

**AGENDA FOR THE MEETING
DUNSMUIR CITY COUNCIL**

Via Zoom

<https://us02web.zoom.us/j/84424135442>

Dial In: +1 669 900 6833 US (San Jose)

Meeting ID: 844 2413 5442

June 4th, 2020

CLOSED SESSION: None

REGULAR SESSION: 6:00 pm

- 1. CALL TO ORDER AND FLAG SALUTE**
- 2. ROLL CALL**
- 3. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS**
- 4. PUBLIC COMMENT**

Regular City Council meetings are posted on the City's website to keep City residents informed of City Council actions and deliberations that affect the community. Meetings are scheduled to be televised on the 1st and 3rd Thursday of each month. Meetings that take place on dates other than the 1st and 3rd 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. Contact adminasst@ci.dunsmuir.ca.us if you are interested in participating in the Zoom meeting and speaking publicly. 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.

- 5. COUNCIL AND STAFF COMMENTS**
- 6. COMMITTEE REPORTS**
- 7. APROVAL OF MINUTES – May 21st, 2020**
- 8. CONSENT AGENDA:**

- A. Resolution in support of election consolidation for the election of two (2) City Councilors and one (1) Treasurer**
- B. Approval of new DPAC Goals and Objectives**
- C. Local Early Action Planning Grant - 2022 General Plan Update**
- D. Approval of the Check Register from 3/21/2020 – 05/29/2020**

- 9. 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.

10. OLD BUSINESS

- A. Decision on whether to ban fireworks

11. NEW BUSINESS

- A. Discussion regarding enforcement of distressed building ordinance
- B. Introduction and first reading of an ordinance establishing a code enforcement administrative and appeals process
- C. Introduction and first reading of an ordinance establishing a new administrative fine schedule

12. FUTURE AGENDA ITEMS

Future Agenda Items are topics brought to the City Council for review and/or action. All dates refer to first introductions and can be altered due to time and priority levels.

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 May 29, 2020.

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.

Wendy Perkins, Deputy City Clerk

Date

**DUNSMUIR CITY COUNCIL
MINUTES
MAY 21, 2020**

1. CALL TO ORDER AND FLAG SALUTE

Meeting was called to order at 6:07 pm by Mayor Lucchesi

2. ROLL CALL

Councilmembers present: Arth, Bryan, Deutsch, Keisler, Lucchesi

Staff present: City Manager Juhasz, Finance Director Michaelson, Deputy City Clerk Perkins
Sgt. Whetstine arrived late @ 7:04 p.m.

3. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

A. Mike Rodriguez Parks and Rec update City Park is open, but restrooms are closed. Pool will be opened in phase 3. Rec building is not available for public use. Revenues are down because of that (Tribute of Trees is cancelled)

Arth is concerned that the bathrooms are closed. Rodriguez argues it is a liability if someone gets sick from bathroom. We are waiting to hear from county health department.

Bryan: Wondering about grant to resurface pool. What is update?

Rodriguez- Grant process currently on hold. Applications are not being submitted yet.

Lucchesi – Since parks aren't open any plans to work on master plan?

Rodriguez- Yes. It was started last year but it is coming up next month in budget sessions. We need to have guidelines and roadmaps to develop park.

B. Steve Bryan: Community Care Team presentation

Director of Dunsmuir CRC. Update Community Care Team, group of concerned organizations including Sheriff's dept, and council, Karen O'Quinn, members of public health, behavioral health, Dunsmuir Elementary School, Health Center, Lynda Scheben, etc.

They were meeting monthly but since Covid 19 they meet weekly. Providing support to citizens of Dunsmuir, make sure services are not duplicated and support one another. He appreciates City's backing of the CRC. They applied for an emergency grant. City was instrumental in supplying food to food bank. They worked with local grocery stores to stock the resource center with foods to help supplement food pantries and people's homes. Work with GNS they are now doing monthly distributions. They stopped distribution of food by asking folks to show to CRC, then gave volunteers who offered to deliver food to those in need. Helped folks with Unemployment Benefits, navigating the 211 programs.

Arth: What does 2020 season look like for Dunsmuir Community Garden

They were given \$11,000 to double bed capacity, soil and amendments. Donation of soil from Souza Ready mix. Enhancing florals, trying to bring in beneficial insects.

Hopeful we will have a bountiful year. Doing lettuce walls and teepee bean poles.

Sadly, we will not be able to do children's programs initially because of Covid.

Arth said there will be a blessing of the garden in a week Friday at 11 a.m.

4. PUBLIC COMMENT

Andrea Herr- Director of the Dunsmuir Farmers Market. Submitted a request for street closure for the upcoming Farmers Market Season. She is working with the dept. of public health to adhere to proper requirements. They honor EBT and WIC. Last week Mt Shasta Farmers Market opened under same protocols issues to Dunsmuir City Manager.

Tim Holt- Correction: We did not cancel the Citizen of Year dinner, we are postponing. We're meeting in July. It was supposed to happen in May but hopeful it can happen in Sept or Oct. The Citizen of the year "Alexander Dunsmuir" award.

Paris Petrick- Clarification of last council's announcement re stepping down from Siskiyou Media Council. She is stepping down as ED. Elijah Sullivan will be taking over, but Paris will continue to attend City Council meetings and other projects.

5. COUNCIL AND STAFF COMMENTS

CM Juhasz- We are working on being open at City Hall, have plexiglass screens, we're replacing our POS computer so we can take credit cards. We are up and running full staff other than letting people in the front door. We have gotten notices about local bars open too early under protocols. They were cited by Health Dept.

Arth- Read weekly reports from City Manager. Sounded like there have been discussions with UP enforcement costs and a safe legal trail.

Juhasz: Yes, number of complaints, we have UP officer showing up on weekends to help with policing getting to falls during Covid-19. Finally, UP has reached out and asked for a meeting with CM and Mayor and trail association and will discuss making the trail to Mossbrae Falls safer.

Sherriff update? Whetstine isn't on call yet.

Arth – Dunsmuir News front page article "Weed councilors want action to repair shuttered buildings" Well reported Zoom meeting by Zoom City Council. Mark Juraz and lawyer has participated in that meeting. They are now in the Siskiyou County court system, receiver will be appointed by receivership. Juarez's properties will be assessable. He has \$75,000 in fines for various code violations. Hoping we can coordinate on enforcement efforts on reclaiming buildings in our Historic District.

Keisler will fly our flags (United Stater) over the Memorial Day Weekend.

Wants to know how folks can dispute their parking tickets, is there a proper appeal process?

Mayor Lucchesi- We are planning on putting parking ticket appeals process on the next Agenda.

Bryan – Encourages everyone to discuss the tax measure that is coming up.

Deutsch – He is most concerned about right now is the most dangerous time for Dunsmuir. We are blessed with a state that has acted quickly. Now that people are opening tourists are floating up here. He is normally only one in a store that is wearing a mask. Is concerned about our seniors. Would ask visitors to our town to wear masks. A sign that could have a "heart and mask" "protect our vulnerable" then picture of mask. Takes 2 weeks before cases show up at hospital. Wants to be careful with the visitors that are coming.

Mayor Lucchesi, UP public relations are willing to meet with us. They wanted to keep first couple of meetings closed, but then hope to have more open meeting later. Ongoing developments with visioning survey.

Arth: Would downtown merchants like to get together to distribute masks which say, “Dunsmuir Cares”. If they were made locally Peter would donate some money.

Srgt. Whetstine- joins @ 7:02 p.m. goes over April Stats report. 211 calls for service.

6. COMMITTEE REPORTS

Bryan – Finance committee meeting working on budget. Working on doing a 2-year budget time frame. Need to be on the election ballot July 1st must consolidate our election with County and the TOT increase, **both will be on the Council’s next agenda.**

Arth – A city with less than 5000 not delay in what happens in the next 24 months. Cities large and small, are saying plan on a 10, 20, 40 percent cuts in budget. Asks also about the Vision Statement.

Lucchesi – We can revisit this in July and be brought to council. At least we have the priorities numbered.

Lynda Scheben reminded everyone of the Wildfire Evacuation and Preparedness meeting

7. APPROVAL OF MINUTES:

Motion by Deutsch to approve the minutes of May 7th and seconded by Bryan

Voice vote: AYES: Arth, Bryan, Deutsch, Keisler, Lucchesi

NOES: None

ABSENT: None

ABSTAIN:

5-0-0-0

8. CONSENT AGENDA: None

9. PUBLIC HEARINGS- None

10. OLD BUSINESS

A. USDA Loan and Grant contract with no official announcement of award
Presentation by Keith Krantz of PACE Engineering. Project manager for water improvements. Water main replacement project USDA rural development program is providing grant loan money. They have given us a list of conditions to acquire the funding. Pressure in town will go up 10 PSI overall.

11. NEW BUSINESS

A. Banning of fireworks – There was a public request to ban fireworks.

Juhasz – Mt Shasta has banned fireworks for the year because of Covid-19. What is our position on the displays? It is difficult to distance during these displays.

Lucchesi- clarifies fireworks are not banned in Mt Shasta, it’s the 4th of July celebration which is cancelled.

Arth – Has there been any consultation with disaster planning committee or fire chief?

Juhasz – no. We are dry and in a pandemic. He will meet with fire chief to discuss.

Laurie Barnes-Harley – we read her emailed letter expressing that we NOT ban fireworks.

Rubino- expresses some concerns from both sides of the argument that he has heard from members of the public.

Bryan – has concerns about the drought and how dry it is. He wants to hear thoughts from our fire chief before taking any action.

Keisler – Would also like to hear about fire chief and disaster committee.

Louie Dewey has put on a show at Cave Springs for 40 years. This year Louie Dewey will not be holding it due to Covid-19.

Arth – Lets go small. Louie Dewey can be the chair of the 2020 4th of July celebration maybe in the ball field, maybe a small Independence Day display. Plenty of room for social distancing, we can all sit on blanket.

B. USDA Loan and Grant contract discussion – Authorize City Manager to authorize water main project.

Juhasz – This just allows his latitude when we have the banking info all set up to obtain the grant. This ties into the Old Business item.

Motion to authorize City Manager to enter into and execute an agreement associated with satisfying the conditions of USDA funding for a Water Main replacement project by Arth Seconded by Keisler

Roll Call Vote: AYES: Arth, Bryan, Deutsch, Keisler, Lucchesi

NOES: None

ABSENT: None

ABSTAIN: None

5-0-0-0

C. Seeking approval for City use of line item 31 funds for automatic meter read – We have gone out to bid for the remote reading of water meters. USDA funds will help us purchase these meters.

Arth – Can we get a background on this? Are some metered? Are some not metered?

CM Juhasz- Some of Dunsmuir have the smart meters. We want to move into new ones. Some of the meter reading cannot read our water values because such little chlorine in it. Meters will make metering more accurate and put more money in our coffers.

Deutsch – Shasta retreat doesn't have normal metering because of the crazy configurations down there.

Motion to approve award water meter purchase to winning quote and authorize purchase from fund 31 water by Deutsch, 2nd by Bryan

Roll Call Vote: AYES: Arth, Bryan, Deutsch, Keisler, Lucchesi

NOES: None

ABSENT: None

ABSTAIN: None

5-0-0-0

D. City Reopening for business after Covid-19 Pandemic
Presentation (informational) on City Hall reopening.

Juhasz – Some governmental buildings may reopen in extended phase 2. He proposes **City Hall reopening June 15th.**

No public comment.

Arth – It is a shame that we do all the updating to our community center and yet it remains dark and empty. He feels like we are losing connection with citizens in our community with the shelter in place.

Would folks feel comfortable having a session in our community building before June 15th.

Mayor Lucchesi – Would caution putting together an in-person meeting before State and Health advisories. Doesn't feel we are quite ready to do in person (committee/council) meetings. Until there is a vaccine, we are going to have to have a new type of normal.

Juhasz – There has been some discussions that in phase 3 we can open gatherings to 15 people. There is a potential liability issue.

Bryan – Points out if restaurants can open with social distancing, he feels that public meetings may be able to take place.

Keisler – Better safe than sorry

E. Ad Hoc Airport Committee Appointments.

Two members of City Council will be appointed to Airport Ad Hoc Committee

Public Comment:

None

Motion to appoint Lucchesi and Deutsch by Keisler and 2nd by Arth. Lucchesi and Deutsch will be appointed for Airport Ad Hoc Committee for 1 year.

ROLL CALL VOTE:

AYES: Arth, Bryan, Deutsch, Keisler, Lucchesi

NOES: None

ABSENT: None

ABSTAIN: None 5-0-0-0

Roll Call Vote:	Arth	yes	
	Bryan	yes	
	Deutsch	yes	
	Keisler	yes	
	Lucchesi	yes	5-0-0-0

12. FUTURE AGENDA ITEMS

- Parking ticket appeals process
- Vacant building items for next meeting.
- Farmers Market and associated street closure
- Appointment of Planning Commission Vacancy
- Election Consolidation Resolution

Juhasz: We haven't been enforcing the vacant building ordinance. If we start cracking down now and goal is to sell or to get another business in that location, the time is not now during Covid-19

13. ADJOURNMENT

Consensus by the City Council to adjourn the meeting at 8:14 p.m.
Moved by Deutsch 2nd by Keisler

Mayor Lucchesi

ATTEST:

Wendy Perkins, Deputy City Clerk

Date



STAFF REPORT	
RE: Election Resolution	MEETING DATE: 6/4/2020
SUBMITTED BY: Todd Juhasz, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

Requests that the City Council approve the proposed resolution related to calling and giving notice of a general municipal election to be held on November 3, 2020, and requesting consolidation of this election with the statewide election.

BACKGROUND/DISCUSSION:

For the election cycle of 2020, the City of Dunsmuir has two (2) City Council seats to fill for the term starting November/December 2020 through November 2024. In addition to these seats, the positions of City Treasurer is also up for election. Pursuant to California Elections Code §10403, the City must submit a resolution to the County Board of Supervisors to call for and consolidate the election, and to permit the County Clerk’s Office to render specified services for the City. These services include the preparation and distribution of the ballot pamphlet and the ballots pertaining to the November 3rd election as well as duties related to the legal conduct of the Municipal Election. This is a routine matter completed as election services are required.

OPTIONS:

Authorize the City Manager to render specified services for the City to include the preparation and distribution of the ballot pamphlet and the ballots pertaining to the November 3rd election as well as duties related to the legal conduct of the Municipal Election. This is a routine matter completed as election services are required.

. Or have each agreement come to council for council approval individually.

FISCAL IMPACT:

None Yes Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase:

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other: Water Improvement Fund

Comments:

SUGGESTED MOTIONS: Motion to authorize City Manager to render specified services for the City to include the preparation and distribution of the ballot pamphlet and the ballots pertaining to the November 3rd election as well as duties related to the legal conduct of the Municipal Election.

Attachments:

RESOLUTION -2020-06

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUNSMUIR
CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION
TO BE HELD ON NOVEMBER 3, 2020 AND REQUESTING CONSOLIDATION
OF THIS ELECTION WITH THE STATEWIDE DIRECT ELECTION**

WHEREAS, under the provisions of the laws relating to general law cities of the State and California and the City of Dunsmuir, a General Municipal Election shall be held on November 3, 2020 for the election of certain municipal officers; and

WHEREAS, pursuant to the California Elections Code, the City Council of the City of Dunsmuir calls and gives notice of the General Municipal Election; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide Election to be held on the same date, and that within the City, the precincts, polling places, and elections officers of the two elections be the same, and that the County Clerk's Office of the County of Siskiyou canvass the returns of the General Municipal Election and that this Election be held in all respects as if there were only one Election.

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

Section 1: Pursuant to the requirements of the laws of the State of California relating to general law cities, there is called ordered to be held in the City of Dunsmuir on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing three (2) Members of the City Council, and City Treasurer, to four-year full terms.

Section 2: The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously until 8:00 p.m. when the polls shall be closed pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code.

Section 3: Notice of the time and place of holding the election is given and the County Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 4: Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Siskiyou is hereby requested to consent and agree to the consolidation of the City of Dunsmuir General Municipal Election with the Statewide Election to be held on November 3, 2020.

Section 5: That the Board of Supervisors is requested to issue instructions to the County Clerk's Office Elections Division to take any and all steps necessary for the holding of a consolidated election, including candidate filing.

Section 6: That the County Clerk’s Office is authorized and instructed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and other necessary items in order to properly and lawfully conduct the election.

Section 7: That the County Clerk’s Office is authorized to canvass the returns of the Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 8: That the City of Dunsmuir recognizes that additional cost will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs that are not reimbursed by the State.

Section 9: That the Deputy City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and County Clerk’s Office of the County of Siskiyou.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dunsmuir held on the 4th day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: June 4th, 2020

Juliana Lucchesi, Mayor

ATTEST:

Wendy Perkins, Deputy City Clerk

City of Dunsmuir
Disaster Planning Advisory Committee (DPAC) - Proposed 2020 Goals

Meetings: 4th Thursday of the month at 6pm in the Dunsmuir City Council Chambers

Purpose: To advise the City Council on how to prepare for, mitigate, respond to, and recover from natural disasters that could impact the City of Dunsmuir.

2020 Goals:

- 1) Support staff and assist with public input as needed to complete the City of Dunsmuir Annex to the Siskiyou County Hazard Mitigation Plan.
 - a) Deliverables:
 - i) 1-2 meetings dedicated to providing input to the hazard mitigation process or alternate process pending COVID-19 protective measures.
- 2) In collaboration with City staff, create and maintain an emergency preparedness web page with information, handouts and resources to educate the public on natural disaster and emergency preparedness.
 - a) Deliverables:
 - i) Emergency preparedness page under the “Initiatives” section on the City’s website, including up-to-date emergency preparation, mitigation steps for homeowners and renters, and other pertinent information.
 - ii) A Dunsmuir specific Monthly Preparedness Calendar that marks important preparedness activities and helps to focus preparedness topics and activities throughout the year.
- 3) Continue to produce the DPAC electronic newsletter to inform and educate the public on natural disaster and emergency preparedness, local events and opportunities and other information.
 - a) Deliverables:
 - i) Four electronic newsletters in 2020 or more as feasible.
 - ii) Newsletter sign-up link on the City’s website.
- 4) In collaboration with the Dunsmuir-Castella Fire Department and other partners, continue to host an open house and/or public forums on wildfire to educate the public and organize the City’s response to future wildfire threats. Work with City staff, the Fire Chief and regional partners to maximize grant opportunities and collaborative activities to reduce fire risk and improve safety.
 - a) Deliverables:
 - i) Dunsmuir Wildfire Safety Guide printed and mailed to residents.
 - ii) Wildfire Preparedness Day or alternative activity pending COVID-19 protective measures.
 - iii) One additional public forum as needed and if feasible.
- 5) Work with City Planner and/or appropriate staff to better understand local flood risks in order to help vulnerable households prepare for flood hazards and take protective measures.
 - a) Deliverables:
 - i) Web page, newsletter and/or a city utility mailer with flood preparedness information, links to FEMA’s Flood Map Service Center and National Flood Insurance Program, and local insurance information.



CITY OF DUNSMUIR STAFF REPORT TO CITY COUNCIL

June 4, 2020

LEAP GRANT – 2022 GENERAL PLAN UPDATE

To: Mayor and City Council Members
From: Richard Tinsman, City Planner
Date: May 13, 2020
Subject: Local Early Action Planning (LEAP) Grants

OVERVIEW

In the 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to implement planning activities that accelerate housing production and meet identified housing needs. With this allocation, the California Department of Housing and Community Development (HCD) established the Local Early Action Planning (LEAP) Grant Program with \$119 million for cities and counties. Much like the SB 2 Planning Grant that was recently awarded to the City, LEAP provides one-time grant funding to cities and counties to update their planning documents and to implement process improvements that will facilitate the acceleration of housing production and help local governments prepare for their 6th cycle regional housing needs allocation.

HCD is currently accepting applications for the LEAP Grant Program. Maximum award amounts are based on population size, with the City of Dunsmuir qualifying for a \$65,000 grant award. It should be noted that, similar to SB 2, this is a non-competitive grant that does not require a local match to receive funding. Grant applications are due to the State no later than July 1, 2020, and if awarded, all work associated with the grant must be completed prior to December 31, 2023. The Notice of Funding Availability is included for the City Council's review as **Attachment A**.

As discussed in the 2019 General Plan Annual Progress Report that was presented to the City Council earlier this year, there have been several changes to state planning law since the City's General Plan was adopted in 2006 and an update of the City's General Plan is required. Based on identified need, staff is recommending that the City apply for the full award amount of \$65,000 to update the General Plan. For a review of the identified General Plan update needs included in the 2019 General Plan Annual Progress Report, please see **Attachment B**.

The proposed General Plan update and LEAP grant were discussed at a meeting of the Dunsmuir Planning Commission on May 13, 2020. Following its discussion, the Planning Commission adopted Resolution PC-20-09, A Resolution of the Planning Commission of the City of Dunsmuir Recommending that the City Apply for a Local Early Action Planning Grant to Update the General Plan (see **Attachment C**).

STAFF RECOMMENDATION

Planning staff recommends that the City Council consider by resolution, authorizing application for and receipt of a LEAP grant to update the City of Dunsmuir General Plan and that the City Council direct staff to submit a grant application to HCD. A motion to this effect is included below and the draft resolution is included as **Attachment D**.

SUGGESTED MOTION

I move that we adopt Resolution 2020-07 authorizing application for and receipt of a LEAP grant to update the General Plan and that we direct staff to submit a LEAP grant application to HCD.

ATTACHMENTS

- A. Notice of Funding Availability – Local Early Actions Planning Grants Program
- B. General Plan Update Needs – 2019 General Plan Annual Progress Report (Excerpt)
- C. Resolution PC-20-09, A Resolution of the Planning Commission of the City of Dunsmuir Recommending that the City Apply for a Local Early Action Planning Grant to Update the General Plan
- D. Resolution 2020-07, A Resolution of the City Council of the City of Dunsmuir Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds

ATTACHMENT A
NOTICE OF FUNDING AVAILABILITY

**LOCAL EARLY ACTION PLANNING GRANTS PROGRAM
(LEAP)
2020 NOTICE OF FUNDING AVAILABILITY**



**State of California
Governor Gavin Newsom**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Douglas R. McCauley, Acting Director
California Department of Housing and Community Development**

**Zachary Olmstead, Deputy Director
California Department of Housing and Community Development
Division of Housing Policy Development**

2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833
Telephone: (916) 263-2911

Website: <https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml>

Email: EarlyActionPlanning@hcd.ca.gov

January 27, 2020

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2019 NOTICE OF FUNDING AVAILABILITY LOCAL EARLY ACTION PLANNING GRANTS PROGRAM

I. Introduction

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$119,040,000 as part of the Local Early Action Planning Grants Program (LEAP or Program). LEAP is made available as a portion of the Local Government Planning Support Grants Program pursuant to Chapter 3.1 of Health and Safety Code (Sections 50515.03 (Chapter 159, Statutes of 2019)). The Program provides funding to jurisdictions for the preparation and adoption of planning documents, process improvements that accelerate housing production, and facilitate compliance in implementing the sixth cycle of the RHNA.

II. Authority and Scope

This NOFA is authorized pursuant to Chapter 3.1 of Health and Safety Code (Sections 50515 to 50515.05). The NOFA implements, interprets, and makes specific provisions for purposes of implementing planning grants to jurisdictions pursuant to 50515.03 (hereinafter "LEAP").

This NOFA establishes terms, conditions, forms, procedures and other mechanisms as the Department deems necessary to exercise the powers and perform the duties conferred by Chapter 3.1.

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

Further, the Department may implement the Program through the issuance of forms, guidelines, and one or more NOFAs, as the Department deems necessary, to exercise the powers and perform the duties conferred on it by this chapter. Any forms, guidelines, and notices of funding availability adopted pursuant to this section are hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). (Health and Safety Code Section 50515.04(f)).

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA, including, but not limited to, grant award amounts.

III. Program Summary

The Local Early Action Planning Grants Program (LEAP or Program) is part of the broader Program formerly known as the Local Government Planning Support Grants Program, which was established as part of the 2019-20 Budget Act. The 2019-20 Budget Act provides a spectrum of support, incentives, resources and accountability to meet California’s housing goals. Some specific elements include:

- Planning Support (local and regional planning grants)
- Incentives (Prohousing preference and infill incentive grants)
- Funding Resources
- Accountability (penalties for noncompliant housing plans)
- Reform (collaborative processes to reform regional housing needs)

The Local Government Planning Support Grants Program provides one-time grant funding to regions and jurisdictions for technical assistance, preparation and adoption of planning documents, and process improvements. The over-arching goals of the Program are to (1) accelerate housing production; and (2) facilitate compliance to implement the sixth cycle of the regional housing need assessment (RHNA).

IV. Program Timeline

Grants will be available to eligible applicants on a noncompetitive, Over-the-Counter (OTC) basis. Applications will be accepted from the date of the release of this NOFA and up until July 1, 2020. See Table 1 below for the anticipated timeline for awards for the OTC period.

Event	Date
NOFA Release	January 27, 2020
NOFA Application Webinar	February 14, 2020
NOFA Application Workshops	February and March 2020
Final Due Date for OTC Applications	July 1, 2020
Technical Assistance	February 2020 through December 31, 2023
Expenditure Deadline	December 31, 2023

The Department will review applications within 30 days and target award of applications within 60 days, with subsequent Standard Agreements processed within 60 days of award. Applicants are encouraged to submit early in the application window.

The Department will hold workshops and a webinar to review the LEAP NOFA and application and will be conducting technical assistance to aid applicants throughout the OTC period and implementation of the grant. For a list of dates, times, and locations for the workshops as well as information on technical assistance, please visit the Department’s website at <https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml>.

V. Award Amounts

This Program will make \$119,040,000 dollars available to jurisdictions for Program implementation, including state operations and expenditures, and technical assistance. Maximum award amounts are based on population estimates as of January 1, 2019.¹ The minimum award amount is \$25,000. The maximum amount that a jurisdiction may receive pursuant to this subdivision shall be as follows:

Jurisdiction Size (in population)	Maximum Award Amount
750,000 or greater	\$1,500,000
300,000 to 749,999	\$750,000
100,000 to 299,999	\$500,000
60,000 to 99,999	\$300,000
20,000 to 59,999	\$150,000
Less than 20,000	\$65,000

Applicants seeking partnerships with other local governments will be additive. For example, two jurisdictions between 100,000 and 299,999 people could submit a proposal for up to \$1.0 million.

VI. Eligible Applicants

Eligible applicants are limited to local governments, i.e., cities and counties. However, local governments may partner through legally binding agreements with other forms of governments or entities where the proposal will have a direct effect

¹ Population estimates, posted as of January 1, 2019, are based on the Department of Finance E-1 report. Official maximum amounts per jurisdiction can be found at the Department’s website at <https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml>.

on land-use or development within the participating localities. This includes, but is not limited to, partnerships with other localities, regional governments, housing authorities, school districts, special districts, community-based organizations, or any duly constituted governing body of an Indian Reservation or Rancheria. Applicants forming partnerships, must submit separate, completed and signed application packages, including resolutions and a copy of the signed agreement between partners to the Department in order to be awarded funds.

VII. Eligible Activities

Eligible activities must demonstrate an increase in housing related planning activities and facilitate accelerated housing production. Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed prior to the NOFA date, are distinct, and demonstrate a nexus to accelerating housing production. Eligible activities are not necessarily jurisdiction-wide and may include a smaller geography with a significant impact on housing production. For example, eligible activities may include a housing development-related project with a significant community level impact, or planning or process improvement for a project with an ongoing community impact beyond the project. Eligible activities may include a variety of planning documents and processes, including, but not limited to, the following as set forth in Health and Safety Code section 50515.03(c):

1. Rezoning and encouraging development by updating planning documents and zoning ordinances, such as General Plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs;
2. Completing environmental clearance to eliminate the need for project-specific review;
3. Establishing housing incentive zones or other area-based housing incentives beyond State Density Bonus Law such as a workforce housing opportunity zone pursuant to Article 10.10 (commencing with Section 65620) of Chapter 3 of Division 1 of Title 7 of the Government Code, or a housing sustainability district pursuant to Chapter 11 (commencing with Section 66200) of Division 1 of Title 7 of the Government Code;
4. Performing infrastructure planning, including for sewers, water systems, transit, roads, or other public facilities necessary to support new housing and new residents;
5. Planning documents to promote development of publicly-owned land, such as partnering with other local entities to identify and prepare excess or surplus property for residential development;
6. Revamping local planning processes to speed up housing production;
7. Developing or improving an accessory dwelling unit ordinance in compliance with Section 65852.2 of the Government Code;
8. Planning documents for a smaller geography (less than jurisdiction-wide) with a significant impact on housing production, including an overlay district, project level specific plan, or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas;

9. Rezoning to meet requirements pursuant to Gov. Code Section 65583(c)(1), and other rezoning efforts to comply with Housing Element requirements, including Gov. Code Section 65583.2(c) (AB 1397, Statutes of 2018);
10. Upzoning or other implementation measures to intensify land use patterns in strategic locations, such as close proximity to transit, jobs or other amenities;
11. Rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps);
12. Establishing pre-approved architectural and site plans;
13. Preparing and adopting Housing Elements of the General Plan that include an implementation component to facilitate compliance with the sixth cycle RHNA;
14. Adopting planning documents to coordinate with suballocations under Regional Early Action Planning Grants (REAP) pursuant to Health and Safety Code Section 50515.02(f) that accommodate the development of housing and infrastructure, and accelerate housing production in a way that aligns with state planning priorities, housing, transportation equity and climate goals, including hazard mitigation or climate adaptation;
15. Zoning for by-right supportive housing, pursuant to Gov. Code section 65651 (Chapter 753, Statutes of 2018);
16. Zoning incentives for housing for persons with special needs, including persons with developmental disabilities;
17. Planning documents related to carrying out a local or regional housing trust fund;
18. Environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary (e.g., less than 15 percent of the total grant amount) and part of a proposed activity with a nexus to accelerating housing production; and
19. Other planning documents or process improvements that demonstrate an increase in housing related planning activities and facilitate accelerating housing production; and
20. Establishing Prohousing Policies, as follows:

Prohousing Policies

The Department encourages applicants to consider LEAP funds to facilitate designation as a Prohousing jurisdiction.

The 2019-20 Budget Act requires the Department to develop the Prohousing designation emergency regulations by no later than July 1, 2021. This program will allow the Department to designate jurisdictions as “Prohousing,” when they demonstrate policies and strategies to accelerate housing production. In turn, Prohousing jurisdictions will be awarded additional points or preference in programs such as the Affordable Housing and Sustainable Communities (AHSC), Transformative Climate Communities (TCC), Infill Infrastructure Grant (IIG) programs and other state funding programs. The Department anticipates developing emergency regulations and Prohousing designations prior to July 1, 2021, and will seek to designate jurisdictions prior to future rounds of AHSC, TCC and IIG

programs.

Pursuant to Gov. Code Section 65589.9(f)(2), “Prohousing” policies mean policies that facilitate the planning, approval, or construction of housing. These policies may include, but are not limited to, the following:

- A. Planning for local financial incentives for housing, including, but not limited to, establishing a local housing trust fund;
- B. Reducing parking requirements for sites that are zoned for residential development;
- C. Adoption of zoning allowing for use by right for residential and mixed-use development;
- D. Zoning more sites for residential development or zoning sites at higher densities than is required to accommodate the minimum existing RHNA for the current Housing Element cycle;
- E. Adoption of accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Section 65852.2, as determined by the Department;
- F. Process improvements that reduce permit processing time;
- G. Creating of objective development standards;
- H. Studies and implementing actions that reduce development impact fees; and
- I. Establishing a Workforce Housing Opportunity Zone, as defined in Section 65620, or a housing sustainability district, as defined in Section 66200.”

VIII. Ineligible Activities

1. Activities unrelated to preparation and adoption of planning documents, and process improvements to accelerate housing production and facilitate compliance to implement the sixth cycle of the RHNA;
2. Activities that obstruct or hinder housing production, e.g., moratoriums, downzoning, planning documents with conditional use permits that significantly impact supply, cost, approval certainty and timing, planned development, or other similarly constraining processes; and
3. Project specific planning documents that do not have a significant impact on accelerating housing production or significant community level or re-occurring benefit beyond the project.
4. The Department may consider proposals that are combined with larger proposals that have a positive housing component and the net effect on accelerating housing production is significant. For example, an applicant may propose combining an open-space designation, downzoning, or anti-displacement measures with by-right upzoning that has a significant net gain in housing capacity.

IX. Eligible Uses

1. Grant funds may cover the costs of temporary staffing or consultant needs associated with eligible activities;
2. Grant funds shall be used for the costs of preparing and adopting the proposed activity;
3. A jurisdiction that receives funds under this Program may use a subcontractor. The subcontract shall provide for compliance with all the requirements of the Program. The subcontract shall not relieve the jurisdiction of its responsibilities under the Program;
4. Eligible expenditures may be incurred and expended for the project(s) subject to the terms and conditions of the Standard Agreement; and
5. Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement, and completed during the grant term, will be reimbursable.

X. Ineligible Uses

1. Program grant funds may not be used for administrative costs of persons employed by the grantee for activities not directly related to the preparation and adoption of the proposed activity;
2. No more than 5 percent of the grant amount may be used for administrative costs for any proposed use, to be approved by the Department upon disbursement; and
3. Approved and eligible costs incurred prior to the NOFA date are ineligible.

XI. Application Requirements

Until July 1, 2020, a jurisdiction may request an allocation of funds pursuant to this section by submitting a complete application to the Department that demonstrates:

1. A budget, including timelines, deliverables, sub-steps and adoption, that demonstrates funds will be utilized for eligible activities and uses;
2. How proposed activities will increase housing planning and facilitate accelerating local housing production;
3. Completed or proposed activities consistent with the state or other planning priorities; and
4. All other required information contained in the Department's application

Applicants will demonstrate consistency with these requirements utilizing the forms and manner prescribed in the Department application.

Accelerating Housing Production: Applicants must propose and document plans or processes that increase housing planning and facilitate accelerating local housing production. The application must demonstrate a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing

supply and affordability. An application must include an explanation and documentation of the nexus to accelerating housing production based on a reasonable and verifiable methodology and must utilize the Department's form (see the Department's application). A verifiable methodology may include a statement of support from a non-profit or for-profit developer that is active in the locality.

State and Other Planning Priorities: Consistency with state or other planning priorities may be demonstrated through proposed activities in the application **OR** activities that were completed within the last five years. Applicants must self-certify utilizing the Department's form (see Department's application).

XII. Application Submission Requirements

In order to be eligible for grant funding, an applicant must submit a completed, signed original application and an electronic copy on CD or USB flash drive. Applications will be accepted on an OTC basis as of the date of this NOFA through July 1, 2020. The Department encourages early applications and will accept applications post-marked by the July 1, 2020 deadline. Applicants may utilize various carrier services, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. All applications must be submitted to the Department at the following address:

**California Department of Housing and Community Development
Division of Housing Policy Development
2020 West El Camino Ave, Suite 500
Sacramento, CA 95833**

Applications must be on Department forms and cannot be altered or modified by the applicant. Program applications and forms are available on the Department's website located at <https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml>.

XIII. Application Review

1. The Program will not utilize a competitive process to award funds.
2. Funds will be available to eligible applicants on a rolling OTC basis that begins as of the date of this NOFA and ends July 1, 2020.
3. An application form will be available upon release of the NOFA and will include forms to demonstrate meeting eligibility requirements such as, among other forms, a resolution, a proposed budget and timeline table and self-certified attachments demonstrating a nexus to housing production and consistency with state planning and other priorities;
4. Applications will first be reviewed for, among other things, completeness, eligibility requirements, and accuracy;
5. In order to be considered complete, an application must contain requested

- information and supporting documentation where appropriate;
6. All applications must meet the eligibility requirements as specified in this NOFA;
 7. If the application is ineligible, it will not be considered for funding, but may be amended and resubmitted;
 8. The Department may request additional information to complete and approve the application for funding;
 9. Applications recommended for funding are subject to conditions specified by the Department;
 10. Applications will be reviewed within 30 days from the date the Department receives the application; and
 11. All applicants not meeting the eligibility requirements will be informed within 30 days from the date the Department receives the application.

XIV. Award Letter and Standard Agreement

Successful applicants will receive an Award Letter from the Department and will be awarded funds. Applicants will enter into a state Standard Agreement (Standard Agreement) for distribution of funds. The Standard Agreement process will specify, among other things, the amount of funds granted, timeline for expenditure of funds, and the approved use of funds. Expenditure report dates and other requirements will also be identified in the Standard Agreement.

XV. Appeals

1. Basis of Appeals:
 - A. Upon receipt of the Department's notice deeming an application incomplete or ineligible, applicants under this NOFA may appeal such decision(s) to the Department Director.
 - B. The decision of the Director is final and not subject to further administrative or judicial review.
 - C. No applicant shall have the right to appeal a decision of the Department relating to another applicant's eligibility, award, denial of award, or any other related matter.
2. Appeals Process and Deadlines:
 - A. Process. In order to lodge an appeal, applicants must submit to the Director by the deadline set forth in subsection (b) below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. No new or additional information will be accepted. Once the written appeal is submitted to the Director, no further information or materials is required to be accepted or considered thereafter. Appeals are to be submitted to the Director at following address:

California Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Avenue, Suite 500
Sacramento, California 95833
EarlyActionPlanning@hcd.ca.gov

The Director will accept appeals delivered through a carrier service such as the U.S. Postal Service, UPS, Fed-Ex, or other carrier services that provide date stamp verification of delivery. Deliveries must be received during the Department's weekday (non-state holiday) business hours of 9:00 a.m. to 5:00 p.m. Pacific Standard Time. Additionally, emails to the email address listed above will be accepted if the email time stamp is prior to the appeal deadline.

B. Filing Deadline. Appeals must be received by the Director no later than (5) five business days from the date of the Department's determination.

3. Decision:

Any request to amend the Department's decision shall be reviewed for compliance with this NOFA and its application. The Director shall render his/her decision in writing within fifteen (15) business days of receipt of the applicant's written appeal. The decision of the Director shall be the Department's final decision, and shall not be appealable to any court or tribunal.

XVI. Administration

1. Grant Execution and Term

- A. The Department will notify the grantee if they have been selected for a grant award;
- B. After the Standard Agreement has been drawn, the grantee will be provided instructions for signing all required documents. The grantee must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions, or risk forfeiting the grant award;
- C. The grant term begins on the day the Department and the grantee have fully executed the Standard Agreement. The Department will notify the grantee and partners when work may proceed under the agreement. However, eligible activities that are approved by the Department may be retroactively reimbursed to the date of the NOFA; and
- D. The end of the grant term will be determined by the state based on the availability of grant funds and the administrative requirements for liquidation.

2. Payment and Accounting of Grant Funds

- A. Grant funds cannot be disbursed until the Standard Agreement has been fully executed;
- B. The grantee will be responsible for compiling and submitting all invoices and reporting documents. Grantees will submit for reimbursements to the Department based on actual cost incurred;
- C. The grantee must bill the state based on clear deliverables outlined in the Standard Agreement or budget timeline. Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement, and completed and processed prior to the expenditure deadline, will be reimbursable. Approved and eligible costs incurred prior to the NOFA date are ineligible;
- D. Work must be completed prior to requesting reimbursement;
- E. Grant fund payment will be made on a reimbursement basis; advance payments are not allowed. The grantee and partners must have adequate cash flow to pay all grant-related expenses prior to requesting reimbursement from the Department. Project invoices will be submitted to the Department by the grantee on a quarterly basis;
- F. In unusual circumstances, the Department may consider alternative arrangements to reimbursement and payment methods based on documentation demonstrating cost burdens, including the inability to pay for work;
- G. Supporting documentation may include, but is not limited to: receipts, progress payments, subcontractor invoices, time cards, etc.;
- H. Invoices must be accompanied by reporting materials where appropriate. Invoices without the appropriate reporting materials will not be paid. The Department may withhold 10 percent of the grant until grant terms have been fulfilled; and
- I. Each recipient of funds under the Program shall expend those funds no later than December 31, 2023.

3. Accounting Records and Audits

- A. The grantee must establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the budget and timeline. Separate bank accounts are not required;
- B. The grantee shall maintain documentation of its normal procurement policy and competitive bid process (including the use of sole source purchasing), and financial records of expenditures incurred during the course of the project, in accordance with generally accepted accounting principles;
- C. The grantee agrees that the state or designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of the Standard Agreement;
- D. The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated;
- E. Subcontractors employed by the grantee and paid with moneys under the

terms of this Standard Agreement shall be responsible for maintaining accounting records as specified above;

- F. At any time during the term of the Standard Agreement, the Department may perform, or cause to be performed, a financial audit of any and all phases of the award. At the Department's request, the awardee shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life;
- G. The Department may request additional information, as needed, to meet other applicable audit requirements; and
- H. The Department may monitor expenditures and activities of an applicant, as the Department deems necessary, to ensure compliance with Program requirements.

4. Remedies of Nonperformance

- A. In the event that it is determined, at the sole discretion of the state, that the grantee is not meeting the terms and conditions of the Standard Agreement, immediately upon receiving a written notice from the Department to stop work, the grantee shall cease all work under the Standard Agreement. The Department has the sole discretion to determine that the grantee meets the terms and conditions after a stop work order, and to deliver a written notice to the grantee to resume work under the Standard Agreement;
- B. Both the grantee and the Department have the right to terminate the Standard Agreement at any time upon 30 days written notice. The notice shall specify the reason for early termination and may permit the grantee or the Department to rectify any deficiency(ies) prior to the early termination date. The grantee will submit any requested documents to the Department within 30 days of the early termination notice; and
- C. There must be a strong implementation component for the funded activity through this Program, including, where appropriate, agreement by the locality to formally adopt the completed planning document. Localities that do not formally adopt the funded activity could be subject to repayment of the grant.
- D. The Department may, as it deems appropriate or necessary, request the repayment of funds from an applicant, or pursue any other remedies available to it by law for failure to comply with Program requirements (Health and Safety Code section 50515.04(e)).

5. Reporting

- A. At any time during the term of the Standard Agreement, the Department may request a performance report that demonstrates satisfaction of all requirements identified in the Standard Agreement with emphasis on eligible activities, eligible uses, ineligible uses, and expenditures, according to timelines and budgets referenced in the Standard Agreement;
- B. Awardees shall submit a report, in the form and manner prescribed by

the Department, to be made publicly available on its internet website, by April 1 of the year following the receipt of those funds, and annually thereafter until those funds are expended, that contains the following information:

- The status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction; and
 - A summary of building permits, certificates of occupancy, or other completed entitlements issued by entities within the region, or by the jurisdiction, as applicable.
- C. The awardee must, in lieu of a separate report, provide the above described information as part of its annual report pursuant to Gov. Code Section 65400;
- D. The Department may request additional information, as needed, to meet other applicable reporting requirements;
- E. Upon completion of all deliverables within the Standard Agreement, the awardee shall submit a close out report. See Attachment 1; and
- F. The Department shall maintain records of the following and provide that information publicly on its internet website:
- The name of each applicant for Program funds and the status of that entity's application;
 - The number of applications for Program funding received by the Department; and
 - The information described in 5(B) above for each recipient of Program funds.

XVII. Right to Modify or Suspend the NOFA, and Final Decision-making

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties and will post the revisions to the Department's website. You may subscribe to the Department's email list here: http://www.hcd.ca.gov/HCD_SSI/subscribe-form.html.

Further, the Department's decision to approve or deny an application or request for funding pursuant to the Program, and its determination of the amount of funding to be provided, shall be final.

XVIII. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in Health and Safety Code section 50470.

- A. "Accelerating Housing Production" means improving the timing, cost, feasibility, approval and amount of development through various mechanisms such as zoning incentives (e.g., increased density and heights, reduced parking requirements), upzoning, zoning amendments to permit residential in non-residential zones, corridor planning, development standards modifications, non-discretionary review, financing strategies, sliding scale fee modifications, facilitating adequate infrastructure to support development, approval streamlining that addresses quickness and ease of entitlements, and other mechanisms that promote production or remove or mitigate regulatory barriers.
- B. "Affordability" means a housing unit that satisfies at least one of the following criteria:
 - 1. It is available at an "affordable rent" as that term is used and defined in Section 50053 of the Health & Safety Code;
 - 2. It is offered at an "affordable housing cost", as that term is used and defined in Section 50052.5 of the Health & Safety Code; or
 - 3. It is available at an "affordable rent" or an "affordable housing cost" according to the alternative percentages of income for agency-assisted rental and cooperative housing developments pursuant to Department regulations adopted under Health and Safety Code section 50462(f).
- C. "Annual Progress Report" (APR) means the annual report required to be submitted to the Department pursuant to paragraph (2) of subdivision (a) of Section 65400 of the Government Code.
- D. "Completed entitlement" means a housing development project that has received all the required land use approvals or entitlements necessary for the issuance of a building permit and for which no additional action, including environmental review or appeals, is required to be eligible to apply for and obtain a building permit.
- E. "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code that is responsible for allocating regional housing need pursuant to Sections 65584, 65584.04, and 65584.05 of the Government Code.
- F. "Department" means the California Department of Housing and Community Development.

G. "Housing" means any development that satisfies both of the following criteria:

1. At least two-thirds of the square footage of the development must be designated for residential use; and
2. Includes a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building, and which have a direct access from the outside of the building, or through a common hall.

Note: accessory dwelling units (ADU) and junior accessory dwelling units (JADU) pursuant to Gov. Code sections 65852.2 and 65852.22 meet the definition above.

- H. "Housing Element" or "element" means the Housing Element of a community's General Plan, as required pursuant to subdivision (c) of Section 65302 of the Government Code and prepared in accordance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.
- I. "Jurisdiction" means any city, including a charter city, county, including a charter county or city and county, including a charter city and county.
- J. "Local government" or "Locality" means any city, including a charter city, county, including a charter county or city and county, including a charter city and county.
- K. "Objective zoning standard", "objective subdivision standard", and "objective design review standard" means standards that involve no personal or subjective judgment by a public official, and are uniformly verifiable by reference to an external and uniform benchmark or criterion available, and knowable by both the development applicant or proponent and the public official prior to submittal. "Objective design review standards" means only objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, which are broadly applicable to development within the jurisdiction.
- L. "Other Planning Priorities" means planning, policies, programs or investments to promote housing choices and affordability to lower and moderate income households, the encouragement of conservation of the existing affordable housing stock, and efforts to take into account current and future impacts of climate change, including hazard mitigation.
- M. "Regional housing need assessment" means the existing and projected need for housing for each region, as determined by the Department pursuant to Section 65584.01 of the Government Code.

- N. “State Planning Priorities” means priorities which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities pursuant to Gov. Code Section 65041.1.

- O. “Streamlined Housing Production” means improving the entitlement process through actions such as removing, mitigating or minimizing local regulatory requirements, reforming the local approval process to reduce processing times, the number of local discretionary approvals and permits needed for projects, improving approval certainty, establishing non-discretionary processes, modifying development standards, such as reducing parking requirements and increasing height limits, or other efforts, such as taking the fullest advantage of existing streamlining mechanisms provided in state law.

ATTACHMENT B
GENERAL PLAN UPDATE NEEDS
2019 GENERAL PLAN ANNUAL PROGRESS REPORT
(EXCERPT)

Task 1: Amend Conservation and Safety Elements to Address Flooding Pursuant to Government Code § 65302(d)(3) and 65302(g)(2)

To comply with state law, the Conservation Element must be reviewed and updated as needed to identify rivers, creeks, streams, flood corridors, riparian habitats, and land that can accommodate floodwater for purposes of groundwater recharge and stormwater management. In addition, the Safety Element must be updated pursuant to Government Code Sec. 65302(g)(2) to identify information regarding flood hazards, including:

- Flood hazard zones;
- NFIP maps published by FEMA;
- Information about flood hazards available from USACE;
- Designated floodway maps;
- Dam failure inundation maps;
- Floodplain Mapping Program maps and 200-year flood plain maps from DWR, if available;
- Maps of levee protection zones;
- Areas subject to inundation in the event of the failure of levees or floodwalls;
- Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding;
- Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities; and
- Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

Based on the information identified above, the goals, policies, objectives, and implementation measures of the Safety Element will need to be updated to protect the community from unreasonable risks of flooding and accomplish the following:

1. Avoid or minimize the risks of flooding to new development;
2. Evaluate whether new development should be located in flood hazard zones and identify construction methods or other methods to minimize damage if new development is located in flood hazard zones;
3. Maintain the structural and operational integrity of essential public facilities during flooding;
4. Locate, when feasible, new essential public facilities outside of flood hazard zones; and
5. Establish cooperative working relationships among public agencies with responsibility for flood protection.

While some of these items are presently included in the Safety Element, most are not and will need to be incorporated into the General Plan accordingly.

Task 2: Amend Safety Element to Address Fire Hazards Pursuant to Government Code § 65302(g)(3)

To comply with state law, the Safety Element will need to be reviewed and updated as necessary

Attachment B – General Plan Update Needs

to address fire risks associated with lands designated as State Responsibility Areas and Very High Fire Hazard Severity Zones. As required by state law, this review will need to consider advice included in the Office of Planning and Research’s “Fire Hazard Planning, General Plan Technical Advice Series” as well as the following information:

- Fire hazard severity zone maps available from Cal Fire;
- Historical data on wildfires available from local agencies or a reference to where the data can be found;
- Information about wildfire hazard areas from the United States Geological Survey;
- General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities; and
- Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

Based on the information identified above, the Safety Element will need to be reviewed and updated as appropriate with goals, policies, objectives, and implementation measures for the protection of the community from the unreasonable risks of wildfire and to accomplish the following:

1. Avoid or minimize the wildfire hazards associated with new uses of land;
2. Locate, when feasible, new essential public facilities outside of high fire risk areas or identify construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone;
3. Design adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression; and
4. Work cooperatively with public agencies with responsibility for fire protection.

Again, similar to flooding, some of these items are presently included in the Safety Element, however, most are not and will need to be incorporated accordingly.

Task 3: Amend Safety Element to Address Fire Hazards Pursuant to Government Code § 65302(g)(1)

To comply with state law, the Safety Element will also need to be reviewed and updated as necessary to address:

- Evacuation routes;
- Peak load water supply requirements; and
- Minimum road widths and clearances around structures as those items relate to identified fire and geological hazards.

All of these items are currently lacking from the Safety Element and will need to be incorporated accordingly.

Task 4: Amend Land Use Element to Address Disadvantaged Unincorporated Communities Pursuant to Government Code § 65302.1

To comply with state law, the Land Use Element must be reviewed and updated as necessary to address any disadvantaged unincorporated communities (DUCs) located within or adjacent to city limits. DUCs are defined as “an area of inhabited territory located within an unincorporated area of a County in which the annual median household income is less than 80 percent of the statewide median household income.” State law considers an area with 12 or more registered voters to be an inhabited territory. The effect of DUCs on the city is of importance when amending the Sphere of Influence and when annexing territory into the City. Without an analysis of income data, it’s unknown whether there is a DUC adjacent to the City that must be addressed.

Task 5: Amend Safety Element to Address Climate Adaptation and Resiliency Pursuant to Government Code § 65302(g)(4)

State law requires that upon the next revision of the local hazard mitigation plan, which staff is currently in the process of preparing for incorporation into the General Plan Safety Element, the City is required to review and update the Safety Element as necessary to address climate adaptation and resiliency strategies applicable to the City. This includes developing a vulnerability assessment that identifies the risks that climate change poses to the City and the geographic areas at risk from climate change impacts. While there is no effort at present to amend the Safety Element pursuant to Government Code § 65302(g)(4), another grant opportunity has presented itself that may allow the City to update the Safety Element as required by State law. In addition, staff has experience updating climate change planning documents in the region and the information for amending the Safety Element is readily available.

Task 6: Amend Various Elements of the General Plan to Address Environmental Justice Considerations Pursuant to Government Code § 65302(h)(2)

Because the City needs to amend multiple elements of the General Plan in order to bring the General Plan into conformity with state law, it would reason that the various required revisions would occur concurrently. When amending multiple elements concurrently, state law requires that the City adopt an environmental justice element or integrate environmental justice goals, policies, objectives, and implementation measures in other elements of the General Plan to accomplish the following:

- Reduce the unique or compounded health risks in disadvantaged communities by means that include the reduction of pollution exposure and improvement of air quality and that promote public facilities, food access, safe and sanitary homes, and physical activity;
- Promote civil engagement in the public decision-making process; and
- Prioritize improvements and programs that address the needs of disadvantaged communities.

ATTACHMENT C
RESOLUTION PC-2020-09

**RESOLUTION PC-2020-09
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
RECOMMENDING THAT THE CITY APPLY FOR A LOCAL EARLY ACTION PLANNING GRANT
TO UPDATE THE GENERAL PLAN**

WHEREAS, the Department of Housing and Community Development has issued a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to as the Local Early Action Planning Grants program or LEAP); and

WHEREAS, the purpose of the Local Early Action Planning Grants program is to provide one-time grant funding to cities and counties to update their planning documents and to implement process improvements that will facilitate the acceleration of housing production and help local governments prepare for their 6th cycle regional housing needs allocation; and

WHEREAS, the City of Dunsmuir has identified an update to the City's General Plan to bring it into compliance with State law as an urgent community need that would simultaneously facilitate the acceleration of housing production; and

WHEREAS, staff presented oral and written staff reports on the Local Early Action Planning Grants program at a regular meeting of the Planning Commission on May 13, 2020; and

WHEREAS, staff recommended that the Planning Commission consider making a recommendation to the City Council regarding application for a Local Early Action Planning grant to update the City of Dunsmuir General Plan; and

WHEREAS, on May 13, 2020, the City of Dunsmuir Planning Commission considered staff's recommendation along with any public testimony received, following which the Planning Commission discussed the Local Early Action Planning Grants program prior to reaching its decision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council that the City apply for a Local Early Action Planning Grant to update the General Plan.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2020-09 was duly adopted on a motion by Commissioner Kay and seconded by Commissioner Warner at a regular meeting of the City of Dunsmuir Planning Commission held on the 13th day of May 2020, by the following vote:

AYES: Skalko, Kay, Powers, Warner, Spurlock

NOES:

ABSENT: Harley

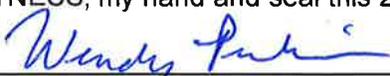
ABSTAIN:

5-0-1-0

CITY OF DUNSMUIR PLANNING COMMISSION


Josh Spurlock, Chair

WITNESS, my hand and seal this 28th day of May 2020


Wendy Perkins, Deputy City Clerk

ATTACHMENT D
DRAFT RESOLUTION 2020-07

RESOLUTION NO. 2020-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

WHEREAS, pursuant to Health and Safety Code 50515 et. seq, the Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP); and

WHEREAS, the City Council of the City of Dunsmuir desires to submit a LEAP grant application package (“Application”), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, the Department has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions;

Now, therefore, the City Council of the City of Dunsmuir (“Applicant”) resolves as follows:

SECTION 1. The City Clerk is hereby authorized and directed to apply for and submit to the Department the Application package;

SECTION 2. In connection with the LEAP grant, if the Application is approved by the Department, the City Manager of the City of Dunsmuir is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$65,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant’s obligations related thereto, and all amendments thereto; and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

ADOPTED ON the 4th day of June, 2020, by the City Council of the City of Dunsmuir by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN:

[Signature of Attesting Officer] ATTEST: APPROVED AS TO FORM:

[Signature of approval] APPROVED

Check Register Report

03/27/2020 AP

Date: 03/27/2020

Time: 2:09 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
U.S. BANK Checks							
53652	03/27/2020	Printed		10640	ALLEN, MARK	travel for COS class	85.10
53653	03/27/2020	Printed		2635	BASIC LABORATORY, INC.	drinking water weekly	33.60
53654	03/27/2020	Printed		2800	BAXTER AUTO PARTS, INC.	scott rags	23.64
53655	03/27/2020	Printed		10353	GARY BENSON	Children park rent April20	725.00
53656	03/27/2020	Printed		6325	CLEMENS WASTE REMOVAL	contract/ sickers/rental	12,375.55
53657	03/27/2020	Printed		6630	ANTHONY CONGI	Phone quarterly Chrges	90.00
53658	03/27/2020	Printed		12752	DENNIS DELLA BONA	phone quarterly March20	90.00
53659	03/27/2020	Printed		10148	DIVERSIFIED ELECTRICAL, INC	street lights 5607Sac.,4148Dun	314.31
53660	03/27/2020	Printed		9885	DUNSMUIR TIRE	tire switch out Fire dept	80.00
53661	03/27/2020	Printed		9303	FASTENAL COMPANY	circular saw, orange RTD	352.37
53662	03/27/2020	Printed		5219	FERGUSON ENTERPRISES INC,1423	cpling end cap	286.00
53663	03/27/2020	Printed		17041	GOODYEAR COMMERCIAL TIRE	Truck 303, 301	961.78
53664	03/27/2020	Printed		17297	GRAINGER	heater c12 contact chamber	140.23
53665	03/27/2020	Printed		22145	INTERSTATE SALES	Orange bags, EZ Reachers	764.79
53666	03/27/2020	Printed		24875	LILLY JONES	March 2020 Cemetary	825.00
53667	03/27/2020	Printed		26425	KEN ELGIN	truck301 tires.	52.00
53668	03/27/2020	Printed		10650	MT. SHASTA IT SERVICES, INC	labor for set up/monthly serv	3,600.00
53669	03/27/2020	Printed		33148	MT. SHASTA POINTS	wheel switch/nail repair	180.00
53670	03/27/2020	Printed		9201	O'REILLY AUTO PARTS	copper plug	14.61
53671	03/27/2020	Printed		39015	PACIFIC POWER	River ave lift power	110.91
53672	03/27/2020	Printed		45110	MARIO J. RUBINO	March2020	50.00
53673	03/27/2020	Printed		10543	SCP POOL CORP	soda ash lite 50#	1,303.67
53674	03/27/2020	Printed		10613	TINSMAN, RICHARD	February2020 planning	6,032.50
53675	03/27/2020	Printed		9318	US POSTMASTER	Postage for Utility billing	1,500.00
53676	03/27/2020	Printed		53806	USA BLUE BOOK, INC	ampule cal kit	219.81
53677	03/27/2020	Printed		9999999388	VALLEY INDUSTRIAL COMM.,INC.	radio with carry case	1,568.81

Total Checks: 26

Checks Total (excluding void checks):

31,779.68

Total Payments: 26

Bank Total (excluding void checks):

31,779.68

Total Payments: 26

Grand Total (excluding void checks):

31,779.68

Check Register Report

04/03/2020 ap

Date: 04/03/2020

Time: 12:58 pm

City of Dunsmuir

BANK: U.S. BANK

Page: 1

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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53678	04/03/2020	Printed		10651	ABUNDANT LIFE FAMILY	Sacram.5901, Credit on acct	70.53
53679	04/03/2020	Printed		514	ADVANCED INFOSYSTEMS	billing & postage April 2020	381.50
53680	04/03/2020	Printed		1910	AT&T	lookout point alarm 4841 474	65.76
53681	04/03/2020	Printed		1910	AT&T	River ave lift alarm	90.33
53682	04/03/2020	Printed		1910	AT&T	15 lift alarm phone	90.33
53683	04/03/2020	Printed		1910	AT&T	SR lift alarm	69.14
53684	04/03/2020	Printed		1910	AT&T	WWTP alarm phone	90.33
53685	04/03/2020	Printed		1910	AT&T	SDSA pump alarm phone	90.33
53686	04/03/2020	Printed		2635	BASIC LABORATORY, INC.	wastewater biweekly river	590.60
53687	04/03/2020	Printed		2800	BAXTER AUTO PARTS, INC.	229477,Bill	190.04
53688	04/03/2020	Printed		9437	BLUE STAR GAS	Fire house propane tank	990.39
53689	04/03/2020	Printed		4050	BORGES & MAHONEY	potassium iodide	484.02
53690	04/03/2020	Printed		5227	CALIFORNIA RURAL WATER ASSN	annual crwa membership	816.00
53691	04/03/2020	Printed		5325	REBECCA CATLETT	cleaning March2020	165.00
53692	04/03/2020	Printed		10149	DIVISION OF THE STATE ARCHITECT	1st Quarter DSA 2020	5.20
53693	04/03/2020	Printed		9850	DUNSMUIR TRUE VALUE	March 2020	412.79
53694	04/03/2020	Printed		11255	ELECSYS INTERNATIONAL CORP	month contract April20	223.50
53695	04/03/2020	Printed		9303	FASTENAL COMPANY	tasa heater	567.72
53696	04/03/2020	Printed		31218	MARKET PLACE INSURANCE	Policy#16000621,comm liability	2,503.25
53697	04/03/2020	Printed		39015	PACIFIC POWER	March 2020	7,727.02
53698	04/03/2020	Printed		39851	PITNEY BOWES GLOBAL	lease of postage printer Mar20	166.76
53699	04/03/2020	Printed		47520	SHASTA AUTO SUPPLY	Oil stopleak #401	22.26
53700	04/03/2020	Printed		47669	SISKIYOU OPPORTUNITY CENTER	Blue bag March 20	566.38
53701	04/03/2020	Printed		47676	SMITH BUILDING SERVICES, LLC	building services March20	1,558.33
53702	04/03/2020	Printed		57228	SOLANO'S CONTRACTOR	fire department, wood	84.25
53703	04/03/2020	Printed		48724	STATE CONTROLLER'S OFFICE	street report18/19,19-20	2,389.18
53704	04/03/2020	Printed		48728	STATE WATER RESOURCES	WWTP operator certificate LaRu	115.00
53705	04/03/2020	Printed		53810	US BANK EQUIPMENT FINANCE	printer/copiers	870.51
53706	04/03/2020	Printed		50850	VERIZON WIRELESS	waste water/ public works phon	89.42
53707	04/03/2020	Printed		50850	VERIZON WIRELESS	Fire dep phone33275-0001	146.34

Total Checks: 30 Checks Total (excluding void checks): 21,632.21

Total Payments: 30 Bank Total (excluding void checks): 21,632.21

Total Payments: 30 Grand Total (excluding void checks): 21,632.21

Check Register Report

Date: 05/29/2020

Time: 12:21 pm

Page: 1

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
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53736	04/10/2020	Printed			40485	PRINTING SYSTEMS, INC.	P/R checks	441.78
53758	04/24/2020	Printed			10654	AL MORRIS LAND SURVEYING	field survey 030-310-150	5,000.00
53759	04/24/2020	Printed			10640	ALLEN, MARK	Phone case for work	30.00
53763	04/24/2020	Printed			10353	GARY BENSON	May Rent 2020	725.00
53765	04/24/2020	Printed			39466	JO PETERSON DESIGN WORKS, INC.	McClellan/ De Asis plan check	1,152.24
53768	04/24/2020	Printed			47211	S.C.A.T. SISKIYOU CO	SCAT 2020 Dues	75.00
53770	04/24/2020	Printed			53806	USA BLUE BOOK, INC	porcelain crucibles	227.37
53771	05/01/2020	Printed			1910	AT&T	15 lift alarm	90.10
53772	05/01/2020	Printed			1910	AT&T	look out point alarm	65.64
53773	05/01/2020	Printed			1910	AT&T	VWTP alarm	90.10
53774	05/01/2020	Printed			1910	AT&T	sdsa pump alarm	90.10
53775	05/01/2020	Printed			1910	AT&T	river av lift station alarm	90.10
53776	05/01/2020	Printed			1910	AT&T	sr lift alarm	68.91
53777	05/01/2020	Printed			2635	BASIC LABORATORY, INC.	waste water weekly river	291.60
53778	05/01/2020	Printed			10541	DYLAN CALZONI	1st Qtr Firemans 2020	6.50
53779	05/01/2020	Printed			5325	REBECCA CATLETT	cleaning April2020	280.50
53780	05/01/2020	Printed			9820	CITY OF DUNSMUIR	water deposit return	1,260.00
53781	05/01/2020	Printed			6325	CLEMENS WASTE REMOVAL	ex Ga, Dmpstr rental, contract	12,840.18
53782	05/01/2020	Printed			6325	CLEMENS WASTE REMOVAL	can rental and recycling	2,080.25
53783	05/01/2020	Printed			6630	ANTHONY CONGI	1st Qtr Firemans 2020	321.50
53784	05/01/2020	Printed			10638	DE ASIS, KALYN	water dep. return 5956Castle	180.00
53785	05/01/2020	Printed			7899	JOHN A. DELGADO	1st Qtr Firemans 2020	152.50
53786	05/01/2020	Printed			9830	DUNSMUIR VOL. FIREMAN'S ASSOC	Dues for 1st Qtr 2020	660.00
53787	05/01/2020	Printed			11255	ELECSYS INTERNATIONAL CORP	monthly contract	223.50
53788	05/01/2020	Printed			12122	EMERGENCY MEDICAL PRODUCTS,INC	disinfectant spr	472.40
53789	05/01/2020	Printed			5219	FERGUSON ENTERPRISES INC,1423	cnrct bld, pump, clmp	890.34
53790	05/01/2020	Printed			10203	FINEST PLANET	tauhindauli park web host	120.00
53791	05/01/2020	Printed			10560	FORD & ASSOCIATES LLC	Runway grant	3,165.00
53792	05/01/2020	Printed			3000	FREMOUW ENVIRONMENTAL SERVICES	hazmat removal of oil	1,958.20
53793	05/01/2020	Printed			9273	RONALD L. GRIFFITH	1st Qtr Firemans 2020	81.00
53794	05/01/2020	Printed			18600	JOSEPH HATTEN	1st Qtr Firemans 2020	256.50
53795	05/01/2020	Printed			18610	A.C. HEILMAN	1st Qtr Firemans 2020	172.00
53796	05/01/2020	Printed			10571	HINES, LINDSEY	1st Qtr Firemans 2020	7.50
53797	05/01/2020	Printed			10572	HINES, THELMA MARIELLA	1st Qtr Firemans 2020	42.00
53798	05/01/2020	Printed			19592	MARLENE HINES	1st Qtr Firemans 2020	15.00
53799	05/01/2020	Printed			19597	MARTIN HINES	1st Qtr Firemans 2020	87.50
53800	05/01/2020	Printed			19595	PATRICK J. HINES	1st Qtr Firemans 2020	87.50
53801	05/01/2020	Printed			21809	NICHOLAS B. IMHOFF	1st Qtr Firemans 2020	237.00
53802	05/01/2020	Printed			24875	LILLY JONES	April Cemetary maint.	825.00
53803	05/01/2020	Printed			31605	EUGENE MEYER	1st Qtr Firemans 2020	302.00
53804	05/01/2020	Printed			31610	LOU MEYER	1st Qtr Firemans 2020	165.50
53805	05/01/2020	Printed			9274	WILLIAM R. O'CONNOR	1st Qtr Firemans 2020	8.50
53806	05/01/2020	Printed			39015	PACIFIC POWER	April buliding/grounds power	6,886.77
53807	05/01/2020	Printed			39015	PACIFIC POWER	river ave sewage lift	105.38
53808	05/01/2020	Printed			10570	PAULUS, DEVON	1st Qtr Firemans 2020	7.50
53809	05/01/2020	Printed			9468	JOSHUA S. PAULUS	1st Qtr Firemans 2020	204.50
53810	05/01/2020	Printed			10655	PURVIS, JONATHAN	water dep. return 4507Gleaves	180.00
53811	05/01/2020	Printed			10633	ROWLEY, KYLE	1st Qtr Firemans 2020	48.50
53812	05/01/2020	Printed			45110	MARIO J. RUBINO	April 2020	50.00
53813	05/01/2020	Printed			10587	SCI CONSULTING GROUP	Cannabis consulting BCO	3,513.95
53814	05/01/2020	Printed			47520	SHASTA AUTO SUPPLY	gloves	205.81
53815	05/01/2020	Printed			47659	SISKIYOU COUNTY EDC	April 2020	500.00
53816	05/01/2020	Printed			10652	SMITH, JACOB	1st Qtr Firemans 2020	42.00

Check Register Report

Date: 05/29/2020

Time: 12:21 pm

Page: 2

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
U.S. BANK Checks								
53817	05/01/2020	Printed			57228	SOLANO'S CONTRACTOR	lawn sprinklers	65.69
53818	05/01/2020	Printed			10286	JOSH SPURLOCK	1st Qtr Firemans 2020	165.50
53819	05/01/2020	Printed			21016	BRIAN A. TAYLOR .	1st Qtr Firemans 2020	14.00
53820	05/01/2020	Printed			5050	THOMPSON, DAVE	1st Qtr Firemans 2020	624.50
53821	05/01/2020	Printed			53806	USA BLUE BOOK, INC	syringe 60cc lok tip	49.96
53822	05/01/2020	Printed			53806	USA BLUE BOOK, INC	buffer pack/ pump	341.21
53823	05/08/2020	Printed			514	ADVANCED INFOSYSTEMS	Billing/Postage April2020	382.05
53824	05/08/2020	Printed			2635	BASIC LABORATORY, INC.	drinking water weekly	486.60
53825	05/08/2020	Printed			9999992265	BAT ELECTRIC, INC.	time delay relay	145.48
53826	05/08/2020	Printed			2800	BAXTER AUTO PARTS, INC.	HD AW 46	56.96
53827	05/08/2020	Printed			9820	CITY OF DUNSMUIR	treatment plant	520.00
53828	05/08/2020	Printed			6325	CLEMENS WASTE REMOVAL	weight/dump fees	5,745.60
53829	05/08/2020	Printed			9850	DUNSMUIR TRUE VALUE	April2020	381.16
53830	05/08/2020	Printed			5219	FERGUSON ENTERPRISES INC,1423	12X7 Rep clmp	250.13
53831	05/08/2020	Printed			47610	FISCHER'S SISKIYOU	Rortable Restroom Amtrak	1,200.28
53832	05/08/2020	Printed			31209	PAUL R. MALONE ATTY.	Yearly rent parking lot on Dun	2,400.00
53833	05/08/2020	Printed			10656	RUDNER, CHRISTY	Wtr Dep Return Act351221	140.00
53834	05/08/2020	Printed			10543	SCP POOL CORP	soda ash lite	1,303.67
53835	05/08/2020	Printed			12022	SIRENNET.COM	push bumper for fire truck	848.80
53836	05/08/2020	Printed			10289	SISKIYOU CO TOURISM IMPROV DIS	Jan20-Mar2020	5,358.95
53837	05/08/2020	Printed			47676	SMITH BUILDING SERVICES, LLC	Building services April2020	1,558.33
53838	05/08/2020	Printed			53810	US BANK EQUIPMENT FINANCE	Printers copiers	966.51
53839	05/08/2020	Printed			50850	VERIZON WIRELESS	Bill, Ron, Mark phones	264.93
53840	05/08/2020	Printed			50850	VERIZON WIRELESS	Fire Department, Dan phone	153.16
53841	05/15/2020	Printed			3572	ANTHEM BLUE CROSS	June life insurance 2020	228.61
53842	05/15/2020	Printed			1910	AT&T	wwtp fax lineApril2020	40.50
53843	05/15/2020	Printed			2635	BASIC LABORATORY, INC.	ww biweekly test	380.60
53844	05/15/2020	Printed			2800	BAXTER AUTO PARTS, INC.	12v psnger car battery	129.99
53845	05/15/2020	Printed			5325	REBECCA CATLETT	cleaning	346.50
53846	05/15/2020	Printed			9303	FASTENAL COMPANY	xl gloves	224.01
53847	05/15/2020	Printed			25317	KENNY & NORINE	Dunsmuir referendum wilde vis.	2,405.40
53848	05/15/2020	Printed			31212	MANFREDI'S DEPOT	Fire dept gas April2020	223.37
53849	05/15/2020	Printed			31625	MEYER & SONS HEATING	water main repair/ meter proj.	190.31
53850	05/15/2020	Printed			33120	MOUNTAIN COUNTIES SUPPLY CO.	April fuel 2020	1,424.27
53851	05/15/2020	Printed			10650	MT. SHASTA IT SERVICES, INC	ContractApril2020	1,200.00
53852	05/15/2020	Printed			39005	PACE ENGINEERING, INC.	mossbrae springs improve	15,061.90
53853	05/15/2020	Printed			39015	PACIFIC POWER	mott airport rd lites	18.19
53854	05/15/2020	Printed			39043	PAINT MARTS	paint gun filter,strainer, tip	47.37
53855	05/15/2020	Printed			47659	SISKIYOU COUNTY EDC	may2020	500.00
53856	05/15/2020	Printed			47669	SISKIYOU OPPORTUNITY CENTER	blue bag program April2020	566.38
53857	05/15/2020	Printed			9413	STATEWIDE TRAFFIC SAFETY	paint for road repair/sidewalk	1,734.61
53858	05/15/2020	Printed			49875	TERMINIX INTERNATIONAL	5714Duns. ave Library yearly	215.34
53859	05/15/2020	Printed			10503	THATCHER CO. OF CALIFORNIA	Chlorine and sulfur dioxide	2,980.52
53860	05/18/2020	Printed			33149	MT SHASTA TITLE & ESCROW	Official title search4122Bran	400.00
53861	05/22/2020	Printed			2635	BASIC LABORATORY, INC.	groundwater qtrly WWTP	1,596.00
53862	05/22/2020	Printed			4050	BORGES & MAHONEY	buffer solution iodate concent	312.53
53863	05/22/2020	Printed			9820	CITY OF DUNSMUIR	wtr dep return act18017 schafe	720.00
53864	05/22/2020	Printed			9303	FASTENAL COMPANY	fruit punch rtd	69.08
53865	05/22/2020	Printed			10560	FORD & ASSOCIATES LLC	runway construction grant	3,320.00
53866	05/22/2020	Printed			17013	GOLD NUGGET PRINTING CO.	triplicate receipt Front count	314.20
53867	05/22/2020	Printed			18200	HACH COMPANY	Chlorine, TNT amver 50test	494.40
53868	05/22/2020	Printed			7260	L.N. CURTIS AND SONS, INC	fire tactical pants	420.17
53869	05/22/2020	Printed			10659	LAW ENFORCEMENT SYSTEMS, INC.	parking violation label	54.00

Check Register Report

Date: 05/29/2020

Time: 12:21 pm

Page: 3

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
U.S. BANK Checks								
53870	05/22/2020	Printed			9870	MT SHASTA AREA NEWSPAPERS	planning commision vac	210.00
53871	05/22/2020	Printed			9870	MT SHASTA AREA NEWSPAPERS	public hearing Duns. Tire/DOG	139.38
53872	05/22/2020	Printed			9201	O'REILLY AUTO PARTS	floor dry/ pw shop	10.76
53873	05/22/2020	Printed			39015	PACIFIC POWER	Street lights 63601721-015	1,446.02
53874	05/22/2020	Printed			39015	PACIFIC POWER	15 willow st pump lift	9.29
53875	05/22/2020	Printed			40485	PRINTING SYSTEMS, INC.	PC-207631 payroll checks	218.83
53876	05/22/2020	Printed			10613	TINSMAN, RICHARD	March2020 planning	10,450.00
53877	05/22/2020	Printed			53813	US BANK CORP PAYMENT SYSTEMS	credit card Bill April2020	1,359.08
53878	05/22/2020	Printed			53806	USA BLUE BOOK, INC	kimwipes/ gloves	157.71
53879	05/22/2020	Printed			60005	YREKA TRANSFER COMPANY	Dump box at 4200 sac ave	2,807.13
53880	05/29/2020	Printed			9277	A CUT ABOVE TREE SERVICE, INC	grind stumps at 5701,5816Duns	576.00
53881	05/29/2020	Printed			1910	AT&T	lookout point 235 4841	65.68
53882	05/29/2020	Printed			1910	AT&T	SR lift alarm 235-0715 May20	68.99
53883	05/29/2020	Printed			1910	AT&T	15 lift alarm 235-4363	90.18
53884	05/29/2020	Printed			1910	AT&T	SDSA pump 235-2208 May20	90.18
53885	05/29/2020	Printed			1910	AT&T	river ave lift alarm May2020	90.18
53886	05/29/2020	Printed			1910	AT&T	WWTP alarm 235-0850 May20	90.18
53887	05/29/2020	Printed			2635	BASIC LABORATORY, INC.	drinking water weekly test	33.60
53888	05/29/2020	Printed			10353	GARY BENSON	Children's park rent June2020	725.00
53889	05/29/2020	Printed			9437	BLUE STAR GAS	Library tank 04-1018843	573.48
53890	05/29/2020	Printed			5325	REBECCA CATLETT	May2020 cleaning	363.00
53891	05/29/2020	Printed			6325	CLEMENS WASTE REMOVAL	Cen rental and Recycling	2,080.25
53892	05/29/2020	Printed			6325	CLEMENS WASTE REMOVAL	May2020	12,845.65
53893	05/29/2020	Printed			11255	ELECSYS INTERNATIONAL CORP	Monthly maint. contract	223.50
53894	05/29/2020	Printed			5219	FERGUSON ENTERPRISES INC,1423	4"OD repair clamps	596.18
53895	05/29/2020	Printed			24875	LILLY JONES	May 2020 Cemetary	825.00
53896	05/29/2020	Printed			7260	L.N. CURTIS AND SONS, INC	Tactical pants and boots	610.88
53897	05/29/2020	Printed			39015	PACIFIC POWER	River Ave sewage lift	66.89
53898	05/29/2020	Printed			39015	PACIFIC POWER	April May 2020	5,753.49
53899	05/29/2020	Printed			45110	MARIO J. RUBINO	Treasurer May 2020	50.00

Total Checks: 136

Checks Total (excluding void checks): 148,748.45

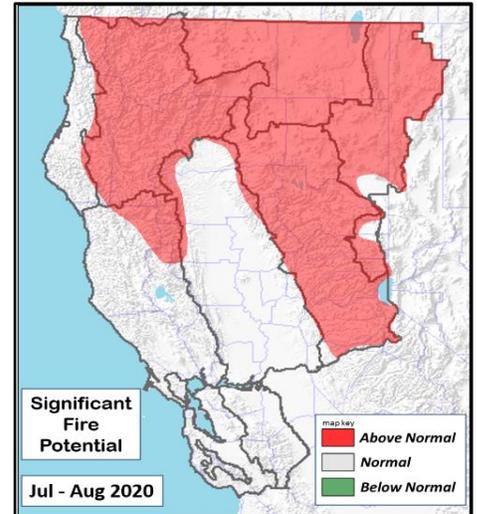
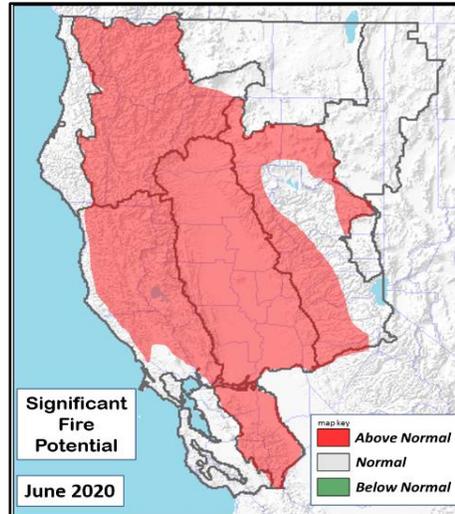
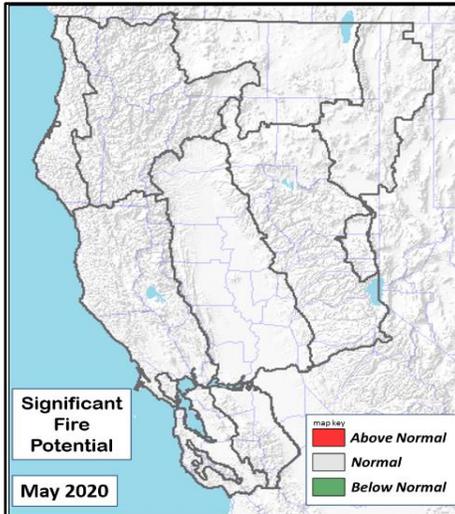
Total Payments: 136

Bank Total (excluding void checks): 148,748.45

Total Payments: 136

Grand Total (excluding void checks): 148,748.45

SIGNIFICANT FIRE POTENTIAL



May - August 2020 North Ops Highlights

- **Dry 2019-2020 rainy season winding down. Many areas 50-70% of ave. Light snow pack to melt off by early June, weeks earlier than usual**
- **Dead fuel moisture values below average, comparable to early June**
- **Low elevation (< 3000 ft) grass crop - above normal fuel loading again. Curing throughout May. Initial Attack increasing late in May**
- **Below average green up expected at mid/upper elevations, becoming critically dry several weeks earlier than usual**
- **Warmer and drier than normal May-August**
- **Some May/June lightning. Below average summer lightning. More than average number of N-NE/Offshore wind days through June**
- **Normal Significant Fire Potential all areas through May**
- **Above Normal many areas below 6000 ft elevations in June**
- **Most areas above 3000 ft increasing to Above Normal in July-August**

WEATHER DISCUSSION

Low pressure systems moved through the North Ops region with rain and mountain snow often enough in early April to cause a slight improvement in seasonal rainfall and the snow pack. The second half of April was warmer and drier. The monthly total precipitation ended up above normal only in southern and southeastern areas and one small area in the northern Coast Range (**Fig 1**). Precipitation since the rainy season began on October 1, 2019 remains well below average (**Fig 2**). Much of the region is at 50-70% of normal for the season as we enter the final and driest months of the rain year. Temperatures were above average in most areas, with the warmest areas in the Sacramento Valley and over to Mendocino County (**Fig 3**). The equatorial Pacific is currently in the ENSO-neutral category, but close to the El Niño threshold. It is expected to cool over the next several months, but still remain neutral (**Fig 4**). Current outlooks show some disagreement in the weather outlooks, and there are signs that a La Niña event is possible in the fall and winter.

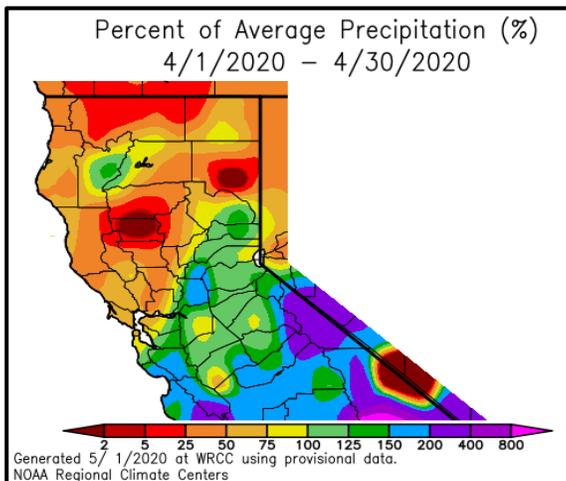


Fig 1: April Precipitation (% of Ave.)

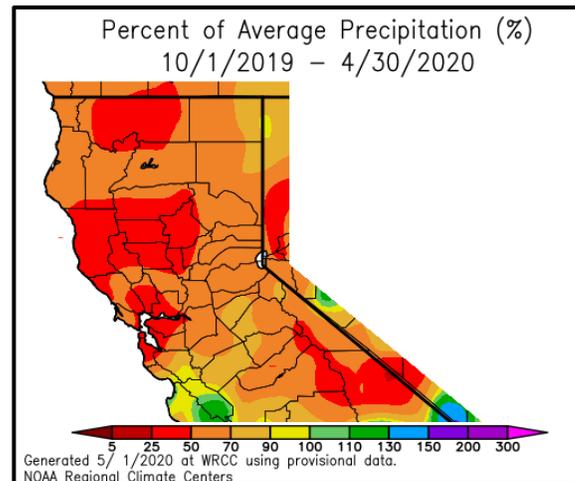


Fig 2: Pcpn (% of Ave.) Since Oct 1, 2019

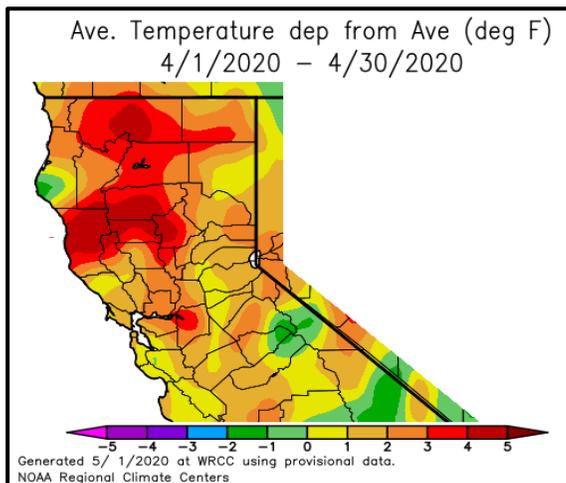


Fig 3: April Temp. (Dept. from Ave.)

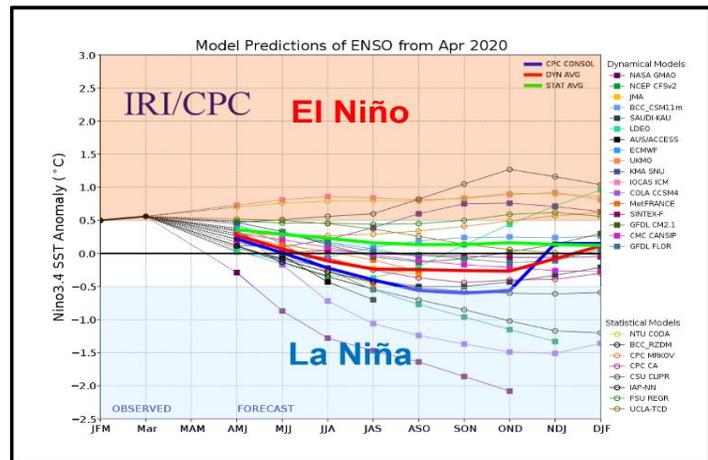


Fig 4: ENSO Status - Expected to remain neutral into the summer

FUELS AND DROUGHT

The U. S. Drought Monitor for California shows the impact of the warm, dry, and occasionally breezy weather in the past three months. Portions of NW CA are now considered to be in Extreme Drought, and the majority of the remainder of the region is in Moderate or Severe Drought (Fig 5). To the west of the Cascade-Sierra crest a new green grass crop came in more robust than usual, and it is now beginning to rapidly cure out. Middle and upper elevations are seeing dead fuels continue to dry, and green-up is expected to be weak, with relatively low peak live fuel moisture values coming several weeks earlier than usual. The North Ops average 1000-hr fuel moisture chart (Fig 6) shows that dead fuel moisture values are below normal and comparable to values typically seen in early June. The drying of dead fuels in most areas is happening at a more rapid pace than usual. The high elevation snow pack peaked in early April at 66% of the average peak, and it has melted rapidly since then. As May begins the northern section is at only 25% of normal for the date (Fig 7). Occasional wet weather in the coming weeks will only serve to temporarily slow the pace of fuel-drying and snow-melting. Early season storms came with low snow levels, leaving soils and dead fuels beneath the snow pack fairly dry, and this will lead to lighter runoff amounts and less moisture available for the green-up phase. In general, fuels at all elevations will reach critically dry levels about a month earlier than usual, and up to two months earlier than in 2019.

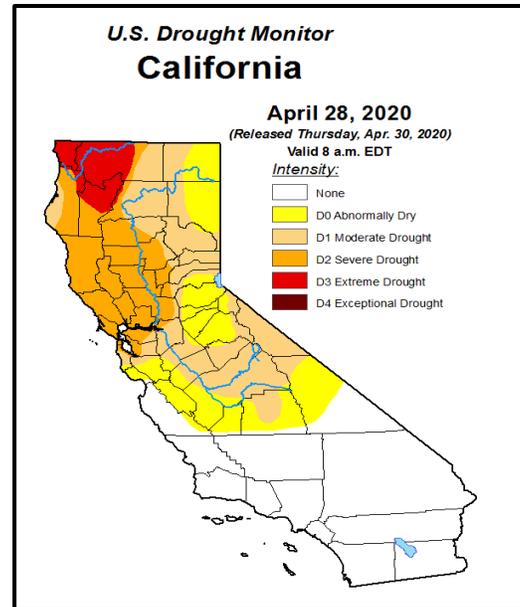


Fig 5: California Drought Monitor for April 28, 2020

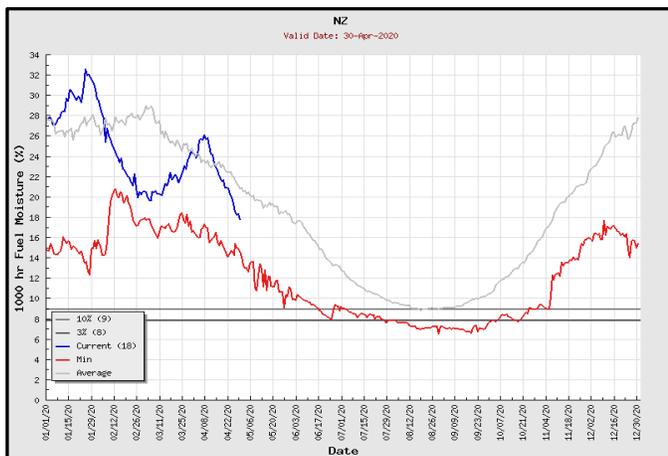


Fig 6: North Ops 1000 hr FM April 30, 2020
blue = 2020 grey = average red = record

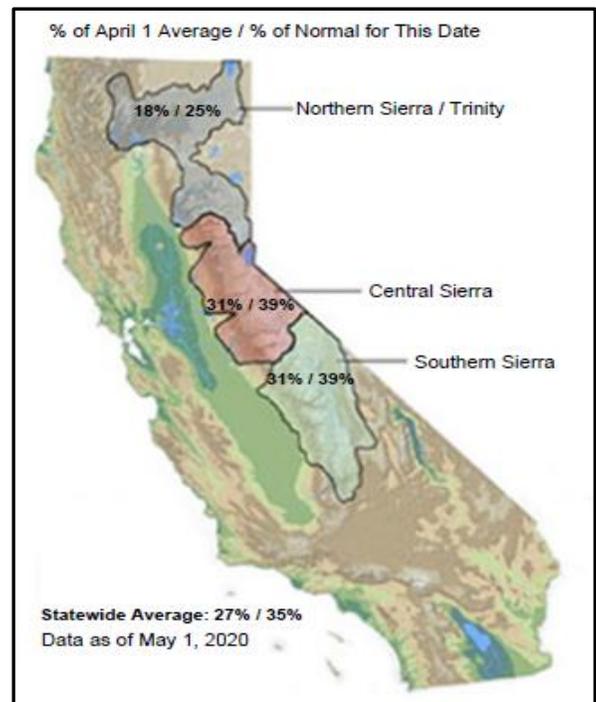


Fig 7: High el. snow pack (N) is at 25% of normal water content for May 1st

NORTHERN OPERATIONS MONTHLY/SEASONAL OUTLOOK

ISSUED MAY 1, 2020

VALID MAY - AUG 2020



NORTH OPS OUTLOOK

The official Predictive Services outlook, produced in mid April, calls for drier and warmer than average conditions in the North Ops region during May-August (**Fig 8**). A transitory weather pattern is expected, meaning that low and high pressure systems move through the region at a greater frequency than usual. Occasional frontal systems are expected to move through during May-June, bringing a chance of showers and thunderstorms. N-NE/Offshore wind events are also expected to develop more often than usual through June, and possibly into early July. The annual fine fuel crop, with above normal fuel loading again this year, is expected to cure enough to be able to spread fire easily beginning in June, so N-NE/Offshore wind events could easily produce a high risk of large fires beginning in June. The SW Desert monsoon pattern is expected to be weaker than normal this summer and impact the North Ops region less than usual. This would lead to less than the usual amount of lightning in July-August. In general, however, any lightning below 6000 ft elevation will pose a threat of large fires beginning in June due to very dry fuels, and the same applies to elevations above 6000 ft beginning in July. **The North Ops region has Normal Significant Fire Potential in all areas in May, although Initial Attack will likely increase late in the month. A large area of the region, mainly west of the Cascade-Sierra crest and below 6000 ft, has Above Normal Potential in June, followed by most areas at 3000 ft and above in July and August.**

Normal is defined as less than 1 large fire per PSA in May. In June Normal is 2 or more large fires in the East Side, Sacramento Valley/Foothills, and Diablo-Santa Cruz PSAs, and 1.2 or fewer large fires in the Nrn Sierra and all other PSAs. In July Normal is 2-3 large fires in the Sacramento Valley and NW Mts PSAs, and 1-2 large fires in all other PSAs. In August the Bay Area averages around 1 large fire in each PSA, while the remainder of the PSAs average between 2 and 6 large fires.

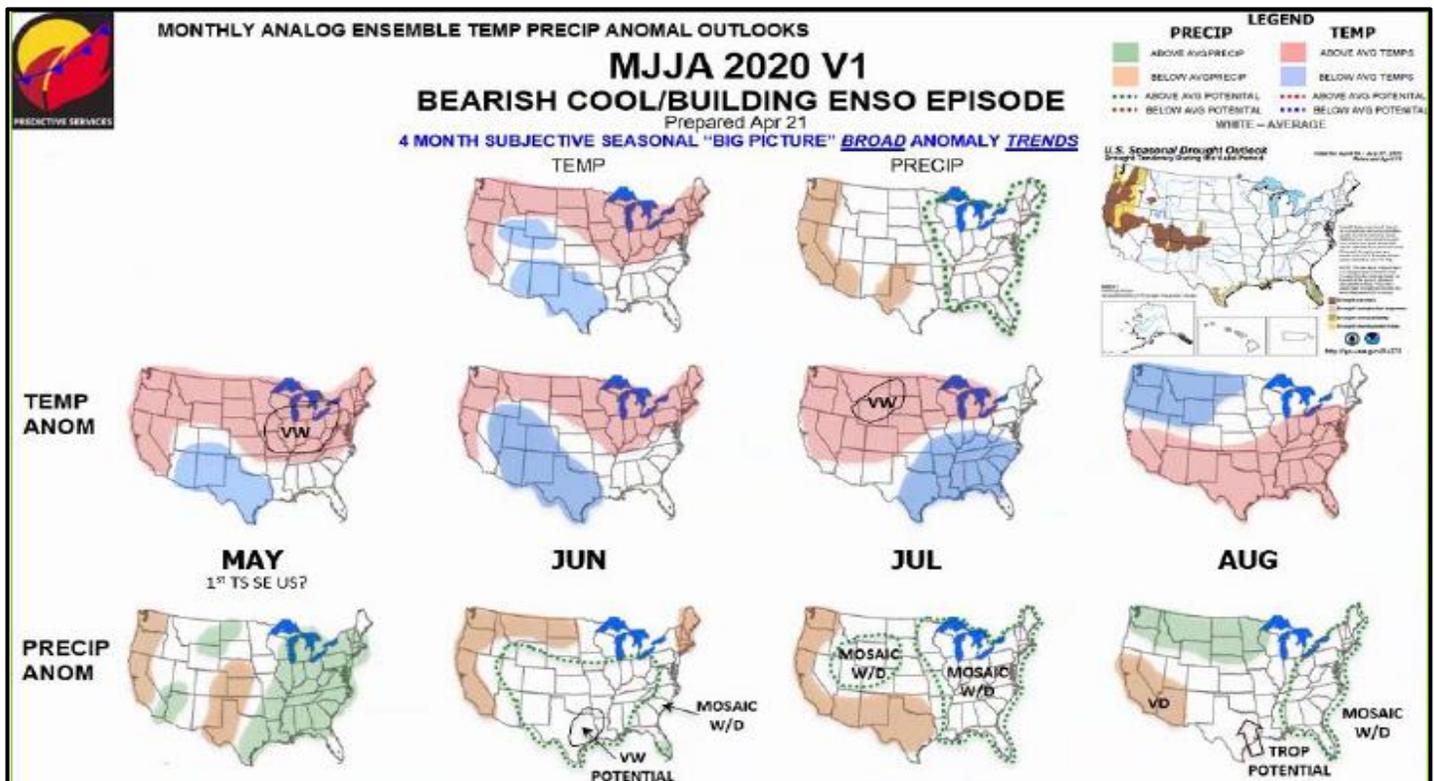


Fig 8: Predictive Services graphical Outlook for May - August 2020



STAFF REPORT	
RE Adoption of an Administrative Citation Process	MEETING DATE: 6/4/2020
SUBMITTED BY: Todd Juhasz, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

Request that City Council adopt an ordinance creating an Administrative Citation and Appeals Process for the enforcement of code enforcement violations. This requires amendments to sections 1.09, 8.16, and 8.17 of the Dunsmuir Municipal Code

BACKGROUND/DISCUSSION:

Since the hiring of a Code Enforcement Officer and the resumption of ticketing for infractions, it has become clear that the City needs to adopt an administrative appeals process where complainants can appeal code enforcement violation related fines. It further clarifies administrative procedures including the appointment of an Administrative Hearings Officer. This ordinance amends sections 1.09, 8.16, and 8.17 of the Dunsmuir Municipal Code.

OPTIONS:

Approve the adoption of an Administrative Citation Process

FISCAL IMPACT:

None Yes Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase:

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other: Water Improvement Fund

SUGGESTED MOTIONS: Motion approve an ordinance adopting an Administrative Citation Process

Attachments:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR ADDING OR AMENDING CHAPTERS 1.09, 8.16, AND 8.17 OF THE CITY MUNICIPAL CODE

The City Council of the City of Dunsmuir ordains as follows:

Section 1: Finding and Purpose

The City Council finds and declares that an Administrative Citation Process is needed as an alternative remedy for code enforcement in the City of Dunsmuir.

Section 2: Addition of Chapter 1.09, amending Chapter 8.16, and addition of Chapter 8.17 of the City Municipal Code

Whereby the City of Dunsmuir ordains to add or amend Chapters 1.09, 8.16, and 8.17 of the City Municipal Code to read as follows:

Chapter 1.09 – ADMINISTRATIVE CITATIONS

Sections:

1.09.010 - Findings and purpose.

The city council hereby finds that there is a need for an alternative method of code enforcement to the traditional civil, criminal or administrative abatement actions, to effect compliance with the City of Dunsmuir Municipal Code, its adopted codes and applicable state codes. The city council further finds that an appropriate alternative method of enforcement for code violations is an administrative citation program as authorized by Government Code section 53069.4.

The procedures established in this chapter will be in addition to criminal, civil or administrative abatement or any other legal remedy established by law, which may be pursued to address violations of the City of Dunsmuir Municipal Code, its adopted codes or applicable state codes.

Use of this chapter will be at the sole discretion of the city.

1.09.020 - Definitions.

"Administrative citation" means the written notice provided to a responsible person to inform that person of a violation of this code, its adopted codes or applicable state codes.

"Enforcement officer" means any officer or employee of the city, including his or her designee, with the authority to enforce this code, its adopted codes or applicable state codes.

"Hearing officer" means the hearing officer appointed by the city council or the city manager. The hearing officer may be a city employee, but in that event the hearing officer shall

not have had any responsibility for the investigation, prosecution or enforcement of this chapter and shall not have had any personal involvement in the proceeding to be heard within the past twelve months or possess any disqualifying interest in the outcome of the proceeding.

"Non-emergency health or safety violation" means a violation of any building, plumbing, electrical or other similar structural or zoning ordinance which does not create an immediate danger to health or safety.

"Responsible person" shall mean either of the following:

1. Any individual or legal entity who is the owner, tenant, co-tenant, lessee, sub-lessee, occupant or other person with any right to possession of the real property, owner or authorized agent of any business, company or entity, who causes, permits or maintains a violation of this code, its adopted codes or applicable state codes.
2. Any individual, legal entity or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of this code, its adopted codes or applicable state codes.

1.09.030 - Authority.

A. Any responsible person violating any provision of this code, its adopted codes or applicable state codes will be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, all violations of this code, the uniform codes adopted by the city council, or failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code.

B. Each and every day or portion thereof that a violation of this code, its adopted codes or applicable state codes exists constitutes a separate and distinct offense.

C. A civil fine shall be assessed by means of an administrative citation issued by an enforcement officer and shall be payable directly to the city.

D. Except where otherwise provided in this code, fines shall be assessed in the amounts specified by resolution of the city council, or where no amount is specified, fines shall be assessed in an amount not exceeding:

1. One hundred dollars (\$100.00) for a first violation, per section 1.09.060 of this chapter;
2. Two hundred dollars (\$200.00) for a second, or continuance of the same violation, of the same provision (other than a building and safety code provision) within one year, and five hundred dollars (\$500.00) for a violation of a building and safety code provision;

3. Five hundred dollars (\$500.00) for a third, or continuance violation of the same provision (other than a building and safety code provision) within one year and one thousand (\$1,000) for a violation of a building and safety code provision;
4. One thousand dollars (\$1,000.00) for each additional, or continuance of the same violation of a building and safety code provision.

1.09.040 - Service procedures.

The enforcement officer will endeavor to elicit voluntary compliance. In the case of non-compliance, an administrative citation form will be issued to the responsible person by the enforcement officer for violations of this code, its adopted codes or applicable state codes in the following manner:

A. Personal service.

The enforcement officer shall attempt to locate and personally serve the responsible person and, if possible, obtain the signature of the responsible person on the administrative citation. If the served responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

B. Service of citation by mail.

1. If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a return receipt requested. Simultaneously, the administrative citation may be sent by first class mail.
2. Service by mail will be sent to the responsible person's address as shown on public records or as known to the city. If the administrative citation is sent by certified mail and returned receipt is unsigned, then service shall be deemed effective by first class mail, provided the administrative citation sent by the first class mail is not returned.
3. Service of the administrative citation shall be deemed effective five (5) days following deposit of such citation in the U.S. mail.

C. Service of citation by posting notice.

1. If the enforcement officer does not succeed in serving the responsible person personally or by certified or first class mail, the enforcement officer will post the administrative citation in a conspicuous location on any real property within the city in which the city has knowledge that the responsible person has a legal interest.
2. Posting of the administrative citation shall be deemed effective service as of the date that the citation is actually posted.

1.09.050 - Contents of notice.

Each administrative citation will contain the following information:

- A. Date, approximate time and address or definite description of the location where the violation(s) was observed;
- B. The code section(s) or condition(s) violated and a description of the violation(s);
- C. A description of the action required to correct the violation(s);
- D. An order to the responsible person to correct the violation(s) by a correction date and an explanation of the consequences of failure to correct the violation(s);
- E. The amount of the fine for the violation(s);
- F. An explanation of how the fine shall be paid, the deadline by which it shall be paid, and the place to which the fine shall be paid;
- G. An order prohibiting the continuation or repeated occurrence of the code violation(s) described in the administrative citation;
- H. Identification of rights of appeal, including the time within which the administrative citation may be contested and the place to obtain a Notice of Appeal and Request for Hearing form to contest the administrative citation; and
- I. The name and signature of the enforcement officer and, if possible, the signature of the responsible person.

1.09.060 - Satisfaction of administrative citation.

- A. Upon receipt of an administrative citation, the responsible person shall do the following:
 - 1. Remedy the violation(s) if the violation(s) is of such a nature that it can be remedied. If a non-emergency health or safety violation(s) is corrected before the correction date provided on the administrative citation, no fine will be imposed.
 - 2. Pay the fine to the city within fifteen (15) calendar days from the date on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city;
- B. If the responsible person fails to correct the violation(s) set forth in the administrative citation, subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at the rate specified in section 1.09.030.

1.09.070 - Appeal of administrative citation.

A. Any recipient of an administrative citation may contest that there was a violation of this code or that he or she is the responsible person by completing a Notice of Appeal and Request for Hearing form and filing it with the city clerk within fifteen (15) calendar days from the date of issuance of the administrative citation, together with an advance deposit of the total amount of the fine, or the timely filing of a Request for an Advance Deposit Hardship Waiver form pursuant to section 1.09.080. Any administrative citation fine, which has been deposited, shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

B. In addition to the requirements listed in section 1.09.070, any appeal of the administrative citation shall include a detailed written explanation as to the grounds for appeal of the administrative citation. Any appeal shall be limited to such written grounds.

C. Appeals of administrative citations will be conducted pursuant to the following procedures:

1. A hearing will be set for a date that is not less than fifteen (15) days and not more than ninety (90) days from the date that the request for hearing is filed in accordance with the provisions of this chapter.

2. At the hearing, the party contesting the administrative citation will be given the opportunity to testify and to present evidence concerning the administrative citation.

3. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

4. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the citation prior to issuing a written decision.

1.09.080 - Advance deposit hardship waiver.

A. Any person who intends to request a hearing to contest an administrative citation and who is financially unable to make the advance deposit of the fine may file a Request for an Advance Deposit Hardship Waiver form, available from the city clerk.

B. The request shall be filed with the city clerk within five (5) days of the date of the issuance of the administrative citation.

C. The requirement of depositing the full amount of the fine, as described in section 1.09.030, shall be stayed unless or until the city manager makes a determination not to issue the advance deposit hardship waiver.

D. The city manager may waive the requirement for advance deposit only if the cited party submits to the city manager a declaration under penalty of perjury supported by evidence that

shows to the city manager's reasonable satisfaction that such party is financially unable to deposit the total amount of the fine in advance of the hearing.

E. If the city manager determines not to issue an advance deposit hardship waiver, the cited party shall remit the deposit to the city within five (5) days of the date of that decision or fifteen (15) days from the date of issuance of the administrative citation, whichever is later.

F. The city manager shall list his/her reasons for granting or not granting an advance deposit hardship waiver in writing and serve it on the cited party. The city manager's decision is final.

1.09.090 - Hearing officer's decision.

A. If the hearing officer determines that the administrative citation should be upheld, then the city will retain the fine amount on deposit with the city.

B. If the hearing officer determines that the administrative citation should be upheld, and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer will set a fine payment schedule for the payment of the fine.

C. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city will promptly refund the amount of the deposited fine.

1.09.100 - Failure to pay fines.

A. The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation may result in the matter being referred to the city attorney to file a claim with the applicable court. Alternatively, the city may pursue any other legal remedy to collect the civil fines, including, but not limited to, a lien pursuant to section 8.17.070 or special assessment pursuant to section 8.17.080.

B. Any person who fails to pay to the city any fine imposed pursuant to this chapter on or before the date that fine is due also shall be liable for the payment of a onetime late payment charge in the amount of twenty-five dollars (\$25.00), plus interest at the maximum rate permitted by law.

C. The payment of any administrative fine shall not excuse or otherwise provide any defense to the continued violation of any provision of this code.

1.09.110 - Notices.

A. The administrative citation and all notices to be given by this chapter shall be served on the responsible person in accordance with the provisions of section 1.09.040.

B. Failure to receive actual notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

Chapter 8.16 – NUISANCE ABATEMENT

Sections:

8.16.010 - Purpose.

This chapter is adopted for the purpose of defining those conditions of real property in the city which constitute nuisances; and for the further purpose of establishing procedures for ordering the abatement of a nuisance; authorizing city personnel to undertake the work necessary to abate such nuisance in the event of noncompliance with such abatement order; levying an assessment against the owner of the property on which such nuisance abatement work was performed in the amount of city's abatement costs; and either causing a lien to be recorded against such property in the amount of such assessment costs or causing such assessment to be added to Siskiyou County assessment rolls and collected at the same time and in the same manner as property taxes.

8.16.020 - Findings.

The city council hereby finds:

- A. That there are numerous buildings, structures and other conditions on or pertaining to real property located in the city which constitute nuisances as defined in this chapter;
- B. That continued existence of such nuisances is injurious to the public health, safety and welfare;
- C. That abatement of such nuisances in the manner provided by this chapter is a proper exercise of the city's police powers and is specifically authorized by Government Code (commencing with section 38771); and
- D. That abatement of such nuisances in the manner provided by this chapter is reasonable and affords to the owner of the property on which the nuisance is located all of the due process rights guaranteed by the federal and state constitutions.

8.16.030 - Nuisance defined.

- A Any condition caused or permitted to exist in violation of any of the provisions of this chapter, or its adopted codes, shall be deemed a public nuisance and may be abated by the city.
- B. It shall be unlawful and a public nuisance for any person owning, occupying, leasing or having charge or possession of any property in the city to maintain or allow to be maintained on such property any of the conditions set forth in this section, regardless of whether the property or any structure thereon is vacant or occupied.
 - 1. The exterior accumulation of growths, dirt, litter, rubbish or debris.

2. Broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, junk, trash, rubbish, or other materials or debris, including the dumping, spillage or storage of solids or liquids which may negatively impact the visual or olfactory nature of the area.
3. Buildings, fences or other structures, the exterior walls or windows containing graffiti or other inscribed material or which are cracked, broken, leaning, fallen, decayed, deteriorated or defaced.
4. Any dangerous, unsightly or blighted condition. For purposes of this section, "blighted" shall mean characterized as being in a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including but not limited to conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.
5. Neglected or improperly maintained landscaping, including but not limited to dead, debris laden, weed infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect infestation or lack of water, or the removal or failure to maintain in good condition any landscaping required as a condition to any permit or development approved or included in the project plans or application, without city approval; provided however, that the provision as to dead or dying vegetation due to lack of water shall not to be enforced during a drought year, as determined by the city. For purposes of this subsection, a lawn area shall be deemed overgrown if fifty percent or more of its area exceeds twelve inches in height.
6. A failing septic tank and/or leach field system.
7. An unprotected excavation and/or abandoned and uncovered well.
8. An unfenced or otherwise unprotected swimming pool.
9. Storage or maintenance in a residential zone, visible from public view point - a street, alleyway, sidewalk or right-of-way - of metal storage bins or containers larger than 80 square feet.
10. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a city license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment or garbage bins except while excavation, construction or demolition operations covered by an active building permit or other city projects are in progress on the subject or adjoining property. This subsection shall also apply to situations involving abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, on private or public property, and the abatement thereof.

11. The exterior storage of any number of tires in a manner that allows any accumulation of water or creates a fire hazard.
12. The parking or storage of any boat, trailer, camper, motor home, unregistered or non-operable vehicles or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on property used or zoned for residential purposes, if either:
 - a. located on any front lawn or front yard or driveway within the front yard set back measured from the property boundary line; or
 - b. located in any side yard, so as to prevent a three foot (3 ') wide continuous access way from the front of the property; or
 - c. located on any side yard within the required side yard set back measured from the property boundary line of any corner lot.
13. The use of any trailer, camper or motor home for residential occupancy except on property zoned for mobile home parks or camping.
14. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.
15. Obstruction or encroachment upon any public property, including but not limited to any public street, sidewalk, highway, right-of-way, park or building, without prior city consent. Such obstructions or encroachments include, but are not limited to overgrown trees and shrubs; building materials; merchandise or other personal property; and buildings or portions of buildings or structures protruding onto public property.
16. A building or structure which is constructed, maintained or used in violation of the building, fire or zoning regulations adopted by or pursuant to this code.
17. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause or substantially contribute to an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.
18. Any condition recognized in law or in equity as constituting a public nuisance.
19. Any condition constituting a "substandard building" under section 17920.3 of the California Health and Safety Code.
20. The existence of any property condition which is unlawful or declared to be a public nuisance pursuant to any other provision in this code.

This subsection shall be construed to place an affirmative duty on property owners and occupants to maintain their property in conformity with all applicable codes. The city will have the power to require property owners and occupants to bring their property into compliance with applicable codes, regardless of whether or not the building is occupied.

Each day that any condition which constitutes a public nuisance continues shall be deemed to be a separate violation of this chapter.

8.16.040 - Notice to abate.

A In General. Whenever any property is found by the code enforcement officer to contain a public nuisance as declared by this chapter, he or she will notify the owner of such property in writing by issuing a Notice to Abate. The notice will state the conditions which constitute the public nuisance, and will order the owner to abate said conditions within thirty (30) days after the date of notice. The notice may provide for a shorter period of time in which to abate the public nuisance in the event that (1) the condition which constitutes the public nuisance is not one which makes the property substandard housing as defined by Health & Safety Code section 17920.3, or (2) prior notices to abate the same condition have been sent within the last (90) days and the condition has not been abated.

B. Substandard Housing. Whenever the condition which constitutes a nuisance is a substandard residential building, as defined by Health & Safety Code section 17920.3, then the Notice to Abate required by this section shall be sent not only to the owner, but also to any mortgagee or beneficiary under any deed of trust of record. The notice shall state the conditions which render the building unfit for human habitation and shall order the building or the affected portion of it vacated, and further order that it be either repaired or demolished within thirty (30) days after the date of notice.

If such building is encumbered by a mortgage or deed of trust of record, and the owner does not comply with the Notice to Abate on or before the expiration of thirty (30) days after its mailing and posting, the mortgagee or beneficiary may, within fifteen (15) days after the expiration of said thirty (30) day period, comply with the requirements of the Notice to Abate, in which event the cost of the mortgagee or beneficiary in so doing will be added to and become a part of the lien secured by the mortgage or deed of trust and shall be payable as provided by Title 25 of the Code of California Regulations, section 54.

C. Manner of Giving Notice.

1. General. The notices will be mailed by certified U.S. mail, postage prepaid and return receipt requested, to the owner of the property at the address for the owner shown on the last equalized assessment roll of Siskiyou County. The names and addresses of owners appearing on the assessment roll shall be conclusively deemed to be the proper person and address for the purpose of mailing such notices. In addition, if the property is other than vacant property, a copy of the notice shall be mailed to the property address.

2. Substandard housing. Whenever the condition which constitutes a nuisance also constitutes a substandard residential building, as defined by Health & Safety Code section 17920.3, then at least one copy of the Notice to Abate will be posted conspicuously on the building alleged to be substandard; and an additional copy will be mailed by registered or certified mail, postage prepaid and return receipt requested, to any mortgagee or beneficiary on any note or deed of trust of record. If the address of a mortgagee or beneficiary is unknown, then that fact will be stated on the copy so mailed, and the Notice to Abate will be sent to the mortgagee or beneficiary addressed to him or her.

3. Affidavits. The employee sending such Notice to Abate will file an affidavit with the city clerk certifying the time and manner in which notice was given and will also file with the city clerk any receipt card returned in acknowledgment of the Notice to Abate.

4. Failure to receive notice. The failure of any owner or other person to receive the Notice to Abate or other notices required by this chapter shall not affect in any manner the validity of any proceeding taken under this chapter.

8.16.050 - Tenant notification.

Tenants in a residential building shall be provided a copy of any notice served under this chapter concerning any violation which affects the health and safety of the occupants and which violates Civil Code section 1941.1, any order declaring the premises to be substandard, the city's decision to repair or demolish, or the issuance of a building or demolition permit following the abatement order. Copies may be provided either by first class mail to each affected residential unit, or by posting a copy in a prominent place on the premises at the discretion of the code enforcement officer.

8.16.060 - Order to show cause.

A. It shall be unlawful to fail, neglect or refuse to comply with a Notice to Abate issued pursuant to this chapter.

B. In the event the owner fails, neglects or refuses to comply with the Notice to Abate, the code enforcement officer may serve an "Order to Show Cause" which shall order such person to either abate the conditions specified in the Notice to Abate or appear before a hearing officer, at a stated time and place, not less than fifteen (15) days from the date of the Order, to show cause why the conditions should not be abated by the city at the owner's expense. The Order to Show Cause will be served and posted, and an affidavit filed with the city clerk, in the manner specified in section 8.16.040.

8.16.070 - Form of order to show cause.

The Order to Show Cause will be in substantially the following form:

NOTICE TO ABATE NUISANCE
AND
ORDER TO SHOW CAUSE

Hearing Date:

Time:

Location:

The initial determination that there exists upon the building, structure, lot or premises located at _____, City of Dunsmuir, California, condition(s) constituting a public nuisance(s) under section 8.16.030 of City of Dunsmuir Municipal Code.

The conditions constituting the nuisance are: _____. The methods of abatement available are: _____. You have previously received a written Notice to Abate dated _____ requiring you to abate these conditions and have failed to do so. **YOU ARE HEREBY ORDERED** to either: (1) **ABATE THE ABOVE CONDITION(S)** by repairing, replacing, removing, destroying or otherwise remedying the condition(s) to the satisfaction of the undersigned enforcement officer within _____ days of the date of this order; OR, alternatively, (2) **TO APPEAR AND SHOW CAUSE** before a hearing officer at the offices of the _____ located at _____, on at _____ o'clock, date to show why these condition(s) should not be abated by the city and the expenses of doing so be charged to you as a personal debt and/or made a special assessment and lien upon the premises.

All persons having an interest in said matters are notified to attend the hearing, and their testimony and evidence will be given due consideration. **WARNING!** (1) If you do not either abate the conditions or attend the hearing, you will have waived your right to a hearing regarding the existence of the nuisance. In that case, the city will abate the nuisance and the expenses of doing so will be made a special assessment and lien upon the property, In addition, you may be cited for violations of the City of Dunsmuir Municipal Code and subject to a fine. (2) Once vehicles or other property are abated by the city, they may be destroyed or otherwise disposed of as provided by law. (3) In accordance with Revenue and Taxation Code sections 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year if these conditions are not abated.

Dated: _____

Code Enforcement Officer

The portion of the heading entitled "Notice to Abate Nuisance and Order to Show Cause" will be in letters not less than three-fourths ("3/4") inch in height.

8.16.080 - Show cause hearing.

The show cause hearing to determine whether a nuisance exists shall be conducted by a hearing officer as set forth in section 1.09.070. The hearing officer's decision shall be final unless challenged in superior court. Any action brought in superior court challenging the hearing officer's decision and order shall be commenced within thirty (30) calendar days of the date of service of such decision.

8.16.090 - Waiver of abatement hearing.

Failure of the owner or responsible party to either abate the conditions specified in the Order to Show Cause or to appear at the hearing on the Order to Show Cause after notice has been served shall be deemed a waiver of the right to a hearing and an admission by such owner or responsible party of the existence of the nuisance conditions as specified. In the event of an unexcused failure to appear, the hearing officer may issue an Order of Abatement permitting the conditions to be abated by the city. Notwithstanding anything in this chapter to the contrary, there shall be no right to appeal such order following both a failure to appear and a failure to abate.

8.16.100 - Hearing officer order of abatement.

Upon the conclusion of the hearing on the Order to Show Cause, the hearing officer will determine whether the activity or the premises, or any part thereof, as maintained, constitutes a public nuisance. If the hearing officer finds that a public nuisance does not exist, he or she will dismiss the proceedings. If the hearing officer finds that a public nuisance does exist and that there is sufficient cause to order the abatement of the public nuisance, the hearing officer will issue an Order of Abatement, which will contain findings of fact and will direct and order the public nuisance abated within the time, and in the manner set forth in the Order. The Order of Abatement will be served in the manner set forth in sections 8.16.040.

8.16.110 - Failure to comply with order of abatement.

It shall be unlawful to fail, neglect or refuse to comply with an Order of Abatement issued pursuant to this chapter.

8.16.120 - Abatement by city.

A. If the nuisance is not completely abated by the owner in the time and manner set forth in the Order of Abatement, the nuisance shall be abated by city forces or private contractors retained in accordance with the provisions of this code; and entry upon the premises to which the Order of Abatement relates is expressly authorized for such purposes. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city whenever such person is engaged in the work of abatement, or in performing any necessary act preliminary to or incidental to such work, as authorized or directed pursuant to this chapter. The cost, including incidental expenses, of abating the nuisance shall become a civil debt of the owner and

other responsible persons and shall be billed to the owner and become due and payable fifteen (15) days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect; attorney's fees; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the preparation of notices, specifications, and contracts and in inspecting the work; the costs of printing and mailing the notices required hereunder; and any administrative or recording costs charged by the county.

B. In the event that the owner or occupant fails to consent to the city entering his or her property for the purposes of inspecting and/or abating a nuisance under this chapter, the city may, if legally required, apply for and be granted a court warrant if cause exists, pursuant to Code of Civil Procedure section 1822.52 or any other authority.

8.16.130 - Summary abatement.

Notwithstanding any other provision of this chapter to the contrary, whenever it is determined that a public nuisance is so imminently dangerous to life or other property that such condition must be immediately corrected or isolated, the city may institute the following procedures:

A. Notice. The enforcement officer will attempt to make contact through a personal interview, or by telephone, with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. The enforcement officer will document all attempts to make contact. In the event contact is made, the enforcement officer will notify such person or persons of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

B. Abatement. In the event the enforcement officer is unable to make contact as required by this section, or if the appropriate persons, after notification by the enforcement officer, do not take action as specified by such official within seventy-two (72) hours, or a lesser period if deemed necessary, then the enforcement officer may, with the approval of the city manager and in consultation with the city attorney if feasible, take all steps necessary to remove or isolate such dangerous condition, or conditions, with the use of city forces or a contractor retained pursuant to the provisions of this code. Provided, however, that summary abatement shall be limited solely to those matters which are imminently dangerous to life or other property, and additional abatement, if necessary, shall utilize the other enforcement provisions of this chapter.

C. Costs. The enforcement officer will keep an itemized account of the costs incurred by the city in removing or isolating such condition or conditions. Such costs may be recovered to the same extent and in the same manner that abatement costs incurred pursuant section 8.16.120 are recovered.

8.16.140 - Recovery of costs of abatement.

The costs of abatement incurred under this chapter shall be recouped through a civil action pursuant to section 8.17.040, a lien pursuant to section 8.17.070, or a special assessment pursuant to section 8.17.080.

8.16.150 - Hearing officer.

The city council will appoint hearing officers to conduct proceedings under this chapter. The hearing officer may be a city employee, but in that event the hearing officer will not have had any responsibility for the investigation, prosecution or enforcement of this chapter and will not have had any personal involvement in the proceeding to be heard within the past twelve months or possess any disqualifying interest in the outcome of the proceeding.

8.16.160 - Violation unlawful.

In addition to any other remedies provided for in this chapter or under applicable law, violation of this chapter or a failure to comply with an Order of Abatement or Notice to Abate issued pursuant to this chapter shall be unlawful and an offense. Such violations shall be punishable as provided by chapter 8.17.

8.16.170 - Recordation of notice of violation.

Any city employee authorized to enforce this code may record a "Notice of Violation" against any property on which a public nuisance exists declaring the existence of the nuisance and describing it. In any case where such a notice has been recorded and the nuisance is later abated, the city employee will record a further notice declaring the nuisance abated.

8.16.180 - Nonexclusive procedure and remedies.

Any condition found to constitute a public nuisance may be abated pursuant to the procedures set forth in this chapter, other provisions of this code or other applicable law.

8.16.190 - No city duty to enforce.

Nothing in this chapter shall be construed as requiring the city to enforce its prohibitions against any or all properties which may violate it. The city envisions that this chapter will be enforced, in the city's prosecutorial discretion, only as to a limited number of problem properties, as resources permit. Nothing in this section or the absence of any similar provisions from any other city law shall be construed to impose a duty on the city to enforce such other provision of law. This chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care towards persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Chapter 8.17 – CODE ENFORCEMENT

Sections:

8.17.010 - Violations a misdemeanor or infraction.

No person shall violate any provision or fail to comply with any of the requirements of this code, including its adopted codes. Every such person shall be guilty of a separate and distinct offense for each and every day, or any portion thereof, of which any violation of any provision of this code is committed, continued or permitted by such person, and shall be punishable accordingly. Subject to chapter 1.09, every act prohibited, declared unlawful or declared substandard or unsafe and every failure to perform an act made mandatory shall constitute either a misdemeanor or an infraction, at the discretion of the city attorney.

8.17.020 - Infraction.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, including its adopted codes, may be prosecuted for an infraction. Any person convicted of an infraction under the provisions of this code shall be punished according to the fine schedule listed below:

- A. One hundred dollars (\$100.00) for a first violation, per section 1.09.060 of this chapter;
- B. Two hundred dollars (\$200.00) for a second, or continuance of the same violation, of the same provision (other than a building and safety code provision) within one year, and five hundred dollars (\$500.00) for a violation of a building and safety code provision;
- C. Five hundred dollars (\$500.00) for a third, or continuance violation of the same provision (other than a building and safety code provision) within one year and one thousand (\$1,000) for a violation of a building and safety code provision;
- D. One thousand dollars (\$1,000.00) for each additional, or continuance of the same violation of a building and safety code provision.

8.17.030 - Misdemeanor.

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, including its adopted codes, may be prosecuted for a misdemeanor.
- B. Any person convicted of a misdemeanor under the provisions of this code shall be punished by a fine not exceeding one thousand dollars (\$1000.00), imprisonment for a term not exceeding six (6) months or both.
- C. In the event a person is imprisoned for violation of any of the provisions of this code, such person may be required to labor on public property or works within the city.

8.17.040 - Civil action.

The city attorney, by and at the request of the city council or city staff, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, including its adopted codes, as provided by law. The city attorney, by and at the request of the city council or city staff, may institute an action in any court of competent jurisdiction to collect a civil debt owing to the city.

8.17.050 - Administrative citation.

As set forth in Chapter 1.09, the city may issue an administrative citation for any violation of this code.

8.17.060 - Attorneys' fees and costs.

A. In any action, administrative proceeding or special proceeding commenced by the city to abate a public nuisance, to enjoin violation of any provision of this code, including its adopted codes, or to collect a civil debt owing to the city, if the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees, the prevailing party shall be entitled to recover all costs incurred therein, including reasonable attorneys' fees and costs of suit. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

B. The city shall be considered a prevailing party entitled to attorneys' fees under subsection A when it can demonstrate that:

1. Its lawsuit was the catalyst motivating the defendant to provide the primary relief sought;
2. The lawsuit was meritorious and achieved its result by "threat of victory;" and
3. The city reasonably attempted to settle the litigation before filing the lawsuit.

8.17.070 - Lien procedure.

A. The code enforcement officer or other authorized city official will keep an itemized report of the costs incurred by the city in the abatement of any public nuisance in addition to any accrued fees and penalties due. The property owner may be invoiced for the total. If payment is not received, the itemized report will be submitted in writing to the city clerk no sooner than fifteen (15) days of the invoice date. Any such report may include the abatement costs, fees and penalties for any number of properties and abatements, whether or not such properties are contiguous.

B. Upon receipt of the itemized report, the city clerk, or his or her designee, shall serve notice of the lien in the same manner as summons in a civil action in accordance with Code of Civil Procedure section 415.10 et seq. If the owner of record, after diligent search cannot be found, the

notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in Record Searchlight or other newspaper of general circulation in Siskiyou County. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day. Publication shall be made on each day on which the newspaper is published during the ten (10) day period.

C. After notice has been served, the lien shall be recorded in the Siskiyou County Recorder's Office and, from the date of recording, shall have the force, effect and priority of a judgment lien.

D. The lien shall identify:

1. The amount of the lien;
2. The city as the agency on whose behalf the lien is imposed;
3. The date of the abatement order or citation;
4. The street address, legal description and assessor's parcel number of the parcel on which the lien is imposed; and
5. The name and address of the recorded owner of the parcel.

E. In the event that the lien is discharged, released or satisfied, through either payment or foreclosure, notice of the discharge will be recorded by the city clerk.

F. A lien may be foreclosed by an action brought by the city for a money judgment.

G. The city may recover from the property owner any costs incurred in the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

8.17.080 - Special assessment procedure.

A. The code enforcement officer or other authorized city official will keep an itemized report of the costs incurred by the city in the abatement of any public nuisance in addition to any accrued fees and penalties due. The property owner may be invoiced for the total. If payment is not received, the itemized report will be submitted in writing to the city clerk no sooner than fifteen (15) days of the invoice date. Any such report may include the abatement costs, fees and penalties for any number of properties and abatements, whether or not such properties are contiguous.

B. Upon receipt of the itemized report, the city clerk will serve notice by certified mail to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice will be given at the time of imposing the assessment and will specify that the property may be sold after three (3) years by the tax collector for unpaid

delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. 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 assessment. However, if any real property to which the cost of abatement 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 abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

C. Subject to the requirements applicable to the sale of property pursuant to section 3691 of the Revenue and Taxation Code, the city may conduct a sale of the property for which the payment of that assessment is delinquent.

D. Notices or instruments relating to the special assessment shall be entitled to recordation.

8.17.080 - Order for Treble Costs of Abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with the provisions of this chapter, except for conditions abated pursuant to section 17980 of the Health & Safety Code, relating to abandoned buildings, the court may order the owner to pay treble the costs of the abatement, as authorized by Government Code section 38773.7. Costs of abatement shall include, without limitation by reason of enumeration, all administrative costs of the city.

Section 3: Severability.

If any provision of the chapter codified 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 codified in this ordinance which can be given effect without the invalid provision or application, and to this end, the provision of the chapter codified in this ordinance are expressly made severable.

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Section 4: Adoption.

This ordinance shall take effect and be in full force and effect from and after 30 days after its passage. The clerk shall cause this ordinance to be published as required by law.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Juliana Lucchesi, Mayor

ATTEST:

FORM APPROVED:

, City Clerk

John Sullivan Kenny
City Attorney



STAFF REPORT	
RE Adoption of Updated Parking Code Fines	MEETING DATE: 6/4/2020
SUBMITTED BY: Todd Juhasz, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

Request that City Council approve an ordinance updating the fine schedule to better cover the cost of code enforcement hours required to enforce parking related violations

BACKGROUND/DISCUSSION:

Currently, the City is charging an inadequate amount in fines in the event of convictions related to parking code violations. Currently, \$24 is being charged for parking fines and very often people are willing to pay the fee in order to conveniently park in illegal location. This amount is sorely out of step with what other local communities are charging for parking related violations. Staff has suggested that we adopt Mt. Shasta’s parking fine schedule to help be better cover the cost of the City Code Enforcement Officer’s salary. See attached.

OPTIONS:

Approve an increase in parking related violation fees to bring them in-line with other local cities

FISCAL IMPACT:

None Yes Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase:

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other: Water Improvement Fund

SUGGESTED MOTIONS: Motion to authorize City Manager to increase fines to better cover administrative costs and to act as more of a deterrent for parking related violations.

Attachments:

10.12.010 – Bail Schedule

Bail for parking violations shall be as set forth hereinafter. If a case reaches court, these amounts shall be the fines for conviction on these sections

		Current	Proposed
10.04.010(A)	Red zone	\$23.00	\$35.00
10.04.010(B)	Yellow zone	\$9.00	\$30.00
10.04.010(C)	White zone	\$9.00	\$30.00
10.04.010(D)	Green zone	\$9.00	\$30.00
10.04.010(E)	Blue zone	\$103.00	\$125.00
10.04.010(F)	Seventy-two-hour-zone	\$13.00	\$50.00
10.04.010(G)	No parking zone	\$23.00	\$50.00
10.04.010(H)	Parking on grades	\$9.00	\$30.00
10.04.010(I)	Parking For sale/advertising	\$13.00	\$50.00
10.04.010(J)	Repairs on street	\$23.00	\$35.00
10.04.010(K)	Snow parking	\$13.00	\$35.00
10.04.010(L)	Twelve-hour zone	\$9.00	\$30.00
10.08.010(A)	Two-hour-zone	\$9.00	\$30.00
10.08.010(B)	Restricted parking, vehicles six feet or more in height	\$23.00	\$50.00
10.08.010(C)	Restricted parking, commercial vehicles, two am-six am	\$23.00	\$35.00
10.08.010(D)	Three-hour-zone	\$9.00	\$30.00
California Vehicle Code			
4000(a)(1)	Registration	\$250.00/\$50.00	\$285.00/\$50.00*
5200	License plates	\$21.50	\$25.00
5204(a)	Tabs required	\$21.50	\$25.00
21210	Bike on sidewalk	\$21.50	\$25.00
22500	Parking unlawfully	\$21.50	\$25.00
22500.1	Parking, stopping or standing in designated fire lane	\$21.50	\$35.00
22052(A)	Park parallel within eighteen inches of curb	\$21.50	\$35.00
22514	Near fire hydrant	\$31.50	\$80.00
22515	Unattended vehicle	\$21.50	\$35.00
22516	Improperly locked	\$31.50	\$35.00
22517	Door opened into traffic	\$31.50	\$35.00
22526(d)	On/near railroad track	\$31.50	\$35.00
24401	Dimmed lights on parking vehicle	\$31.50	\$25.00
27454	Projections on tires	\$38.00	\$25.00

*Note: The fine is two hundred eighty five dollars (\$285.00) unless proof of registration is furnished, in which case the fine is reduced to fifty dollars (\$50.00).

The city council may change the bail and fine by ordinance or resolution.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR
AMENDING SECTION 10.12.010 OF THE CITY MUNICIPAL CODE
DEALING WITH PARKING FINES**

The City Council of the City of Dunsmuir ordains as follows:

Section 1: Chapter 10.12, Section 10.12.010 of the Municipal Code is amended to read as follows:

"10.12.010 - Bail Schedule.

By resolution of the City Council shall establish a bail schedule for bail for parking code violations and for fines in the event of convictions of parking code violations."

Section 2: Adoption.

This ordinance shall take effect and be in full force and effect from and after 30 days after its passage. The clerk shall cause this ordinance to be published as required by law.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

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

Juliana Lucchesi, Mayor

ATTEST:

, City Clerk

FORM APPROVED:

John Sullivan Kenny
City Attorney