

**AGENDA FOR THE REGULAR MEETING  
DUNSMUIR CITY COUNCIL  
COUNCIL CHAMBERS  
5902 DUNSMUIR AVE, DUNSMUIR, CA  
AUGUST 18, 2016  
CLOSED SESSION: NONE  
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. FLAG SALUTE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**
- 6. COMMITTEE REPORTS**
  - a. Economic Development/Tourism**
  - b. Finance**
  - c. Public Facilities and Services**
  - d. Public Safety**
  - e. Airport**
  - f. Solid Waste**
  - g. Emergency Plan Task Force**
  - h. Veteran's Memorial**
  - i. Mossbrae Trail**

**7. 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.

**8. 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.

**9. 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.

**10. PRESENTATION**

A. STAGE Stop Update from Melissa Cummins, Siskiyou County Transportation Services Manager.

**11. OLD BUSINESS**

A. Consider and pass second reading of Ordinance No. 556 Implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code.

B. Adopt Ordinance No. 556 Implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code.

C. Update on Planning Grant Water and Wastewater by PACE

D. Councilman Keisler presents project for Train 1727 location and possible approval by City Council.

E. Marijuana issue and how the County law affects the City, as well as the current ballot initiative.

**12. NEW BUSINESS**

A. Discussion/Decision to apply for an Energy Audit and prepare feasibility study on City of Dunsmuir property including street lighting with the Energy Partnership Program as part of the California Energy Commission.

B. City Council discusses impacts on Ballot Initiatives.

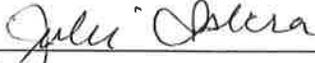
**13. ADJOURNMENT:**

**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 15, 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

08-15-2016  
Date

**MEMORANDUM**

August 14, 2016

From: City Manager

To: Mayor and Council Members

---

Subj: Second reading and adopting of Ordinance No. 556, implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code

The City Council meeting held on August 11, 2016, the City Council introduced and held first reading of proposed Ordinance No. 556, implementing mandatory water conservation measures. This would be the second reading, by title and number only and adoption of Ordinance 556, if the City Council wishes to continue.

**11.A Recommendation:** Move to hold second reading of Ordinance 556 and read by title and number only.

After above motion passes.

**11.B Recommendation:** Move to adopt Ordinance No. 556, implementing mandatory water conservation measures pursuant to Section 350 of the California Water Code.

**ORDINANCE NO. 556**

**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, 2017, 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: Deutsch, Shanta, Craig, Keisler, Spurlock
- NOES: None
- ABSENT: None
- ABSTAIN: None

Ordinance No. 556

Page 4 of 4

**Second reading and 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 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 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**

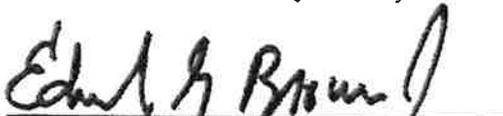
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods 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



**MEMORANDUM**

August 14, 2016

From: City Manager

To: Mayor and Council Members

Subj: Update on Planning Grant for Water and Wastewater

Paul Reuter will provide an update on the water and wastewater planning grants.

**Recommendation:** Move to receive and file update on the water and wastewater planning grants.

## Memorandum

TO: City of Dunsmuir Council Members

DATE: August 15, 2016

FROM: Paul Reuter, P.E.

JOB NO.: 204.57

SUBJECT: Status of Water and Sewer Planning Grant Applications

---

The purpose of this memorandum is to provide the City with an update on the status of the Proposition 1 planning grants that PACE has been working on behalf of the City. Back in spring 2016, PACE approached the City regarding grant funding opportunities offered through the State Revolving Fund (SRF). At that time, we recommended the City authorize PACE to prepare two planning grant applications each, for both its water and sewer infrastructures for a total of four. The following is a brief update of the status of these applications.

Clean Water State Revolving Fund (CWSRF) Planning Grants: Two grant applications were submitted on April 26, 2016. Based on recent discussions with CWSRF representatives, we anticipate the City should be receiving grant agreements within the next few weeks. The two sewer grants are shown below, along with the associated activities for each grant. The idea behind the planning grants is to perform the upfront planning efforts for funding future capital projects. The City qualifies for grant funding to construct the projects as well.

1. **Sewer Collection System Improvements.** The purpose of this effort is to identify high priority sewers within the collection system for removing infiltration and inflow (I&I), and then design improvements to repair/replace the problem areas. The planning tasks associated with this project are as follows:
  - a. I&I Reduction Study
  - b. Capital Improvement Plan
  - c. Preliminary Engineering Report (PER)
  - d. Environmental Documentation
  - e. Wastewater Utility Rate Study/Proposition 218 Proceedings
  - f. 80% Design Plans, Specifications, and Bid Documents
  - g. Construction Grant Funding Application

The amount of this planning grant is \$500,000.

2. **Wastewater Treatment Plant Improvement Project.** The Wastewater Treatment Plant had a major upgrade in 2014 to comply with new regulatory requirements. However, there were other desired treatment plant upgrades and improvements that were not funded. The purpose of this project is to make additional treatment plant improvements

to improve the reliability and operations of the facility. The planning tasks associated with this project are as follows:

- a. Report of Waste Discharge (ROWD) – This is a regulatory requirement.
- b. Preliminary Engineering Report (PER)
- c. Environmental Documentation
- d. 50% Design Plans, Specifications, and Bid Documents
- e. Construction Grant Funding Application

The amount of this planning grant is \$500,000.

Once the City receives these planning grant agreements, City Council will be asked to approve proceeding with the work, presumably at a September council meeting. It will be especially important to initiate the I&I Reduction Study work as soon as possible so that winter 2016-17 can be utilized to collect wet weather flow data.

Drinking Water State Revolving Fund (DWSRF): Shortly after obtaining City approval to proceed with two planning grant applications for water system improvements in spring 2016, we learned more information about the funding program that could impact the desired approach. For example, we learned the DWSRF program would not consider processing a construction funding application until all “planning” activities were completed under the planning grant. This would add an additional year delay for implementing the project.

In addition, we were receiving varying opinions from different DWSRF staff regarding the eligibility of certain project-related activities. It was finally recommended we submit the “General” portion of the grant application, get assigned a DWSRF project manager, and work with that individual for establishing the final project Scope of Work. We kept hearing, “this is a new program, and the DWSRF project managers are learning the program along with the applicants.”

By late July 2016, we were finally able to submit the “General” portion of the DWSRF planning grant application for the City’s two projects. We are still awaiting assignment of a DWSRF project manager, which we expect in the coming weeks. At that point, it will be determined whether the City should 1) continue with the planning grant applications, or 2) move directly to construction funding applications. If the latter approach is selected, there are considerably more “up-front” costs by the City. However, these upfront expenses are eligible for reimbursement as part of a construction funding grant. The two water projects for which the City is seeking grant funding are:

1. **Downtown Tank Relocation and Replacement Project.**
2. **Water Main Replacement Project.** Will replace about 40%-50% of the City’s old mains.

**MEMORANDUM**

August 14, 2016

From: City Manager

To: Mayor and Council Members

Subj: Project for Train 1727 and surrounding area

The City Council at its meeting held on August 11, 2016, the City Council requested that Councilman Keisler present a list of items with estimated costs that will comprise of a project to beautify the Train 1727 area.

**Recommendation** Move to approve Train 1727 project as presented by Councilman Keisler.

**MEMORANDUM**

August 14, 2016

From: City Manager

To: Mayor and Council Members

Subj: Marijuana issues; how the County Law affects the City of Dunsmuir and how the initiative will affect the citizens of Dunsmuir.

Talking with the City Attorney the County Law has no effect on the citizens of Dunsmuir for the marijuana issue.

See agenda item 12.b on this initiative.

**Agenda Item:**

**MEMORANDUM**

August 9, 2016

From: City Manager

To: Mayor and City Council

Subj: Apply for an Energy Audit

The City has paid a total of \$129,042 in electric utility cost for Fiscal Year 2015-2016. The Wastewater facility alone was \$64,836, street lights \$23,491 and General Fund \$21,009.

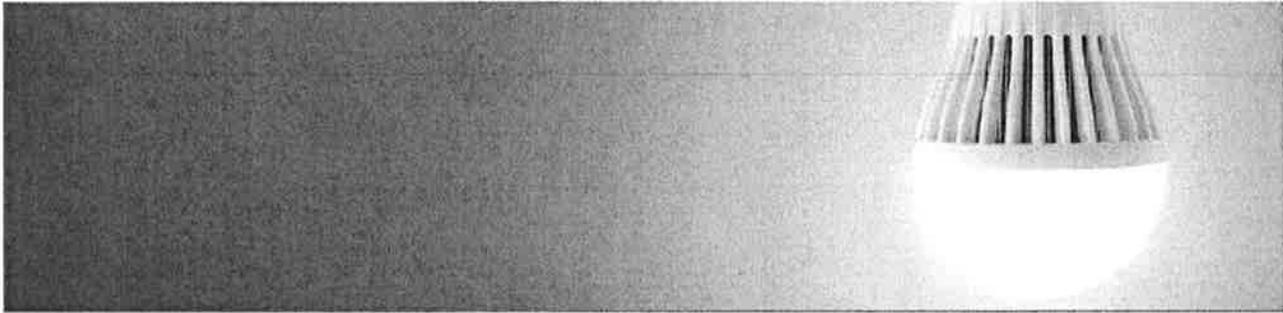
The California Energy Commission provides cities through the Energy Partnership Program the service of doing an Energy Audit. This program would pay up to \$20,000 towards the audit. The project manager with the Energy Partnership Program would work with the city to keep the audit within the \$20,000, therefore no cost to the city.

The first audit covering the city would be the Wastewater facility. The second portion if feasible would be the street lights.

The City Manager is seeking authorization from the City Council to submit for this audit. If the City Council wishes to move forward, the City Council would adopt Resolution 2016- \_\_\_\_.

There is funding available to implement recommendations through the California Energy Commission's Energy Efficiency Financing, a load at 1% interest. Other funding may be found by researching grant opportunities.

**RECOMMENDATION:** Move to adopt Resolution 2016-\_\_ to request the California Energy Commission's Energy Partnership Program provide technical assistance in completing an energy audit.



Home efficiency partnership

## Energy Partnership Program

### Start Saving Now by Reducing Your Energy Usage!

As budgets are shrinking, costs for operations keep going up. One way to save money is by reducing your energy costs.

The Energy Partnership Program can help!

The Energy Partnership Program offers services to help identify the most cost-effective energy saving opportunities for your facilities.

#### Who is Eligible?

- Cities
- Counties
- Special districts
- Public hospitals
- Public care facilities

NOTE: Community Colleges seeking assistance under California Clean Energy Jobs /Prop 39 may now apply for technical assistance under the [Bright Schools Program](#).

#### Existing Facilities

With an energy audit of your facilities, the Energy Partnership Program can identify energy saving projects. The Energy Partnership Program can:

- Conduct energy audits and prepare feasibility studies.
- Review existing proposals and designs.
- Develop equipment performance specifications.
- Review equipment bid specifications.
- Assist with contractor selection.
- Review commissioning plans.

#### New Construction

Facilities built with energy efficient designs cost less to operate. That means continuous savings from the first day of operation! It is possible to reduce energy consumption significantly below the state's minimum building efficiency standard (Title 24). The Energy Partnership Program provides technical assistance to your architectural and engineering team early in the design phase, before the plans are finalized.

Here are some ways we can help with new construction

- Provide design review consultation.
- Identify cost-effective, energy-saving measures.
- Compare different technologies.

#### Program Information

#### How Do I Apply

#### Who is Eligible

- Cities
- Counties
- Special districts
- Public hospitals
- Public care facilities

#### Frequently Asked Questions

#### Contact Us

Energy Partnership Program  
 Local Assistance & Financing Office  
 California Energy Commission  
 1516 Ninth Street, MS-23  
 Sacramento, CA 95814-5512  
 Phone: 916-657-4630  
[pubprog@energy.ca.gov](mailto:pubprog@energy.ca.gov)

Tom Poston

- Review schematics and construction plans.
- Provide equipment specification consultation.
- Develop computer simulation models of your planned project.
- Help select experienced professionals with energy efficiency expertise.
- Assist with system commissioning.

## Frequently Asked Questions

### Is there a cost to participate in the Energy Partnership Program?

In most cases, there is no cost to participate in the program. We provide technical assistance services up to \$20,000 of our consultant's costs. The cost of a study depends on the facility size, type and scope of the project. If the cost of the study exceeds \$20,000, the applicant may opt to share in the cost or reduce the scope. We contract with experienced engineering and architectural consultants who provide the technical assistance.

### When is my application due?

The Energy Partnership Program is a continuously open program with no final filing date. However, program funds are limited, so filing promptly will help increase your chance of receiving assistance. Applications will be accepted on a first-come, first-served basis.

### How will you evaluate my application?

Before receiving assistance, applicants must meet the following program selection criteria: commitment to implementing energy efficiency recommendations, high energy cost per square footage, and potential for energy savings. The application and Governing Board Resolution must indicate how you plan to fund the recommended energy efficiency project recommendations.

### What if I need funding for my energy saving projects?

You can apply for a low interest loan from the Energy Commission. Loans are available at competitive rates for public agencies. For more information, go to [www.energy.ca.gov/efficiency/financing/](http://www.energy.ca.gov/efficiency/financing/).

## The Application Process

### How do I apply for technical assistance?

1. Complete the Technical Assistance Application. (updated: July 16, 2014)
  - Download Interactive Word Application  
or
  - Download PDF Application
2. Complete Governing Board Resolution. The Energy Commission must have a resolution from your governing board before providing technical assistance. The Energy Partnership Program sample resolution is available in Adobe Portable Document Format (PDF) or as an Interactive Word Document.
  - Download Interactive EPP Resolution in Word format  
or
  - Download EPP Resolution PDF file
3. Provide Supplemental information. For all buildings or facilities that you are requesting assistance for, provide supplemental information, such as:
  - Latest 12 months of gas and electric utility bills  
or provide a utility data release form allowing the CA Energy Commission to view 12 months of historical billing / energy usage data.
  - Past energy studies.
  - Preliminary plans or proposals.
4. Mail your application, governing board resolution, and supplemental information to:
 

California Energy Commission  
Energy Partnership Program  
Local Assistance and Financing Office  
1516 Ninth Street, MS 23  
Sacramento CA 95814-5512

# Technical Assistance Application Energy Partnership Program California Energy Commission

## Eligible Applicants:

Cities, Counties, Special districts, public or non-profit hospitals, public or non-profit public care facilities

### 1. Applicant Information

Name of local government, public care facility, hospital or special district)  City of Dunsmuir		County:  <b>Siskiyou</b>	
Mailing Address:  5915 Dunsmuir Ave.	City:  Dunsmuir	Zip:  96025	
Street Address (if different):	City:	Zip:	
Contact Person:  Paul H. Poczobut Jr.	Title:  City Manager	Department:  Administration	
Phone Number:  530-235-4822 ext 103	Email:  citymanager@ci.dunsmuir.ca.us		

### 2. Attach the following information

- Governing Board Resolution ( a sample template available at: <http://www.energy.ca.gov/efficiency/partnership/>)
- Copies of latest 12 months electric and gas or propane bills showing energy cost / detailed usage information for each facility listed in Table 5. **OR**
- Or Utility data release form - allowing the Energy Commission to access both 12 months of historical utility billing data and time-of-use interval data
- Hours of operation
- Any past energy studies (if applicable) within last 3 years
- Site map of facilities (e.g. 1As or a fire evacuation map)
- Only for facilities with on-site solar systems:

Provide the Solar/photovoltaic (PV) on-site electric production (kWh) for the same 12 month period reported above. Applicants may obtain this information as follows:

- 1) For facilities with power purchase agreement (PPA), provide the PPA bills which report the annually purchased kWh. **OR**
- 2) For applicants who own their solar system, provide the above information via a report from the solar production tracking system.

### 3. Project Description

Type of assistance needed. (Please choose **one**):

- Energy audit – evaluate energy efficiency opportunities at existing facilities
- Review existing proposals and designs
- Develop equipment performance specifications
- Review equipment bid specifications
- New construction – evaluation of new facility

Other (please describe):

Are there any specific equipment or proposed project(s) for which you are requesting technical assistance: (please describe)

Describe how you plan to implement the energy recommendations that may be identified:

Funding source:

Do you have any current (or upcoming) working relationships with consultants, energy services companies, utilities, architects, or others that pertain to this request for Technical Assistance? If yes, please describe:

What is the expected project start date: \_\_\_\_\_

What is the expected project completion date: \_\_\_\_\_

#### 4. Project Team

Title	Name	Phone No	E-Mail
Project Manager			
Business Manager or Finance Officer			
Electric and Gas Utility Representative			
Consultant/Contractor (if known)			

#### 5. Provide the following information

If you are requesting assistance for more than one facility, please prioritize from highest to lowest. Attach additional pages if needed.

Facility Name and Address	Year Built (excluding portables)	Estimated Building Size (sq. ft.)

I certify to the best of my knowledge that the data in this application are correct and complete.

#### Authorized Representative \*

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

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

\* **Authorized Representative is the one designated by the governing body, in your Resolution, to execute documents in the name of the applicant.**

Edmund G. Brown Jr.  
Governor



California Energy Commission  
Local Assistance & Financing  
1516 Ninth Street, MS 23  
Sacramento, CA 95814-5512  
(916) 657-4630

California Energy  
Commission  
Chairman  
Robert B.  
Weisenmiller, Ph.D.

Lead Commissioner  
J. Andrew McAllister,  
Ph.D

Executive Director  
Robert Oglesby

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
APPROVE A REQUEST FROM THE CALIFORNIA ENERGY COMMISSION'S  
ENERGY PARTNERSHIP PROGRAM FOR AN ENERGY AUDIT OF THE CITY OF  
DUNSMUIR'S ELECTRICAL ENERGY USAGE

WHEREAS, the California Energy Commission's Energy Partnership Program provides technical assistance in identifying energy efficiency improvements; and

WHEREAS, the City Council of the City of Dunsmuir recognizes that the California Energy Commission has limited funds for technical assistance and that primary consideration will be given to those that are committed to implementing the recommended projects identified through the Energy Partnership Program; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dunsmuir will seek funding, if necessary, to implement the recommended feasible energy efficiency projects identified through the Energy Partnership Program;

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and empowered to execute in the name of the City of Dunsmuir all necessary documents to implement and carry out the purposes of this resolution.

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 18<sup>th</sup> day of August 2016, by the following vote to wit:

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

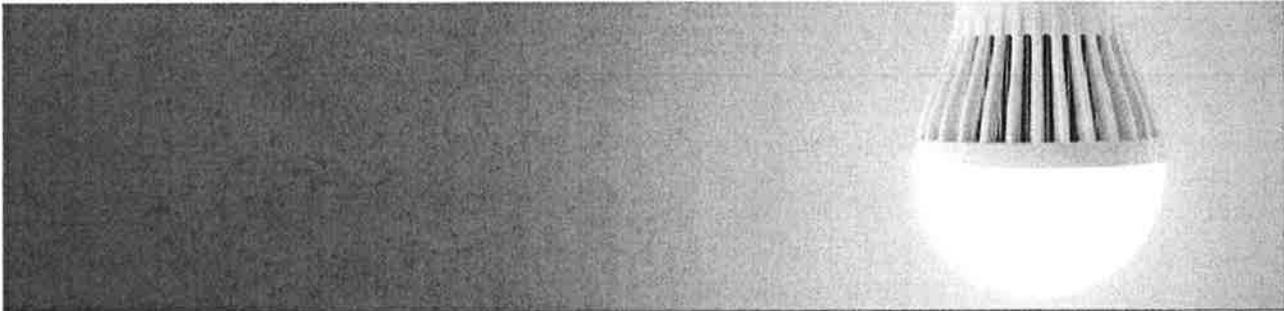
---

Mayor Spurlock, City of Dunsmuir

ATTEST:

---

City Clerk, City of Dunsmuir



Home efficiency financing

## Energy Efficiency Financing

### Notice and Loan Application:

**Interest Rate 0% Loans - PON-13-403 (all files)** for K-12 Schools Districts, County office education, State Special schools and Community Colleges

**Addendum 1 Cover Letter** - Posted March 16, 2015.

Click the "all files" link to see replacement files.

**Interest Rate 1% Loans - PON-13-401 (all files)** for Cities, Counties, Specials Districts, Public College or University

**Addendum 1 Cover Letter** - Posted March 16, 2015.

Click the "all files" link to see replacement files.

**Availability of Funds:** Before applying, please contact us first for the most current funding availability information!

Applications are being accepted on a first-come, first-served basis. The maximum loan amount is \$3 million per application for PON 13-403 and PON 13-401.

**Energy Conservation Assistance Act (ECAA) Program Map**



### Eligibility Information

The Energy Commission will accept loan applications on a first-come, first-served basis for projects with proven energy savings from the following public entities:

#### Who is Eligible?

##### Eligible for 0% Interest Rate loans:

- School district
- Charter school
- County office of education
- State special school
- Community college district

All loan applicants must be designated to receive a Clean Energy Jobs Act (Proposition 39) award in order to be eligible for the 0% loan. Applicants who are eligible for Proposition 39 award allocation from the California Department of Education for fiscal year 2013/14 are posted under "Entitlements" at this link: [www.cde.ca.gov/fq/fo/r14/prop39ccea13result.asp](http://www.cde.ca.gov/fq/fo/r14/prop39ccea13result.asp)

##### Eligible for 1% Interest Rate Loans:

- Cities
- Counties
- Special Districts
- Public College or University (except community colleges)

### Program Information

#### How do I apply?

- The Application Process

#### Who is eligible?

- Eligibility Information

#### Loan Agreement Information

- Loan Documents
- Terms and Conditions

#### Contact Us

Local Assistance and Financing Office

[pubprog@energy.ca.gov](mailto:pubprog@energy.ca.gov)

California Energy Commission

1516 Ninth Street, MS-23

Sacramento, CA 95814

Phone: 916-657-4630

### Need help identifying energy savings projects?

- Bright Schools Program (for K-12 Schools)
- Energy Partnership Program (for public agencies and public or non-profit colleges, universities, and hospitals)

- Public Care Institutions/ Public Hospitals
- University of California and
- California State University

Residential, commercial, and/or private non-profit Institutions are **not** eligible for these funds.

### Eligible Projects

Projects with proven energy and/or demand cost savings are eligible. Examples of projects include:

- Lighting system upgrades
- Pumps and motors
- Streetlights and LED traffic signals
- Energy management systems and equipment controls
- Building insulation
- Energy generation including renewable and combined heat and power projects
- Heating, ventilation and air conditioning equipment
- Water and waste water treatment equipment
- Load shifting projects, such as thermal energy storage

Energy efficiency projects must be technically and economically feasible.

## Loan Agreement

### PON-13-403 - 0% Loans

For K-12 Schools Districts, County office education, State Special schools and Community Colleges

- [Loan Agreement](#) (PDF file, 23 pgs, 397 kilobytes).

### PON-13-401 - 1% Loans

For Cities, Counties, Specials Districts, Public College or University, etc.

- [Bond Loan Agreement](#) (PDF file, 23 pgs, 152 kilobytes).
- [Non-Bond Loan Agreement](#) (PDF file, 20 pgs, 135 kilobytes).
- [Cap and trade Loan agreement State Agencies](#) (161 KB).
- [Cap and trade Loan agreement other State Entities](#) (162 KB).

## Terms and Conditions

- **0% Loans for energy projects:** The loan can fund 100% of the project cost within a 20 year (maximum) simple payback. The loan must be repaid from energy savings (including principal and interest) within a maximum of 20 years.
- **1% Loans for energy projects:** The loan can fund 100% of the project cost within a 17 year (maximum) simple payback. The loan must be repaid from energy savings (including principal and interest) within a maximum of 20 years.
- The loan term cannot exceed the useful life of loan-funded equipment.
- Loans are made on a reimbursement basis,
- Only approved project-related costs with invoices dated within the executed term of the loan are eligible to be reimbursed from loan funds.
- Partial funding can be provided for projects that exceed the simple payback. Simple payback is calculated by dividing the loan amount by the estimated first year energy cost savings.

### Interest Rate

The interest rates are 0% and 1%, based on eligibility and are fixed for the term of the loan.

### Loan Security Requirements

It's simple. A promissory note and a loan agreement between you and the Energy Commission are all that is required to secure the loan.

### Repayment Terms

The repayment schedule is based on the estimated annual energy cost savings from the aggregated project(s), using energy costs and operating schedules at the time of loan approval. Loans will be amortized on the estimated annual energy cost savings achieved by the loan-funded project. Applicants will be billed twice a year, in June and December, after the projects are completed.

Loans must be repaid from energy cost savings or other legally available funds within the maximum payback terms of 20 years including principal and interest.

### Attorney General Ruling

The California Attorney General has determined that the borrowing of funds by a city, county, or school district to implement an energy conservation project pursuant to the terms of Public Resources Code sections 25410-25421 does not require electorate assent under the provisions of section 18 of Article XVI of the Constitution. See the [entire text of this Opinion](#).

### How do I apply?

For Application and Attachment documents please see the Application Form & Associated Documents (PDF, DOC, & XLS files):

**0% Loans - PON-13-403** For K-12 Schools Districts, County office education, State Special schools and Community Colleges Loans

**1% Loans - PON-13-401** For Cities, Counties, Specials Districts, Public College or University, etc.

A Feasibility Study must be included with all loan applications (may be submitted via CD or flash drive).

The study must contain:

- Description of energy efficiency projects and buildings/ facilities affected by these projects,
- Discussion of baseline energy use for the affected facilities, including annual energy related utility bills,
- All calculations and assumptions to support the technical feasibility and energy savings of the proposed projects,
- Proposed budget detailing all project costs, and
- Proposed schedule for implementation of the projects

Mail your application, Governing Board Resolution (if applicable), and all supplemental attachments to:

California Energy Commission  
Energy Efficiency Finance Program  
Local Assistance and Financing Office  
1516 Ninth Street, MS 23  
Sacramento CA 95814-5512

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#) | [Mobile Site](#) | [Translate](#)  
Decisions Pending and Opportunities for Public Participation  
Copyright © 2016 State of California

**MEMORANDUM**

August 14, 2016

From: City Manager

To: Mayor and Council Members

Subj: City Council to discuss impacts on Ballot Initiatives

**MEASURE D:** Shall the office of City Clerk be appointive? Yes or No  
The City Clerk is currently an elected position and reports to the public and is accountable only to the public.

A vote of No would keep the City Clerk an elected position accountable only to the public, as it is now. In order to remove the City Clerk a recall by the public would be required.

A vote of Yes would make the City Clerk an appointed position by the City Council and would be responsible to the City Council. The City Council would have the authority to appoint and remove the City Clerk, thereby making the City Clerk accountable to the City Council.

**MEASURE V:** Shall "An Ordinance of the City of Dunsmuir Modifying Chapter 8.08 to Title 8 of the City of Dunsmuir Municipal Code Concerning Refuse Collection and Disposal" be adopted, modifying Dunsmuir Municipal Code chapters codified under Title 8 of the Dunsmuir Municipal Code dealing with garbage services? Yes or No

A vote of No would not change Chapter 8.08 to Title 8 of the City of Dunsmuir Municipal Code Concerning Refuse Collection and Disposal.

A vote of Yes would remove the requirement for mandatory refuse collection. The fee charged and revenues derived from the fee or charge shall not exceed the funds required to provide the service. Basically, street sweeping and cleaning up of dead trees or dangerous trees would come under the general fund and not the Solid Waste Enterprise Fund (Garbage fund). The city will provide an annual report of the fund including the fund balance and detailing how the rates were determined.

The rates are currently set at the rates required by the measure.

Please see attached Full Text of Initiative Measure V

**MEASURE W:** Shall Ordinance #H2O be adopted, modifying Dunsmuir Municipal Code chapters codified under Title 13 of the Dunsmuir Municipal Code dealing with water and sewer services? Yes or No

A vote of No would not change the #H2O Ordinance Title 13 of the City of Dunsmuir Municipal Code.

A vote of Yes would require only the property owners be charged for water and sewer and not the tenants. The water rate for residential customer with a 5/8" to 3/4" would be charged a flat rate of \$26 and not pay for the amount of water in which the customer uses. Any meter reading before 2024 would be for statistical purposes only. The sewer charge for a single family dwelling unit would be \$30.08. When a bill becomes delinquent the city would not be allowed to shut off the water but could place a lien on the property.

Please see attached Full Text of Initiative Measure W.

**MEASURE Y:** Shall the Dunsmuir Municipal Code be amended to add Chapter 17.34 regulating medical marijuana cultivation within the City? Yes or No

A vote of No would not change, as the City of Dunsmuir Municipal Code does not contain a Medical Marijuana Cultivation law.

Please see attached Full Text of Initiative Measure Y.

EXHIBIT 1

FULL TEXT OF INITIATIVE MEASURE TO BE SUBMITTED  
DIRECTLY TO THE VOTERS

MEASURE ✓

AN ORDINANCE OF THE CITY OF DUNSMUIR MODIFYING  
CHAPTER 8.08 TO TITLE 8 OF THE CITY OF DUNSMUIR MUNICIPAL  
CODE CONCERNING REFUSE COLLECTION AND DISPOSAL

Ordinance #XX will make the following modifications to Chapter 8.08 of the Dunsmuir Municipal Code; the chapter sections not listed will remain unchanged and the chapter sections listed below will be modified to read as follows:

**8.08.020 Applicability.**

Any resident of the city who voluntarily chooses to be served, and any piece or parcel of property from which any refuse is chosen to be removed, under this chapter, shall be subject to the terms of this chapter and liable for the charges made for such service.

**8.08.030 Contract or permit.**

As in their discretion if it appears to be for the best interests of the city and the residents thereof, the city council may, on behalf of the city, contract or permit for the performance of any part of the service designated in this chapter. All contracts or permits will be adopted in open city council sessions and allow for public comment.

**8.08.060 Collection is not mandatory.**

It is not mandatory for all persons in possession of a residence, business or commercial building within the city to subscribe to, pay for, or receive city provided refuse services.

**8.08.070 Initiating service.**

Refuse collection service can be initiated in conjunction with water and sewer service. The party initiating service will contact the City to request service.

**8.08.120 Charges.**

The city will determine the rates and fees to be charged for the collection, removal and disposal of refuse in accordance with the following:

A fee or charge for collection, removal or disposal of refuse shall not be extended, imposed, or increased by the city unless it first meets all of the following requirements:

- (1) Fees charged and the revenues derived from the fee or charge shall not exceed the funds required to provide the service.
- (2) Fees charged and the revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) Fees charged and the revenues derived from any parcel or person shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for service unless the service is immediately available to the owner of the property in question. Fees or charges based on potential or future use of the service are not permitted.

The city will provide the public an annual report of the solid waste enterprise fund including the fund balance and detailing how the rates were determined and if the rates charged and subsequently spent are in accordance with the above requirements numbered (1), (2), (3), and (4).

The bill for collection, removal and disposal of refuse shall only be combined with the bill for water and sewer at the customer's request. The bill for collection, removal and disposal of refuse may be paid separately from other service charges. Failure to pay any portion of the bill for collection, removal and disposal of refuse will not in any way result in the discontinuance of water or sewer services even if the bills are combined at the customer's request.

The city sets refuse collection rates as follows:

1 65 gal, 1 week	\$16.44
2 65 gal, 1 week	\$32.88
3 65 gal, 1 week	\$49.32
4 65 gal, 1 week	\$65.76
5 65 gal, 1 week	\$82.20
6 65 gal, 1 week	\$98.64
7 65 gal, 1 week	\$115.08
8 65 gal, 1 week	\$131.52
1 65 gals, 2 week	\$32.15
2 65 gals, 2 week	\$64.30
3 65 gals, 2 week	\$96.45
4 65 gals, 2 week	\$128.60
5 65 gals, 2 week	\$160.75
1 65 gals, 3 week	\$37.80
2 65 gals, 3 week	\$75.60
3 65 gals, 3 week	\$113.40
4 65 gals, 3 week	\$151.20
5 65 gals, 3 week	\$189.00
1 65 gals, 5 week	\$49.07
2 65 gals, 5 week	\$98.14
3 65 gals, 5 week	\$147.21
4 65 gals, 5 week	\$196.28
5 65 gals, 5 week	\$245.35
6 65 gals, 5 week	\$294.42
1 95 gal, 1 week	\$24.18
2 95 gal, 1 week	\$48.36
3 95 gal, 1 week	\$72.54
4 95 gal, 1 week	\$96.72
5 95 gal, 1 week	\$120.90
6 95 gal, 1 week	\$145.08

1 95 gals, 2 week	\$38.84
2 95 gals, 2 week	\$77.68
3 95 gals, 2 week	\$116.52
4 95 gals, 2 week	\$155.36
5 95 gals, 2 week	\$194.20
6 95 gals, 2 week	\$233.04
1 95 gals, 3 week	\$50.85
2 95 gals, 3 week	\$101.70
3 95 gals, 3 week	\$152.55
4 95 gals, 3 week	\$203.40
5 95 gals, 3 week	\$254.25
6 95 gals, 3 week	\$305.10

Dumpster rental is \$20 per month per dumpster.

1 yard, 1 week	\$55.34
1 yard, 2 week	\$110.68
1 yard, 3 week	\$166.02
1 yard, 4 week	\$221.36
1 yard, 5 week	\$276.70
1 1/2 yard, 1 week	\$72.58
1 1/2 yard, 2 week	\$145.16
2 yard, 1 week	\$89.81
2 yard, 2 week	\$179.62
2 yard, 3 week	\$269.43
2 yard, 5 week	\$449.05

Medical Dumpster \$128.44

3 yard, 1 week	\$134.73
3 yard, 3 week	\$269.46
3 yard, 4 week	\$538.92
2 2 yard, 1 week	\$158.72
2 2 yard, 2 week	\$317.44
2 2 yard, 3 week	\$476.16
2 2 yard, 4 week	\$634.88
2 2 yard, 5 week	\$793.60
3 2 yard, 1 week	\$227.65
3 2 yard, 3 week	\$682.95

**EXHIBIT 1**

**FULL TEXT OF INITIATIVE MEASURE TO BE SUBMITTED  
DIRECTLY TO THE VOTERS**

*Measure W*

**ORDINANCE #H2O**

Ordinance #H2O will make the following modifications to chapters codified under Title 13 Public Services of the Dunsmuir Municipal Code; All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict with this ordinance are hereby repealed; if any provision of the chapter or sections in this ordinance or the application of any provision of the chapter codified in the ordinance to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the chapter or sections codified in this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of the chapter codified in this ordinance are expressly made severable; the chapter sections listed will be modified to read as follows:

**13.04.10 Purpose.**

Because the citizens of Dunsmuir believe access to affordable water service is a human right, the purpose of this chapter will be to ensure the safety of children, the disabled, elderly, indigent, and all citizens and businesses of Dunsmuir have guaranteed access to sufficient amounts of clean, safe and affordable drinking water for personal, domestic, commercial and agricultural use. Additionally the purpose is to provide revenue for the operation of the existing water distribution system of the city and to provide funds for the replacement, extension, maintenance and repair thereof. The purpose is also to provide funds for the operation of the water as it currently exists or may hereafter be modified, all of which must conform to California Constitution Article XIID, as well as any applicable state or federal laws enacted subsequent to the ordinance's adoption.

**13.04.020 General Statement.**

A. The city will furnish water service in accordance with the regulations hereafter contained, and in accordance with California Constitution Article XIID and other applicable ordinances, to any property within the corporate limits of the city or to other areas adjacent to said limits.

B. Applications for service to premises for which a service connection has already been installed may be made as hereinafter set forth. Such applications will signify the customer's willingness and intention to comply with these regulations and to all modifications thereof, and to new regulations, charges or rates duly adopted, and to make payment for services rendered.

**13.04.040 Application for service.**

Each applicant and/or customer for water and sewer service shall be required to sign an application form provided by the water department or make application by letter showing the date of application, location of premises to be serviced, mailing address, and date applicant desires service and such other information as may be required. Applicants and/or water and sewer customers shall only be property owners and not tenants. The City shall determine if any current customers are not property owners and subsequently contact the property owner and require the accounts be transferred from tenant to landlord/property owner.

**13.04.090 Service connections and meters.**

**E. Miscellaneous Charges –**

1. Warped Disc. No charge will be made for replacing a warped meter disc as these are due to accidental hot water backing up to the meter from the customer's equipment.
2. Shut-Off Valve. When a shut-off valve has been broken at the meter the customer will be advised that it is necessary to have a new shut-off valve inserted at or near their building at which time the valve at the meter will be repaired or replaced by the water department free of charge.
3. Turn On Charges – there will be no fee, tax, charge or assessment for turning on or restoring water service for any reason. The customer retains the option of having the water department restore their service or perform the service themselves.
4. (d) The water department shall not meter water services unless and until it is mandated by California state law in 2024. The City or water department may only monitor meters to gather usage information for statistical purposes.

4. (d)(i) DELETED

4. (d)(ii) DELETED

**7. Ownership (Services)**

(a) The service connection (including the meter and meter box), whether located on public or private property, is the property of the water department, and the department reserves the right to repair, replace and maintain it, as well as to remove it or any other part thereof upon discontinuance of water service or usage with the written authorization of the property owner.

(b) The fire hydrant connection, whether located on public or private property, is the property of the water department, and the department reserves the right to repair, replace and maintain it with written authorization of the property owner.

8. Ownership (Private Fire Service). A private fire service connection, (whether a hydrant, or a detector check, meter, vault and box located either on public or private property), is the property of the water department and the department reserves the right to repair, or replace and maintain it as well as to remove it or any part thereof upon discontinuance of water service or usage with written authorization of the property owner.

**13.04.120 Bills and payment**

**A. Rendering of Bills.**

**1. Meter Readings.**

a. Meters for residential customers will be read for statistical purposes only until 2024 when California state meter reading mandates take effect. The Council shall set metered rates for residential customers in 2024 in accordance with California Constitution Article XIIIID and/or other applicable laws.

b. Should monthly billing period contain less than twenty-seven (27) or more than thirty-three (33) days a prorated correction will be made.

3. Flat Rate Service – Residential customers will pay a flat fee for water service throughout the Dunsmuir water service area regardless of meter dimension.

4.(b) DELETED

**Payment of Charges and Delinquent Charges**

3. Water charges specified shall be charged, collected, and enforced in the same manner for every customer.

**C. Billing of Separate Meters not Combined**

1. DELETED

**D. Charges for Water.**

As stated hereinabove, it is deemed to be in the best interests of the citizens of the city to provide access to affordable water service without unlawful interruption.

The initial scheduling of amounts to be established pursuant to these guidelines is delineated on Attachment A, which is attached to the ordinance codified in this chapter and incorporated herein by this reference. Any water schedule or water rates in conflict with those set forth in this ordinance are hereby revoked.

**13.04.140 Discontinuance of Service.**

**A. Non-Payment of Bills**

1. If delinquent bills are not paid within (60) days following the date of mailing or delivering the notice of charges it shall constitute a lien on the real property upon and shall be collected by a personal civil suit against the property owner and/or by a special assessment against the real property. The city clerk shall file with the auditor of Siskiyou County, and the county assessor and tax collector, certified copies of the notice of charges and assessment. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessments. However, if any real property to which the delinquent bill relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of the delinquent bill shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection. Notices or instruments relating to the delinquent bill or special assessment shall be entitled to recordation.

2. DELETED

3. DELETED

4. DELETED

5. DELETED

B. Unsafe Apparatus

1. The water department may refuse to furnish water and may discontinue service to any premises on the water system where the plumbing, apparatus, appliances, or equipment using water is dangerous, unsafe, substandard, or having non-code tanks. Customers may request a hearing in front of the council if this occurs in which the council may make a determination based on evidence and testimony presented by the customer and the water department.

2. The water department does not assume liability for inspecting apparatus on the customer's property. The water department does reserve the right of inspection with prior authorization if there is reason to believe that unsafe apparatus, unsafe appliance or unsafe equipment is in use on the premises.

F. Restoration – Reconnection Charge – DELETED

**13.04.220 Control Valves.**

B. DELETED

**13.04.250 Waste of Water Through Usage**

It shall be unlawful for any water user or property owner to waste water derived from the City's water system. When any City employee or police officer finds that water is being wasted as provided in this chapter, the user shall be punished with a \$100 fine per day per incident. It shall be presumed that water is being used wastefully when any one of the following conditions is found to exist:

(A) When the user allows water to disperse from a pipe or water hose freely across any surface without a sprinkler head or nozzle having been attached to said pipe or water hose.

(B) When a user washes down an asphaltic or concrete surface, such as a parking lot or gas station island and yard, during the period of May 1st through October 31st, without a permit from the City or a duly authorized agent (residential surfaced driveways, sidewalks or patios are exempt as long as the user washes down with a hand held hose).

(C) When a private or public lawn, garden or earth surface is watered and/or irrigated in one location, or area, of the yard for a period longer than one hour.

(D) When the watering and/or irrigation is allowed to continue on private or public premises for a period longer than four hours during a 24-hour period.

(E) When vehicles are washed at commercial establishments and the water supply hose is allowed to disperse water across a surface, or into a drain, while the washing operation takes place. The washing of private vehicles at residential sites, with a free running hose, with a shut-off nozzle utilized at the end of the hose is permissible; provided, however, water shall not disperse onto a street, or alley, for a period longer than 30 minutes.

(F) When a water user allows water to run over or across a sidewalk or curb, and disperse onto a City street, alley or adjacent area for a period of more than 30 minutes.

(G) When a water user allows water to be used for the source of cooling, save and except properly installed evaporating coolers and/or cooling towers.

**13.04.260 Access to Premises.**

A. The water department or its duly authorized agent shall at all reasonable times and upon authorization from the property owner have the right to enter or leave the customer's premises for any purpose properly connected with the service of water to the customer.

**Chapter 13.08 SEWER SYSTEM**

**13.08.010 Purpose.**

The purpose of this chapter is to provide for the maximum possible beneficial public use of the city's facilities through adequate regulation of sewer construction, sewer use and industrial wastewater discharges, to provide for equitable distribution of the city's costs, and to provide procedures for complying with requirements places upon the city by other regulatory agencies and California state law.

**13.08.020 Scope.**

The provisions of this chapter shall apply to all wastewater discharged to the city's public sewer, and such provisions are intended to be consistent, where appropriate, with the Uniform Plumbing Code. The provisions of this chapter shall apply to the direct or indirect discharge of all liquid carried wastes to facilities of the city. This chapter, among other things, provides for the regulation of sewer construction in areas within and without the city, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste surcharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of permits for industrial wastewater discharge, and of other miscellaneous permits and the establishment of penalties for violation of this chapter.

**13.08.050 Connection fees and service charges – Rate schedule – Monthly service charges for use of facilities.**

Connection fees for service previously established by Ordinance 531 remain unchanged. Wastewater connection fees do not include applicant's cost for an acceptable licensed contractor to connect to the city sewer main. These costs are in addition to the connection fee.

The new sewer rate schedule and monthly service charges are hereby incorporated in Attachment B, attached to the ordinance codified in this chapter and shall be kept on file in the city clerk's office. Any sewer rate schedule in conflict with those rates set forth in this ordinance is hereby revoked.

**13.08.060 Council may change rate schedule by resolution.**

The city manager shall submit annually a revised Attachment B during budget adoption and the city clerk's office shall retain on file in the city clerk's office or codified copy in this chapter. Any changes to Schedule B must be in strict accordance with California Constitution Article XIID.

**13.08.070 Payment of charges and delinquent charges.**

A. All rates, fees and charges imposed under the provisions of this chapter are due and payable upon receipt of the notice of charges and may be billed monthly, bimonthly or quarterly in advance. Unpaid charges shall

become delinquent twenty-five (60) days after mailing or delivering the notice of charges. A basic penalty charge of ten (10) percent of the unpaid amount shall be added to any fee or charge that remains delinquent on the first day of the month following mailing or delivery. Interest at the rate of one-half of one percent per month shall accrue on the total of all such delinquent charges plus all penalty charges.

B. Sewage service charge specified shall be charged, collected and enforced in the same manner, at the same time, and by the same person, or persons, as are the charges for water service furnished by the city, and the amount thereof shall be included in the total amount due for water service. All provisions of this code and the city ordinances applicable to the charge, collection and enforcement of rates for water service furnished by the city are made applicable to this chapter. Persons subject to this chapter but who are not subject to garbage service, shall be charged and billed separately for sewage services but shall be billed in the same manner and at the same time as persons subject to garbage service.

**13.08.350 Violation – Penalty – Civil liability.**

Every person violating any provision of this chapter, including the failure to pay connection or permit fees, charges or surcharges imposed hereby, or any condition or limitation of a permit or plan approval issued pursuant thereto, is guilty of an infraction and upon conviction is punishable as set forth in Section 36900 of the California Government Code. Each day during which any violation continues shall constitute a separate and subsequent offense punishable as provided in said Section 36900. The City may sue to recover any amounts due the city under the provisions of this chapter.

WATER

ATTACHMENT – A

Every location or person which receives water service from the City of Dunsmuir water system, whether within the city limits or not shall pay as a charge for the delivery of water as follows:

**Rates & Charges**

Maximum Charge Per Month for Residential and Commercial

5/8 x 3/4"	meter	\$26 flat fee
3/4"	meter	\$32.70 flat fee
1"	meter	\$52.78 flat fee
1 1/2"	meter	\$99.25 flat fee
2"	meter	\$151.85 flat fee
3"	meter	\$268.10 flat fee
4"	meter	\$398.22 flat fee

# SEWER

## ATTACHMENT - B

Every property or person which is serviced by the sewer system of the City of Dunsmuir, whether within the city limits or not shall be assessed by the City as a charge for the use of such sewer utilities a monthly sewer service charge payable monthly in advance, as follows:

### **Rates & Charges**

#### RESIDENTIAL

Single family dwelling	\$30.08 flat fee
Apartments per unit	\$25.08 flat fee
Mobile homes	\$25.08 flat fee

#### COMMERCIAL

Motel and Hotel	\$30.08 flat fee plus \$9.44 per unit if occupied*
Retail	
Low flow	\$30.08
Avg. Flow	\$51.00
Grocery Store	
Low Flow	\$102.93
Avg. Flow	\$167.15
High Flow	\$220.80
Bars/Restaurants	\$79.96
Avg. Flow	\$95.71
High Flow	\$112.79
Gas Stations	\$35.81 flat fee
Medical/Dental	\$45.01 flat fee
High School	\$219.96 flat fee if less than 100 students+staff \$247.88 flat fee if more than 100 students+staff
Elementary School	\$243.29 flat fee if less than 100 students+staff \$277.97 flat fee if more than 100 students+staff
Phone Companies	\$71.84 flat fee
Railroad	
Railroad	\$593.28 flat fee
U.P. Modular	\$641.09 flat fee

\*Hotels and Motels will be charged \$9.44 per unit if the room is occupied more than 10 days in a calendar month based on TOT receipts.

**EXHIBIT 1**

**FULL TEXT OF INITIATIVE MEASURE TO BE SUBMITTED  
DIRECTLY TO THE VOTERS**

*Measure 4*

**ORDINANCE #420**

Ordinance #420 will add Chapter 17.34 to the Dunsmuir Municipal Code; All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict with this ordinance are hereby repealed; if any provision of the chapter or sections in this ordinance or the application of any provision of the chapter codified in the ordinance to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the chapter or sections codified in this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of the chapter codified in this ordinance are expressly made severable; Chapter 17.34 will thus be created and added to the Dunsmuir Municipal Code and read as follows:

**Chapter 17.34 Medical Marijuana Cultivation**

**Sections:**

- 17.34.010 Purpose and Intent**
- 17.34.020 Applicability**
- 17.34.030 Definitions**
- 17.34.040 Allowable Accessory Use**
- 17.34.050 Indoor Cultivation**
- 17.34.060 Outdoor Cultivation**
- 17.34.070 Other Requirements**
- 17.34.080 Violations-Penalties**
- 17.34.090 Severability**

**17.34.010 Purpose and Intent.**

America's Founders clearly understood private property is the foundation not only of prosperity but of freedom itself. Thus, through the common law, state law, and the Constitution they protected property rights and the rights of people to freely acquire, use, and dispose of private property.

It is no accident that a nation conceived in liberty and dedicated to justice for all protects private property rights. Property is the foundation of every right we have, including the right to be free.

The purpose of this ordinance is to standardize the cultivation of marijuana in a fair and reasonable manner in order to protect the property rights of qualified persons, patients and caregivers to cultivate marijuana under California State law.

Its further intent is to recognize and support the right of patients and qualified users to the quiet enjoyment and lawful use of private property this legal cultivation activity provides all residents of California regardless of jurisdiction.

No part of this section shall conflict with California state law, the Compassionate Use Act, the Medical Marijuana Program Act or otherwise permit any activity which is prohibited under these Acts or any other state law, statute, rule or regulation.

**17.34.020 Applicability.**

The provisions of this section 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 this section.

Any property used for the cultivation of marijuana shall be brought into full compliance with California state law and the provisions of this section within 3 months of the effective date of the ordinance establishing this section.

**17.34.030 Definitions.**

For the purposes of this Chapter, certain terms used herein are defined as follows:

“Cultivation” means the planting or growing of marijuana.

“Indoors” means within a fully enclosed structure or building.

“Outdoors” means any location that is not within a fully enclosed structure or building.

“Medical Marijuana” means any plant(s) or part(s) thereof of the genus Cannabis that is used by an individual to treat a medical condition or has been recommended by a licensed physician in strict accordance with California Health and Safety Code Sections 11362.5 through 11362.83, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program Act.

“Marijuana” means any plant(s) or part(s) thereof of the genus Cannabis.

“Property” means any legal parcel of land.

“Primary Caregiver” means primary caregiver as defined in Health and Safety Code section 11362.7(d).

“Qualified Patient” means defined in Health and Safety Code section 11362.7(f).

“Qualified Person” means any person allowed by California state law to use, possess or cultivate marijuana.

**17.34.040 Allowable Accessory Use.**

Qualified patients, qualified persons, and designated primary caregivers shall be allowed to cultivate marijuana consistent with California state law. 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.

**17.34.050 Indoor Cultivation.**

Ventilation and exhaust odor filtration shall be provided in a manner suitable to ensure that indoor marijuana cultivation shall not create humidity, mold, or odor problems for nearby residents.

A. A building permit shall be obtained when required by California state building codes, for the proper installation of any equipment required to mitigate humidity, mold or odor problems.

B. All electrical equipment (e.g. lights, fans, dehumidifiers, etc.) used in the cultivation of marijuana which draws more than 400 watts per outlet shall be installed on a dedicated circuit or circuits.

**17.34.060 Outdoor Cultivation.**

The cultivation of marijuana outdoors must be in accordance with California state laws regulating this activity.

**17.34.070 Other Requirements.**

The cultivation of marijuana shall not adversely affect the health or safety of nearby residents by creating glare, excessive heat, noxious gasses, smoke, or extreme vibration.

**17.34.080 Violations-Penalties.**

Any person who is found to be in violation of any provision of this section, upon proper written notification, will be given ninety (90) days to come into compliance, any person who subsequently fails to perform required abatement after ninety (90) days shall be guilty of an infraction and punishable by fines up to \$50 per day, not to exceed \$500 for any single violation.

No other fines or penalties outside of this section shall be established, recognized or applied to any violation of any section of Chapter 17.34 of the Dunsmuir Municipal Code.

**17.34.090 Severability.**

If any provision of this chapter to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the chapter or sections codified in this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of the chapter codified in this ordinance are expressly made severable.