real property due to property-specific improvement financing, such as green or solar construction financing, assessment district bonds, Mello-Roos (a form of financing that can be used by cities, counties and special districts to finance major improvements and services within the particular district) or general improvement bonds, etc. Amounts for repayment of contractual assessments are included with the annual property tax bill.

**F.** Enter the amount of any real estate commission fees paid by the buyer which are not included in the purchase price.

**G.** If the property was purchased through a real estate broker, check that box and enter the broker’s name and phone number. If the property was purchased directly from the seller (who is not a family member of one of the parties purchasing the property), check the “Direct from seller” box. If the property was purchased directly from a member of your family, or a family member of one of the parties who is purchasing the property, check the “From a family member” box and indicate the relationship of the family member (e.g., father, aunt, cousin, etc.). If the property was purchased by some other means (e.g., over the Internet, at auction, etc.), check the “OTHER” box and provide a detailed description (attach a separate sheet if necessary).

**H.** Describe any special terms (e.g., seller retains an unrecorded life estate in a portion of the property, etc.), seller concessions (e.g., seller agrees to replace roof, seller agrees to certain interior finish work, etc.), broker/agent fees waived (e.g., fees waived by the broker/agent for either the buyer or seller), financing, buyer paid commissions, and any other information that will assist the Assessor in determining the value of the property.

**PART 4: PROPERTY INFORMATION**

**A.** Indicate the property type or property right transferred. Property rights may include water, timber, mineral rights, etc.

**B.** Check YES if personal, business property or incentives are included in the purchase price in Part 3. Examples of personal or business property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships (golf, health, etc.), ski lift tickets, homeowners’ dues, etc. Attach a list of items and their purchase price allocation. An adjustment will not be made if a detailed list is not provided.

**C.** Check YES if a manufactured home or homes are included in the purchase price. Indicate the purchase price directly attributable to each of the manufactured homes. If the manufactured home is registered through the Department of Motor Vehicles in lieu of being subject to property taxes, check NO and enter the decal number.

**D.** Check YES if the property was purchased or acquired with the intent to rent or lease it out to generate income, and indicate the source of that anticipated income. Check NO if the property will not generate income, or was purchased with the intent of being owner-occupied.

**E.** Provide your opinion of the condition of the property at the time of purchase. If the property is in “fair” or “poor” condition, include a brief description of repair needed.

Recording requested by (name):

City of Dunsmuir

And when recorded, mail this deed and tax statements to (name and address):

City Clerk

City of Dunsmuir

5915 Dunsmuir Avenue

Dunsmuir, CA 96025

# GRANT DEED

DOCUMENTARY TRANSFER TAX \$ None  
EXEMPTION (R&T CODE) R&T C.A. § 11922, 11928 & 11929  
EXPLANATION NO FEE - CITY BUSINESS - Gov. Code § 6103

\_\_\_\_\_  
Signature of Declarant or Agent determining tax

For a valuable consideration, receipt of which is hereby acknowledged, Dunsmuir School District, a political subdivision, GRANTOR, hereby grant to the City of Dunsmuir, a Municipal Corporation, GRANTEE, the following conveyance of land in accordance with the Subdivision Map Act §66428 to the real property in the unincorporated area of the City of Dunsmuir, County of Siskiyou, California:

Described in Exhibit A, the Certificate of Acceptance and Shown on Exhibit B attached and made a part hereof by reference.

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

(Signature of declarant)

RAY KELLER, SUPERINTENDENT

Dunsmuir High School

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

(Signature of declarant)

JOSH SPURLOCK, MAYOR

City of Dunsmuir

**This form must be signed in front of a notary.**

## ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Siskiyou )

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

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

**EXHIBIT A**

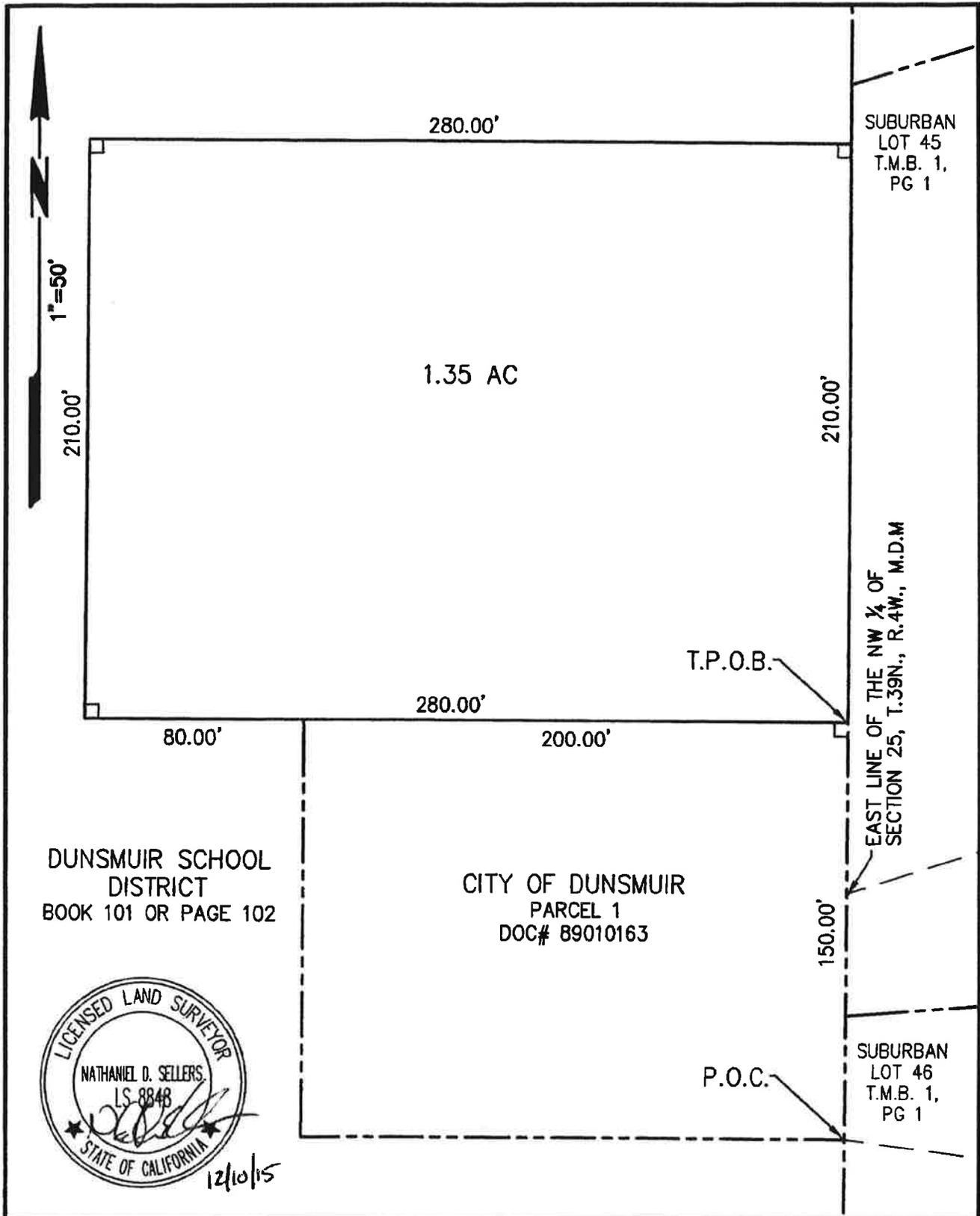
ALL THAT REAL PROPERTY BEING A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 4 WEST, MDM, IN THE COUNTY OF SISKIYOU, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE A POINT ON THE EAST LINE OF SAID NORTHWEST ONE-QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF SUBURBAN LOT 46 AS SHOWN ON THE MAP OF THE TOWN OF DUNSMUIR FILED IN TRACT MAP BOOK 1, PAGE 1, SISKIYOU COUNTY RECORDS; THENCE, NORTHERLY ALONG SAID EAST LINE 150.00 FEET TO THE NORTHEAST CORNER OF PARCEL 1 AS DESCRIBED IN THE DEED CONVEYED TO THE CITY OF DUNSMUIR, RECORDED ON AUGUST 30, 1989 AS DOCUMENT NUMBER 89010163, SISKIYOU COUNTY RECORDS, SAID POINT BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE WESTERLY, PERPENDICULAR TO SAID EAST LINE, ALONG THE NORTHERLY LINE OF SAID CITY OF DUNSMUIR PARCEL AND THE WESTERLY PROLONGATION THEREOF 280.00 FEET; THENCE NORTHERLY AT RIGHT ANGLES, 210.00 FEET; THENCE EASTERLY, AT RIGHT ANGLES, 280.00 FEET; THENCE SOUTHERLY ALONG SAID EAST LINE 210.00 FEET RETURNING TO THE SAID TRUE POINT OF BEGINNING.

CONTAINING 1.35 ACRES, MORE OR LESS.



12/10/15



DATE 12/15	 <p><b>PACE</b> ENGINEERING REDDING, CALIFORNIA</p>	EXHIBIT B	JOB #204.55
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**GRANT DEED**

**TO**

**CITY OF DUNSMUIR  
SISKIYOU COUNTY  
STATE OF CALIFORNIA**

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**CERTIFICATE OF ACCEPTANCE  
GOVERNMENT CODE, SECTION 27281**

**THIS IS TO CERTIFY** that the real property interest conveyed by the Grant Deed, dated \_\_\_\_\_ from **DUNSMUIR SCHOOL DISTRICT**, a political subdivision, Grantors, to the **CITY OF DUNSMUIR**, a Municipal Corporation, Grantee, is hereby acknowledged by the undersigned Mayor of the City of Dunsmuir on behalf of the City Council of the City of Dunsmuir. Pursuant to Resolution No. \_\_\_\_\_ of said City Council adopted on \_\_\_\_\_, the Grantee hereby consents to the recordation of said easement.

**IN WITNESS WHEREOF** I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_.

---

JOSH SPURLOCK, MAYOR  
City of Dunsmuir

15D

Agenda Item: ~~12.D~~

**MEMORANDUM**

August 4, 2016

From: City Manager 

To: Mayor and City Council

Subj: Review City ordinances past and present related to marijuana cultivation, sales and use

Councilwoman Shanta requested this item on the agenda for discussion and review.

Chapter 17.24

Ord 539

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.24.010 Amendments.
- 17.24.020 Amendments—Initiation.
- 17.24.030 Amendments—Public hearings.
- 17.24.040 Amendments—Action by planning commission.
- 17.24.050 Amendments—Action by the city council.
- 17.24.060 Amendments—Notice of public hearings.
- 17.24.070 Fees for planning commission actions.
- 17.24.080 Enforcement.
- 17.24.090 Violation—Penalty.
- 17.24.100 Public nuisance—Abatement and removal.
- 17.24.110 Remedies cumulative.

**17.24.010 Amendments.**

The district established by this title or the boundaries thereof, may be changed, amended or altered, or any provision thereof may be changed, altered or amended, and any property within the city may be rezoned, reclassified or established whenever the public necessity or convenience or the general welfare require the same by following the procedure set forth in this chapter. (Prior code App. A § 8.00)  
(Ord. No. 541, 4-19-2012)

**17.24.020 Amendments—Initiation.**

Any such change, amendment, alteration, rezoning or establishment (singly or collectively referred to herein as an "amendment") may be initiated by:

A. The verified petition of one or more owners of the property affected by the proposed amendment, which petition shall be filed in duplicate with the planning commission and shall be accompanied by a fee of fifty dollars (\$50.00);

B. Resolution of intention by the city council; or

C. Resolution of intention by the planning commission. (Prior code App. A § 8.10) (Ord. No. 541, 4-19-2012)

**17.24.030 Amendments—Public hearings.**

The planning commission shall hold a public hearing on any proposed amendment and shall give notice of the time and place of said hearings, published at least once in a newspaper of general circulation in the city at least ten (10) days before the hearing, and as set forth in Section 17.24.060. (Prior code App. A § 8.20) (Ord. No. 541, 4-19-2012)

**17.24.040 Amendments—Action by planning commission.**

Following the aforesaid hearing, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall submit to the city council by filing with the city clerk an attested copy of such report within sixty (60) days after the completion of said hearing. Failure of the planning commission so to report within said period shall be deemed to be denial by the planning commission of the proposed amendment. (Prior code App. A § 8.30) (Ord. No. 541, 4-19-2012)

**17.24.050 Amendments—Action by the city council.**

Upon filing of such report by the planning commission, or upon the expiration of said sixty (60) days as aforesaid and after notice has been given as provided in Section 17.24.060, the city council shall at a regular or special meeting or meetings publicly hear and consider said matter, within ninety (90) days after the conclusion of said hearing the city council may amend, alter, adopt or reject the amendment. (Prior code App. A § 8.40) (Ord. No. 541, 4-19-2012)

**17.24.060 Amendments—Notice of public hearings.**

A. Notice of planning commission hearing on a zoning ordinance changing any property from

one zone to another or imposing, removing or modifying any regulation listed in Government Code Section 65850 shall be given notice at least ten (10) days prior to the hearing by at least one publication in a newspaper of general circulation within the city, and not less than five days prior to such hearing by mail or delivery to all persons, including businesses, corporations, or other public or private entities, as shown on the last equalized assessment roll as owning property within three hundred (300) feet of the property which is the subject of the proposed zoning change.

B. Notice of any planning commission hearing on a variance or conditional use permit or other permits or for revocation or modification of same, or of an appeal from the action taken thereon, or of a city council public hearing on any zoning issue shall be given notice at least ten (10) days prior to the hearing by at least one publication in a newspaper of general circulation within the city, by posting said notice in at least three conspicuous places close to the property affected, and by mailing notice to any person who has filed a written request therefore with the planning commission pursuant to Government Code Section 65854.

C. Any defect or error appearing in any such notice, or failure to receive the notice shall not divest the planning commission or city council of jurisdiction, nor invalidate the ordinance or amendment or proceedings. (Prior code App. A § 9.00) (Ord. No. 541, 4-19-2012)

**17.24.070 Fees for planning commission actions.**

The city council shall fix a schedule of fees to be charged to applicants for action by the planning commission including, but not limited to, any rezoning, variance, use permit, conditional use permit, architectural review or appeal, and any associated environmental review process. The schedule of planning commission fees shall be adopted by resolution at any regular or regularly adjourned city council meeting. A resolution, when adopted, shall be published once in a newspaper of general circulation in the city. The schedule of

planning commission fees shall become effective on the Monday following the date of publication. (Ord. 484 § 1, 1993; prior code App. A § 2.50) (Ord. No. 541, 4-19-2012)

**17.24.080 Enforcement.**

All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings, structures or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict therewith shall be null and void. It shall be the duty of the building inspector of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, maintenance, moving, conversion, alteration or addition to any building or structure. (Prior code App. A § 12.10) (Ord. No. 541, 4-19-2012)

**17.24.090 Violation—Penalty.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of an infraction or misdemeanor, as determined by the code enforcement officer, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation, and shall be punishable as provided in this section. (Prior code App. A § 12.20) (Ord. No. 541, 4-19-2012)

**17.24.100 Public nuisance—Abatement and removal.**

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title,

(Supp. No. 6, 5-12)

and any use of lands, buildings or premises established or conducted thereon, operated or maintained contrary to the provisions of this title, shall be and the same is declared to be unlawful and a public nuisance; and the city attorney of said city shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner prescribed by law, and shall take relief as will abate and remove such buildings or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure contrary to the provisions of this title. (Prior code App. A § 12.30) (Ord. No. 541, 4-19-2012)

**17.24.110 Remedies cumulative.**

The remedies provided for in this chapter shall be cumulative and not exclusive. (Prior code App. A § 12.40) (Ord. No. 541, 4-19-2012)

ORD 536

**Chapter 17.32**

**MEDICAL MARIJUANA COLLECTIVES  
AND COOPERATIVES**

**Sections:**

**17.32.010 Purpose.**

**17.32.020 Definition.**

**17.32.030 Nonconforming use.**

**17.32.040 Conditional use permit.**

**17.32.050 Allowed districts.**

**17.32.060 Additional location restrictions.**

**17.32.070 Finding for issuance of a medical marijuana collective and cooperative conditional use permit.**

**17.32.080 Conditions.**

**17.32.010 Purpose.**

The voters of the State of California affirmed the medical use of marijuana by voting for Proposition 215 (codified as Health and Safety Code section 11362.5). The intent of this proposition was to enable persons who are in medical need of marijuana to be able to obtain and use it without fear of criminal prosecution. In order for this to occur, there must be places which dispense marijuana to those who qualify for its use in accordance with state law.

The purpose of this ordinance is to protect the public safety, health and welfare of the residents of Dunsmuir by regulating the operation of medical marijuana collectives and cooperatives, and to restrict the location of medical marijuana collectives and cooperatives to specific portions of the C-2 Central Commercial District zone, which currently permit uses most closely approximating those of medical marijuana collectives and cooperatives.

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.020 Definition.**

Medical marijuana collectives and cooperatives are facilities where marijuana is made avail-

able for medical purposes in accordance with Health and Safety Codes section 11362.5 et seq. (Proposition 215).

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.030 Nonconforming use.**

Collectives and cooperatives that distribute, sell, or provide marijuana to persons covered by the definitional categories listed in Health and Safety Code Section 11362.5 et seq. prior to the enactment of the ordinance from which this chapter is derived shall be deemed to have been a legally established use under the provisions of this Code, and such use shall not be entitled to claim legal nonconforming status pursuant to section 17.16.070. Collectives and cooperatives licensed to do business in the City of Dunsmuir prior to the enactment of the ordinance shall have one hundred eighty (180) days from its final adoption to apply for and receive a conditional use permit pursuant to the ordinance, in order to remain in operation.

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.040 Conditional use permit.**

A. No person or persons shall operate a medical marijuana collective or cooperative in the City of Dunsmuir except in compliance with a conditional use permit issued pursuant to Chapter 17.20.

B. The application for a conditional use permit shall be filed by the proposed operator of the collective or cooperative, and shall be co-signed by the owner of the lot or parcel which is the subject of the application, or his or her authorized agent.

C. All property owners within one thousand (1,000) feet of the proposed collective or cooperative shall be given notice of the public hearing at which the application for the conditional use permit is heard, in compliance with Section 17.20.040. (Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.050 Allowed districts.**

Medical marijuana collectives and cooperatives may be permitted only in the C-2, Central Commercial, district, and only in that portion of the district bounded by Cedar Street on the south and Willow Street on the north, including those portions of the district actually located on Cedar and Willow Streets.

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.060 Additional location restrictions.**

A. No collective or cooperative shall be located within one hundred (100) feet of a residential zone.

B. Distance shall be measured from the property line of the parcel containing the collective or cooperative to the property line of the nearest parcel that is found in a residential zone, using the most direct vehicle or pedestrian route, whichever is shorter.

C. No collective or cooperative shall be located closer than one thousand (1,000) feet to any other collective or cooperative.

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.070 Finding for issuance of a medical marijuana collective and cooperative conditional use permit.**

A. The planning commission, or, if applicable, the city council, shall grant a conditional use permit for a collective and cooperative only if the applicable criteria specified in Section 17.32.040 are met, and each of the findings specified in subsection B of this section can be made.

B. In addition to the general findings required in Section 17.20.050, a conditional use permit for a medical marijuana collective and cooperative shall be granted only if the planning commission or city council makes all of the additional findings of fact:

1. The medical marijuana collective or cooperative, as proposed and at the location requested in the application, will not create an adverse impact on surrounding uses; and

2. The medical marijuana collective or cooperative, as proposed and at the location requested in the application, will be compatible with adjacent uses; and

3. The proposed medical marijuana collective or cooperative will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult.

C. The planning commission, or, if applicable, the city council, shall deny the application where the information submitted by applicant and/or presented at the public hearing fails to satisfactorily substantiate each such finding.

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

**17.32.080 Conditions.**

In addition to any general conditions imposed pursuant to Chapter 17.32.070, a conditional use permit for a medical marijuana collective or cooperative shall include each of the following conditions:

1. The use shall be conducted in strict compliance with the provisions of Proposition 215 (Health and Safety Code section 11362.5 et seq.).

2. No persons under the age of eighteen (18) shall be permitted in the collective or cooperative at any time.

3. All employees must be eighteen (18) years or older.

4. Owners, operators, and employees (paid and unpaid) are required to undergo a criminal background check at his/her expense, and no one convicted of a felony in any state may own, operate, or be an employee of a collective or cooperative.

5. No retail sales of any products other than medical marijuana or medical marijuana related products are permitted at the collective or cooperative.

6. Sale of food products containing medical marijuana is prohibited unless the collective or cooperative is in compliance with applicable Siskiyou County health regulations.

7. All medical marijuana transactions shall occur at the collective or cooperative, and medical marijuana shall be dispensed directly to the patient or designated caregiver. No owner, operator, employee, or volunteer may provide any product to any patient or designated caregiver at any location other than inside the collective or cooperative building.

8. Collective or cooperative days and hours of operation are restricted to 9:00 a.m. to 7:00 p.m., Sunday through Saturday.

9. On-site cultivation of medical marijuana, other than individual starter plants, is not permitted at any collective or cooperative location.

10. Consumption of any medical marijuana or medical marijuana product (including smoking) is prohibited in, on, or adjacent to the permitted premises.

11. The property owner and/or operator shall be required to report any illegal activity occurring on the site or associated with the collective or cooperative.

12. All signs displayed at collectives or cooperatives shall be in accordance with the City of Dunsmuir sign ordinance.

13. Collectives and cooperatives shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

- a. Days and hours of operation.
- b. Emergency contact information.
- c. Notice that persons under the age of eighteen (18) are not allowed in the collective or cooperative.
- d. Notice that all illegal activity shall be reported to law enforcement authorities.
- e. Notice that smoking or other methods of consumption of medical marijuana is prohibited in, on, or in the vicinity of the collective or cooperative.

(Ord. No. 529, 3-18-2010; Ord. No. 536, 3-17-2011)

Chapter 17.34

ORD 537

**MEDICAL MARIJUANA CULTIVATION**

**Sections:**

- 17.34.010 Purpose.**
- 17.34.020 Applicability.**
- 17.34.030 Definitions.**
- 17.34.040 Allowable accessory use.**
- 17.34.050 Cultivation area.**
- 17.34.060 Primary residence only.**
- 17.34.070 Screening.**
- 17.34.080 Outdoor cultivation prohibited.**
- 17.34.090 Indoor cultivation standards.**
- 17.34.100 Other requirements.**
- 17.34.110 Medical marijuana cultivation affidavit.**
- 17.34.120 Violations—Penalties.**

**17.34.010 Purpose.**

To regulate the cultivation of medical marijuana for personal use in a manner that protects the health, safety, and welfare of the community and minimizes or eliminates the potential nuisances associated with marijuana cultivation. This chapter is not intended to interfere with a patient's right to medical marijuana, as provided in California Health and Safety Code Section 11362.5 et seq.

No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation.

(Ord. No. 537, 5-19-2011)

**17.34.020 Applicability.**

The provisions of this chapter shall apply to all persons and properties in the City of Dunsmuir whether the activities described herein were established before or after the effective date of the ordinance from which this chapter is derived. Sec-

tion 17.16.060 of the Municipal Code, Nonconforming Uses, shall not apply to preexisting land or building uses inconsistent with the provisions of this chapter.

Any property used for the cultivation of medical marijuana shall be brought into full compliance with the provisions of this section within three months of the effective date of the ordinance establishing this chapter.

(Ord. No. 537, 5-19-2011)

#### **17.34.030 Definitions.**

For the purposes of this chapter, certain terms used herein are defined as follows:

"Canopy area" means the total combined canopy area for all medical marijuana plants being cultivated on a property, including indoor areas, outdoor areas, or a combination of both, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.

"Cultivation" means the planting, growing, harvesting, drying, or processing of medical marijuana.

"Fully enclosed and secure structure" means a building that complies with the California Building Code, as adopted by the City of Dunsmuir, and has a complete roof enclosure supported by connecting walls extending from the floor to the roof, and is secure against unauthorized entry through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or larger studs overlain with three-eighths-inch sheeting. Skylights and windows are permissible features so long as access cannot be readily gained through either. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Indoors" means within a fully enclosed and secure structure.

"Legal parcel" means any parcel of real property that may be separately sold in compliance

with the Subdivision Map Act (Division 2, commencing with Section 66410, of Title 7 of the Government Code).

"Medical marijuana" means any plant(s) or part(s) thereof of the genus Cannabis that has been recommended by a licensed physician in strict accordance with California Health and Safety Code Sections 11362.5 through Section 11362.83, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program.

"Outdoors" means any location within the City of Dunsmuir that is not within a fully enclosed and secure structure.

"Primary caregiver" means "primary caregiver" as defined in Health and Safety Code Section 11362.7(d).

"Property" means a single, legal parcel of land where a qualified patient or primary caregiver resides.

"Qualified patient" means "qualified patient" as defined in Health and Safety Code Section 11362.7(f).

"Residence" means the property on which a qualified patient or primary caregiver resides.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction for children attending kindergarten, elementary school, middle school, or high school. Residences that provide home schooling, preschools, and daycares are not included in this definition.

(Ord. No. 537, 5-19-2011)

#### **17.34.040 Allowable accessory use.**

Qualified patients and designated primary caregivers shall be allowed to cultivate medical marijuana at their private residences in accordance with a physician's recommendation. Cultivation activities shall be at a scale that is accessory to the primary use of the property and must be consistent with the standards established below.

(Ord. No. 537, 5-19-2011)

**17.34.050 Cultivation area.**

Maximum of one hundred (100) square feet of canopy area for each qualified patient, not to exceed cultivation for three qualified patients on any individual legal parcel.  
(Ord. No. 537, 5-19-2011)

**17.34.060 Primary residence only.**

A qualified patient and/or designated primary caregiver shall reside on the property where the cultivation of medical marijuana occurs. Neither individual shall cultivate medical marijuana on more than one property in the City of Dunsmuir.  
(Ord. No. 537, 5-19-2011)

**17.34.070 Screening.**

From a public right-of-way, there shall be no exterior evidence of medical marijuana cultivation either within or outside the residence.  
(Ord. No. 537, 5-19-2011)

**17.34.080 Outdoor cultivation prohibited.**

The cultivation of medical marijuana outside of a fully enclosed and secure structure is prohibited.  
(Ord. No. 537, 5-19-2011)

**17.34.090 Indoor cultivation standards.**

A. The cultivation of medical marijuana is limited to the interior of attached and detached garages and/or detached accessory structures that are fully enclosed and secure. The use of a garage for cultivation of medical marijuana does not include carports, and shall not reduce the requirement for off-street parking as stipulated by other provisions of the Dunsmuir Municipal Code.

B. Proper ventilation and exhaust odor filtration shall be provided to ensure that indoor medical marijuana cultivation will not create a humidity, mold, or odor problem. A building permit shall be obtained, as necessary, for the installation of required equipment.

C. All electrical equipment (e.g., lights, fans, dehumidifiers, etc.) used in the cultivation of medical marijuana shall be on a dedicated circuit or circuits.

D. The use of generators, compressed gas (CO<sub>2</sub>, propane, etc.), and/or ozone generating devices in the cultivation of medical marijuana is prohibited.  
(Ord. No. 537, 5-19-2011)

**17.34.100 Other requirements.**

A. Medical marijuana cultivation is prohibited in the Dunsmuir Historic District.

B. Medical marijuana cultivation is prohibited as a home occupation.

C. The cultivation of medical marijuana shall not adversely affect the health or safety of nearby residents, or cause annoyance or discomfort to any nearby residents, by creating glare, heat, noxious gasses, odor, smoke, vibration, or other impacts, or be hazardous due to the use or storage of materials, processes, products, or wastes.

D. Proximity to Youth-Oriented Activities. Cultivation of medical marijuana is prohibited within three hundred (300) feet of a park, library, school, or any establishment that advertises its services as primarily being for minors.  
(Ord. No. 537, 5-19-2011)

**17.34.110 Medical marijuana cultivation affidavit.**

Persons who cultivate medical marijuana for their sole personal use in quantities recommended by their physician may do so in accordance with the regulations of this section without submitting a medical marijuana cultivation affidavit to the city manager. Persons cultivating medical marijuana for more than one individual shall do so in accordance with the requirements of this section and shall sign and file with the city manager a medical marijuana cultivation affidavit. The affidavit shall include the name of the individual cultivating the medical marijuana, the names of the persons for whom the medical marijuana is being cultivated and the name(s) of the owner(s) of the property on which the medical marijuana is being cultivated. Should any of the information change, a new affidavit shall be signed and filed with the city manager. The affidavit shall include

the signature of the property owner if the property on which cultivation is to occur is not owned by the qualified patient or primary caregiver.  
(Ord. No. 537, 5-19-2011)

**17.34.120 Violations—Penalties.**

Any person who violates any provision of this section, upon proper notification and subsequent failure to perform required abatement, shall be guilty of an infraction and punishable by fines in accordance with Section 1.08.010.

(Ord. No. 537, 5-19-2011)

## City Council Agenda Item Old Business

15E.  
**Item No:** ~~128E~~  
**Date:** August 11, 2016  
**Subject:** Consider and accept final report on tree trimming and removal project

Last year the first in a long time tree trimming and removal project was approved and implemented. The list of trees was provided by Public Works Supervisor and approved by City Council prior to requesting bids for the work. The contract was awarded and documentation of the work performed is provided for your review.

Public Works Supervisor acted as project manager for the entire project and in the course of the work substituted work on more dangerous trees for work that had been previously authorized.

A second list of trees needing attention has been prepared by Public Works Supervisor and will be brought to the City Council for consideration in the near future.

**Recommendation:** Move to receive and accept final report on tree trimming and removal project.

## New Project List

The following is a list of tree's slated for removal as well as dangerous dead limbs and low hanging branch's that we can simply do a trimming job on to increase visibility and vehicle clearance. This project depends on City Manager and Council approval. The first list consists of tree's that should be removed, part 2 of this list consists of tree's that we can trim up and remove dead branches for public safety.

- A.
1. Dead tree's (2) just north of south City Limit sign
  2. 500' south of Beverly Way and Elinore Ave. intersection small dead tree
  3. 4909 Buckboard Ln. @ McCloud Ave. remove Oak tree at light pole
  4. Caboose park, remove 2 dying Pine tree's, check with arborist about Cedar and Pine tree's at top and see if they should be removed.
  5. Hedge Creek Falls lawn area, remove dead Cedar and dead tree at bottom of lawn west side of park.
  6. Upper Soda, removal of 4 small dead tree's
  7. City property in back of Community building, 4 Oak tree's for removal as well as several needing trimming (definite danger to house's where tree's are overhanging).
- B.
1. South end of Butterfly @ Gillis, limb up low branches
  2. 6155 Sacramento Ave. @ Grover St. Trim up low hanging branches on oak tree
  3. From 6214 Hill St. North to intersection of Wood St., cut all low hanging branches.
  4. Dunsmuir Ave. @ Hill St. south bound side to City limits trim dead branches, limb tree's additional 10' up.
  5. 4209 oak St., trim lower branches on Sycamore.
  6. 6225 to 6242 Elinore St. Remove dead Oak and Douglas Fir branches as well as limb up low hanging branches.
  7. Across from 6241 Beverly way remove dead branches, cut low hanging branches.
  8. Allen St. @ Beverley Way remove one oak branch.
  9. U.S. bank, remove lower tier of branches (Sycamore)
  10. 5630 Dunsmuir Ave., remove low branches on Sycamore and trim tree just south of this one.

11. 4313 Willow St. Trim up Sycamore to increase visibility.
12. 6126 to 6122 Beverly Way limb up branches remove dead branches
13. 5521 Dunsmuir Ave. take low branches off
14. 5411 to 5423 Dunsmuir Ave., remove low hanging branches
15. Across from 5327 Dunsmuir Ave. To 5304 Dunsmuir Ave. (North bound), remove dead tree's and low hanging branches.
16. Florence Loop @ Dunsmuir Ave. (south bound side), trim up low hanging branches to increase visibility at intersection.
17. 4300 to 4307 Stagecoach Rd., limb up low hanging oak tree branches.
18. Caldwell @ Dunsmuir Ave., remove one Oak branch.
19. 4111 Caldwell, remove low hanging oak branches.
20. Caldwell @ Gleaves Ave. Trim – shape tree to below utility wires.
21. 4335 Isgrigg, remove two low hanging oak branches.
22. 4210 Gray St., trim low hanging branches from Douglas fir.
23. 4630 to 4633 Shasta View, remove several dead oak branches, trim low hangers.
24. 4313 Wells Ave., remove low hanging branches hanging over house (paper St.)
25. 4401 Needham Ave. trim Cedar tree's up additional 15'.
26. South of 5186 River Ave., trim up Cedar and oak tree branches.
27. 5312 to 5344 River Ave., improve/cut all low hanging branches.
28. River Ave. Bridge, east and west sides limb up tree's
29. Blacksmith Hill @ Sacramento Ave., dead branch in Poplar

Thank you,

*Bill Willman*

7/13/16

Tom Brennan  
643-6346



CA Lic. # 889124  
Cell 530-340-2074  
www.acutabovetreesvc.com



1936

PROPOSAL SUBMITTED TO <i>Bill City of Dunsmuir</i>		PHONE <i>859 3061</i>	DATE <i>5/6/16</i>
STREET		JOB NAME	
CITY, STATE and ZIP CODE		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

*Change order for city of Dunsmuir 20 item contract. Cancellation of item # 11. In its place, removal of Oak over city council building including all wood & debris. Pruning 2 large dead limbs from oak to the right of above Oak. Pruning one branch over parking lot on 3rd Oak above lot. Removal of 3 dead poplar trees between Dunsmuir ave, I 5 overcrossing and Dunsmuir ave bridge. including removal and disposal of all material*

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

*Due upon completion* dollars (\$ *4500.00* ),  
Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature *Tom Brennan*

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature *Bill Willman*

Date of Acceptance: *5/6/16*

Signature \_\_\_\_\_



The City of  
DUNSMUIR  
Project 2016



**Contact Information:**

**Jasmine Borgatti – President**

(530) 859-0344

**Nick Borgatti – Vice President**

(530) 340-2074

**Tom Brennan – Consulting Arborist**

(530) 643-6346

**Jessica Brasil – Administrator Assistant**

(530) 925-3350

**Cheyenne Harris – Executive Assistant – Office**

(530) 643-2155

# The Dunsmuir Project

Item #	Description/Price	Date Of Removal	Type Of Tree (Genus & Species)	Dimensions of Tree (DBH & Height Estimate)	Location of Tree (Street Address/Location Description)	Before Picture	After picture
Item #1	Remove Sycamore tree at Cedar and Dunsmuir. This is the street adjacent to Council Chambers/Police Station building. \$850.00	5/16/2016	Acer Pseudoplatanus	DBH 18"/45Ft.	Right next to police station	✓	✓
Item #2	Remove Oak tree in sidewalk at Pine and Dunsmuir Ave. 5759 - \$600.00	5/16/2016	Quercus Velatina	BDH 17"/40Ft.	At the corner Pine & Dunsmuir Ave. 5759 (Cornerstone Café)	✓	✓
Item #3	Remove Oak Tree in sidewalk at 5733 Dunsmuir Ave. - \$600.00				Completed prior to start of project. Billed Separately per Bill.		✓
Item #4	Remove dead Oak Tree at 4837 Dunsmuir Ave. - \$500.00	3/3/2016	Quercus Kelloggii	18"	4837 Dunsmuir Ave. Tom forgot to take Before picture while tree was still standing, got a picture of it laying down.	✓	✓
Item #5	Remove dead Cedar at 4763 Siskiyou - \$500.00	3/1/2016	Calocedrus Decurrens	17"	4763 Siskiyou Ave. End of Fence	✓	✓
Item #6	Remove dead and scrub trees along top of retaining wall on west side of Shasta Ave. - \$1,100.00	29-Feb 2/29/2016 3/1/2016 4/21/2016	Alanthus Altissima Suckers Acer Spec. 3 Quercus Kelloggii Calocedrus Decurrens	6", 7", 9", 5" 16", 12", 9" 48"	Center median 5500 Block Center median 5500 Block Center Median Shasta Ave. Center Median Shasta Ave.	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓

# The Dunsmuir Project

Item #	Description/Price	Date Of Removal	Type Of Tree (Genus & Species)	Dimensions of Tree (DBH & Height Estimate)	Location of Tree (Street Address/Location Description)	Before picture	After picture
Item #7	Remove dead Apple Tree along top of retaining wall across from 5412 Shasta Ave. - \$600.00	2/29/2016	Malus Sp.	22"		✓	✓
Item #8	Remove Walnut Tree in island across from 5422 Shasta Ave. - \$980.00	2/29/2016	Juglans Hiindsii	24"		✓	✓
Item #9	Remove Cedar Tree(s) at northwest corner of Oak & Dunsmuir that are leaning towards house & disrupting sidewalk. \$2,500.00	5/17/2016	Decorrans Colocedrus	3-R2's DBH12"-24" 40-60Ft. Tall	At corner of Dunsmuir Ave. & Oak Street	✓	
		6/14/2016		1-R3 DBH 24"-70"			✓
Item #10	Remove Oak Tree in middle of Lower Oak Street, east end. - \$3,500.00	5/18/2016	Quercus Velutina	85Ft.	Bottom of Oak Street Dunsmuir CA	✓	✓



# The Dunsmuir Project

Item #14	Remove dead tree at 5607 Sacramento Ave. and dead tree across from street. - \$2,500.00	5/12/2016	Juglans Microcarpa	30" dbh/65H	5607 Sacramento Ave. Dunsmuir	✓	✓
		5/13/2016	Genus Quercus		5607 Sacramento Ave. Dunsmuir	✓	✓
Item #15	Trim 3 Sycamore trees in parkway in from on Children's Park. - \$1,950.00	5/13/2016	Acer Pseudoplatanus	40 Ft. Clearance	Childrens Park Dunsmuir	✓	✓
Item #16	Trim tree at 5508 Dunsmuir Ave. (light thinning and sidewalk clearance) - \$945.00	5/16/2016	Morus Nigra	25Ft. Clearance	5508 Dunsmuir Ave. Dunsmuir CA	✓	✓
Item #17	Trim Walnut tree at 5507 Dunsmuir Ave. - \$650.00	5/16/2016	Juglans Microcarpa	25Ft. Clearance	5507 Dunsmuir Ave. Dunsmuir CA	✓	✓
Item #	Description/Price	Date Of Removal	Type Of Tree (Genus & Species)	Dimensions of Tree (DBH & Height Estimate)	Location of Tree (Street Address/Location Description)	Before Picture	After picture
Item #18	Trim Oak at 4144 Dunsmuir Ave. overhanging road and interfering with utilities. - \$1,000.00	5/17/2016	Quercus Kelloggii	40Ft. Clearance	4144 Dunsmuir Ave. Dunsmuir CA. By old bottle plant	✓	✓
Item #19	Trim overhanging limbs from back oak at 4817 Siskiyou. - \$785.00	3/1/2016	Quercus Kelloggii	21"	Front yard and over street 4817 Siskiyou Ave.	✓	✓
Item #20	Trim and limb up tree across from 5830 Shasta Ave. - \$650.00	3/1/2016	Quercus Kelloggii	17"	Across from 5830 Shasta Ave.	✓	✓

## The Dunsmuir Project

	Amount & Type of Debris/Waste produced, Final placement or use of each type of Debris/Waste and monetary value, if merchantable. Please include: Date, Item #, and where you took it.
2/29/2016	
	Item #6, #7, #8 generated 6 yards of chips which were deposited in the compost area at our shop. 5 yards of wood were deposited at a clients property for fire wood. It's a violation of state law to sell wood in California without a timber harvest plan!
3/1/2016	
	Item #5, #6, #19, #20 generated 9 yards of debris. Wood was left with neighbors of the projects, chips were taken to our yard compost area.
	Item #4 generated 2 yards . Debris was left for fire wood for tennant at same location.
	Item #3 Completed prior to start of project. Billed Separately per Bill.
4/21/2016	
	Item #6, 14 yards chips dumped at Corporate Yard.
4/25/2016	
	Item #13, 20 yards chips taken to yard wood moved off site.
5/12/2016	
	Item # 14, 4.5 yards chips taken to corporate yard/ wood moved to yard.
5/13/2016	
	Item #14, Hauled wood to corporate yard.

## The Dunsmuir Project

**Amount & Type of Debris/Waste produced, Final placement or use of each type of Debris/Waste and monetary value, if merchantable.  
Please include: Date, Item #, and where you took it.**

5/13/2016	Item #15, 10 yards of chips moved to corporate yard .
5/17/2016	Item #18
	Hauled wood off to corporate yard & chips, 1 yard of chips.
5/17/2016	Item #9
	Hauled wood & chips to corporate yard 18.5 yards of chips.
5/18/2016	Item #10 , Wood & Chips hauled off to corporate yard
	5/19/2016 Yards of chips 14.5 + 6 yards = 20.5 yards
5/16/2016	Item #2
	Hauled wood & Chips to corporate yard. 2 yards of chips
5/16/2016	Item #1
	Hauled wood & Chips to corporate yard. 5 yards of chips.
5/16/2016	Item #17
	Chipped up limbs hauled chips to corporate yard. 2 yards of chips .



Before and After Pictures

5/16/2016

Item #1



Before and After Pictures

5/16/2016

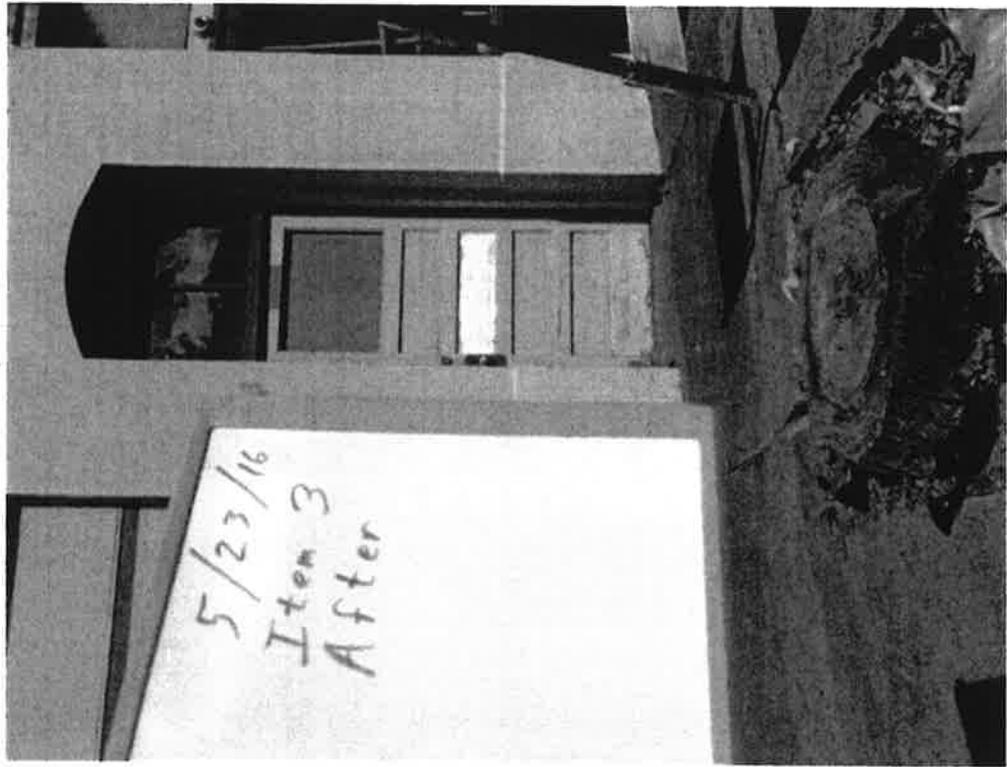
Item #2



The Dunsmuir Project

5/23/2016

Item #3



Before and After Pictures

3/03/2016

Item #4



Dunsmuir Project 2016

3/01/2016

Item #5

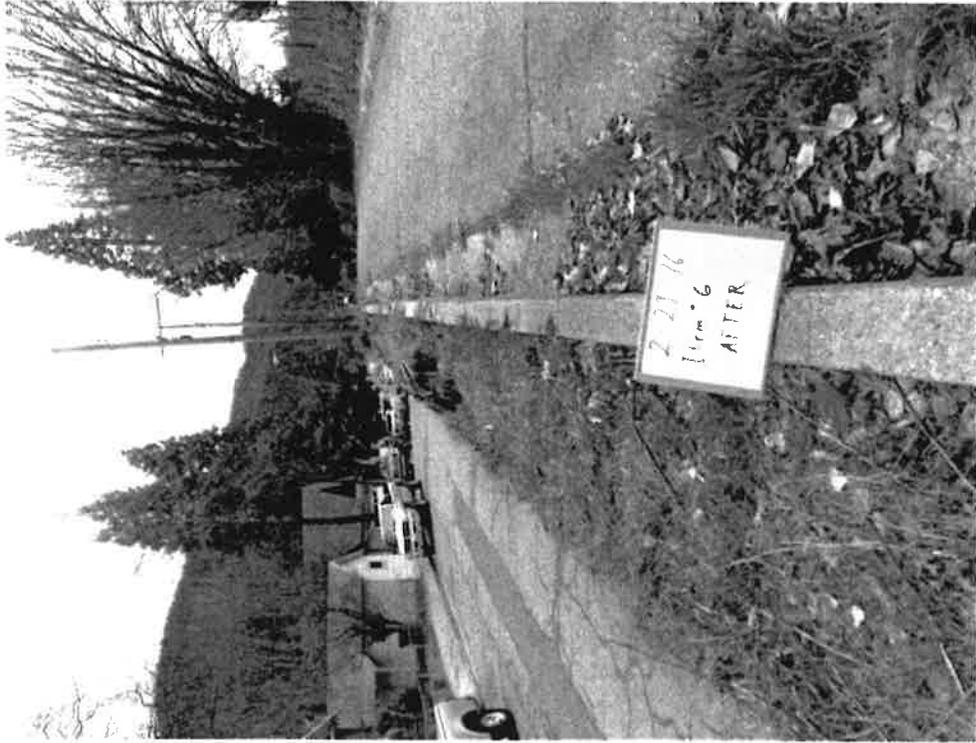
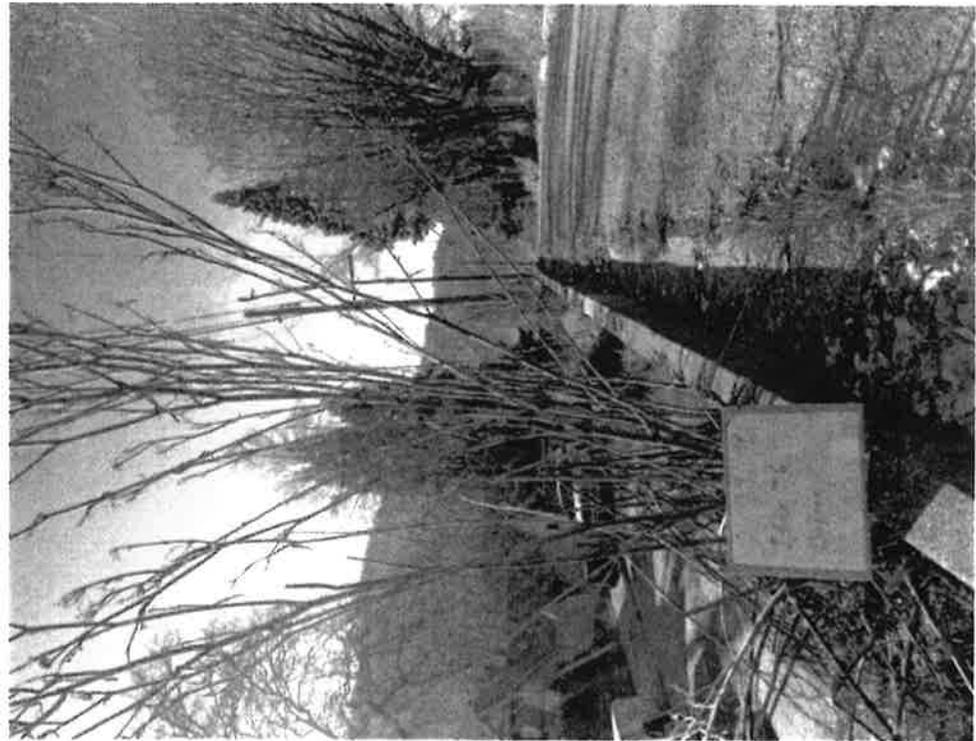


Dunsmuir Project 2016

Before and After Pictures

2/29/2016

Item #6



Dunsmuir Project 2016

Before and After Pictures

2/29/2016

Item #6



Dunsmuir Project 2016

Before and After Pictures

2/29/2016

Item #6

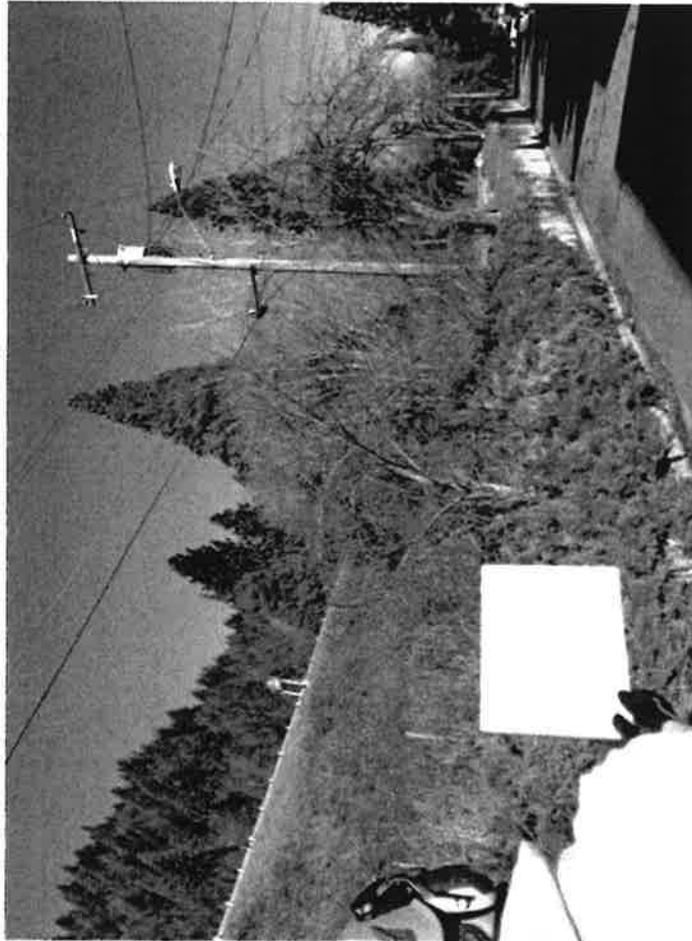


Dunsmuir Project 2016

Before and After Pictures

2/29/2016

Item #6



Dunsmuir Project 2016

Before and After Pictures

3/03/2016

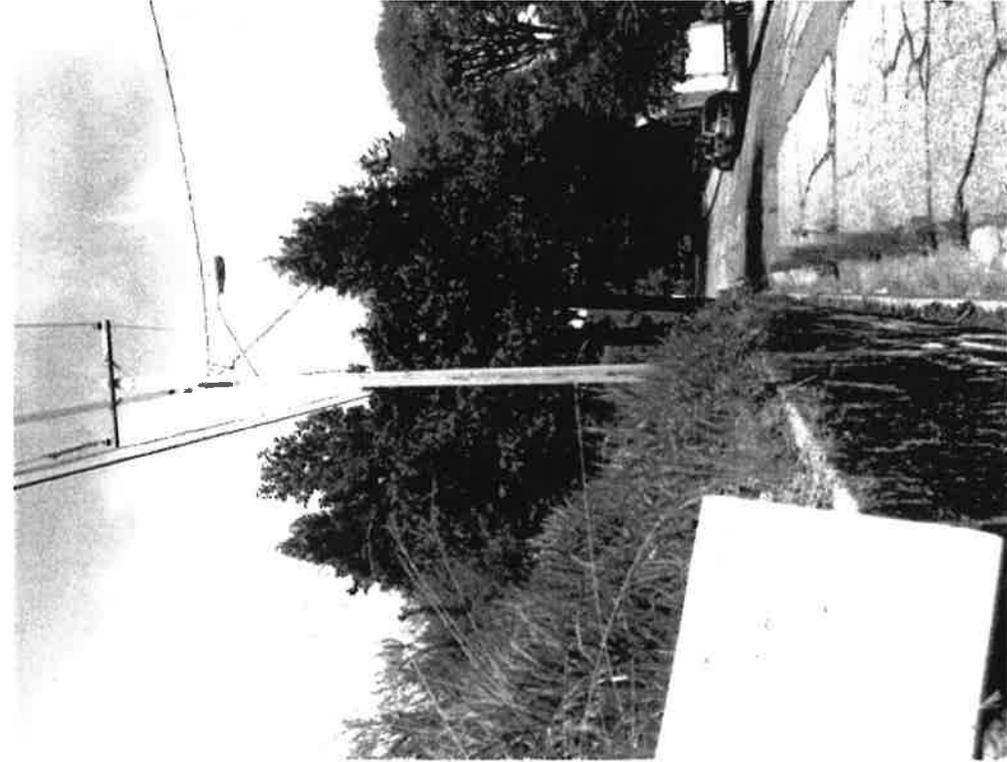
Item #6



Before and After Pictures

4/21/2016

Item #6

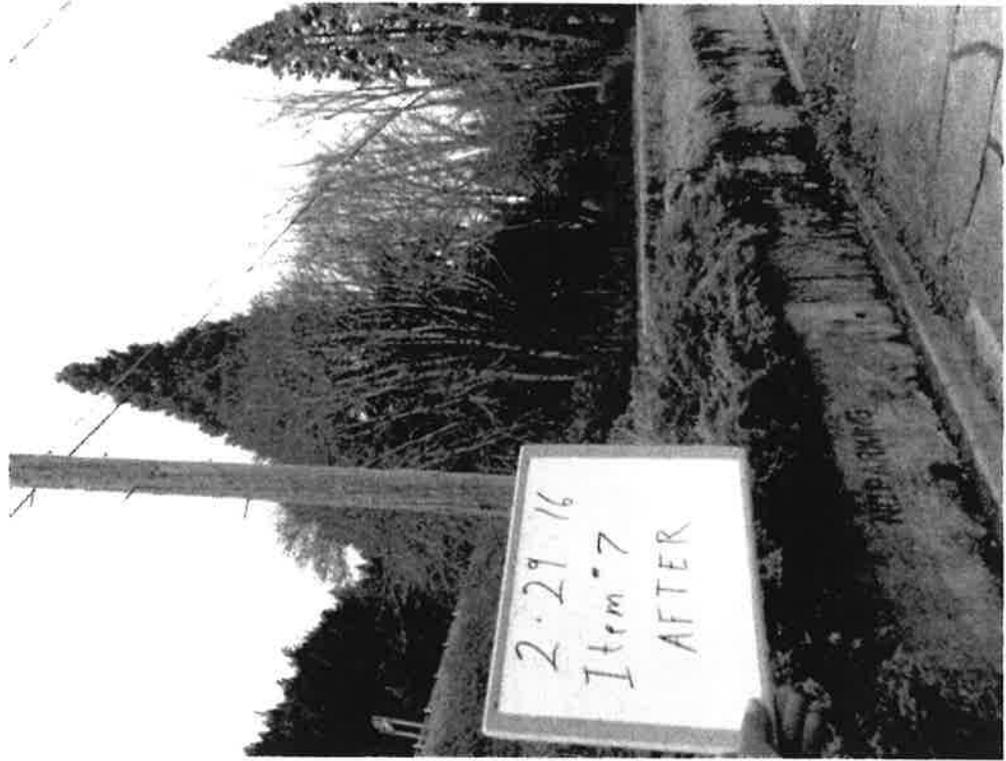


Dunsmuir Project 2016

Before and After Pictures

2/29/2016

Item #7



Dunsmuir Project 2016

Before and After Pictures

Item #8 -- 2/29/2016



Dunsmuir Project 2016

6/14/2016 & 5/17/2016

Item #9



Before and After Pictures

5/19/2016

Item #10



The Dunsmuir Project 2016

Before and After pictures

Item #11 Substitute

Trimming of Oak over city council building including all wood and debris. Pruning 2 large dead limbs from oak to the right of Above oak. Pruning one branch over parking lot on 3rd oak above lot. Removal of 3 dead poplar trees between Dunsmuir Ave. 15 overcrossing and Dunsmuir Ave. bridge. Including removal and disposal of all material. **Canceled - Remove trees on the north side of Wood St. just east of Elinore Way 2 Oaks. - \$4,500.00**



The Dunsmuir Project 2016

Before and After pictures

Item #11 Substitute

Trimming of Oak over city council building including all wood and debris. Pruning 2 large dead limbs from oak to the right of Above oak. Pruning one branch over parking lot on 3rd oak above lot. Removal of 3 dead poplar trees between Dunsmuir Ave. I5 overcrossing and Dunsmuir Ave. bridge. including removal and disposal of all material. **Canceled - Remove trees on the north side of Wood St. just east of Elinore Way 2 Oaks. - \$4,500.00**



Before and After Pictures

3/03/2016

Item #12



Before and After Pictures

4/22/2016 - 4/28/2016

Item #13



Before and After Pictures

5/12/2016

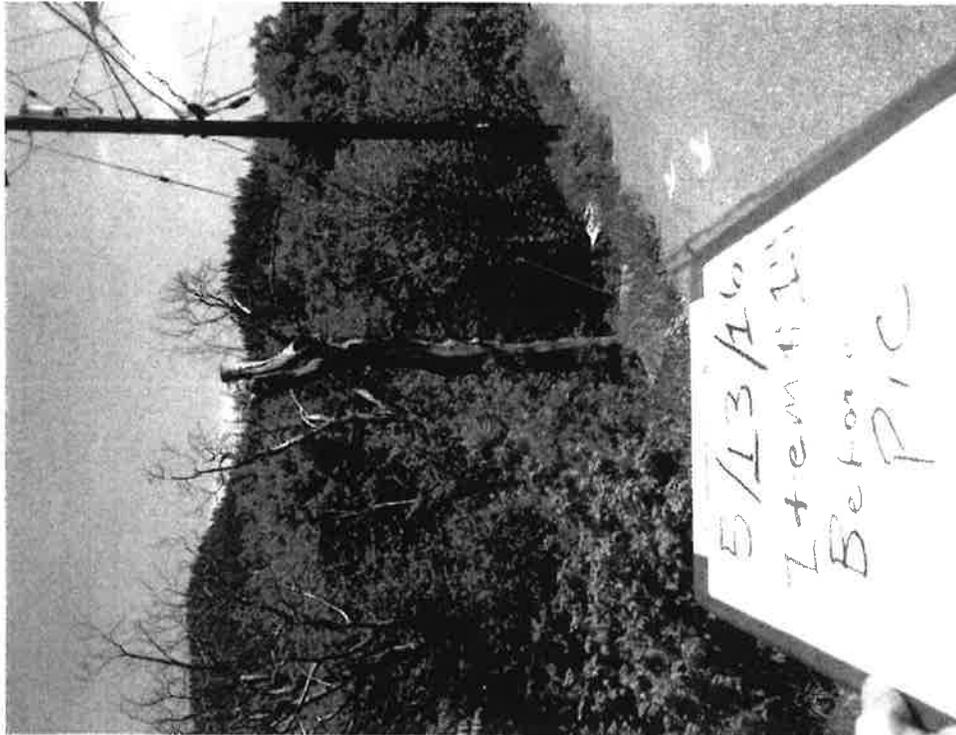
Item #14



Before and After Pictures

5/13/2016

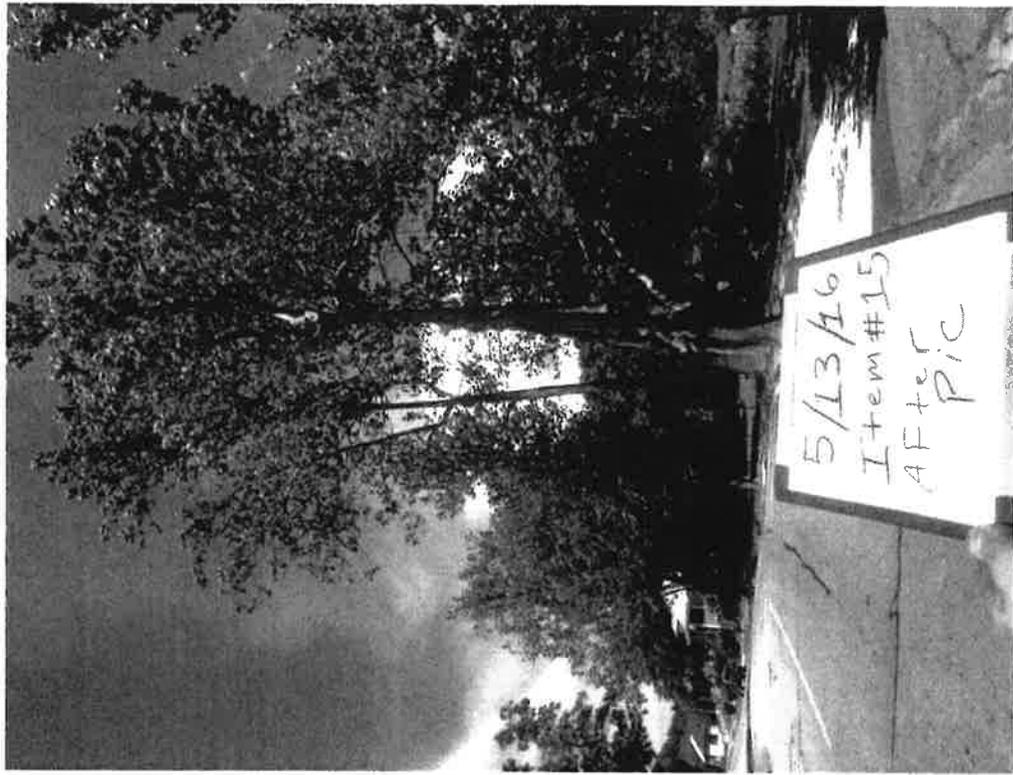
Item #14



Before and After Pictures

5/13/2016

Item #15



Before and After Pictures

5/16/2016

Item #16



Before and After Pictures

5/16/2016

Item #17



Before and After Pictures

5/17/2016

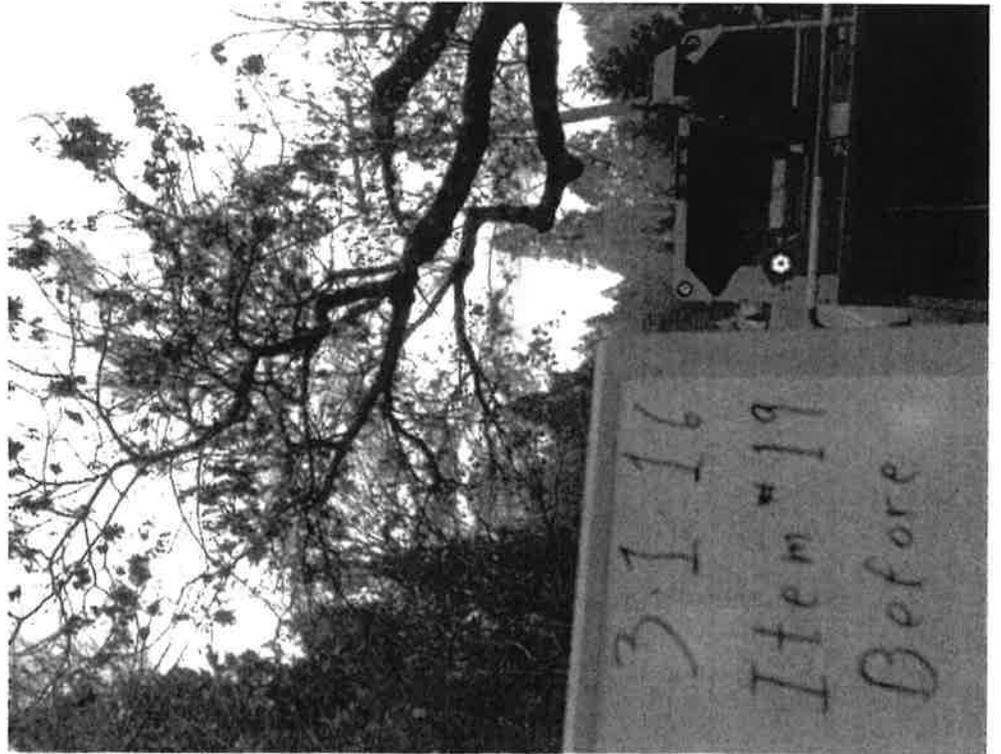
Item #18



Dunsmuir Project 2016

3/01/2016

Item #19



Dunsmuir Project 2016

3/01/2016

Item #20











































August 5, 2016

RE: City Council

To: Paul Poczobut, City Manager.

From: Daniel A Padilla, Chief

RE: Community Wildfire Protection Plan

Community Wildfire Protection Plans (CWPPs) are a mechanism for communities to address their wildfire risk. These plans promote collaboration and local action, and can work in partnership for the "Dunsmuir Fire Safe Council" activities. Julie Titus, a retired Fuels Specialist, with the USFS Shasta Trinity National Forest was contracted by the Dunsmuir Fire Safe Council to create the CWPP for our community. She has extensive knowledge with fuels, fire, local fire history, and how they relate to our community. She conducted town hall meetings this past year and invited the local residents, government leaders, local, state and federal fire departments, civic leaders, and private professional foresters to gather information from the community to hear their concerns about the threat of wildfires in the greater Dunsmuir area.

**Background**

Destructive wildland fires in 2002 were a catalyst for Congress to pass the Healthy Forest Restoration Act (HFRA) in 2003. The intent of the HFRA was to provide funding and guidance for better forest management practices throughout wildland areas and the wildland urban interface. One of the key outcomes of the HFRA was to incentivize communities to create a Community Wildfire Protection Plan (CWPP). An approved CWPP can influence and provide future funding for hazardous fuel reduction projects, including where and how federal lands implement fuel reduction projects on federal lands.

CWPPs must meet three basic criteria:

- *Collaboration:* A CWPP must be collaboratively developed by local and state government representatives, in consultation with federal agencies and other interested parties
- *Prioritized Fuel Reduction:* A CWPP must identify and prioritize areas for hazardous reduction treatments and recommend the types and methods of treatment that address or more at-risk communities and essential infrastructure.
- *Treatment of Structural Ignitability:* A CWPP must recommend measures that address and communities can take to reduce the ignitability of structures throughout the area addressed by the plan.

The CWPP Julie has created meets the three basic criteria, it is a sound document that will benefit the Dunsmuir Fire Safe Council with obtaining fuel reduction grants now and in the future. She has identified and prioritized areas in our community that would benefit from fuel reduction projects, to minimize the threat from a potential wildfire situation.

The CWPP is a living document that can be changed and updated as needed. The CWPP will be part of the Dunsmuir Housing Element document, which is currently being updated. CAL-Fire established SB1241 and was signed into law in 2012, as Gov. Code Section 65302(g)(3). The law simply stated, requires communities at the next revision of the housing element on or before January 1, 2014, "the safety element shall be reviewed and updated as necessary to address the risk of fire", for land classified as State responsibility Area and land classified as Very High Hazard Severity Zones, which Dunsmuir in its entirety falls under.

As the Fire Chief for the City of Dunsmuir, it is my recommendation that the City Council adopt the "Dunsmuir CWPP", as written. This document will allow my department to protect life, property and natural resources in our area from unreasonable risks associated with wildland fires.

If additional information is required, or if you have questions concerning the document, please contact me at your earliest convenience.

Sincerely,

Daniel A Padilla, Chief  
Dunsmuir Fire Department

## XPS Print Error

Job name: (none)  
Document name: (none)  
Page number: 1  
Error: memory allocation failure (514,10,72)

## City Council Agenda Item Old Business

**Item No:**

156  
~~12.G.~~

**Date:**

August 11, 2016

**Subject:**

Consider and approve updating Records Management Services proposal

Last year consideration of proposal for Records Management Services program was discussed and it was decided to hold off on implementation of the program partially due to cost and somewhat on demands on staff time to assist the consultant. Interim City Manager has again looked at filing system and file drawers and vigorously recommends this program be implemented.

City Manager and Finance Director are currently filing grant and other special programs in boxes on office floors due to lack of space in file cabinets. Many documents in the cabinets need to be removed and destroyed as they are no longer of any current use and have no historical value. Once this is accomplished current files can be retained in a professional manner.

It is recommended that staff be directed to contact consultant and ask that estimate be updated with cost then placed in budget for City Council consideration along with the rest of the 2016-17 budget.

The proposal includes training of staff to keep the program operating after the consultant has completed the project.

**Recommendation:** Move to approve updating Records Management Services proposal.

## City Council Agenda Item Old Business

**Item No:** 12.YG  
**Date:** August 11, 2016  
**Subject:** Consider and approve updating Records Management Services proposal

Last year consideration of proposal for Records Management Services program was discussed and it was decided to hold off on implementation of the program partially due to cost and somewhat on demands on staff time to assist the consultant. Interim City Manager has again looked at filing system and file drawers and vigorously recommends this program be implemented.

City Manager and Finance Director are currently filing grant and other special programs in boxes on office floors due to lack of space in file cabinets. Many documents in the cabinets need to be removed and destroyed as they are no longer of any current use and have no historical value. Once this is accomplished current files can be retained in a professional manner.

It is recommended that staff be directed to contact consultant and ask that estimate be updated with cost then placed in budget for City Council consideration along with the rest of the 2016-17 budget.

The proposal includes training of staff to keep the program operating after the consultant has completed the project.

**Recommendation:** Move to approve updating Records Management Services proposal.

# 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

### **Proposal for Dunsmuir – Records Retention Schedules**

Submitted by Gladwell Governmental Services, Inc. 909.337.3516 [www.gladwellgov.org](http://www.gladwellgov.org)

page 1

- 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"

#### **Proposal for Dunsmuir – Records Retention Schedules**

Submitted by Gladwell Governmental Services, Inc. 909.337.3516 [www.gladwellgov.org](http://www.gladwellgov.org)

page 2

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)*

### **Proposal for Dunsmuir – Records Retention Schedules**

Submitted by Gladwell Governmental Services, Inc. 909.337.3516 [www.gladwellgov.org](http://www.gladwellgov.org)

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# 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 AIRM, ARMA and COMDEX.

## PROFESSIONAL BACKGROUND

**Gladwell Governmental Services, Inc.**  
**President**

**1989 to present**

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**  
**City Clerk**

**1992 to 1995**

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**  
**Assistant City Clerk**

**1989 to 1992**

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

Submitted by Gladwell Governmental Services, Inc. 909.337.3516 [www.gladwellgov.org](http://www.gladwellgov.org)

page 5

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**

Submitted by Gladwell Governmental Services, Inc. 909.337.3516 [www.gladwellgov.org](http://www.gladwellgov.org)

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## 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.

15 H.

Agenda Item: ~~12.H~~

**MEMORANDUM**

August 4, 2016

From: City Manager

To: Mayor and City Council

Subj: Community Development Block Grant Program (CDBG), Business Assistance Program underwriting and loan

The City of Dunsmuir is interested in contracting with a firm to process the CDBG Business Assistance Program for underwriting and loan application packages received by the City of Dunsmuir.

The Superior California Economic Development, a California non-profit corporation has submitted an agreement, which is attached.

The City Attorney is, at the time of this report, reviewing the contract. I will have adjustments, if required, by the City Attorney prior to the council meeting.

**RECOMMENDATION:** Move to approve the CDBG Business Assistance Program contract with Superior California Economic Development a non-profit corporation and allow the City Manager to sign the contract.

**AGREEMENT BETWEEN CITY OF DUNSMUIR**

**AND**

**SUPERIOR CALIFORNIA ECONOMIC DEVELOPMENT**

**THIS AGREEMENT** is made between the CITY OF DUNSMUIR, a political subdivision of the State of California (hereinafter "CITY"), and SUPERIOR CALIFORNIA ECONOMIC DEVELOPMENT, a California non-profit corporation, with a principal place of business at 350 Hartnell Avenue, Suite A, Redding, CA 96002, (hereinafter "CONTRACTOR").

**WHEREAS**, CITY has applied for and received funds from the State of California Department of Housing and Community Development (Department), State Community Development Block Grant (CDBG) Program originating from the United States government under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383, for the Business Assistance Programs; and

**WHEREAS**, CITY has need for loan underwriting and loan application packaging for the Business Assistance Program;

**WHEREAS**, CONTRACTOR desires to provide such services to the CITY.

In consideration of the services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

**1. SERVICES.**

The CONTRACTOR shall provide those services described in Attachment "A". CONTRACTOR shall provide said services at the time, place and in the manner specified in Attachment "A".

**2. TERM.**

The term of the agreement shall be for the period of July 1, 2016 through June 30, 2017.

**3. PAYMENT.**

CITY shall pay CONTRACTOR for services rendered pursuant to this Agreement at the time and in the amount set forth in Attachment "B". The payment specified in Attachment "B" shall be the only payment made to CONTRACTOR for services rendered pursuant to this Agreement. CONTRACTOR shall submit all billing for said services to CITY in the manner specified in Attachment "B".

**4. FACILITIES, EQUIPMENT AND OTHER MATERIALS AND OBLIGATIONS OF CITY.**

CONTRACTOR shall, at its sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.

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\_\_\_\_\_ City Initials

Page 1

Contractor Initials \_\_\_\_\_

CITY shall:

- 4.1 Monitor and evaluate CONTRACTOR's performance, expenditures and service levels for compliance with the terms of this Agreement.
- 4.2 Review all invoices submitted by CONTRACTOR for allowable costs and approve for payment as appropriate.
- 4.3 Retain ownership and have prompt access to any report, evaluations, preliminary findings, or data assembled/developed by CONTRACTOR under this Agreement.

**5. ADDITIONAL PROVISIONS.**

Those additional provisions unique to this Agreement are set forth in Attachment "C".

**6. GENERAL PROVISIONS.**

The general provisions set forth in Attachment "D" are part of this Agreement. Any inconsistency between said general provisions and any other terms or conditions of this Agreement shall be controlled by the other terms or conditions insofar as the latter are inconsistent with the general provisions.

**7. DESIGNATED REPRESENTATIVES.**

The City Manager, City of Dunsmuir, is the designated representative of the CITY and will administer this Agreement for the CITY. Robert Nash, Executive Officer, is the authorized representative for CONTRACTOR. Changes in the designated representatives shall occur only by advance written notice to the other party.

**8. ATTACHMENTS.**

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Attachment A	Services
Attachment B	Payment
Attachment C	Additional Provisions
Attachment D	General Provisions

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown opposite their respective signatures.

Contractor

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Robert Nash  
Executive Officer

Dated: \_\_\_\_\_

By: \_\_\_\_\_

City Manager

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\_\_\_\_\_ City Initials

Page 3

Contractor Initials \_\_\_\_\_

ATTACHMENT A

AGREEMENT BETWEEN CITY OF DUNSMUIR  
AND  
SUPERIOR CALIFORNIA ECONOMIC DEVELOPMENT

SCOPE OF SERVICES

A.1 SCOPE OF SERVICES AND DUTIES.

The services to be provided by CONTRACTOR and the scope of CONTRACTOR's duties include the following:

A.1.1. Underwriting Businesses for Participation under the Business Assistance Program.

A.1.1.1. CONTRACTOR shall comply with all terms and conditions as outlined in City of Dunsmuir Business Loan Program Guidelines and City of Dunsmuir Program Income Agreement which is attached hereto as Attachment "F" and incorporated by this reference, and with the terms and conditions of this agreement. CITY will call upon the contracted services on an "as need" basis depending on the complexity of the proposed loan project. Once a project has been identified with the CITY the following types of services can be provided:

A.1.1.2. CONTRACTOR shall provide the following tasks as required:

A.1.1.2.a. Meet with David Edmondson, dba Salt and Savor as necessary to obtain complete loan application per Paragraph A.1.1.4 below; and

A.1.1.2.b. Underwrite Business Loan for David Edmondson, dba Salt and Savor in accordance with CITY program guidelines, state standards and HUD requirements per the conditions of Paragraph A.1.1.3 below.

A.1.1.3. Underwriting Standards - CONTRACTOR shall comply with the six U.S. Department of Housing and Urban Development (HUD) underwriting standards as required to be met by each CDBG loan which is incorporated in the CITY's most current Business Assistance Program Guidelines. Evaluation of the business is based upon the meeting of the public benefit and national objectives, the amount of private dollars leveraging CDBG funds, the financial viability, and the demonstrated need for the Program funds.

A.1.1.4. Loan Application Packaging - CONTRACTOR shall complete, copy, and assemble the current Loan Approval Checklist and the CITY'S Loan Approval Memorandum for submittal and review by the Department.

---

\_\_\_\_\_ City Initials

Page 4

Contractor Initials\_\_\_\_\_

A.1.2. Underwriting Businesses for Participation under the Microenterprise or Business Assistance Financial Assistance / Loan Program.

A.1.2.1. CONTRACTOR shall comply with all terms and conditions as outlined in City of Dunsmuir Business Loan Guidelines and Program Income Agreement which is attached hereto as Attachment "F" and incorporated by this reference, and with the terms and conditions of this agreement. CITY will call upon the contracted services on an "as need" basis depending on the complexity of the proposed loan project. Once a project has been identified with the CITY the following types of services can be provided:

A.1.2.2. CONTRACTOR shall provide the following tasks as required:

A.1.2.2.a. Meet with business owners as necessary to obtain complete loan application per Paragraph A.1.2.4 below; and

A.1.2.2.b. Underwrite Business in accordance with CITY program guidelines, state standards and HUD requirements per the conditions of Paragraph A.1.2.3 below.

A.1.2.3. Underwriting Standards - CONTRACTOR shall comply with the six U.S. Department of Housing and Urban Development (HUD) underwriting standards as required to be met by each CDBG loan which is incorporated in the CITY's most current Business Financial Assistance Program Guidelines. Evaluation of the microenterprise is based upon the meeting of the public benefit and national objectives, the amount of private dollars leveraging CDBG funds, the financial viability, and the demonstrated need for the Program funds.

A.1.2.4. Loan Application Packaging - CONTRACTOR shall complete, copy, and assemble the current Loan Approval Checklist and the CITY'S Loan Approval Memorandum for submittal and review by the Department.

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\_\_\_\_\_ City Initials

Page 5

Contractor Initials \_\_\_\_\_

A.1.3. Loan Applicant Confidentiality

CONTRACTOR shall not disclose any of the businesses personal confidential information. Financial information supplied by the applicant, including but not limited to business operating statements, tax information, personal and business financial information, and similar data are considered to be confidential. All confidential information of businesses will only be disclosed to persons required to view the information as part of loan review and approval.

A.1.4. Performance Monitoring

CITY will monitor the performance of the CONTRACTOR against goals and performance standards as stated above. Substandard performance as determined by CITY will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by CONTRACTOR within a reasonable period of time after being notified by CITY, contract suspension or termination procedures will be initiated.

**END OF ATTACHMENT "A"**

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ATTACHMENT B

AGREEMENT BETWEEN CITY OF DUNSMUIR  
AND  
SUPERIOR CALIFORNIA ECONOMIC DEVELOPMENT  
PAYMENT

CITY shall pay CONTRACTOR as follows:

**B.1. BASE CONTRACT FEE.** The consideration to be paid, CONTRACTOR, as provided herein, shall be in compensation for all of CONTRACTOR's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided. The total cost of this Agreement shall not exceed Twelve thousand seven hundred fifty and 00/100 (\$12,750.00), unless written authorization is issued by CITY.

**B.2. BUDGET FOR ACTIVITY UNDERWRITING SERVICES WITH ESTIMATED HOURS AND STAFF CHARGES.**

B.2.1. Staff Charges, Material and Travel Costs:

The following staff positions will be utilized to conduct the loan processing and underwriting services. CITY will use these rates to confirm proper monthly billing of services under this agreement.

<u>Staff Position</u>	<u>Hourly Rate</u>
Executive Officer	\$100
Fiscal Manager	\$ 90
Loan Program Manager	\$100
Loan Program Assistant/Closer	\$ 70
Special Projects Manager	\$ 90
Travel Costs	Federal Rate \$0.55 per mile

**B.3. PAYMENT.** CONTRACTOR shall submit to CITY within fifteen {15} days after the end of each calendar month an invoice of services rendered. CITY shall make payment within 30 days of receipt of CONTRACTOR's correct and approved invoice.

CONTRACTOR shall submit invoice to:

City Manager's office  
City of Dunsmuir  
5915 Dunsmuir Ave.  
Dunsmuir, CA 96025

**B.4. AUTHORIZATION REQUIRED.** Services performed by CONTRACTOR and not authorized in this Agreement shall not be paid for by CITY.

**END OF ATTACHMENT "B"**

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ATTACHMENT C

AGREEMENT BETWEEN CITY OF DUNSMUIR  
AND  
SUPERIOR CALIFORNIA ECONOMIC DEVELOPMENT  
ADDITIONAL PROVISIONS

C.1. EQUAL OPPORTUNITY STANDARD CONTRACT LANGUAGE.

C.1.1. The Civil Rights, HCD, and Age Discrimination Acts Assurances. During the performance of this Agreement, the CONTRACTOR assures that no otherwise qualified person shall be excluded from participation or employment, denied program benefits, or be subjected to discrimination based on race, color, national origin, sex, age, or disability, under any program or activity funded by this contract, as required by Title VI of the Civil Rights Act of 1964, Title I of the Housing and Community Development Act of 1974, as amended, and the Age Discrimination Act of 1975, and all implementing regulations.

C.1.2. The Training, Employment, and Contracting Opportunities for Business and Lower Income Persons Assurance of Compliance:

C.1.2.1. The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for Work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

C.1.2.2. The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C.1.2.3. The CITY will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advertising the said labor organization or worker's representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

C.1.2.4. The CITY will include these Section 3 clauses in every contract and subcontract for work in connection with the project and will, at the direction of the State, take appropriate action pursuant to the contract upon a finding that the CITY or CONTRACTOR or subcontractor is in violation of regulations

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issued by the Secretary of Housing and Urban Development, 24 CFR Part 135 and, will not let any contract unless the CITY or CONTRACTOR or subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

C.1.2.5. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued there under prior to the execution of the Agreement shall be a condition of the Federal financial assistance provided to the project, binding upon the CITY, its successors, and assigns. Failure to fulfill these requirements shall subject the CITY, CONTRACTOR and subcontractors, its successors, and assigns to those sanctions specified by the grant or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

C.1.3. State Nondiscrimination Clause:

C.1.3.1. During the performance of this contract, CONTRACTOR and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical disability, medical condition, marital status, age (over 40) or sex. CONTRACTOR and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. CONTRACTOR and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7258.0 et seq.) The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this contract by reference and made a part hereof as if set forth in full. CONTRACTOR and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

C.1.3.2. CONTRACTOR shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

"CONTRACTOR hereby agrees to abide by the requirement of executive order 11246 and all implement regulations of the Department of Labor."

**C.2. ADDITIONAL CERTIFICATION, CLAUSES, AND PROVISIONS**

C.2.1. Lead-Based Paint. The activity performed with assistance provided under the contract are subject to lead-based paint hazard regulations contained in Title 8 and Title 17 of the CCR and 24 CFR Part 35. Any assistance provided under this contract shall be made subject to the provision for the elimination or mitigation of lead-based paint hazards under these Regulations. The CITY shall be responsible for the notifications, inspection, and clearance certifications required under these Regulations.

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C.2.2. Compliance with State and Federal Laws and Regulations.

C.2.2.1. CONTRACTOR agrees to comply with all State laws and regulations that pertain to construction, health and safety, labor, fair employment practices, equal opportunity, and all other matters applicable to contractors or subcontractors, and the grant activity, and any other State provisions as set forth in these attachments.

C.2.2.2. CONTRACTOR agrees to comply with all Federal laws and regulations applicable to the CDBG Program and to the grant activity, and with any other Federal provisions as set forth in these attachments.

C.2.3. Anti-Lobbying Certification. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and no more than \$100,000 for such failure.

"The undersigned certifies, to the best of his or her knowledge or belief, that:

C.2.3.1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

C.2.3.2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions."

C.2.4. Bonus or Commission Prohibition Against Payments Of. The assistance provided under this contract or subcontract shall not be used in the payment of any bonus or commission for the purpose of:

C.2.4.1. Obtaining the State's approval of the application for such assistance, or

C.2.4.2. The State's approval of the applications for additional assistance, or

C.2.4.3. Any other approval or concurrence of the State required under this contract or subcontract, Title I of the Housing and Community Development Act of 1974, or the State regulations with respect thereto; provided, however, that reasonable fees for bona fide technical, consultant, managerial or other

such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

- C.2.5. Conflict Of Interest of Certain Federal Officials. No member of or delegate to the Congress of the United States, and no resident commissioner, shall be admitted to any share or part of this contract or to any benefit to arise from the same.
- C.2.6. Labor Code/Workers' Compensation. CONTRACTOR and subcontractor needs to be aware of the provisions which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions, and contractor and subcontractor affirms to comply with such provisions before commencing the performance of the activity(ies) of the contract. (Labor Code section 3700).
- C.2.7. National Labor Relations Board Certification. If CONTRACTOR is receiving federal funds under this contract, CONTRACTOR certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against CONTRACTOR within the immediately preceding two-year period because of CONTRACTOR's failure to comply with an order of a Federal court, which orders CONTRACTOR to comply with an order of the National Labor Relations Board (Public Contract Code Section 10296).
- C.2.8. Suspension or Termination for Poor Performance. In accordance with 24 CFR 85.43, the CITY may suspend or terminate this Agreement if CONTRACTOR materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:
- C.2.8.1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
  - C.2.8.2. Failure, for any reason, of CONTRACTOR to fulfill in a timely and proper manner its obligations under this Agreement;
  - C.2.8.3. Ineffective or improper use of funds provided under this Agreement; or - Submission by CONTRACTOR to CITY reports that are incorrect or incomplete in any material respect.

In accordance with 24 CFR 85.44, this Agreement may also be terminated for convenience by either CITY or CONTRACTOR, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, CITY determines that the remaining portion of the award will not accomplish the purpose for which the award was made; CITY may terminate the award in its entirety.

- C.2.9. Records. CONTRACTOR agrees to retain all books, records, accounts, documentation, and all other materials relevant to the agreement for a period of five (5) years from date of termination of the agreement, or five (5) years from the conclusion of any and all audits or litigation relevant to the agreement and any amendments, whichever is later.

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C.2.10. Audits and Inspections. CONTRACTOR agrees to permit the State and Federal government, the Bureau of State Audits, the Department of Housing and Community Development and/or their representatives, upon reasonable notice, unrestricted access to any or all books, records, accounts, documentation, and all other materials relevant to the agreement for the purpose of monitoring, auditing, or otherwise examining said materials.

**END OF ATTACHMENT "C"**

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**ATTACHMENT D**

**AGREEMENT BETWEEN CITY OF DUNSMUIR  
AND  
SUPERIOR CALIFORNIA ECONOMIC DEVELOPMENT**

**GENERAL PROVISIONS**

- D.1. INDEPENDENT CONTRACTOR.** For all purposes arising out of this Agreement, CONTRACTOR shall be: an independent contractor and each and every employee, agent, servant, partner, and shareholder of CONTRACTOR (collectively referred to as "The Contractor") shall not be, for any purpose of this Agreement, an employee of CITY. Furthermore, this Agreement shall not under any circumstance be construed or considered to be a joint powers agreement as described in California Government Code sections 6000, et seq., or otherwise. As an independent contractor, the following shall apply:
- D.1.1. CONTRACTOR shall determine the method, details and means of performing the services to be provided by CONTRACTOR as described in this Agreement.
  - D.1.2. CONTRACTOR shall be responsible to CITY only for the requirements and results specified by this Agreement and, except as specifically provided in this Agreement, shall not be subject to CITY's control with respect to the physical actions or activities of CONTRACTOR in fulfillment of the requirements of this Agreement.
  - D.1.3. CONTRACTOR shall be responsible for its own operating costs and expenses, property and income taxes, workers' compensation insurance and any other costs and expenses in connection with performance of services under this Agreement.
  - D.1.4. CONTRACTOR is not, and shall not be, entitled to receive from or through CITY, and CITY shall not provide or be obligated to provide the CONTRACTOR with workers' compensation coverage, unemployment insurance coverage or any other type of employee or worker insurance or benefit coverage required or provided by any federal, state or local law or regulation for, or normally afforded to, any employee of CITY.
  - D.1.5. The CONTRACTOR shall not be entitled to have CITY withhold or pay, and CITY shall not withhold or pay, on behalf of the CONTRACTOR any tax or money relating to the Social Security Old Age Pension Program, Social Security Disability Program or any other type of pension, annuity or disability program required or provided by any federal, state or local law or regulation for, or normally afforded to, an employee of CITY.
  - D.1.6. The CONTRACTOR shall not be entitled to participate in, or receive any benefit from, or make any claim against any CITY fringe benefit program including, but not limited to, CITY's pension plan, medical and health care plan, dental plan, life insurance plan, or other type of benefit program, plan or coverage designated for, provided to, or offered to CITY's employees.
  - D.1.7. CITY shall not withhold or pay on behalf of CONTRACTOR any federal, state or local tax including, but not limited to, any personal income tax owed by CONTRACTOR.

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D.1.8. The CONTRACTOR is, and at all times during the term of this Agreement shall represent and conduct itself as, an independent contractor and not as an employee of CITY.

D.1.9. CONTRACTOR shall not have the authority, express or implied, to act on behalf of, bind or obligate the CITY any way without the written consent of the CITY.

**D.2. LICENSES, PERMITS, ETC.** CONTRACTOR represents and warrants to CITY that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONTRACTOR to practice its profession. CONTRACTOR represents and warrants to CITY that CONTRACTOR shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for CONTRACTOR to practice its profession at the time the services are performed.

**D.3. CHANGE IN STATUTES OR REGULATIONS.** If there is a change of statutes or regulations applicable to the subject matter of this Agreement, both parties agree to be governed by the new provisions, unless either party gives notice to terminate pursuant to the terms of this Agreement.

**D.4. TIME.** CONTRACTOR shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of CONTRACTOR's obligations pursuant to this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.

**D.5. INSURANCE.**

D.5.1. Prior to rendering services provided by the terms and conditions of this Agreement, CONTRACTOR shall acquire and maintain during the term of this Agreement insurance coverage through and with an insurer acceptable to CITY, naming the CITY and CITY's officers, employees, agents and independent contractors as additional insured (hereinafter referred to as "the insurance"). The insurance shall contain the following coverages:

D.5.1.1. Comprehensive general liability insurance including comprehensive public liability insurance with minimum coverage of One Million Dollars (\$1,000,000) per occurrence and with not less than One Million Dollars (\$1,000,000) aggregate; CONTRACTOR shall insure both CITY and CONTRACTOR against any liability arising under or related to this Agreement.

D.5.1.2. Comprehensive automobile liability insurance with minimum coverage of Three Hundred Thousand Dollars (\$300,000) per occurrence and with not less than One Hundred Thousand Dollars (\$100,000) on reserve in the aggregate, with combined single limit including owned, non-owned and hired vehicles.

D.5.1.3. Workers' Compensation Insurance coverage for all of CONTRACTOR's employees and other persons for whom CONTRACTOR is responsible to provide such insurance coverage, as provided by Division 4 and 4.5 of the California Labor Code.

D.5.2. The limits of insurance herein shall not limit the liability of the CONTRACTOR

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hereunder.

- D.5.3. In respect to any insurance herein, if the aggregate limit available becomes less than that required above, other excess insurance shall be acquired and maintained immediately. For the purpose of any insurance term of this Agreement, "aggregate limit available" is defined as the total policy limits available for all claims made during the policy period.
- D.5.4. The insurance shall include an endorsement that no cancellation or material change adversely affecting any coverage provided by the insurance may be made until twenty (20) days after written notice is delivered to CITY.
- D.5.5. The insurance policy forms, endorsements and insurer(s) issuing the insurance shall be satisfactory to CITY at its sole and absolute discretion. The amount of any deductible payable by the insured shall be subject to the prior approval of the CITY and the CITY, as a condition of its approval, may require such proof of the adequacy of CONTRACTOR's financial resources as it may see fit.
- D.5.6. Prior to CONTRACTOR rendering services provided by this Agreement, and immediately upon acquiring additional insurance, CONTRACTOR shall deliver a certificate of insurance describing the insurance coverages and endorsements to:

City of Dunsmuir, City Manager  
Dunsmuir, CA 96025

Upon CITY's request, CONTRACTOR shall deliver certified copies of any insurance policies to CITY.

- D.5.7. CONTRACTOR shall not render services under the terms and conditions of this Agreement unless each type of insurance coverage and endorsement is in effect and CONTRACTOR has delivered the certificate(s) of insurance to CITY as previously described. If CONTRACTOR shall fail to procure and maintain said insurance, CITY may but shall not be required to, procure and maintain the same, and the premiums of such insurance shall be paid by CONTRACTOR to CITY upon demand. The policies of insurance provided herein which are to be provided by CONTRACTOR shall be for a period of not less than one year, it being understood and agreed that twenty (20) days prior to the expiration of any policy of insurance, CONTRACTOR will deliver to CITY a renewal or new policy to take the place of the policy expiring.
- D.5.8. CITY shall have the right to request such further coverages and/or endorsements on the insurance as CITY deems necessary, at CONTRACTOR's expense. The amounts, insurance policy forms, endorsements and insurer(s) issuing the insurance shall be satisfactory to CITY in its sole and absolute discretion.
- D.5.9. Any subcontractor(s), independent contractor(s) or any type of agent(s) performing or hired to perform any term or condition of this Agreement on behalf of CONTRACTOR, as may be allowed by this Agreement (hereinafter referred to as the "SECONDARY PARTIES"), shall comply with each term and condition of this Section 0.5 entitled "INSURANCE". Furthermore, CONTRACTOR shall be responsible for the SECONDARY PARTIES' acts and satisfactory performance of the terms and conditions of this Agreement.

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**D.6. INDEMNITY.** CITY shall not be liable for, and CONTRACTOR shall defend and indemnify CONTRACTOR and its officers, agents, employees, and volunteers (collectively "CONTRACTOR Parties"), against any and all claims, deductibles, self-insured retentions, demands, liability, judgments, awards, fines, mechanics; liens or other liens, labor disputes, losses, damages, expenses, charges or costs of any kind or character, including attorney's fees and court costs (hereinafter collectively referred to as "Claims:"); which arise out of or are in any way connected to the work covered by this Agreement arising either directly or indirectly from any act, error, omission or negligence of CONTRACTOR or its officers, employees, agents, contractors, licensees or servants. CONTRACTOR shall have no obligation, however, to defend or indemnify CITY Parties from a Claim if it is determined by a court of competent jurisdiction that such Claim was caused by the sole negligence or willful misconduct of CITY Parties.

Likewise, CONTRACTOR shall not be liable for, and CITY shall defend and indemnify CITY and its officers, agents, employees, and volunteers (collectively "CITY Parties"), against any and all claims, deductibles, self-insured retentions, demands, liability, judgments, awards, fines, mechanics; liens or other liens, labor disputes, losses, damages, expenses, charges or costs of any kind or character, including attorney's fees and court costs (hereinafter collectively referred to as "Claims:"); which arise out of or are in any way connected to the work covered by this Agreement arising either directly or indirectly from any act, error, omission or negligence of CITY or its officers, employees, agents, contractors, licensees or servants. CITY shall have no obligation, however, to defend or indemnify CONTRACTOR Parties from a claim if it is determined by a court of competent jurisdiction that such Claim was caused by the sole negligence or willful misconduct of CONTRACTOR Parties.

**D.7. CONTRACTOR NOT AGENT.** Except as CITY may specify in writing, CONTRACTOR shall have no authority, express or implied, to act on behalf of CITY in any capacity whatsoever as an agent. CONTRACTOR shall have no authority, express or implied, pursuant to this Agreement to bind CITY to any obligation whatsoever.

**D.8. ASSIGNMENT PROHIBITED.** CONTRACTOR may not assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no legal effect.

**D.9. PERSONNEL.** CONTRACTOR shall assign only competent personnel to perform services pursuant to this Agreement. In the event that CITY, in its sole discretion at any time during the term of this Agreement, desires the removal of any person or persons assigned by CONTRACTOR to perform services pursuant to this Agreement, CONTRACTOR shall remove any such person immediately upon receiving written notice from CITY of its desire for removal of such person or persons.

**D.10. STANDARD OF PERFORMANCE.** CONTRACTOR shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONTRACTOR is engaged. All products of whatsoever nature which CONTRACTOR delivers to CITY pursuant to this Agreement shall be prepared in a first class and workmanlike manner and shall conform to the standards of quality normally observed by a person practicing in CONTRACTOR's profession.

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- D.11. POSSESSORY INTEREST.** The parties to this Agreement recognize that certain rights to property may create a "possessory interest", as those words are used in the *California Revenue and Taxation Code* (107). For all purposes of compliance by CITY with Section 107.6 of the *California Revenue and Taxation Code*, this recital shall be deemed full compliance by the CITY. All questions of initial determination of possessory interest and valuation of such interest, if any, shall be the responsibility of the CITY Assessor and the contracting parties hereto. A taxable possessory interest may be created by this, if created, and the party in whom such an interest is vested will be subject to the payment of property taxes levied on such an interest.
- D.12. TAXES.** CONTRACTOR hereby grants to the CITY the authority to deduct from any payments to CONTRACTOR any CITY imposed taxes, fines, penalties and related charges which are delinquent at the time such payments under this Agreement are due to CONTRACTOR.
- D.13. TERMINATION.** CITY shall have the right to terminate this Agreement at any time by giving notice in writing of such termination to CONTRACTOR. In the event CITY gives notice of termination, CONTRACTOR shall immediately cease rendering service upon receipt of such written notice and the following shall apply:
- D.13.1. CONTRACTOR shall deliver to CITY copies of all writings prepared by it pursuant this agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photocopying, photographing computer storage medium (tapes, disks, diskettes, etc.) and every other means of recording upon any tangible thing, and form of communication or representation, including letters, pictures, sounds, or symbols, or combinations thereof.
- D.13.2. CITY shall pay CONTRACTOR the reasonable value of services rendered by CONTRACTOR to the date of termination pursuant to this Agreement not to exceed the amount documented by CONTRACTOR and approved by CITY as work accomplished to date; provided, however, that in no event shall any payment hereunder exceed Twelve thousand seven hundred fifty and 00/100 dollars (\$12,750.00). Further provided, however, CITY shall not in any manner be liable for lost profits which might have been made by CONTRACTOR had CONTRACTOR completed the services required by this Agreement. In this regard, CONTRACTOR shall furnish to CITY such financial information as in the judgment of the CITY is necessary to determine the reasonable value of the services rendered by CONTRACTOR. In the event of a dispute as to the reasonable value of the services rendered by CONTRACTOR, the decision of the CITY shall be final. The foregoing is cumulative and does not affect any right or remedy which CITY may have in law or equity.
- D.13.3. CONTRACTOR may terminate its services under this Agreement upon thirty (30) working days written notice to the CITY, without liability for damages, if CONTRACTOR is not compensated according to the provisions of the Agreement or upon any other material breach of the Agreement by CITY, provided that CONTRACTOR has first provided CITY with a written notice of any alleged breach, specifying the nature of the alleged breach and providing not less than ten (10) working days within which the CITY may cure the alleged breach.

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- D.14. OWNERSHIP OF INFORMATION.** All professional and technical information developed

under this Agreement and all work sheets, reports, and related data shall become and/or remain the property of CITY, and CONTRACTOR agrees to deliver reproducible copies of such documents to CITY on completion of the services hereunder. The CITY agrees to indemnify and hold CONTRACTOR harmless from any claim arising out of reuse of the information for other than this project.

- D.15. WAIVER.** A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.
- D.16. COMPLETENESS OF INSTRUMENT.** This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made, express or implied.
- D.17. SUPERSEDES PRIOR AGREEMENTS.** It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.
- D.18. ATTORNEY'S FEES.** If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, which may be set by the Court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such party may be entitled.
- D.19. MINOR AUDITOR REVISION.** In the event the CITY Auditor's office finds a mathematical discrepancy between the terms of the Agreement and actual invoices or payments, provided that such discrepancy does not exceed one percent (1%) of the Agreement amount, the Auditor's office may make the adjustment in any payment or payments without requiring an amendment to the Agreement to provide for such adjustment. Should the CITY or the CONTRACTOR disagree with such adjustment, they reserve the right to contest such adjustment and/or to request corrective amendment.
- D.20. CAPTIONS.** The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.
- D.21. DEFINITIONS.** Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.
- 0.21.1. Number and Gender. In this Agreement, the neuter gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.
- 0.21.2. Mandatory and Permissive. "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

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- D.22. TERM INCLUDES EXTENSIONS.** All references to the term of this Agreement or the

Agreement Term shall include any extensions of such term.

- D.23. SUCCESSORS AND ASSIGNS.** All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.
- D.24. MODIFICATION.** No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.
- D.25. COUNTERPARTS.** This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.
- D.26. OTHER DOCUMENTS.** The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.
- D.27. PARTIAL INVALIDITY.** If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
- D.28. VENUE.** It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the City of Dunsmuir, State of California.
- D.29. CONTROLLING LAW.** The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.
- D.30. CALIFORNIA TORT CLAIMS ACT.** Notwithstanding any term or condition of the Agreement, the provisions, and related provisions, of the California Tort Claims Act, Division 3.6 of the Government Code, are not waived by CITY and shall apply to any claim against CITY arising out of any acts or conduct under the terms and conditions of this Agreement.
- D.31. TIME IS OF THE ESSENCE.** Time is of the essence of this Agreement and each covenant and term herein.
- D.32. AUTHORITY.** All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement are in full compliance. Further, by entering into this Agreement, neither party hereto shall have breached the terms nor conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

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- D.33. CORPORATE AUTHORITY.** If CONTRACTOR is a corporation or public agency, each individual executing this Agreement on behalf of said corporation or public agency

represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said corporation, in accordance with a duly adopted resolution of the Board of Directors of said corporation or in accordance with the bylaws of said corporation or Board or Commission of said public agency, and that this Agreement is binding upon said corporation or public entity in accordance with its terms. If CONTRACTOR is a corporation, CONTRACTOR shall, within thirty (30) days after execution of this Agreement, deliver to CITY a certified copy of a resolution of the Board of Directors of said corporation authorizing or ratifying the execution of this Agreement.

**D.34. CONFLICT OF INTEREST.**

D.34.1. Legal Compliance. CONTRACTOR agrees at all times in performance of this Agreement to comply with the law of the State of California regarding conflicts of interest, including, but not limited to, Article 4 of Chapter 1, Division 4, Title 1 of the California Government Code, commencing with Section 1090 and Chapter 7 of Title 9 of said Code, commencing with Section 87100, including regulations promulgated by the California Fair Political Practices Commission.

D.34.2. Advisement. CONTRACTOR agrees that if any facts come to its attention which raises any questions as to the applicability of this law, it will immediately inform the CITY designated representative and provide all information needed for resolution of the question.

D.34.3. Admonition. Without limitation of the covenants in subparagraphs D.34.1 and D.34.2. CONTRACTOR is admonished hereby as follows:

The statutes, regulations and laws referenced in this provision 0.34 include, but are not limited to, a prohibition against any public officer, including CONTRACTOR for this purpose, from making any decision on behalf of CITY in which such officer has a direct or indirect financial interest. A violation occurs if the public officer influences or participates in any CITY decision which has the potential to confer any pecuniary benefit on CONTRACTOR or any business firm in which CONTRACTOR has an interest of any type, with certain narrow exceptions.

**D.35. NONDISCRIMINATION.** During the performance of this Agreement, CONTRACTOR shall not unlawfully discriminate against any employee of the CONTRACTOR or of the CITY or applicant for employment or for services or any member of the public because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age or sex. CONTRACTOR shall ensure that in the provision of services under this Agreement, its employees and applicants for employment and any member of the public are free from such discrimination. CONTRACTOR shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.). The applicable regulations of the Fair Employment Housing Commission implementing Government Code Section 12900, set forth in Chapter 5, Division 4 of Title 2 of the California *Administrative Code* are incorporated into this Agreement by reference and made a part hereof as if set forth in full. CONTRACTOR shall also abide by the Federal Civil Rights Act of 1964 and all amendments thereto, and all administrative rules and regulation issued pursuant to said Act. CONTRACTOR shall give written notice of its obligations under this clause to any labor agreement. CONTRACTOR shall include the non-discrimination and compliance provision of this paragraph in all subcontracts to perform work under this Agreement.

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**D.36. JOINT AND SEVERAL LIABILITY.** If any party consists of more than one person or entity, the liability of each person or entity signing this Agreement shall be joint and several.

**D.37. TAXPAYER I.D. NUMBER.** The CITY shall not disburse any payments to CONTRACTOR pursuant to this Agreement until CONTRACTOR supplies the latter's Taxpayer Identification Number or Social Security Number (as required on the line under CONTRACTOR's signature on page 2 of this Agreement).

**D.38. NOTICES.** All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

If to "CITY":                      City Manager  
    City of Dunsmuir Department of Planning and Building Services  
    5915 Dunsmuir Avenue  
    Dunsmuir, California 96025

If to "CONTRACTOR": Robert Nash, Executive Officer  
    Superior California Economic Development  
    350 Hartnell Ave., Suite A  
    Redding, CA 96002

**END OF ATTACHMENT "D"**

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