



**REGULAR CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 26, 2020**

Regular Meeting - 6:30 PM

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Reinette Senum, Mayor

**Duane Strawser, Council Member
David Parker, Council Member**

**Erin Minett, Vice Mayor
Valerie Moberg, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION: None

Under Government Code Section 54950 members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Mayor Senum, Vice Mayor Minett, Council Members Moberg, Parker and Strawser

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

A. Subject: Fire Activity Report – January 2020

Recommendation: Receive and file.

B. Subject: Resolution 2020-XX Awarding a Contract for Aerial Mapping

Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City to award a contract to Dundas Geomatics Inc. in the amount of \$35,000 plus \$3,000 contingencies for Aerial Urban Mapping and authorize the Mayor to sign.

C. Subject: Ordinance No. 2020-03 Amending Nevada City Municipal Code Section 13.04050 Entitled “Water Rates-Delinquency-Penalties” Pursuant to SB 998

Recommendation: Waive the second reading and adopt the Ordinance 2020-03 amending Nevada City Municipal Code Section 13.04050 entitled “Water Rates-Delinquency-Penalties.

D. Subject: Replacement of Public Works Department Dump Truck Vehicle #32

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to replace Public Works Department Dump Truck, vehicle #32, and authorize payment of the \$5000 deductible.

E. Subject: Action Minutes February 12, 2020 City Council Meeting

Recommendation: Review and approve City Council Meeting Action Minutes of February 12, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. Subject:** 2nd Quarter Financial Update, Fiscal Year (FY) 19/20
Recommendation: Receive and file.
- B. Subject:** Wastewater Treatment Plant Permit Compliance with State Regional Water Board Administrative Civil Liability
Recommendation: Receive and file.
- C. Subject:** Date Change Request for City Council Meetings in July, November and December 2020
Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City approving a date change request for the 2nd City Council meeting in July, the 1st Council meeting in November and cancel the 2nd meeting in November and December 2020.
- D. Subject:** Resolution 2020-XX, A Resolution Adopting City Council Standards and Procedures and Rosenberg's Rules of Order
Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City adopting City Council Standards and Procedures for City Council members and City Council meetings and Rosenberg's Rules of Order.
- E. Subject:** City of Nevada City Budget Calendar Fiscal Year 2020-2021
Recommendation: Review and approve the attached budget calendar with recommended operating and capital budget preparation schedule for fiscal year (FY) 2020-2021.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

- A. Subject:** Freeway Visible Sign Amendment – Chevron Price Signage at 301 Sacramento Street
Recommendation: Review the “as-installed” modified signage and approve the application for a modified sign permit.
- B. Subject:** Appeal of Planning Commission Decision to Deny an Architectural Review Application for a garage door and lighting fixtures by John Conger at 224 Church Street
Recommendation:

 - 1. After holding a public hearing, Council shall make a decision whether to uphold, overturn or modify the Planning Commission decision to deny the Architectural Review Application.

7. NEW BUSINESS:

- A. Subject:** Nevada City Three-Year Goals and Six-Month Strategic Objectives
Recommendation: Review and approve City of Nevada City three-year goals and six-month strategic objectives.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT

Certification of Posting of Agenda

I, Gabi Christakes, Administrative Services Technician/Deputy City Clerk for the City of Nevada City, declare that the foregoing agenda for the February 26th, 2020 Regular Meeting of the Nevada City City Council was posted February 21st, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed February 21st, 2020, at Nevada City, California

Gabi Christakes, Administrative Services Technician/Deputy City Clerk

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

March 11,2020	Regular Council Meeting
March 25, 2020	Regular Council Meeting
March 31, 2020	Holiday
April 8, 2020	Regular Council Meeting
April 22, 2020	Regular Council Meeting
May 13, 2020	Regular Council Meeting
May 25, 2020	Holiday
May 27, 2020	Regular Council Meeting
June 10, 2020	Regular Council Meeting
June 24, 2020	Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Fire Activity Report – January 2020

RECOMMENDATION: Receive and file.

CONTACT: Sam Goodspeed, Division Chief

SG

BACKGROUND / DISCUSSION: The attached Fire Activity Report reviews the monthly responses including incident type, location and participation for Nevada City Fire Station 54.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Station 54 Incident Responses
- ✓ Nevada City Incident Responses
- ✓ Station 54 Incident Type Summary
- ✓ Year to Date Incident Participation

Station 54 Incident Responses

Alarm Date Between {01/01/2020} And {01/31/2020}

Alm Date	Alm Time	Location	Incident Type
01/01/2020	17:34:00	825 Old Tunnel RD /Grass	320 Emergency medical service, o
01/02/2020	10:27:00	720 Maltman Dr. /Grass Va	700 False alarm or false call, O
01/02/2020	19:38:00	Highway 20 1/2 mile west	324 Motor Vehicle Accident with
01/02/2020	19:39:00	11482 Tower Hill RD /Neva	321 EMS call, excluding vehicle
01/03/2020	05:38:00	12485 Loma Rica DR /Grass	744 Detector activation, no fire
01/03/2020	11:16:00	625 Eskaton CIR /Grass Va	320 Emergency medical service, o
01/03/2020	19:22:00	775 Old Tunnel RD /201/Gr	554 Assist invalid
01/04/2020	10:10:00	206 Sacramento ST /206/Ne	700 False alarm or false call, O
01/05/2020	16:44:00	347 Nile ST /20/Nevada Ci	320 Emergency medical service, o
01/05/2020	22:56:00	16949 Jones Ridge RD /Gra	111 Building fire
01/06/2020	13:39:00	775 Old Tunnel RD /207/Gr	320 Emergency medical service, o
01/06/2020	13:59:00	464 Monroe ST /Nevada Cit	743 Smoke detector activation, n
01/06/2020	14:15:00	227 Prospect ST /Nevada C	320 Emergency medical service, o
01/06/2020	18:45:00	121 Dorsey DR /Grass Vall	735 Alarm system sounded due to
01/07/2020	13:44:00	135 Joerschke DR /Grass V	320 Emergency medical service, o
01/09/2020	13:14:00	Brusnwick Road & Old Tunn	463 Vehicle accident, general cl
01/09/2020	14:33:00	600 block Gold Flat roaad	444 Power line down
01/09/2020	19:46:00	State Highway 20 HWY /Jus	132 Road freight or transport ve
01/11/2020	14:30:00	760 ZION ST /11/Nevada Ci	320 Emergency medical service, o
01/12/2020	02:23:00	200 Red Bud /Nevada City,	735 Alarm system sounded due to
01/12/2020	10:41:00	470 Holly DR /Grass Valle	320 Emergency medical service, o
01/12/2020	13:40:00	13998 Pauls PL /Grass Val	320 Emergency medical service, o
01/12/2020	15:27:00	State Highway 20 approxim	463 Vehicle accident, general cl
01/13/2020	01:56:00	821 Zion ST /B5/Nevada Ci	553 Public service
01/13/2020	10:56:00	925 MAIDU AVE /Nevada Cit	320 Emergency medical service, o
01/13/2020	19:17:00	334 Bridge WAY /Nevada Ci	320 Emergency medical service, o
01/13/2020	21:31:00	12048 Charles DR /Grass V	320 Emergency medical service, o
01/14/2020	02:27:00	10367 Hawke LN /Nevada Ci	320 Emergency medical service, o
01/14/2020	21:08:00	State Highway 49 HWY & No	131 Passenger vehicle fire
01/15/2020	13:56:00	275 Dorsey DR /56/Grass V	611 Dispatched & cancelled en ro
01/15/2020	17:57:00	422 Kate Hayes ST /Grass	531 Smoke or odor removal
01/15/2020	18:07:00	305 Plesant /Grass Valley	320 Emergency medical service, o
01/15/2020	21:28:00	14137 Liquidamber LANE /G	554 Assist invalid
01/16/2020	04:16:00	752 Lindly AVE /Nevada Ci	320 Emergency medical service, o
01/16/2020	07:10:00	321 Dorsey DR /Grass Vall	113 Cooking fire, confined to co
01/16/2020	09:00:00	146 Mill ST /Grass Valley	151 Outside rubbish, trash or wa
01/16/2020	10:10:00	700 HOOVER LN /Nevada Cit	740 Unintentional transmission o
01/16/2020	12:36:00	Lake Vera Purdon RD & Roc	131 Passenger vehicle fire
01/16/2020	13:17:00	360 Crown Point CIR /Gras	320 Emergency medical service, o
01/16/2020	16:25:00	625 Eskaton CIR /117/Gras	320 Emergency medical service, o
01/16/2020	16:53:00	14137 Liquidamber LANE /G	611 Dispatched & cancelled en ro
01/16/2020	17:45:00	North Bloomfield RD & Nub	460 Accident, potential accident
01/16/2020	21:03:00	431 Broad ST /Nevada CItY	736 CO detector activation due t
01/16/2020	23:19:00	821 Zion /Space B5/Nevada	320 Emergency medical service, o
01/17/2020	19:33:00	In the vicinity of Scotts	700 False alarm or false call, O
01/17/2020	20:23:00	State Highway 20 and Omeg	611 Dispatched & cancelled en ro
01/17/2020	21:42:00	841 Old Tunnel RD /45/Gra	320 Emergency medical service, o
01/18/2020	06:18:00	496 Charlene LANE /Grass	320 Emergency medical service, o
01/18/2020	14:11:00	10535 Silva AVE /Nevada C	631 Authorized controlled burnin

Station 54 Incident Responses

Alarm Date Between {01/01/2020} And {01/31/2020}

Alm Date	Alm Time	Location	Incident Type
01/19/2020	17:29:00	121 Dorsey DR /Grass Vall	735 Alarm system sounded due to
01/20/2020	05:47:00	State Highway 49 1/4 mile	463 Vehicle accident, general cl
01/20/2020	10:17:00	155 Glasson Way /Grass Va	611 Dispatched & cancelled en ro
01/20/2020	20:36:00	401 BROAD ST /Nevada City	745 Alarm system activation, no
01/21/2020	08:22:00	775 Old Tunnel RD /314/Gr	554 Assist invalid
01/21/2020	15:43:00	Ridge Road & Woodcrest WA	320 Emergency medical service, o
01/22/2020	12:27:00	13366 Grass Valley AVE /B	320 Emergency medical service, o
01/22/2020	18:00:00	275 Dorsey DR /Grass Vall	743 Smoke detector activation, n
01/22/2020	18:17:00	355 Joerschke DR /19A/Gra	320 Emergency medical service, o
01/23/2020	15:00:00	400 PROVIDENCE MINE RD /B	733 Smoke detector activation du
01/24/2020	15:52:00	Brunswick & Sutton /Grass	463 Vehicle accident, general cl
01/25/2020	12:29:00	Lake Vera Purdon RD & Air	131 Passenger vehicle fire
01/25/2020	16:32:00	State Hwy 49 HWY & Cedars	324 Motor Vehicle Accident with
01/26/2020	11:21:00	20346 Scotts Flat RD /Nev	611 Dispatched & cancelled en ro
01/26/2020	13:41:00	Nevada ST & Willow Valley	320 Emergency medical service, o
01/26/2020	16:20:00	227 King Hiram LN /Nevada	320 Emergency medical service, o
01/26/2020	17:49:00	10805 Jasper Agate CT /Ne	463 Vehicle accident, general cl
01/27/2020	10:28:00	1364 Whispering Pines LN	320 Emergency medical service, o
01/27/2020	10:47:00	760 ZION ST /Nevada City,	611 Dispatched & cancelled en ro
01/27/2020	11:40:00	775 Old Tunnel RD /301/Gr	320 Emergency medical service, o
01/27/2020	16:42:00	10275 Pittsburg RD /Nevad	320 Emergency medical service, o
01/28/2020	12:10:00	Jones Ridge RD /Grass Val	324 Motor Vehicle Accident with
01/28/2020	20:50:00	825 Old Tunnel RD /108/Gr	622 No Incident found on arrival
01/28/2020	23:48:00	301 Sacramento ST /Nevada	320 Emergency medical service, o
01/29/2020	02:22:00	850 Sutton WAY /Grass Val	320 Emergency medical service, o
01/29/2020	05:56:00	775 Old Tunnel RD /201/Gr	554 Assist invalid
01/29/2020	10:30:00	825 Old Tunnel RD /Grass	611 Dispatched & cancelled en ro
01/29/2020	15:38:00	859 Orchard Glen WAY /Gra	320 Emergency medical service, o
01/29/2020	17:09:00	514 Zion ST /Nevada City,	320 Emergency medical service, o
01/29/2020	18:04:00	10471 Ridge RD /Nevada Ci	320 Emergency medical service, o
01/29/2020	19:26:00	Old Tunnel RD & Brunswick	611 Dispatched & cancelled en ro
01/30/2020	16:21:00	825 Old Tunnel RD /203/Gr	320 Emergency medical service, o
01/30/2020	17:43:00	14981 Greenhorn RD /Grass	631 Authorized controlled burnin
01/31/2020	09:29:00	775 Old Tunnel RD /201/Gr	320 Emergency medical service, o
01/31/2020	10:50:00	12951 Ridge RD /Grass Val	320 Emergency medical service, o
01/31/2020	13:25:00	347 Nile ST /14/Nevada Ci	320 Emergency medical service, o
01/31/2020	16:15:00	844 Old Tunnel RD /Grass	320 Emergency medical service, o
01/31/2020	16:54:00	150 Sutton WAY /Grass Val	320 Emergency medical service, o
01/31/2020	21:50:00	Brunswick RD & Plaza DR /	320 Emergency medical service, o
01/31/2020	23:18:00	159 Brentwood DR /B/Grass	320 Emergency medical service, o

Total Incident Count 89

Nevada County Consolidated Fire District

Nevada City Incident List

Alarm Date Between {01/01/2020} And {01/31/2020}

Alm Date	Alm Time	Location	Incident Type
01/01/2020	00:14:00	325 SPRING ST /Nevada City,	320 Emergency medical service, other
01/04/2020	10:10:00	206 Sacramento ST /206/Nevada	700 False alarm or false call, Other
01/04/2020	18:05:00	210 Main ST /Nevada City, CA	320 Emergency medical service, other
01/05/2020	16:44:00	347 Nile ST /20/Nevada City,	320 Emergency medical service, other
01/06/2020	13:59:00	464 Monroe ST /Nevada City,	743 Smoke detector activation, no
01/06/2020	14:15:00	227 Prospect ST /Nevada City,	320 Emergency medical service, other
01/07/2020	11:45:00	631 COYOTE ST /Nevada City,	561 Unauthorized burning
01/08/2020	09:03:00	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
01/09/2020	07:23:00	514 Nursery ST /Nevada City,	320 Emergency medical service, other
01/09/2020	14:33:00	600 block Gold Flat roaad	444 Power line down
01/10/2020	15:36:00	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
01/11/2020	00:01:00	548 Main ST /Nevada City, CA	320 Emergency medical service, other
01/11/2020	14:30:00	760 ZION ST /11/Nevada City,	320 Emergency medical service, other
01/12/2020	02:23:00	200 Red Bud /Nevada City, CA	735 Alarm system sounded due to
01/12/2020	05:55:00	504 Nursery Street /Nevada	320 Emergency medical service, other
01/12/2020	21:09:00	925 Maidu /Nevada City, CA	320 Emergency medical service, other
01/13/2020	01:32:00	986 Nursury Street /Nevada	320 Emergency medical service, other
01/13/2020	01:56:00	821 Zion ST /B5/Nevada City,	553 Public service
01/13/2020	10:56:00	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
01/13/2020	19:17:00	334 Bridge WAY /Nevada City,	320 Emergency medical service, other
01/13/2020	21:39:00	334 Bridge WAY /Nevada City,	320 Emergency medical service, other
01/16/2020	04:16:00	752 Lindly AVE /Nevada City,	320 Emergency medical service, other
01/16/2020	10:10:00	700 HOOVER LN /Nevada City,	740 Unintentional transmission of
01/16/2020	21:03:00	431 Broad ST /Nevada CItY, CA	736 CO detector activation due to
01/16/2020	23:19:00	821 Zion /Space B5/Nevada	320 Emergency medical service, other
01/17/2020	13:32:00	Broad ST & York ST /Nevada	611 Dispatched & cancelled en route
01/18/2020	08:28:00	698 Nevada Street /Nevada	700 False alarm or false call, Other
01/18/2020	09:11:00	111 Chief Kelly /Nevada City,	320 Emergency medical service, other
01/18/2020	14:11:00	10535 Silva AVE /Nevada City,	631 Authorized controlled burning
01/20/2020	07:42:00	North Bloomfield RD & State	320 Emergency medical service, other
01/20/2020	12:32:00	401 BROAD ST /Nevada City, CA	320 Emergency medical service, other
01/20/2020	13:55:00	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
01/20/2020	18:34:00	773 NEVADA ST /Nevada City,	745 Alarm system activation, no fire
01/20/2020	20:36:00	401 BROAD ST /Nevada City, CA	745 Alarm system activation, no fire
01/22/2020	18:53:00	350 Spring ST /Nevada City,	320 Emergency medical service, other
01/23/2020	12:06:00	979 Gold Flat Road /Nevada	321 EMS call, excluding vehicle
01/23/2020	15:00:00	400 PROVIDENCE MINE RD	733 Smoke detector activation due to
01/23/2020	21:57:00	311 Broad Street /Nevada	320 Emergency medical service, other
01/24/2020	10:31:00	311 Zion Street B5/Nevada	320 Emergency medical service, other
01/25/2020	13:26:00	980 Helling WAY /Nevada City,	631 Authorized controlled burning
01/25/2020	18:25:00	107 Sacramento ST /Nevada	320 Emergency medical service, other
01/26/2020	12:45:00	404 N Pine ST /Nevada City,	320 Emergency medical service, other
01/26/2020	13:41:00	Nevada ST & Willow Valley RD	320 Emergency medical service, other
01/26/2020	16:20:00	227 King Hiram LN /Nevada	320 Emergency medical service, other
01/27/2020	04:23:00	504 Broad ST /Nevada City, CA	736 CO detector activation due to

Nevada County Consolidated Fire District

Nevada City Incident List

Alarm Date Between {01/01/2020} And {01/31/2020}

Alm Date	Alm Time	Location	Incident Type
01/27/2020	10:47:00	760 ZION ST /Nevada City, CA	611 Dispatched & cancelled en route
01/28/2020	23:48:00	301 Sacramento ST /Nevada	320 Emergency medical service, other
01/29/2020	17:09:00	514 Zion ST /Nevada City, CA	320 Emergency medical service, other
01/30/2020	05:15:00	111 Chief Kelly /Nevada City,	320 Emergency medical service, other
01/31/2020	13:25:00	347 Nile ST /14/Nevada City,	320 Emergency medical service, other
Total Incident Count		50	

Nevada City Incident Type Summary

Alarm Date Between {01/01/2020} And {01/31/2020}

District	False	Fire	Good	Hazard	Overpressu	Rescue	Service	Special
01	0	1	0	0	0	1	1	0
02	4	1	4	1	0	15	0	0
54	1	1	5	2	0	15	5	0
84	1	4	1	4	0	4	0	0
87	0	0	0	0	0	1	0	0
NEV	7	0	0	0	0	9	1	0
TNF	0	0	1	0	0	0	0	0
	<u>13</u>	<u>7</u>	<u>11</u>	<u>7</u>	<u>0</u>	<u>45</u>	<u>7</u>	<u>0</u>

Nevada County Consolidated Fire District

NEV Year-to-date Incident Participation

**Activity Date Between {07/01/2019} And
{01/31/2020}**

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
NEV-I026 Banks, Tristin	14	0	0	0	0	0	0	0	0	1	0	1	16	1.38
NEV-I028 Carpenter, Walker	14	0	0	0	0	0	0	0	0	0	0	0	14	1.21
NEV-03 Cartzdafner, Kevin L	34	0	0	0	0	0	35	36	25	17	29	31	207	17.90
NEV-65 Chau, Michael	0	0	0	0	0	0	18	9	11	3	0	0	41	3.54
NEV-I023 Dambly, Trenton	35	0	0	0	0	0	28	31	22	33	24	26	199	17.21
NEV-019 Ellison, Connor	0	0	0	0	0	0	0	0	0	0	0	9	9	0.77
NEV-71 Ellison, Connor	61	0	0	0	0	0	0	1	8	45	39	54	208	17.99
NEV-72 Foster, Sean	56	0	0	0	0	0	0	0	11	55	56	43	221	19.11
NEV-09 Goodspeed, Samuel J	1	0	0	0	0	0	1	1	1	1	1	0	6	0.51
NEV-69 McDaniel, Jesse	0	0	0	0	0	0	40	25	17	9	0	0	91	7.87
NEV-70 Otani, Alex	0	0	0	0	0	0	28	29	15	0	0	0	72	6.22
NEV-15 Paulus, Daniel H	28	0	0	0	0	0	30	20	4	0	36	26	144	12.45
NEV-I024 Rodriguez, Ryan	0	0	0	0	0	0	22	37	48	36	18	20	181	15.65
NEV-I022 Rubinson, Jake	0	0	0	0	0	0	6	3	0	0	0	0	9	0.77
NEV-I027 Schaefer, Jack	29	0	0	0	0	0	0	0	0	0	0	0	29	2.50
NEV-74 Stark, Blake	49	0	0	0	0	0	0	1	0	1	55	54	160	13.84
NEV-I025 Tomlinson, Rodney	0	0	0	0	0	0	13	26	20	23	35	14	131	11.33

Total Runs by Month											
Jan	225	Feb	0	Mar	0	Apr	0	May	0	Jun	0
Jul	98	Aug	99	Sep	108	Oct	188	Nov	216	Dec	222

Grand Total Runs: 1,156

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Resolution 2020-XX Awarding a Contract for Aerial Mapping

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City to award a contract to Dundas Geomatics Inc. in the amount of \$35,000 plus \$3,000 contingencies for Aerial Urban Mapping and authorize the Mayor to sign.

CONTACT: Bryan K. McAlister, City Engineer

BACKGROUND/DISCUSSION:

City Engineering, Planning and Public Works uses available maps on a regular basis for planning, construction drawings and bidding purposes. There is a definite need for better maps using current technologies, which would result in cost savings for on-the-ground topographic surveys and staff time and effort spent compiling maps from city records.

Dundas Geomatics has been engaged by the City of Grass Valley to update their Citywide base maps. This new 2020 update will replace the 1997 photogrammetry generated base maps (currently in service and obsolete), with new digital color aerial imagery and Lidar Derived Elevation Modeling (DEM) of the City of Grass Valley, it's Sphere of Influence, and surrounding study areas covering in total approximately 21 square miles. This proposal has been extended to the City of Nevada City, to include an area of approximately 5 square miles of the urban incorporated area of Nevada City and surrounding environs within the Sphere of Influence.

These products will be compiled into an AutoCAD distributed format of individual "sheets", similar in concept to the 1997 product, but will now be composed of digital color orthorectified imagery (3" pixel), 1-foot contours derived from the DEM, and planimetric line work of identifiable features. All of these "sheets" will be tiled into a logical array, similar to the existing Grass Valley 1997 Aerial Mapping database, with index. Additionally, Dundas Geomatics will be establishing a regional high precision GPS control network, comprised of approximately 12 permanent monuments in addition to existing Cal Trans HPGN monumentation, to which all of the new work will be registered. The positional locations of this "network" will be memorialized by the filing and recordation of a Record of Survey Map, of this work.

Dundas Geomatics has provided a proposal for the Nevada City portion of the project, which is attached for reference.

FISCAL CONSIDERATIONS: The project will be partially funded by the City's Measure "S" funds for streets and partially by City General Fund for planning.

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to Award a Contract to Dundas Geomatics Inc. for Aerial Urban Mapping and Authorize the Mayor to Sign
- ✓ Dundas Geomatics Proposal for Aerial Urban Mapping

RESOLUTION NO. 2020- XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY
TO AWARD A CONTRACT TO DUNDAS GEOMATICS INC. FOR AERIAL
URBAN MAPPING AND AUTHORIZE THE MAYOR TO SIGN**

WHEREAS, City Engineering, Planning and Public Works uses available maps on a regular basis for planning, construction drawings and bidding purposes; and

WHEREAS, the City of Nevada City received a proposal from Dundas Geomatics for Aerial Urban Mapping which will be completed in conjunction with mapping by the City of Grass Valley; and

WHEREAS, funding for Aerial Urban Mapping will be provided by the City's Measure S funds for streets and General Fund for planning; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Nevada City hereby approves the Professional Services Agreement with to Dundas Geomatics Inc. in the amount of \$35,000 plus \$3,000 contingencies for Aerial Urban Mapping in the form attached hereto as "Exhibit A," and incorporated herein by this reference, and authorize the Mayor to sign.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 26th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk

**PROFESSIONAL SERVICES AGREEMENT
FOR DESIGN PROFESSIONALS**

(City of Nevada City / Dundas Geomatics, Inc.)

1. IDENTIFICATION

This PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Nevada City, a California municipal corporation (“City”), and **Dundas Geomatics, Inc.**, a California S Corporation (“Consultant”).

2. RECITALS

- 2.1. City has determined that it requires the following professional services from a consultant: **City-Wide Aerial Mapping**
- 2.2. Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.
- 2.3. Consultant represents that it has no known relationships with third parties, City Council members, or employees of City which would (1) present a conflict of interest with the rendering of services under this Agreement under Government Code Section 1090, the Political Reform Act (Government Code Section 81000 *et seq.*), or other applicable law, (2) prevent Consultant from performing the terms of this Agreement, or (3) present a significant opportunity for the disclosure of confidential information.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

3. DEFINITIONS

- 3.1. “Design Professional”: A Design Professional is any individual satisfying one or more of the following: (1) licensed as an architect pursuant to Business and Professions Code 5500 *et seq.*, (2) licensed as a landscape architect pursuant to Business and Professions Code 5615 *et seq.*, (3) licensed as a professional land surveyor pursuant to Business and Professions Code 8700 *et seq.*, or (4) registered as a professional engineer pursuant to Business and Professions Code 6700 *et seq.*
- 3.2. “Scope of Services”: Such professional services as are set forth in Consultant’s **February 13, 2020** proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.3. “Agreement Administrator”: The Agreement Administrator for this project is Bryan McAlister, Assistant City Engineer. The Agreement Administrator shall be the principal point of contact at the City for this project. All services under this Agreement shall be performed at the request of the Agreement Administrator. The Agreement Administrator will establish the timetable for completion of services and any interim

milestones. City reserves the right to change this designation upon written notice to Consultant

- 3.4. “Approved Fee Schedule”: Consultant’s compensation rates are set forth in the fee schedule attached hereto as Exhibit B and incorporated herein by this reference. This fee schedule shall remain in effect for the duration of this Agreement unless modified in writing by mutual agreement of the parties.
- 3.5. “Maximum Amount”: The highest total compensation and costs payable to Consultant by City under this Agreement. The Maximum Amount under this Agreement is THIRTY-FIVE THOUSAND Dollars (\$35,000.00).
- 3.6. “Commencement Date”: February 27, 2020
- 3.7. “Termination Date”: December 31, 2020

4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Termination Date unless extended by written agreement of the parties or terminated earlier under Section 18 (“Termination”) below. Consultant may request extensions of time to perform the services required hereunder. Such extensions shall be effective if authorized in advance by City in writing and incorporated in written amendments to this Agreement.

5. CONSULTANT’S DUTIES

- 5.1. **Services.** Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement.
- 5.2. **Coordination with City.** In performing services under this Agreement, Consultant shall coordinate all contact with City through its Agreement Administrator.
- 5.3. **Budgetary Notification.** Consultant shall notify the Agreement Administrator, in writing, when fees and expenses incurred under this Agreement have reached eighty percent (80%) of the Maximum Amount. Consultant shall concurrently inform the Agreement Administrator, in writing, of Consultant’s estimate of total expenditures required to complete its current assignments before proceeding, when the remaining work on such assignments would exceed the Maximum Amount.
- 5.4. **Business License.** Consultant shall obtain and maintain in force a City business license for the duration of this Agreement.
- 5.5. **Professional Standards.** Consultant shall perform all work to the highest standards of Consultant’s profession and in a manner reasonably satisfactory to City. Consultant shall keep itself fully informed of and in compliance with all local, state, and federal

laws, rules, and regulations in any manner affecting the performance of this Agreement, including all Cal/OSHA requirements, the conflict of interest provisions of Government Code § 1090 and the Political Reform Act (Government Code § 81000 et seq.).

- 5.6. **Avoid Conflicts.** During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if such work would present a conflict interfering with performance under this Agreement. However, City may consent in writing to Consultant's performance of such work.
- 5.7. **Appropriate Personnel.** Consultant has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Ronald Dundas** shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.
- 5.8. **Substitution of Personnel.** Any persons named in the proposal or Scope of Services constitutes a promise to the City that those persons will perform and coordinate their respective services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. If City and Consultant cannot agree as to the substitution of key personnel, City may terminate this Agreement for cause.
- 5.9. **Permits and Approvals.** Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.
- 5.10. **Notification of Organizational Changes.** Consultant shall notify the Agreement Administrator, in writing, of any change in name, ownership or control of Consultant's firm or of any subcontractor. Change of ownership or control of Consultant's firm may require an amendment to this Agreement.
- 5.11. **Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of City. In addition, pursuant to Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under this Agreement.

6. SUBCONTRACTING

- 6.1. **General Prohibition.** This Agreement covers professional services of a specific and unique nature. Except as otherwise provided herein, Consultant shall not assign or transfer its interest in this Agreement or subcontract any services to be performed without amending this Agreement.
- 6.2. **Consultant Responsible.** Consultant shall be responsible to City for all services to be performed under this Agreement.
- 6.3. **Identification in Fee Schedule.** All subcontractors shall be specifically listed and their billing rates identified in the Approved Fee Schedule, Exhibit B. Any changes must be approved by the Agreement Administrator in writing as an amendment to this Agreement.

7. COMPENSATION

- 7.1. **General.** City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept payment in accordance with the Fee Schedule in full satisfaction for such services. Compensation shall not exceed the Maximum Amount. Consultant shall not be reimbursed for any expenses unless provided for in this Agreement or authorized in writing by City in advance.
- 7.2. **Invoices.** Consultant shall submit to City an invoice, on a monthly basis or as otherwise agreed to by the Agreement Administrator, for services performed pursuant to this Agreement. Each invoice shall identify the Maximum Amount, the services rendered during the billing period, the amount due for the invoice, and the total amount previously invoiced. All labor charges shall be itemized by employee name and classification or position with the firm, the corresponding hourly rate, the hours worked, a description of each labor charge, and the total amount due for labor charges.
- 7.3. **Taxes.** City shall not withhold applicable taxes or other payroll deductions from payments made to Consultant except as otherwise required by law. Consultant shall be solely responsible for calculating, withholding, and paying all taxes.
- 7.4. **Disputes.** The parties agree to meet and confer at mutually agreeable times to resolve any disputed amounts contained in an invoice submitted by Consultant.
- 7.5. **Additional Work.** Consultant shall not be reimbursed for any expenses incurred for work performed outside the Scope of Services unless prior written approval is given by the City through a fully executed written amendment. Consultant shall not undertake any such work without prior written approval of the City.
- 7.6. **City Satisfaction as Precondition to Payment.** Notwithstanding any other terms of this Agreement, no payments shall be made to Consultant until City is satisfied that the services are satisfactory.
- 7.7. **Right to Withhold Payments.** If Consultant fails to provide a deposit or promptly satisfy an indemnity obligation described in Section 11, City shall have the right to withhold payments under this Agreement to offset that amount.

8. PREVAILING WAGES

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects including the design and preconstruction phases of a covered public works project. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

9. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material, and all electronic files, including computer-aided design files, developed by Consultant in the performance of this Agreement (such written material and electronic files are collectively known as “written products”) shall be and remain the property of City without restriction or limitation upon its use or dissemination by City except as provided by law. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

10. RELATIONSHIP OF PARTIES

- 10.1. **General.** Consultant is, and shall at all times remain as to City, a wholly independent contractor.
- 10.2. **No Agent Authority.** Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant’s employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.
- 10.3. **Independent Contractor Status.** Under no circumstances shall Consultant or its employees look to the City as an employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this independent contractor relationship on Consultant’s previously earned California Public Employees Retirement System (“CalPERS”) retirement benefits, if any, and Consultant specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers’ compensation, and other applicable federal and state taxes.
- 10.4. **Indemnification of CalPERS Determination.** In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

11. INDEMNIFICATION

- 11.1 **Definitions.** For purposes of this Section 11, “Consultant” shall include Consultant, its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement. “City” shall include City, its officials, officers, agents, employees and volunteers.
- 11.2 **Consultant to Indemnify City.** Where the services to be provided by Consultant under this Agreement are design professional services, as that term is defined under Civil Code Section 2782.8, Consultant agrees to indemnify, defend and hold harmless, the City, its officers, officials, employees and volunteers from any and all claims, demands, costs or liability that actually or allegedly arise out of, or pertain to, or relate to the negligence, recklessness or willful misconduct of Consultant and its agents in the performance of services under this contract, but this indemnity does not apply to liability for damages for bodily injury, property damage or other loss, arising from the sole negligence, active negligence or willful misconduct by the City, its officers, official employees, and volunteers. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of the City, then Consultant’s indemnification and defense obligations shall be reduced in proportion to the established comparative liability of the City and shall not exceed the Consultant’s proportionate percentage of fault.

As respects all acts or omissions which do not arise directly out of the performance of design professional services, including but not limited to those acts or omissions normally covered by general and automobile liability insurance, and to the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any claims, demands, losses, liability of any kind or nature (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney’s fees and costs, court costs, interest, defense costs, and expert witness fees) where the same arise out of, are in connection with, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Consultant or by any individual or entity for which Consultant is legally liable, including but not limited to officers, agents, employees or sub-contractors of Consultant, excepting those which arise out of the active negligence, sole negligence or willful misconduct of the City, its officers, officials, employees and volunteers.

- 11.3 **Scope of Indemnity.** Personal injury shall include injury or damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, Property damage shall include injury to any personal or real property. Consultant shall not be required to indemnify City for such loss or damage as is caused by the sole active negligence or willful misconduct of the City. If it is finally adjudicated that liability is caused by the comparative negligence or willful misconduct of an indemnified party, then Consultant’s indemnification obligation shall be reduced in proportion to the established comparative liability.
- 11.4 **Attorney’s Fees.** Such costs and expenses shall include reasonable attorneys’ fees for counsel of City’s choice, expert fees and all other costs and fees of litigation.

Consultant shall not be entitled to any refund of attorneys' fees, defense costs or expenses in the event that it is adjudicated to have been non-negligent.

- 11.5 **Defense Deposit.** The City may request a deposit for defense costs from Consultant with respect to a claim. If the City requests a defense deposit, Consultant shall provide it within 15 days of the request.
- 11.6 **Waiver of Statutory Immunity.** The obligations of Consultant under this Section 11 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City.
- 11.7 **Indemnification by Subcontractors.** Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 11 from each and every subcontractor or any other person or entity involved in the performance of this Agreement on Consultant's behalf.
- 11.8 **Insurance Not a Substitute.** City does not waive any indemnity rights by accepting any insurance policy or certificate required pursuant to this Agreement. Consultant's indemnification obligations apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.
- 11.9 **Civil Code.** The parties are aware of the provisions of Civil Code 2782.8 relating to the indemnification and the duty and the cost to defend a public agency by a Design Professional and agree that this Section 11 complies therewith.

12. INSURANCE

- 12.1. **Insurance Required.** Consultant shall maintain insurance as described in this section and shall require all of its subcontractors, consultants, and other agents to do the same. Approval of the insurance by the City shall not relieve or decrease any liability of Consultant Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.
- 12.2. **Documentation of Insurance.** City will not execute this agreement until it has received a complete set of all required documentation of insurance coverage. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. Consultant shall file with City:
- Certificate of Insurance, indicating companies acceptable to City, with a Best's Rating of no less than A:VII showing. The Certificate of Insurance must include the following reference: City-Wide Aerial Mapping Services
 - Documentation of Best's rating acceptable to the City.
 - Original endorsements effecting coverage for all policies required by this Agreement.
 - Complete, certified copies of all required insurance policies, including endorsements affecting the coverage.
- 12.3. **Coverage Amounts.** Insurance coverage shall be at least in the following minimum amounts:

- Workers' Compensation:
 - Workers' Compensation Statutory Limits
 - EL Each Accident \$1,000,000
 - EL Disease - Policy Limit \$1,000,000
 - EL Disease - Each Employee \$1,000,000

- Automobile Liability
 - Any vehicle, combined single limit \$350,000

12.4. **Worker's Compensation Insurance.** Consultant warrants that he or she has no employees and is therefore not subject to the obligation to provide workers compensation insurance. Consultant will comply with the workers compensation statutes as to himself or herself should he or she employ any person in the performance of this Agreement and shall impose a comparable provision in any subcontract entered into with respect to this Agreement.

12.5. **Automobile Liability Insurance.** Covered vehicles shall include owned, if any, non-owned and hired automobiles, and trucks.

12.6. **Additional Insured Endorsements.** The City, its City Council, Commissions, officers, and employees of Nevada City must be endorsed as an additional insured for each policy required herein, for liability arising out of ongoing and completed operations by or on behalf of the Consultant. Consultant's insurance policies shall be primary as respects any claims related to or as the result of the Consultant's work. Any insurance, pooled coverage or self-insurance maintained by the City, its elected or appointed officials, directors, officers, agents, employees, volunteers, or consultants shall be non-contributory. All endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf.

12.7. **Failure to Maintain Coverage.** In the event any policy is canceled prior to the completion of the project and the Consultant does not furnish a new certificate of insurance prior to cancellation, City has the right, but not the duty, to obtain the required insurance and deduct the premium(s) from any amounts due the Consultant under this Agreement. Failure of the Consultant to maintain the insurance required by this Agreement, or to comply with any of the requirements of this section, shall constitute a material breach of this Agreement.

12.8. **Notices.** Contractor shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. Consultant shall provide no less than 30 days' notice of any cancellation or material change to policies required by this Agreement. Consultant shall provide proof that cancelled or expired policies of insurance have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages. The name and address for Additional Insured

Endorsements, Certificates of Insurance and Notices of Cancellation is: City of Nevada City, Attn: Bryan McAlister, 317 Broad Street, Nevada City, California 95959.

- 12.9. **Consultant's Insurance Primary.** The insurance provided by Consultant, including all endorsements, shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 12.10. **Waiver of Subrogation.** Consultant hereby waives all rights of subrogation against the City. Consultant shall additionally waive such rights either by endorsement to each policy or provide proof of such waiver in the policy itself.
- 12.11. **Report of Claims to City.** Consultant shall report to the City, in addition to the Consultant's insurer, any and all insurance claims submitted to Consultant's insurer in connection with the services under this Agreement.
- 12.12. **Premium Payments and Deductibles.** Consultant must disclose all deductibles and self-insured retention amounts to the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within retention amounts. Ultimately, City must approve all such amounts prior to execution of this Agreement.

City has no obligation to pay any premiums, assessments, or deductibles under any policy required in this Agreement. Consultant shall be responsible for all premiums and deductibles in all of Consultant's insurance policies. The amount of deductibles for insurance coverage required herein are subject to City's approval.

13. MUTUAL COOPERATION

- 13.1. **City Cooperation in Performance.** City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.
- 13.2. **Consultant Cooperation in Defense of Claims.** If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

14. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City

Bryan McAlister
City of Nevada City
Engineering Division
317 Broad Street
Nevada City, CA 95959
Telephone: (530) 265-2496
Facsimile: (530) 265-0187

If to Consultant

Ronald Dundas
149 Crown Point Ct.
Grass Valley, CA 95945
Telephone: (530) 274-1616

15. SURVIVING COVENANTS

The parties agree that the covenants contained in paragraph 5.11 (Records), paragraph 10.4 (Indemnification of CalPERS Determination), Section 11 (Indemnity), paragraph 12.8 (Claims-Made Policies), paragraph 13.2 (Consultant Cooperation in Defense of Claims), and paragraph 18.1 (Confidentiality) of this Agreement shall survive the expiration or termination of this Agreement, subject to the provisions and limitations of this Agreement and all otherwise applicable statutes of limitations and repose.

16. TERMINATION

- 16.1. **City Termination.** City may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 16.2. **Consultant Termination.** Consultant may terminate this Agreement for a material breach of this Agreement upon 30 days' notice.
- 16.3. **Compensation Following Termination.** Upon termination, Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement. The City shall have the benefit of such work as may have been completed up to the time of such termination.
- 16.4. **Remedies.** City retains any and all available legal and equitable remedies for Consultant's breach of this Agreement.

17. INTERPRETATION OF AGREEMENT

- 17.1. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of California.

- 17.2. **Integration of Exhibits.** All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed on by City and Consultant.
- 17.3. **Headings.** The headings and captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the language of the section or paragraph shall control and govern in the construction of this Agreement.
- 17.4. **Pronouns.** Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 17.5. **Severability.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to the extent necessary to, cure such invalidity or unenforceability, and shall be enforceable in its amended form. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 17.6. **No Presumption Against Drafter.** Each party had an opportunity to consult with an attorney in reviewing and drafting this agreement. Any uncertainty or ambiguity shall not be construed for or against any party based on attribution of drafting to any party.

18. GENERAL PROVISIONS

- 18.1. **Confidentiality.** All data, documents, discussion, or other information developed or received by Consultant for performance of this Agreement are deemed confidential and Consultant shall not disclose it without prior written consent by City. City shall grant such consent if disclosure is legally required. All City data shall be returned to City upon the termination or expiration of this Agreement.
- 18.2. **Conflicts of Interest.** Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Consultant further agrees to file, or shall cause its employees or subcontractor to file, a Statement of Economic Interest with the City's Filing Officer if required under state law in the performance of the services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For

the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

- 18.3. **Non-assignment.** Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.4. **Binding on Successors.** This Agreement shall be binding on the successors and assigns of the parties.
- 18.5. **No Third-Party Beneficiaries.** Except as expressly stated herein, there is no intended third-party beneficiary of any right or obligation assumed by the parties.
- 18.6. **Time of the Essence.** Time is of the essence for each and every provision of this Agreement.
- 18.7. **Non-Discrimination.** Consultant shall not discriminate against any employee or applicant for employment because of race, sex (including pregnancy, childbirth, or related medical condition), creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition (cancer-related), marital status, ancestry, or sexual orientation. Employment actions to which this provision applies shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; or in terms, conditions or privileges of employment, and selection for training. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, the provisions of this nondiscrimination clause.
- 18.8. **Waiver.** No provision, covenant, or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing signed by one authorized to bind the party asserted to have consented to the waiver. The waiver by City or Consultant of any breach of any provision, covenant, or condition of this Agreement shall not be deemed to be a waiver of any subsequent breach of the same or any other provision, covenant, or condition.
- 18.9. **Excused Failure to Perform.** Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.10. **Remedies Non-Exclusive.** Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance from the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any or all of such other rights, powers or remedies.

18.11. **Attorneys' Fees.** If legal action shall be necessary to enforce any term, covenant or condition contained in this Agreement, each party shall pay its own costs, including any accountants' and attorneys' fees expended in the action.

18.12. **Venue.** The venue for any litigation shall be Nevada County, California and Consultant hereby consents to jurisdiction in Nevada County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”
City of Nevada City

“Consultant”
Dundas Geomatics, Inc.

By: _____
Signature

By: _____
Signature

Printed: _____

Printed: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attest:

By: _____
Loree' McCay, Deputy City Clerk

Date: _____

Approved as to form:

By: _____
Crystal V. Hodgson, City Attorney

Date: _____

DUNDAS GEOMATICS, INC.

GEOMATIC & CIVIL ENGINEERS

February 13, 2020

City of Nevada City
Attention: Bryan McAlister & Bill Falconi, City Engineers
317 Broad Street
Nevada City, CA 95959

Re: Grass Valley/ Nevada City Urban Mapping
Proposal for Surveying Services

Dear Bryan and Bill:

We are pleased to submit this proposal for surveying services in support of the above-referenced project. This proposal is based on our conversations with both of you and our past experience providing in providing similar services.

PROJECT DESCRIPTION

Dundas Geomatics has been engaged by the City of Grass Valley to update their City-wide base maps. This new 2020 update will replace the 1997 photogrammetry generated base maps (currently in service and obsolete), with new digital color aerial imagery and Lidar Derived Elevation Modeling (DEM) of the City of Grass Valley, it's Sphere of Influence, and surrounding study areas covering in total approximately 21 square miles.

These products will be compiled into an AutoCAD distributed format of individual "sheets", similar in concept to the 1997 product, but will now be composed of digital color orthorectified imagery (3" pixel), 1-foot contours derived from the DEM, and planimetric linework of identifiable features. All of these "sheets" will be tiled into a logical array, similar to the existing Grass Valley 1997 Aerial Mapping database, with index. Additionally, Dundas Geomatics will be establishing a regional high precision GPS control network, comprised of approximately 12 permanent monuments in addition to existing Cal Trans HPGN monumentation, to which all of the new work will be registered. The positional locations of this "network" will be memorialized by the filing and recordation of a Record of Survey Map, of this work.



149 Crown Point Ct.
Suite D Grass Valley,
CA 95945 USA

PHONE (530) 274-1616
MAIL rdundas@ddgeo.com

SCOPE OF WORK

Surveying & Mapping

This proposal to the City of Nevada City, proposes to expand this same program (same specifications) to include an area of approximately 5 square miles of the urban incorporated area of Nevada City, and surrounding environs, as has been previously delineated by the City Engineer. Additionally, we would propose to add an additional 3 permanent control monuments to the control network, which will be logically distributed in the Nevada City area.

FEE

We propose to accomplish the scope of work noted for the lump sum fee shown below and to bill our services monthly based on a percentage completion basis.

Task	Fee
Urban Base Mapping and control system	\$35,000.00
TOTAL	\$35,000.00

SUMMARY

Thank you very much for requesting this proposal from us. If this proposal is acceptable to you, please return a signed copy to us for processing.

Please feel free to contact us with any questions or comments.

Sincerely,
Ronald S. Dundas (electronic)
Ronald S. Dundas, PLS 4415

Accepted by:

Name

Date:

EXHIBIT B

TERMS AND CONDITIONS

- ◆ Reimbursable expenses for messenger and delivery services, reproduction for other than in-house check prints and plots, and travel beyond what is noted in the scope of work are separate from our fees and will be billed at cost. Also note that reimbursable travel expenses will include personnel time involved and will be billed at an appropriate hourly rate.
- ◆ All other services, which are considered as additional services (beyond the scope of work noted herein), will be billed on an hourly basis. Please refer to Attachment A for our current hourly billing rates.
- ◆ All disputes between the Client and Dundas Geomatics, Inc. shall be submitted to nonbinding mediation prior to commencement of any other judicial proceeding.
- ◆ This agreement may be terminated by either party with seven (7) days written notice to the other in the event of a substantial failure of performance by the other party through no fault of the terminating party.
- ◆ Neither party to this Agreement shall transfer, sublet or assign any rights under or interest in this Agreement without prior written consent of the other party.
- ◆ Nothing in this Agreement shall create a contractual relationship with or a cause of action in favor of any third party against Dundas Geomatics, Inc. or the Client.
- ◆ The drawings, calculations and specifications are instruments of service and are, and shall remain, the property of Dundas Geomatics Inc., whether the project for which they are made is executed or not. They are not to be used on other projects or extensions to this project except by agreement in writing.
- ◆ To the maximum extent permitted by law, the Client agrees to limit liability for damages to the sum of \$50,000 or the total fee received pursuant to this Agreement, whichever is greater. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.
- ◆ In the event a "Material Discrepancy" in the property boundary is encountered (as defined by section 8762 b(2) of the California Business and Professions Code "Professional Land Surveyors Act"), then all work necessary to remediate or correct such discrepancy shall be reimbursed on a time and materials basis, at the units rates attached hereto.

DDGEO
DUNDAS GEOMATICS, INC.
GEOMATIC & CIVIL ENGINEERS

HOURLY RATE SCHEDULE
2020

PRINCIPAL-IN CHARGE	\$175
PROJECT MANAGER / PE or LS.....	\$145
EXPERT TESTIMONY / PE or LS (4.0 HR MIN).....	\$265
AERIAL MAPPING (PILOT & DRONE).....	\$110/\$160*
PROJECT ENGINEER / PROJECT SURVEYOR.....	\$120
DRAFTER / MODELER.....	\$85
SURVEY PARTY CHIEF (w/equipment in field).....	\$170 / \$225*
(Sites with Toxic Remediation Controls).....	\$190/ \$245*
SURVEY FIELD TECHNICAN (w/ Party Chief in field).....	\$65 / \$95*
(Sites with Toxic Remediation Controls).....	...\$80/ \$105*
ADMIN	\$35

Regular Rate / Prevailing Rate*

TRAVEL (Combined hourly rate x travel time one way)

Note: Prevailing Wage Rates will vary depending on County where work is being performed.



149 Crown Point Ct
Suite D, Grass Valley,
CA 95945 USA

PHONE (530) 274-1616
CELL (530) 913-5870
EMAIL rdundas@ddgeo.com

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Ordinance No. 2020-03 Amending Nevada City Municipal Code Section 13.04050 Entitled “Water Rates-Delinquency-Penalties” Pursuant to SB 998

RECOMMENDATION: Waive the second reading and adopt the Ordinance 2020-03 amending Nevada City Municipal Code Section 13.04050 entitled “Water Rates-Delinquency-Penalties.

CONTACT: Crystal V. Hodgson, City Attorney
Catrina Olson, City Manager

BACKGROUND/DISCUSSION:

The first reading of Ordinance 2020-03 was heard at the February 12, 2020 meeting, as well as, the adoption of Resolution 2020-10 a policy on residential water shut-off for non-payment.

SUMMARY of SB 998

Senate Bill 998 requires public water providers to follow specified timelines and procedures before discontinuing water service for nonpayment of charges, and it requires all public water systems to have a written policy on water service discontinuation for nonpayment. Specifically, the provisions of the bill would require amendment to the City’s Municipal Code Section related to water billing and the adoption of a written policy. The policy would be applicable to all residential water customers and result in expanded notification procedures prior to service shut off for nonpayment. As an urban and community water system not regulated by the Public Utilities Commission, the City is required to comply with Senate Bill 998 by April 1, 2020.

It is recommended that the City Council waive the second reading and adopt Ordinance No. 2020-03 amending Nevada City Municipal Code Section 13.04.050 pertaining to residential water service for.

BACKGROUND

Adopted in 2018, Senate Bill 998 – Water Shutoff Protection Act (“SB 998”) is codified in the California Health and Safety Code to provide additional procedural protections and expand upon the existing safeguards related to utility service disconnections in the Public Utilities Code and Government Code. Under SB 998, public water systems with more than 200 connections are required to adopt a written policy on residential water service shut off for nonpayment, applicable to all residential water customers. SB 998 includes a number of similar and redundant provisions that are already in existence and codified in the Public Utilities Code and Government Code. Nevertheless, the City must comply with SB 998.

Through the adoption of SB 998, the California Legislature intends to protect Californians from losing access to water service due to inability to pay without proper notice and sufficient time to

cure. Specifically, the bill requires an adopted policy by the City, which must fulfill the following key requirements:

- Prohibit discontinuation of residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days; while the delinquent payment is under investigation by the utility or under review for appeal; and while the customer is enrolled in an alternative payment arrangement.
- Provide written or telephone notice at least seven days before discontinuation. The notice must contain information on the delinquent amount, a deadline to contact the utility to arrange for alternative payment arrangements, procedures to avoid discontinuation, and a description of the bill review and appeals process.
- Provide the customer with information on how to restore service and include the utility's contact information to discuss options for averting service discontinuation.
- For residential customers who demonstrate a household income below 200% of the federal poverty line, waive interest charges on delinquent bills and limit the reconnection service fee to \$50 during business hours and \$150 after hours.
- Prohibit discontinuation under certain medical and financial circumstances if the customer agrees to an alternative payment arrangement and provides certification.
- Require the utility to make good faith effort to inform by written notice both the customer of record and residential tenants that water service will be discontinued if payment or payment arrangements are not arranged.

In an effort to ensure transparency and accessibility, SB 998 requires translations of the adopted policy in the following languages: English, Spanish, Chinese, Vietnamese, Tagalog, Korean and any other language spoken by 10% of the service area. The policy in the languages above must be posted on the agency's website and made available upon request.

DISCUSSION

SB 998 prohibits a City water provider from disconnecting service for nonpayment of service charges until a bill has been delinquent for at least sixty (60) days, and then City must give notices in the time periods and manner set forth in the new law. Nevada City Municipal Code Section 13.04.050 (A)(1) dictates that a water bill is delinquent when it remains unpaid for thirty (30) days, and may be shut-off after a ten-day notice is given. Therefore, the City's current billing procedure operates in exceedance of the 60-day minimum provision contained in SB 998.

The City's billing procedure is as follows:

1. The City bills on a bimonthly cycle and customers receive a water bill approximately 60 days from the close of the billing cycle. Language on the City's water bill specifies that charges shall become delinquent if not paid within the date specified which is approximately 30 days (but no less than 30 days) from the date of mailing indicated on the bill.

2. A first past due notice is mailed to the customer the first day after the due date, indicating that the bill is then delinquent.
3. A second past due reminder is posted on the property on the 8th day after the first past due notice. The final notice includes language stating that the account is subject to service shut off if the balance is not paid within twenty-four (24) hours.

In order to comply with provisions under SB 998, staff recommends amending Section 13.04.050 of the Municipal Code to revise the timing for determination of water bill delinquency and to provide for the required sixty (60) days before water service may be disconnected. Staff also recommends the City Council adopt a residential water shut-off policy which would change the billing procedure to conform to the requires of SB 998, as follows:

1. The City will continue billing water service on a bimonthly basis. Language on the City's water bill would be changed to specify that water charges are due fifteen (15) days from the bill's mailing date.
2. AT least seven business days before discontinuation of residential service for nonpayment, the City will mail to the customer of record, and the Occupant, if the customer is not also the occupant, the first past due notice, containing the customer's name and address; the amount of the delinquency; the date by which the payment or payment arrangements must be made to avoid discontinuation of service; the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges; the descriptions of the procedure by which the customer may request an alternative payment arrangement, which may include an extension, amortization, alternative payment schedule, or payment reduction; the procedure for the customer to obtain information on financial assistance, if applicable; and the telephone number for customer service at the City.
3. At least twenty-four (24) hours before the disconnection date, the City will notify the customer of record or the occupant by telephone that the bill is still delinquent and water service will be shut-off if charges are not paid, and if the City is not able to reach the customer or occupant by telephone, the City will post the notice on the property address of the delinquent account.

The proposed residential water shut-off policy also contains the following changes:

- Incorporates written notification prior to service discontinuation, as required, based on the applicable customer circumstances described in the policy.
- Implements third party notification service to seniors and dependent adults, where the City will attempt to notify a person designated by the customer to receive notification when the customer's account is past-due and subject to service termination. For residences where the landlord is the customer of service, notify the occupants or tenants of their right to become customers of the City.
- Implements a procedure for delinquent customers, who meet statutory criteria demonstrating their inability to pay or under special medical circumstances, to request alternative payment options including payment extensions, amortizations, alternative payment

schedules, or payment reductions. The City Manager has the discretion to select the most appropriate alternative payment options.

Further, SB 998 specifically requires the agency to allow a residential customer to contest or appeal their bill for the City Council's final determination. This would only occur after the City Manager has reviewed the customer's complaint and offered an alternative payment arrangement. If the customer requests to appeal to the City Council for a final determination, the customer will need to file written appeal with the Deputy City Clerk and schedule to be heard at a City Council meeting. The City Manager will work with the customer to resolve a disputed bill. The appeal to City Council would be the last step added to the Department's existing procedure for such instances.

Lastly, the City will be required to report the number of annual discontinuations of residential service for nonpayment on its agency website and to the State Water Resources Control Board. SB 998 would require the City to comply by April 1, 2020, subject to fines for noncompliance.

Given Nevada City's local demographics, translation of the new policies into Spanish, Chinese, Vietnamese, Tagalog, and Korean will sufficiently meet the 10% service area requirement identified in SB 998.

ENVIRONMENTAL CONSIDERATIONS:

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FINANCIAL CONSIDERATIONS:

The financial impact is not clear at this time. Costs associated with printing notices and translation will be absorbed in the City's operating budget. Additional staff time will be required to implement the policy; however, the impact would be minimal.

ATTACHMENTS:

- ✓ Ordinance No. 2020-03, an Ordinance of the City of Nevada City Amending Title 13, Article II, Section 13.04.050 of the Nevada City Municipal Code Entitled "Water Rates – Delinquency – Penalties"

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING TITLE 13, ARTICLE II, SECTION 13.04.050 OF THE NEVADA CITY MUNICIPAL CODE ENTITLED “WATER RATES—DELINQUENCY—PENALTIES”

WHEREAS, the City of Nevada City, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City owns and operates a public water system that supplies water to residential, commercial, and industrial customers throughout the City’s jurisdiction; and

WHEREAS, in 2018, the California State Legislature adopted Senate Bill 998 (“SB 998”) which adopted new and expanded protections regarding discontinuation of water service for nonpayment and related matters; and

WHEREAS, the City desires to amend Title 13 (Public Services), Article II (Service), Section 13.04.050 (Water rates—Delinquency—Penalties) to ensure consistency with the requirements of SB 998 and other laws.

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

SECTION 1. Section 13.04.050 of the Nevada City Municipal Code entitled “Water rates—Delinquency--Penalties” is hereby amended to read as follows:

“13.04.050 - Water rates—Delinquency—Penalties.

A. Delinquency.

1. Each water bill shall be due and payable upon presentation, and shall become delinquent fifteen (15) days after the date of mailing. If the bill is not paid within sixty (60) days of the delinquency date, service may be discontinued. Service discontinued because of non-payment shall not be resumed until all bills, plus reconnection fees have been paid. Any charge or expense required by any provision of this Title 13 to be borne or paid by the consumer may be billed with any bill for service and if not paid when due the entire bill shall be deemed delinquent for the purpose of this Chapter.

2. Where water has been shut off from any premises for nonpayment of a water bill, it shall not be turned on again until payment has been made in full, or a promissory note and agreement for payment has been signed by the responsible person, or upon authorization by the city manager. The City Council may, by resolution or motion, adopt a policy for discontinuation of residential water service. Such policy may include, but may not be limited to, additional procedures concerning billing, discontinuation of service, notifications,

restoration of service, contesting or appealing a bill, extensions and alternative payment arrangements, protections available to qualified low-income customers, and related matters. To the extent a policy adopted pursuant to this section conflicts with any provisions of this Chapter, the policy shall control.

3. The chief of police, or his representative, upon request, shall accompany the superintendent of public works, or his authorized representative, for the purpose of shutting off the water from the premises of anyone who has violated any of the provisions of this chapter, or who has become delinquent in the payment of his water bill.

4. In all cases the owner of the property to which water is supplied shall be responsible for the payment of the water bill. All charges for water shall be a charge upon the property to which such water is supplied, and shall constitute a lien upon such property.

5. The lien created shall be recorded with the county recorder. The lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor.

B. Penalties.

1. The basic penalty shall be a charge of ten percent of each month's charges for the first month delinquent.

2. In addition to the basic, there shall be due and payable a penalty of one-half of one percent per month for nonpayment of the basic charges and basic penalty.

3. On the first day of the calendar month following the date of payment specified in the bill the charge shall become delinquent if the bill or that portion thereof which is not in bona fide dispute remains unpaid.

4. All such charges and penalties may be collected as provided in the Revenue Bond Law of 1941 (Government Code § 54300 et seq.).”

SECTION 2. CEQA. The City Council has determined that the proposed Ordinance is not a “project” as defined by the California Environmental Quality Act (“CEQA”) Guidelines Section 15378.

SECTION 3. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 4. Effective Date. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall become effective on the 31st day after adoption.

[SIGNATURES ON THE NEXT PAGE]

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 26th day of February, 2020 by the following vote:

AYES:

NOES:

ABSENT

ABSTAIN:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk

APPROVED AS TO FORM

Crystal V. Hodgson, City Attorney

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Replacement of Public Works Department Dump Truck Vehicle #32

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to replace Public Works Department Dump Truck, vehicle #32, and authorize payment of the \$5000 deductible.

CONTACT: Bubba Highsmith, Public Works Superintendent
Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

On December 31, 2019 around 2200 hours the Public Works yard was broken into, keys were taken out of the office, and the truck, vehicle #32, was stolen from the yard and driven off the premises through the yard fence. There was a police report taken at the time (case #C1901143). The dump truck was never located. Truck, vehicle #32 was a 2006 Chevy C4500; had a dump bed attached and functioned as the City's dump truck. The truck also had a snowplow, a sander, and a chipper box that were specific to the truck. The City has made a claim with McLaren's (the City's property coverage provider) to replace the truck. The overall replacement cost of the vehicle, with attachments (snowplow and sander), is approximately \$75,100 (this does not include any licensing, sales tax or additional fees. City staff will modify the chipper box to fit the new truck. The City will be responsible to cover the \$5000 deductible to replace the truck. The quote attached includes the new snowplow and sander.

FISCAL IMPACT:

A deductible of \$5000.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to replace Public Works Department Dump Truck, Vehicle #32, and Authorize Payment of the \$5000 deductible
- ✓ Quote for new truck with attachments

RESOLUTION NO. 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY TO
AWARD THE REPLACEMENT OF PUBLIC WORKS DEPARTMENT DUMP TRUCK,
VEHICLE #32, AND AUTHORIZE PAYMENT OF THE \$5000 DEDUCTIBLE**

WHEREAS, on December 31, 2019 at 2200 hours the City's Public Works yard was broken into and the City's truck, vehicle #32, was stolen; and

WHEREAS, the truck operated as the City's dump truck, with snowplow, sander and chipper box specific attachments to fit the truck; and

WHEREAS, the City's Public Works Department must have this equipment replaced to perform day-to-day operations for the maintenance and projects around the City.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Nevada City hereby authorizes staff to purchase a replacement for Public Works Department Dump Truck, Vehicle #32, and authorizes payment of the \$5,000 insurance deductible.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 26th day of February 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk



Champion Chevrolet

Kyle Outland | 775-334-6525 | koutland@championchev.com

Vehicle: [Retail] 2020 Chevrolet Silverado 3500HD CC (CK31403) 4WD Reg Cab 171" WB, 84.5" CA Work Truck (✔ Complete)

Selected Model and Options

MODEL

CODE	MODEL
CK31403	2020 Chevrolet Silverado 3500HD CC 4WD Reg Cab 171" WB, 84.5" CA Work Truck

COLORS

CODE	DESCRIPTION
GAZ	Summit White

EMISSIONS

CODE	DESCRIPTION
YF5	Emissions, California state requirements
NC7	Emissions override, Federal (for vehicles ordered by dealers in Federal emission states with (YF5) or (NE1) emissions - Not required for vehicles being shipped to California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont or Washington) (Requires (YF5) California state emissions requirements or (NE1) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont or Washington state emissions requirements.)

ENGINE

CODE	DESCRIPTION
L5P	Engine, Duramax 6.6L Turbo-Diesel V8 B20-Diesel compatible, (445 hp [332 kW] @ 2800 rpm, 910 lb-ft of torque [1220 Nm] @ 1600 rpm) (Regular Cab model requires (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package. Included with (PCK) Ambulance / Fire / Rescue Package.)

TRANSMISSION

CODE	DESCRIPTION
MGM	Transmission, Allison 10-speed automatic (Included and only available with (L5P) Duramax 6.6L Turbo-Diesel V8 engine. Not available with (PTO) Power Take-off.)

AXLE

CODE	DESCRIPTION
GU6	Rear axle, 3.42 ratio (Included and only available with (L5P) Duramax 6.6L Turbo-Diesel V8 engine.)

PREFERRED EQUIPMENT GROUP

CODE	DESCRIPTION
1WT	Work Truck Preferred Equipment Group includes standard equipment

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Data Version: 10102. Data Updated: Jan 13, 2020 10:02:00 PM PST.



Champion Chevrolet

Kyle Outland | 775-334-6525 | koutland@championchev.com

Vehicle: [Retail] 2020 Chevrolet Silverado 3500HD CC (CK31403) 4WD Reg Cab 171" WB, 84.5" CA
Work Truck (✔ Complete)

TIRES

CODE	DESCRIPTION
QZT	Tires, LT235/80R17E all-terrain, blackwall

SPARE TIRE

CODE	DESCRIPTION
9L3	Spare tire delete. Deletes the spare tire and wheel. (STD)

PAINT

CODE	DESCRIPTION
GAZ	Summit White

SEAT TYPE

CODE	DESCRIPTION
A52	Seats, front 40/20/40 split-bench (no storage) (STD)

SEAT TRIM

CODE	DESCRIPTION
H1T	Jet Black, Cloth seat trim

RADIO

CODE	DESCRIPTION
IOR	Audio system, Chevrolet Infotainment 3 system, 7" diagonal color touchscreen, AM/FM stereo. Additional features for compatible phones include: Bluetooth audio streaming for 2 active devices, voice command pass-through to phone, Apple CarPlay and Android Auto capable. (STD)

ADDITIONAL EQUIPMENT - PACKAGE

CODE	DESCRIPTION
PCV	WT Convenience Package includes (AQQ) Remote Keyless Entry, (AKO) tinted windows, (K34) cruise control, (DBG) power trailer mirrors with heated upper glass and manual extending/folding and (C49) rear-window defogger, (AXG) power windows, express up/down driver, (AED) power windows, express down passenger and (AU3) power door locks (Not available with (ZLQ) WT Fleet Convenience Package.)
YU	Snow Plow Prep Package includes (KW5) 220-amp alternator, includes increased front GAWR on Heavy Duty models, (NZZ) skid plates (transfer case and oil pan), pass through dash grommet hole and roof emergency light provisions. (Requires 4WD model. Upgradeable to (KHF) Dual alternators (220-amp primary, 170-amp auxiliary). Not available with (F60) Heavy Duty Front Spring Package.)

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Data Version: 10102. Data Updated: Jan 13, 2020 10:02:00 PM PST.



Champion Chevrolet

Kyle Outland | 775-334-6525 | koutland@championchev.com

Vehicle: [Retail] 2020 Chevrolet Silverado 3500HD CC (CK31403) 4WD Reg Cab 171" WB, 84.5" CA Work Truck (✔ Complete)

ADDITIONAL EQUIPMENT - MECHANICAL

CODE	DESCRIPTION
K05	Engine block heater (Included with (L5P) Duramax 6.6L Turbo-Diesel V8 engine.)
—	Battery, heavy-duty dual 730 cold-cranking amps/70 Amp-hr, maintenance-free with rundown protection and retained accessory power (Included and only available with (L5P) Duramax 6.6L Turbo-Diesel V8 engine.)
KW5	Alternator, 220 amps (Included with (L5P) Duramax 6.6L Turbo-Diesel V8 engine or (VYU) Snow Plow Prep Package. Free flow on (L8T) 6.6L V8 gas engine.)
JL1	Trailer brake controller, integrated (Requires (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package.)
K40	Exhaust brake (Included and only available with (L5P) Duramax 6.6L Turbo-Diesel V8 engine.)

ADDITIONAL EQUIPMENT - EXTERIOR

CODE	DESCRIPTION
NZZ	Skid Plates protect the oil pan, front axle and transfer case (Included with (VYU) Snow Plow Prep Package.)
BHP	Winter Grille Cover (Included and only available with (L5P) Duramax 6.6L Turbo-Diesel V8 engine.)
DBG	Mirrors, outside power-adjustable vertical trailering with heated upper glass, lower convex mirrors, integrated turn signals, manual folding/extending (extends 3.31" [84.25mm]) (Included and only available with (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package.)
AKO	Glass, deep-tinted (Included with (PCV) WT Convenience Package.)
VK3	License plate kit, front

ADDITIONAL EQUIPMENT - INTERIOR

CODE	DESCRIPTION
AXG	Window, power front, drivers express up/down (On Regular Cab model, included and only available with (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package.)
AED	Window, power front, passenger express down (On Regular Cab model, included and only available with (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package.)
AU3	Door locks, power (On Regular Cab models, included and only available with (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package.)
AQQ	Remote Keyless Entry, with 2 transmitters (Included and only available with (PCV) WT Convenience Package or (ZLQ) WT Fleet Convenience Package.)
K34	Cruise control, electronic with set and resume speed, steering wheel-mounted (Included with (ZLQ) WT Fleet Convenience Package or (PCV) WT Convenience Package.)
C49	Defogger, rear-window electric (Included with (PCV) WT Convenience Package.)

Options Total

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.

Data Version: 10102. Data Updated: Jan 13, 2020 10:02:00 PM PST.



Champion Chevrolet

Kyle Outland | 775-334-6525 | koutland@championchev.com

Vehicle: [Retail] 2020 Chevrolet Silverado 3500HD CC (CK31403) 4WD Reg Cab 171" WB, 84.5" CA
Work Truck (✔ Complete)

Price Summary

PRICE SUMMARY

Base Price

Total Options

Vehicle Subtotal

Destination Charge

Grand Total

Your Cost \$64,977.00 + Tax/Fees

Includes:

11' Rugby 2-3 yard dump

Tow Package

8'6" Western Pro Plus Snow Plow

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.

Data Version: 10102. Data Updated: Jan 13, 2020 10:02:00 PM PST.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Action Minutes February 12, 2020 City Council Meeting

RECOMMENDATION: Review and approve City Council Meeting Action Minutes of February 12, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the February 12, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ City Council Meeting Action Minutes February 12, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF FEBRUARY 12, 2020**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to [Quick Links](#) and Click on [Agendas & Minutes](#) and find the Archived Videos in the middle of the screen. Select the meeting date and Click on [Video](#) to watch the meeting. For website assistance, please contact Loree' McCay, Deputy City Clerk at (530) 265-2496, ext 134.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

CLOSED SESSION – None.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Mayor Senum, Vice Mayor Minett, Council Members Parker and Strawser
Absent: Council Member Moberg

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR:

1. PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

A. Subject: Accounts Payable Activity Report – January 2020
Recommendation: Receive and file.

B. Subject: Side Letter No. 3 to the Nevada City Miscellaneous Employee's Association Memorandum of Understanding (MOU) and Side Letter No. 1 to the Nevada City Management and Supervisory Employee's (MOU) – Clothing Allowance and Miscellaneous Allowance WTP/WWTP Definition
Recommendation: Review and approve Side Letter No. 3 to the City of Nevada City Miscellaneous Employee's Association Memorandum of Understanding (MOU) and Side Letter No. 1 to the Nevada City Management and Supervisory Employee's (MOU) rescinding and replacing policies regarding required work clothing.

C. Subject: Award of Contract for Downtown Curb Ramp Improvements
Recommendation: Pass Resolution 2020-05, a Resolution of the City of Nevada City to award a contract to Mattingly's Concrete in the amount of \$107,935 plus \$20,000 contingencies for Downtown Curb Ramp Improvements and authorize the Mayor to sign.

- D. **Subject:** Letter of Support for Broadband Grant Proposal
Recommendation: Review the letter of support for a broadband grant proposal for the Nevada County Last-Mile Grant Program and authorize the City Council to sign.
- E. **Subject:** An Ordinance of the City of Nevada City Amending Title 15 of the Nevada City Municipal Code to Adopt the 2019 California Building Standards with Local Amendments
Recommendation: Waive the second reading and adopt the Ordinance 2020-02 as presented.
- F. **Subject:** Division Chief/Fire Investigator- Peace Officer Qualification
Recommendation: Pass Resolution 2020-06, a Resolution of the City of Nevada City approving the Peace Officer status for the Division Chief/Fire Investigator.
- G. **Subject:** Quit-Claim Abandonment of Drainage Easement and Acceptance of an Offer of Dedication for Drainage Easement by CDS properties, Inc.
Recommendation: Pass Resolution 2020-07, a Resolution of the City Council of the City of Nevada City authorizing the Mayor to sign easement documents for quit-claim abandonment of drainage easement and acceptance of an offer of dedication for drainage easement by CDS properties, Inc.
- H. **Subject:** Consulting Services Agreement with Jacobson James & Associates for Wastewater Discharge Permitting Assistance
Recommendation: Pass Resolution 2020-08, a Resolution of the City of Nevada City to Authorize a Professional Consulting Services Master Agreement with Jacobson James & Associates, Inc. and contract work order for environmental services in the amount of \$10,000 to assist with Wastewater Treatment Plant Permit Compliance and authorize the Mayor to sign.
- I. **Subject:** Action Minutes January 8, 2020 City Council Meeting
Recommendation: Review and approve City Council Meeting Action Minutes of January 22, 2020.

Action: Motion by Strawser, seconded by Parker to approve consent item 3A through 3I as presented.

(Approved 4 – 0, Absent 1)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. **Subject:** Pay Scale for Temporary Parks & Recreation Employees
Recommendation: Pass Resolution 2020-09, a Resolution for the City Council of the City of Nevada City to adopt the Parks & Recreation part-time employee pay scale.

Action: Motion by Strawser, seconded by Minett to pass Resolution 2020-09, a Resolution for the City Council of the City of Nevada City to adopt the Parks & Recreation part-time employee pay scale.

(Approved 4 – 0, Absent 1)

- B. **Subject:** Street Closure Request Application for the City of Nevada City Birthday Party
Recommendation: Review and authorize the street closure request application for the City of Nevada City Birthday Party.

Action: Motion by Strawser, seconded by Parker to authorize the street closure request

application for the City of Nevada City Birthday party and waive the application fee.

(Approved 4 – 0, Absent 1)

C. Subject: Nevada City Fat Tire Festival Street Closure Request

Recommendation: Review and authorize the Nevada City Fat Tire Festival street closure request per application.

Action: Motion by Minett, seconded by Strawser to authorize the street closure request application for the Nevada City Fat Tire Festival.

(Approved 4 – 0, Absent 1)

D. Subject: Ordinance No. 2020-03 Amending Nevada City Municipal Code Section 13.04050 Entitled “Water Rates-Delinquency-Penalties” and Resolution Adopting Water Shut-Off Policy Pursuant to SB 998

Recommendation:

1. Waive reading of Ordinance, read by title only and introduce for first reading Ordinance No. 2020-03 An Ordinance of the City of Nevada City Amending Title 13, Article II, Section 13.04.050 of the Nevada City Municipal Code Entitled “Water Rates-Delinquency-Penalties”.
2. Adopt Resolution No. 2020-10, a Resolution of the City Council of the City of Nevada City, State of California adopting a Policy on Residential Water Shut-Off for Nonpayment.

Action: Motion by Strawser, seconded by Parker to waive reading of Ordinance, read by title only and introduce for first reading Ordinance No. 2020-03 An Ordinance of the City of Nevada City Amending Title 13, Article II, Section 13.04.050 of the Nevada City Municipal Code Entitled “Water Rates-Delinquency-Penalties”.

(Approved 4 – 0, Absent 1)

Action: Motion by Strawser, seconded by Parker to adopt Resolution No. 2020-10, a Resolution of the City Council of the City of Nevada City, State of California adopting a Policy on Residential Water Shut-Off for Nonpayment.

(Approved 4 – 0, Absent 1)

5. PUBLIC HEARINGS:

A. Subject: Adjustment to Downtown Employee Parking Permit Fee

Recommendation: Pass Resolution 2020-11, a Resolution of the City Council of the City of Nevada City establishing revised fee for Nevada City Downtown Employee Parking Permit.

Action: Motion by Strawser, seconded by Parker to pass Resolution 2020-11, a Resolution of the City Council of the City of Nevada City establishing revised fee for Nevada City Downtown Employee Parking Permit.

(Approved 4 – 0, Absent 1)

B. Subject: Swimming Pool Program Fees Update

Recommendation: Conduct a Public Hearing and upon conclusion pass Resolution 2020-12, a Resolution of the City of Nevada City adopting updated fee schedule for swimming pool programs.

Action: Motion by Strawser, seconded by Parker to pass Resolution 2020-12, a Resolution of the City of Nevada City adopted updated fee schedule for swimming pool programs.

(Approved 4 – 0, Absent 1)

C. Subject: Consideration of Ordinance Amendments for the Regulation of Wireless Telecommunication Facilities in the City

Recommendation: Provide staff direction on whether or not to have the Consulting Attorney incorporate requested Ordinance amendments.

Action: Prior to the consent agenda the City Manager requested that this item be moved and heard prior to the consent agenda. The City Manager requested that this item be continued to a date certain of March 11, 2020. Also requested was that the City Manager be given authority to use her discretion regarding how many more billable hours Baron Bettenhausen from Jones and Mayor and Bob Ross of CMS be authorized to use to complete the amendments to the Wireless Telecommunication Facilities Ordinance. Motion by Strawser, seconded by Parker to move to a date certain of March 11, 2020 and authorized the City Manager to use discretion on remaining billable hours to be used to complete the Ordinance amendments.

(Approved 4 – 0, Absent 1)

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Subject: Freeway Visible Sign Amendment – Chevron Price Signage at 301 Sacramento Street

Recommendation: Review the “as-installed” modified signage and make a recommendation.

Action: Motion by Minett, seconded by Strawser to continue the Freeway Visible Sign Amendment – Chevron Price Signage at 301 Sacramento Street to the February 26, 2020 City Council meeting.

(Approved 4 – 0, Absent 1)

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT: The City Manager provided a detailed written report attached to the agenda.

11. ADJOURNMENT: - 7:52PM

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Reinette Senum, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: 2nd Quarter Financial Update, Fiscal Year (FY) 19/20

RECOMMENDATION: Receive and file.

CONTACT: Loree' McCay, Administrative Services Manager

BACKGROUND / DISCUSSION:

As of December 31, 2019, the City has a cumulative cash total of \$3.1 million vs. \$2.3 million December 31, 2018, including \$512k in the Local Agency Investment Fund (LAIF) yielding 2.29%, and \$1.2 million in Certificates of Deposit (CD's) with an average portfolio maturity of 2.8 years and an average yield of 2.86%. The increased cash flow year over year (YOY) is significantly tied to an increase in cash in the general fund.

The City's General Fund has \$456k remaining in long term debt from obtaining loans with Tri Counties Bank for the purchase of 425 Nimrod Nevada City, CA 95959, a Department of Public Works replacement truck and a replacement street sweeper.

The City's Measure "C" Fund has \$368k remaining in long term debt from obtaining a lease/purchase of a new Fire Truck needed to replace an aged engine.

The City's Enterprise Fund long term debt was \$3.6 million as of December 31, 2019 vs. \$3.7 million as of December 31, 2018, \$103k lower, associated to regular principal reduction payments.

As of December 31, 2019, General Fund revenues were \$1.96 million vs. \$1.26 million December 31, 2018, an increase of \$704k YOY associated to an increase of sales tax, excise tax and cannabis business permit fees. General Fund revenues received at \$1.96 million were 41% of the \$4.8 million budget.

As of December 31, 2019, General Fund expenditures were at \$2.8 million vs. \$2.5 million December 31, 2018 an increase of \$322k YOY. General Administration expenditures at \$546k were 50% of the \$1.1 million operational budget. The Fire Department expenditures at \$441k were 65% of the \$677k operational and capital. 2nd quarter YOY comparison of the decreased costs in the Fire Department are associated to a reduction of "Strike Team" involvement in the current fiscal year which reduced the costs associated with Non-permanent Salary and overtime needed for the assistance provided by the Nevada City Fire Department at several fires that occurred in the State of California (Strike Team) The State has paid the City for participation on the "Strike Teams". The Police Department expenditures at \$1.2 million were 55% of the \$2.1 million budget. 2nd quarter YOY comparison the increased costs in the Police Department are tied to department salary and benefits associated to having previously vacant positions filled, as well as, an increase in Capital Outlay for the purchase of a replacement

vehicle. The Police Department is currently fully staffed. The Department of Public Works expenditures at \$287k were 44% of the \$653k operational and capital budget. The Parks and Recreation Department expenditures at \$237k were 62% of the \$383k budget. Veteran's Building expenditures at 30k were 47% of the \$64k budget. Typically at the completion of the 2nd quarter, departmental expenditures should be approximately 50% of budget. Overall operational expenditures at \$2.8 million were 55% of the \$5.0 million operational and capital outlay budget.

The General Fund had expenditures exceeding revenues of \$817k as of December 31, 2019, lower than FY 18/19 at \$1.2 million. The City has a positive unassigned fund balance of \$345k ending FY 17/18 down from \$396k ending FY 16/17. It continues to be crucial that City Staff monitor incoming revenues and prioritize and review program expenditures to support preserving and improving the current financial status.

As of December 31, 2019, Special Fund revenues were \$1.2 million and were 29% of the \$4.3 million budget. The City's special tax measures have been performing on or better than budget. The City has received \$374k in Measure "S" sales tax revenues or 40% of the \$923k budget and \$278k in Measure "C" sales tax revenues or 61% of \$458k budget. Most Special Fund revenues are tied to the timing of expenditures by the City and reimbursement based.

As of December 31, 2019, the Special Fund expenditures including capital outlay were \$899k or 21% of the overall \$4.2 million budget. Special Fund expenditures are all timing related.

As of December 31, 2019, Water Fund revenues were \$467k vs. \$506k December 31, 2018. Water Fund revenues received at \$467k were 53% of the \$879k budget.

As of December 31, 2019, the Water Fund expenditures were at \$482k vs. \$314k December 31, 2018. The increase of \$168k in Water Fund expenditures was associated to increased capital outlay costs of plant improvements associated to a chlorine Building project and an NID Cross Connect project and outside services. The Water Department and Water Distribution Fund with expenditures of \$482k were 62% of the \$783k operational and capital budget (not including the A87 allocation).

The Water Fund had expenditures exceeding revenues of \$15k as of December 31, 2019. The Water Fund had been experiencing an improved unrestricted financial position, however, with the increases in expenditures for necessary repairs it is critical that City Staff explore efficiencies in operations and reductions in expenditures to maintain the improving financial position of the Water Fund.

As of December 31, 2019, the Wastewater Fund revenues were \$663k vs. \$708k December 31, 2018. The decrease in Wastewater Fund revenues of \$46k was associated to the decrease in program income from Leachate hauling as well as lower than expected water usage during January and February of 2019 which is directly linked to the revenues received from customers. Wastewater Fund revenues received at \$663k were 47% of the \$1.4 million budget.

As of December 31, 2019, the Wastewater Fund expenditures were at \$809k vs. \$887k December 31, 2018. The increase of \$79k in Wastewater Fund expenditures was primarily associated increased

costs of liability insurance and outside services for sewer line replacement. The Wastewater Department and Wastewater Distribution Fund with expenditures of \$809k were 53% of the \$1.5 million operational and capital outlay budget (not including the A87 allocation).

The Wastewater Fund had expenditures exceeding revenues of \$146k as of December 31, 2019 vs. 179k as of December 31, 2018. The Wastewater Fund continues to maintain a positive fund position with an approximate unrestricted balance of \$1.6 million ending FY 18/19. However, the last 5 fiscal years the fund has experienced significant erosion. City staff will need to closely monitor incoming revenues and review and prioritize operational and capital expenditures to support preserving the Wastewater Fund financial status.

ATTACHMENTS:

- Fund Financial Status Report
- Statement of Condition
- Revenue and Expenditure Report (General Fund, Special Funds, Water Fund & Sewer Fund)
- Major Revenue Graphs

CITY OF NEVADA CITY
Fund - Financial Status Report
December 30, 2019

September 30, 2019

1) Checking Account Tri Counties	\$	837,612.27	
2) Core Account	\$	393,637.78	
3) LAIF	\$	511,837.69	
4) Fire Department	\$	78,597.68	
5) Certificates of Deposit	\$	1,233,000.00	see attachment A

Total City Cash Accounts	\$	3,054,685	**Ties to Fund balances
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6) Petty Cash	\$	500.00	Admin \$100/PD\$400
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Other Cash Accounts	\$	500.00	
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TOTAL CASH	\$	3,055,185.42	
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<u>General Fund Balances:</u>	FY 19-20 Activity to December 30, 2019	FY 18-19 Activity to December 30, 2018	\$ Change
100 GENERAL FUND	\$ 833,497	\$ 82,581	\$ 750,916
Subtotal General Funds	\$ 833,497	\$ 82,581	\$ 750,916
200 AB1600	\$ 62,865	\$ 85,856	\$ (22,991)
201 P&R QUIMBY	\$ 306	\$ 29,176	\$ (28,870)
205 DONATION PRJT	\$ 8,017	\$ 22,518	\$ (14,501)
209 NEVADA/MAIN PRJ	\$ (109,469)	\$ (90,073)	\$ (19,396)
210 GAS TAX-STREETS	\$ 205,457	\$ 90,438	\$ 115,019
212 RSTP/STIP	\$ -	\$ (1)	\$ 1
215 RURAL PLANNING	\$ (38,138)	\$ (318,506)	\$ 280,368
216 TRAFFIC RELIEF	\$ 7,354	\$ 3,670	\$ 3,684
217 REG. TRAFFIC MIT	\$ 2,624	\$ 3,785	\$ (1,161)
218 FEMA	\$ (15,962)	\$ 899	\$ (16,861)
220 INDIAN TRAILS	\$ 46,502	\$ 46,087	\$ 415
221 UST PROJECT	\$ -	\$ (30)	\$ 30
223 CALFIRE GRANT	\$ -	\$ (7,104)	\$ 7,104
224 LCWF POOL REHAB	\$ 25,020	\$ 25,020	\$ -
227 LITTLE DEER CRK	\$ (114,431)	\$ (27,221)	\$ (87,210)
229 BROWNSFIELD '10	\$ 4,829	\$ (39,493)	\$ 44,322
230 TAX - FIRE DEPT	\$ 1,683	\$ -	\$ 1,683
231 2003 FIRE TAX	\$ 3,238	\$ -	\$ 3,238
241 NC REC/QUIMBY	\$ -	\$ (6,146)	\$ 6,146
250 CDBG ENTERPRISE	\$ (15,220)	\$ (23,402)	\$ 8,182
265 CABY - NEV CITY	\$ -	\$ (5,778)	\$ 5,778
266 CABY- MISC AGENCY	\$ (324,341)	\$ (319,053)	\$ (5,288)
271 PROP 172	\$ 73,013	\$ 74,948	\$ (1,935)
272 MATHIVET	\$ 10,802	\$ 35,689	\$ (24,887)
273 SLESF	\$ 25,168	\$ 71,321	\$ (46,153)
280 MEASURE "L"	\$ 79,747	\$ 213,593	\$ (133,846)
285 MEASURE "C"	\$ 189,236	\$ 168,558	\$ 20,678
710 CONSTITUTION DAY PARADE	\$ (1,599)	\$ 76	\$ (1,675)
715 MEASURE "S"	\$ (3,366)	\$ 146,520	\$ (149,886)
Subtotal Special Revenues	\$ 18,758	\$ 18,590	\$ 168
	\$ 142,093	\$ 199,937	\$ (57,844)
Enterprise Funds:			
600 WATER FUND	\$ 340,393	\$ 363,439	\$ (23,046)
614 WATER-AB1600	\$ 36,318	\$ 35,992	\$ 326
625 WTP - UPGRADE	\$ -	\$ (1)	\$ 1
650 SEWER FUND	\$ 1,678,066	\$ 1,604,437	\$ 73,629
Subtotal Enterprise Funds	\$ 24,315	\$ 24,097	\$ 218
	\$ 2,079,092	\$ 2,027,964	\$ 51,128
TOTAL OF FUNDS	\$ 3,054,682	\$ 2,310,482	\$ 744,200

City of Nevada City - Investment Schedule 2019/2020

Attachment A

<u>Institution</u>	<u>Amount</u>	<u>Rate</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Term</u>	<u>FDIC Ins.</u>
Wells Fargo Bank	\$249,000	2.60%	4/12/2019	4/12/2022	3 yr	Yes
Citibank National Association	\$246,000	3.00%	8/3/2018	8/3/2021	3 Yr	Yes
Morgan Stanley Private Bank	\$246,000	2.85%	9/20/2018	9/21/2020	2 Yr	Yes
BMW Bank of North America	\$246,000	3.00%	9/21/2018	9/21/2021	3 Yr	Yes
Morgan Stanley Private Bank	\$246,000	2.85%	2/14/2019	2/14/2022	3 yr.	Yes
Total	\$1,233,000					

Dec 31, 2019

General Checking	\$837,612.27
Core Money Market	\$393,637.78
LAI F	\$511,837.69
Cash On Hand	\$ 1,743,087.74

CD's \$1,233,000

Total Cash	\$ 2,976,087.74
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**City of Nevada City
Statement of Condition
December 31, 2019**

<u>Cash & Investments</u>	<u>Actual</u> <u>December 31, 2019</u>	<u>Actual</u> <u>December 31, 2018</u>
Checking	\$ 837,612	\$ 486,753
Core	\$ 393,638	\$ 8,768
LAIF	\$ 511,838	\$ 499,306
Certificates of Deposit	\$ 1,233,000	\$ 1,234,000
Fire Department	\$ 78,598	\$ 81,654
Petty Cash	\$ 500	\$ 900
Total Cash & Investments	\$ 3,055,185	\$ 2,311,381

<u>Debt Governmental Activities</u>	<u>Balance</u> <u>December 31, 2019</u>	<u>Balance</u> <u>December 31, 2018</u>	<u>Comments</u>
Leases:			
REV Financial Services, LLC	\$ 368,457	\$ 401,867	Fire Engine - KME Predator Severe Service 1500 GPM Pumper
Loans:			
Tri Counties Bank	\$ 253,901	\$ 267,080	Mortgage - 425 Nimrod Nevada City CA 95959
Tri Counties Bank	\$ 189,683	-	DPW-2019 Badger Sweeper
Tri Counties Bank	\$ 12,930	-	DPW Vehicle-2019 Chevrolet Colorado*
Total Governmental Debt	\$ 824,971	\$ 668,947	

**Allocated to 100,600 & 650 Funds*

Debt Business Type Activities (Water&Wastewater)

COP's:			
Citizens - Wastewater Treatment Plant Refunding 2008	\$ 284,314	\$ 356,727	Payments made twice yearly Jun/Dec
USDA - Wastewater COP's Series 2005	\$ 1,788,000	\$ 1,825,000	Payments made twice yearly Dec/July (1st pmt Int only/2nd pmt princ. & int)
USDA - Wastewater COP's Series 2007	\$ 1,506,000	\$ 1,536,000	Payments made twice yearly Dec/July (1st pmt Int only/2nd pmt princ. & int)
Loan:			
First Security Finance - Water Plant Bond Refi	\$	-	Payments made twice yearly Mar/Sept
Tri Counties Bank	\$ 25,860	-	DPW Vehicle-2019 Chevrolet Colorado*
Total Business Type Debt	\$ 3,604,174	\$ 3,717,727	

**Allocated to 100,600 & 650 Funds*

<u>PERs projected Contribution Rates:</u>	<u>Empl. Contrib. 18/19</u>	<u>Empl. Contrib. 19/20</u>	<u>Unfunded Accrued Liability as of 6/30/19</u>
Miscellaneous Employees	33.150%+ 8%	41.944%+8%	\$ 2,164,705
Safety Employees	38.843%+ 9%	43.254%+ 9%	\$ 2,662,500
2nd Tier Retirement (employee contributes 5% towards 7% employee portion)			
Miscellaneous Employees (2% @60)	8.271%+7%	9.063%+7%	\$ 10,559
PEPRA (new members)			
Miscellaneous Employees (2% @62)(Employee contributes 6.25%)	7.213% + 6.25%	7.533% + 6.75%	\$ 15,161
Safety Police Employees (2.7% @57) (Employee contributes 9.5%)	10.151% + 9.5%	10.880% + 9.5%	\$ 16,796
Safety Fire Employees (2.7% @57) (Employee contributes 9.5%)	10.622% + 9.5%	11.145% + 9.5%	\$ 5,178
Total			\$ 4,874,899

**City of Nevada City
Revenues & Expenditures General Fund
December 31, 2019**

	<u>Actual</u> <u>December 31, 2019</u>	<u>Actual</u> <u>December 31, 2018</u>	<u>Adopted Annual Budget</u> <u>FY 19/20</u>	<u>\$\$</u> <u>Annual Budget</u>	<u>%</u>
<u>Revenues - Governmental Activities</u>					
Sales Taxes	\$ 730,491	\$ 556,217	\$ 1,050,000	\$ (319,509)	70%
Property Taxes (includes prop tax in lieu of VLF)	\$ 74,161	\$ 73,635	\$ 1,715,438	\$ (1,641,277)	4%
Transient Occupancy Taxes	\$ 247,081	\$ 232,017	\$ 420,000	\$ (172,919)	59%
Measure "F" Cannabis Tax	\$ 316,139	\$ 3,432	\$ 240,000	\$ 76,139	132%
Franchises	\$ 57,812	\$ 56,971	\$ 165,000	\$ (107,188)	35%
Licenses & Permits	\$ 183,609	\$ 51,462	\$ 149,600	\$ 34,009	123%
Planning & Inspection Fees	\$ 44,821	\$ 26,752	\$ 98,500	\$ (53,679)	46%
Parks & Recreation	\$ 60,166	\$ 56,345	\$ 140,500	\$ (80,334)	43%
Veteran's Building	\$ 9,869	\$ 14,535	\$ 23,500	\$ (13,631)	42%
Parking Meters	\$ 48,638	\$ 52,609	\$ 270,000	\$ (221,362)	18%
Safety (Includes PD POST, Fire Department/Strike, Asset Forfeiture/mvlf etc)	\$ 115,306	\$ 79,170	\$ 188,000	\$ (72,694)	61%
Grants	\$ 26,015	\$ 5,000	\$ 10,000	\$ 16,015	260%
Sale of Real Property/Proceeds from Debt	\$ -	\$ -	\$ -	\$ -	N/A
All Other Revenues	\$ 49,934	\$ 51,709	\$ 366,790	\$ (316,856)	14%
Total Governmental Revenue	\$ 1,964,043	\$ 1,259,854	\$ 4,837,328	\$ (2,556,429)	41%
<u>Funds from Other Financing Sources</u>					
Transfers In (fire taxes, CABY Admin., SLESF, Prop 172, Measure 'L')	\$ -	\$ -	\$ 200,000		
TOTAL GENERAL FUND REVENUES	\$ 1,964,043	\$ 1,259,854	\$ 5,037,328		
<u>Expenditures - Governmental Activities</u>					
General Government (Finance & Administration)	\$ 246,833	\$ 210,453	\$ 491,855	\$ (245,022)	50%
Capital Outlay	\$ 29,450	\$ -	\$ 14,400	\$ 15,050	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ (208,868)		
City Council	\$ 6,947	\$ 4,715	\$ 22,250	\$ (15,303)	31%
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 1,668		
Planning Commission	\$ 3,477	\$ 1,632	\$ 5,260	\$ (1,783)	66%
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 467		
City Attorney	\$ 49,701	\$ 88,185	\$ 137,175	\$ (87,474)	36%
Capital Outlay	\$ 1,565	\$ -	\$ 1,400	\$ 165	
City Planner	\$ 112,653	\$ 96,022	\$ 202,590	\$ (89,937)	56%
Capital Outlay	\$ 7,800	\$ -	\$ 1,800	\$ 6,000	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 18,311		
City Manager	\$ 125,482	\$ 105,439	\$ 225,625	\$ (100,143)	56%
Capital Outlay	\$ 5,795	\$ 1,973	\$ -	\$ 5,795	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ (28,936)		
City Clerk&Treasurer	\$ 1,292	\$ 1,292	\$ 2,584	\$ (1,292)	50%
Fire Department	\$ 440,897	\$ 484,432	\$ 676,645	\$ (235,748)	65%
Capital Outlay	\$ -	\$ -	\$ -	\$ -	
A-87 Cost Allocation for Administrative Staff - Charge to FD	\$ -	\$ -	\$ 30,407		
Police Department	\$ 1,132,497	\$ 961,637	\$ 2,096,760	\$ (964,263)	55%
Capital Outlay	\$ 26,750	\$ 28,763	\$ -	\$ 26,750	
A-87 Cost Allocation for Administrative Staff - Charge to PD	\$ -	\$ -	\$ 70,201		
Public Works (b&g, streets)	\$ 250,828	\$ 204,104	\$ 467,795	\$ (216,967)	44%
Capital Outlay	\$ 36,136	\$ 658	\$ 185,000	\$ (148,864)	
A-87 Cost Allocation for Administrative Staff - Charge to PW	\$ -	\$ -	\$ 56,192		
Community Agency Support	\$ 16,268	\$ 26,882	\$ 61,550	\$ (45,282)	26%
Capital Outlay	\$ 20,000	\$ -	\$ 1,400	\$ 18,600	
Parks and Recreation (p&r, pool, summer prg.)	\$ 234,668	\$ 213,141	\$ 382,072	\$ (147,404)	62%
Capital Outlay	\$ 2,105	\$ -	\$ 1,400	\$ 705	
A-87 Cost Allocation for Administrative Staff - Charge to P&R	\$ -	\$ -	\$ 55,369		
Veteran's Building	\$ 30,301	\$ 30,421	\$ 64,075	\$ (33,774)	47%
A-87 Cost Allocation for Administrative Staff - Veteran's Building	\$ -	\$ -	\$ 1,192	\$ (1,192)	
Total General Fund Expenditures	\$ 2,781,443	\$ 2,459,747	\$ 5,037,639	\$ (2,226,418)	55%
NET GENERAL FUND REVENUES/EXPENDITURES	\$ (817,401)	\$ (1,199,893)	\$ (311)		

**City of Nevada City
Revenues & Expenditures Committed Funds
December 31, 2019**

<u>Revenues - Special</u>	Fund	<u>Actual</u> <u>December 31, 2019</u>	<u>Adopted Annual Budget</u> <u>FY 19/20</u>	<u>Variance to</u> <u>Budget</u>
AB1600 Mitigation Fees	200	\$ 1,130	\$ 23,490	\$ (22,360)
P&R Quimby	201	\$ -	\$ 1,810	\$ (1,810)
Donation Projects	205	\$ 700	\$ 2,150	\$ (1,450)
Highway Bridge Grant Project	209	\$ 149,539	\$ 2,100,000	\$ (1,950,461)
Gas Tax	210	\$ 78,806	\$ 151,670	\$ (72,864)
NCTC RSTP & Local Ped & Bike	212/213	\$ -	\$ 40,000	\$ (40,000)
CMAQ Streets and Roads	215	\$ 287,775	\$ 140,000	\$ 147,775
Traffic Relief	216	\$ -	\$ 3,670	\$ (3,670)
Regional Traffic Mitigation	217	\$ 2,610	\$ 7,565	\$ (4,955)
Brownsfield '10 Grant Reimbursement	229	\$ 7,814	\$ 55,000	\$ (47,186)
Fire Tax	230/231	\$ 4,921	\$ 100,500	\$ (95,579)
CDBG-Enterprise	250	\$ -	\$ 185,000	\$ (185,000)
Prop 172	271	\$ 23,549	\$ 38,000	\$ (14,451)
SLESF - Supplemental Law Enforcement	273	\$ 25,000	\$ 100,200	\$ (75,200)
Measure "L" Sales Tax	280	\$ 2,002	\$ 5,600	\$ (3,598)
Measure "C"	285	\$ 278,686	\$ 458,000	\$ (179,314)
Constitution Day	710	\$ 2,000	\$ 8,000	\$ (6,000)
Measure "S" Sales Tax	715	\$ 373,570	\$ 922,750	\$ (549,180)
Special Revenue Interest		\$ 281	\$ 700	\$ (419)
Total Special Revenue		\$ 1,238,382	\$ 4,344,105	\$ (3,105,303)

Expenditures - Special Revenue Activities

Donation Projects	205	\$ 17,502	\$ 2,000	\$ 15,502
Highway Bridge Grant Project	209	\$ -	\$ -	\$ -
<i>Capital Outlay</i>		\$ 89,237	\$ 2,100,000	\$ (2,010,763)
Gas Tax	210	\$ 19,583	\$ 100,000	\$ (80,417)
<i>Capital Outlay</i>		\$ 3,977	\$ -	\$ 3,977
NCTC RSTP & Local Ped & Bike	212/213	\$ -	\$ 40,000	\$ (40,000)
<i>Capital Outlay</i>		\$ -	\$ -	\$ -
CMAQ - ST&RD	215	\$ -	\$ -	\$ -
<i>Capital Outlay</i>		\$ 8,978	\$ 140,000	\$ (131,022)
Regional Traffic Mitigation	217	\$ -	\$ 7,565	\$ (7,565)
Indian Trails	220	\$ -	\$ 1,000	\$ (1,000)
Little Deer Creek	227	\$ 315	\$ -	\$ 315
Brownsfield '10	229	\$ 4,201	\$ 55,000	\$ (50,799)
Fire Tax	230/231	\$ -	\$ 100,500	\$ (100,500)
CDBG	250	\$ -	\$ -	\$ -
<i>Capital Outlay</i>		\$ 818	\$ 185,000	\$ (184,182)
Prop 172	271	\$ 49,770	\$ 38,000	\$ 11,770
SLESF - Supplemental Law Enforcement	273	\$ -	\$ 100,000	\$ (100,000)
Measure "L"	280	\$ -	\$ -	\$ -
<i>Capital Outlay</i>		\$ 1,624	\$ 95,000	\$ (93,376)
Measure "C"	285	\$ 291,919	\$ 482,690	\$ (190,771)
Constitution Day	710	\$ 5,675	\$ 8,000	\$ (2,325)
Measure "S"	715	\$ 150,342	\$ 112,195	\$ 38,147
<i>Capital Outlay</i>		\$ 255,483	\$ 701,500	\$ (446,017)
<i>A-87 Cost Allocation for Administrative Staff - Charge to</i>		\$ -	\$ 27,000	\$ (27,000)
Total Special Revenue Expenditures		\$ 899,423	\$ 4,295,450	\$ (3,396,027)

**City of Nevada City
Revenues & Expenditures Enterprise Funds
December 31, 2019**

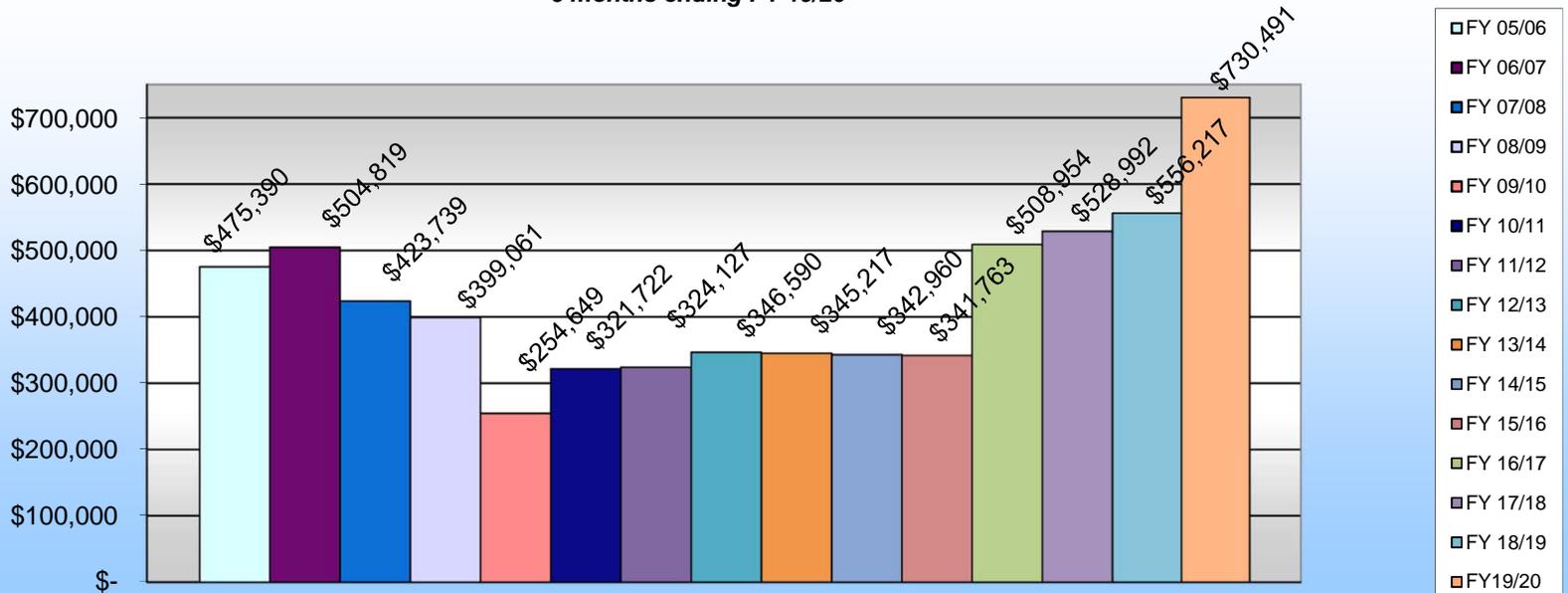
	<u>Actual</u> <u>December 31, 2019</u>	<u>Actual</u> <u>December 31, 2018</u>	<u>Annual Budget</u> <u>FY 19/20</u>	<u>\$\$</u> <u>Annual Budget</u>	<u>%</u>
<u>Water Fund Revenues</u>					
Water Fund (includes interest)	\$ 466,627	\$ 502,915	\$ 879,480	\$ (412,853)	53%
Water AB1600 Mitigation	\$ 32	\$ 2,922	\$ -		
Total Water Revenues	\$ 466,659	\$ 505,837	\$ 879,480	\$ (412,821)	53%
<u>Water Fund Expenditures</u>					
Water Plant	\$ 212,634	\$ 215,159	\$ 350,820	\$ (138,186)	61%
Capital Outlay	\$ 90,220	\$ 4,706	\$ 65,000	\$ 25,220	139%
Water Distribution	\$ 102,791	\$ 77,029	\$ 167,020	\$ (64,229)	62%
Capital Outlay	\$ 76,302	\$ 17,433	\$ 200,000	\$ (123,698)	38%
<i>A-87 Cost Allocation for Administrative Staff - Charge to Water</i>	\$ -	\$ -	\$ 93,000	\$ (93,000)	
Total Water Expenditures	\$ 481,947	\$ 314,326	\$ 875,840	\$ (393,893)	55%
NET WATER FUND REVENUES/EXPENDITURES	\$ (15,287)	\$ 191,511	\$ 3,640		
<u>Wastewater Fund Revenues</u>					
Wastewater Plant (includes interest)	\$ 616,452	\$ 641,285	\$ 1,336,270	\$ (719,818)	46%
Wastewater - Program Income	\$ 46,320	\$ 65,320	\$ 60,000	\$ (13,680)	
Wastewater AB1600 Mitigation	\$ 22	\$ 1,728	\$ -		
Total Wastewater Revenues	\$ 662,794	\$ 708,333	\$ 1,396,270	\$ (733,476)	47%
<u>Wastewater Fund Expenditures</u>					
Wastewater Plant	\$ 666,573	\$ 671,595	\$ 1,051,095	\$ (384,523)	63%
Capital Outlay	\$ 35,005	\$ 51,390	\$ 75,000	\$ (39,995)	47%
Wastewater Collection	\$ 106,928	\$ 79,011	\$ 201,885	\$ (94,957)	53%
Capital Outlay	\$ 711	\$ 85,730	\$ 200,000	\$ (199,289)	0%
<i>A-87 Cost Allocation for Administrative Staff - Charge to Wastewater</i>	\$ -	\$ -	\$ 130,000		
Total Wastewater Expenditures	\$ 809,216	\$ 887,726	\$ 1,657,980	\$ 848,764	49%
NET WASTEWATER FUND REVENUES/EXPENDITURES	\$ (146,422)	\$ (179,393)	\$ (261,710)		

YTD Analysis Sales Tax (includes property in lieu of sales tax)

3200-107

<u>Year</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Total</u>
FY 05/06	\$ 82,600	\$ 110,200	\$ -	\$ 94,004	\$ 73,700	\$ 114,885	\$ 202,709	\$ 105,000	\$ -	\$ 99,035	\$ 212,337	\$ 89,076	\$ 1,183,547
FY 06/07	\$ 75,600	\$ 100,800	\$ 64,661	\$ 62,700	\$ 83,700	\$ 117,358	\$ 206,922	\$ 101,300	\$ -	\$ 150,002	\$ 200,622	\$ 91,491	\$ 1,255,156
FY 07/08	\$ 69,800	\$ 93,100	\$ -	\$ 137,713	\$ 58,800	\$ 64,326	\$ 261,046	\$ 107,800	\$ 42,475	\$ 45,700	\$ 241,146	\$ 109,416	\$ 1,231,322
FY 08/09	\$ -	\$ 78,700	\$ 83,300	\$ 50,100	\$ 66,800	\$ 120,161	\$ 162,516	\$ 81,400	\$ -	\$ -	\$ 106,987	\$ 152,525	\$ 902,489
FY 09/10	\$ 56,100	\$ 66,500	\$ 6,902	\$ 51,400	\$ -	\$ 73,747	\$ 154,471	\$ -	\$ 97,734	\$ 28,400	\$ 148,071	\$ 31,725	\$ 715,050
FY 10/11	\$ 36,500	\$ 48,700	\$ 57,749	\$ 35,100	\$ 46,800	\$ 96,873	\$ 123,798	\$ 63,700	\$ 36,695	\$ 34,100	\$ 125,998	\$ 62,874	\$ 768,887
FY 11/12	\$ 41,800	\$ 55,800	\$ 58,493	\$ 44,800	\$ 44,000	\$ 79,233	\$ 154,208	\$ 62,200	\$ 59,591	\$ 35,900	\$ 155,408	\$ 75,347	\$ 866,780
FY 12/13	\$ 43,800	\$ 58,400	\$ 87,494	\$ 52,200	\$ 69,600	\$ 35,096	\$ 164,179	\$ 67,700	\$ 44,530	\$ 41,500	\$ 168,679	\$ 66,270	\$ 899,448
FY 13/14	\$ 52,300	\$ 69,700	\$ 58,370	\$ 46,300	\$ 61,700	\$ 56,847	\$ 161,122	\$ 65,900	\$ 60,167	\$ 36,100	\$ 159,922	\$ 97,309	\$ 925,737
FY 14/15	\$ 54,200	\$ 72,200	\$ 34,768	\$ 45,500	\$ 60,700	\$ 75,592	\$ 179,747	\$ 71,000	\$ 49,672	\$ 45,200	\$ 186,647	\$ 80,897	\$ 956,123
FY 15/16	\$ 48,264	\$ 63,800	\$ 61,898	\$ 49,600	\$ 66,200	\$ 52,000	\$ 51,300	\$ 68,500	\$ 75,726	\$ 57,700	\$ 76,800	\$ 87,926	\$ 759,715
FY 16/17	\$ 62,100	\$ 82,800	\$ 107,090	\$ 60,800	\$ 81,200	\$ 114,963	\$ 68,800	\$ 91,700	\$ 72,127	\$ 50,100	\$ 66,700	\$ 109,486	\$ 967,866
FY 17/18	\$ 68,100	\$ 90,800	\$ 95,722	\$ 66,600	\$ 88,700	\$ 119,070	\$ 68,100	\$ 90,700	\$ 134,705	\$ 53,100	\$ 89,986	\$ 83,345	\$ 1,048,928
FY 18/19	\$ 85,257	\$ 80,063	\$ 87,770	\$ 139,114	\$ 32,443	\$ 131,570	\$ 118,553	\$ 96,625	\$ 65,260	\$ 81,673	\$ 106,826	\$ 138,932	\$ 1,164,086
FY19/20	\$ 106,826	\$ 141,823	\$ 81,407	\$ 139,958	\$ 172,861	\$ 87,617	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 730,491

Sales Tax
6 months ending FY 19/20

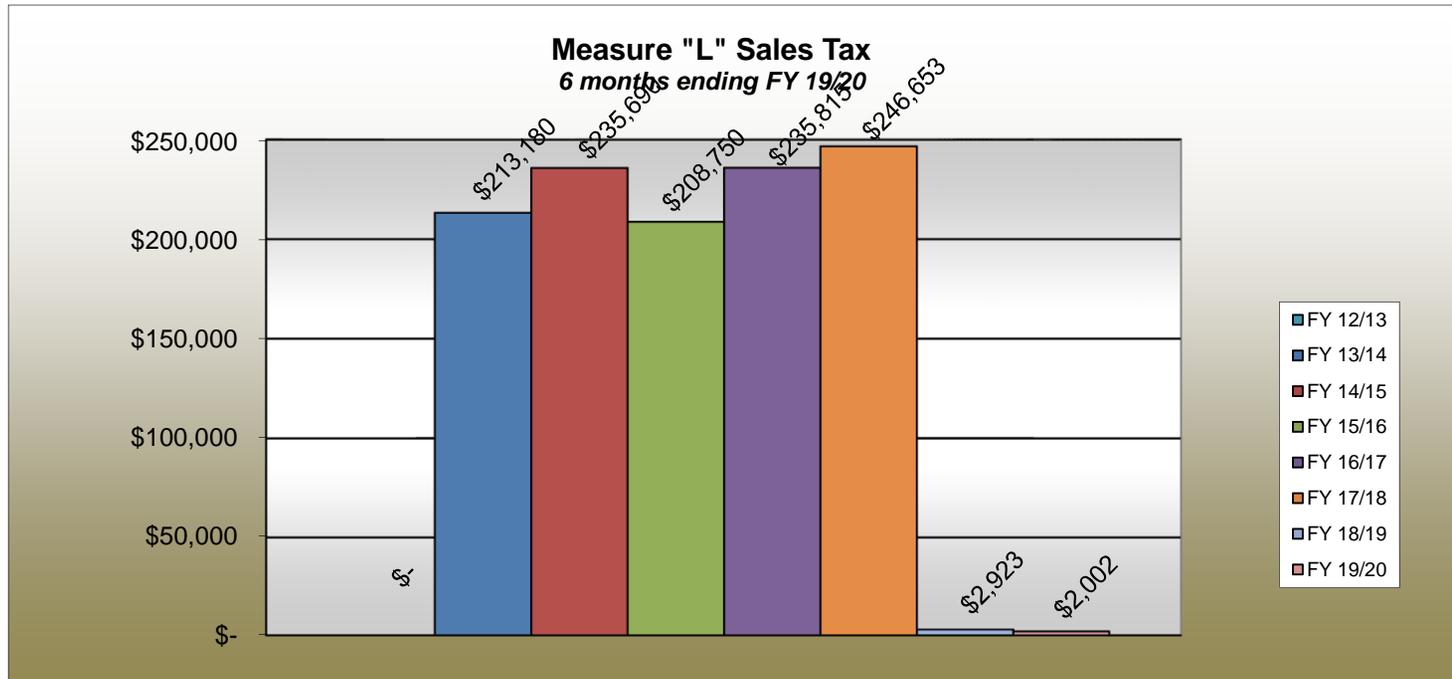


Prepared By: Loree' McCay

2/21/2020

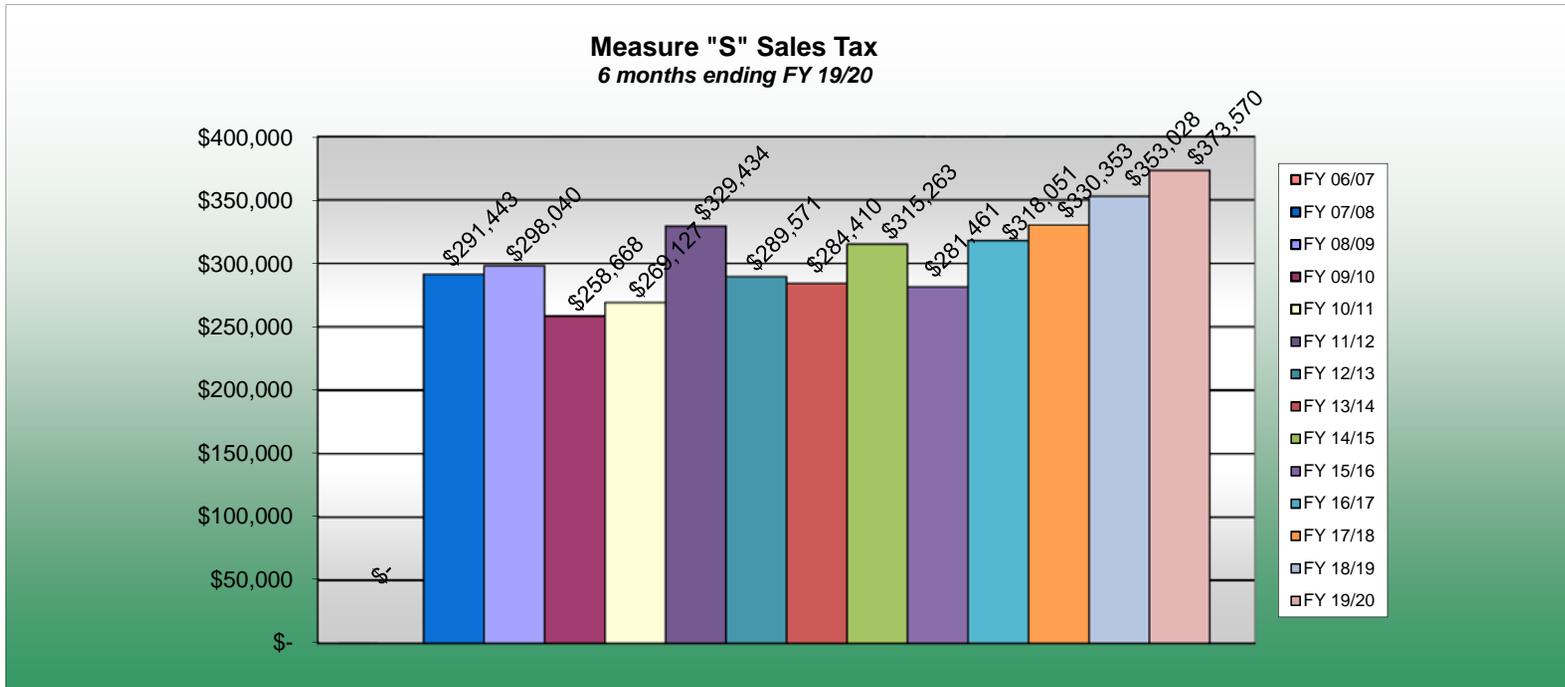
**YTD Analysis Measure "L" Sales Tax
3200-107**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 12/13	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,822	\$ 26,400	\$ 35,200	\$ 88,422
FY 13/14	\$ 26,400	\$ 35,200	\$ 44,384	\$ 30,200	\$ 40,200	\$ 36,796	\$ 30,500	\$ 40,700	\$ 45,879	\$ 31,700	\$ 42,200	\$ 20,971	\$ 425,130
FY 14/15	\$ 29,100	\$ 38,800	\$ 51,160	\$ 30,400	\$ 40,500	\$ 45,730	\$ 33,000	\$ 44,000	\$ 26,978	\$ 25,500	\$ 34,000	\$ 61,573	\$ 460,741
FY 15/16	\$ 33,200	\$ 44,200	\$ 32,965	\$ 32,600	\$ 43,500	\$ 22,286	\$ 32,800	\$ 43,700	\$ 36,510	\$ 28,100	\$ 37,500	\$ 23,889	\$ 411,250
FY 16/17	\$ 30,300	\$ 40,400	\$ 42,786	\$ 29,800	\$ 39,800	\$ 52,729	\$ 32,400	\$ 43,200	\$ 39,589	\$ 25,500	\$ 34,000	\$ 49,276	\$ 459,779
FY 17/18	\$ 30,500	\$ 40,600	\$ 52,667	\$ 33,100	\$ 44,200	\$ 45,586	\$ 33,100	\$ 44,200	\$ 39,757	\$ 27,500	\$ 41,991	\$ (62,886)	\$ 370,315
FY 18/19	\$ -	\$ -	\$ 738	\$ 360	\$ 373	\$ 1,452	\$ -	\$ 915	\$ 372	\$ 711	\$ 257	\$ 195	\$ 5,374
FY 19/20	\$ 257	\$ 195	\$ 144	\$ 630	\$ 202	\$ 574							\$ 2,002



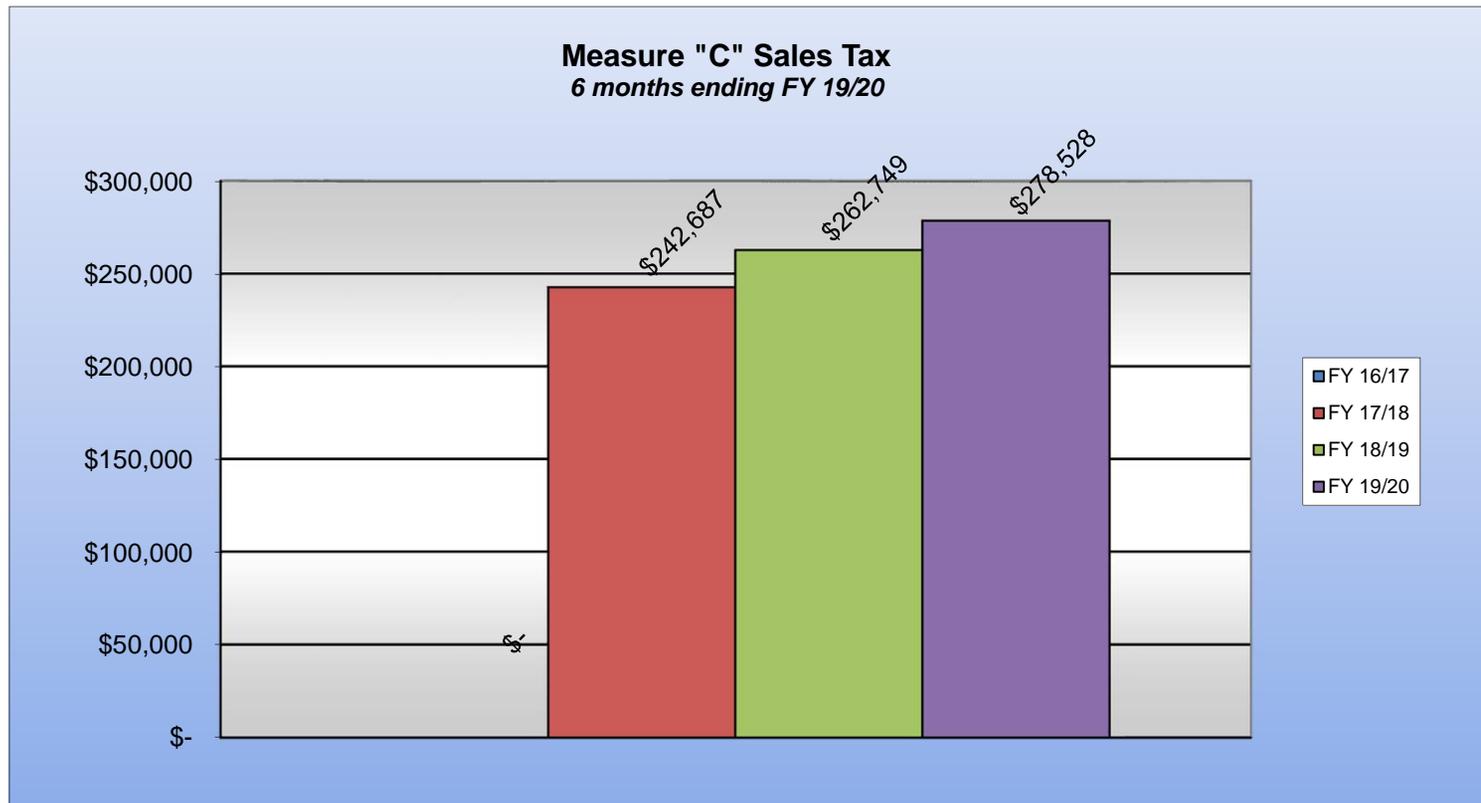
**YTD Analysis Measure "S" Sales Tax
3200-107**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 06/07	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 58,800	\$ 58,800
FY 07/08	\$ 29,400	\$ 39,200	\$ -	\$ 79,769	\$ 42,100	\$ 100,974	\$ 40,100	\$ 53,400	\$ 79,588	\$ 22,600	\$ 30,100	\$ 137,228	\$ 654,459
FY 08/09	\$ -	\$ 48,800	\$ 79,940	\$ 45,200	\$ 60,200	\$ 63,900	\$ 51,400	\$ 56,300	\$ -	\$ 47,701	\$ 33,100	\$ 101,532	\$ 588,073
FY 09/10	\$ 37,200	\$ 49,600	\$ 45,591	\$ 40,200	\$ 44,700	\$ 41,377	\$ 38,000	\$ -	\$ 86,066	\$ 28,100	\$ 41,000	\$ 43,297	\$ 495,131
FY 10/11	\$ 35,100	\$ 46,800	\$ 50,183	\$ 36,800	\$ 49,000	\$ 51,244	\$ 38,300	\$ 51,100	\$ 44,096	\$ 30,100	\$ 44,200	\$ 52,610	\$ 529,534
FY 11/12	\$ 37,600	\$ 50,100	\$ 90,158	\$ 37,000	\$ 49,300	\$ 65,276	\$ 41,100	\$ 54,800	\$ 44,133	\$ 32,300	\$ 43,100	\$ 93,994	\$ 638,861
FY 12/13	\$ 51,300	\$ 68,400	\$ 17,008	\$ 43,500	\$ 58,000	\$ 51,363	\$ 42,400	\$ 56,400	\$ 41,623	\$ 33,600	\$ 44,800	\$ 34,587	\$ 542,981
FY 13/14	\$ 41,900	\$ 55,800	\$ 45,504	\$ 45,900	\$ 61,200	\$ 34,106	\$ 42,700	\$ 56,900	\$ 48,950	\$ 35,400	\$ 47,200	\$ 43,217	\$ 558,777
FY 14/15	\$ 40,600	\$ 54,100	\$ 63,977	\$ 40,900	\$ 54,600	\$ 61,086	\$ 44,200	\$ 58,900	\$ 38,774	\$ 34,400	\$ 45,800	\$ 39,251	\$ 576,588
FY 15/16	\$ 44,700	\$ 59,600	\$ 45,133	\$ 44,000	\$ 58,600	\$ 29,429	\$ 44,000	\$ 58,600	\$ 52,555	\$ 38,500	\$ 51,300	\$ 31,193	\$ 557,609
FY 16/17	\$ 40,800	\$ 54,400	\$ 58,438	\$ 40,000	\$ 53,300	\$ 71,113	\$ 43,700	\$ 58,200	\$ 53,134	\$ 34,600	\$ 46,100	\$ 61,254	\$ 615,039
FY 17/18	\$ 40,800	\$ 54,400	\$ 70,688	\$ 44,400	\$ 59,200	\$ 60,865	\$ 44,300	\$ 59,100	\$ 53,192	\$ 36,800	\$ 56,572	\$ 58,028	\$ 638,345
FY 18/19	\$ 52,185	\$ 84,848	\$ 45,792	\$ 53,653	\$ 61,877	\$ 54,674	\$ 46,893	\$ 56,249	\$ 35,240	\$ 54,749	\$ 70,907	\$ 51,465	\$ 668,532
FY 19/20	\$ 70,907	\$ 51,465	\$ 61,236	\$ 58,655	\$ 73,625	\$ 57,683							\$ 373,570



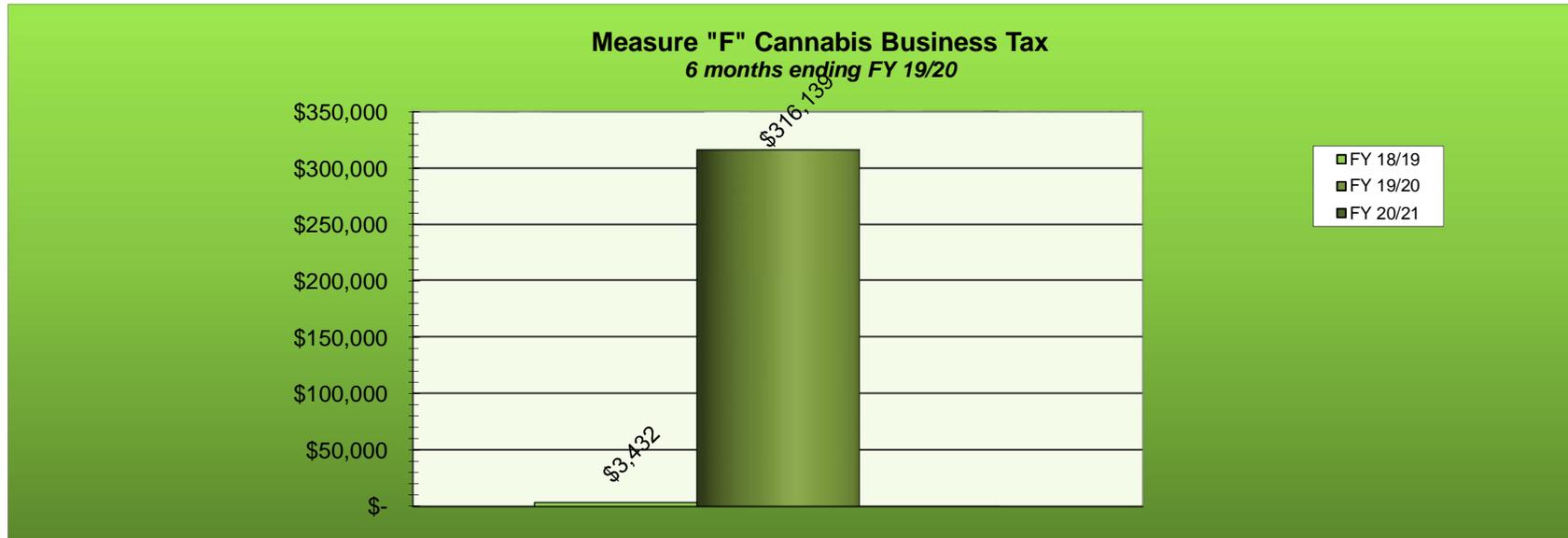
**YTD Analysis Measure "C" Sales Tax
3200-107**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 16/17	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,449	\$ 26,400	\$ 35,200	\$ 88,049
FY 17/18	\$ 26,400	\$ 35,200	\$ 58,157	\$ 29,000	\$ 38,700	\$ 55,231	\$ 30,900	\$ 41,200	\$ 46,573	\$ 28,400	\$ 36,568	\$ 52,373	\$ 478,702
FY 18/19	\$ 39,393	\$ 63,393	\$ 33,402	\$ 40,016	\$ 45,807	\$ 40,738	\$ 35,955	\$ 42,141	\$ 24,370	\$ 41,024	\$ 52,771	\$ 38,561	\$ 497,572
FY 19/20	\$ 52,771	\$ 38,561	\$ 46,239	\$ 54,271	\$ 43,710	\$ 42,975							\$ 278,528



**YTD Analysis Measure "F" Cannabis Business Tax
3200-108**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 18/19	\$ -	\$ -	\$ -	\$ 3,432	\$ -	\$ -	\$ 13,532	\$ -	\$ -	\$ 55,376	\$ 537	\$ 103,973	\$ 176,850
FY 19/20	\$ 99,887	\$ 4,086	\$ 26,000	\$ 95,185	\$ 730	\$ 90,251	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 316,139
FY 20/21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

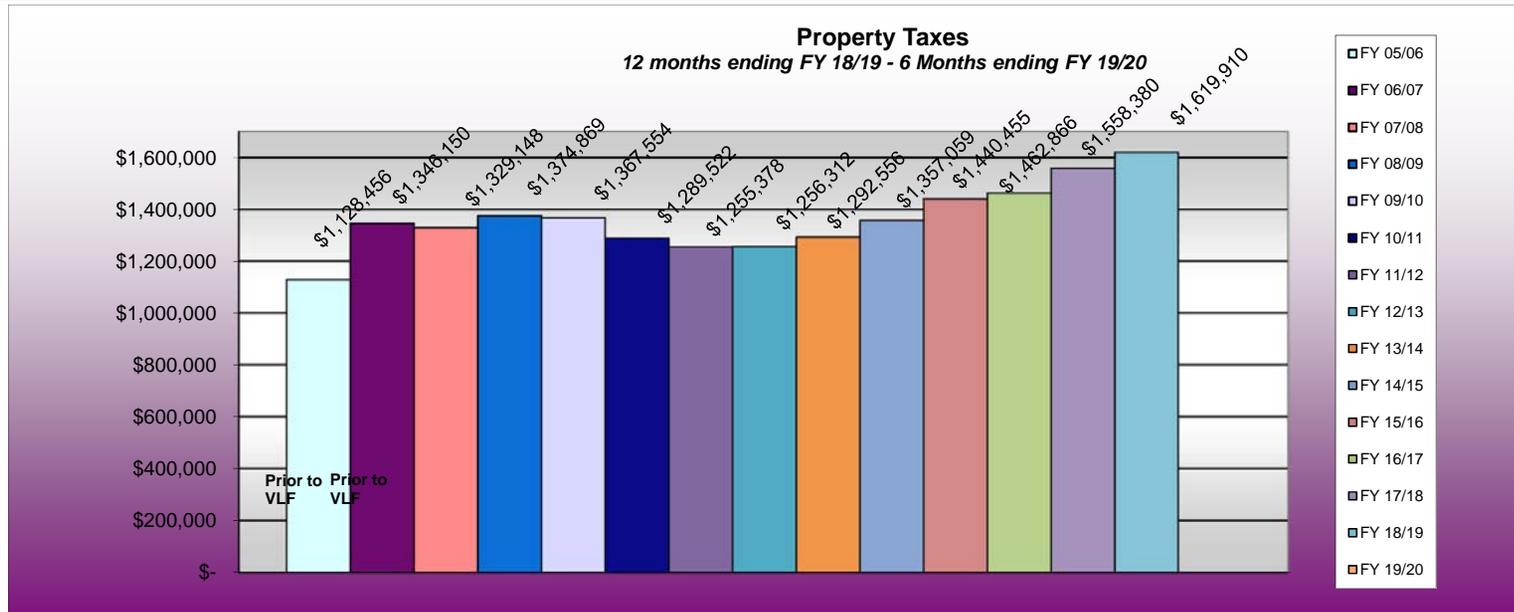


YTD Analysis Property Taxes

3100 3200-112

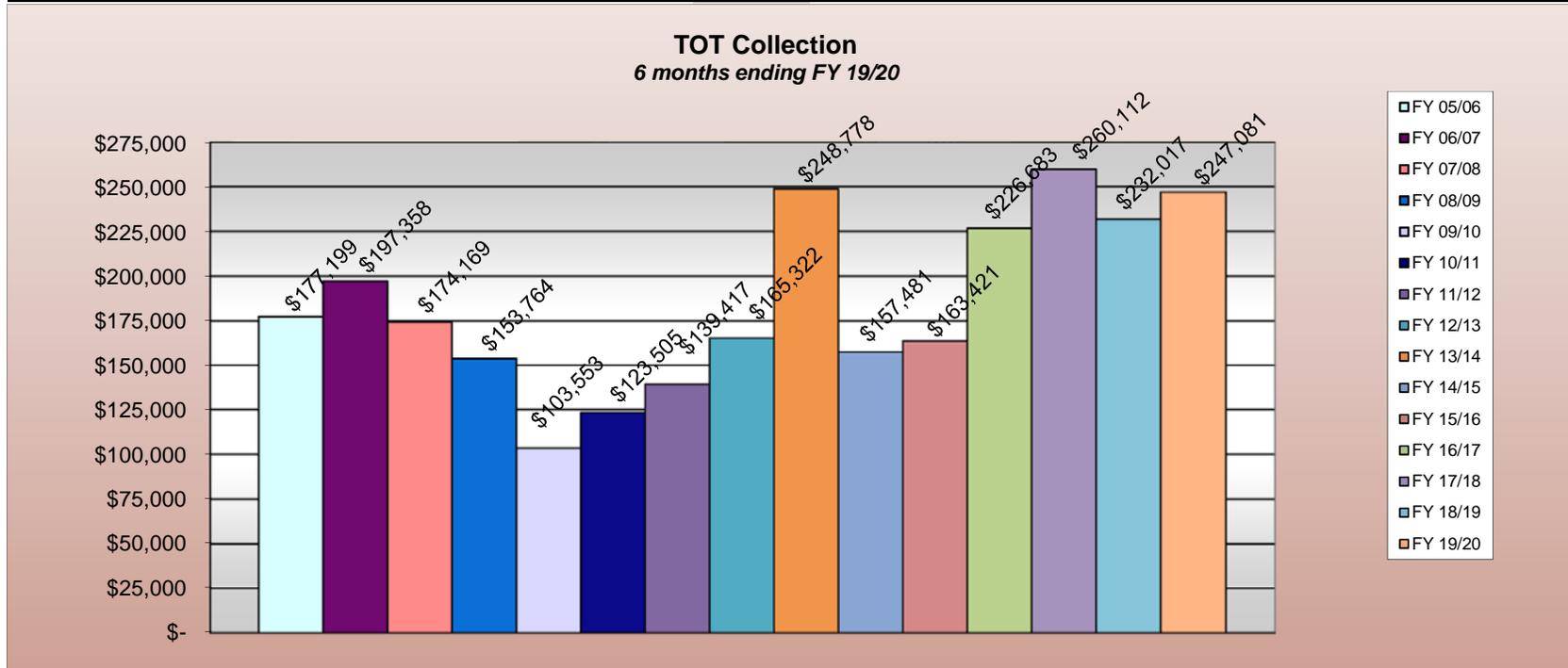
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06							\$ 615,649				\$ 439,110	\$ 73,696	\$ 1,128,456
FY 06/07							\$ 775,021				\$ 505,087	\$ 66,041	\$ 1,346,150
FY 07/08							\$ 725,621				\$ 541,000	\$ 62,527	\$ 1,329,148
FY 08/09							\$ 757,317				\$ 555,497	\$ 62,054	\$ 1,374,869
FY 09/10							\$ 744,833				\$ 567,056	\$ 55,666	\$ 1,367,554
FY 10/11							\$ 705,616				\$ 534,009	\$ 49,896	\$ 1,289,522
FY 11/12							\$ 686,226				\$ 522,126	\$ 47,026	\$ 1,255,378
FY 12/13							\$ 689,971				\$ 515,379	\$ 50,963	\$ 1,256,312
FY 13/14							\$ 704,881				\$ 530,673	\$ 57,001	\$ 1,292,556
FY 14/15							\$ 746,043				\$ 557,144	\$ 53,873	\$ 1,357,059
FY 15/16							\$ 763,539				\$ 615,353	\$ 61,563	\$ 1,440,455
FY 16/17							\$ 795,443				\$ 605,782	\$ 61,641	\$ 1,462,866
FY 17/18							\$ 842,202				\$ 642,543	\$ 73,635	\$ 1,558,380
FY 18/19							\$ 875,731				\$ 670,018	\$ 74,161	\$ 1,619,910
FY 19/20							\$ -				\$ -	\$ -	\$ -

Less prop in lieu of VLF



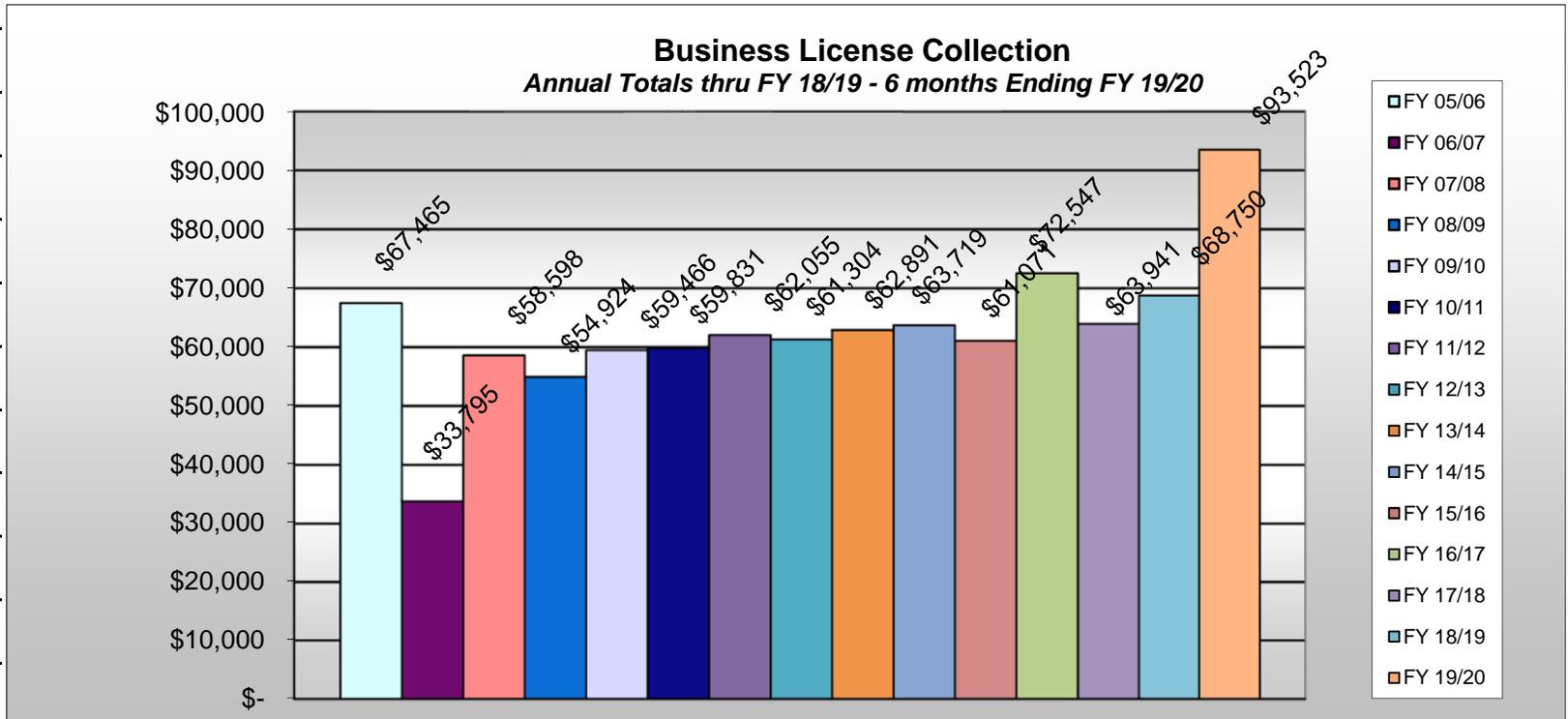
**YTD Analysis Transient Occupancy Tax
3200-106**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ 3,412	\$ 72,828	\$ 8,036	\$ 78,308	\$ 4,509	\$ 10,105	\$ 66,086	\$ 18,053	\$ 4,631	\$ 4,849	\$ 53,530	\$ 2,921	\$ 327,268
FY 06/07	\$ 19,279	\$ 59,088	\$ 8,326	\$ 74,099	\$ 20,238	\$ 16,328	\$ 17,162	\$ 57,461	\$ 6,273	\$ 19,647	\$ 35,888	\$ 10,656	\$ 344,444
FY 07/08	\$ 22,782	\$ 53,480	\$ 7,486	\$ 75,807	\$ 7,784	\$ 6,829	\$ 63,626	\$ 4,068	\$ 4,522	\$ 28,673	\$ 15,264	\$ 3,893	\$ 294,215
FY 08/09	\$ 17,503	\$ 51,500	\$ 7,969	\$ 24,812	\$ 43,993	\$ 7,987	\$ 25,032	\$ 7,618	\$ 7,358	\$ 18,375	\$ 10,039	\$ (18,827)	\$ 203,360
FY 09/10	\$ 18,178	\$ 25,562	\$ 7,107	\$ 32,603	\$ 8,556	\$ 11,546	\$ 18,366	\$ 13,477	\$ 6,930	\$ 12,371	\$ 8,627	\$ 16,976	\$ 180,299
FY 10/11	\$ 36,641	\$ 13,936	\$ 14,242	\$ 34,421	\$ 10,348	\$ 13,916	\$ 20,191	\$ 11,108	\$ 4,775	\$ 12,078	\$ 15,478	\$ (201)	\$ 186,933
FY 11/12	\$ 20,422	\$ 32,092	\$ 13,049	\$ 39,416	\$ 15,389	\$ 19,049	\$ 33,209	\$ 18,064	\$ 5,239	\$ 26,328	\$ 14,286	\$ 31,110	\$ 267,654
FY 12/13	\$ 30,720	\$ 26,910	\$ 29,135	\$ 44,698	\$ 22,224	\$ 11,635	\$ 34,497	\$ 15,100	\$ 7,129	\$ 17,782	\$ 16,834	\$ 14,218	\$ 270,883
FY 13/14	\$ 43,388	\$ 20,864	\$ 21,350	\$ 139,377	\$ 6,414	\$ 17,386	\$ 41,066	\$ 3,571	\$ 8,612	\$ 11,378	\$ 21,373	\$ 5,989	\$ 340,766
FY 14/15	\$ 52,346	\$ 13,222	\$ 9,943	\$ 25,243	\$ 42,520	\$ 14,207	\$ 26,458	\$ 34,115	\$ 5,217	\$ 41,202	\$ 1,664	\$ 21,457	\$ 287,593
FY 15/16	\$ 46,582	\$ 21,775	\$ 17,906	\$ 7,732	\$ 55,544	\$ 13,882	\$ 23,931	\$ 54,258	\$ 4,625	\$ 50,453	\$ 12,864	\$ 14,261	\$ 323,814
FY 16/17	\$ 57,419	\$ 20,595	\$ 17,380	\$ 92,630	\$ 18,835	\$ 19,822	\$ 63,347	\$ 12,167	\$ 6,658	\$ 46,098	\$ 11,472	\$ 35,192	\$ 401,616
FY 17/18	\$ 35,639	\$ 63,502	\$ 19,415	\$ 86,233	\$ 39,397	\$ 15,925	\$ 23,001	\$ 54,609	\$ 9,736	\$ 49,274	\$ 11,659	\$ 15,928	\$ 424,317
FY 18/19	\$ 72,511	\$ 28,465	\$ 19,830	\$ 30,650	\$ 67,005	\$ 13,556	\$ 21,976	\$ 59,639	\$ 5,566	\$ 13,449	\$ 42,176	\$ 20,038	\$ 394,861
FY 19/20	\$ 33,707	\$ 47,738	\$ 26,704	\$ 35,868	\$ 79,563	\$ 23,501							\$ 247,081



YTD Business Licenses 3300-120

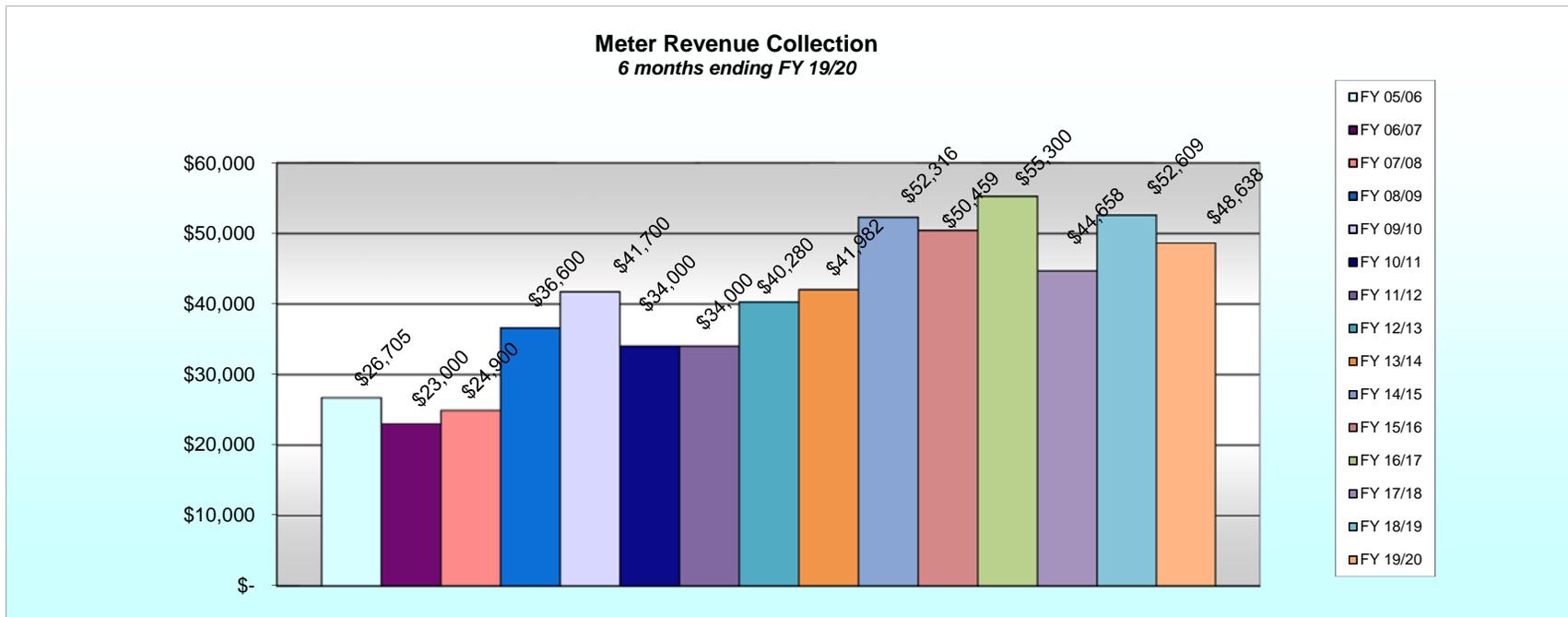
Year	\$ YTD
FY 05/06	\$ 67,465 <i>(accrued for 05/06 audit \$35389.50)</i>
FY 06/07	\$ 33,795 <i>(reverse for 05/06 accrual \$35389.50 the \$35k was an unrealized overaccrual)</i>
FY 07/08	\$ 58,598
FY 08/09	\$ 54,924
FY 09/10	\$ 59,466
FY 10/11	\$ 59,831
FY 11/12	\$ 62,055
FY 12/13	\$ 61,304
FY 13/14	\$ 62,891
FY 14/15	\$ 63,719
FY 15/16	\$ 61,071
FY 16/17	\$ 72,547
FY 17/18	\$ 63,941
FY 18/19	\$ 68,750
FY 19/20	\$ 93,523



Increased revenue related to an internal audit of non-compliant Business Licenses

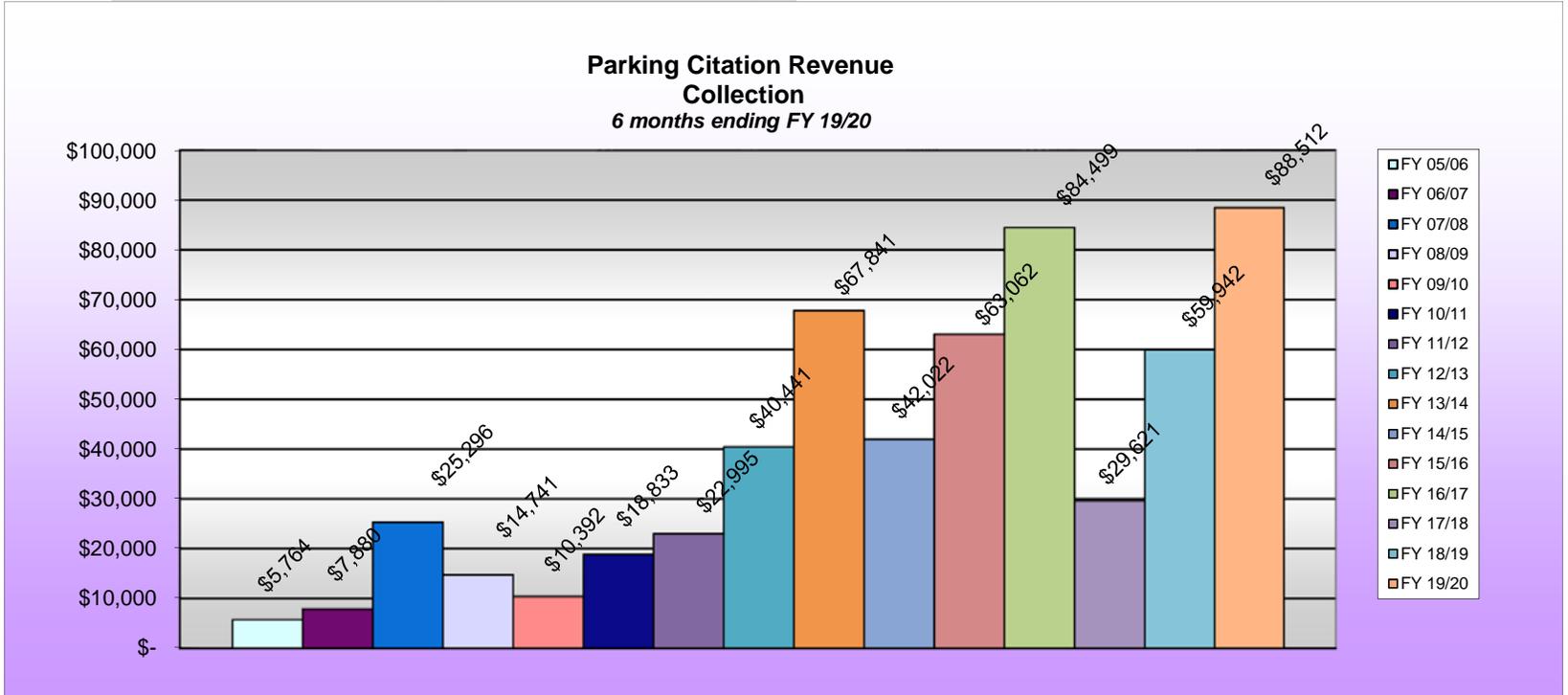
**YTD Analysis Parking Meter Collection
3700-166**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ 4,700	\$ 4,700	\$ 2,000	\$ 4,700	\$ 5,400	\$ 5,205	\$ -	\$ 3,700	\$ 5,700	\$ -	\$ 5,200	\$ 4,700	\$ 46,005
FY 06/07	\$ -	\$ 7,700	\$ 3,700	\$ 4,200	\$ -	\$ 7,400	\$ 4,000	\$ -	\$ 5,400	\$ 5,700	\$ 4,000	\$ 7,300	\$ 49,400
FY 07/08	\$ 2,200	\$ 7,500	\$ -	\$ 10,200	\$ 5,000	\$ -	\$ 5,500	\$ 4,125	\$ -	\$ 7,500	\$ 5,500	\$ 9,742	\$ 57,267
FY 08/09	\$ 3,500	\$ 5,000	\$ 5,000	\$ 6,200	\$ 5,500	\$ 11,400	\$ 6,700	\$ 7,200	\$ -	\$ 6,200	\$ 6,200	\$ 13,078	\$ 75,978
FY 09/10	\$ 8,200	\$ 6,700	\$ 5,200	\$ 8,200	\$ 8,200	\$ 5,200	\$ 7,200	\$ 9,215	\$ 6,200	\$ 7,385	\$ 7,200	\$ 1,822	\$ 80,722
FY 10/11	\$ 4,000	\$ 8,400	\$ -	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 6,400	\$ -	\$ 7,200	\$ 7,200	\$ 15,400	\$ 77,400
FY 11/12	\$ -	\$ 8,200	\$ 6,200	\$ 6,200	\$ 6,200	\$ 7,200	\$ 7,400	\$ 8,200	\$ 5,200	\$ 7,200	\$ 7,200	\$ 13,049	\$ 82,249
FY 12/13	\$ 3,080	\$ 8,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,400	\$ 7,200	\$ 5,200	\$ 6,919	\$ 7,200	\$ 8,108	\$ 12,747	\$ 87,653
FY 13/14	\$ 6,285	\$ 6,886	\$ 6,927	\$ 7,513	\$ 7,582	\$ 6,789	\$ 12,321	\$ 60	\$ 13,092	\$ 7,026	\$ 6,310	\$ 11,088	\$ 91,879
FY 14/15	\$ 6,491	\$ 7,514	\$ 12,705	\$ 9,941	\$ 6,502	\$ 9,163	\$ 7,498	\$ 7,683	\$ 7,968	\$ 7,592	\$ 8,112	\$ 3,456	\$ 94,626
FY 15/16	\$ 7,587	\$ 14,291	\$ 6,453	\$ 8,440	\$ 7,532	\$ 6,155	\$ 6,995	\$ 6,158	\$ 8,594	\$ 8,781	\$ 8,945	\$ 5,600	\$ 95,531
FY 16/17	\$ 8,025	\$ 9,003	\$ 14,727	\$ 6,802	\$ 8,196	\$ 8,547	\$ 7,920	\$ 7,858	\$ 7,106	\$ 9,629	\$ 8,751	\$ 8,440	\$ 105,004
FY 17/18	\$ 8,165	\$ 9,313	\$ 200	\$ 8,340	\$ 9,346	\$ 9,295	\$ 16,798	\$ -	\$ 8,048	\$ 15,551	\$ 6	\$ 16,786	\$ 101,847
FY 18/19	\$ 10,189	\$ 9,217	\$ 11,860	\$ -	\$ 12,020	\$ 9,322	\$ 12,478	\$ 2	\$ 12,353	\$ 10,319	\$ 8,725	\$ 3,880	\$ 100,366
FY 19/20	\$ 8,286	\$ 8,586	\$ 10,103	\$ 1	\$ 9,661	\$ 12,002							\$ 48,638



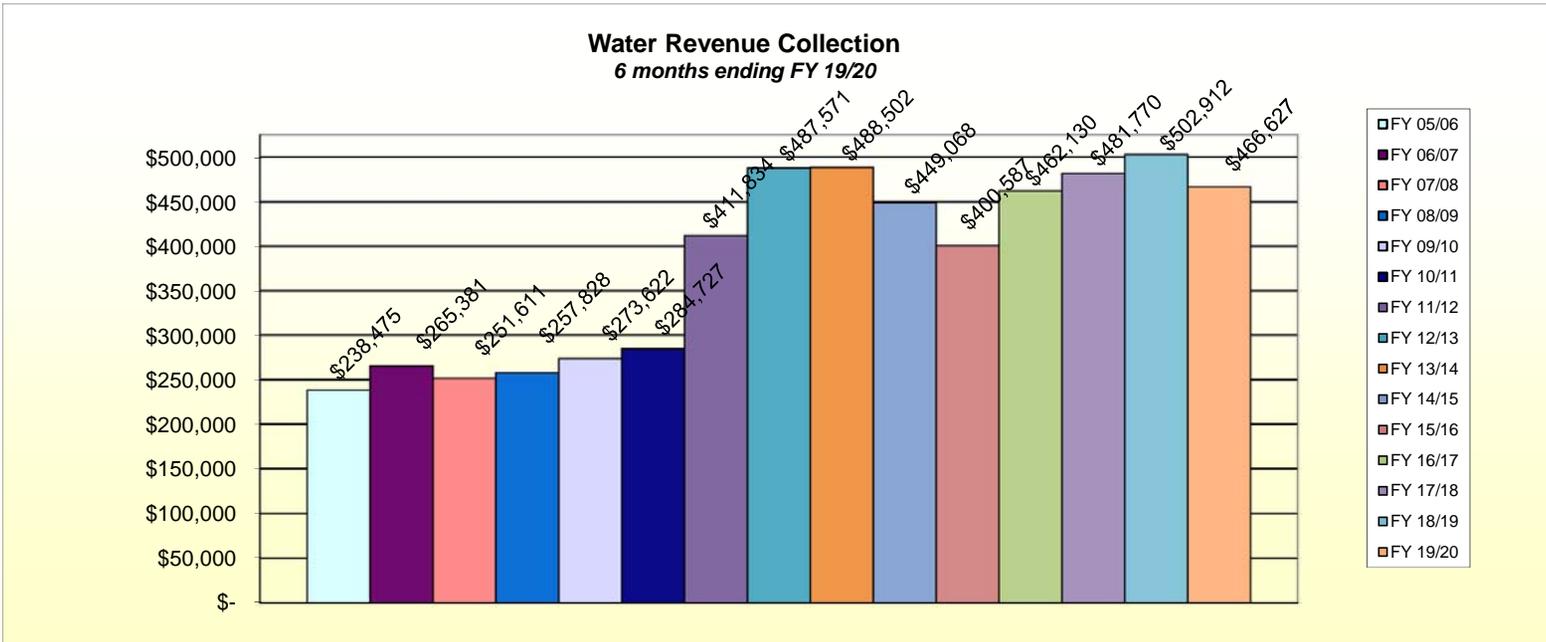
YTD Analysis Parking Citations Collection
3700-162

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ 584	\$ 987	\$ 589	\$ 997	\$ 902	\$ 1,705	\$ 205	\$ 765	\$ 612	\$ 452	\$ 270	\$ 885	\$ 8,953
FY 06/07	\$ 681	\$ 716	\$ 511	\$ 1,839	\$ 2,048	\$ 2,085	\$ 1,535	\$ 1,561	\$ 965	\$ 472	\$ 865	\$ 2,170	\$ 15,448
FY 07/08	\$ 4,367	\$ 7,172	\$ -	\$ 5,300	\$ 6,101	\$ 2,356	\$ 1,370	\$ 3,353	\$ 3,684	\$ 3,125	\$ 4,450	\$ 4,265	\$ 45,543
FY 08/09	\$ 1,735	\$ 3,366	\$ 1,910	\$ 3,210	\$ 2,805	\$ 1,715	\$ 1,243	\$ 2,766	\$ 4,045	\$ 3,480	\$ 2,240	\$ 3,379	\$ 31,894
FY 09/10	\$ 1,566	\$ 3,881	\$ 1,037	\$ 1,261	\$ 1,475	\$ 1,172	\$ 740	\$ 1,460	\$ 4,011	\$ 6,860	\$ 3,095	\$ 2,980	\$ 29,538
FY 10/11	\$ 1,934	\$ 4,484	\$ 3,932	\$ 4,563	\$ 1,361	\$ 2,559	\$ 1,104	\$ 2,557	\$ 1,862	\$ 2,658	\$ 3,128	\$ 2,321	\$ 32,463
FY 11/12	\$ 2,406	\$ 5,767	\$ 4,029	\$ 1,709	\$ 3,904	\$ 5,180	\$ 1,730	\$ 3,511	\$ 2,575	\$ 4,086	\$ 3,802	\$ 3,618	\$ 42,317
FY 12/13	\$ 8,740	\$ 2,053	\$ 10,728	\$ 6,705	\$ 9,054	\$ 3,161	\$ 4,436	\$ 4,165	\$ 4,718	\$ 5,760	\$ 2,752	\$ 2,309	\$ 64,581
FY 13/14	\$ 7,983	\$ 13,950	\$ 12,969	\$ 10,788	\$ 12,784	\$ 9,367	\$ 8,422	\$ 10,165	\$ 12,348	\$ 10,014	\$ 11,345	\$ 9,648	\$ 129,783
FY 14/15	\$ 1,648	\$ 12,581	\$ 7,623	\$ 6,727	\$ 8,345	\$ 5,098	\$ 3,490	\$ 2,461	\$ 7,385	\$ 8,053	\$ 8,721	\$ 8,729	\$ 80,861
FY 15/16	\$ 8,681	\$ 13,166	\$ 9,457	\$ 68	\$ 11,294	\$ 20,396	\$ 15,149	\$ 14,996	\$ 21,626	\$ 17,617	\$ 20,457	\$ 25,428	\$ 178,335
FY 16/17	\$ 18,065	\$ 15,188	\$ 13,930	\$ 13,994	\$ 11,254	\$ 12,068	\$ 3,636	\$ 13,711	\$ 13,068	\$ 9,890	\$ 6,151	\$ 1,279	\$ 132,234
FY 17/18	\$ 4,545	\$ 4,055	\$ 5,982	\$ 4,567	\$ 5,127	\$ 5,345	\$ 4,354	\$ 8,159	\$ 10,506	\$ 11,404	\$ 13,028	\$ 23,002	\$ 100,074
FY 18/19	\$ 8,916	\$ 11,521	\$ 10,577	\$ 12,754	\$ 8,663	\$ 7,511	\$ 5,107	\$ 9,825	\$ 14,038	\$ 14,190	\$ 14,736	\$ 19,702	\$ 137,539
FY 19/20	\$ 14,547	\$ 18,343	\$ 16,100	\$ 12,924	\$ 11,963	\$ 14,635							\$ 88,512



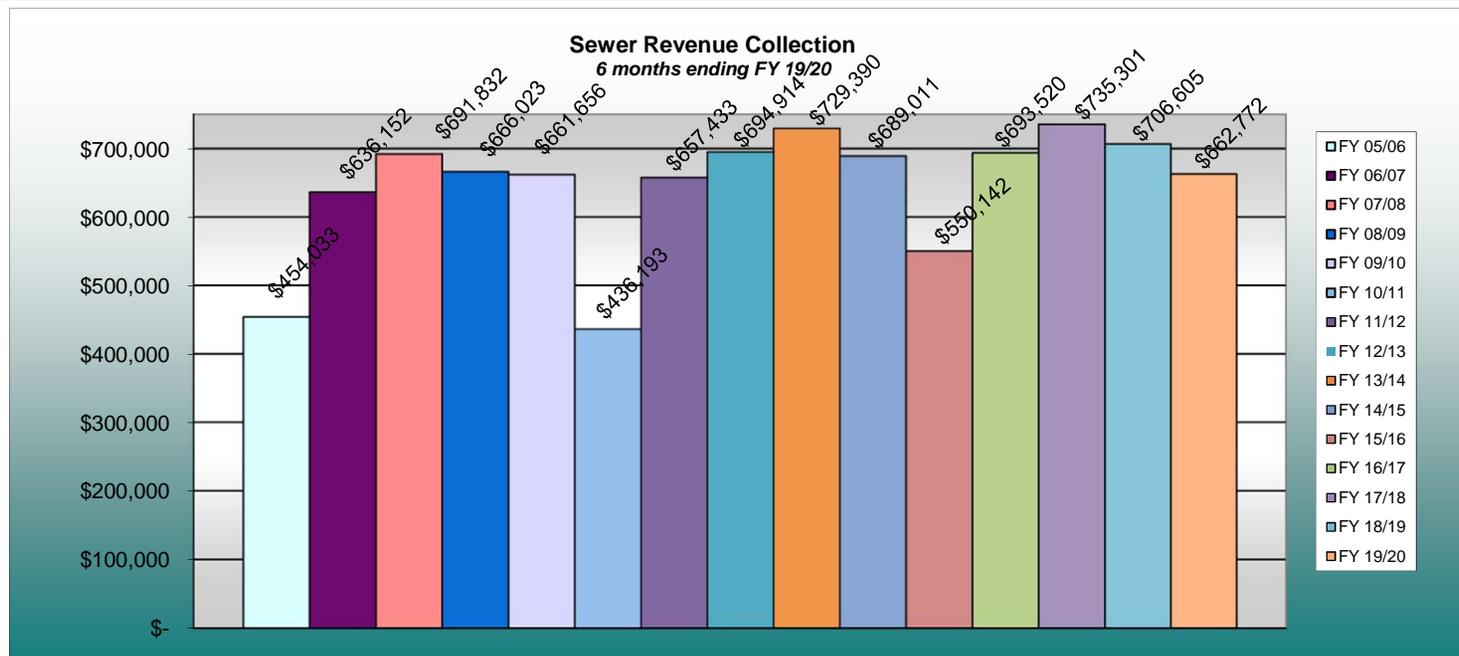
**YTD Analysis Water Revenue
600-3800**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 05/06	\$ -	\$ 83,311	\$ (585)	\$ 79,214	\$ -	\$ 76,535	\$ (52)	\$ 74,947	\$ -	\$ 78,957	\$ -	\$ 76,286	\$ 468,613
FY 06/07	\$ -	\$ 127,617	\$ (2,497)	\$ 60,253	\$ -	\$ 80,008	\$ (25)	\$ 78,836	\$ 25	\$ 80,749	\$ -	\$ 114,814	\$ 539,779
FY 07/08	\$ 945	\$ 86,117	\$ 192	\$ 81,508	\$ (180)	\$ 83,030	\$ (72)	\$ 82,701	\$ 138	\$ 87,953	\$ 144	\$ 70,900	\$ 493,375
FY 08/09	\$ -	\$ 87,007	\$ 710	\$ 84,937	\$ 1,264	\$ 83,911	\$ (2,880)	\$ 99,508	\$ 18	\$ 83,642	\$ (72)	\$ 79,284	\$ 517,329
FY 09/10	\$ 41	\$ 91,030	\$ 112	\$ 91,078	\$ 985	\$ 90,376	\$ 831	\$ 1,958	\$ 88,554	\$ 2,885	\$ 93,589	\$ 89,907	\$ 551,345
FY 10/11	\$ -	\$ 3,945	\$ 93,760	\$ 3,888	\$ 90,748	\$ 92,387	\$ -	\$ 103,460	\$ (2,074)	\$ 93,604	\$ (605)	\$ 130,156	\$ 609,269
FY 11/12	\$ 37	\$ 180,527	\$ (4,613)	\$ 135,509	\$ (220)	\$ 100,593	\$ 1,290	\$ 112,159	\$ 54	\$ 95,213	\$ (71)	\$ 154,609	\$ 775,088
FY 12/13	\$ 304	\$ 207,380	\$ (452)	\$ 172,393	\$ (1,858)	\$ 109,805	\$ (688)	\$ 104,465	\$ 144	\$ 111,234	\$ 854	\$ 167,830	\$ 871,410
FY 13/14	\$ 243	\$ 208,697	\$ (355)	\$ 158,209	\$ 50	\$ 121,659	\$ 1,581	\$ 103,964	\$ 434	\$ 110,258	\$ 102	\$ 151,242	\$ 856,083
FY 14/15	\$ 251	\$ 188,177	\$ 38	\$ 152,804	\$ 767	\$ 107,031	\$ (303)	\$ 107,307	\$ 4,832	\$ 103,012	\$ (467)	\$ 142,414	\$ 805,863
FY 15/16	\$ 110	\$ 157,962	\$ -	\$ 166,095	\$ 47	\$ 76,372	\$ (732)	\$ 104,136	\$ 41	\$ 113,052	\$ 174	\$ 127,315	\$ 744,573
FY 16/17	\$ 237	\$ 179,478	\$ 233	\$ 167,947	\$ (597)	\$ 114,832	\$ 200	\$ 102,843	\$ 35	\$ 102,303	\$ 357	\$ 177,985	\$ 845,852 **\$22,017.51 one time
FY 17/18	\$ 123	\$ 198,911	\$ (85)	\$ 162,614	\$ 347	\$ 119,860	\$ (23)	\$ 116,903	\$ 2,287	\$ 119,325	\$ (360)	\$ 166,018	\$ 885,921 connection fee June 2017
FY 18/19	\$ 75	\$ 204,372	\$ (2,599)	\$ 182,917	\$ (6,464)	\$ 124,611	\$ 468	\$ 112,304	\$ (483)	\$ 164,406	\$ (1,832)	\$ 112,498	\$ 890,272
FY 19/20	\$ 3,740	\$ 178,064	\$ (40)	\$ 160,553	\$ 496	\$ 123,815	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 466,627



**YTD Analysis Sewer Revenue
650-3800**

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	
FY 05/06	\$ -	\$ 166,688	\$ (1,169)	\$ 129,604	\$ -	\$ 158,910	\$ (70)	\$ 174,912	\$ 59,445	\$ 210,454	\$ 52,975	\$ 224,723	\$ 1,176,471	\$205,437 program income
FY 06/07	\$ -	\$ 197,031	\$ (2,405)	\$ 200,755	\$ 22,900	\$ 217,871	\$ 11,070	\$ 191,778	\$ -	\$ 193,793	\$ -	\$ 214,798	\$ 1,247,591	\$90,590 program income
FY 07/08	\$ (1,011)	\$ 216,250	\$ 22	\$ 246,719	\$ (180)	\$ 230,033	\$ 12,411	\$ 213,604	\$ -	\$ 252,356	\$ 22,146	\$ 261,574	\$ 1,453,923	\$109,870 program income
FY 08/09		\$ 221,389	\$ 180	\$ 218,946	\$ -	\$ 225,508	\$ 11,148	\$ 220,233	\$ -	\$ 243,601	\$ 24,396	\$ 205,915	\$ 1,371,316	\$44,020 program income
FY 09/10	\$ 1,900	\$ 218,419	\$ (71)	\$ 219,086	\$ 4,785	\$ 217,537	\$ (25)	\$ 843	\$ 219,737	\$ 4,496	\$ 218,201	\$ 218,286	\$ 1,323,195	\$9,965 program income
FY 10/11	\$ (3)	\$ 343	\$ 216,516	\$ 2,049	\$ 217,466	\$ (179)	\$ 303,269	\$ 259,607	\$ 12,472	\$ 219,547	\$ 63,426	\$ 294,548	\$ 1,589,061	\$276,435 program income
FY 11/12	\$ 130	\$ 218,474	\$ 63	\$ 219,975	\$ -	\$ 218,792	\$ 3,343	\$ 220,465	\$ 42	\$ 220,026	\$ (53)	\$ 237,589	\$ 1,338,845	\$17,145 program income
FY 12/13	\$ 72	\$ 236,619	\$ 193	\$ 221,841	\$ 68	\$ 236,121	\$ 9,298	\$ 219,176	\$ 2,502	\$ 281,899	\$ 46,273	\$ 321,680	\$ 1,575,743	\$248,876 program income
FY 13/14	\$ 53,301	\$ 223,197	\$ 128	\$ 228,948	\$ 20	\$ 223,796	\$ 1,499	\$ 219,455	\$ 5,051	\$ 219,724	\$ 141	\$ 209,630	\$ 1,384,889	\$56,520 program income
FY 14/15	\$ 55	\$ 239,871	\$ 2,305	\$ 220,141	\$ 118	\$ 226,522	\$ 5,280	\$ 244,755	\$ 5,741	\$ 229,881	\$ 557	\$ 224,204	\$ 1,399,428	\$46,560 program income
FY 15/16	\$ 320	\$ 186,993	\$ 74	\$ 170,840	\$ 8,454	\$ 183,462	\$ 14,577	\$ 188,060	\$ 1,033	\$ 257,845	\$ 50,366	\$ 261,886	\$ 1,323,909	\$118,872 program income
FY 16/17	\$ 12,389	\$ 232,359	\$ (318)	\$ 231,373	\$ (717)	\$ 218,433	\$ (1,654)	\$ 227,985	\$ 78,379	\$ 279,987	\$ 2,130	\$ 317,481	\$ 1,597,828	\$263,640 program income
FY 17/18	\$ 36,709	\$ 245,220	\$ 501	\$ 215,686	\$ 15,215	\$ 221,971	\$ 13,497	\$ 234,915	\$ 25,901	\$ 239,273	\$ 24,680	\$ 172,473	\$ 1,446,041	\$163,800 program income
FY 18/19	\$ -	\$ 253,221	\$ 1,476	\$ 215,366	\$ 23,853	\$ 212,689	\$ 4,616	\$ 241,374	\$ 27,745	\$ 283,497	\$ 57,043	\$ 234,788	\$ 1,555,668	\$225,400 program income
FY 19/20	\$ 17,588	\$ 207,213	\$ (155)	\$ 206,501	\$ 27,463	\$ 204,161							\$ 662,772	\$46,320 program income



REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Wastewater Treatment Plant Permit Compliance with State Regional Water Board Administrative Civil Liability

RECOMMENDATION: Receive and file.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND/DISCUSSION:

The City of Nevada City owns and operates the Wastewater Treatment Plant, a wastewater collection, treatment, and disposal system, which provides sewerage service to the City of Nevada City. Treated municipal wastewater is discharged to Deer Creek, a water of the United States and tributary to the Yuba River. The State Regional Water Quality Control Board regulates discharges from the Treatment Plant, in accordance with Board adopted Waste Discharge Requirements (WDRs) Order R5-2017-0060 (NPDES CA0079901) which became effective on 1 August 2017.

In accordance with permit discharge requirements, the City measures, monitors and reports water quality for various constituents including Biochemical Oxygen Demand, Total Suspended Solids, Total Suspended Solids, Total Coliform, and Dichlorobromomethane (DCBM). Any exceedances to the thresholds set by the permit are measured by the City and reported to the State.

On 18 September 2019, Central Valley Water Board staff issued the City a Notice of Violation and draft Record of Violations (ROV) for effluent limitation violations which occurred from 1 March 2018 and 30 April 2019. The Discharger responded on 2 October 2019 to the ROV and agreed with the violations. This Order addresses an administrative civil liability (ACL) for effluent limitation violations that occurred between 1 March 2018 and 30 April 2019. These violations are specifically identified in the attached Order as subject to mandatory minimum penalties (MMPs).

Some of these violations are common and are due to low thresholds (lower than natural stream levels) in the City's permit. In particular, DCBM and Total Coliform requires a balanced treatment system with chlorination, dechlorination and removal of organic material which can be difficult to achieve at various seasons due to changing conditions. However, this past year we had unusually high intensity rain events during the months of February and March, 2019. The violations that occurred during this timeframe were due to a combination of factors including high amount of stormwater infiltration into the sewer collection system, high turbidity, and varying amounts and types of organic solids in the influent (coming into the treatment plant).

City staff has been working together with a consultant, Dan Cortinovas, who has extensive experience with optimization of treatment systems. Over the past six months, a modified treatment process has been implemented which has made significant improvements to the plant's capacity for treatment and compliance with permit requirements. We have not experienced any significant violations over the past six months and have seen measurable improvement in the quality of discharge.

As further described in the attached Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R5-2020-0501(Order), the Order assesses administrative civil liability in the amount of one hundred forty-seven thousand dollars (\$147,000), which represents the sum of the statutory Mandatory Minimum Penalties for effluent limit violations that occurred between 1 March 2018 through 30 April 2019. This Order suspends the entire \$147,000 penalty upon completion of a compliance project that includes the following wastewater treatment plant modifications and optimization tasks to correct the issues causing the violations:

- Mechanical Clarifier Weir Washers;
- Activated Sludge Blower Pipe Repairs;
- Filtration Process Flow Modulation/Equalization Basin Repairs;
- Engineering Consulting for Treatment Process Optimization; and
- Sludge Wasting Day Tank.

No fines or penalties will be paid by the City to the State provided that the compliance projects are completed as specified within five years of the date of the Order. We expect these projects will significantly improve the City Wastewater Treatment process.

ENVIRONMENTAL CONSIDERATIONS: Not Applicable.

FINANCIAL CONSIDERATIONS: Projects are funded by the City Wastewater Treatment fund allocations for fiscal year 2019/2020 and may be partially funded in upcoming fiscal year 2020/2021.

ATTACHMENT:

- ✓ Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R5-2020-0501.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

In the Matter of:

**City of Nevada City
City of Nevada City Wastewater
Treatment Plant
Nevada County**

ORDER R5-2020-0501

**SETTLEMENT AGREEMENT AND
STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY
ORDER**

I. Introduction

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the City of Nevada City (Discharger) (collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to California Water Code section 13323 and Government Code section 11415.60.

II. Recitals

2. The Discharger owns and operates the City of Nevada City Wastewater Treatment Plant (Facility) a wastewater collection, treatment, and disposal system, which provides sewerage service to the City of Nevada City. Treated municipal wastewater is discharged to Deer Creek, a water of the United States and tributary to the Yuba River.
3. In order to regulate discharges from the Facility, on 9 June 2017, the Board adopted Waste Discharge Requirements (WDRs) Order R5-2017-0060 (NPDES CA0079901). WDRs Order R5-2017-0060 became effective on 1 August 2017.
4. WDRs Order R5-2017-0060, IV.A.1.a., includes, in part, the following effluent limitations at Discharge Point 001:

Table 4. Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	10	15	20
Biochemical Oxygen Demand (5-day @ 20°C)	lbs/day	58	86	115
Total Suspended Solids	mg/L	10	15	20
Total Suspended Solids	lbs/day	58	86	115
Dichlorobromomethane	µg/L	4.3	n/a	11

5. WDRs Order R5 2017-0060, IV.A.1.e., includes the following effluent limitations:

- e. Total Coliform Organisms.** Effluent total coliform organisms shall not exceed:
- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
 - ii. 23 MPN/100 mL, more than once in any 30-day period; and
 - iii. 240 MPN/100 mL, at any time.

6. On 18 September 2019, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations (ROV) for effluent limitation violations which occurred from 1 March 2018 and 30 April 2019. The Discharger responded on 2 October 2019 to the ROV and agreed with the violations.

7. This Order addresses an administrative civil liability (ACL) for effluent limitation violations that occurred between 1 March 2018 and 30 April 2019. These violations are specifically identified in Attachment A to this Order as subject to mandatory minimum penalties (MMPs). Attachment A to this Order is attached hereto and incorporated herein by this reference.

8. Water Code section 13385, subdivisions (h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code section 13385, subdivision (h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385, subdivision (h)(2) states:

For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

Water Code section 13385, subdivision (i)(1) states, in part:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

Stipulated Administrative Civil Liability Order R5-2020-0501
City of Nevada City

- A) Violates a waste discharge requirement effluent limitation.
 - B) Fails to file a report pursuant to Section 13260.
 - C) Files an incomplete report pursuant to Section 13260.
 - D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
9. According to the Discharger's self-monitoring reports, the Discharger committed six (6) serious Group I violations, three (3) serious Group II violations, and forty (40) non-serious violations of the above effluent limitations contained in WDRs Order R5-2017-0060 as shown in Attachment A. The six (6) serious Group I violations and three (3) serious Group II violations are subject to MMPs under Water Code section 13385, subdivision (h) because measured concentrations of Group I and Group II constituents exceeded maximum prescribed levels in WDRs R5-2017-0060 by 40 or 20 percent or more, respectively. The forty (40) non-serious violations are subject to MMPs under Water Code section 13385, subdivision (i)(1) because these violations were preceded by three or more effluent limit violations within a 180-day period. Two (2) additional non-serious violations fall within the first three violations in a 180-day period, and thus are not subject to MMPs.
10. The total amount of the MMPs assessed for the alleged effluent violations is **one hundred forty-seven thousand dollars (\$147,000)**. As stated herein, a detailed list of the alleged effluent limitation violations is included in Attachment A. This Order addresses an ACL for violations that are specifically identified in Attachment A as subject to MMPs.
11. Water Code section 13385, subdivision (k) states:
- (1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:
 - (A) The compliance project is designed to correct the violations within five years.
 - (B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.
 - (C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

(2) For the purposes of this subdivision, “a publicly owned treatment works serving a small community” means a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.

12. Under the State Water Resources Control Board’s Water Quality Enforcement Policy (Enforcement Policy), a publicly owned treatment work (POTW) serving a small community is a POTW serving a community that has a financial hardship and has a population of 10,000 or fewer people or lies completely within one or more rural counties.

Following adoption of the Enforcement Policy, Water Code section 13385, subdivision (k)(2) was amended to raise the population threshold to 20,000 or fewer people.

13. Under the Enforcement Policy, “financial hardship” means that the community served by the POTW meets one of the following criteria:
- a. Median household income for the community is less than 80 percent of the California median household income;
 - b. The community has an unemployment rate of 10 percent or greater; or
 - c. Twenty percent of the population is below the poverty level.
14. The Central Valley Water Board finds the Discharger is eligible for a Compliance Project because the Facility is a publicly owned treatment works serving a small community with a financial hardship - it is located in Nevada County, which is a qualified rural county based on the 2013 United States Department of Agriculture Rural-Urban Continuum Codes for California, and serves a population of 3,136 with a median household income (MHI) of \$43,614, which is 61% of the statewide MHI, according to the 2013-2017 American Community Survey 5-Year Estimates.
15. The Parties have engaged in confidential settlement negotiations and agree to settle the matter without administrative or civil litigation by presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. To resolve the violations by consent and without further administrative proceedings, the Parties have agreed to the imposition of an ACL in the amount of **one hundred forty-seven thousand dollars (\$147,000)** in MMPs against the Discharger.
16. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein and that this Stipulated Order is in the best interest of the public.

III. Stipulations

The Parties stipulate to the following:

17. **Jurisdiction:** The Parties agree that the Central Valley Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.

18. **Administrative Civil Liability:**

- a. The Discharger hereby agrees to the imposition of an ACL in the amount of **one hundred forty-seven thousand dollars (\$147,000)** to the Central Valley Water Board to resolve the violations specifically alleged in Attachment A to this Order.
- b. In lieu of assessing all of the **one hundred forty-seven thousand dollars (\$147,000)**, the Parties agree that the Discharger shall spend an equivalent amount towards the completion of a Compliance Project and the ACL shall be suspended (Suspended Liability) if the Discharger complies with the time schedule and requirements for the Compliance Project as detailed herein and in Attachment B of this Order. Attachment B to this Order is attached hereto and incorporated herein by

19. **Description of the Compliance Project:** The Compliance Project consists of several wastewater treatment plant modifications and optimization tasks to improve effluent water quality and minimize violations associated with treated effluent discharge. The components of the modifications and optimization are:

- Mechanical Clarifier Weir Washers;
- Activated Sludge Blower Pipe Repairs;
- Filtration Process Flow Modulation/Equalization Basin Repairs;
- Engineering Consulting for Treatment Process Optimization; and
- Sludge Wasting Day Tank.

Additional information regarding the Compliance Project is found in Attachment B.

20. **Representations and Agreements of the Discharger to Implement and Complete, Report, and Guarantee Implementation of the Compliance Project:** The Discharger understands that its promise to implement the Compliance Project, in its entirety and in accordance with the schedule for implementation, is a material condition of this settlement of liability between the Discharger and the Central Valley Water Board Prosecution Team. As a material consideration for the Central Valley Water Board's acceptance of this Stipulated Order, the Discharger represents and agrees that, in accordance with Water Code section 13385, subdivision (k)(1):

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- a. The Compliance Project is designed to correct the violations within five years.
- b. The Compliance Project is in accordance with the enforcement policy of the state board.
 - i. The Discharger will implement and complete the Compliance Project as described in Attachment B to this Order;
 - ii. The Discharger will provide certifications and written reports to the Central Valley Water Board contact consistent with the terms of this Stipulated Order;
 - iii. The Discharger will guarantee implementation of the Compliance Project identified in Attachment B to this Order by remaining liable for the ACL of one hundred forty-seven thousand dollars (\$147,000) until the Compliance Project is completed and accepted by the Central Valley Water Board in accordance with the terms of this Stipulated Order;
 - iv. The Discharger agrees that the Central Valley Water Board has the right to require a third-party audit of the funds expended by it to implement the Compliance Project; and
 - v. The Discharger shall permit inspection of the Compliance Project by Central Valley Water Board staff during normal business hours, at any location where the Compliance Project is being implemented, as well as review of any documents associated with implementation of the Compliance Project, at any time without notice.
- c. The Discharger has prepared a financing plan to complete the Compliance Project.

21. Extension of the Implementation Schedule Deadlines: If the Discharger cannot meet any of the deadlines or the Completion Deadline contained in Attachment B to this Order due to circumstances beyond the Discharger's anticipation or control, the Discharger shall notify the Executive Officer in writing within thirty (30) days of the date the Discharger first knew of the event or circumstance that caused or could cause a violation of this Order. The notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall adopt all reasonable measures to avoid and minimize such delays. The determination as to whether the circumstances were beyond the reasonable control of the Discharger and its agents will be made by the Executive Officer. Where the Executive Officer concurs that compliance was or is impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger that could not have been reasonably foreseen and prevented by the exercise of reasonable

diligence by the Discharger, a new compliance deadline shall be established and this Order will be revised accordingly. The Executive Officer will endeavor to grant a reasonable extension of time if warranted.

22. **Compliance Project Oversight:** The Discharger will oversee implementation of the Compliance Project. The Central Valley Water Board will provide additional oversight. The Discharger is solely responsible for paying all reasonable oversight costs incurred by the Central Valley Water Board to oversee the Compliance Project. The Compliance Project oversight costs are in addition to the ACL imposed against the Discharger and are not credited towards the Discharger's obligation to implement and complete the Compliance Project. Reasonable oversight tasks to be performed by the Central Valley Water Board include but are not limited to, reviewing and evaluating progress, reviewing the final report, and verifying completion of the Compliance Project.
23. **Third Party Financial Audit of Compliance Project:** At the written request of the Central Valley Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Central Valley Water Board providing such party's(ies') professional opinion that the Discharger has expended money in the amounts claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be provided to the Central Valley Water Board within three (3) months of notice from the Central Valley Water Board to the Discharger of the need for an independent third-party audit. The audit need not address any costs incurred by the Central Valley Water Board for oversight.
24. **Failure to Expend the Entire Suspended Liability on the Approved Compliance Project:** In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Central Valley Water Board that the entire Suspended Liability has been spent for the completed Compliance Project, the Discharger shall pay an ACL of the difference between the Suspended Liability and the amount the Discharger can demonstrate was actually spent on the Compliance Project. The Discharger shall be liable to pay the State Water Board Cleanup and Abatement Account this amount within 30 days of receipt of notice of the Central Valley Water Board's determination that the Discharger failed to demonstrate that the entire Suspended Liability was spent to complete the Compliance Project.
25. **Failure to Complete the Compliance Project:** Except as provided for in Paragraph 24, if the Compliance Project as described in Attachment B to this Order is determined to be infeasible, or if the Discharger fails to complete the Compliance Project by the deadline contained in Attachment B to this Order, the Central Valley Water Board shall issue an invoice to the Discharger in the amount of one hundred forty-seven thousand dollars (\$147,000), plus any Compliance Project oversight costs incurred. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this suspended liability within 30 days of receipt of the invoice.

- 26. Certification of Completion of the Compliance Project:** On or before 30 May 2021, the Discharger shall provide a certified statement of completion of the Compliance Project (Certification of Completion). The Certification of Completion shall be submitted by a responsible official under penalty of perjury under the law of the state of California, to the Central Valley Water Board contact identified in Paragraph 30. The Certification of Completion shall include the following:
- a. Certification that the Compliance Project has been completed in accordance with the terms of this Stipulated Order. Such documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Central Valley Water Board to evaluate the completion of the Compliance Project and the costs incurred by the Discharger.
 - b. Certification documenting the expenditures by the Discharger during the completion period for the Compliance Project. Expenditures may include but are not limited to, payments to outside vendors or contractors implementing the Compliance Project. The Discharger shall provide any additional information requested by Central Valley Water Board staff that is reasonably necessary to verify Compliance Project expenditures.
 - c. Certification that the Discharger followed all applicable environmental laws and regulations in the implementation of the Compliance Project including but not limited to, the California Environmental Quality Act (CEQA), the federal Clean Water Act, and the Porter-Cologne Act.
- 27. Completion of the Compliance Project to the Central Valley Water Board's Satisfaction:** Upon the Discharger's satisfaction of its Compliance Project obligations under this Stipulated Order, and any audit requested by the Central Valley Water Board, Central Valley Water Board staff shall send the Discharger a letter recognizing satisfactory completion of its obligations under the Compliance Project. Receipt of this letter shall terminate any further Compliance Project obligations of the Discharger and result in the dismissal of the Suspended Liability.
- 28. Publicity:** Whenever the Discharger or its agents or subcontractors publicizes one or more elements of the Compliance Project, it shall state in a prominent manner that the Compliance Project is being undertaken as part of the settlement of an enforcement action by the Central Valley Water Board against the Discharger.
- 29. Compliance with Applicable Laws and Regulatory Changes:** The Discharger understands that payment of an ACL in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that additional violations of the type alleged may subject it to further enforcement, including additional ACLs. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

30. Party Contacts for Communications Related to Stipulated Order:

For the Central Valley Water Board:
Xuan Luo, Ph.D., P.E.
Senior Water Resources Control Engineer
NPDES/Forest Activities Compliance and Enforcement
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(916) 464-4606
Xuan.Luo@waterboards.ca.gov

For the Discharger:
Catrina Olson, City Manager
City of Nevada City
317 Broad St.
Nevada City, CA 95959
(530) 265-2496 x119
catrina.olson@nevadacityca.gov

- 31. Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
- 32. Public Notice:** The Discharger understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
- 33. Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
- 34. No Waiver of Right to Enforce:** The failure of the Prosecution Team or Central Valley Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters

covered in this Stipulated Order. The Central Valley Water Board reserves all rights to take additional enforcement actions, including without limitation the issuance of ACL complaints or orders for violations other than those addressed by this Order.

35. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Central Valley Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.

36. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.

37. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.

38. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.

39. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess an ACL for the underlying alleged violations, or may continue to pursue settlement. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:

- a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections to the extent that they are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties settlement positions, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter;
or

- b. Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.
40. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Central Valley Water Board.
41. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives the rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
42. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, Discharger shall and does release, discharge, and covenant not to sue or pursue any civil or administrative claims against any State Agency or the State of California, its officers, agents, directors, employees, attorneys, representatives, for any and all claims or cause of action, which arise out of or are related to this action.
43. **Water Boards Not Liable:** Neither the Central Valley Water Board members, nor the Central Valley Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from the negligent or intentional acts or omissions by the Discharger or its respective directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order, nor shall the Central Valley Water Board, its members, staff, attorneys, or representatives be held as parties to or guarantors of any contract entered into by the Discharger, or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order.
44. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
45. **Necessity for Written Approvals:** All approvals and decisions of the Central Valley Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Central Valley Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
46. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
47. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.

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48. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order.

49. **Counterpart Signatures:** This Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: Original signed by
Andrew Altevogt
Assistant Executive Officer

Date:
16 December 2019

City of Nevada City

By: Original signed by
Catrina Olson
City Manager

Date:
30 December 2019

HAVING CONSIDERED THE PARTIES STIPULATIONS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The Central Valley Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Central Valley Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Central Valley Region.

Original signed by
Patrick Pulupa
Executive Officer
Central Valley Regional Water Quality Control Board

2/5/2020
Date

Attachment A: Record of Violations
Attachment B: Compliance Project Description

City of Nevada City
Nevada City Wastewater Treatment Plant
 RECORD OF VIOLATIONS (1 March 2018 through 30 April 2019) MANDATORY PENALTIES

The following table lists the alleged violations subject to mandatory minimum penalties (MMPs), pursuant to Water Code section 13385(h) and (i).

Table A, items A and B: Violation from ACLC R5-2018-0507 that supports “NCHRON” MMP Type for Violation 1.

Table A, item 1: Non-serious violation not subject to MMPs, it is the third violation in a 180-day period.

Table A, item 3: Violation not subject to MMPs. Two violations occurred on the same day. MMPs are assessed for the non-serious violation first and the non-serious violation on 8/31/2019 was the third violation in a 180-day period.

Table A. Violations Subject to Mandatory Minimum Penalties

Item #	Date	Parameter	Units	Limit	Measure	Period	Violation Type	MMP Type	CIWQS
A	11/30/2017	Dichlorobromomethane	µg/L	4.3	7.6	Monthly Average	CAT 2	SIG	1036241
B	12/30/2017	Total Coliform	MPN/100 mL	2.2	7.0	7-Day Median	OEV	CHRON	1038007
1	5/31/2018	Dichlorobromomethane	µg/L	4.3	4.5	Monthly Average	CAT 2	NCHRON	1059695
2	6/30/2018	Dichlorobromomethane	µg/L	4.3	8.7	Monthly Average	CAT 2	SIG	1045792
3	8/31/2018	Dichlorobromomethane	µg/L	11	13	Daily Maximum	CAT 2	NCHRON	1048518
4	8/31/2018	Dichlorobromomethane	µg/L	4.3	7.6	Monthly Average	CAT 2	SIG	1048517
5	10/15/2018	Total Coliform	MPN/100 mL	2.2	4.0	7-Day Median	OEV	CHRON	1052728

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City of Nevada City

Item #	Date	Parameter	Units	Limit	Measure	Period	Violation Type	MMP Type	CIWQS
6	10/17/2018	Total Coliform	MPN/ 100 mL	2.2	4.0	7-Day Median	OEV	CHRON	1052727
7	11/30/2018	Dichlorobromomethane	µg/L	4.3	4.8	Monthly Average	CAT 2	CHRON	1054048
8	12/21/2018	Total Coliform	MPN/ 100 mL	2.2	5.0	7-Day Median	OEV	CHRON	1056231
9	01/07/2019	Total Coliform	MPN/ 100 mL	240	1600	Instantaneous	OEV	CHRON	1056166
10	01/31/2019	Dichlorobromomethane	µg/L	4.3	4.8	Monthly Average	CAT 2	CHRON	1056167
11	02/04/2019	Total Coliform	MPN/ 100 mL	23	900	> Once in 30-Day Period	OEV	CHRON	1056955
12	02/04/2019	Total Coliform	MPN/ 100 mL	240	900	Daily Maximum	OEV	CHRON	1056952
13	02/04/2019	Total Suspended Solids	mg/L	20	360	Daily Maximum	CAT 1	SIG	1056946
14	02/04/2019	Biochemical Oxygen Demand	mg/L	20	94.8	Daily Maximum	CAT 1	SIG	1056970
15	02/05/2019	Total Suspended Solids	mg/L	15	18.5	Weekly Average	CAT 1	CHRON	1056982
16	02/05/2019	Biochemical Oxygen Demand	mg/L	15	48.4	Weekly Average	CAT 1	SIG	1056976
17	02/13/2019	Total Coliform	MPN/ 100 mL	23	170	> Once in 30-Day Period	OEV	CHRON	1056956
18	02/13/2019	Total Coliform	MPN/ 100 mL	2.2	7	7-Day Median	OEV	CHRON	1056962

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Item #	Date	Parameter	Units	Limit	Measure	Period	Violation Type	MMP Type	CIWQS
19	02/15/2019	Total Coliform	MPN/ 100 mL	23	240	> Once in 30-Day Period	OEV	CHRON	1056957
20	02/15/2019	Total Coliform	MPN/ 100 mL	2.2	170	7-Day Median	OEV	CHRON	1056981
21	02/19/2019	Total Coliform	MPN/ 100 mL	2.2	240	7-Day Median	OEV	CHRON	1056947
22	02/19/2019	Total Coliform	MPN/ 100 mL	240	500	Daily Maximum	OEV	CHRON	1056953
23	02/19/2019	Total Coliform	MPN/ 100 mL	23	500	> Once in 30-Day Period	OEV	CHRON	1056973
24	02/19/2019	Total Suspended Solids	mg/L	86	116	Weekly Average	CAT 1	CHRON	1056978
25	02/21/2019	Total Coliform	MPN/ 100 mL	2.2	240	7-Day Median	OEV	CHRON	1056960
26	02/22/2019	Total Coliform	MPN/ 100 mL	2.2	500	7-Day Median	OEV	CHRON	1056948
27	02/22/2019	Total Coliform	MPN/ 100 mL	240	900	Daily Maximum	OEV	CHRON	1056954
28	02/22/2019	Total Coliform	MPN/ 100 mL	23	900	> Once in 30-Day Period	OEV	CHRON	1056974
29	02/25/2019	Total Coliform	MPN/ 100 mL	2.2	300	7-Day Median	OEV	CHRON	1056949
30	02/25/2019	Total Coliform	MPN/ 100 mL	23	300	> Once in 30-Day Period	OEV	CHRON	1056958

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City of Nevada City

Item #	Date	Parameter	Units	Limit	Measure	Period	Violation Type	MMP Type	CIWQS
31	02/25/2019	Total Suspended Solids	mg/L	20	22.8	Daily Maximum	CAT 1	CHRON	1056966
32	02/25/2019	Total Coliform	MPN/100 mL	240	300	Daily Maximum	OEV	CHRON	1056969
33	02/27/2019	Total Coliform	MPN/100 mL	23	110	> Once in 30-Day Period	OEV	CHRON	1056961
34	02/27/2019	Total Coliform	MPN/100 mL	2.2	300	7-Day Median	OEV	CHRON	1056977
35	02/28/2019	Total Suspended Solids	mg/L	85	69	Percent Reduction	CAT 1	CHRON	1056972
36	02/28/2019	Biochemical Oxygen Demand	mg/L	10	16.5	Monthly Average	CAT 1	SIG	1056967
37	02/28/2019	Total Suspended Solids	mg/L	10	53.7	Monthly Average	CAT 1	SIG	1056979
38	03/01/2019	Total Coliform	MPN/100 mL	2.2	110	7-Day Median	OEV	CHRON	1057750
39	03/04/2019	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	OEV	CHRON	1057751
40	03/06/2019	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	OEV	CHRON	1057752
41	03/08/2019	Total Coliform	MPN/100 mL	2.2	11	7-Day Median	OEV	CHRON	1057739
42	03/11/2019	Total Coliform	MPN/100 mL	2.2	11	7-Day Median	OEV	CHRON	1057740
43	03/15/2019	Total Suspended Solids	mg/L	20	21.3	Daily Maximum	CAT 1	CHRON	1057741
44	03/15/2019	Biochemical Oxygen Demand	mg/L	20	21	Daily Maximum	CAT 1	CHRON	1057743

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Item #	Date	Parameter	Units	Limit	Measure	Period	Violation Type	MMP Type	CIWQS
45	03/18/2019	Total Suspended Solids	mg/L	15	20	Weekly Average	CAT 1	SIG	1057745
46	03/18/2019	Total Suspended Solids	lbs/day	86	104	Weekly Average	CAT 1	CHRON	1057746
47	04/19/2019	Total Coliform	MPN/100 mL	23	70	> Once in 30-Day Period	OEV	CHRON	1058928
48	04/19/2019	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	OEV	CHRON	1058929
49	04/22/2019	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	OEV	CHRON	1058925
50	04/25/2019	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	OEV	CHRON	1058926
51	04/29/2019	Dichlorobromomethane	µg/L	4.3	5.4	Monthly Average	CAT 2	SIG	1058927

VIOLATIONS AS OF: 4/30/2019

Group I Serious Violations:	6
Group II Serious Violations:	3
Non-serious Violations Subject to MMPs:	40
Total Violations Subject to MMPs:	49
Non-Serious Violations Not Subject to MMPs:	2

Mandatory Minimum Penalty Amount for Effluent Limit Violations

9 Serious Violations x \$3,000 Violation = \$27,000

40 Non-Serious Violations x \$3,000 per Violation = \$120,000

Total Mandatory Minimum Penalty = \$147,000

Compliance Project Description

Project Title: Nevada City Wastewater Treatment Plant Modifications and Optimization

Geographic Area of Interest: The City of Nevada City Wastewater Treatment Plant

Name of Responsible Entity: City of Nevada City

Contact Information:

Kevin Timms, Chief Plant Operator
City of Nevada City
317 Broad St.
Nevada City, CA 95959
(530) 265-2496
kevin.timms@nevadacityca.gov

Project Description:

The City of Nevada City (Discharger) has proposed several wastewater treatment plant (WWTP or Facility) modifications and optimization tasks to improve effluent water quality and minimize violations associated with treated effluent discharge. The components of the Facility modifications and optimization are:

- Mechanical Clarifier Weir Washers;
- Activated Sludge Blower Pipe Repairs;
- Filtration Process Flow Modulation/Equalization Basin Repairs;
- Engineering Consulting for Treatment Process Optimization; and
- Sludge Wasting Day Tank.

Mechanical Clarifier Weir Washers – Installation of mechanical clarifier weir washers is proposed to mitigate effluent limitation violations by improving the wastewater treatment plants filtration and disinfection system. Installation of automatic weir washers will continuously clean the weirs and minimize buildup of organic matter that is overloading the filters, thus improving the performance of the filters. This task includes installation of a clarifier brush system for two clarifiers with spring-loaded brushes attached to the end of the clarifier arms.

Activated Sludge Blower Pipe Repairs – Blower Pipe Repairs are proposed to improve the aeration system in the activated sludge process. Increased aeration is required when biochemical oxygen demand (BOD) concentrations are elevated in the WWTP influent. The existing blower pipe is leaking at the joints which reduces delivery of air supply to the activated sludge system. This project component consists of repairs to the blower system piping joints between the blower building and the Selector

Activated Sludge (SAS) basins. After coolers may also be installed to cool the air pumped from the blowers to prevent further deterioration of the blower pipe.

Filtration Process Flow Modulation/Equalization Basin Repairs – During periods of high flow, elevated organic content and total suspended solids (TSS) overload the disc filter and sand filter (filters). This affects the downstream disinfection performance and increases turbidity and total coliform in the effluent. This project component includes repairs to the Equalization Basin and overflow shutoff valve and installation of a magnetic flow meter, flow control valve, and process controls to modulate flow to the filters.

Engineering Consulting for Treatment Process Optimization – The Discharger has hired a wastewater engineering consultant to evaluate possible causes of the 2018 and 2019 effluent violations and assist Discharger staff in developing proactive procedures to avoid future violations. The consultant's scope of work includes the following:

- Review WWTP operating data and process optimization discussion with the Discharger
- Assess the possible causes of effluent Suspended Solids violations, including slow activated sludge settling, high clarifier sludge blankets, excess system solids, and high influent flows or loadings;
- Conduct a microscopic examination of the activated sludge flocculant;
- Evaluate the aeration system performance;
- Investigate the possible causes of effluent total coliform violations;
- Investigate the possible causes of trihalomethane violations; and
- Compile the results of review, investigation, and evaluations into a final report with a summary and recommendations.

Sludge Wasting Day Tank – The Discharger has identified the need for an additional Day Tank for sludge wasting. Many of the violations that occurred over the past year were due to high flows combined with poorly settling sludge in the secondary clarifiers. Maintaining proper settling sludge has the highest potential for avoiding the violations that can occur with high influent flows or loadings. Installation of an additional Day Tank and development of wasting optimization procedures are necessary to maintain a sludge age that is appropriate for biomass and nutrient concentrations. This task includes installation of the Day Tank, blower, piping and appurtenances.

Estimated Cost of Project Completion:

The total cost of the WWTP modifications and optimization is estimated to be **\$177,973**. Individual task cost estimates are provided in the table below.

Table B-1. Estimated Costs: Compliance Project Components

Compliance Project Component	Estimated Cost (\$)
Mechanical Clarifier Weir Washers	65,820
Activated Sludge Blower Pipe Repairs	22,000
Filtration Process Flow Modulation/Equalization Basin Repairs	39,853
Engineering Consulting for Treatment Process Optimization	9,600
Sludge Wasting Day Tank	40,700

Water body, beneficial use and/or pollutant addressed by this project:

Dichlorobromomethane and total coliform effluent limitation violations were the most common in 2018 and 2019. BOD and TSS effluent limitation violations occurred less frequently. Each of these pollutants are addressed by the compliance project and will improve effluent discharges to Dry Creek. Specific pollutants addressed by each task are summarized in the table below.

Table B-2. Pollutant Addressed: Compliance Project Component

Compliance Project Component	Pollutant Addressed
Mechanical Clarifier Weir Washers	Dichlorobromomethane (DCBM), Total Coliform
Activated Sludge Blower Pipe Repairs	TSS, BOD
Filtration Process Flow Modulation/Equalization Basin Repairs	TSS, BOD, DCBM
Engineering Consulting for Treatment Process Optimization	TSS, BOD, DCBM, Total Coliform
Sludge Wasting Day Tank	TSS, BOD, DCBM, Total Coliform

Project Schedule and Deliverables:

1. **Progress Reports.** The Discharger shall submit quarterly progress reports summarizing the progress of each of the compliance project components. At a minimum, the progress report shall include the status of the compliance project components, photographs, and receipts for expenditures. Due dates for the progress reports are shown in the table below.

Deliverable: Progress reports and written notification of completion of the construction and expenditures.

Table B-3: Progress Reports and Due Dates

Progress Report	Due Date
First Quarter 2020	1 May 2020
Second Quarter 2020	1 August 2020
Third Quarter 2020	1 November 2020
Fourth Quarter 2020	1 February 2021

2. **Completion Date.** The Discharger shall complete all compliance project components by **31 March 2021**.
3. **Final Report.** The Discharger shall include a summary of all tasks completed per this compliance project, an analysis of the success of the project, and a post-project accounting of all expenditures. The accounting shall clearly show whether the final cost of the completed compliance project is less than, equal to, or more than the suspended liability of \$147,000. The report shall be completed under penalty of perjury and shall be submitted by **30 May 2021**.

Deliverable: Final Report Due Date: **30 May 2021**

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Date Change Request for City Council Meetings in July, November and December 2020

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City approving a date change request for the 2nd City Council meeting in July, the 1st Council meeting in November and cancellation of the 2nd meeting in November and December 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND/DISCUSSION:

At the upcoming March 11, 2020 City Council meeting, the City Council will consider the annual street closure request application from the Nevada City Chamber of Commerce. There has been expressed concern that some of the event date(s) conflict with Council meeting dates creating a “hardship” for the public to readily attend those meetings.

Last year, 2019, because of the conflict with one of the Summer Nights events in July and one of the Victorian Christmas events in December, the Council chose to move the Council meetings that were in conflict to the Tuesday before the regularly scheduled Wednesday meetings. This posed another conflict as the City of Grass Valley has their Council meetings on the 2nd and 4th Tuesday of each month, which interfered with the live broadcast on public television.

Council Member Minett made the request that any conflicting events with Council dates be moved to the Thursday after the regularly scheduled Wednesday City Council meetings. After careful review, a Summer Nights event scheduled for July 22, 2020 will interfere with the Council meeting so the recommendation would be to hold that meeting on Thursday, July 23, 2020 (same time 6:30 p.m.).

Typically, the City only holds one City Council meeting during the months of November and December. Staff is recommending that the 2nd meeting in November and December of 2020 be cancelled in light of the Holidays.

This year the 2nd Wednesday in November the meeting falls on November 11, 2020 which is Veteran’s Day, a City scheduled Holiday. It is staff’s recommendation that the 1st meeting in November be moved from November 11, 2020 to November 18, 2020 (same time 6:30 p.m.) The 2nd meeting in December falls on December 9, 2020. If the Council chooses to leave the December meeting on the 2nd Wednesday, December 9, 2020 (same time 6:30 p.m.) there will not be a conflict with the Victorian Christmas events scheduled, therefore not requiring a need to move the date of the regularly scheduled December meeting. Staff is recommending leaving the December 9, 2020 meeting.

ENVIRONMENTAL CONSIDERATIONS: None.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution of the City of Nevada City Approving a Date Change Request for the 2nd City Council Meeting in July, the 1st Meeting in November and Cancellation of the 2nd Meeting in November and December 2020

RESOLUTION NO. 2020-XX

A RESOLUTION FOR OF THE CITY OF NEVADA CITY APPROVING A DATE CHANGE REQUEST FOR THE 2ND CITY COUNCIL MEETING IN JULY, THE 1ST MEETING IN NOVEMBER AND CANCELLATION OF THE 2ND MEETING IN NOVEMBER AND DECEMBER 2020

WHEREAS, the City of Nevada City holds City Council meetings the 2nd and 4th Wednesday of every month; and

WHEREAS, the City closes the streets for the Nevada City Chamber of Commerce to hold Summer Nights in July; and

WHEREAS, City Council meetings sometimes conflict with these events causing difficulty for the public to attend; and

WHEREAS, City staff, Council members and the public are often not available during the holiday season in November and December; and

WHEREAS, the City recognizes Veteran's Day as a holiday which falls on November 11, 2020, the conflicting with the, 2nd Wednesday, regularly scheduled City Council meeting; and

NOW THEREFORE, BE IT RESOLVED, the City Council of Nevada City hereby approves:

1. Changing the regularly scheduled Wednesday July 22, 2020 meeting to Thursday July 23, 2020 (to be held at the regular time of 6:30 PM).
2. Changing the regularly scheduled Wednesday November 11, 2020 to Wednesday November 18, 2020 (to be held at the regular time of 6:30 PM).
3. Cancelling the 2nd meeting in November and December 2020.

PASSED AND ADOPTED at the regularly scheduled meeting of the Nevada City, City Council held on the 26th day of February, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Resolution 2020-XX, A Resolution Adopting City Council Standards and Procedures and Rosenberg's Rules of Order

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City adopting City Council Standards and Procedures for City Council members and City Council meetings and Rosenberg's Rules of Order.

CONTACT: Catrina Olson, City Manager
Crystal V. Hodgson, City Attorney

BACKGROUND / DISCUSSION:

In an effort to establish an open government policy promoting efficiency, transparency, communication, understanding, fairness and trust among members of the public, City Council and staff concerning roles, responsibilities and expectations for the management of City business staff has prepared the attached City Council Standards and Procedures for consideration.

The City Council Standards and Procedures Policy being proposed includes policy and procedures on the matters that follow:

- Section 1. General
 - Establishes the purpose, values, overview of Council responsibilities, overview of City Manager responsibilities, review of the documents and covers the Ralph M. Brown Act.
- Section 2. Mayor and Vice Mayor Selection Process
 - Covers the reorganization policy for City Council and appointment of vacancy.
- Section 3. Administrative Matters
 - Establishes guidelines for attendance, correspondence, regional boards, distribution of information reimbursement, ethics, sexual harassment and anti-bullying training, City Mission and City Seal, use of social media and email.
- Section 4. Council Relationship with Staff
 - Covers the Council/City Manager relationship, agenda item questions, interaction of Council with staff and individual Council member requests.
- Section 5. Procedures for Appointments to Boards/Commissions/Committees
 - Covers definitions, recruitment process, requirements for appointment, Council notification, incumbents, application, the appointment procedure for Planning Commission, appointment procedure for Board and Committee Members appointed by the full Council, attendance, standards and procedures for conflicts of interest and conflicts with Federal, State or Local Law.
- Section 6. Meetings

- Covers open to the public, broadcasting of City Council Meetings, regular meetings, cancelling meetings, special meetings, closed sessions, quorum, minutes, and adjourned meetings.
- Section 7. Posting Notice and Agenda
 - Covers posting of notice and agenda and location of posting.
- Section 8. Agenda Contents
 - Establishes guidelines for the Mayor's responsibilities, description of matters, availability to the public, limitation to act only on items on the agenda, "timing" of the agenda, order of the agenda, change in order of business and agenda request policy.
- Section 9 Procedures for the Conduct of Public Meetings
 - Covers the role of the Mayor, rules of order, appeal procedures, applicants, staff and consultant reports, public comment, motions, reconsideration, discussion, Council Member respect and announcements.
- Section 10. Closed Sessions
 - Covers the purpose, rules of confidentiality, breach of rules of confidentiality, agenda, permissible topics, rules of decorum, conduct of meeting and public disclosure after the final action.
- Section 11. Decorum
 - Covers Council Members, City employees, the public, noise in the Chambers, removal, dangerous instruments and prosecution.
- Section 12. Enforcement of Decorum
- Section 13. Violations of Procedures

Staff is recommending that Council review the City Council Standards and Procedures and attached Rosenberg's Rules of Order, which is currently how Council meetings are being conducted.

FISCAL IMPACT:

There are no fiscal impacts.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City of Nevada City Council adopting City Standards and Procedures
- ✓ Nevada City, City Council Standards and Procedures with Rosenberg's Rules of Order exhibit.

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY OF NEVADA CITY ADOPTING CITY COUNCIL STANDARDS AND PROCEDURES FOR CITY COUNCIL MEMBERS AND CITY AND CITY COUNCIL MEETINGS AND ROSENBERG'S RULES OF ORDER

WHEREAS, the City wishes to establish an open government policy to promote efficiency transparency, communication, understanding, fairness and trust for the public City Council and staff; and

WHEREAS, the City Council desires to ensure that public, City Council and staff and all other participants in City Council meetings and City business conduct themselves in a respectful, appropriate manner by adopting a comprehensive set of standards and procedures regulating City Council meeting procedures, decorum rules, and required ethics trainings and related polices; and

WHEREAS, the California League of Cities ("League) has consistently worked to promote effective local government, efficient decision-making, and informed public participation; and

WHEREAS, in 2011, as part of these efforts the League published "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century"; and

WHEREAS, the City Council currently follows the Rosenberg's Rules of Order for the conduct of City Council meetings in the City of Nevada City.

NOW THEREFORE, BE IT RESOLVED, the City Council Standards and Procedures attached to the Resolution as Exhibit "A" and incorporated by that reference, be adopted and enforced effective upon adoption of this Resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Nevada City hereby authorizes official adoption of Rosenberg's Rules of Order, attached to this Resolution as Exhibit B and incorporated by that reference, to govern the procedures of their official meetings.

PASSED AND ADOPTED at the regularly scheduled meeting of the Nevada City, City Council held on the 26th day of February, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Reinette Senum, Mayor

Niel Locke, City Clerk



CITY OF NEVADA CITY

CITY COUNCIL STANDARDS AND PROCEDURES

COUNCIL STANDARDS AND PROCEDURES

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CITY OF NEVADA CITY

CITY COUNCIL STANDARDS AND PROCEDURES

SECTION 1. GENERAL

1.1 Purpose. The purpose of these Standards and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Nevada City.

1.2 Values. Respect for each Council Member's interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Council Members shall respect each other's right to disagree. All Council Members shall practice a high degree of decorum and courtesy. When addressing the public in any way, all Council Members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council Member or the City.

1.3 Overview of Council responsibilities. The City of Nevada City is a General Law city of the State of California operating under the Council/Manager form of government and the City Manager's duties shall define how the City Council and City Manager interact and perform their respective duties and responsibilities. The City Council has the following duties and responsibilities:

(a) Appointment of the City Manager and City Attorney. The City Council shall appoint the City Manager and the City Attorney. There should be an annual review for the City Manager and the City Attorney.

(b) Establishment of boards and appointment of members. The Council may appoint establish Boards, Commissions, and Committees, and by majority vote make appointments of members of all Boards, Commissions, and Committees.

(c) Legislative decisions. The Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services. It focuses on the community's goals, major projects and such long term considerations as community growth, financing and strategic planning. The City Council hires a professional City Manager to carry out administrative responsibilities and supervises the City Manager's performance.

1.4 Overview of City Manager responsibilities. The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City's projects, programs, and public services on behalf of the City Council. The City Manager has the following among his or her duties:

- (a) Preparation of a Recommended Budget.**
- (b) Recruitment, Hiring, and Supervision of Personnel, Contractors, and Consultants.**
- (c) Implementation of the Council's policies and programs and public services in an effective and efficient manner, providing professional advice on policy matters, intergovernmental affairs, economic development and environmental issues.**

The City Manager follows the direction of the entire City Council and not individual members of the Council or the public, and serves at the sole discretion of the Council. *(See Nevada City Municipal Code Chapter 2.08.)*

1.5 Review. The City Council shall conduct a review of this document biennially, or whenever a new Council Member has been seated or Council deems necessary, to assist Council Members in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.

1.6 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

2.1 Reorganization. In July of each year, the office of the Mayor and Vice Mayor (also known as Mayor Pro Tem) shall rotate based on the policy set forth in Nevada City Resolution Nos. 2007-34 and 2012-23, as follows:

- (a)** The Mayor shall be the senior member who has not previously served in that capacity and the term of office shall be one year, without succession, beginning at the first regularly scheduled City Council meeting each July or the first meeting following certification of a City Council election.
- (b)** The Mayor Pro Tem shall be the next senior member who has not previously served as Mayor and the term of office shall run concurrent with that of the Mayor as described above.
- (c)** When two or more members have equal seniority and have not yet served as Mayor or Mayor Pro Tem, the order of succession shall be determined by the number of votes each member received at the time of their election.
- (d)** The Mayor Pro Tem shall automatically succeed the Mayor each year, excepting that the Mayor Pro Tem may decline such succession. If the Mayor Pro Tem declines the position of Mayor, such office shall be extended to the next senior member in order, or by majority vote of the Council if all other members have served at least on year as Mayor.
- (e)** Once all seated members have served as Mayor, succession shall be based on a majority vote of the Council, recognizing that the term of office for each position shall be one year.

Members of the City Council who first took their seats on the Council more than twenty-three (23) months prior to the meeting at which the Mayor is being selected are eligible for Mayorship.

2.2 Appointment of Vacancy. In the event of a vacancy on the City Council, the Council, pursuant to Government Code Section 36512, may fill the vacancy by appointment with the person to serve only until the date of an election which shall immediately be called to fill the remainder of the term and such Municipal Election shall be held, not less than one hundred fourteen (114) days from the call of the Election. *(See Nevada City Municipal Code Chapter 2.04.020.)*

SECTION 3. ADMINISTRATIVE MATTERS

3.1 Attendance. City Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Manager or the Deputy City Clerk, and, if possible, the Mayor as a courtesy, if they will be absent from a meeting.

3.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Council Members/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (e.g., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Council Members should be respectful and professional.

3.3 Regional Boards. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Nevada City is appropriate on some boards; this is generally the case when other local governments have their own representation. The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Nevada City. If an issue should arise, that is specific to Nevada City and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with a majority of the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council during properly posted Council meetings.

Council Members shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Council Member is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

3.4 Distribution of Information. It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Council Member shall also be distributed to all Council Members.

3.5 Reimbursement. Every effort shall be made to limit the need to reimburse Council Members for expenses. City Council Members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council Member in accordance with the current Travel and Meeting Reimbursement Policy adopted by the City Council. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. *(See Nevada City Resolution 2014-12 and attached Travel and Meeting Reimbursement Policy.)*

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the legislative body.

3.6 Ethics, Sexual Harassment and Anti-Bullying Training. Any member of the City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in general ethics principles and ethics laws *(as mandated by AB 1234)*, two hours of sexual harassment prevention training *(as mandated by AB 1825)* and two hours of abusive conduct prevention training *(as mandated by AB 2053)* all relevant to his/her public service every two years. New members must receive this training within their first year of service and file a certificate of completion with the Deputy City Clerk. Members shall attend training sessions that are offered locally in the immediate vicinity of Nevada County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of each of these trainings every two years to satisfy this requirement for all applicable public service positions. The City will use and recognize training courses that have been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The Deputy City Clerk is required to keep ethics training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

3.7 City Mission and City Seal. The Mission of the City of Nevada City is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Nevada City. No change to the City Mission and/or City Seal shall be made without Council approval. Individual council members shall be careful in use of the City Seal so as not to create an appearance that the council member is acting on behalf of or with official endorsement of the City of Nevada City. *(Nevada City Seal is housed in the Finance and Administration Department with the Deputy City Clerk)*

3.8 Use of Social Media and Email. Council Members that would like to use social media platforms for official purposes need to establish a separate account from their “personal” account. Council Members that use social media platforms for official purposes may not prevent

any member of the public from viewing and commenting on the platform, nor shall they suppress, or delete their comments.

Council Members using social media accounts for official purposes should adopt social media policies for the account that are made public and strictly adhered to. The policy should explain to the public the purpose of the account, limitations on what users may post in comment thread and how violations of the policy of the policy will be addressed. Limiting what “followers” can post need to be reasonable, viewpoint neutral and enforced consistently to avoid violations of the First Amendment.

The City doesn’t provide City email accounts for Council Members due to technology limitations within the City. This being the case, Council Members using email for official business should have a separate email account for their “City” position versus use of their personal email. All information that is sent back and forth through email between the Council Member and any other member of Council, staff or public is subject to the Public Records Act. Council Members should be aware when using any personal technology for official business is also subject to the Public Records Act. *(See Nevada City Resolution 2018-32 and the attached Social Media Policy.)*

SECTION 4. COUNCIL RELATIONSHIP WITH STAFF

4.1 City Manager. City Council Members are always free to go to the City Manager to discuss City business. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Council Members. The City Manager may delegate this responsibility to Department Heads. *(See Nevada City Municipal Code Chapter 2.08.030.)*

4.2 Agenda Item Questions. If a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Council Members from asking questions during a Council meeting.

4.3 Interaction of City Council with Staff. The Council shall treat staff with respect and shall not abuse staff, nor embarrass staff in public. The City Council Members are to work through the City Manager on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of issues, laws and City Council’s policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts. Council Members may ask Department Heads for information. This informal system of direct communication is not to be abused. City Council Members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy.

4.4 Individual Council Member’s Requests. Council Members shall make their requests for information to the City Manager not directly to individual members of staff. The use of City staff,

including the City Manager, to respond to an individual Council Member's request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Council Member may make his/her request orally or in writing to the City Manager. The City Manager shall provide an estimate of the cost and how the request affects the Council's Goals and Objectives. This request will then be considered by the City Council at the next possible City Council meeting. Irrespective of the amount of staff time required to respond to each Council Member's request, individual Council Member's requests should be limited to no more than five requests per week.

SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

5.1 Definitions.

- (a) Task Force:** A temporary grouping of individuals and resources for the accomplishment of a specific objective.
- (b) Committee:** A group of people officially delegated to perform a function, such as investigating, considering reporting, or acting on a matter.
- (c) Ad Hoc:** Committees established for a specific purpose. Formed for or concerned with one specific purpose (e.g. ad hoc parking committee); for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than carefully planned in advance.
- (d) Commission:** A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty; the rank and powers so conferred.
- (e) Board:** A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly – in having greater autonomy and authority.

5.2 Recruitment Process.

- (a)** On or before December 31st of each year, the Deputy City Clerk shall prepare and post a list of all Council-appointed board, commission and committee terms that expire during the next calendar year in compliance with the state law (Government Code Sections 54970 et. seq.).
- (b)** The Deputy City Clerk shall annually advertise on the City's website for applicants wishing to be considered for appointment to boards, commissions and committees.
- (c)** Although there may be multiple applicants, Council Members are not required to choose from the pool of applicants and may nominate their own appointee, provided the appointee qualifies.

- (d) All persons seeking appointment to a City board, commission or committee shall complete and submit an application form to the Deputy City Clerk as set forth in Section 5.6. Applications shall be kept on file for two years in the Deputy City Clerk's office and vacancies may be considered from applications on file, as well as new applications.
- (e) Appointments made by individual Council Members are official only after the Council Member has submitted a completed application and appointment form to the Deputy City Clerk, the Deputy City Clerk has determined that the individual is eligible to serve and the Deputy City Clerk has provided proper notification to the appointed board, commission or committee member, and chair of the board, commission or committee. Council Members may announce an appointment at a City Council meeting; however, such an announcement is not required for the appointment to become effective. The Deputy City Clerk shall notify the full City Council of any appointments made by individual Council Members.
- (f) If an unscheduled board or commission vacancy occurs during the term of the appointing Council Member and the Council Member so requests, the following steps should be taken to publicize vacancies on boards, commissions and committees:
 - 1. Public announcement of the vacancy at a Council meeting.
 - 2. A recruitment period of at least ten (10) days.
 - 3. A vacancy notice posted at City Hall, Redbud Library, and on the City's website for at least 20 days.
 - 4. Announcements in the local media, such as press releases, online news outlets and free weekly sales papers.
 - 5. Distribution to appropriate professional and community organizations and all groups that have requested notification.

5.3 Requirement for Appointment.

- (a) All persons appointed to City boards, commissions and committees shall be residents of the City of Nevada City at the time of their appointment and shall remain so throughout their term of appointment. Should any person so appointed move from the City during their term of office, such office shall be forfeited. The Council shall, upon forfeiture, make a new appointment to fill the unexpired term.
- (b) All persons appointed to City boards, commissions and committees should complete and submit an application form to the Deputy City Clerk as set forth in Section 5.6.
- (c) Except as provided by state or local statute, the appointee shall not be a current City employee or currently appointed to another City board, committee or commission.

5.4 Council Notification. By September 1 of each year, the Deputy City Clerk will notify the Council of expiring terms for members of those City boards, commissions, and committees appointed by the full Council.

5.5 Incumbents.

(a) At the end of the first term, the incumbent board, commission or committee member may, at the discretion of the Council or appointing Council Member, be reappointed for an additional term without the need to apply or interview for re-appointment. In lieu of an application, the board, commission or committee member shall submit to the Deputy City Clerk a letter of interest in re-appointment 30 days prior to the expiration of the member's first term.

(b) Any incumbent interested in re-appointment who has served two or more terms must apply for re-appointment as set forth in Section 5.6.

5.6 Application. Except as set forth in Section 5.5, all persons considered for appointment or re-appointment shall complete an application form. This application form must be received by the Deputy City Clerk by the required deadline.

5.7 Appointment Procedure for Planning Commission Members. This portion of the policy sets forth the procedure for appointments of Planning Commission Members consistent with Chapter 2.36 of the Nevada City Municipal Code.

(a) The Commission shall consist of five (5) members and each member of the City Council shall have the right to appoint one (1) Planning Commissioner. Planning Commissioners must be residents of Nevada City.

(b) Planning Commissioners serve at the will and pleasure of the City Council.

(c) The normal term of each Planning Commissioner shall begin upon appointment and end no more than ninety (90) days after the appointing Council Member leaves office. In the event that a new Council Member takes office earlier than ninety (90) days after the appointing Council Member leaves office, the new Council Member may appoint a new Planning Commissioner before the end of the ninety (90) day period above mentioned (said appointment shall be pursuant to Section 2.36.020 of the Nevada City Municipal Code). In the event that a new Council Member has not been seated within ninety (90) days of the appointing Council Member leaving office, the City Council may appoint a person to act as a temporary Planning Commissioner until a new Council Member is seated and appoints a Planning Commissioner.

(d) Any planning commissioner may be removed by a majority vote of the total voting members of the Council.

(e) In the event that a Planning Commissioner resigns, is removed or otherwise ceases to act as a Planning Commissioner, that vacancy shall be filled by the Council Member who originally appointed that Planning Commissioner.

5.8 Appointment Procedure for Board and Committee Members Appointed by the Full Council. This portion of the policy sets forth the procedure for appointments made by the full Council for boards and committees appointed by the full Council.

- (a) Subject to review of the Council, the Mayor may establish a procedure for review of applications and selection of applicants for interview, for those board and committee members appointed by the full Council. Such selection and interview may be conducted by an ad hoc committee of the Council or full Council.
- (b) If an unscheduled board or committee vacancy occurs prior to the expiration of the member's term, the vacancy shall be noticed in compliance with the state law (Government Code Sections 54970- 54974).
- (c) All persons appointed by the full Council to boards and committees serve at the pleasure of the Council and shall serve for the term indicated or until a successor has been appointed.
- (d) Members of boards and committees appointed by the full Council shall be interviewed at a duly noticed open Council meeting and shall be selected by motion and majority vote of the Council.

5.9 Attendance.

- (a) Board, commission and committee members are expected to regularly attend and participate on their respective boards, committees and commissions.
- (b) A board, commission or committee member whose attendance is less than seventy five (75%) of the required meetings over a period of a year may be subject to removal by the Council Member who appointed the person or the full Council if appointed by the Council.
- (c) The Council may grant an approved leave of absence for a board, commission or committee member for such reasons as the Council determines appropriate. During the approved leave of absence, the Council Member who appointed the person, or full Council, depending on how the person was appointed, may appoint a temporary person to fill the position.

5.10 Standards and Procedures and Conflicts of Interest.

- (a) Board, committee and commission members shall be expected to adhere to the Council Standards and Procedures.
- (b) Board, committee and commission members shall comply with all state and local laws with respect to ethics and conflicts of interests to the extent that such laws apply to their position, including state and local requirements to timely file Statements of Economic Disclosure if the member is designated as a filer by state law or by the City's Conflict of Interest Code.

- (c) Members of City boards, commissions or committees may not use their board, commission or committee position title for political endorsements.

5.11 Conflicts with Federal, State or Local Law. In case of a conflict between this section of the Standards and Procedure policy with federal, state or local law, such federal, state or local law shall be the controlling factor.

SECTION 6. MEETINGS

6.1 Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.

6.2 Broadcasting of City Council Meetings. All regular Council meetings shall be scheduled in the Council Chambers to allow for web streaming and simulcast on the Public Education Government Access Channel.

6.3 Regular Meetings. At the first regular meeting in July, the City Council will approve the schedule of meetings for the fiscal year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 6.5, if necessary.

The City Council shall convene its regular City Council meetings at 6:30 p.m. on the second and fourth Wednesday of each month. The City Council may, as the Council deems necessary, cancel regular meetings provided that the City Council shall hold a regular meeting at least once each month pursuant to Government Code Section 56803. The regular 6:30 p.m. starting time of a council meeting can be varied by the City Manager with the concurrence of the Mayor to commence earlier or later (but in no event past 7:00 p.m.) depending upon the volume or nature of business for the council to consider at any given meeting, provided the City Manager gives appropriate prior written notice of the adjusted starting time to the press and public.

Regular Meetings shall be terminated at 10:30 P.M.; however, the Mayor may, by majority vote of the Council, extend the meeting past 10:30 P.M. whenever the Council deems such extension necessary.

6.4 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed their unavailability to attend a meeting. The City Council may, as the Council deems necessary, cancel no more than four (2) Regular Meetings per calendar year (outside of the months of November and December which only have one meeting per month annually), by majority vote, provided, however, that the City Council shall hold a Regular Meeting at least once each month pursuant to Government Code Section 36805.

6.5 Special Meetings. A special meeting may be called at any time by a majority of the City Council or the City Manager in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be given in

accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Manager. Study sessions are scheduled to provide Council Members the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

6.6 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Manager and/or the City Attorney), to consider or hear any matter, which is authorized by law. The City Manager or any three Council Members may call closed session meetings at any time.

6.7 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than, three Council Members appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Council Member in the absence of the Mayor and Vice Mayor, or in the absence of all Council Members, the City Manager or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

6.8 Minutes. The City Manager shall prepare action minutes of all public meetings of the City Council. Copies shall be distributed to each Council Member.

6.9 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special, or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 7. POSTING NOTICE AND AGENDA

7.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the Deputy City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to law.

7.2 Location of Posting. The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

SECTION 8. AGENDA CONTENTS

8.1 Mayor's Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The City Manager and his/her designee, shall organize the agenda (a tentative agenda will be provided to all Council Members no later than the Wednesday prior to the Friday agenda posting for review and comment/input).

8.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. As stated in Section 4.2, if a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed.

8.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the public as required by law.

8.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

(a) Upon a majority determination that an "emergency situation" (as defined by State Law) exists; or

(b) Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

8.5 "Timing" of Agenda. Staff and/or the Mayor **may** "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.

8.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Closed Session Announcement (if needed), Roll Call, Pledge of Allegiance, Proclamations, Presentations, Public Comments on Items not on the Agenda, Council Members Requested Items, Committee Reports, and Future Agenda Items, Consent Calendar, Department Requested Action Items and Update Reports, Public Hearings, Old Business, New Business, Correspondence, Announcements, City Manager's Report and Adjournment.

8.7 Change in Order of Business. The City Manager, Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. Council Members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

8.8 Agenda Request Policy. Requests for placement of items on the agenda by the public can be requested to the City Council during Public Comments for Items not on the Agenda. . Any member of the Council may request that an item be placed on a future agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Council Member Requested Items, Committee Reports and Future Agenda Items" Additionally, the City Manager

may place items on the agenda. For requested items by the public and/or the City Council the majority of Council must agree on the addition of that item to a future agenda.

SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

9.1 Role of Mayor.

(a) The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council Members and among Council, staff and public. The Mayor shall intervene when a Council Member, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.

(b) Communication with Council Members:

1. Council Members shall request the floor from the Mayor before speaking.

2. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.

(c) Communication with members of the public addressing the Council on agendized items

1. The Mayor shall open the floor for public comment as appropriate.

2. Council Members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.

3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.

4. Members of the public shall direct their questions and comments to the Council.

9.2 Rules of Order. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

(a) A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agendized item so that a motion can more easily be made that takes into account what appears to be the majority position.

(b) All motions require a second.

(c) A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.

(d) A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council Members present.

9.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

9.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Council Members. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

9.5 Staff and Consultant Reports. In general, staff and consultant reports should be clear, brief and concise. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

9.6 Public Comment.

(a) Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

(b) The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. Speakers are not allowed to delegate their time to another speaker. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

(c) Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.

(d) After the speaker has completed their remarks, the Mayor may direct the City Manager or City Attorney to briefly address the issues brought forth by the speaker. Council Members shall be respectful of the speakers and shall not enter into a debate with any member of the public nor discuss amongst themselves.

(e) All Council Members shall listen to all public discussion as part of the Council's community responsibility. Individual Council Members should remain open-minded to informational comments made by the public.

(f) The Mayor has the right to ask a member of the public to step down if over the allotted time or if the speaker's comments are not within the city's jurisdiction.

9.7 Motions. It will be the practice of the City Council for the Mayor to provide Council Members an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Council Member may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Council Member recognized by the Mayor. Customarily, the Mayor will take the floor after all other Council Members have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Council Member may request the Mayor or moving party divide the motion into separate motions to provide Council Members an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council, who may legally participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

9.8 Reconsideration.

(a) Request for reconsideration.

1. Request by a member of the public.

Notwithstanding *Rosenberg's Rules of Order*, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

3. The member of the public or City Council Member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

(b) Motion to reconsider any Council action.

1. Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting).

A motion to reconsider an action taken by the City Council may be made only by a Council Member who voted on the prevailing side, but may be seconded by any Council Member and is debatable. The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting.

If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the *Council Standards* Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item). At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

(c) Effect of approval of motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Standards and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

9.9 Discussion.

(a) The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council Members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council Members should disclose any ex parte communication prior to discussion on an item. Ex parte communications are those made in private between an interested party and an official in a decision making process.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

(b) Obtaining the floor for discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should make their comments clear, brief and concise.

(c) Speaking more than once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council Member has already spoken, other Council Members wishing to speak shall then be recognized. No Council Member shall be allowed to speak a second time until after all other Council Members have had an opportunity to speak.

(d) Relevancy of discussion.

All discussion must be relevant to the issue before the City Council. A Council Member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council Members shall avoid repetition and strive to move the discussion along.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Council Member who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

Arguments, for or against a measure, should be stated as concisely as possible. It is the responsibility of each Council Member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council Members to speak or give their viewpoints if another Council Member has already addressed their concerns. Although issues with potential to be litigated or otherwise appealed should have comments by each Council Member on the record.

(e) Mayor's duties during discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Council Member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

9.10 Council Member Respect. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

9.11 Announcements. Council reports at the end of Council meetings shall be limited to announcing Mayor/Council related activities in which Council Members are involved, City and City-sponsored activities and items which directly affect the City. Community groups may announce their activities during Public Comments at the beginning of Council meetings. Council Members should refrain from making personal comments, stating personal activities, or items that do not impact their role as a Council Member.

SECTION 10. CLOSED SESSIONS

10.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City’s position, and could cost the taxpayers of Nevada City financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the Mayor shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City’s position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager, except where authorized by a majority of the City Council.

10.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City’s position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council’s ability to communicate openly in closed sessions, thereby impairing the Council’s ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

10.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.

10.4 Agenda. The City Council agenda will contain a brief general description of the items to be discussed at the closed session, as required by law.

10.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

10.6 Rules of Decorum.

(a) The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and safe to express their points of view. All Council Members have the right to insist upon strict adherence to this rule.

(b) Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council Members.

(c) The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

10.7 Conduct of Meeting.

(a) The Mayor will call the closed session to order promptly at its scheduled time.

(b) The Mayor will keep discussion focused on the permissible topics.

(c) The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.

(d) If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council Member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

10.8 Public Disclosure After Final Action.

(a) The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:

* Real Estate negotiations: After the agreement is final and accepted by the other party;

* Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;

- * Settlement: After final settlement of litigation or claims;
- * Employees: Action taken to appoint or dismiss a Council-appointed employee;
- * Labor relations: After the Memorandum of Understanding is final and has been accepted by both parties.

(b) The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 11. DECORUM

11.1 Council Members. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. The City Manager or his/her designee shall act as the sergeant-at-arms.

11.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.

11.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. These Standards and Procedures shall apply to all City Council Meetings.

11.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

11.5 Removal. Any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers by the sergeant-at-arms and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

11.6 Dangerous Instruments. No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

11.7 Prosecution. Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

SECTION 12. ENFORCEMENT OF DECORUM

In extreme cases, such as when a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals as provided for in this Policy, the Mayor/Presiding Officer may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this Section. Nothing in this Section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

SECTION 13. VIOLATIONS OF PROCEDURES

Nothing in these Standards and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

APPROVED: February 26, 2020



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: City of Nevada City Budget Calendar Fiscal Year 2020-2021

RECOMMENDATION: Review and approve the attached budget calendar with recommended operating and capital budget preparation schedule for fiscal year (FY) 2020-2021.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The City of Nevada City prepares an operating and capital improvement budget every fiscal year. The upcoming budget cycle is for fiscal year 2020-2021. City staff begins developing the next fiscal year budget in March during the mid-year budget cycle, followed by public workshops with City Council in May/June. Adoption of the final budget is scheduled for the first City Council meeting in June.

It is being recommended that the City Council budget workshop be held on May 14th, 15th or 19th 2020 from approximately 9:00 a.m. to 11:00 a.m. *(date and time to be selected)* to provide staff adequate time to implement City Council recommendations and comments to the final draft of the budget prior to adoption at the June 10, 2020 City Council meeting.

FISCAL IMPACT:

There are no fiscal impacts related to approval of the attached budget calendar.

ATTACHMENTS:

- ✓ Budget Calendar FY 2020-2021

City of Nevada City Budget Calendar 2020-2021

The City of Nevada City prepares an Operating and Capital Improvement Budget every year. The upcoming Operating Budget cycle is for fiscal year 2020-2021. City staff begins developing the next fiscal year budget in March followed by public workshops with the City Council in May/June, and adoption scheduled for the first City Council meeting in June. Below are frequently asked questions about the City's budget process.

What is a Fiscal Year?

The City's fiscal year runs from July 1 through June 30 each year. The State of California uses the same fiscal year as county and city governments. However, the federal government's fiscal year runs from October 1 through September 30, while many private businesses use the calendar year January 1 through December 31 as their fiscal year. A fiscal year represents an accounting cycle for measuring results of operation and the City's financial position.

How does the City's Operating Budget differ from the Capital Improvement Program (CIP)?

The City's Operating Budget is an itemized plan of estimated City revenues (money expected to be received in taxes, fees, and grants) and City expenditures (money expected to be spent on programs, services, and administration) projected and officially adopted by the City Council for the budget cycle. The City's Operating Budget focuses on the day to day management and functioning of City services and includes, but is not limited to the following: staff costs, such as fire, police, and recreation personnel; other program costs such as tools and supplies; and contracted services such as police dispatch and animal control. By State law, the City's Operating Budget must be adopted by the City Council as a balanced budget (projected costs are equal to or less than expected revenue), no later than June 30th each year.

While the Operating Budget focuses on the on-going costs of conducting the City's business, the Capital Improvement Program (CIP) focuses on the larger-scale construction/renovation of City projects/facilities, such as parks, bicycle/pedestrian improvements, major street improvements, water and sewer infrastructure improvements and public building construction/renovation (the costs of maintaining/servicing City projects/facilities are operating costs). The CIP budget also has a long-term focus with projects and activities being projected over a five year period and updated each year during the operating budget cycle. Capital improvement projects are often multi-year projects that draw upon many different funding sources, including regional transportation taxes (Measure S and L), developer fees, user fees, bond issuance, and grants. Many of these revenue sources can only be used for capital improvement projects and cannot be transferred to the City's operating budget and used for on-going operational costs. Each CIP cycle is a spending plan that is determined through a public hearing(s) where the City Council prioritizes projects (based upon available restricted and/or unrestricted revenue sources and the evolving needs of the City). The CIP may include projects that are unfunded or partially funded and typically there are more CIP projects than funds available.

What is the City's operating budget philosophy?

The City Council's adopted major operating budget principle is that "current year expenditures should be supported by current year revenues. One-time revenues should not be used for ongoing costs, but should instead be used for necessary one-time only expenditures or to strengthen fund reserves".

What is the size of the City's General Fund Operating Budget?

The projected revenue for the operating budget for fiscal year 2019-2020 (effective July 1, 2019 through June 30, 2020) is \$4.8 million while the budget anticipates \$4.8 million in expenditures, which includes capital outlay. Police and fire services comprise 60% of the City's general fund operating costs. City staff anticipates that the next budget cycle will focus on maintaining current levels of City services and programs while maintaining costs in order to follow the City's adopted budget management policy that current year expenditures should be supported by current year revenues.

When will the City adopt the Operating Budget for fiscal year 2020-2021?

According to State law, the City Council must adopt a balanced operating budget for the next budget cycle by June 30th. Staff has already started the process of putting together a proposed initial draft operating budget for City Council and public review. Below is the budget adoption schedule (may be subject to change). All of the meetings listed below are open to the public.

February 26 th	City Council adopts budget calendar
February 27 th – March 26 th	Budget process begins – Departments prepare budget worksheets
March 27 th – April 10 th	Budget Review City Manager/Administrative Services Manager and Department Heads
April 16 th & 17 th	Budget Review and Update City Manager and Administrative Services Manager
April 23 th & 24 th	Review Budget Adjustments to 1 st Draft City Manager and Administrative Services Manager
April 27 th – May 1 st	Final Adjustments to Draft Budget and review for workshop City Manager and Administrative Services Manager
May 11 th	Post Final Draft Budget for City Council Budget Workshop City Manager and Administrative Services Manager
May 14 th , 15 th or 19 th	City Council Budget Workshop (select a date and time)
May 29 th	Post the Public Hearing Notice
June 10 th	City Council adoption of final fiscal year 20/21 budget

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

FEBRUARY 26, 2020

TITLE: Freeway Visible Sign Amendment – Chevron Price Signage at 301 Sacramento Street

RECOMMENDATION: Review the “as-installed” modified signage and approve the application for a modified sign permit.

CONTACT: Amy Wolfson, City Planner

BACKGROUND:

Following a City violation notice, applicant Carl Cook of United Signs filed an application with the City on February 3, 2020 for Council’s review of their “as-installed” price sign amendment at the Chevron gas station at 301 Sacramento Street. A previous gas pricing sign was approved by the City Council in January 2008, which involved replacing a previously approved 1992 pole sign. The approved 2008 signage included LED downwash lighting. Section 12.08.010 of the Nevada City Municipal Code provides standards for advertising along freeways, and requires such signage obtain approval from the City Council. This item was introduced at the February 12th meeting, but Council continued it to the next meeting so that Councilmembers could view the signage at a modified brightness level before taking action.

AS-INSTALLED SIGN PROPSAL: The installed signage features electronic pricing displays that can be electronically modified. Pricing digits are illuminated with LED pixels on a black module. The overall dimensions of the sign remain the same as was previously approved in 2008. According to the manufacturer, lights are programmed to be at 10% brightness at night and 100% brightness during the day. Representatives of United Sign discovered that the automatic dimming mechanism was not engaged and therefore remained at 100% brightness 24 hours per day. This resulted in intense brightness at night. The applicant fixed the dimming mechanism just prior to the February 12, 2020 meeting and Council continued the matter in order to view the modified nighttime brightness.



2008 approved sign



As-installed replacement signage (currently unpermitted)



Photo taken at nighttime at modified brightness level

REGULATORY CONSIDERATIONS:

Freeway Visible Signage: The City Council, as a part of their review and determination for sign permits under [Chapter 12.08], shall have design review authority and may require that any proposed sign be modified prior to construction. Design review shall obtain a reasonable balance between the advertising needs of the applicant, the aesthetic scenic corridor goals of the City's General Plan, and the architecture of the neighborhood such that the sign will not be detrimental to the public welfare, and will enhance the architecture of the neighborhood and protect the scenic corridor in Nevada City." It also states: "The Council may consider the location, the nature and visibility of the business, the types of existing signs in the area, the level of development in the sign location, the likelihood of light spill from the sign, and other site specific facts. The Council may require modification of the sign's size, materials, colors, illumination, pole height, and other design elements as a condition of approval. "

Section 12.08.010 of the Nevada City Municipal Code provides standards for advertising along freeways, and states that "it is unlawful for any person, firm or corporation to place, alter or relocate within the territorial limits of the city any advertising structure or sign which is visible from a freeway, without first obtaining a permit to do so from the city council, and no such permit shall be issued except in compliance with the provisions of this chapter."

Outdoor Lighting Ordinance: Section 17.80.215 of the City Municipal Code includes the following provisions:

- All such lighting shall be limited to the minimum necessary for safety and security
- Lighting fixtures shall be shielded or recessed to minimize light spill to adjoining properties by:
 - Ensuring that the light source (e.g., bulb) is shielded and directed downward with no more than a 30-degree horizontal deflection from the light source. 2.
 - Confining glare and reflections within the boundaries of the site to the maximum extent feasible.
- No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.

Scenic Corridor: The subject property is designated with a scenic corridor (SC) combining district. This designation is applied to land areas which are adjacent to roads and highways which are indicated on the General Plan with the symbol for scenic corridors, and as may be designated by the city council from time to time. These roadways are generally entryways to Nevada City which were recognized in the General Plan as being particularly important to protect the existing essential character of Nevada City, namely that of a small, compact historical town surrounded by green, wooded hills, by hiding development from view from the highways and preserving the existing tree cover to the greatest extent possible, and assuring visually pleasing corridors. As discussed above, the planning commission may require the incorporation of special conditions of approval or design features, prior to approval.

Environmental Review: Staff has determined that the project is exempt from environmental review pursuant to §15303 (Class 3) of the California Environmental Quality Act (CEQA) guidelines. The CEQA Guidelines for Categorical Exemption §15303, allows for the construction and location of limited numbers of new, small facilities or structures, the installation of small new equipment and facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed sign alteration is considered a small accessory facility to the fueling station, and therefore meets the criteria for a Class 3 exemption.

FINANCIAL CONSIDERATIONS: None

ATTACHMENTS:

- ✓ Freeway Visible Sign Application
- ✓ Freeway Sign Spec Sheets



OFFICE USE ONLY	
Filing Fees	
Chk	Cash
Bus. Lic.	

CITY OF NEVADA CITY

317 Broad Street • Nevada City, California 95959 • (530) 265-2496

CITY OF NEVADA CITY
 FEB 03 2020
 RCPT. AMT. 100.00

APPLICATION FOR SIGN – FREEWAY VISIBLE

Applicant

United Signs / Carl Cook

Name

5201 Pentecost Dr.

Address

Modesto CA 95356

City, State

916 600 6550

Phone

Check all that apply:

- Erect a new sign
- Alter and existing sign
- Relocate a sign

Supporting data must be attached for new signs & alterations (10 copies each):

- Colored rendering of proposed sign
- Color chips
- Material specs

Owner's name if different from above

Address and Assessor's parcel number of property where sign is proposed:

301 Sacramento St.

Street Address

Assessor's Parcel Number

Description of sign: **PLEASE ATTACH A COLORED RENDERING AND A PHOTOGRAPH OF BUILDING**

Size

5'-10"x 4'-4"

Proposed location on building

Materials Metal / plastic

Aggregate sign inventory:

What is the street frontage of the subject parcel? 160'

How many businesses now occupy the building? 1

List existing signs that will remain on the building (use reverse side if needed)

Business

Sign dimensions

I am the owner or authorized agent for the subject property. If agent, submit owner's written authorization.

Signature

Carl Cook

Date

2/3/20

-----FOR OFFICE USE ONLY-----

Approved by:

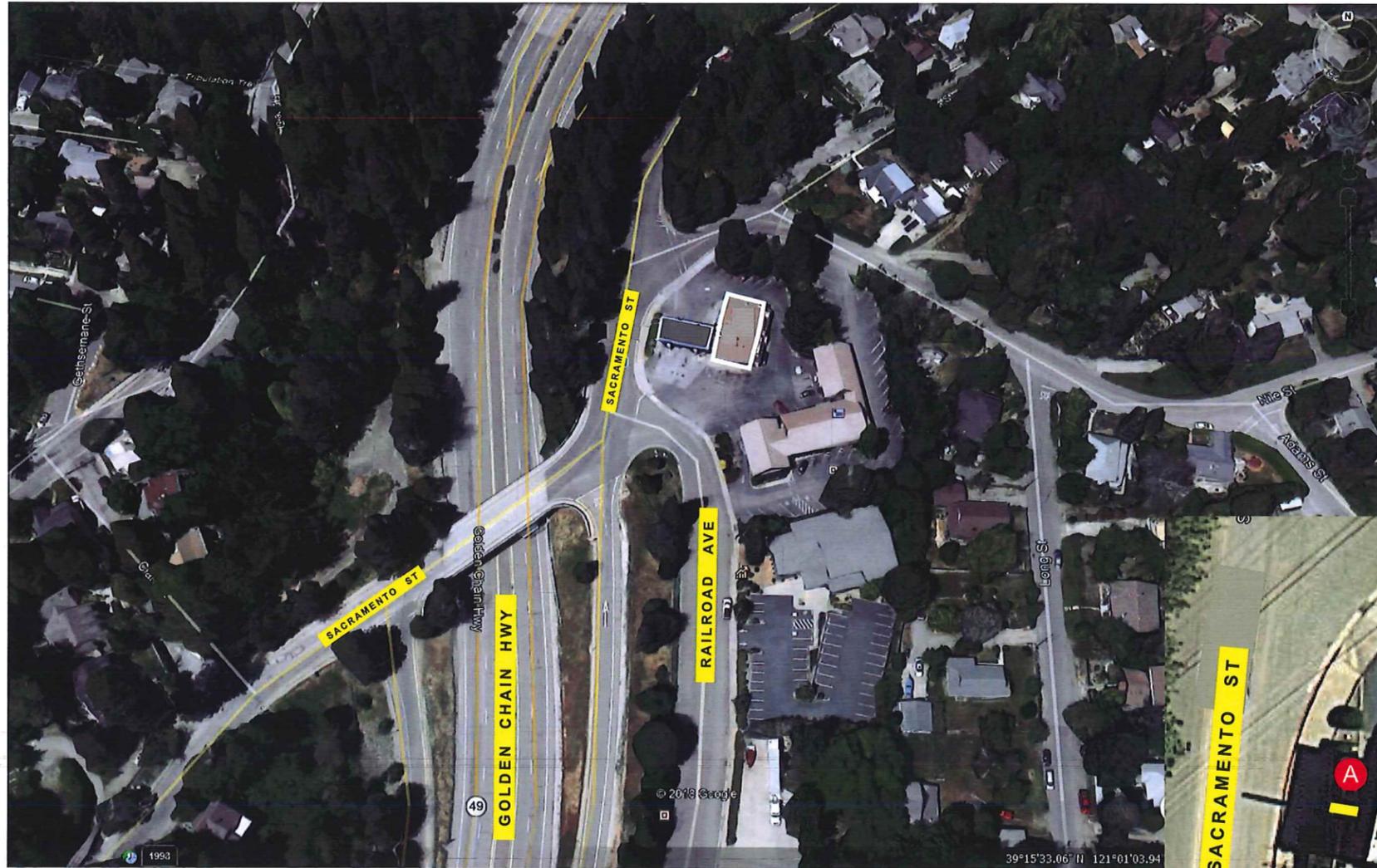
Date:

Allowable area: _____

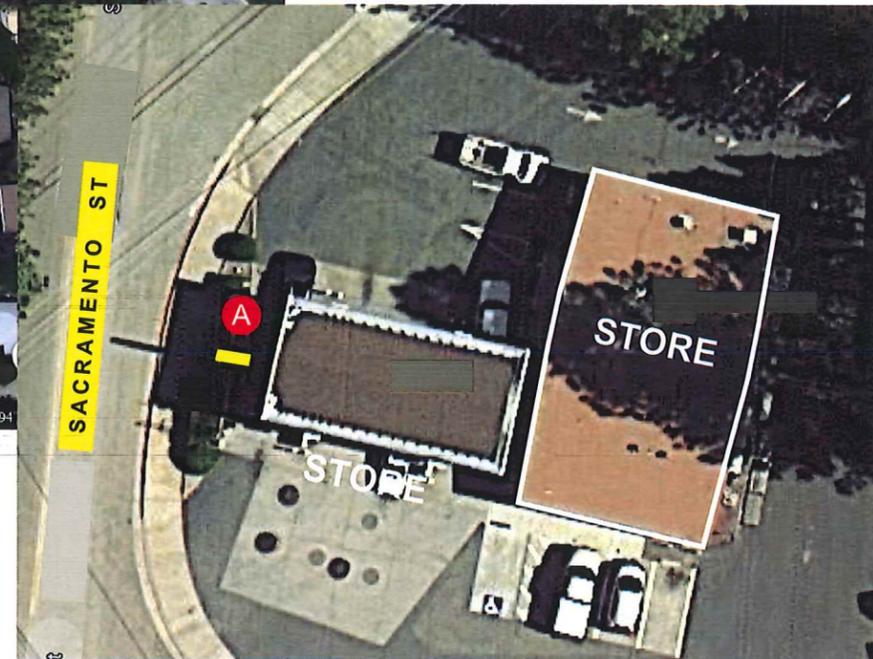
Aggregate area: _____

New sign: _____

New aggregate: _____



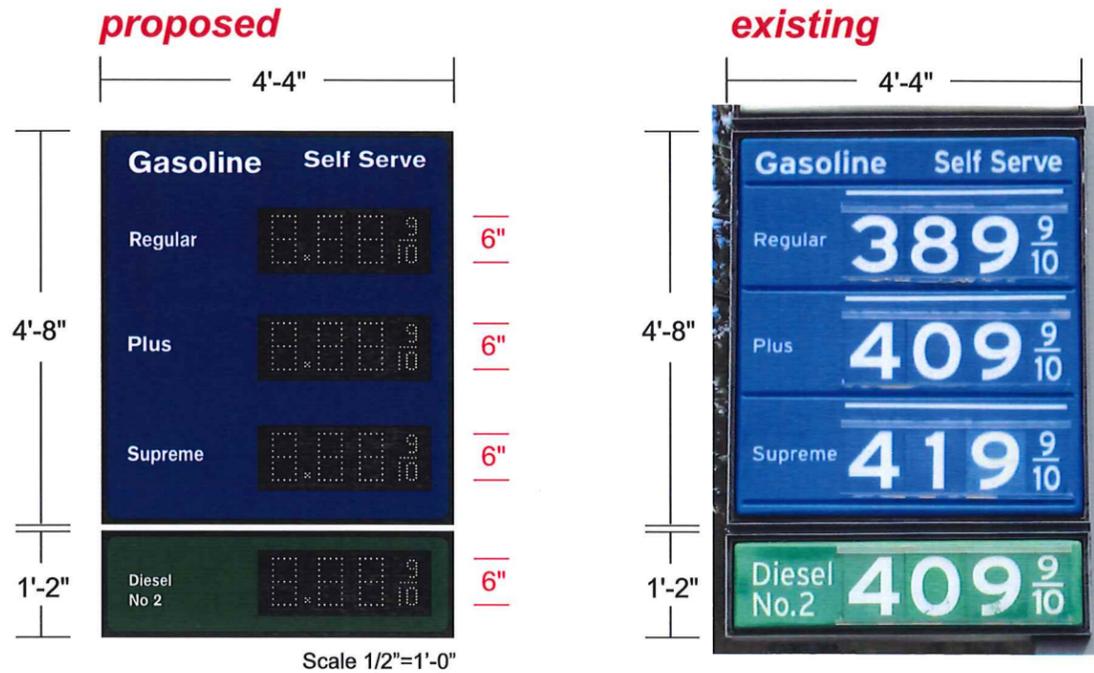
Vicinity Map



Site plan

- 1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
- 2) The location of the disconnect switch after installation shall comply with the Srtical 600.6 (A)(1) of the National Electrical Code

		JOB INFO		FILE		ELECT.		SPECIFICATIONS	
	5201 Pentecost Drive Modesto, Calif. 95356 1-800-481-SIGN FAX (209) 543-1326 C.S.C.L. # 718965	JOB #: 000 CLIENT: CHEVRON CONTACT: DATE: 1-31-20 PROJECT LOCATION: 301 SACRAMENTO ST NEVADA CITY, CA	SALESPERSON: BRIAN CAMPBELL DRAWN BY: BAM PAGE 3 OF 3 CLIENT APPROVAL _____ DATE _____ LANDLORD APPROVAL _____ DATE _____	REVISIONS: 00-00-00 SCALE: NOTED FILE NAME: CHEVRON nevada city pylon reface	120 Volt <input type="checkbox"/> 277 Volt <input type="checkbox"/> Other <input type="checkbox"/> one box above MUST be checked prior to any mfg.	See Drawing for Specifications			
	DESIGN MANUFACTURING INSTALLATION MAINTENANCE		<small>This Design layout is specific to 120 volt electrical power for approved illuminated signage. Any other voltage at job site that requires additional install trips will be an extra charge. Copyright 2000 USS United Sign Systems This artwork/design is sole property of USS United Sign Systems and cannot be reproduced without written permission of Johnson Sign Systems</small>						



**Sign A: (partial reface)
Existing D/F Illum. C-45 Fuel Sign**

Scope of Work:

- 1) remove & junk existing changeable fuel faces
- 2) order, receive & install new PWM LED fuel faces
- 3) retro-fit electrical as needed



Photo Elevation (fuel pylon sign)



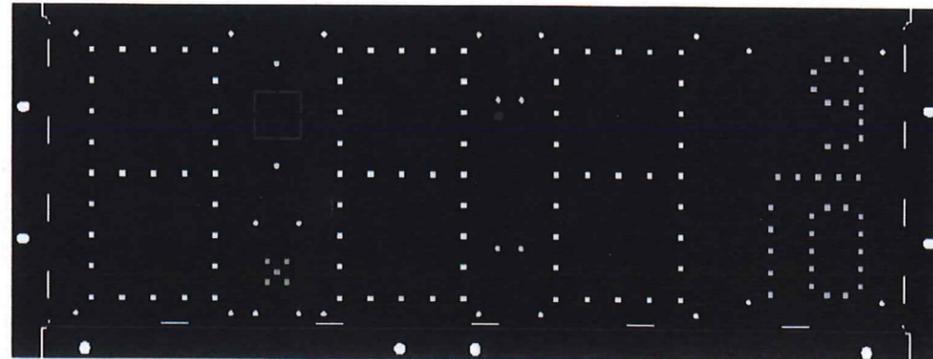
1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
2) The location of the disconnect switch after installation shall comply with the Srtical 600.6 (A)(1) of the National Electrical Code

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	<p>CLIENT APPROVAL _____ DATE _____</p> <p>LANDLORD APPROVAL _____ DATE _____</p>	<p>REVISIONS: 00-00-00</p> <p>SCALE: NOTED</p> <p>FILE NAME: CHEVRON nevada city pylon reface</p>		

Technical Data



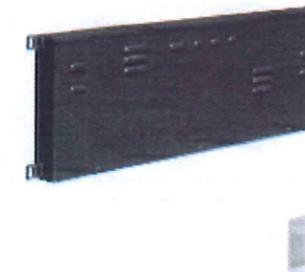
PWM PSDU-21-06W



- PWM-PSDU-21-06W; consist of three digits and a 9/10 from type ILD-06W-NN installed behind an acrylic cover inside a sign with following technical data:
 - Input voltage from the E-Box is **15V DC**
 - Maximum current per PSDU-21-06W is **1.8 A** (all digits 888 9/10 and 100% brightness)
 - Maximum power consumption is **27W** (all digits 88.88 and 100% brightness)
 - Average power consumption per day is **11.1 Wh** (at a normal price displayed just 75% of the LED's are ON and the brightness during the night time is 10% and during the day time 100%)
 - Brightness regulation between 10% and 100% over the sensor
 - Automatic light control over the sensor for additional lights inside the sign.
- The used LED inside the digits and 9/10 from type ILD-06W-NN are surface mounted with the parameters:
 - Forward Voltage 3.2V DC at $I_f = 20\text{mA}$
 - Luminous Intensity 1,900Mcd to 2,300Mcd at $I_f = 20\text{mA}$
 - Color correlated Temperature 2,600K up to 7,000K
 - Viewing Angle 115°

- The 6" LED digit type ILD-06W-NN is working with following maximal parameters:
 - Voltage: **15V DC**
 - Current max: **0.50A**
 - Consumption: **7.5W**
 - Candela/m²: **17,193.6 cd/m²**

E-Box



- E-Box is the power and control system for the PWM-PSDU-21-06W inside the sign:
 - Efficiency of used Power Supply SP-320-15 is 86% at input voltage 100V – 240V AC
 - Sign controller LCSSL-05 could control maximum 8 PWM-PSDU-21-06W for 4 lines double sided.

Product data PWM-PSDU-21-06W.docx

1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
 2) The location of the disconnect switch after installation shall comply with the Srtical 600.6 (A)(1) of the National Electrical Code

 <p>5201 Pentecost Drive Modesto, Calif. 95356 1-800-481-SIGN FAX (209) 543-1326 C.S.C.L. # 718965</p> <p>DESIGN MANUFACTURING INSTALLATION MAINTENANCE</p>	<p>JOB INFO</p> <p>JOB #: 000 CLIENT: CHEVRON CONTACT: DATE: 1-31-20 PROJECT LOCATION: 301 SACRAMENTO ST NEVADA CITY, CA</p>	<p>FILE</p> <p>SALESPERSON: BRIAN CAMPBELL DRAWN BY: BAM PAGE 2 OF 3</p> <p>REVISIONS: 00-00-00</p> <p>SCALE: NOTED</p> <p>FILE NAME: CHEVRON nevada city pylon reface</p>	<p>ELECT.</p> <p>120 Volt <input type="checkbox"/> 277 Volt <input type="checkbox"/> Other <input type="checkbox"/></p> <p>one box above MUST be checked prior to any mfg.</p>	<p>SPECIFICATIONS</p> <p>See Drawing for Specifications</p>
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REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Appeal of Planning Commission Decision to Deny an Architectural Review Application for a garage door and lighting fixtures by John Conger at 224 Church Street

RECOMMENDATION:

1. After holding a public hearing, Council shall make a decision whether to uphold, overturn or modify the Planning Commission decision to deny the Architectural Review Application.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

The owner of the building, John Conger and his design team originally presented an application for exterior alterations of the subject building at the August 15, 2019 Planning Commission meeting. At the September 19, 2019 meeting, the Planning Commission approved a Use Permit for specified office uses on the ground floor and also approved architectural review for a newly proposed garage with upper story deck, to be located in the rear of the existing building. The Commission further approved exterior alterations at their Meeting held on October 17, 2019 and the Special Meeting held on October 30, 2019.

Following this approval, Conger came back before the commission on November 21, 2019 meeting and requested that they consider a revised Architectural Review proposal to reconsider the metal cladding and faux windows and allow the rock face to remain as is, and also allow the north elevation to remain as is, though painted in the proposed color scheme. The Planning Commission denied Conger's November proposal based on it being incompatible with Motherlode architecture. However, Conger appealed this decision at the January 8, City Council meeting, whereby Council overturned the Planning Commission decision with a 4 to 1 vote. Following this decision, Conger presented a new proposal to the Planning Commission with a new request to add a garage door on the north elevation and install lighting fixtures

NEW PROPOSAL DENIED BY PLANNING COMMISSION: At the February 20, 2020 planning commission meeting Conger presented a proposal to install a garage door on the front of the building, facing Church Street, with access from the existing parking lot. The garage door would be a full-view, aluminum door that incorporates window lights across the entire panel. Four parking spaces are shown on the site plan to be removed to accommodate the drive access. The loss of parking will limit the commercial use of the building, though presently Conger has decided to improve the space only for residential use of two units, for which adequate parking exists. Staff has added a condition of approval, that any commercial use of the building, including office use, shall require evaluation by the Planning Department for consistency with commercial, off-street parking standards pursuant to 17.80.030 of the City Municipal Code. Conger also proposed to install gas lanterns at the entry and gas tiki-style lamps on the roof deck adjacent to the upper residence. The Fire Chief has advised that the California Fire Code regulates open-flame decorative devices under section 308.3.1.

Adherence to that code is required and has been included in the recommended Conditions of Approval below.

The Planning Commission initially voted 2-2 (Andrews absent), on a motion to approve the proposed exterior alterations. On my advice to have a clear appeal procedure, and at the applicant's request, a second motion was made to deny the application based on the improvements not meeting motherlode aesthetics, which was supported 4-0. Discussion preceding this denial motion provides context to the commission's intent to deny the proposal based on its failure to meet a Motherlode aesthetic, which is their responsibility pursuant to Section 17.88.040 of the City Municipal Code, but also to provide an avenue for resolving the conflict between Municipal Code Chapters 17 and 15, discussed further below, by way of appeal to the City Council.

MUNICIPAL CODE DISCREPANCY: The Planning Commission's purview for approving exterior alterations through an Architectural Review process is outlined under Chapter 17.88.040. Subsection B states as follows:

*The city's goal in requiring architectural review is to implement the goals of the city's general plan by preserving the character of Nevada City architecture in terms of historical value, site coverage and planning, volume and massing, materials, general design and details. **Historical district work must be in strict keeping with the Mother Lode era** as further discussed in Article II of [Chapter 17.68](#) of this title. Preservation of original historic materials is strongly encouraged.*

Pursuant to the above code section, staff has advised that the Planning Commission make the finding that an exterior alteration is consistent with Motherlode architecture when acting on a project involving exterior alterations taking place within the historic district.

However, this application is for a 1962-built structure that exudes 1960's architecture, providing a difficult canvas for meeting a motherlode aesthetic. While "motherlode" is the Commission's charge for enforcing alterations within the historic district, that charge is in conflict with Chapter 15.12.10 of the City Municipal Code, outlining standards for the Building Department to assume in their review of building alterations. Subsection A and Subsections B.3 and B.4 state as follows:

A. The review standards set out in subsection B of this section shall apply to any exterior alteration of buildings in the historical district or pre-World War II buildings located outside the historical district (buildings constructed before 1942). These standards shall be in addition to other guidelines and regulations set forth in the ordinances and resolutions of the city.

B.3: All buildings, structures and site shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

B.4: Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

Scenic Corridor: The subject property is designated with a scenic corridor (SC) combining district. This designation is applied to land areas which are adjacent to roads and highways which are indicated on the General Plan with the symbol for scenic corridors, and as may be designated by the city council from time to time. These roadways are generally entryways to Nevada City which were recognized in the General Plan as being particularly important to protect the existing essential character of Nevada City, namely that of a small, compact historical town surrounded by green, wooded hills, by hiding development from view from the highways and preserving the existing tree cover to the greatest extent possible, and assuring visually pleasing corridors. The planning commission may require the incorporation of special conditions of approval or design features, prior to approval.

Environmental Review: Staff has determined that the project is exempt from environmental review pursuant to §15301 of the California Environmental Quality Act (CEQA) guidelines. The CEQA Guidelines for Categorical Exemption §15301, Existing Facilities “consists of operation, repair maintenance of existing public or private structures or facilities...involving no or negligible expansion of use beyond that existing at the time of the lead agency’s determination.”

STAFF RECOMMENDATIONS FOR CONSIDERATION

Staff recommends the following options for motions that may be made in response to the appeal request:

Motion to Overturn/Modify

1. In overturning and approving the revised Architectural Review application, as conditioned, for the proposed north and east elevations at 224 Church Street, Nevada City, CA, the City Council finds:
 - a. that the proposed garage door and lighting fixtures are generally compatible with Motherlode architecture; and
 - b. that the proposed garage door and lighting fixtures are compatible with the context of the surrounding neighborhood.

RECOMMENDED CONDITIONS OF APPROVAL (if overturned):

1. Nevada City contracts with the Nevada County Building Department for issuance of permits. The County will not issue permits unless the plans have been stamped and approved by Nevada City. Therefore, prior to issuance of a building permit, submit one digital copy of plans OR three sets of plans to Nevada City Planning Department, along with a filing fee of \$100 (made payable to the City of Nevada City). The plans will be reviewed by the City Planner and City Engineer for consistency with the approval and will require their signatures.

2. Material selections, colors, and all proposed work shall substantially comply with the exhibits presented and approved by the Planning Commission.
3. The property owner shall prepare parking lot use etiquette and guidelines to be distributed to residential tenants using the lower level parking lot so that maneuvering, ingress/egress, and residential access impacts are mitigated.
4. The tiki-style lights shall be obscured from public views.
5. Any future use beyond the two residential units shall be evaluated by the City Planner to determine the adequacy of off-street parking to serve those uses. Anyone pursuing a business license at 224 Church street shall provide the City Planner a diagram of the business space with square footage specified and information about the nature of the business and demonstrate compliance with off-street parking requirements pursuant to 17.80.030 of the City Municipal Code
6. All State, Local, and Federal permits required for the project shall be the responsibility of the property owner including, but not limited to the following agencies, Northern Sierra Air Quality District (potentially for the fireplace), Nevada County Building Department, the Nevada City Engineer, and the Nevada City Fire Department.
7. The decision of the planning commission may be appealed to the city council not later than fifteen (15) days after this final action or decision. Any work during this period is at the applicant's own risk.

Motion to Uphold

1. In upholding the Planning Commission's decision to deny the Architectural Review application for the proposed remodel at 224 Church Street, Nevada City, CA, the City Council finds:
 - a. that the proposed garage door and lighting fixtures are not generally compatible with Nevada City's style of architecture; and/or
 - b. that the proposed garage door and lighting fixtures are not compatible with the context of the surrounding neighborhood.

FINANCIAL CONSIDERATIONS: None

ATTACHMENTS

- 1) Application for Architectural Review
- 2) Improvement Plans (Site Plan, Floor Plan, Elevation Details)
- 3) Garage Door Spec Sheet
- 4) Lighting fixture details



CITY OF NEVADA CITY
 317 Broad Street • Nevada City, California 95959 • (530) 265-2496

OFFICE USE ONLY	
Filing Fees	
Chk <input type="checkbox"/>	Cash <input type="checkbox"/>
Bus. Lic.	

APPLICATION FOR ARCHITECTURAL REVIEW

Applicant/Property Owner

John Conger
 Name
 224 Church St.
 Address
 Nevada City, CA
 City, State
 530-277-5061
 Phone
 jconger56@gmail.com
 email address

Check all that apply:

- A New Building
 - Changes to Existing
 - In the Historic District
 - Other (Describe)
- Number of existing units ¹ _____
 Year of original construction _____ 1962

Supporting data must be attached:

- Color chips
- Material specs, i.e. roofing, windows, etc.
- Elevations/Site plans

Address and Assessor's parcel number of property where construction is proposed (also complete attached location key map):

224 Church St. 005-390-004
 Street Address Assessor's Parcel Number

Nearest cross street Main St. New floor area proposed ³⁰⁰ _____ S.F.

Briefly describe proposed project:

Remodel of existing commercial building. Convert portion of building into two residential units, one at 1351 sq.ft., the other at 1217 sq.ft. Add windows for both residential units. Convert portion of upper level office space into residential garage. Add new 300 sf garage at lower level. Install barrier arm gates at both driveway entrances.

Number of dwelling units on property ² _____

COMPLETE FOR ALTERATIONS TO EXISTING BUILDINGS:

Construction will involve (check all that apply):

- Foundation replacement
- Siding replacement - All siding or Repairs over _____ %
- Roof replacement
- Use of metal framed windows
- Removal of old materials. Describe: Remove portions of concrete walls for new windows.

DESCRIPTION OF NEW CONSTRUCTION OR ALTERATIONS: Attach architectural elevations or perspective drawing showing all materials, colors, finish, lighting, ornamental devices, and any signs. The Commission prefers color chips.

SUPPORTING DOCUMENTS: Read and complete the attached pages and include any other statements or attach supporting information to substantiate that the architecture is consistent with the Mother Lode Era, or is otherwise consistent with the surroundings. Attach **TEN FOLDED COPIES** of the elevations and/or supporting information, including a site plan showing the existing and proposed building setbacks from all property lines. **ALL BUILDING DIMENSIONS, INCLUDING BUILDING HEIGHTS, MUST BE SHOWN ON THE ELEVATIONS.**

I am the owner or authorized agent for the subject property. If agent, submit letter from property owner.

Chris Andrews
 Signature

1/6/2020
 Date

Approved by:

-----FOR OFFICE USE ONLY-----

Signature

Date

Signature

Date

**PLEASE ATTEND THE PLANNING COMMISSION MEETING TO DISCUSS YOUR REQUEST, OR YOUR APPLICATION
WILL BE CONTINUED TO THE NEXT MEETING**

**CITY OF NEVADA CITY
ARCHITECTURAL REVIEW GUIDELINES
AND SUPPORTING INFORMATION**

Please read this document and provide the information that applies to your application. The City also maintains some reference material regarding historical architecture. Ask the City Planner for details.

POLICY DECLARATION:

The City's goal in requiring architectural review is to implement the goals of the City's General Plan by preserving the character of Nevada City architecture in terms of historical value, sit coverage and planning, volume and massing, materials, color, general design and details. Historical District work must be in strict compliance with the Mother Lode Era. Preservation of historic materials is encouraged.

The Planning Commission will review each application on its own merit and in the context of the neighborhood of the project. For example, plywood siding might be acceptable in an area of modern, similar homes, but not in a neighborhood of old Victorian homes.

Generally, Nevada City architecture is characterized by many of these design features typical of the Mother Lode Era: Steep peak roofs with pitches between 6:12 & 12:12, overhanging roofs with gable ends, covered porches and entries; multi-pane, vertical, and by windows, and use of horizontal painted rustic siding. Alterations to older homes should match existing historic materials. Vinyl siding has been declared potentially hazardous by the City's Fire Department.

SITE PLAN AND ENVIRONMENTAL CONSIDERATIONS:

Provide a site plan of the property to scale, showing any proposed tree removal, setbacks, building coverage, fencing and landscaping concepts. Attach a tree removal application form if there will be any trees removed. Show off-street parking areas.

Is the coverage and setback of the new construction compatible with surrounding houses? Yes No

Please explain how it is compatible

Project is in GB Zone. Parcel does not abut any residential parcels, so no setbacks are required.

VOLUME AND MASSING

Lot Size 13,503 SF

Will the proposed building or changes
Have a larger floor plan than surrounding buildings?
Be taller than surrounding buildings?
Block views or sunshine from existing buildings?
Does the site plan provide a private yard area?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion, if needed:

MATERIALS

Generally, the City prefers horizontal wood siding, treated wood shingles, composition shingles, or metal roofing, true used brick, new brick, or mine rock veneers and accents, wood windows in older neighborhoods, and roof pitches in excess of 6:12.

Please list all materials that you will use and alterations proposed:

Roof: n/a Pitch: _____

Siding: n/a

Windows: Aluminum

Trim: Concrete

Foundation/Pony walls: n/a

Decks, porches, railings: Concrete roof deck, metal railing

COLORS (Please provide ten color chips per color)

Color brand, name, number

Roof: n/a

Trim: match existing

Accents: n/a

Railings/Decks: no paint, exposed steel

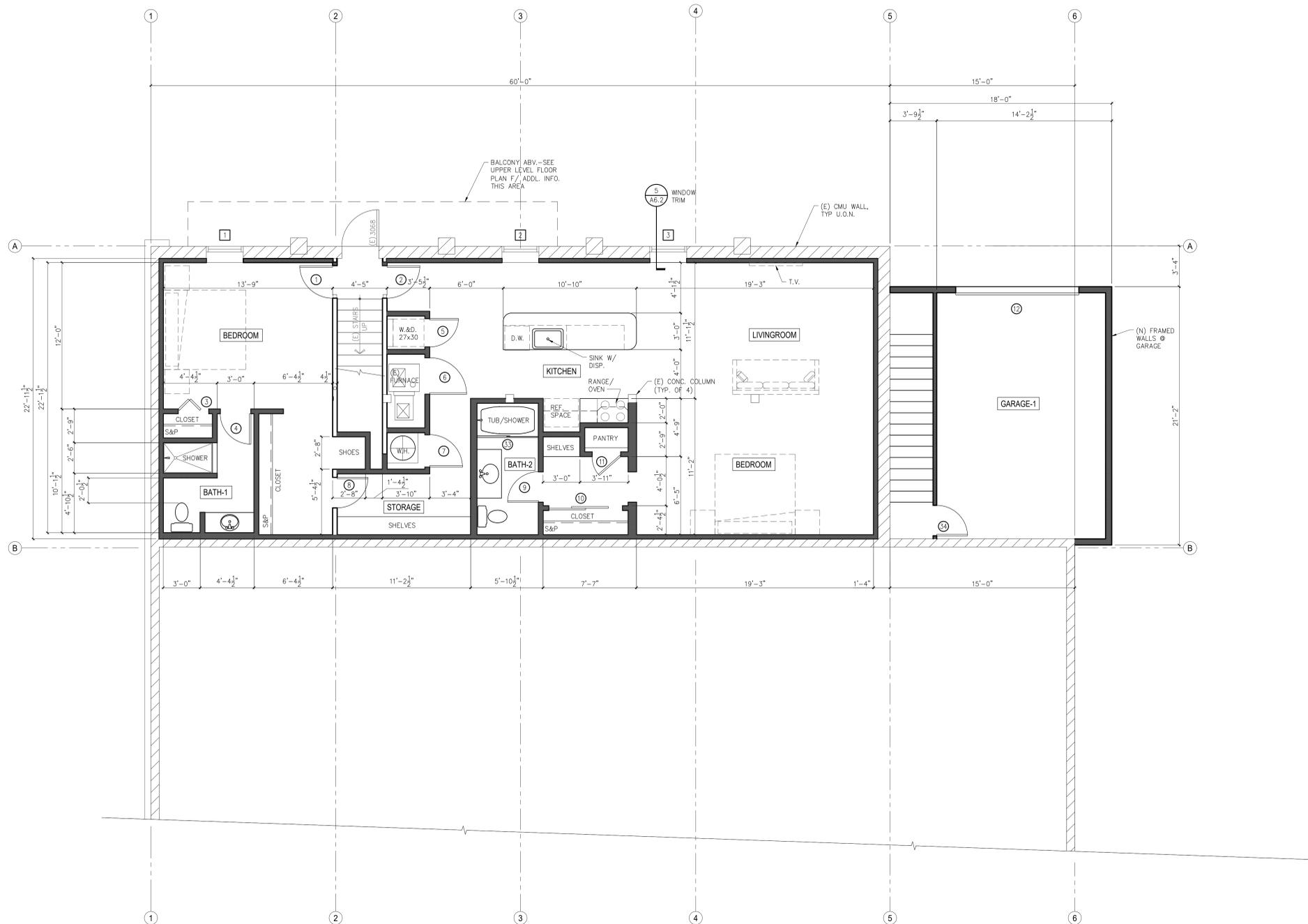
DETAILS

Please provide sufficient information to allow review of the building's details, including:

- Foundation, rock work or veneer accents
- Vents and flues
- Door and window materials, trim and design detail
- Porch and deck framing and railing details
- Garage door

OTHER APPLICABLE INFORMATION

Use the space below to provide any additional information for the Planning Commission.



1 LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"



WALL LEGEND	
	EXISTING 2x4 WALL
	NEW 2x4 WALL
	EXISTING 8" C.M.U. WALL
	NEW 8" C.M.U. WALL

DWG. STATUS/REVISIONS	
	1/6/2020 PLANNING SUBMITTAL

PROJECT:
224 CHURCH ST.
TENANT IMPROVEMENT

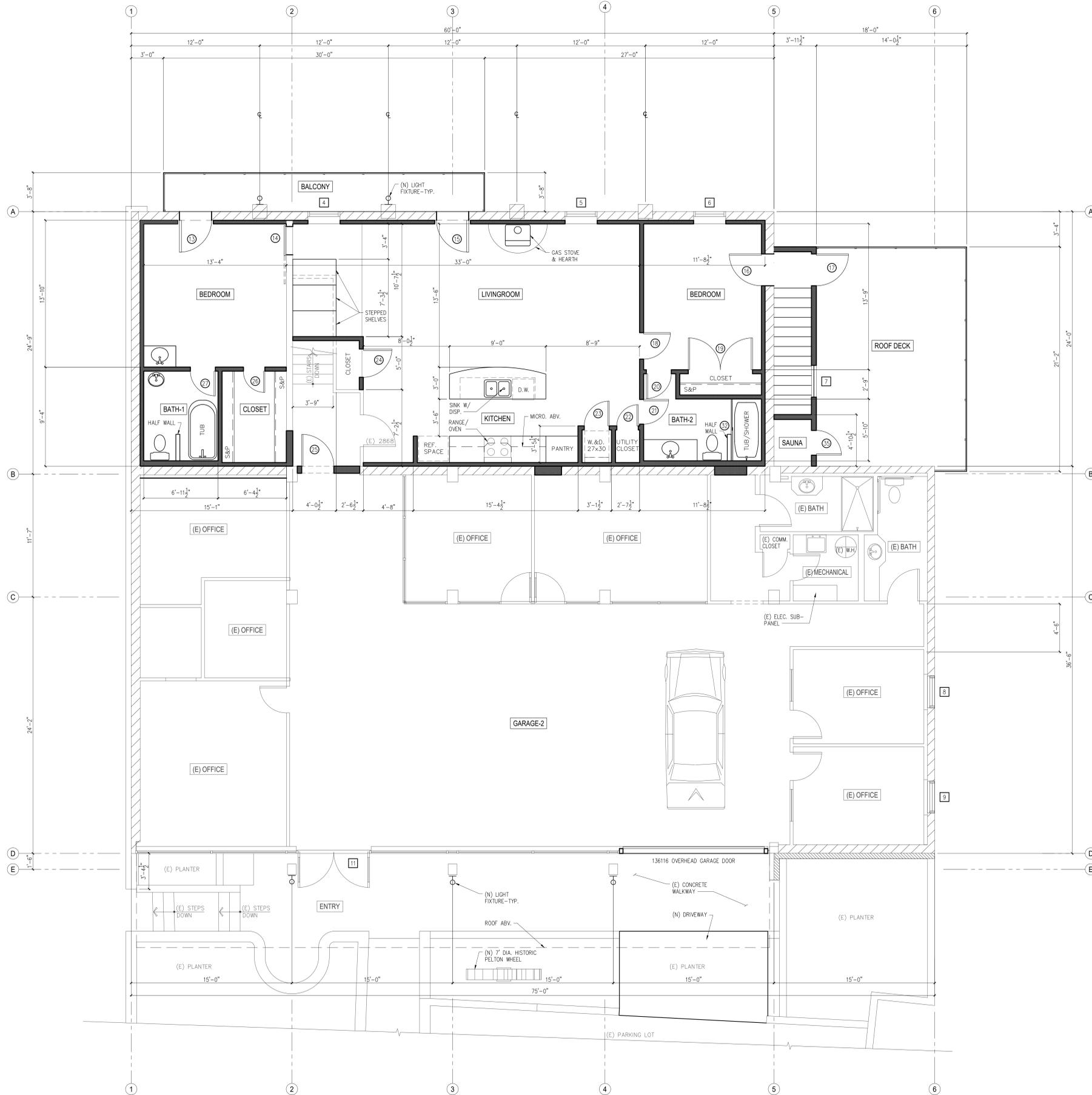
APN: 005-390-004

OWNER:
JOHN CONGER
224 CHURCH STREET
NEVADA CITY, CALIFORNIA 95959

DRAWN:	W.J.R.
CHECKED:	C.W.A.
DATE:	1/6/2020
SCALE:	AS NOTED
JOB NO.:	19035

LOWER LEVEL
FLOOR PLAN

A3.1



1 UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

WALL LEGEND	
	EXISTING 2x4 WALL
	NEW 2x4 WALL
	EXISTING 8" C.M.U. WALL
	NEW 8" C.M.U. WALL



DWG. STATUS/REVISIONS
1/6/2020
PLANNING SUBMITTAL

PROJECT:
224 CHURCH ST.
TENANT IMPROVEMENT

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DATE: 1/6/2020
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JOB NO.: 19035

UPPER LEVEL
FLOOR PLAN

A3.2

WINDOW SCHEDULE							
MARK	SIZE	TYPE	FRAME MATERIAL	MAX U-FACTOR	MAX SHGC	SAFETY GLAZING	NOTES
1	3'-0" x 6'-0"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
2	3'-0" x 6'-0"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
3	3'-0" x 6'-0"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
4	3'-4" x 8'-4"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
5	3'-4" x 8'-4"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
6	3'-4" x 8'-4"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
7	3'-0" x 4'-0"	SINGLE HUNG	-	-	-	-	SEE EXTERIOR ELEVATIONS
8	3'-4" x 8'-4"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
9	3'-4" x 8'-4"	CASEMENT	-	-	-	-	SEE EXTERIOR ELEVATIONS
10	3'-4" x 7'-0"	STOREFRONT	-	-	-	FULLY TEMPERED	SEE EXTERIOR ELEVATIONS
11	2'-6" x 6'-0"	STOREFRONT	-	-	-	FULLY TEMPERED	SEE EXTERIOR ELEVATIONS

NOTES:

- IF WINDOW SILL IS LESS THAN 24 INCHES FROM THE FINISH FLOOR AND MORE THAN 72 INCHES ABOVE EXTERIOR FINISH GRADE, PROVIDE WINDOW OPENING CONTROL DEVICE. (R312.2.1)
- EGRESS WINDOW. OPENING AREA OF WINDOW MUST BE 5.7 SQUARE FEET (5 SQUARE FEET AT GRADE FLOOR OR BELOW GRADE OPENINGS), HAVE 24 INCHES CLEAR OPENING HEIGHT, AND 20 INCHES CLEAR OPENING WIDTH. SILL OF CLEAR OPENING SHALL BE AT 44 INCHES MAX ABOVE FINISH FLOOR.
- EXISTING WINDOW

DOOR SCHEDULE										
MARK	INT./EXT.	SIZE	TYPE	MATERIAL	CORE	RATING	MAX U-FACTOR	SHGC	SAFETY GLAZING	REMARKS
1	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
2	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
3	INTERIOR	2'-6" x 6'-8"	BI-FOLD	-	-	-	-	-	-	-
4	INTERIOR	2'-6" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
5	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
6	INTERIOR	3'-0" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
7	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
8	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
9	INTERIOR	2'-6" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
10	INTERIOR	PR. 3'-0" x 6'-8"	BI-PASS	-	-	-	-	-	-	-
11	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
12	EXTERIOR	10'-0" x 7'-0"	OVER HEAD GARAGE DOOR	METAL	-	-	-	-	-	-
13	EXTERIOR	3'-0" x 8'-0"	SIDE HINGE	GLASS	-	-	-	-	FULLY TEMPERED	-
14	INTERIOR	2'-8" x 6'-8"	BARN-TYPE DOOR	-	-	-	-	-	-	-
15	EXTERIOR	3'-0" x 6'-0"	SIDE HINGE	GLASS	-	-	-	-	FULLY TEMPERED	-
16	INTERIOR	3'-0" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
17	EXTERIOR	3'-0" x 6'-8"	SIDE HINGE	GLASS	-	-	-	-	FULLY TEMPERED	-
18	INTERIOR	2'-6" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
19	INTERIOR	PR. 3'-0" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
20	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
21	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
22	INTERIOR	2'-0" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
23	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
24	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
25	INTERIOR	3'-0" x 7'-0"	SIDE HINGE	-	-	-	-	-	-	-
26	INTERIOR	2'-0" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
27	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
28	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
29	INTERIOR	2'-8" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
30	INTERIOR	9'-0" x 8'-0"	ROLL-UP	METAL	-	-	-	-	-	SECURITY DOOR
31	EXTERIOR	3'-0" x 8'-0"	SIDE HINGE	GLASS	-	-	-	-	FULLY TEMPERED	-
32	INTERIOR	5'-10" x 6'-0"	BI-PASS	GLASS	-	-	-	-	FULLY TEMPERED	SHOWER ENCLOSURE
33	INTERIOR	6'-0" x 6'-0"	BI-PASS	GLASS	-	-	-	-	FULLY TEMPERED	SHOWER ENCLOSURE
34	INTERIOR	2'-6" x 6'-8"	SIDE HINGE	-	-	20 MIN.	-	-	FULLY TEMPERED	1, 2, 4
35	INTERIOR	2'-4" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-
36	INTERIOR	3'-0" x 6'-8"	SIDE HINGE	-	-	-	-	-	-	-

REMARKS:

- PROVIDE WEATHER STRIPPING.
- MUST HAVE SELF-CLOSING HARDWARE.
- WINDOW SILL IS LESS THAN 24 INCHES FROM THE FINISH FLOOR AND MORE THAN 72 INCHES ABOVE EXTERIOR FINISH GRADE. PROVIDE WINDOW OPENING CONTROL DEVICE. (R312.2.1)
- MUST BE NON-COMBUSTIBLE, IGNITION-RESISTANT, MINIMUM 1 3/8" THICK, SOLID CORE OR HAVE A MINIMUM 20 MINUTE FIRE RESISTIVE RATING.

NOTES:

- CONTRACTOR TO VERIFY ROUGH OPENING SIZES PRIOR TO ORDERING WINDOWS.

DWG. STATUS/REVISIONS

1/6/2020
PLANNING SUBMITTAL

PROJECT:
**224 CHURCH ST.
TENANT IMPROVEMENT**

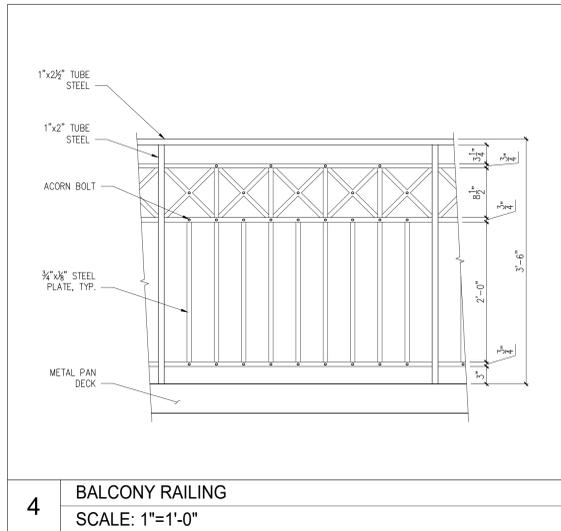
APN: 005-390-004

OWNER:
JOHN CONGER
224 CHURCH STREET
NEVADA CITY, CALIFORNIA 95959

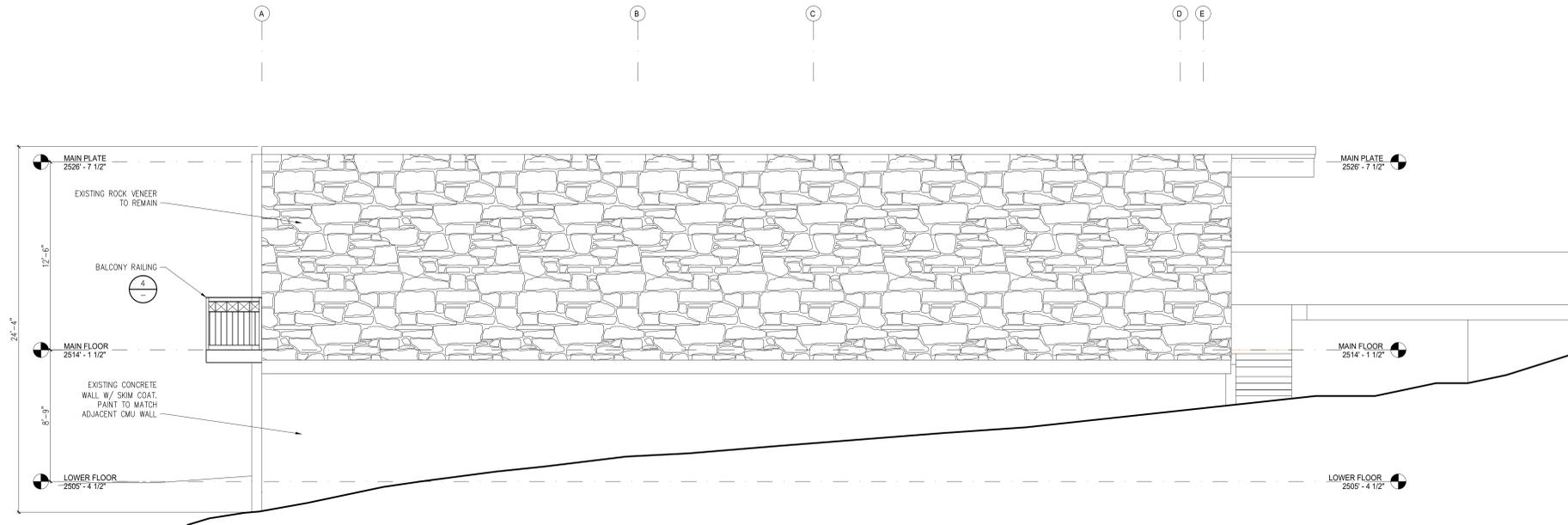
DRAWN: W.J.R.
CHECKED: C.W.A.
DATE: 1/6/2020
SCALE: AS NOTED
JOB NO.: 19035

DOOR & WINDOW
SCHEDULE /
EQUIPMENT SCHEDULE

A3.3



4 BALCONY RAILING
SCALE: 1"=1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

MATERIALS LIST

NOTE: THE FOLLOWING IS A SUMMARY OF THE PROPOSED EXTERIOR MATERIALS. HATCHES SHOWN MAY NOT BE TO SCALE. ALL EXTERIOR MATERIALS TO BE VERIFIED BY OWNER.

ENTRY FASCIA: EXISTING, TO REMAIN

STOREFRONT WINDOWS: EXISTING, TO REMAIN

WINDOWS: ANDERSON E-SERIES. DARK BRONZE METAL CLAD WOOD WITH SIMULATED DIVIDED LITES PER ELEVATIONS (7/8" WIDE MULLIONS, MIN.).

CMU BLOCK: BASALITE SHOT BLAST COLOR 790 OR 791. PAINT TO MATCH EXISTING

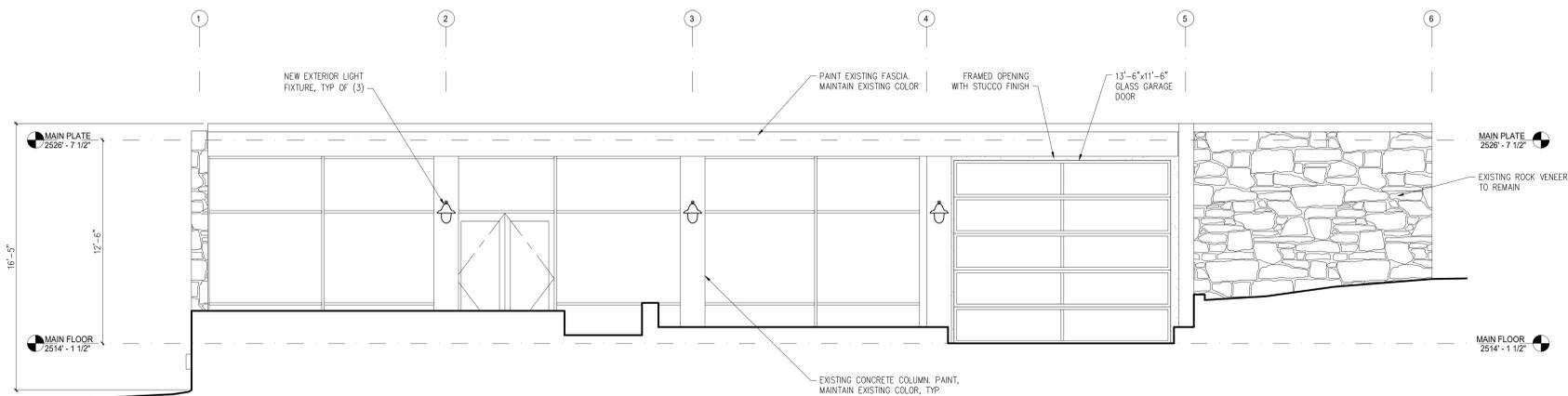
STONE VENEER: EXISTING, TO REMAIN

GARAGE DOOR: NICKSBUILDING.COM HERITAGE KNOTTY CEDAR. NO LITES. COLOR - NATURAL WITH VAN DYKE BROWN GLAZE, LIGHT DISTRESSED

DWG. STATUS/REVISIONS
1/6/2020 PLANNING SUBMITTAL



3 LIGHT FIXTURE
SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT:
**224 CHURCH ST.
TENANT IMPROVEMENT**

APN: 005-390-004

OWNER:
JOHN CONGER
224 CHURCH STREET
NEVADA CITY, CALIFORNIA 95959

DRAWN: W.J.R.

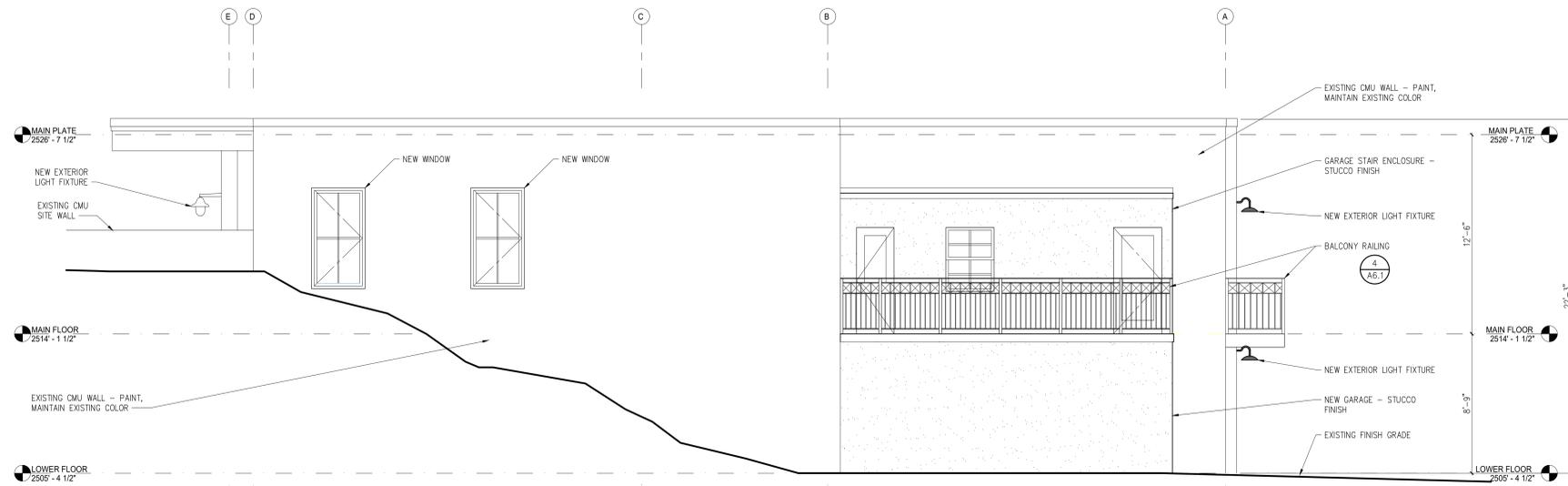
CHECKED: C.W.A.

DATE: 1/6/2020

SCALE: AS NOTED

JOB NO.: 19035

EXTERIOR ELEVATIONS



4 WEST ELEVATION
SCALE: 1/4" = 1'-0"

MATERIALS LIST

NOTE: THE FOLLOWING IS A SUMMARY OF THE PROPOSED EXTERIOR MATERIALS. HATCHES SHOWN MAY NOT BE TO SCALE. ALL EXTERIOR MATERIALS TO BE VERIFIED BY OWNER.

ENTRY FASCIA: EXISTING, TO REMAIN

STOREFRONT WINDOWS: EXISTING, TO REMAIN

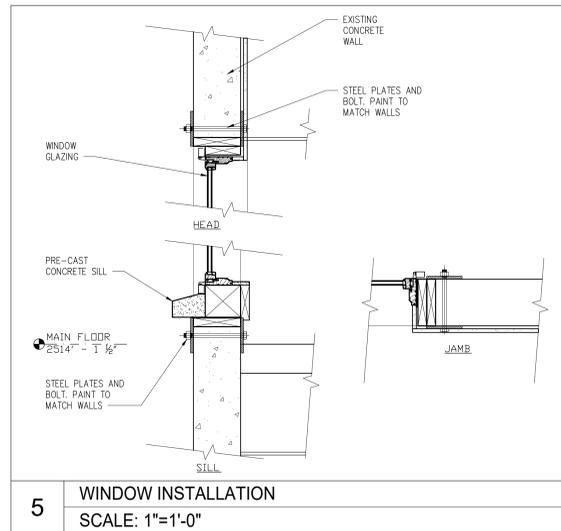
WINDOWS: ANDERSON E-SERIES. DARK BRONZE METAL CLAD WOOD WITH SIMULATED DIVIDED LITES PER ELEVATIONS (7/8" WIDE MULLIONS, MIN.).

CMU BLOCK: BASALITE SHOT BLAST COLOR 790 OR 791. PAINT TO MATCH EXISTING

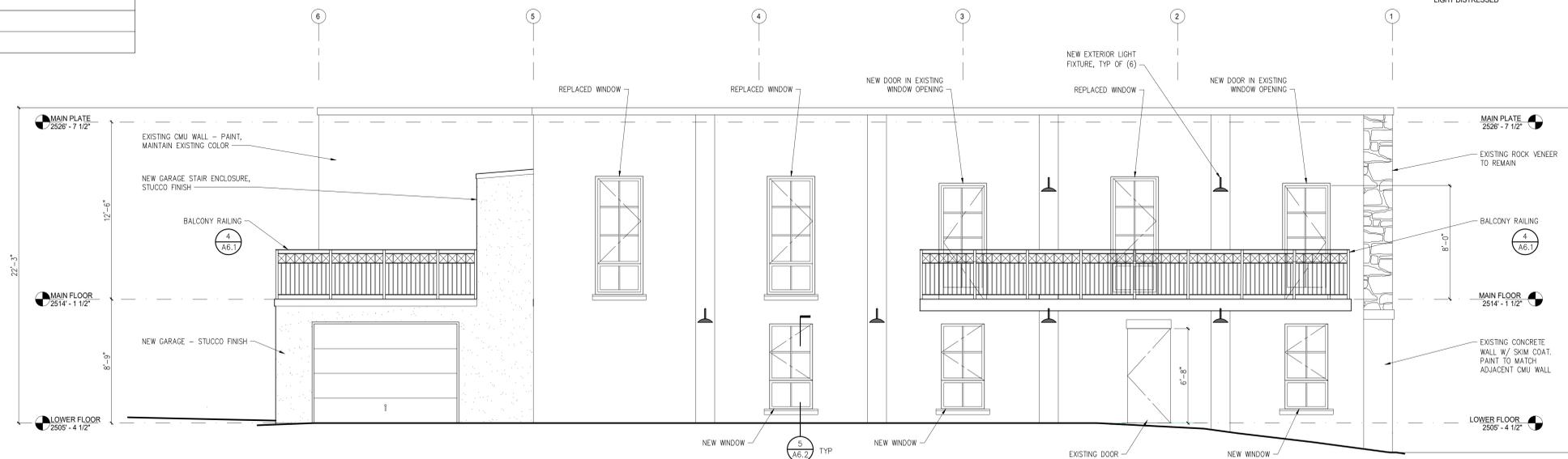
STONE VENEER: EXISTING, TO REMAIN

GARAGE DOOR: NICKSBUILDING.COM HERITAGE KNOTTY CEDAR. NO LITES. COLOR - NATURAL WITH VAN DYKE BROWN GLAZE, LIGHT DISTRESSED

DWG. STATUS/REVISIONS
1/6/2020 PLANNING SUBMITTAL



5 WINDOW INSTALLATION
SCALE: 1" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT:
224 CHURCH ST.
TENANT IMPROVEMENT

APN: 005-390-004

OWNER:
JOHN CONGER
224 CHURCH STREET
NEVADA CITY, CALIFORNIA 95959

DRAWN: W.J.R.

CHECKED: C.W.A.

DATE: 1/6/2020

SCALE: AS NOTED

JOB NO.: 19035

EXTERIOR ELEVATIONS

A6.2



C.H.I.  [®]
OVERHEAD DOORS

| FULL-VIEW ALUMINUM



**THE
QUALITY
GARAGE
DOOR™**



FULL-VIEW ALUMINUM

A dramatic statement, made to fit your contemporary garage door application. Our full-view aluminum garage doors are expertly engineered of aluminum and glass that will give your home the perfect blend of industrial and ultra modern.

3295 shown in clear anodized with optional frosted glass

KEY FEATURES



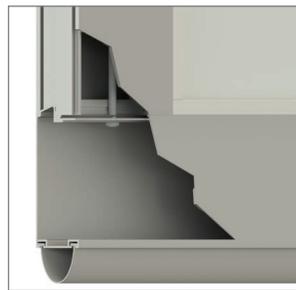
INSULATION

Optional insulated section rails are available providing additional thermal protection for your garage space.



BULB SEAL

Integrated bulb seal eliminates air and water infiltration keeping your interiors protected from the unwanted elements.



SECTION CONSTRUCTION

Rail and stile sections are assembled with through bolts for added strength and longevity.



POWDER COATING

Choose from 188 color options that provide a maintenance free, durable finish.



Enjoy the view but keep the noise out!

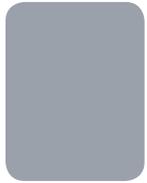
C.H.I Full-View Aluminum doors have been tested and certified for an STC (sound transmission class) Rating of 27.

PERSONALIZING OPTIONS

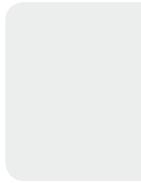
Choose from a variety of personalizing options to complement your home's design and create immediate curb appeal.

FINISH

SUPER DURABLE POWDER COAT COLORS All powder coat colors add 1-week lead time



Clear Anodized



White



Almond



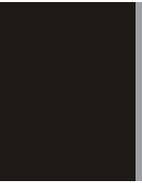
Sandstone



Brown



Bronze



Dark Bronze



Gray



Desert Tan

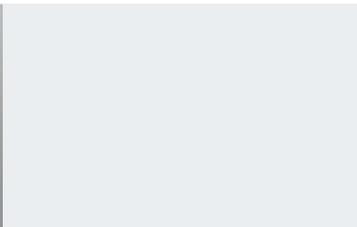


Black

GLASS



Plain



Frosted



Tinted

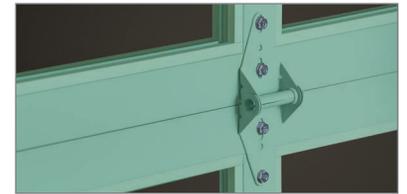


Obscure



ADDITIONAL GLASS & PANEL OPTIONS

In addition to our standard glass offering, customize your door with specialty glass, solid panels or special materials. Contact your C.H.I. Dealer for options and details.

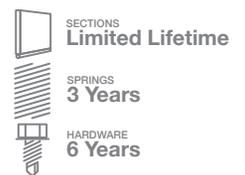


Full-View Aluminum Model Comparison Chart

	BETTER	BEST
Section Construction	2" Thick - Hollow aluminum rails with through bolt assembly and bulb seal between sections	2" Thick - Insulated aluminum rails with through bolt assembly and bulb seal between sections
Section Material	Heavy Duty - Aluminum	Heavy Duty - Aluminum
Insulation Type	No Insulation 	Polystyrene Insulation 
Panel Style / Model Number²	 Full-View 3295	3297
Personalizing Options		
Powder Coating¹	188 Colors	188 Colors
Windows	•	•
Solid Panels	Insulated or Non-Insulated	Insulated or Non-Insulated
Glass	•	•
Warranty	Limited Lifetime Warranty	

APPEARANCE PACKAGE

All hardware, including struts and track, is powder coated, creating a complete garage door system with a lasting impression.



¹ Refer to your local C.H.I. Dealer for exact color match. ² Model number indicates insulation type.



C.H.I.
OVERHEAD DOORS

DOORVISIONS
Bring your vision to life.

C.H.I. DEALERS

A BETTER BUYING EXPERIENCE

All C.H.I. doors, replacement parts, and accessories are sold only through our network of C.H.I. dealers: dedicated professionals who install and service our doors with the same quality and workmanship we use to manufacture them.

chiohd.com | 1485 Sunrise Drive | Arthur, IL 61911 | USA

Your Local Garage Door Professional

Flambeaux

GAS & ELECTRIC LIGHTS



TH
ST
\$50

The
tradi
shap

Size

Pow

Glas

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Avai
SKU:
Cate
Lake

BIG KAHUNA COPPER CONE GAS TIKI TORCH HEAD

HOME

FREE SHIPPING On Order Over \$99

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Big Kahuna Copper Cone Gas Tiki Torch Head

Be the first to review this product

Quantity:

1

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Save with a Value Pack

-- Please Select --

Regular Price: ~~\$229.99~~

Special Price: \$179.99

Add to Wis



100% OF ALL DESIGNS
are exclusive to Legends Direct.

Share this item with your friends!



PRODUCT DESCRIPTION

PRODUCT'S REVIEW

Our Big Kahuna Copper Cone Tiki Torch Head is made of copper and powder coated steel for a long-lasting finish. An adjustment valve allows for a wide range of flame sizes.

Specifications:

- ▶ Torch Head Size: 7" W X 13" H
- ▶ Fits 2.5" diameter pole (not included)
- ▶ Fuel: Liquid Propane or Natural Gas
- ▶ Materials: Copper and Powder-Coated Steel
- ▶ Not UL Rated

LP Gas Usage:

- ▶ @ 49,000 BTU (max.) = .5 gallons/hour
- ▶ @ 18,000 BTU (min.) = .2 gallons/hour

Natural Gas Usage:

- ▶ @ 49,000 BTU (max.) = 49 cubic feet/hour
- ▶ @ 18,000 BTU (min.) = 18 cubic feet/hour



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REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

February 26, 2020

TITLE: Nevada City Three-Year Goals and Six-Month Strategic Objectives

RECOMMENDATION: Review and approve City of Nevada City three-year goals and six-month strategic objectives.

CONTACT: Catrina Olson, City Manager

BACKGROUND/DISCUSSION:

On February 10, 2020, the City Council, Planning Commission and executive staff held a planning retreat in the City Hall Council Chambers, facilitated by Marilyn M. Snider. The focus retreat included the review of the three-year goals for the organization and identification of the six-month strategic objectives.

Prior to identifying draft goals and objectives, attendees participated in S.W.O.T (strengths, weaknesses, opportunities, threats) analysis, including the identification and celebration of 57 major accomplishments since the planning retreat held August 16, 2019.

After short discussion by the attendees, it was decided the four of the five three-year goals were still relevant. The goal for enhancing long-term planning documents was dropped. The four goals (not in priority order):

- Improve Citywide infrastructure with emphasis on increased parking;
- Improve Citywide technology;
- Improve and manage fiscal stability and sustainability; and
- Improve safety and security of the City residents and visitors.

The attendees then reviewed the above-mentioned goals and developed 19 specific six-month strategic objectives (as outlined in the attached grid), specific performance measures and a follow-up process to ensure progress is monitored.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FINANCIAL CONSIDERATIONS: Not applicable.

ATTACHMENTS:

- ✓ Strategic Planning Retreat Three-Year Goals and Six Month Strategic Objectives
- ✓ Strengths, Weaknesses, Opportunities, Threats (S.W.O.T)

**NEVADA CITY
STRATEGIC PLANNING RETREAT
February 10, 2020 * Council Chambers**

Marilyn Snider, Facilitator -- Snider and Associates (510) 531-2904
Michelle Snider Luna, Recorder – Snider Education & Communication (510) 610-8242

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

VISION STATEMENT

Nevada City, nestled in the Sierra foothills, will be a vibrant, uniquely beautiful small town that balances art and culture, historical preservation and progress.

CORE VALUES

not in priority order

The City of Nevada City values...

- ♦ *Embracing and promoting diversity*
 - ♦ *A commitment to public service*
 - ♦ *Ethical and transparent behavior*
 - ♦ *Fiscal responsibility*
- ♦ *Preserving and enhancing our community*
 - ♦ *Excellent, responsive customer service*
- ♦ *A commitment to our community as a whole*

THREE-YEAR GOALS

2019-2022 * not in priority order

Improve citywide infrastructure with emphasis on increased parking

Improve citywide technology

Improve and maintain fiscal stability and sustainability

Improve safety and security of city residents and visitors

S.W.O.T. ANALYSIS

Strengths - Weaknesses - Opportunities - Threats

WHAT ARE THE STRENGTHS AND ACCOMPLISHMENTS OF THE CITY OF NEVADA CITY AND SINCE THE AUGUST 2019 STRATEGIC PLANNING RETREAT?

Brainstormed Perceptions:

- Continued the fight to keep the Courthouse local
- Raised parking meter fees by 25 cents per hour
- Adopted a Housing Element
- Improved staffing levels at the Police Department
- Purchased a new street sweeper
- New carpet in City Hall
- New sidewalk and railings on South Pine
- Completed CEQA for Sugar Loaf
- Completed the one-way study on Commercial and York Streets and made them permanent
- Began Sugar Loaf Trail work
- Submitted a Recreation Trail Program grant for Sugar Loaf Trail
- With Sierra Fund, submitted a \$100,000 California Resiliency grant
- A Citywide Art Installation Plan is in development
- CalPERS pre-funding consultants have been reviewed for possible selection
- Worked with Hospitality House and the HOME Team and obtained a \$100,000 grant
- New roof on 775 Zion Street
- Refinished Seaman's Lodge floor and windows
- Finished design and replacement of utilities on Commercial Street
- Majority of all City facilities have been changed to LED lights, including park and fields
- RFP being prepared for a large solar farm at the Old Airport
- Had a public art installation at Robinson Plaza
- We're about half done on AB 1600 Plan for impact fees
- We have a vegetation ordinance
- Presented to Council on safety bollards
- Hired a Code Compliance Officer for the first time
- Began the Providence Mine fuel break
- Adopted a new ADU ordinance
- Improved our wastewater treatment process and wastewater staffing
- Completed the Little Deer Creek diversion improvements
- Submitted a staff grant to pay for a generator for City Hall and the Wastewater Treatment Plant
- Building the Railroad Avenue Historical Exhibit
- Took delivery of a new fire engine
- Signed a Mutual Threat Agreement with Cal Fire
- New vehicle in the Public Works fleet
- Variable frequency drive pump at Pioneer Park pool

- Provided a strategy to the City Council for Measure S continuation
- Established a Parking Committee
- Installed high/low sirens in safety vehicles
- Completed tree removal on South Pine
- Work on Boulder Street is underway
- Phase I completed water line at Downieville, including fire hydrants for fire protection
- Improved social media platforms at the Fire Department
- Got an architectural award, the W. Lon Cooper New Construction Award, from the Chamber of Commerce for Pioneer Park restrooms at the tennis courts
- Reviewed financially sustainable recommendations, eliminated those we can't do, and are pursuing those we can do
- Began Phase II of vegetation clearing at the Airport
- Continued prescriptive grazing at city-owned properties
- Two Police Officers awarded with lifesaving medals
- Submitted a SB 2 grant application to update planning documents
- Successfully bid for the remodel of the second set of bathrooms at Pioneer Park
- City signed a MOU with Sierra Roots and the County for extreme weather protection for the homeless
- Staff presented to City Council and the Parking Committee a parking structure schematic at Spring Street
- New roof on City Hall
- Painted the Railroad Museum
- Two new vehicles in the Wastewater fleet
- Council approved moving forward and co-sponsoring overhead utilities undergrounding
- Provided to the Council a list of hardware and software needs
- Council adopted an Expenditure Plan to meet software and hardware needs

WHAT ARE THE CITY'S CURRENT INTERNAL WEAKNESSES/CHALLENGES?

Brainstormed Perceptions

- Lack of funding for large capital infrastructure improvements
- Lack of code enforcement for sandwich boards
- Lack of staff compensation
- Lack of infrastructure in water and sewer plants
- Increased vandalism
- Lack of evacuation routes
- Lack of a 20-year vision for the forest and watershed
- Lack of a Fleet Management program
- Staff turnover (e.g., wastewater, fire, police)
- Lack of parking
- Lack of funding for tree removal
- Website is not user friendly
- Homelessness
- Lack of education regarding the high/low sirens on police and fire vehicles
- Parking impacts in residential areas

- Underutilized commercial space (e.g., tech center, Alpha Building)
- Lack of a Fire Safety Committee
- Old technology
- Lack of a city Management Plan for Power Outages
- Old water distribution and sewer collection infrastructure
- Lack of good permit tracking software
- Fire danger due to homelessness
- Lack of a good phone system
- City Council meetings are too long
- No ordinance enforcement on leash law for dogs
- Lack of a citywide Vegetation Management Plan

WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A POSITIVE IMPACT ON THE CITY IN THE COMING YEAR?

Brainstormed Perceptions

- Improving economy
- State funds for housing projects
- State funding for forest management
- Increased cannabis revenue
- National Hotel opening
- Federal grant opportunities for the Fire Department
- Potential extended Measure S funding after 2023
- Opening of State land for boarding the homeless
- Money from the State for the homeless
- Still interested parties in the Alpha Building
- Funding for remodel of the Courthouse
- More trails and open space
- Six people running for three City Council positions
- Continued strengthening of relationships with other local agencies
- Possible increased hotel tax for the County, Grass Valley and Nevada City for tourism
- Support from Nevada County Transportation Committee for safe crossings on Highway 49
- Possible countywide tax for fire reduction

WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A NEGATIVE IMPACT ON THE CITY IN THE COMING YEAR?

Brainstormed Perceptions

- Fire
- Power outages
- Loss of business
- Current political climate
- Economic decline
- Coronavirus
- Lack of workforce housing
- Lack of county-wide Education Plan

- Homelessness
- Opioid epidemic
- Fear of change
- Increase of PERS
- Increased cost of healthcare
- Lack of affordable housing
- Lack of broadband and fiber optics
- Poor public transportation system
- Lack of Uber and Lyft
- Lack of jobs and housing for young people in their 20s and 30s
- Loss of fire insurance
- Student attrition in schools

NEXT STEPS/FOLLOW-UP PROCESS

WHEN	WHO	WHAT
February 10, 2020	Administrative Services Manager	Place the “Strengths” on the City’s website.
February 11, 2020	City Manager	Send the Strategic Planning Record to those unable to attend or had to leave early.
Within 24 hours of receipt	All	Read the Strategic Planning Retreat record.
February 11, 2020	City Manager	Present the Strategic Plan to the Planning Commission.
February 18, 2020	City Manager and Department Heads	Review “Current Weaknesses” list for possible action items.
February 26, 2020	City Manager	Present the Strategic Plan to the City Council for adoption.
By February 28, 2020	City Manager and Department Heads	Share and discuss the updated Strategic Plan with staff face-to-face.
Monthly	City Council and Department Heads	Monitor progress on the strategic planning goals and objectives and revise objectives (add, amend and/or delete), as needed.
Monthly	City Manager, City Planner & Admin Services Manager	Prepare and distribute to the City Council, Planning Commission, Management Team and staff, and post on the website, the updated Strategic Plan Monitoring Matrix.
August 24, 2020 (Monday) 8:00/8:30-2:30	City Council, Planning Commission & Department Heads	Strategic Planning Retreat to: - more thoroughly assess progress on the Goals and Strategic Objectives. - develop new Objectives for the next six months.

STRATEGIC PLAN ELEMENTS

Marilyn Snider, Strategic Planning Facilitator - Snider and Associates – (510) 532-2904

“SWOT” ANALYSIS

Assess the organization’s:

- Internal **S**trengths - Internal **W**eaknesses
- External **O**pportunities - External **T**hreats

MISSION/PURPOSE STATEMENT

States **WHY** the organization exists and **WHOM** it serves

VISION STATEMENT

A vivid, descriptive image of the future—what the organization will **BECOME**

CORE VALUES

What the organization values, recognizes and rewards—strongly held beliefs that are freely chosen, publicly affirmed, and acted upon with consistency and repetition

THREE YEAR GOALS

WHAT the organization needs to accomplish (consistent with the Mission and moving the organization towards its Vision) – usually limited to 4 or 5 key areas

THREE YEAR KEY PERFORMANCE MEASURES

WHAT success will look like when the goal is achieved

SIX MONTH STRATEGIC OBJECTIVES

HOW the Goals will be addressed: By when, who is accountable to do what for each of the Goals

FOLLOW-UP PROCESS

Regular, timely monitoring of progress on the goals and objectives; includes setting new objectives every six months

NEVADA CITY

SIX-MONTH STRATEGIC OBJECTIVES

February 10, 2020 - August 1, 2020

THREE-YEAR GOAL: <i>Improve citywide infrastructure with emphasis on increased parking</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 25, 2020 City Council meeting	City Engineer (lead), City Manager, Police Chief and Public Works Superintendent, working with the Consulting Attorney and the neighborhood	Present to the City Council for direction a Safety Plan for Clark Street and a Site Plan for Clark Street parking lot construction and associated trails and bridge.				
2. At the April 8, 2020 City Council meeting	City Engineer and City Manager	Present to the City Council for action a professional services agreement for a consultant to perform a preliminary design and cost estimate for a parking structure at Spring Street.				
3. At the May 27, 2020 City Council meeting	City Manager and City Engineer	Present to the City Council for action a BID request award for initial work on the Nevada Street Bridge Project and recommend a funding source for inclusion in the 2020-2021 Budget.				
4. At the June 18, 2020 Planning Commission meeting	City Manager (lead) and City Engineer, working with the City Planner and Rebecca Coffman	Complete Phase II design work for Commercial Street streetscape improvements and present to the Planning Commission for a recommendation to the City Council.				

THREE-YEAR GOAL: *Improve citywide technology*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 25, 2020 City Council meeting	City Planner and Technology Committee	Identify technology solutions for the Council Chambers to improve meeting production and efficiency.				
2. At the April 22, 2020 City Council meeting	City Manager, working with Michael Anderson of ClientWorks	Provide a progress report to the City Council on the Fiber Optics Project.				
3. At the April 22, 2020 City Council meeting	Administrative Services Manager	Identify future accounting software, including costs and funding options, and request from the City Council that money is set aside in the 2020-2021 Budget.				
4. At the June 10, 2020 City Council meeting	Public Works Superintendent, working with a consultant	Present a water meter technology upgrade strategy, including funding options, to the City Council for direction.				
5. At the June 24, 2020 City Council meeting	City Planner	Present at least two permit tracking software options to the City Council for direction.				

THREE-YEAR GOAL: *Improve and maintain fiscal stability and sustainability*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 8, 2020 City Council meeting	Mayor Reinette Senum, with input from the Nevada County Arts Council	Present to the City Council a Citywide Art Installation Plan, timeline and promotion for consideration.				
2. At the May 13, 2020 City Council meeting	City Manager	Present the results of the AB1600 Development Impact Fees Study and recommend adoption of the fees to the City Council.				
3. At the June 10, 2020 City Council meeting	City Manager and Administrative Services Manager	Present a pre-funding pension option for CalPERS unfunded liabilities to the City Council for action.				
4. By June 15, 2020	City Manager (lead), City Attorney, City Engineer and Consulting City Engineer	Complete legal and practical requirements to place a tax measure on the ballot to extend Measure S's one half-cent sales tax and to fund water distribution, wastewater collection and roads.				
5. At the July 22, 2020 City Council meeting	City Planner, with input from the 100% Renewables Committee	Review and present to the City Council the progress on the 2015 Energy Action Plan goals.				

THREE-YEAR GOAL: *Improve safety and security of the city residents and visitors*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By the April 22, 2020 City Council meeting	Fire Chief (lead), City Attorney and Councilmember Erin Minett	Report back to the City Council with recommendations to amend the hazardous vegetation ordinance to include overhanging trees.				
2. At the April 22, 2020 City Council meeting	Councilmember Erin Minett	Recommend to the City Council the appointment of specific categories as members of a Nevada City Fire Safety Advisory Committee to assist in defining goals and objectives for overall citywide vegetation management.				
3. By the May 13, 2020 City Council meeting	Councilmember Erin Minett	Host a citywide Town Hall meeting to address fire concerns and educate the public on the high/low sirens.				
4. At the May 13, 2020 City Council meeting	Public Works Superintendent and Police Chief	Propose to the City Council a plan to include security at City facilities.				
5. At the May 13, 2020 City Council meeting	Police Chief (lead), City Attorney and Fire Chief	Present a new ordinance to the City Council preventing camping on Sugar Loaf Mountain and the Nevada City Trails due to the extreme public safety issues of wildfires and contaminated water ways.				



The City of Nevada City is working hard on a variety of projects and activities to serve the community. This correspondence provides the City Council and citizens with a periodic update on citywide activities and events.

~ Catrina Olson, City Manager

KUDOS

- **Cal OES PSPS Program Grant Funding**
Thank you to Police Chief Ellis, Public Works Superintendent Bubba Highsmith and Water/Wastewater Chief Plant Operator Kevin Timms for their work putting projects together to aid City facilities with equipment to support continued service during power outages. The City was awarded \$225,000. Way to go City staff.
- **SB2 Planning Grant**
Thanks to the work of City Planner, Amy Wolfson who applied on behalf of the City for planning grant funds for projects to prepare a CEQA document for the Cottage Dwelling Ordinance, General Plan Safety Element update, Zoning Ordinance update to address ADU standard, reimbursement request for the Housing element update and permit processing software. The City's application has been tentatively approved for \$160,000. Thanks Amy.
- **Mardi Gras Parade**
Congratulations to David "Sparky" Parker, co-founder of the Mardi-Gras for another great parade and good time had by all who attended.

COMPLETED AND ONGOING CITY PROJECTS

- **Residential Chipping Program**
The program has slowed down but is still available. Take advantage of this program. Just because fire season is at a close, doesn't mean that the vegetation clean up shouldn't continue throughout the year.
- **New Fire Engine**
The new Nevada City Fire Engine is here, is arriving February 21, 2020. Come see it at the City's Birthday Party on April 16, 2020 on Broad St.
- **Fire Department Activity**
Division Chief Goodspeed along with the Washington Ridge Crew had another burn day at the Old Airport. The project is about 20% complete, still plenty to burn. The City Manager, Catrina Olson, and Division Chief Goodspeed are working with Grass Valley to further the share services and updating the agreement. There has been an uptick in plan review for increased permitting with the City. The Fire Department is beginning annual maintenance on fire hydrants. They will be cleaning and painting the hydrants.

- **PG&E Power Line Project**

Division Chief Goodspeed has continued working with PG&E regarding a power line that runs through the Deer Creek Canyon west of Nevada City that is lacking fire clearance and creating a hazard. Nevada City Fire Department has a working group consisting of PG&E, immediate property owners, City and County elected officials, local fire districts and Firewise Communities. They are currently working with affected property owners to get permission to do the clearing under the lines. This project is a work in progress.
- **Police Department Activity**

The Police Department is using the trailer to do parking enforcement at Searls Avenue and at Nevada Street based on neighborhood input. Police Chief Ellis is working on an Ordinance that will go to City Council in March 2020 relating to “no camping” on Sugarloaf Mountain or near City waterways due to health and safety concerns for fire and water contamination. The Police Chief Ellis and department staff are working with the Hometeam to identify camps on Sugarloaf Mountain to contact and offer services and prepare for camp clean-ups. The Police Department is reviewing installation of stop signs at Searls Avenue and Argall to mitigate traffic safety issues.
- **Providence Mine Vegetation Clean-Up**

Division Chief Goodspeed with the Washington Ridge Crew has completed 50% of the vegetation clearing for a fuel break at Providence Mine past the gate to the creek.
- **Unenforced Smoking Areas Pilot Project**

Signs and receptacles are in...the unenforced smoking area pilot project is in full swing. An update on this program is scheduled for the March 11, 2020 Council meeting.
- **Commercial Street and York Street One-Way Pilot Project**

At the January 8, 2020 meeting Council voted to permanently make Commercial Street and York Street one way. The RFP for the underground utility work will go out next week and should go to Council for bid award at the March 25, 2020 meeting.
- **Wastewater Treatment Plant and Water Treatment Plant Activity**

As part of the Wastewater Treatment Compliance with the State Regional Water Board Administrative Civil Liability several projects for plant modification are happening such as; (1) mechanical clarifier weir washers, (2) activated sludge blower pipe repairs, (3) filtration process flow modulation/equalization basin repairs, (4) engineering consulting for treatment process optimization, (5) sludge wasting day tank, and (6) improvements to the belt press.
- **South Pine Street Railing, Sidewalks and Wall Rebuild**

The sidewalk replacement portion of the project is complete. The top railing has been installed, the panels are currently being welded together at the vendors location to be installed within approximately the next two weeks.
- **Solar at the Old Airport**

Staff, with City Council input has added the final City desired solar objectives to the RFP. The City is continuing to working with SEED and Sustainable Committee members to finalize the RFP for distribution to potentially find developers interested in a solar project at the Old Airport.

- **Planning**
Currently reviewing an application for a volatile manufacturing business. Approved at the Planning Commission meeting on February 21, 2020 Longitudes distribution application.
- **Proposition 68 Per Capita Grant Program**
The City submitted a questionnaire in June 2019 to receive determination if the City is eligible for funding through this program. The City is eligible to receive recreational funds in the ratio of the City's population as to the combined total of the State's population with the minimum allocation of \$200,000. The City continues to wait to hear about the funding.
- **FEMA Firefighter Assistance Grant**
Division Chief Goodspeed is submitting a grant application to assist the Fire Department in replacing Self Contained Breathing Apparatus (SCBA). The grant is due no later than March 13, 2020.
- **Picnic Area Bathroom Remodel**
This project has been started and a portion of the demolition has occurred. The walls will be cut out next week. Expected completion of the project June 1, 2020.
- **Community Development Block Grant (CDBG) Curb Cuts for American Disabilities Act (ADA)**
The bid for the curb cut work was awarded at the February 12, 2020 City Council meeting. The Contractors will begin work on Monday February 24, 2020.
- **Department of Public Works Dump Truck Replacement**
The replacement dump truck for the one that was stolen from the Corporation Yard on December 31, 2019 has been ordered along with a new snowplow and sander attachment.
- **Department of Public Works**
Public Works Superintendent, Bubba Highsmith is working on bids for partial replacement of the Firehouse #2 roof. Also thanks to all of the Public Works crew for their hard work cleaning up from Mardi Gras.
- **Clampers Square**
The Nevada County Narrow Gauge Railroad Museum has done a lot of work installing the Rail Exhibit at Clampers Square. The rail is in, the sidewalk is complete, the Kiosk is being installed and the crosswalk will be completed within the next two weeks.
- **Boulder Street Sidewalk Replacement and Waterline**
Replacement of the Boulder Street sidewalk continues. The rock wall is currently being built. This project will be complete in approximately 1 month. Continued detours around Boulder Street during the project work is still underway. One lane is being left open whenever possible. The installation of the Boulder St. waterline replacement should be complete within the next two weeks.
- **Parking Meter Rates and Employee Parking Permits**
DPW has completed the programming increase the fees at the meters. All meters are now \$.50/hr. At the February 12, 2020 Council meeting an increase to the Employee Parking Permit was approved to go from \$15/mo. to \$40/mo.

➤ **Sugarloaf**

There have been volunteers working with BYLT chipping the cleared brush there has also been burning vegetation created by the trail alignment. The Recreational Trail Program (RTP) grant for funding to be used toward the installation of the trail has been submitted. The City should hear if funding will be awarded sometime this summer. Staff is currently working with Nevada City Engineering for easement permits.

➤ **Clark Street**

Staff met this week and is currently working on what best to do to make Clark Street a safer place. Staff is also working on a site plan for the City owned parking area off Clark Street. Staff is planning a meeting with neighborhood residents on both matters for input. Staff will be reaching out to residents to set a meeting to gather input on both of these items.

UPCOMING CITY PROJECTS

➤ **Sign Committee**

Council Members, Valerie Moberg and Duane Strawser met with City Manager, Catrina Olson, to discuss “sprucing” up and adding new signage in Nevada City. Staff is working on reviewing intersections on Commercial Street to begin updating signage. Currently the Department of Public Works Superintendent, Bubba Highsmith is working on a phased plan to begin replacing City street signs and adding directional signage. This is scheduled to be presented to Council at the March 25, 2020 meeting. Stay tuned.

➤ **Tabletop Crosswalks**

At the Planning Commission meeting on February 20, 2020 a design for tabletop cross walks was approved at Railroad Avenue. The approved design will be used for slowing traffic on Zion Street and Sacramento Street. The focus will be on the crosswalk near the Tour of Nevada City Bike Shop, the crosswalk at Zion Street and Sacramento Street and the crosswalk at Forest Hill Charter School. Staff will be looking into tabletop crosswalks and flashing signage.

➤ **Water Bottle Station**

Coming before summer staff is working towards changing out the water fountain at the swimming pool with a water bottle filling station.

➤ **Parking Structure at Spring Street**

The City Council and the Parking Committee have reviewed a very initial design schematic for a parking structure at Spring Street. Staff is reviewing next steps and will be discussing funding options.

➤ **Bicycle Parking – Spring 2020**

➤ **Nevada Street Bridge Rehabilitation**

The Bridge project will likely start this summer with City funded utility relocations (which can be reimbursed later when bridge is fully funded). This will ensure that the bridge is programmed for full funding in November 2020 (the strategy is to start construction which moves us to the front of the line for funding).

ADMINISTRATION

- **Finance**
FY 19/20 2nd Quarter Financials will be discussed at the February 26, 2020 City Council Meeting.
- **Budget**
Budgeting season is here. The City Council will adopt the budget calendar at the February 25, 2020. Work on the FY 20/21 budget will begin immediately.
- **Extreme Weather Shelter**
The extreme weather shelter agreement became active November 1, 2019. The agreement runs through March 31, 2020. The Extreme Weather Shelter was open at the Veteran's Building January 28-29, 2020 for the Point in Time Count. It also opened again on February 2-3, 2020 for extreme weather conditions at the Veteran's Building.
- **Audited Financials FY 18/19**
The audited financials for FY 18/19 will be presented at the March 11, 2020 by the audit Firm R.J. Ricciardi, Inc.
- **Campaign Season has Begun**
Candidates in the running....David "Sparky" Parker – Incumbent, Reinette Senum – Incumbent, Daniela Fernandez, Rick Ewald, Douglass Fleming, Lorraine Reich and Niel Locke for City Clerk – Incumbent. Some members of staff have met with a couple of the candidates running for Council.

COMING SOON....

- **Website Refresh...coming soon**
City Manager, Catrina Olson, Administrative Services Manager, Loree' McCay, and Parks & Recreation Manager, Dawn Zydonis, will be working with MunicipalCMS, LLC. on an update and "refresh" to the Nevada City website.
- **Ordinance for No Camping in Certain in City Locations – March 2020**
Police Chief Ellis is looking into creating an Ordinance similar to an Ordinance Yuba County put into place implementing camping in certain areas of the City where there is potential for public safety health risks such as contaminated waterways and fire.
- **Pre-Treatment Discharge Ordinance for Wastewater – April 2020**
The City will be looking to setting regulations for discharge related to business/industry that have significant impacts on the Wastewater Treatment Plant. This will help create processing efficiencies for the City's plant facility. The City has sent letters to heavy commercial dischargers to begin the discussion about mitigating impacts on the Wastewater Treatment Plant. Currently the City is in sampling mode collecting data throughout Nevada City to help better inform.
- **Soap Box Derby**
Soap Box Derby has been handed off (by Rich Bodine) to Nevada County Search and Rescue. This organization has both the volunteers to adequately staff the event and will be the recipient of the fundraising.

DON'T FORGET AND MISCELLANEOUS INFO

- **New Bathroom at the Pioneer Park**

The Tennis Court bathrooms were the only bathrooms being left open during the day. The rest have been closed for the winter. The brand new bathrooms were vandalized. There were fires made in the toilets, which will need to be replaced, the vents were kicked in and the locks were broken. DPW staff will now be closing the bathrooms at 3PM and the PD will be locking them before dusk on the weekends.
- **City Birthday**

Currently staff with Council Member Parker are working on the details to throw another awesome City Birthday Party. There is going to be a silent auction during the birthday party for old Parks and Recreation playground equipment. Tentative date Thursday April 16, 2020. Mark your Calendars!!
- **Newsletter**

The January/February newsletter is underway. Please have any items for the newsletter to Dawn by February 24, 2020.
- **Vote for the Nevada City Film Festival**

Nevada City Film Festival (NCFF) has been nominated in USA Today's 2020 10Best Readers Choice travel awards. Their expert panel selected NCFF as a contender for Best Film Festival, which just launched. The contest gives voters four weeks to vote for the candidate of their choice at <https://www.10best.com/awards/travel/best-film-festival/>. A person can vote once a day for the run of the contest. Voting ends Monday, March 2nd and the winners will be announced on 10Best on Friday, March 13th.
- **Red Light Ball**

The 21st Annual Red-Light Ball will honor the Nevada County Unified 911 Dispatch Center heroes on February 29th at the beautiful Timbers restaurant in the Alta Sierra Country Club.
- **Home and Garden Show**

The home and garden show will be held May 16th and 17th around Nevada City. Soroptimist will be providing a shuttle from the City's Clark Street parking lot for those areas that there isn't parking.